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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

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# House of Representatives

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

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*November 20, 2003.*

I hereby appoint the Honorable CHARLES F. BASS to act as Speaker pro tempore on this day.

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

## PRAYER

The Reverend Monsignor Barry Knestout, Archdiocese of Washington, D.C., offered the following prayer:

Lord God, we bless You and praise You for Your generous gifts of life and love. Lead us to love one another in humility.

O Lord our God, we beseech You and ask for the gifts we need. Help this Congress in its deliberations and decisions. Renew us in the spirit of cooperation. Show us the course we are to take.

Let Your Spirit guide and strengthen us to always perform what is for the true and lasting good of this great Nation. Help us to find ways, in word and deed, to defend the innocent, to deliver the oppressed, to pity the insignificant, and show generosity to the needy. Help us this day and each day to keep Your commands and to ever rejoice in Your glorious and life-giving presence. 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.

**NOTICE**

If the 108th Congress, 1st Session, adjourns sine die on or before November 21, 2003, a final issue of the Congressional Record for the 108th Congress, 1st Session, will be published on Monday, December 15, 2003, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–410A of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 12, 2003. The final issue will be dated Monday, December 15, 2003, and will be delivered on Tuesday, December 16, 2003.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at ''Record@Sec.Senate.gov''.

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60 of the Capitol.

Members of Congress desiring to purchase reprints of material submitted for inclusion in the Congressional Record may do so by contacting the Office of Congressional Publishing Services, at the Government Printing Office, on 512–0224, between the hours of 8:00 a.m. and 4:00 p.m. daily.

By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

## PLEDGE OF ALLEGIANCE

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

Mr. DEFAZIO 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.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monohan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 313. Concurrent resolution to urge the President, on behalf of the United States, to present the Presidential Medal of Freedom to His Holiness, Pope John Paul II, in recognition of his significant, enduring, and historic contributions to the causes of freedom, human dignity, and peace and to commemorate the Silver Jubilee of His Holiness' inauguration of his ministry as Bishop of Rome and Supreme Pastor of the Catholic Church.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1895. An act to temporarily extend the programs under the Small Business Act and the Small Business Investment Act of 1958 through March 15, 2004, and for other purposes.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minutes from each side.

## IN SUPPORT OF MEDICARE REFORM BILL

(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, I learned in the real estate business, you never leave the negotiations for fear they may fail and you do not get your commission. Today, I understand the Democrats are planning a walkout from this floor to protest Medicare legislation. Yesterday, uniquely, the Democrats were burning their AARP cards down the street. The only thing missing from that scene was Jane Fonda.

Mr. Speaker, the seniors of our country deserve a Medicare program that is updated for the 21st century, including prescription drugs. It is an opportunity to help our seniors with new technology, diagnostic tests for osteoporosis, cardiovascular disease, diabetes. But no. If the Democrats do not get their way, they take the highway. That is discouraging for American seniors. And for them to ridicule and criticize AARP that just last week was the gold standard for senior lobbying organizations is somewhat a tremendous stain on the Democratic Party. Where are the leaders like Claude Pepper and Franklin Roosevelt?

I urge them to come to the floor today and work on Medicare legislation. Let us pass a bill for all seniors.

## A RUBE GOLDBERG MEDICARE REFORM BILL

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

Mr. DEFAZIO. Mr. Speaker, the gentleman before me waxed eloquent about a $400 billion Rube Goldberg complete with subsidies for the pharmaceutical industry, the insurance industry and price fixing. It is going to guarantee that there will be no reduction in the extortionate price of prescription drugs. Americans will still continue to pay the highest prices in the developed world despite the fact that the drugs are manufactured here by American companies who often receive the benefit of taxpayer-funded research.

We could provide a much more meaningful benefit for substantially less and that would be if we did two simple things: Negotiate lower prices like every other nation in the world has done, but this bill prohibits the government from negotiating lower prices on behalf of Americans or Medicare beneficiaries. And, secondly, we could just engage in free trade, allow the reimportation of U.S.-manufactured, FDA-approved drugs. That would substantially lower the price. Many American seniors have already resorted to that, but this bill will prohibit the reimportation of drugs but instead it will engage in subsidizing private insurance, subsidizing the pharmaceutical industry, price fixing and protectionism. They are violating every principle they say they believe in.

## IN SUPPORT OF MEDICARE PRESCRIPTION DRUG BILL

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

Ms. DUNN. Mr. Speaker, later this week we will have an opportunity to keep our promises to seniors. For too long our parents and our grandparents have been paying too much for prescription drugs. This problem is much more acute for low-income seniors, especially women. Women represent more than half the seniors with incomes that are less than 135 percent of the poverty level. They live longer than men, they spend more on health care, and they are more likely to suffer from chronic medical conditions. In essence, women need more drugs for a longer period of time but are least likely to be able to afford them.

This prescription drug bill will help those on fixed incomes. A woman with an income of less than $13,000 today will receive full assistance. No premiums, no deductibles, no gap in coverage. Furthermore, disease management programs will help women who are suffering from multiple chronic diseases. It will help them receive better care from health professionals who can coordinate their medical needs.

Mr. Speaker, it is time to end the rhetoric and deliver on a promise.

## CONGRESS PUNTS ON PRESCRIPTION DRUG BILL

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

Mr. EMANUEL. Mr. Speaker, as we address the issue of prescription drugs and as speaker after speaker is speaking about prescription drugs, there are three attempts to deal with out-of-control prices of prescription drugs that are going up on average 20 percent a year:

One is through the free market principle of reimportation, allowing Americans to buy drugs in either Europe or Canada. Second, bulk negotiation, creating a Sam's Club using the power of 40 million seniors to purchase drugs at reduced prices like they do in Europe and in Canada. And, third, through speedy introduction of generic medications to market to bring competition to price.

In all three areas, the pharmaceutical industry got what they want, and this Congress punted on getting the price reduction as it relates to pharmaceutical prices. We need to offer the taxpayers who are about to be asked to spend $400 billion of their money, $400 billion of taxpayer money, we owe them the common decency and courtesy to get them the best price, either through the free market principle, through creating negotiation bulk prices to get prices reduced, or generics. In each area, this Congress punted on behalf of the pharmaceutical industry.

## PEER-TO-PEER SOFTWARE IS A REAL DANGER TO OUR KIDS

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

Mr. PITTS. Mr. Speaker, the British newspaper The Guardian has found that demand for child pornography through the use of file-sharing programs, like Kazaa, is leading to more abuse of children. The sale of peer-to-peer traffic in illegal images of children now dwarfs any other pedophile network they have found.

David Wilson, professor of criminology at Central England, said, ''Peer-to-peer facilitates the most extreme, aggressive and reprehensible types of behavior that the Internet will allow.'' Programs that are used by kids to find songs or pictures of cartoons are delivering our children right into the clutches of these predators.

And what are we doing about it? Nothing. Every day innocent kids are victimized on peer-to-peer file-trading software and our inaction allows them to walk right into the trap set by sexual predators. The time to act has come.

I urge my colleagues to cosponsor my bill, H.R. 2885, so that we can move forward in protecting our kids online.

## AWARDING CONGRESSIONAL GOLD MEDAL TO PRESIDENT JOSE MARIA AZNAR

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

Mr. GIBBONS. Mr. Speaker, I rise today to again encourage my colleagues to cosponsor H.R. 2131, a resolution that will bestow President of the Government of Spain, Jose Maria Aznar, with the Congressional Gold Medal.

Shortly after the September 11 attacks on the United States, President Aznar made the following comment: ''Our battle is a battle for the same ideas, for the same freedoms, for the same society and civilizations, and we will share all those efforts as long as it is necessary.''

President Aznar of Spain has stood by the United States and, despite heavy political pressure, has never wavered from his staunch commitment to the ideals of freedom, liberty and democracy.

I urge my fellow Members to join me and over 100 cosponsors of H.R. 2131, a bill to award the Congressional Gold Medal to President Aznar. Join us in honoring a man who is a great leader in global democracy, a great leader in the war on terrorism, a notable ally of the United States, and a champion of freedom.

## IN OPPOSITION TO LATEST NEW GOVERNMENT ENTITLEMENT

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

Mr. PENCE. Mr. Speaker, earlier this week I came to the House floor to announce my opposition to the largest new entitlement since 1965, the Medicare prescription drug bill that we will consider this week. As my voice has weakened, strong voices in opposition have emerged, including the venerable Heritage Foundation which has been a beacon of limited government for over three decades. And today, the editorial page of the Wall Street Journal in a piece entitled ''Entitlements Are Forever'' makes a powerful case that Congress should reconsider before we create this massive new government entitlement. The Wall Street Journal says the GOP's Medicare bill trades certain spending for speculative reform. The bottom line is that the bill would add a universal drug entitlement to a largely unreformed Medicare program and warns of fiscal disaster. They conclude that Republicans are offering the certainty of trillions in new entitlements in return for a mere promise of future reform and that is too expensive a gamble for principled conservatives to support.

With my very last breath, I would say, ''I agree.'' Oppose the Medicare prescription drug entitlement.

## HEALTH SAVINGS ACCOUNTS

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of the conference report for H.R. 1, an historic bill that will include the creation of health savings accounts, a breakthrough program that gives control back to patients. The voluntary health savings accounts provide care that is affordable, flexible and portable. They restore the doctor-patient relationship, allowing Americans the freedom to choose their own doctor and their own care. Also, contributions, earnings and medical payments from these accounts are all tax-free.

Health savings accounts will lower health insurance costs for millions of Americans and allow for price competition of doctor and hospital services. Moreover, these accounts stay with a person throughout their lives as they are portable from one job to the other. They also can be used during retirement to pay for retiree health care, Medicare expenses and prescription drugs.

I strongly encourage my colleagues to support health savings accounts by voting in favor of H.R. 1 and give health care freedom to millions of Americans.

In conclusion, God bless our troops. We will not forget September 11.

## IN HONOR OF RECENT BRONZE STAR RECIPIENTS

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

Mr. BOOZMAN. Mr. Speaker, I recently had the honor of handing out Bronze Star Medals to 58 World War II veterans from the Third District of Arkansas. These veterans did not previously receive their medals because of an oversight when they returned home after the war.

The Bronze Star is awarded to World War II veterans who earned the Combat Infantry Badge or the Combat Medical Badge. The award of these badges is considered as a citation in orders of exemplary conduct in ground combat against an armed enemy.

The hard work of the Northwest Arkansas Veterans Task Force who brought this oversight to my attention made this ceremony a reality. They are constantly looking out for veterans in our community, and their commitment to our veterans ought to be commended.

Mr. Speaker, each one of these veterans has a story to tell. Theirs is a special generation, the greatest generation, and we all owe them a debt of gratitude.

## IN SUPPORT OF CONFERENCE REPORT ON MEDICARE MODERNIZATION BILL

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

Mr. SULLIVAN. Mr. Speaker, I rise today in support of the conference committee report on the Medicare prescription drug coverage bill. This long-awaited legislation will provide a tangible, real and meaningful benefit to American seniors.

□ 1015

Senior Americans are tired of the talk. It is time for action. This bill will put a drug discount card in their hands in May, 2004; and it will help them save between 15 and 25 percent right off the bat. It also provides structure for Medicare. It includes an affordable deductible and catastrophic coverage, in responsible manner, to help the neediest seniors. Those who currently have prescription drug coverage can keep their coverage because this plan is voluntary. This is reasonable legislation that will not only improve and prolong lives of our seniors but will do the same for the Medicare program.

Provisions for reimportation are in this legislation, ensuring safety and accountability. And it also includes an update for oncology drugs that is critical to cancer patients nationwide.

In conclusion, I would remind my colleagues that this bill provides structure; helps seniors get the prescription drugs they need when they need them by putting a discount card in their hands; is voluntary; and is tangible. It ensures accountability for reimportation and, more importantly, makes Members accountable to their constituents. I urge my colleagues to vote for H.R. 1.

## PEACE IN THE MIDDLE EAST

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

Mr. WOLF. Mr. Speaker, the President gave an amazing speech yesterday in England, and everyone should read it. Consistent with that speech, I would now ask the administration to appoint a special envoy to the Middle East to focus like a laser beam on bringing peace to the Middle East.

Envoys for peace have succeeded in the past. Senator Mitchell succeeded in Ireland. Senator Danforth has helped push the peace in Sudan. Three people

that come to mind immediately for the Middle East are the President's father, George H.W. Bush or Secretary James A. Baker III or former Secretary George Shultz. Each would bring a unique ability to sharply focus, using the administration's road map for peace, on bringing peace to the Middle East.

## PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES.

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 449 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 449

*Resolved*, That it shall be in order at any time on the legislative day of Thursday, November 20, 2003, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. BASS). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

This rule provides that suspensions will be in order at any time on the legislative day of Thursday, November 20, 2003. It also provides that the Speaker, or his designee, will consult with the minority leader, or her designee, on any suspension considered under the rule.

Mr. Speaker, the Republican leadership of this House has set out an aggressive legislative plan for this week on behalf of the American people. The goal of this plan is to pass a number of bills over the next few days that will dramatically improve the quality of life for all Americans. This week we have already succeeded in passing an energy conference report that will bring our Nation's outdated energy policy into the 21st century through comprehensive legislation that promotes conservation, reduces America's growing dependence on foreign oil, and creates new jobs.

For the balance of the week we are slated to consider legislation among the following things: number one, to authorize spending levels for intelligence activities needed to win the war on terrorism; number two, to reform Medicare to make sure that more of our seniors have prescription drug coverage that they need while also giving them more and better choices for their health care coverage, also to allow all Americans to begin planning for their health needs through savings accounts that can be purchased, can grow, and can be used on a tax-free basis; and, number three, to provide for a uniform national credit recording system that ensures that consumers are protected from identity theft while giving them access to the fast and reliable credit that makes our economy the envy of the rest of the world.

I understand that Members on both sides of the aisle may have different views about how to address these issues, and we will have the opportunity to hear a great deal of debate from both sides over the next few days on each of these issues and many others. However, a great deal of legislation that the Republican House leadership has also scheduled for consideration on behalf of all Americans has broad support from both the majority and the minority. And in an attempt to make sure that this important work is finished by the end of this legislative week as well, we are here to pass a rule to provide for consideration of these bills.

This balanced rule provides the minority with an ability to consult with the Speaker on any suspension that is offered, ensuring that their input and views are duly considered before any legislation is considered under this rule brought to the floor.

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support this noncontroversial, balanced rule.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, this unusual move to allow for consideration of motions to suspend the rules provides this body with a great opportunity. Many pieces of legislation important to our constituents are awaiting consideration. With this rule we have a wonderful chance to address some of these significant issues. We should consider legislation to extend Federal unemployment benefits for an additional 6 months; I believe that would pass unanimously. Currently unemployment benefits are set to expire on December 31. We should not allow the millions of Americans still desperately looking for work to begin the next year in the lurch.

I am particularly concerned about the loss of 44,000 manufacturing jobs in Upstate New York since 2002. In Rochester alone, manufacturing employment is down 20 percent. In these tough economic times, it is our duty to help; and since we are rushing to adjournment this week, this is our last opportunity.

Mr. Speaker, I would also like to use this golden opportunity to pass the genetic nondiscrimination legislation. Since 1995 I have led the fight to pass this nonpartisan, noncontroversial, and widely supported legislation. The bill currently has 236 cosponsors from both sides of the aisle, the support of over 200 outside organizations, and the support of the President of the United States. Last month the other body unanimously passed the legislation which prohibits genetic discrimination. This is critical to the health of the country, something we have talked about all week. If we do not pass this legislation to prohibit genetic discrimination, we are in danger of bringing much of the research that we are so proud of in the United States to a halt.

Discrimination is already taking place. We have lots of evidence of it both in employment and insurance. If we want to continue to be on the forefront of science and to be able to make our residents and citizens the healthiest in the world, this bill should be passed. I want to urge the Speaker of the House today to put this bill on the suspension calendar, let us pass it, let the President sign it, and let us all move toward better health.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I had not planned to come to the floor this morning, but I was sitting in my office and I heard my colleague from Florida mention Claude Pepper's name in relationship to this Medicare bill. Claude Pepper would be turning over in his grave by this bill. It was an insult to all of the fine work that Claude Pepper did in this House, and he would be on this floor speaking against this horrible bill.

This Republican Medicare bill is a slap in the face for every senior struggling to pay for needed medicine. The leadership of this House is not pushing this bill because they care about seniors. In fact, they would end the program altogether. In 1995 the majority leader called Medicare ''a program I would have no part of.'' Another leader said ''a program that I hope will wither on the vine.'' Now they want us to believe the spin that they really care about Medicare.

A zebra cannot change its stripes, Mr. Speaker, and the American people are not buying this sham. America's seniors are happy with the Medicare program, and we should provide for a prescription drug benefit the same way we provide for doctor visits through Medicare and not through a private program that even the insurance industry says will not work. This is a life-and-death issue for many of our seniors, and this hollow bill does nothing for that.

And I want to close quoting the only black Supreme Court Justice we ever had, Thurgood Marshall. He said: ''A snake is a snake. It does not matter whether it is black or white; if it bites you, it is the same.'' And I can say that for the Republicans on this bill, and I can also say that for AARP, who has left the people.

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

It is early in the morning in Washington, and we are back at it again talking about this wonderful opportunity that we have to come down to the floor of the House of Representatives and speak our minds. And it is no surprise to the American public that the Democrat Party and its Members oppose reform in Medicare. It is no surprise to the American public that we recognize that the Democrat Party is not only opposed to reform but also to competition, which is what is in this bill; and it is no surprise to the American public that what will happen in the next day or two as the debate gets closer is that the American public will hear and find out about how the market reforms and things and ideas that will come from this bill will make life better for millions of Americans.

What is surprising is to hear the Democrat Party lambast AARP. The AARP is that organization for senior citizens all across this country who I think has made a very wise and careful decision to look at this prescription drug plan, and they have very clearly said that the Republican Party is right on the policy and they are right on what will give long-term success to this great Nation.

But we have heard very clearly this morning what the Democrat Party intends to do. They intend to keep Medicare exactly the way it is, in trouble financially and will very soon go bankrupt.

Reform is necessary if we are going to save this system, but reform is also necessary for the millions of Americans who today are without the ability to purchase health care solely because of money. What we are going to do is make it easier for Americans, not just people who go to work but some of them who are just now entering the marketplace, to be able to save money for health care on a pretax and tax-free basis, an opportunity for them to save this money and, when they are younger, to put that money away and to grow it tax free to be able to use it for health care, to make sure that they will be able to make wiser decisions in their future, that they will be able to make the wise decisions for their family at a time when they need that money most of all.

So what Republicans really stand for once again is reform and making sure that the most critical systems that are in place in our country are not only strengthened, but we make sure that they will survive the onslaught as times change and we have so many people retiring, but we need to make sure that our children and grandchildren have that same opportunity that we have had to have a system, an underpinning in this country that takes care of people.

So I am very pleased today, as we begin our work and debate in Washington. It is no surprise that here we are on this beautiful day in Washington, D.C., we begin with the debate on the floor to talk about the activities for the week, and I am so proud that not only what the Republican majority stands for but that the reform and the things we are going to bring to the American public will include opportunities for them to save for their own health care, because the most important part is, just like my family, I have a chance then to make a decision, to be a decision-maker in the health care needs of my family.

□ 1030

I have a beautiful wife of 19 years. I have a son who is 14 years old and a Down's Syndrome son who is 9. If there is one thing that I am passionate about, it is that I want a system in this country where families have an opportunity to make their decisions about health care, and we can do that when we have money in our own pockets. And that is what this reform is about, to make sure not just my family, but millions of other families across this great Nation have that same opportunity. That is what this health care savings account is going to be about. That is what Medicare reform is all about. I am proud of what we are doing.

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

Ms. SLAUGHTER. Mr. Speaker, had the gentleman from Texas (Mr. SESSIONS), my good friend, yielded to me, I simply wanted to ask him if he is aware that the administration has just given AARP a $20 million grant and ask if he wondered if that had anything to do with their decision.

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

Mr. SESSIONS. Mr. Speaker, at this time I would like to thank the gentlewoman from New York for engaging us this morning on this very important rule which will allow us to continue our work. I urge my colleagues to join me in supporting this rule as I am sure they do.

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.

## WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2417, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 451 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 451

*Resolved,* That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, 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 gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), 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 on this matter.

Mr. Speaker, the Committee on Rules has granted the customary rule for consideration of conference reports to H.R. 2417, the Intelligence Authorization Act of Fiscal Year 2004. This is standard procedure. The rule is fair and without controversy as far as I know, and it does allow ample time for consideration of conference matters that have come up.

Mr. Speaker, as in past years, we thought it best to allow Members ample opportunity to review the bill and debate the issues they feel are important to our Nation's security. This was certainly exhibited earlier this summer when we passed, with overwhelming bipartisan support, the Intelligence Authorization Act in the House. Our classified annex and staff have been made available to any Member of Congress interested in reviewing the underlying bill and the reports thereto.

Today we are at the culmination of this process. The conference report on H.R. 2417 is critical, it is must-do legislation.

The bill authorizes appropriations for fiscal year 2004 intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement Account and Disability system.

In the past 2 years, our country has made very strong steps to improve our Nation's intelligence-gathering capabilities, as well as the analysis of the results of those intelligence-gathering capabilities. With that said, the attacks this morning in Istanbul are yet again a painful reminder that every day, we must not let down our guard. Rather, it emphasizes work that remains to be accomplished. We need to strengthen our intelligence capabilities and align them to deal with the threats that we face today.

This legislation convincingly moves us in the right direction by enhancing the depth and the capacity of all facets of our intelligence community. The bill provides for improved intelligence analysis and coordination. It continues the effort to increase our human intelligence resources, an area vital to the

security of our Nation during the war on terrorism, as we have seen discussed virtually every day.

In addition, H.R. 2417 augments the information shared between Federal, State, and local governments and encourages strong cooperation in the pursuit of joint counterterrorism activities to keep our homeland safe.

Mr. Speaker, this bill makes possible the important work performed by dedicated intelligence professionals, people who are out and about right now taking very high risks to get us vital information so the right decisions can be made to nip terrorism in the bud before it strikes us again. It is the product of a bipartisan agreement that we deal with today and, as I stated previously, another prudent step in the right direction for developing our capabilities in the intelligence community.

For these reasons, I urge my colleagues to vote in support of this rule that will provide them with a fair forum for debate on this matter.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, let me thank my good friend, the gentleman from Sanibel, Florida (Mr. GOSS) for yielding me this time. It is a pleasure to serve with the gentleman on both the Committee on Rules and the Permanent Select Committee on Intelligence and, as I said last night, not in a self-serving way, I do not know of any two committees which work harder or more diligently than the two on which the gentleman and I serve. It turns out that we are the only two Members on both of those committees, and what I said last night is we must be gluttons for punishment.

Mr. Speaker, I rise in support of this rule, providing for the consideration of the conference report to accompany H.R. 2417, the Intelligence Authorization Act for Fiscal Year 2004. This bill authorizes classified amounts in fiscal year 2004 for 14 United States intelligence agencies and intelligence-related activities of the United States Government, including the Central Intelligence Agency and the National Security Agency, as well as foreign intelligence activities of the Defense Department, FBI, State Department, Homeland Security Department, and other agencies.

Members who wish to do so, and I urge Members to do this if they have concerns, can go to the Permanent Select Committee on Intelligence office to examine the classified schedule of authorizations for the programs and activities of the intelligence and intelligence-related activities of the national intelligence program. As I said, this includes authorizations for the CIA, as well as the foreign intelligence and counterintelligence programs within, among others, the Department of Defense, NSA, Department of State, Treasury and Energy, and the FBI. Also included in the classified documents are the authorizations for the tactical intelligence and related activities and joint military intelligence program of the Department of Defense.

The measure covers specific and general intelligence operations including all of our operations that we put forward in any manner. Today, more than ever, we must make the creation of a strong and flexible intelligence apparatus one of the highest priorities of this body. The terrorist attacks of September 11, combined with the continuing threat of further attacks, underscore the importance of this legislation. I am pleased that it has been brought to the floor in a truly bipartisan manner. Thanks to the gentlewoman from California (Ms. HARMAN), the ranking member, and the gentleman from Florida (Chairman GOSS) and all of the members of the Permanent Select Committee on Intelligence and the specific subcommittees, a good job has been done on behalf of this country.

Let me say though, Mr. Speaker, that just because this is brought here in a bipartisan manner does not mean that it is a perfect bill; far from it. There are several areas that many of us would have liked to have seen improved. One of them that we have an exacting concern about is the expansion of the executive authorities under section 374, the amendment of the National Financial Services Act. We feel that that bears further scrutiny and certainly, without judicial review in that section, could pose problems at some point in our future. It is something that many of us will continue to review.

We also felt very strongly, and I thank my colleague, the gentleman from New Jersey (Mr. HOLT) who will speak specifically to it, that we should emphasize the area of language ability in a more dramatic fashion.

Mr. Speaker, this bill provides authorizations and appropriations for some of the most important national security programs in this great country. Any hesitation by this body in passing it would be a disservice to the American people. I urge my colleagues to support this rule and the underlying conference report.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), my good friend.

Mr. HOLT. Mr. Speaker, I thank my friend, the gentleman from Florida for yielding me this time, and I thank him for his good work not only on the Committee on Rules, but also on the Permanent Select Committee on Intelligence.

As he said, I would welcome the opportunity later to speak about the need to have better training in critical languages here in the United States, but at the moment, I would like to talk about something that is relevant to the rule and to the Committee on Rules.

Here in Congress we have a responsibility, not only to appropriate funds, to authorize those funds, but also to oversee their expenditure. It is a sacred responsibility to deal with other people's money. It is a difficult job.

Now, in the areas of transportation and the Department of the Interior and other areas, we are assisted by millions of engaged citizens who keep an eye out for waste or misguided programs or programs that are less than well-thought-out. We do not, in classified programs, have that advantage, so it falls to us and our staff. We have an excellent staff that keeps tabs on the multifarious programs of the intelligence community. We are blessed with a chairman who has an agreeable personality and demeanor and wields his gavel with equanimity, and an excellent ranking member who keeps us on track. But we have a difficult job under the best of circumstances to oversee the intelligence programs.

It is made almost impossible when large fractions of the intelligence budget come through special appropriations, not through the normal course, not through the normal authorization and appropriation process, when in emergency allocations, money is put in without any previous oversight.

So as I speak in favor of the authorization bill that we are considering today and hope that we approve the rule so that we can get to the debate and approval of this authorization bill, I would ask the Committee on Rules to use its considerable influence in the future to see that we do not appropriate large sums of money for intelligence and other operations without going through the customary and necessary authorization process. We have done that over and over again in recent years, and it is a disservice to the intelligence community and a disservice to the American people. So again, I ask the Committee on Rules to use its considerable influence to see that we not fall into that problem.

Mr. GOSS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the distinguished chairman of our Subcommittee on Human Intelligence, Analysis and Counterintelligence.

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

Mr. GIBBONS. Mr. Speaker, I thank my colleague for yielding me this time.

I want to rise in strong support of the rule for the authorization of the intelligence bill, H.R. 2417. I want to take just a moment to explain the issue of compensation reform which I think is important and critical to the future of the intelligence community.

Over the years we have had a system of pay for the men and women who are doing the hard work of gathering intelligence for the people of this country.

□ 1045

And yet we have not been able to find a way to adequately compensate them.

These are individuals who are dedicated to this mission. They are not there because they want more money. They are there because they like what they do. They feel it is important for the future of this country and for the security of the American people. We have opportunities now to make sure that when we pay these individuals, we pay them correctly, we pay them adequately for their services. It is important that Congress continue this oversight.

We have an important part of this bill that addresses the issue of compensation reform. I am hoping that all our colleagues will rise and support this bill because of the important aspect of compensation reform for the men and women who are doing the valiant job of representing this country in faraway places in the dark of night, doing things that most other people would not do. These are true heroes in the American legend. We should all stand up and thank them for the work they have done. And I thank the gentleman from Florida (Chairman GOSS) for the opportunity to speak out on this rule and hope that everyone will support the rule.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. REYES), my good friend.

Mr. REYES. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for yielding, and I also want to commend our chairmen and ranking members for the great job that they do under what, I think, are very difficult circumstances. And I would also associate myself with the comments of my colleague, the gentleman from Nevada (Mr. GIBBONS), about giving good compensation for great work that is being done around the world for our national security by the intelligence community employees.

Having said that, I also want to state that I rise in strong support of this rule for H.R. 2417, but I also want to note that there are many of us that have concerns about issues that are vitally important to our national security, the lack of diversity in the intelligence community, and certainly the lack of a good solid plan to diversify and understand and recruit people that know and understand and speak different languages and come from different cultures. Those are critical and important in light of the attacks of September 11.

I would urge everyone to support this rule, but at the same time I also think it is vitally important that we continue to focus. And as my colleague, the gentleman from New Jersey (Mr. HOLT), made mention, it is difficult in this environment because we operate in a closed oversight manner and we do not have the benefit of outside input and scrutiny. So it is critical.

And I know that our chairman, the gentleman from Florida (Mr. GOSS), and the ranking member are committed to continue to work in these two critical areas, diversity and language proficiency. So with that, Mr. Speaker, I appreciate the opportunity to share my thoughts.

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

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

Mr. Speaker, I certainly want to associate myself with the remarks of the gentleman from New Jersey (Mr. HOLT), his remarks about a concern about disenfranchising authorizing committees by the use of supplemental appropriations and other such matters as has sometimes happened. I do believe that the authorizing committees provide a critical contribution, a valuable contribution to the legislation of this institution. And I think it is unfortunate that sometimes in the press of business that we sometimes bypass that wisdom and that contribution because of urgency or other matters, which are understandable, but which should be an aberration rather than the practice.

And I can assure the gentleman from New Jersey (Mr. HOLT) and others who are interested that I am going to be spending some time and, hopefully, get a point or two across on the Committee on Rules that our view is that regular order is a whole lot better than supplemental appropriations.

The second thing I wanted to point out, very briefly, I am well aware this is not a perfect bill. The gentlewoman from California (Ms. HARMAN) and I and the members of the committee have worked very hard. We have excellent staff. This is not a perfect bill. It is a very, very good bill. It deserves the attention of the Members on the floor today. Certainly the rule is appropriate to bring it forward.

I think I can promise on behalf of the gentlewoman from California (Ms. HARMAN) and all the Members that the minute this authorization bill passes we start on the next authorization bill. And there is plenty to be done.

There are a number of things we will hear about in the debate later today. These are things that we already have taken aboard, and we will be pushing hard on. So I am convinced that from the legislative perspective we are doing the job that the people of this country have asked us to take on in the oversight, and I am very proud to be part of that effort.

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.

## PROVIDING FOR CONSIDERATION OF H.J. RES. 78, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 450 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 450

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 78) making further continuing appropriations for the fiscal year 2004, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

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

Mr. LINDER. Mr. Speaker, for 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.

Mr. Speaker, H. Res. 450 is a closed rule that provides for the consideration of H.J. Res. 78, a continuing resolution that will ensure further appropriations for fiscal year 2004.

The rule provides for 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution and provides for one motion to recommit.

Mr. Speaker, the provisions of the most recent continuing resolution, H.J. Res. 75, are scheduled to expire this Friday, November 21. The House Committee on Appropriations continues to work hard to complete the unfinished appropriations business of Congress, and we are hopeful that this work can be completed in the coming days. The resolution before us today, H.J. Res. 78, ensures funding through this weekend until November 23.

The House of Representatives passed all of its fiscal year 2004 appropriations bills long ago. We should complete Foreign Operations, Transportation-Treasury appropriate bills in the very near future. In addition, negotiations are under way to complete Agriculture, VA–HUD, Commerce-Justice-State, Labor-HHS, and the District of Columbia appropriations bills as well. However, to ensure that essential government services continue to operate while the omnibus appropriations bill is completed, this rule makes in order another continuing resolution to give us the additional time to complete the appropriations process in an orderly manner.

Mr. Speaker, under the joint resolution that H.J. Res. 450 makes in order, the provisions of the most recent continuing resolution will be extended for

2 more days. The Committee on Rules approved this rule last night. I urge my colleagues to join me in supporting its passage.

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, here we go again. Another month has passed and this Republican government still refuses to do its most basic job, funding the Federal Government that they control. That is why we are here, once again, to pass yet another short-term continuing resolution to keep Republican incompetence from shutting down the Federal Government.

Mr. Speaker, I do not know why Republicans refuse to do the job taxpayers pay them for, especially while millions of those same taxpayers cannot find jobs on their own. Perhaps they are so busy twisting arms to dismantle Medicare and force seniors into HMOs that they cannot be bothered with deciding how badly to short-change education in this year's spending bills. Or maybe the White House has been consumed with spending their expensive efforts to rebuild Iraq that they do not have time to worry about America. Who knows. But it is clear that this Republican government has stopped working for the American people.

Mr. Speaker, I do not know if you watched ''West Wing'' last night on television, but actually the subject of the ''West Wing'' program was this exact issue, a continuing resolution. And at that point you had a Republican Congress trying to blame a Democratic President for closing down the government. But here, of course, we have a Republican Congress and a Republican President. So what is going on here? Republican President, Republican Congress, and we still have to have a short-term continuing resolution because those folks cannot do their job.

Just take a look at the record. Today, millions of hard-working Americans no longer share in the prosperity that they enjoyed during the Democratic-led economic boon of the 1990s. In fact, since the Republican Party took over the government nearly 3 years ago, more than 3 million American jobs have been lost in the private sector. Or to put it another way, since George W. Bush got his job, millions of Americans have lost their jobs. That is the worst jobs record of any President since Herbert Hoover in the Great Depression.

Over the same period, Republican fiscal irresponsibility has turned record surpluses into astronomical and out-of-control deficits, increasing the death tax on all Americans and threatening the future of Medicare and Social Security. In the private sector, Mr. Speaker, that kind of failure would get you fired. But Republicans are counting on their special interest friends to save their political skins. And they have spared no taxpayer expense to do their work.

Take, for example, the small elite group of big contributors who fund Republican campaigns like the Bush campaign Pioneers and now the Bush campaign Rangers. They are undoubtedly happy because this Republican government has drained the U.S. Treasury by repeatedly passing expensive tax breaks for the wealthiest few. And earlier this week Republicans gave big polluters a pass to keep fouling the air of some of America's major metropolitan areas, including my home in north Texas.

Now, Mr. Speaker, Republicans are desperately trying to pull the wool over the eyes of America's seniors so that they can shower billions of dollars on HMOs, insurance companies, and the big drug companies. Under the Republican plan, millions of senior citizens would pay more and get less for Medicare. Up to one in four Medicare beneficiaries would actually pay more for prescription drugs than they do right now. Up to 7 million seniors would be forced to join an HMO and give up their choice of doctor or pay higher Medicare premiums. Between 2 and 3 million retirees would lose the drug coverage they now get from their former employers. And millions of seniors would go without drug coverage for months each year and be forced to pay premiums year round even when they are not getting any drug benefits.

While seniors lose under the Republican plan, drug companies and HMOs win big. Republicans are giving insurance companies a $12 billion slush fund. They are giving big drug companies $139 billion in windfall profits because they are actually making it illegal for Medicare to negotiate lower prescription prices for seniors. That is right, Mr. Speaker, Republicans can find billions of dollars for HMOs and drug companies, but they cannot afford year-round drug coverage for senior citizens. No wonder Republicans do not want their plan to take effect until after the 2004 elections. They are afraid that once seniors sit down and do the math they will see the Republicans have sold them a bill of goods.

This kind of outrage, Mr. Speaker, is simply business as usual under this Republican government. Nothing gets done for the American people, but Republicans and their allies do plenty of harm to the American people. It is a shameless abuse of power, Mr. Speaker; and the American public are the victims.

Meanwhile, we have before us another 2-day continuing resolution, which is the subject of this rule today.

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

□ 1100

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

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

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

Mr. Speaker, I simply take the time to indicate that the House has no choice but to proceed to pass the short-term CR in hopes that the House will come closer to finishing its work by the time we have to pass another one. But let me also say that I would hope that we would use the time constructively so that Members still can get out of here for the year on a reasonable schedule.

I note last night, for instance, that we are within a hair's breadth of having total agreement on the VA-HUD appropriations and on the CJ bill. The transportation bill has already been filed, and it is hoped that the foreign ops bill will be filed and acted upon also. That would mean that we could reduce considerably the number of bills that would have to go into the omnibus. I have no particular ax to grind about whether they do or they do not, but it would seem to me that it would be one way to at least assist on unsnarling what remains to be done before we finish.

With that, I would simply say when the CR comes, I hope that we could dispose of it in a favorable fashion so we can get on with the remainder of our work for this week.

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

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

Let us be very clear about what is going on here. The current continuing resolution runs out tomorrow. The Republican leadership is giving itself another 2 days. So by passing this next CR, that takes us through Sunday. They will not tell us when the next CR, how far it will go, whether we will be here Saturday, Sunday, Monday, Tuesday, Wednesday of next week doing the people's business. They will not tell us when the omnibus bill is going to come to the floor or whether it will come to the floor. They will not tell us how long the next CR will run, whether it will run to December 8 or whether it will run until some time in February. Either they simply do not know, or they will not tell. Either way, they make it very difficult to legislate in an orderly fashion.

We would all like to wind up the business for this year. I would hope that the Republican leadership can finally get their act together, bring the remaining appropriations bills or an omnibus bill to the floor in an orderly way, so that we can conclude the people's business this year and not continue to operate on a 2- or 3-day CR while the Republicans try and figure out what their next step is.

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

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

Mr. Speaker, let me just say to the gentleman from Texas (Mr. FROST)

that it is not that we do not want to inform them. It is that we do not know.

We are dealing with people in the other body who have not given us any indication of when they are prepared to move. But I will say that I agree 100 percent with the gentleman from Wisconsin (Mr. OBEY). We are moving piece by piece on these. And our side would like very much to pass them one at a time and get out of here Friday night or Saturday. I do not think it will be that soon on Friday night, but we are very close to getting our work done on the appropriations process so we would like to do that one at a time.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. BASS). The question is on the resolution.

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

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 450 will be followed by 5-minute votes on the following motions to suspend the rules:

S. 286, by the yeas and nays;

S. 686, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 406, nays 2, not voting 26, as follows:

[Roll No. 645]

YEAS—406

Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
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
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Filner
Jackson-Lee (TX)

NOT VOTING—26

Abercrombie
Aderholt
Clay
Cox
Cramer
Cubin
Cummings
Engel
Fletcher
Fossella
Franks (AZ)
Gephardt
Herger
Isakson
Jones (OH)
Lewis (GA)
Markey
Meek (FL)
Nethercutt
Radanovich
Rogers (AL)
Sherman
Tauscher
Taylor (NC)
Wexler
Whitfield

□ 1125

Ms. JACKSON-LEE of Texas changed her vote from ''yea'' to ''nay.''

Mr. MORAN of Virginia changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 645 I was unavoidably detained. Had I been present, I would have voted ''yea.''

## BIRTH DEFECTS AND DEVELOPMENTAL DISABILITIES PREVENTION ACT OF 2003

The SPEAKER pro tempore (Mr. BASS). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 286.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 286, 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 415, nays 1, not voting 18, as follows:

[Roll No. 646]

YEAS—415

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
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
Dingell
Doggett
Dooley (CA)
Doolittle

Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—18

Abercrombie
Clay
Cox
Cubin
Cummings
Engel
Fletcher
Franks (AZ)
Gephardt
Herger
Isakson
Markey
McDermott
Radanovich
Rogers (AL)
Sherman
Taylor (NC)
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1135

Mr. SMITH of Michigan changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## POISON CONTROL CENTER ENHANCEMENT AND AWARENESS ACT AMENDMENTS OF 2003

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 686, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 686, as amended, 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 420, nays 1, not voting 13, as follows:

[Roll No. 647]

YEAS—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
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
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)

Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—13

Clay
Cubin
Cummings
Engel
Fletcher
Gephardt
Herger
Isakson
Olver
Radanovich
Rogers (AL)
Sherman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1146

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.J. Res. 78.

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

There was no objection.

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 450, I call up the joint resolution (H.J. Res. 78) making further continuing appropriations for the fiscal year 2004, and for other purposes, and ask for its consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 78 is as follows:

H.J. RES. 78

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Public Law 108–84 is amended by striking the date specified in section 107(c) and inserting ''November 23, 2003''.

SEC. 2. Section 8144(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), as amended by Public Law 108–84, is further amended by striking ''November 21, 2003'' and inserting ''November 23, 2003''.

The SPEAKER pro tempore. Pursuant to House Resolution 450, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

And I will not consume very much time because this continuing resolution simply extends the existing CR until midnight Sunday, this weekend. All conditions, by the way, of the original CR would still exist on this CR. We are reaching the point where we can conclude the appropriations process. Most of the appropriations issues have already been solved and are prepared to be written into a final bill. There are some outstanding issues at a level higher than the Committee on Appropriations that we are trying to apply a little pressure to get settled. Other than that, Mr. Speaker, I would give the House the word that I think we can get this done by Sunday evening, but maybe not. We will do the very best that we can.

As one can imagine, there are an awful lot of issues that we have resolved and are continuing to resolve. We are working steadily. We had a good conference last night. We cleared up a lot of the issues. So, Mr. Speaker, not much more can be said about this.

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

Mr. OBEY. Mr. Speaker, I simply urge a ''yes'' vote, and I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I ask for a ''yes'' vote, and I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered read for amendment.

Pursuant to House Resolution 450, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

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

## GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report on H.R. 2471.

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

There was no objection.

## CONFERENCE REPORT ON H.R. 2417, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. GOSS. Mr. Speaker pursuant, to House Resolution 451, I call up the conference report on the bill (H.R. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolutions 451, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of November 19, 2003, at page H 11605.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. HARMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

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

Mr. Speaker, I am pleased to bring before the House the conference report for H.R. 2417, the Intelligence Authorization Act for Fiscal Year 2004. And I want to personally thank members and staff of the committee for their industry, their skill, their professionalism, and their dedication in crafting what I believe is a strong nonpartisan bill which will see us well through the year.

Perhaps the job was made a bit more difficult this year given the attempts by some in the media and elsewhere to throw American intelligence capabilities into the meatgrinder of partisan Presidential politics, but I am confident that a review of this legislation will show just how successful the members of the House Permanent Select Committee on Intelligence have been in putting the Nation's security needs first, rejecting the divisiveness, the partisan trickery and treachery that has been elsewhere.

H.R. 2417 authorizes funding for all intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement Disability System. Generally speaking, we have authorized funding for the National Foreign Intelligence Program in fiscal year 2004 at a level slightly above the President's request and substantially equal to that provided in the appropriations process.

There is much in the bill to recommend it to Members of the House. I would like to mention just a few of the important provisions and highlights.

First and foremost, this conference report supports the men and women in the intelligence community who are dedicated to protecting our Nation's citizens and their freedom, many of

whom do this work under a shroud of secrecy, carrying out very tough tasks and, in fact, heroic deeds with little, if any, recognition.

Intelligence is the fundamental element of the global war on terrorism. It is crucial to America's efforts in the hot parts of the war such as Afghanistan and Iraq, just as it is essential to protecting Americans overseas and at home, that is, offense and defense. This conference report funds many important counterterrorism programs.

Also of note in the fight against terrorism, we are witnessing history being made this day. This is the first intelligence bill to authorize funds for the intelligence functions of the new Department of Homeland Security. We on the committee are acutely aware of the vital need for intelligence community resources to be effectively marshaled in protecting the homeland. In the past year, the Federal Government has moved to realign national resources to better leverage capabilities in the war on terrorism. We have been hard at work on that. In addition to the establishment of the Information Analysis and Infrastructure Protection Directorate over at the Homeland Security, the Terrorist Threat Integration Center was created and is under the control of the Director of Central Intelligence, and a new Terrorist Screening Center is being established and put to work at the FBI.

These resources, among others that we have been working on previously, will require continued investment and strong leadership to overcome a number of challenges including, by the way, the challenge of being the first of their kind. Our committee will continue to be actively engaged in defining how the intelligence community is evolving to meet the challenges of homeland security. We actually have no greater obligation.

Counterterrorism and counterintelligence are the driving forces behind section 374 of the conference report. This provision brings the definition of ''financial institution'' up to date with the reality of the financial industry. The current definition in the Right to Financial Privacy Act was crafted back in 1978. That was a quarter of a century ago. This provision will allow those tracking terrorists and spies to ''follow the money'' more effectively and thereby protect the people of the United States more effectively.

This conference report contains a provision that has received some degree of attention, section 405 dealing with the Central Intelligence Agency's compensation reform proposal. The conferees support the idea that improvements can be made, should be made, in the old GS system of pay and promotion. I certainly feel we can do better by the officers at CIA. However, it is important to replace the outdated system with a better one, not just a new one. So section 405 will assist CIA management in finding the right system by allowing important fine-tuning and workforce buy-in.

The conferees were concerned that CIA managers were rushing a bit into the implementation of an undertested and unevaluated compensation system. To address this concern, section 405 delays slightly the implementation of CIA's compensation reform plan to allow time for the review, evaluation, and for adjustment, where needed, of the compensation program currently being tested in a congressionally mandated pilot program which we have all been very interested in and are following very closely. I think the final result will be a better system for managers and employees alike and a significant improvement for the institution. If it takes a month longer to get there, I think it is going to be well worth the investment.

I could go on for some time detailing many other worthy provisions, but I will conclude my opening remarks here with the observation that this conference report reflects the committee's view that the U.S. intelligence community is making progress in many areas. In the past 3 years, it has recovered to a degree from the devastating cutbacks and budget personnel capabilities and frankly flagging political support that occurred during the mid-1990s. But as I have said, it will be a long road to recovery, and it takes time to build intelligence capability. It will take years of sustained effort and attention and reinvigorated political backing to rebuild a fully capable intelligence community that does all the things we need it to do for us. We are on the road to recovery. I am proud of that. Investment in timely intelligence is the best investment for our homeland and national security, and I hope most Members agree with that.

This conference report represents progress on that road, and I urge the House to adopt it.

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

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

I rise in support of H.R. 2417. Earlier today, several large truck bombs exploded in Istanbul killing the British Consul General and dozens of others, wounding at least 450, and causing substantial property damage. The attacks appear to have the earmarks of al Qaeda, and they make today's action even more pressing.

This bill is not perfect, but it represents a lot of hard work to come to bipartisan agreement on tough issues. In the past 2 years, the Permanent Select Committee on Intelligence has completed a joint 9–11 inquiry and is currently reviewing prewar Iraq intelligence. These two reviews, among other activities we have undertaken, have pinpointed deficiencies in collection, analysis, and dissemination of intelligence that cannot be fixed one brick at a time; nor can meaningful intelligence improvements be made simply in response to the latest crisis. This bill represents progress; but, Mr. Speaker, systemic transformation is needed, and it hopefully will be the committee's primary focus in the coming year.

I am particularly satisfied that this bill requires a lessons learned study on Iraq intelligence as soon as possible and no later than a year from now. This House, just 2 days ago on a virtually unanimous basis, instructed the conferees to include this language, and we did. In the course of 6 months of review, the House 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. A bipartisan letter earlier this fall details the preliminary view that the gentleman from Florida (Chairman GOSS) and I hold. My own view is that estimates were substantially wrong and at a minimum the intelligence community overstated the strength of underlying data supporting its conclusions. Asking the intelligence community to do an introspective study is not an unreasonable request to ensure the credibility of our national security strategies. It will also ensure our troops and our leaders are served by the best intelligence.

In intelligence collection, the bill funds initiatives to improve technical and human collection. It pushes the intelligence community to hire and develop officers who speak foreign languages and who have deep experience in other countries and cultures, important issues raised in an unprecedented public hearing a few weeks ago.

□ 1200

In intelligence analysis and dissemination, the bill provides a new infusion of resources to modernize analyst infrastructure, including new information technology tools, training, and hiring new analytic expertise. There is also strong support for improving information-sharing across the IC and with State and local law enforcement partners.

The bill provides funds to support integration of watch list efforts across the Terrorist Threat Information Center, the Department of Homeland Security, the Terrorist Screening Center, and other relevant players. The bill also authorizes the Secretary of Homeland Security, working with the Director of Central Intelligence and the Attorney General, to establish a training program to help local and private sector officials identify threats and report information to Federal partners. Information-sharing, as we have shown again and again and again, was a primary intelligence failure pre-9/11. This bill goes a long way to fix it.

I am pleased that the bill addresses the development of data mining efforts for fighting terrorism, while maintaining adequate privacy protections for U.S. persons. The defense appropriations conference report, which we have already voted on, terminated DOD's Terrorist Information Awareness program, but it transferred funds and

projects from that program to the intelligence community. For these programs, there are restrictions on mining databases containing information on U.S. persons, and I applaud those restrictions. But data mining, properly applied, is an excellent way to isolate who the bad guys are. It is also important to ensure that research and development on data mining tools continues, even while deployment awaits the full development of policies, guidelines, and procedures for use of these tools.

Let me be clear: I do not support deployment without limitations, but I think that R&D continues to be important. Responsible, respected groups like the Markle Foundation Task Force on National Security in the Information Age and the Center for Democracy and Technology, along with scholars at the Brookings Institution and the Heritage Foundation, all have concluded that data mining tools can be enormously beneficial for our national security, and that these operations can be done in a way that preserves privacy and protects civil liberties.

But it will not happen automatically. It will require real work from the administration, especially in view of the hole it dug for itself over the TIA project. The bill tasks the administration to come to grips with the policy issues posed by advanced data mining technology, requiring the administration to report to Congress with proposed modifications to laws and policies, and I hope the administration will embrace this opportunity.

The bill contains a provision to expand the definition of ''financial institution'' in the context of the FBI's authority to issue national security letters which compel the production of financial records without a warrant. The expanded definition closes a potentially significant loophole in the government's ability to track terrorist financing. I agree with the gentleman from Florida (Chairman GOSS) on this point. On the other hand, however, I worry that language in the bill is not as clear as it needs to be that this authority to obtain records only pertains to the customer's financial relationship with institutions. I would have preferred this clarification to be in the statute. It is in the report language. I would have preferred the report language to be even stronger, and I remain concerned that the expanded definition leaves the potential, hopefully that will never be realized, for abuse in a classic fishing expedition.

The bill authorizes new personal services contracting for the FBI to allow it to more efficiently and flexibly surge capabilities against new missions. These powers granted to the FBI must not become a substitute for hiring full-time employees for the Bureau's long-term strategic needs or lead to other abuses in hiring practices. I spoke earlier this week with FBI Director Mueller and received his assurances that he will personally review this program and be sensitive to potential abuses. It is important to have strong standards and criteria alongside the increased flexibility.

The gentleman from Florida (Chairman GOSS) has said, and I agree, that intelligence community reform, or transformation, must be a central focus of the committee next year.

Issues raised by our Iraq review and the Joint 9/11 Inquiry point to systemic challenges and raise fundamental questions of roles, missions, capabilities, and organization. These include whether the intelligence community should be headed by a Director of National Intelligence; whether the Nation would be best served by a domestic intelligence agency; the shortcomings of budgeting by supplemental; and our committee member, the gentleman from New Jersey (Mr. HOLT), made this point I thought quite effectively in our previous debate on the rule for this conference report. Also, strengthening the quality of HUMINT and other collection on hard targets; the roles and authorities of the Department of Defense in intelligence activities; and the roles and responsibilities of policy officials and intelligence analysts regarding objectivity of intelligence products.

Transforming the IC's approach to language and cultural expertise will also require special attention. I note the work of the gentleman from New Jersey (Mr. HOLT) and the gentleman from New York (Mr. BOEHLERT), two committee members, and strongly support the gentleman from Florida's (Chairman GOSS) proposal for a major initiative focused on building these skill sets.

In conclusion, Mr. Speaker, the best intelligence is key to stopping the insurgency and permitting reconstruction in Iraq today. It is key to addressing threats in Afghanistan today. It is key to countering threats from terrorism in Turkey and elsewhere today, and to addressing challenges in Iran and North Korea today and tomorrow. To produce less than our best intelligence is to protect national security less than is needed.

Mr. Speaker, it is an honor to serve as ranking member of this committee. Our 2004 authorization conference report was approved unanimously by our Members, and I urge its strong support.

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

Mr. GOSS. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), the distinguished vice chairman of the committee who is also chairman of our Subcommittee on Intelligence Policy and National Security. He is indeed a busy man.

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

Mr. BEREUTER. Mr. Speaker, I rise in strong support of the authorization legislation, and I thank the chairman for yielding me this time.

The conference report takes important steps to strengthen the intelligence community's ability to provide global analysis. I think it is an excellent report and an excellent effort on the part of the chairman, ranking member, and all Members and our staffs.

We are all aware that we are waging an aggressive war against terrorism. In addition, U.S. military forces are fighting the remnants of the former regime of Saddam Hussein. Yet we have global interests, for despite the immediate threats that we face, we must not devote all of our intelligence energies to Iraq and al Qaeda.

Mr. Speaker, I want to focus my remarks on two primary points. The first is related to human intelligence. The gentleman from Nevada (Mr. GIBBONS), I am sure, will cover that subject very well, since it is a primary responsibility of the subcommittee he chairs, so I will move to the second area. This relates to attacking the terrorists' finances. The gentlewoman from California talked about that to some extent just a few minutes ago. The distinguished gentleman from Florida (Mr. GOSS) has been very supportive in the progress that is being made in this legislation through his leadership. I think the important point is what we have done through this legislation within the Treasury Department.

Terrorist networks like al Qaeda obviously cannot function without significant financial backing. These terrorists, supported by (A) a shadowy network of fund-raisers, money lenders and shakedown artists; (B) businesses and charities serving as front organizations; and (C) unscrupulous facilitators and middlemen.

Now, prior to the attacks of September 11, the Treasury Department was not organized or equipped to take steps such as the freezing of terrorist bank accounts or assets. Frankly, it has never been as high a priority in Treasury as it should have been. H.R. 2417, this bill, creates an Office of Intelligence and Analysis within the Department of Treasury headed by an Assistant Secretary and tasked with the receipt, analysis, and dissemination of relevant foreign intelligence and counterintelligence information. In short, the conference report makes the Department of Treasury a real player, which can be an effective partner agency, in the global war on terrorism. This Members extends his appreciation to the chairman and the ranking member of the Committee on Financial Services for working in a constructive manner to include this important provision in our legislation today. This Member also congratulates the staff for the exceptional work here.

I think that the leadership presented by the gentleman from Florida (Mr. GOSS), the chairman, and the distinguished gentlewoman from California (Ms. HARMAN), the ranking member, has been demonstrated in bringing forth a genuinely bipartisan product.

The conference report is a very serious effort to improve our intelligence capacity. Each and every member of the committee and its staff dedicated long hours to the drafting of this legislation. Each member recognizes the importance of our actions and responsibilities and things yet to come. This body can justifiably, I believe, be proud of the efforts of the HPSCI in this case and, in particular, the leadership of the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. HARMAN).

Mr. Speaker, this Member urges strong adoption of the conference report to H.R. 2417.

Together, these endeavors have severely tested the capabilities of our intelligence resources. However, America's interests remain global, and we must not devote all our energies to Iraq and al Qa'ida. The Intelligence Community must continue to provide timely, actionable intelligence on a host of potential threats—from nuclear proliferation threats on the Korean peninsula, to narco-traffickers in the jungles of Colombia, to collapsing regimes in West Africa.

Mr. Speaker, we live in a new world, and face new and more terrible threats. In many ways, information gathering was easier when the threat was the Soviet Union. Frankly, the Intelligence Community has been slow in adapting to this new environment. Our intelligence services did not reach out aggressively to recruit the ''human intelligence'' sources that could have provided us invaluable information. We lost far too many of the skilled analysts whose job is to provide early warning. H.R. 2417 provides much-needed funding to rebuild a dynamic, wide-ranging, global analytic capability. But we should be under no illusions—it takes years to develop skilled analysts who are able to ''connect the dots'' and provide our policymakers with timely information.

Ms. HARMAN. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Texas (Mr. REYES), a senior member of our committee.

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

First, Mr. Speaker, I would like to thank the chairman of our committee and ranking member for their commitment to working in a bipartisan manner on the very important work that this committee has to do.

I rise today in strong support of the conference report for H.R. 2417, the Intelligence Authorization Act of 2004. Conferees and staff worked together closely to craft a bill that provides new and better capabilities to fight the war in Iraq and the war on terrorism, as well as to address a range of global intelligence challenges that we, as a country, face today.

I want to highlight two features of this very important bill. The first one is the requirement that the Director of Central Intelligence submit an Iraq Lessons Learned Report to the intelligence committees as soon as possible. Tuesday we debated the merits of the lessons learned in Iraq. I argued that Iraq must not become another Vietnam. We need to know from the intelligence community what has and what has not worked, and what has and what has not gone well in Iraq. Better intelligence is essential to defeating the expanding insurgency that we are seeing there today. I am pleased that the bill underscores the urgency of intelligence lessons learned.

This bill also establishes a pilot project within the intelligence community to enhance the recruitment of individuals with diverse ethnic and cultural backgrounds, skill sets, and language proficiency. The House Permanent Select Committee on Intelligence recently held a rare public hearing on this very issue of diversity. A panel of experts highlighted the capabilities that a diverse workforce bestows upon the intelligence community. It brings added language capability and better understanding of foreign cultures. I am pleased that this bill encourages diversity in the intelligence community.

In a similar vein, this bill also fences a portion of the funds authorized for the community management account until the Director of Central Intelligence submits a report to this committee outlining his plan to improve diversity throughout the intelligence community.

I tried also to include in this bill conference language urging that the Drug Enforcement Agency to make funds available for the El Paso Intelligence Center's Open Connectivity project. That language unfortunately was not included. Nonetheless, I still feel that EPIC has an important role to play in countering terrorism, and I hope that it is recognized for that role in this committee and others in the near future.

Mr. GOSS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Nevada (Mr. GIBBONS), the chairman of our Subcommittee on Human Intelligence, Analysis and Counterintelligence, and a man who has carried some of the more difficult projects that we have had to deal with in this bill.

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

Mr. GIBBONS. Mr. Speaker, I rise in strong support of the Intelligence Authorization bill, and I want to thank my friend and colleague, the gentleman from Florida (Mr. GOSS), for granting me this time to speak on it.

This is a very good bill, Mr. Speaker. It represents a lot of hard work by very dedicated staffs on both sides of the aisle. It addresses intelligence needs that this committee has highlighted for many years. The good news is, Mr. Speaker, that some of the most crucial needs of our intelligence community, the human intelligence and analysis, are getting the funding and attention that they deserve. We are fighting a war on terrorism, and I cannot overemphasize how important human intelligence, also known under the acronym of HUMINT, is to the security of the American people and to our national interests.

The satellites of the Cold War were key intelligence collectors, and our current reconnaissance vehicles are even better today than they have ever been in the past. However, in the world we live in right now, an overreliance on overhead photography and other technical programs would be a mistake. They cannot provide America with plans and intentions of terrorists who plot in secret, hide in civilian populations, and communicate with messengers.

□ 1215

What you have to have is HUMINT, collected by professionals possessing foreign language skills, foreign cultural knowledge, and specialized training necessary for success. This committee encourages the enhancement of these critical skills areas. And this bill authorizes essential funding needed to accomplish these goals.

The second crucial area in the war on terrorism is analysis. Our committee has expressed time and again the importance of a well-trained, experienced analytic cadre. Like the HUMINT capability, building a truly professional analytical cadre takes years of investment in people, technology, and training. The critical skill sets and professional cadres are still too thin and still too few in number. We are still paying the price for the mistakes of the mid-1990s. The good news is, Mr. Speaker, that this bill commits great resources to correct those mistakes.

CIA, FBI, Homeland Security, and other intelligence and law enforcement agencies desperately need qualified analysts. It takes years to develop them, but the development is under way. This committee has seen to that. And this bill is a key measure.

In conclusion, I want to emphasize that the bill before you will significantly help the intelligence agencies increase and sharpen their effectiveness, especially against terrorist groups.

I strongly support this measure, Mr. Speaker. I urge its passage and once again thank the chairman and the ranking member for their leadership in this.

Ms. HARMAN. Mr. Speaker, I yield 2 minutes and 10 seconds to the gentleman from Iowa (Mr. BOSWELL), our committee member who is the ranking member on the Subcommittee on Human Intelligence, Analysis and Counterintelligence.

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

Mr. BOSWELL. Mr. Speaker, I thank the gentleman from Florida (Chairman GOSS) and the gentlewoman from California (Ms. HARMAN), the ranking member, for their leadership and untiring efforts to work together and produce this very meaningful bill. Plus I have never seen better and more dedicated staff than I have seen on this committee, and I appreciate them very much.

It is basic: we have to have the best possible intelligence to enable our troops and protect our Nation again a basic must-do. So I rise in support of H.R. 2417, the Intelligence Authorization Act of Fiscal Year 2004. What is the bottom line of this bill? The bottom line is that it funds important new intelligence capabilities while demanding accountability and improvement in certain areas.

Here are three examples: first, the conference report requires the intelligence community to conduct a review of lessons learned for military operations in Iraq. Based on the committee's reviews so far of prewar intelligence on Iraq, there were some serious deficiencies in collection and analysis that needed to be fixed, must be fixed. The lessons learned provision is essential and will identify new tools and techniques needed.

Second, as the ranking member of the Subcommittee on Human Intelligence, Analysis and Counterintelligence, I want to strengthen HUMINT collection efforts around the world. In our efforts and briefings and in our committee members' oversight trips to Baghdad and other places, members have talked to dozens of intelligence officers who are fighting the war on terrorism and fighting to win the peace in Iraq. I admire their bravery, their patriotism, and their selfless dedication to duty.

This conference report provides them with tools they need to accomplish their mission. It expands language and cultural expertise in the intelligence agencies. It asks the administration to set up a process for reviewing the laws and guidelines associated with data mining. And it supports new tools for sharing information through the Terrorist Threat Integration Center and with local officials to the Department of Homeland Security and local FBI joint task force on terrorism.

Finally, the conference report includes measures that will strengthen the capabilities of defense human intelligence. Through further transformation and reform, defense HUMINT will become more flexible, agile, readily responsive to the Department of Defense intelligence requirements. This is a good bill that will protect Americans. I am pleased to support it.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. LAHOOD) who is the chairman of our Subcommittee on Terrorism and Homeland Security. And that subcommittee has, indeed, been hard at work.

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

Mr. LAHOOD. Mr. Speaker, I rise in support of the Intelligence Authorization Act for fiscal year 2004 and thank our chairman, the gentleman from Florida (Mr. GOSS), for yielding me this time.

I want to compliment the gentleman from Florida (Mr. GOSS) for his extraordinary leadership and the outstanding job that he does and also compliment our ranking member, the gentlewoman from California (Ms. HARMAN), for the good work that she does and the way in which both the chairman and the ranking member are able to work together. I too want to compliment our staff. I think they do a terrific job and work long hours on behalf of really tying to improve intelligence gathering and really keeping the Members posted on what is happening.

Never before have we needed or have we demanded so much of crucial importance from our intelligence community. The intelligence community provides the eyes, ears, and analytical brain power necessary to identify and prevent terrorist attacks. The cataclysmic events of September 11, 2001, provide a unique and compelling mandate for strong leadership and constructive change throughout the intelligence community. This bill adds to that impetus for change.

I believe our committee has authored legislation that strives to fully invest in and engage those economic, military, foreign policy, and law enforcement elements of our intelligence community in the war on terrorism. It strives to employ, integrate, and enhance the capability of the intelligence community to track down and destroy terrorist organizations both overseas and within the United States.

For instance, this legislation supports the attack on international financial support for terrorism, supports the unique analytical capabilities of the Office of Foreign Assets Control at the Treasury Department and further develops these capabilities by establishing the Office of Intelligence Analysis within the Treasury Department. The last measure will streamline and centralize the U.S. Government's capability to track terrorist financial networks around the globe.

As chairman of the Subcommittee on Terrorism and Homeland Security, I am acutely aware of the vital need for our intelligence resources to be marshaled not only on the international front but also in our homeland.

In order to defeat terrorism threats to our Nation, all elements of government must communicate and coordinate more effectively among themselves. The conference report supports efforts to encourage the flow of information, measures including FBI efforts to make internal, structural, and technological changes to improve and expand the use of data mining and other cutting-edge analytical tools; authority for the FBI director to enter into contracts for needed services like language skills, intelligence analysis, and other high-value requirements relate to the flow of information not already available; the creation and nurturing of the Terrorism Threat Integration Center as a central office to monitor threats to the Nation; the inauguration of the Department of Homeland Security's office of Information Analysis and Infrastructure Protection to facilitate timely sharing of relevant information with all appropriate Federal and State and, very importantly, local first responder authorities.

Our committees will continue to encourage the intelligence community development of clear policies and guidelines by which no resource is wasted, no credible terrorist threat left undetected, and threats to our homeland continue to diminish.

The House Permanent Select Committee on Intelligence is very proud of the men and women that serve in the war on terrorism. I am convinced that the bill will make them more effective in their efforts to defend our country. I urge our colleagues to support this legislation.

I would be remiss, though, if I did not say something about what has taken place in what I would characterize as the politicizing of the intelligence gathering in the other body. Specifically, the Senate Select Committee on Intelligence has, I believe, tried to use intelligence gathering as a political vehicle for nothing other than political gain against the President and his team. This is wrong and I decry those who want to use the intelligence efforts of this country for political gain.

These political efforts are unprecedented and I hope the embarrassment brought to bear on the Senate Select Committee on Intelligence will put an end to the charade that has taken place.

Mr. Speaker, at this point I will enter into the RECORD the memo that has been made public that came from the Senate Select Committee on Intelligence.

We have carefully reviewed our options under the rules and believe we have identified the best approach. Our plan is as follows:

(1) 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. We are having some success in that regard. For example, in addition to the President's State of the Union speech, the Chairman has agreed to look at the activities of the Office of the Secretary of Defense (e.g. Rumsfeld, Feith and Wolfowitz) as well as Secretary Bolton's office at the State Department. The fact that the Chairman supports our investigations into these offices, and cosigns our requests for information, is helpful and potentially crucial. We don't know what we will find, but our prospects for getting the access we seek is far greater when we have the backing of the Majority. (Note: We can verbally mention some of the intriguing leads we are pursuing).

(2) Assiduously prepare Democratic ''additional views'' to attach to any interim or final reports the committee may release. Committee rules provide this opportunity and we intend to take full advantage of it. In that regard, we have already compiled all the public statements on Iraq made by senior Administration officials. We will identify the most exaggerated claims and contrast them with the intelligence estimates that have since been declassified. Our additional views will also, among other things, castigate the majority for seeking to limit the scope of the

inquiry. The Democrats will then be in a strong position to reopen the question of establishing an independent commission (i.e. the Corzine amendment).

(3) Prepare to launch an Independent investigation when it becomes clear we have exhausted the opportunity to usefully collaborate with the Majority. We can pull the trigger on an independent investigation of the Administration's use of intelligence at any time—but we can only do so once. The best time to do so will probably be next year either:

(A) After we have already released our additional views on an interim report—thereby providing as many as three opportunities to make our case to the public: (1) Additional views on the interim report; (2) announcement of our independent investigation; and (3) additional views on the final investigation; or

(B) Once we identify solid leads the Majority does not want to pursue. We would 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.

In the meantime, even without a specifically authorized independent investigation, we continue to act independently when we encounter foot-dragging on the part of the Majority. For example, the FBI Niger investigation was done solely at the request of the Vice Chairman; we have independently submitted written questions to DoD; and we are preparing further independent requests for information.

*Summary*

Intelligence issues are clearly secondary to the public's concern regarding the insurgency in Iraq. Yet, 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 outline above seems to offer the best prospect for exposing the Administration's dubious motives and motives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all Members it is not appropriate during debate to characterize the actions or inactions in the other body.

Ms. HARMAN. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO), my colleague and classmate, the ranking member on our Subcommittee on Intelligence Policy and National Security.

Ms. ESHOO. Mr. Speaker, I rise in support of this conference report. And I want to express in the beginning of my comments my appreciation for the hard work, the cooperation of all of my colleagues on the committee, of course, our distinguished chairman and, most particularly, the gentlewoman from California (Ms. HARMAN), who I think really leads us so well on our side and really brings such credit to the work that we do. To the staff of our committee, and, certainly, from where I speak, the minority staff; The word ''intelligence'' is used all the time—I think it resides first with them. They are second to none. And I really salute them for the work they do day in and day out.

This legislation was prepared with our minds still focused on the lessons of September 11 and as the drama in Iraq was unfolding. By these yardsticks this conference report reflects important progress in many areas. One of the most significant lessons to emerge from the joint congressional inquiry into the 9/11 tragedy is the need to improve information-sharing through the extension of modern information technology. Sounds like a no-brainer. But what we have found is that simply was not the case.

The Permanent Select Committee on Intelligence made a concerted effort this year to chart a path to bring the information revolution to the intelligence community. So it is imperative for the Congress to sustain the pressure next year and for the executive branch to embrace this vision.

Regarding so-called data mining of government and private sector databases, this is an extraordinarily large issue, and it contains extensive information on U.S. persons. And this conference report strikes what we believe is the right balance between security and privacy protection for the American people. The American people care about this. The conference report authorizes continued development of data mining tools, but it prohibits their use against domestic databases. It calls for the administration to begin defining the policies, the procedures, and the technologies necessary to safeguard this privacy.

I would like to turn just briefly to the problem of prewar intelligence. The intelligence community has to face up to the problems and the shortcomings in its Iraq estimates. That is why I strongly support the conference report's requirement for the intelligence community to report on lessons learned.

I want to again thank the committee, the committee staff, my colleagues, most especially our gifted leader, the vice chairman of the House Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA) who is chairman of the Subcommittee on Technical and Tactical Intelligence and, obviously, a critical member of the team who has also been one of our world travelers to places that not everybody wants to go to.

Mr. HOEKSTRA. Mr. Speaker, I rise today in support of H.R. 2417 and the conference report to accompany the 2004 intelligence authorization bill.

Mr. Speaker, I am proud to serve as a member of the Permanent Select Committee on Intelligence. It is my pleasure to commend the leadership and direction of the gentleman from Florida (Chairman GOSS) and the ranking member, the gentlewoman from California (Ms. HARMAN), on this nonpartisan bill at a time in this country's history when it is needed most.

This bill addresses the critical need to review the Nation's imagery capabilities and the intelligence community's strategic plan for an imagery architecture. It is imperative that the community sees into the future with a utility of a cohesive imagery structure that focuses on each technical collection system and how it fits uniquely or with intentional redundancy into this broader framework we call an imagery architecture strategy. I think we have a fair spending plan here that provides the support that is needed, yet challenges the community to see more clearly a comprehensive vision of a much-needed cohesive architecture. Just like an architect, we must have a blueprint.

Mr. Speaker, on that note I would also like to express my disappointment that the choices presented to us in this conference report require us to fund a particular classified collection system within this bill. This system does not fit into what we hope will be our Nation's well-conceived architecture. In fact, it is a transgression. It may perpetuate a series of problems.

I would like to commend my colleague, the gentleman from Nevada (Mr. GIBBONS), for his efforts in spearheading a committee campaign to educate all members of the committee on the pros and cons of this program and to praise him for the impact that he had on the authorization for the program in this bill.

Mr. Speaker, the intelligence community is building a number of tools. I believe we need to use them and use them jointly and across services and agencies. I am glad to say that this bill addresses the need for greater emphasis on tasking, processes, exploitation, and dissemination practices within the intelligence community.

□ 1230

These intelligence systems are becoming so proprietary and so complex and so autonomous that neatly networking them is becoming equally as difficult. It is very important that we observe collectively how these systems are used and by whom for greatest benefit. I believe this bill enforces that concern.

Mr. Speaker, H.R. 2417 supports our intelligence community as it supports our country's defense. Most visibly our intelligence community is fully supporting our military and other personnel in Operation Iraqi Freedom, in Operation Enduring Freedom, at Guantanamo Bay and here in homeland security operations. Mr. Speaker, intelligence is our Nation's first line of defense. We needs to support it and our intelligence professionals who continue to do heroic, but unheralded, work around the globe.

Mr. Speaker, I am pleased that this bill properly supports the intelligence community as it proves our best and first line of defense for America. I urge my colleagues to support H.R. 2417.

Ms. HARMAN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from

California (Ms. HARMAN) has 13 minutes remaining. The gentleman from Florida (Mr. GOSS) has 11 minutes remaining.

Ms. HARMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), another committee member.

Mr. HOLT. Mr. Speaker, as many of my colleagues have already done, I would like to compliment the chairman on his commitment to bipartisanship within the committee, not only in the presentation of this bill but in so many of the committee's activities. The two sides may not see eye to eye on every issue, but the two sides do share a commitment to national security.

I especially want to thank the ranking member, the gentlewoman from California (Ms. HARMAN), for her leadership and bipartisanship. She brings to her position a vigorous commitment to the Nation's intelligence.

Mr. Speaker, I rise in support of H.R. 2417. The bill enhances our Nation's intelligence capabilities in several important ways: In all source analysis, in foreign language capabilities, in human intelligence, in counter-terrorism watchlists and in particular programs. It is a step forward in what is I think a long-term transformation of the intelligence community.

The bill is based on a good measure of oversight, but as I spoke earlier today here, it is difficult to provide the kind of full oversight of such a multifaceted and secretive undertaking, but it is essential that we do so.

Intelligence, like law enforcement and policing, is essential to an orderly society; but like policing, it has great potential for misuse, challenging personal rights and civil liberties and abroad it can harm as well as advance our interests.

It is also essential that we, as a committee, support and stand behind the dedicated people and very talented people who sacrifice so much, sometimes even their lives, to keep alive American ideals.

We know that our intelligence is not perfect. We have a particularly good example of that in the intelligence that led up to and into the war with Iraq. I hope the committee will continue to scrutinize the way in which intelligence on Iraq's threat or perceived threat to the United States may have been deficient and to draw lessons for the future. The committee's oversight of this issue will be especially important if the long-term transformation of the intelligence community is to result in better intelligence.

I hope we will continue to move toward more use of understanding of unclassifieds and open sources. There is often, in fact, more useful knowledge in open sources than from the secret sources that the intelligence community sometimes so depends on.

I am disappointed that this bill does not include my proposal to authorize $10 million for two programs designed to increase language proficiency in America. Inadequate language capabilities actually threaten our national security. We must invest more in the creation of a workforce possessing requisite language skills; and to do this we must build greater proficiency throughout the country. We must increase the pool. There is bipartisan agreement on that, I believe, in the committee.

I appreciate the chairman's commitment to finding a comprehensive solution to intelligence community deficiencies, indeed, national deficiencies in our language capabilities. I look forward to doing that with the chairman in the next session on, as in so many things in this committee, a bipartisan basis.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a very dedicated member of our committee who is well known for other capabilities as well.

Mr. CUNNINGHAM. Mr. Speaker, I thank the chairman and the ranking member. This is a good bill. It is a bipartisan effort. The members, the people that have been on the committee and the new members I think have done a good job, and especially the staffs. Everybody should vote for this bill. It is good however, I have some concerns that I would like to bring up, not about the bill, but about the intelligence process.

For years, our military has been drawn and cut down in half. If you look at the Air Wings, the number of services, the number of tanks, the number of ships, the number of Marine Corps, the number of Air Wings that we have, it has almost been cut in half, but yet we ask our military to do almost four times what they did during previous years.

Now, how does that effect the intelligence community? Because every time DOD is deployed, our intelligence agents have to deploy with them. We spread them thin. And there are Members in this body and the other body that continually, through their liberal views, choose to cut defense and intel to pay for social programs.

Now, those in many cases are the same Members that I have heard get up on this floor and in the other body talk about, oh, how devastating it is that we do not have enough body armor for our troops or we cannot upgrade Humvees or that George Tenent should be replaced. But in some cases, those same Members have voted to cut the funding necessary to give those individuals the tools they need to do their job, and that is wrong.

You will not see that portion in any report that we have done either in this body or the other body, because I do not think they have got the guts to put it in there. They will not point at themselves, because they won't give our kids and our intel folks the funding that they need.

We have older systems that have been drawn out. In the previous administration, we went into Haiti and Somalia. Those places are the hell holes of the Earth, and they are still there. Look at Kosovo, the number of missions. You know how many tanks we sunk in Kosovo? Five. We destroyed a country, but we had five kills and we wore out our equipment. Guess what? CIA and intel and NSA, they were all involved in that, and we spread them thin. So I would caution the Members who chastise Mr. Tenent or any of the other leadership that we put in those positions because we need to give them the tools to do their job. They are hard working, dedicated individuals, spread to thin.

The other thing that I would bring up that upsets me is that there have been some memos using this committee in the other body as a partisanship tool to take a majority and the White House. That is wrong. During a time of war, Mr. Speaker, that does disservice to this Nation, to this committee and to the American people.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind Members it is not appropriate during the debate to characterize actions or inactions in the other body.

Ms. HARMAN. Mr. Speaker, I yield myself 10 seconds.

I would just point out that Members on our side strongly support the women and men in the field who work in our intelligence community. I assume the prior speaker is aware of that.

We also, to my knowledge, have not produced any memos around here that could be characterized as divisive. We are all pulling in the same direction, and that is, hopefully, to enhance our national security.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), a senior member of our committee and a senior member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend, the ranking member, and she is my friend, for yielding me time.

Mr. Speaker, I regret that the gentleman from California (Mr. CUNNINGHAM), our colleague on the other side who just spoke, has left the room. For I did want to remind him what the ranking member just has said and that is every member of the House Permanent Select Committee on Intelligence vigorously and actively supports the intelligence community in its entirety and fully recognizes the extraordinary and dangerous work that they do on behalf of this great Nation.

I rise in support of this measure. As ranking member of the Subcommittee on Terrorism and Homeland Security, I have had the privilege to meet many talented and dedicated intelligence professionals. I sincerely appreciate the sacrifices they have made to ensure that United States interests both in

our homeland and abroad are protected. We must make a continued investment in human resources, our greatest intelligence assets. This bill does that by increasing funds available for language proficiency maintenance and awards initiatives and providing specialized training for collectors and analysts.

I am pleased that this bill also includes a provision similar to one I offered on the House floor. It requires the intelligence community to establish a pilot project to recruit people of diverse ethnic and cultural backgrounds and those proficient in critical foreign languages. Annual statistics, and the committee's November 5 public diversity hearing demonstrate that the intelligence community continues to lag behind the Federal workforce and the private sector in the number of women and minorities in its ranks, especially in core mission areas. Clearly, more must be done to increase diversity across the intelligence community. I believe that this pilot project is another important step in this regard.

Finally, it is important to note that this bill authorizes only part of the operating funds for the intelligence community. A huge portion of intelligence funds were provided in the $87 billion Iraqi counterterrorism supplemental and in the supplementals that proceeded it. I am extremely concerned about our government's increasing overreliance on supplemental appropriations.

Budgeting by supplementals greatly undermines the committees's ability to effectively oversee how funds appropriated by Congress are spent. I fear this trend may lead to less accountability in the budget building and accounting process, a perhaps unintended, but nonetheless unacceptable, consequence.

On balance, this bill does much to enhance our Nation's international security efforts. For this reason, I urge my colleagues to support it. I am prepared at this time to support this measure.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), the vice chairman of the committee.

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

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

I did want to mention in response to what the gentleman from New Jersey (Mr. HOLT) said about the language issue, I have been charged with the responsibility, with the help of the gentlewoman from California (Ms. ESHOO), for taking on this subject and seeking broadly the sources of information to give us the best product. My hope is that we will have a separate bill on the subject of language training and recruitment before the House some 4 to 6 months after the next session of Congress is convened.

I also wanted to speak further on the HUMIT issue. Our distinguished colleague from Nevada (Mr. GIBBONS) has emphasized the importance of this issue very well, but I want to bring up a couple of other points.

I mentioned, of course, that we are focussed heavily on the terrorist conflicts that create so many problems for us in places like Afghanistan and Iraq. However, we do have global responsibilities. So the intelligence community needs to continue to provide timely, actionable intelligence on a host of potential threats from nuclear proliferation threats on the Korean peninsula, from narcotraffickers in the jungles of Colombia, from collapsing regimes in West Africa.

Mr. Speaker, I would emphasize for our colleagues, and all Americans, that we live in a new world and face new and more terrible threats. In many ways, information gathering was easier when the threat was the Soviet Union. Frankly, the intelligence community has been slow in adapting to this new environment.

In the judgment of this Member, our intelligence service did not reach out aggressively to recruit the human intelligence sources that would have provided us with valuable information.

In our previous authorization bill, we corrected one of the reasons for that failure in asset recruitment. Also, because of budgetary restraints, the intelligence community in the mid-1990s lost far too many of its skilled analysts whose job was to provide early warning. This legislation provides much-needed funding to further rebuild a dynamic, wide-ranging global analytical capability. But we should be under no illusion. It takes years to develop skilled analysts who are able to connect the dots and provide our policy makers with timely information.

□ 1245

Mr. Speaker, we have made a start here. This is good legislation. I urge its support and I thank the chairman for yielding me this time.

Ms. HARMAN. Mr. Speaker, my understanding is there is an additional speaker on the other side, and then the gentleman from Florida (Chairman GOSS) obviously has the right to close. I would reserve our time until all speakers but the chairman have spoken.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Idaho (Mr. OTTER).

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

Mr. OTTER. Mr. Speaker, I thank the chairman for this time that he has offered me today.

I rise in deep concern over a provision in this legislation. Like most of my colleagues, I supported H.R. 2417 when it came before the House in June; but after tertiary review, I find that there is a provision in the bill that potentially has long-reaching effects on civil liberties. H.R. 2417 includes a provision that would expand the FBI's power to demand financial records, without a judge's approval, to a large range of businesses, vastly wider than their current authority.

Right now the FBI has the authority to serve subpoenas to traditional financial institutions when investigating terrorism and counterintelligence without having to seek a judge's approval. The law understands the phrase ''financial institutions'' as we do: banks, loan companies, savings associations and credit unions. Currently, these are the types of institutions subject to administrative subpoenas.

The provision in this bill, however, uses a definition of financial institutions to decide what organizations are subject to administrative subpoenas. Under this bill, not only are the traditional financial institutions like banks and credit unions affected but so are pawnbrokers, casinos, vehicle salesmen, real estate agents, telegraph companies, travel agencies, the U.S. Postal Service, just to name but a few.

Winning the war against terrorism is indeed vital, Mr. Speaker, and we must make sure that our law enforcement officials have the tools necessary to engage this war and win these battles. The FBI's need for authority to subpoena these groups in order to track and find and shut down terrorist operations is not in question, and I do not question that. However, under these provisions, the FBI no longer needs a court order to serve such a subpoena on a new and lengthy laundry list of financial institutions. With this legislation, we eliminate the judicial oversight that was built into our system for a reason, to make sure that our precious liberties are protected.

In our fight for our Nation to make the world a safe place, we must not turn our backs on our own freedoms. Expanding the use of administrative subpoenas and threatening our system of checks and balance is a step in the wrong direction.

Ms. HARMAN. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentlewoman from California (Ms. HARMAN) has 7 minutes remaining, and the gentleman from Florida (Mr. GOSS) has 4 minutes remaining.

Ms. HARMAN. Mr. Speaker, I am the concluding speaker on our side, and I yield myself such time as I may consume.

Let me say first that the views of the prior speaker are views I share. I am sad to hear that he will oppose the bill, but I certainly agree that we need to be sure we are narrowing the reach of these national security letters and limiting them only to financial transactions. It is important that we find terrorists.

It is important that we track terrorist financing; but it is, by my lights, risky to fail to include additional language in the bill or the report that would make clear what our intent is. I hope this new authority will not be

abused. I will certainly be watching it carefully, and I do appreciate the fact that the prior speaker expanded on what abuses could potentially occur.

Mr. Speaker, first I would like to thank the women and men who work in our intelligence community around the world. I have been to austere places all over the world, and I have met women and men who work in the most dangerous conditions who put our security first, ahead of theirs, and who leave their families at home and take enormous risks for our country. I salute them. I know how dangerous their jobs are. I appreciate what they do every single day.

And particularly, let me say today to our intelligence community in Iraq and in Turkey and places that are under siege, I really appreciate what they are doing. I thank them very much.

I also want to say thank you to the members of this committee. All of them work hard. There is bipartisanship in this committee, and I thank the gentleman from Florida (Mr. GOSS) for the partnership we have had over some years now.

Let me thank the hardworking staff on a bipartisan basis. Every one of them works enormously hard, and I would just like to recognize the eight minority staffers, most of whom are sitting around me right now: Suzanne Spaulding, the minority chief of staff; Bob Emmett; John Keefe; Beth Larson; Marcel Lettre; Kirk McConnell; Wyndee Parker; and Ilene Romack. Thank you every day for what you do.

Let me just make three concluding points. First, facing tough issues. It is absolutely critical at a time when security risks are expanding around the world that we face tough issues; that Congress face tough issues and ask tough questions; and that the intelligence community, which tries hard but has not always delivered perfect products, face tough issues, go through this lessons learned exercise and learn from wrong judgments that were made or inadequate collection that occurred so that the next products that are prepared by good people can be the best possible products. Please let us face tough issues.

Second of all, I want to make the point that our oversight in this committee on a bipartisan basis requires constructive criticism of the intelligence community. We have done this over the years. Last year, we issued a tough report. The Subcommittee on Terrorism and Homeland Security, of which I was ranking member and Mr. CHAMBLISS, who is now in the other body, was chairman, issued a tough report on some of the problems in intelligence leading up to 9/11. That report was constructive criticism. Some of the recommendations we made have been heeded; some have not. Constructive criticism, asking tough questions are things we properly should do.

Finally, let me suggest again to the intelligence community that it is important to engage in dialogue with this committee. Shrill press releases are not dialogue. Quiet conversations, talking about how we see things, what we think can be improved, why it needs to be improved, will get the job done.

This bill provides many new resources, many, many new resources, and is carefully crafted to suggest best directions for the intelligence community. We have confidence in the people who work there. We are proud of them. We thank them. We are trying to help them do better.

I urge support of this authorization conference report.

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

Mr. GOSS. Mr. Speaker, I yield myself the remaining time.

I just want to take a few minutes to congratulate my ranking member for the superb job that she has done on her side of the aisle in this conference report and throughout the year. To say she is hardworking and dedicated does not quite get it. I have words here that say her determination is fierce and she is definitely a force to be reckoned with. That does not quite say it either. She is a very valuable asset, and we are very grateful for her energies and suggestions and leadership and the way she goes about her business.

This is her very first conference report as ranking member I think, if I have got my history right; and she obviously was of significant importance in bringing the report through for the authorization bill that the House did, but she was also significantly helpful in the negotiations with the other body which I am not allowed to mention.

I would also like to thank each and every member of HPSCI for their undying dedication to the security of our Nation and the protection of the people of the United States. That is what we do. Each member works very hard learning the business of intelligence, and it is not an easy subject. What they come to understand in that process is that this Nation is far better off with our intelligence professionals than we would be without them. I know sometimes the debate rages about whether intelligence is an appropriate thing for gentlemen to be discussing in a civilized society. Well, I can tell my colleagues we could not exist without it.

The rank-and-file employees of the intelligence community every day, as the gentlewoman has said, protect the very liberties we cherish. They do it day in and day out; and as they go about gathering the secrets and information necessary for our policy-makers to make the very tough decisions they have to make, they incur a lot of risk. The members of the HPSCI understand this pretty clearly. That is because we have been out and about and talking to them. We do travel a lot. We go to the places that not everybody wants to go to. We get into the issues not everybody wants to fool around with. Frankly, that is why it is easy to leave partisanship outside the door of the committee chamber.

Finally, I want to thank committee staff, all HPSCI staff, all sides, both together, including, obviously, Democratic members and Republican members and those who do not want to declare either side who we call our support staff. Without staff support, it is obviously their expertise, their dedication, our committee would not do much of anything.

They do work late hours. I know that occasionally when I work late hours I find them there. I find them occasionally when I come in early I find them there. They do wonderful things for us, and they get very little recognition. I know a lot of the work is tedious and mundane and a lot of it is exciting, and I appreciate their contributions in all of those areas.

The other thing I know for sure is the work space up there leaves a lot to be desired, and I promise we are going to work on a lavatory soon. We do feel the days have come when there is indoor plumbing, and we should acknowledge that on the Permanent Select Committee on Intelligence.

Everybody deserves congratulatory words today, and I want to thank everybody, and I mean that very sincerely.

There is one person on the committee I am going to single out today, though, who serves as the committee's budget director who is entitled, I think, for specific recognition this year. Mike Meermans has served the government for now, I am told, 30 years, in fact something in excess of that. Among other jobs in the United States he served in the United States Air Force, and he has been engaged by the government as an Arab linguist. Mike has been with HPSCI since 1995. This is his 8th year on the committee.

It has been a very trying year for Mike, whose college-age son early in the year was diagnosed with cancer. Throughout his son's course of treatment, Mike was by his side, I know, every step of the way, being a great father, and all the while managing the committee's authorization process, crunching numbers, writing the report language, negotiating with the executive branch and with the other body, and frankly, getting into mysteries in the intelligence community that I find too complex to understand. He did all of this with energy, with fortitude and aplomb. He is the manifestation of the wonderful and professional staff which HPSCI is blessed with and is well served by.

I just wanted to say to Mike that he is appreciated not just for his legislative talents but more so because he is a good guy. He is a nice guy, a great father. His only purpose in serving HPSCI is actually to make America stronger, and this year when he had family duties, he understood those as well and met them.

To his wife, Lois, and their family, especially their son Brian, I thank them for allowing him to work so hard for us, and I am sorry we had to take

him away so much of the time. We are better and the Nation is stronger because of him, and their pride in him is very well deserved. We share that pride.

Mike, for you, thank you for all your hard work in years past, this year especially. You made an extremely difficult year for you personally a successful year for the committee. You made it seem routine. We are all extremely happy to hear your son is on the mend and recently received more good news from the doctors. Our prayers for continuous good news are with you. You deserve our gratitude, and we express it here now.

I also want to say that about a year ago we were just packaging up the joint inquiry product. We had an extensive effort with our colleagues in the other body to understand 9/11, what went wrong. We came up with a good report. It was a long one. I think it steered us in some directions that corrections have already been taken. It also created a follow-on commission, the national commission, which is at work now under the leadership of Governor Kean and former member Lee Hamilton, for whom we have great admiration. I think that I should point out to the people in the United States of America that we are part of the review they are doing. We have invited them to conduct oversight of how we do oversight. So the American people can be reassured that there is oversight of the intelligence community, and some of the things we cannot talk about are indeed watched by others.

My time has come to an end. We have had a good year. We look for a better year ahead dealing with capabilities to make sure our country is safer.

Mr. OXLEY. Mr. Speaker, I rise in support of the conference report for H.R. 2417, the Intelligence Authorization Act for Fiscal Year 2004, and to note the Financial Services Committee's interest in three sections of the report. All of the sections seek to improve this country's ability to fight the financing of terrorists, and I wholeheartedly support them.

Section 105 of the report establishes an Office of Intelligence and Analysis within the Department of the Treasury, headed by an Assistant Secretary appointed by the President after consultation with the Director of Central Intelligence. Formation of the office is necessary because the Treasury's Office of Foreign Assets Control and its Financial Crimes Enforcement Network are essential tools in the fight against the funding of terrorism, but today lack access to some ''secure'' information essential to that effort. Establishment of the office creates a secure channel for that information to flow, as necessary, to FinCEN and OFAC, and for them to send back appropriate information.

Section 374 modernizes the definition of financial institutions that may be served administrative subpoenas, as rigidly controlled by the existing Right to Financial Privacy Act. When that Act was written, banks were really the only ''financial Institutions'' a terrorist might have used to stash or transfer money. As our efforts to stamp out terror financing have become more successful, a lot of that activity has moved over into other, less-traditional sorts of financial-services businesses—even, for example, to dealers in precious commodities such as gold or diamonds. The USA PATRIOT Act appropriately expanded the definition of ''financial institution'' to include these other financial-services businesses. This section establishes parity in the definition of ''financial institution'' between the PATRIOT Act and the RFPA, allowing the judicious use of administrative subpoenas in terror cases to reflect this larger universe of businesses that might be exploited. Here I must note my discomfort that the conference report ignores the Financial Services Committee's request that Section 374 include the right to injunctive relief as provided for in Section 1118 of the Right to Financial Privacy Act.

Section. 376 allows for the ''in camera'' review of sensitive information that leads to imposition of ''special measures'' isolating rogue countries or banks, as defined under Sec. 311 of the PATRIOT Act. Under the previous version of Sec 311, there is no ability to protect this sensitive information should it be necessary for the imposition of the ''special measures,'' and that omission argues against use of the powers as effectively as we would like. For example, if the Central Intelligence Agency should have information that a bank were doing business with a terrorist, it quite possibly would be counterproductive to expose the CIA's sources and methods to indict individuals or shut down the bank, but the Treasury's ''special measures'' under Sec. 311 could effectively isolate the bank if the sensitive information could be used ''in camera.'' This section merely provides protection of that sensitive information that might be used to support the imposition of those measures.

Mr. Speaker, these three sections are all important tools in the fight against terrorism, and I strongly support their inclusion. I regret that Section 1118 was not reference in the report's Section 374, and the Financial Services Committee reserves the right to address that issue later. Meanwhile, I support the conference report and ask for its immediate passage.

Mr. CONYERS. Mr. Speaker, I rise to state my opposition to a provision in this conference report that intrudes on our civil liberties and will do little, if anything, to protect us from terrorism.

I think it is important that law enforcement have the powers it needs to investigate acts of money laundering that are connected to terrorism and espionage, but we must ensure those powers are reasonable and appropriately crafted. Current law already gives the FBI the ability to obtain financial records from various financial institutions, which are defined as banks, savings and loans, thrifts, and credit unions, with little or no judicial oversight. In fact, the government can delay notification to a court that it has sought such records if it merely certifies in writing that it required emergency access to the documents.

Now, the FBI is seeking investigative authorities beyond what are necessary for terrorism and intelligence investigations. Section 374 of the conference report would give the FBI even more unfettered authority by subjecting a broader group of ''financial institutions'' to the FBI's special investigative authorities. The FBI would be able to seek financial records not only from traditional financial institutions but also from pawnbrokers, travel agencies, car dealers, boat sellers, telegraph companies, and persons engaged in real estate transactions, among others.

The record of the Bush administration demonstrates that this provision is a significant intrusion on our civil liberties that will not be used to protect us from terrorism. In the days after September 11, the administration demanded from Congress expanded powers to root out terrorist activity. Congress granted much of those powers in the form of the USA PATRIOT Act, but the administration has yet to justify how it has used those powers to find the planners of the 2001 attacks or to thwart other, planned attacks. Instead, the administration returns to Congress with requests for more authorities, such as this one, in a grab for power.

For these reasons, I urge my colleagues to vote ''no'' on this conference report.

Mr. KUCINICH. Mr. Speaker, I stand today strongly opposed to the Conference Report on H.R. 2417, the Intelligence Authorization Act for FY 2004.

Although the House of Representatives recently voted in a bi-partisan and overwhelming fashion to repeal Section 213 of the PATRIOT Act, a provision that threatens Americans' rights by allowing for ''sneak and peak searches'', it appears the administration is poised to move ahead with further actions that endanger civil liberties by slipping an expanded PATRIOT Act power in the Intelligence Conference Report.

The hidden measure would significantly expand the FBI's power to acquire financial records without judicial oversight from car dealers, pawnbrokers, travel agencies, and many other businesses. Traditional financial institutions like banks and credit unions are already subject to such demands, but this dramatic expansion of government authority will mean that records created by average citizens who purchase cars, plan vacations, or buy gifts will be subject to government seizure and analysis without the important requirements of probable cause or judicial review.

This provision initially appeared in a leaked draft of so-called ''PATRIOT II'', a proposal the American public and Members on both sides of the aisle in the House and Senate publicly rejected. It is now clear the administration's strategy is to pass PATRIOT II in separate pieces with little public debate and surreptitiously attached to other legislation. This is far from an appropriate or democratic way to handle issues that affect the fundamental liberties and freedoms of Americans.

I urge the administration and the Attorney General to openly and honestly return to Congress to discuss options that curtail, not expand, the PATRIOT Act to make it consistent with the United States Constitution. I also urge my colleagues to vote against the Intelligence Conference Report and this unnecessary and dangerous expansion of the government's assault on civil liberties.

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

The previous question was ordered.

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

The yeas and nays were ordered.

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

## FURTHER MESSAGE FROM THE SENATE

A further 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. 3182. An act to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1904) ''An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes,'' disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. MCCONNELL, Mr. CRAPO, Mr. DOMENICI, Mr. HARKIN, Mr. LEAHY, and Mr. DASCHLE, to be the conferees on the part of the Senate.

□ 1300

## RECESS

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 p.m.), the House stood in recess subject to the call of the Chair.

□ 1335

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 1 o'clock and 35 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

House Joint Resolution 78, by the yeas and nays;

conference report on H.R. 2417, by the yeas and nays;

motion to instruct on H.R. 1, by the yeas and nays; and

motion to instruct on H.R. 2660, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the vote on the passage of the joint resolution, H.J. Res. 78, on which the yeas and nays are ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 410, nays 10, not voting 14, as follows:

[Roll No. 648]

YEAS—410

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

NAYS—10

Berry
Capuano
DeFazio
Filner
Flake
Ford
Jackson-Lee (TX)
Kucinich
Miller, George
Paul

NOT VOTING—14

Berman
Blackburn
Buyer
Cubin
Davis (FL)
DeMint
Fletcher
Gephardt
Kaptur
Maloney
Nunes
Ruppersberger
Sherman
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Mr. TERRY changed his vote from ''nay'' to ''yea.''

□ 1358

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mrs. BLACKBURN. Mr. Speaker, on rollcall No. 648, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. RUPPERSBERGER. Mr. Speaker, on November 20, 2003, I was attending the funeral of my long time friend and one of my dearest colleagues, Maryland State Delegate Howard P. Rawlings, chairman of the Maryland's House Appropriations Committee. Because of the services, I was unable to make rollcall vote 648.

If I were present, on rollcall vote 648, I would have voted "yea."

## CONFERENCE REPORT ON H.R. 2417, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

The SPEAKER pro tempore. The pending business is the question of agreeing to the conference report on the bill, H.R. 2417, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 264, nays 163, not voting 7, as follows:

[Roll No. 649]

YEAS—264

Aderholt
Akin
Alexander
Andrews
Bachus
Baker
Ballenger
Barrett (SC)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Castle
Chabot
Chocola
Clay
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dooley (CA)
Doolittle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Evans
Everett
Feeney
Ferguson
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holt
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Janklow
Jenkins
John
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Marshall
Matheson
McCarthy (NY)
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meeks (NY)
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Oxley
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stenholm
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—163

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Becerra
Bell
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Case
Clyburn
Conyers
Cooper
Costello
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Duncan
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hill
Hinchey
Hoeffel
Holden
Honda
Hooley (OR)
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Pombo
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Scott (VA)
Serrano
Simpson
Slaughter
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Wexler
Woolsey
Wynn

NOT VOTING—7

Buyer
Cubin
Davis (FL)
DeMint
Fletcher
Gephardt
Sherman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1415

Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM, Ms. MCCARTHY of Missouri, Ms. BERKLEY, Messrs. KENNEDY of Rhode Island, BAIRD, ACKERMAN, JEFFERSON, OBEY, HOEFFEL, Mrs. CAPPS, Messers. VAN HOLLEN, WYNN, PENCE, THOMPSON of Mississippi, PALLONE, LANGEVIN, Ms. HOOLEY of Oregon, Mr. TANNER, Ms. LORETTA SANCHEZ of California, Messrs. BISHOP of New York, JONES of North Carolina, MANZULLO, LAMPSON, DINGELL, LEACH, HOLDEN, ROTHMAN, Ms. LINDA T. SÁNCHEZ of California, Messrs. KIND, BALLANCE, MCNULTY, JOHNSON of Illinois, MATSUI, GREEN of Texas, TAYLOR of Mississippi, HILL, GONZALEZ, COOPER, SANDLIN, CASE of Hawaii, ROSS, PRICE of North Carolina, MILLER of North Carolina, ETHERIDGE, Ms. ROYBAL-ALLARD, Mr. SPRATT, Mr. MOORE and Mr. BACA changed their vote from "yea" to "nay."

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. 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 gentlewoman from Oregon (Ms. HOOLEY) 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 201, nays 222, not voting 11, as follows:

[Roll No. 650]

YEAS—201

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell

Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—222

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)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
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
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Baker
Buyer
Cubin
Davis (FL)
Davis (IL)
DeMint
Fletcher
Gephardt
Herger
Sherman
Slaughter

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1423

Mr. ROYCE changed his 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. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote 650. Had I been present, I would have voted ''yea'' on rollcall vote 650.

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

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 2660.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. KILDEE).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 360, nays 64, not voting 10, as follows:

[Roll No. 651]

YEAS—360

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Ballance
Ballenger
Barrett (SC)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherwood
Shuster

Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NAYS—64

Baker
Bartlett (MD)
Barton (TX)
Biggert
Blackburn
Bonner
Burgess
Cannon
Cantor
Coble
Collins
Crane
Culberson
DeLay
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Everett
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Goss
Hart
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Hyde
Johnson, Sam
Jones (NC)
King (IA)
Kingston
Linder
Miller, Gary
Musgrave
Nunes
Oxley
Paul
Pence
Pitts
Radanovich
Rohrabacher
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (MI)
Souder
Stearns
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Weldon (FL)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—10

Buyer
Carson (OK)
Cubin
Davis (FL)
Davis (IL)
DeMint
Fletcher
Gephardt
Pomeroy
Sherman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1430

Mr. TERRY changed his vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

## 21ST CENTURY NANOTECHNOLOGY RESEARCH AND DEVELOPMENT ACT

Mr. BOEHLERT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 189) to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

The Clerk read as follows:

S. 189

*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 ''21st Century Nanotechnology Research and Development Act''.

**SEC. 2. NATIONAL NANOTECHNOLOGY PROGRAM.**

(a) NATIONAL NANOTECHNOLOGY PROGRAM.—The President shall implement a National Nanotechnology Program. Through appropriate agencies, councils, and the National Nanotechnology Coordination Office established in section 3, the Program shall—

(1) establish the goals, priorities, and metrics for evaluation for Federal nanotechnology research, development, and other activities;

(2) invest in Federal research and development programs in nanotechnology and related sciences to achieve those goals; and

(3) provide for interagency coordination of Federal nanotechnology research, development, and other activities undertaken pursuant to the Program.

(b) PROGRAM ACTIVITIES.—The activities of the Program shall include—

(1) developing a fundamental understanding of matter that enables control and manipulation at the nanoscale;

(2) providing grants to individual investigators and interdisciplinary teams of investigators;

(3) establishing a network of advanced technology user facilities and centers;

(4) establishing, on a merit-reviewed and competitive basis, interdisciplinary nanotechnology research centers, which shall—

(A) interact and collaborate to foster the exchange of technical information and best practices;

(B) involve academic institutions or national laboratories and other partners, which may include States and industry;

(C) make use of existing expertise in nanotechnology in their regions and nationally;

(D) make use of ongoing research and development at the micrometer scale to support their work in nanotechnology; and

(E) to the greatest extent possible, be established in geographically diverse locations, encourage the participation of Historically Black Colleges and Universities that are part B institutions as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) and minority institutions (as defined in section 365(3) of that Act (20 U.S.C. 1067k(3))), and include institutions located in States participating in the Experimental Program to Stimulate Competitive Research (EPSCoR);

(5) ensuring United States global leadership in the development and application of nanotechnology;

(6) advancing the United States productivity and industrial competitiveness through stable, consistent, and coordinated investments in long-term scientific and engineering research in nanotechnology;

(7) accelerating the deployment and application of nanotechnology research and development in the private sector, including startup companies;

(8) encouraging interdisciplinary research, and ensuring that processes for solicitation and evaluation of proposals under the Program encourage interdisciplinary projects and collaborations;

(9) providing effective education and training for researchers and professionals skilled in the interdisciplinary perspectives necessary for nanotechnology so that a true interdisciplinary research culture for nanoscale science, engineering, and technology can emerge;

(10) ensuring that ethical, legal, environmental, and other appropriate societal concerns, including the potential use of nanotechnology in enhancing human intelligence and in developing artificial intelligence which exceeds human capacity, are considered during the development of nanotechnology by—

(A) establishing a research program to identify ethical, legal, environmental, and other appropriate societal concerns related to nanotechnology, and ensuring that the results of such research are widely disseminated;

(B) requiring that interdisciplinary nanotechnology research centers established under paragraph (4) include activities that address societal, ethical, and environmental concerns;

(C) insofar as possible, integrating research on societal, ethical, and environmental concerns with nanotechnology research and development, and ensuring that advances in nanotechnology bring about improvements in quality of life for all Americans; and

(D) providing, through the National Nanotechnology Coordination Office established in section 3, for public input and outreach to be integrated into the Program by the convening of regular and ongoing public discussions, through mechanisms such as citizens' panels, consensus conferences, and educational events, as appropriate; and

(11) encouraging research on nanotechnology advances that utilize existing processes and technologies.

(c) PROGRAM MANAGEMENT.—The National Science and Technology Council shall oversee the planning, management, and coordination of the Program. The Council, itself or through an appropriate subgroup it designates or establishes, shall—

(1) establish goals and priorities for the Program, based on national needs for a set of broad applications of nanotechnology;

(2) establish program component areas, with specific priorities and technical goals, that reflect the goals and priorities established for the Program;

(3) oversee interagency coordination of the Program, including with the activities of the Defense Nanotechnology Research and Development Program established under section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) and the National Institutes of Health;

(4) develop, within 12 months after the date of enactment of this Act, and update every 3 years thereafter, a strategic plan to guide the activities described under subsection (b), meet the goals, priorities, and anticipated outcomes of the participating agencies, and describe—

(A) how the Program will move results out of the laboratory and into application for the benefit of society;

(B) the Program's support for long-term funding for interdisciplinary research and development in nanotechnology; and

(C) the allocation of funding for interagency nanotechnology projects;

(5) propose a coordinated interagency budget for the Program to the Office of Management and Budget to ensure the maintenance of a balanced nanotechnology research portfolio and an appropriate level of research effort;

(6) exchange information with academic, industry, State and local government (including State and regional nanotechnology programs), and other appropriate groups conducting research on and using nanotechnology;

(7) develop a plan to utilize Federal programs, such as the Small Business Innovation Research Program and the Small Business Technology Transfer Research Program,

in support of the activity stated in subsection (b)(7);

(8) identify research areas that are not being adequately addressed by the agencies' current research programs and address such research areas;

(9) encourage progress on Program activities through the utilization of existing manufacturing facilities and industrial infrastructures such as, but not limited to, the employment of underutilized manufacturing facilities in areas of high unemployment as production engineering and research testbeds; and

(10) in carrying out its responsibilities under paragraphs (1) through (9), take into consideration the recommendations of the Advisory Panel, suggestions or recommendations developed pursuant to subsection (b)(10)(D), and the views of academic, State, industry, and other appropriate groups conducting research on and using nanotechnology.

(d) ANNUAL REPORT.—The Council shall prepare an annual report, to be submitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, and other appropriate committees, at the time of the President's budget request to Congress, that includes—

(1) the Program budget, for the current fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);

(2) the proposed Program budget for the next fiscal year, for each agency that participates in the Program, including a breakout of spending for the development and acquisition of research facilities and instrumentation, for each program component area, and for all activities pursuant to subsection (b)(10);

(3) an analysis of the progress made toward achieving the goals and priorities established for the Program;

(4) an analysis of the extent to which the Program has incorporated the recommendations of the Advisory Panel; and

(5) an assessment of how Federal agencies are implementing the plan described in subsection (c)(7), and a description of the amount of Small Business Innovative Research and Small Business Technology Transfer Research funds supporting the plan.

**SEC. 3. PROGRAM COORDINATION.**

(a) IN GENERAL.—The President shall establish a National Nanotechnology Coordination Office, with a Director and full-time staff, which shall—

(1) provide technical and administrative support to the Council and the Advisory Panel;

(2) serve as the point of contact on Federal nanotechnology activities for government organizations, academia, industry, professional societies, State nanotechnology programs, interested citizen groups, and others to exchange technical and programmatic information;

(3) conduct public outreach, including dissemination of findings and recommendations of the Advisory Panel, as appropriate; and

(4) promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government, and to United States industry, including startup companies.

(b) FUNDING.—The National Nanotechnology Coordination Office shall be funded through interagency funding in accordance with section 631 of Public Law 108–7.

(c) REPORT.—Within 90 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Science on the funding of the National Nanotechnology Coordination Office. The report shall include—

(1) the amount of funding required to adequately fund the Office;

(2) the adequacy of existing mechanisms to fund this Office; and

(3) the actions taken by the Director to ensure stable funding of this Office.

**SEC. 4. ADVISORY PANEL.**

(a) IN GENERAL.—The President shall establish or designate a National Nanotechnology Advisory Panel.

(b) QUALIFICATIONS.—The Advisory Panel established or designated by the President under subsection (a) shall consist primarily of members from academic institutions and industry. Members of the Advisory Panel shall be qualified to provide advice and information on nanotechnology research, development, demonstrations, education, technology transfer, commercial application, or societal and ethical concerns. In selecting or designating an Advisory Panel, the President may also seek and give consideration to recommendations from the Congress, industry, the scientific community (including the National Academy of Sciences, scientific professional societies, and academia), the defense community, State and local governments, regional nanotechnology programs, and other appropriate organizations.

(c) DUTIES.—The Advisory Panel shall advise the President and the Council on matters relating to the Program, including assessing—

(1) trends and developments in nanotechnology science and engineering;

(2) progress made in implementing the Program;

(3) the need to revise the Program;

(4) the balance among the components of the Program, including funding levels for the program component areas;

(5) whether the program component areas, priorities, and technical goals developed by the Council are helping to maintain United States leadership in nanotechnology;

(6) the management, coordination, implementation, and activities of the Program; and

(7) whether societal, ethical, legal, environmental, and workforce concerns are adequately addressed by the Program.

(d) REPORTS.—The Advisory Panel shall report, not less frequently than once every 2 fiscal years, to the President on its assessments under subsection (c) and its recommendations for ways to improve the Program. The first report under this subsection shall be submitted within 1 year after the date of enactment of this Act. The Director of the Office of Science and Technology Policy shall transmit a copy of each report under this subsection to the Senate Committee on Commerce, Science, and Technology, the House of Representatives Committee on Science, and other appropriate committees of the Congress.

(e) TRAVEL EXPENSES OF NON-FEDERAL MEMBERS.—Non-Federal members of the Advisory Panel, while attending meetings of the Advisory Panel or while otherwise serving at the request of the head of the Advisory Panel away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the government serving without pay. Nothing in this subsection shall be construed to prohibit members of the Advisory Panel who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.

(f) EXEMPTION FROM SUNSET.—Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Panel.

**SEC. 5. TRIENNIAL EXTERNAL REVIEW OF THE NATIONAL NANOTECHNOLOGY PROGRAM.**

(a) IN GENERAL.—The Director of the National Nanotechnology Coordination Office shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a triennial evaluation of the Program, including—

(1) an evaluation of the technical accomplishments of the Program, including a review of whether the Program has achieved the goals under the metrics established by the Council;

(2) a review of the Program's management and coordination across agencies and disciplines;

(3) a review of the funding levels at each agency for the Program's activities and the ability of each agency to achieve the Program's stated goals with that funding;

(4) an evaluation of the Program's success in transferring technology to the private sector;

(5) an evaluation of whether the Program has been successful in fostering interdisciplinary research and development;

(6) an evaluation of the extent to which the Program has adequately considered ethical, legal, environmental, and other appropriate societal concerns;

(7) recommendations for new or revised Program goals;

(8) recommendations for new research areas, partnerships, coordination and management mechanisms, or programs to be established to achieve the Program's stated goals;

(9) recommendations on policy, program, and budget changes with respect to nanotechnology research and development activities;

(10) recommendations for improved metrics to evaluate the success of the Program in accomplishing its stated goals;

(11) a review of the performance of the National Nanotechnology Coordination Office and its efforts to promote access to and early application of the technologies, innovations, and expertise derived from Program activities to agency missions and systems across the Federal Government and to United States industry;

(12) an analysis of the relative position of the United States compared to other nations with respect to nanotechnology research and development, including the identification of any critical research areas where the United States should be the world leader to best achieve the goals of the Program; and

(13) an analysis of the current impact of nanotechnology on the United States economy and recommendations for increasing its future impact.

(b) STUDY ON MOLECULAR SELF-ASSEMBLY.—As part of the first triennial review conducted in accordance with subsection (a), the National Research Council shall conduct a one-time study to determine the technical feasibility of molecular self-assembly for the manufacture of materials and devices at the molecular scale.

(c) STUDY ON THE RESPONSIBLE DEVELOPMENT OF NANOTECHNOLOGY.—As part of the first triennial review conducted in accordance with subsection (a), the National Research Council shall conduct a one-time study to assess the need for standards, guidelines, or strategies for ensuring the responsible development of nanotechnolgy, including, but not limited to—

(1) self-replicating nanoscale machines or devices;

(2) the release of such machines in natural environments;

(3) encryption;

(4) the development of defensive technologies;

(5) the use of nanotechnology in the enhancement of human intelligence; and

(6) the use of nanotechnology in developing artificial intelligence.

(d) EVALUATION TO BE TRANSMITTED TO CONGRESS.—The Director of the National Nanotechnology Coordination Office shall transmit the results of any evaluation for which it made arrangements under subsection (a) to the Advisory Panel, the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science upon receipt. The first such evaluation shall be transmitted no later than June 10, 2005, with subsequent evaluations transmitted to the Committees every 3 years thereafter.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) NATIONAL SCIENCE FOUNDATION.—There are authorized to be appropriated to the Director of the National Science Foundation to carry out the Director's responsibilities under this Act—

(1) $385,000,000 for fiscal year 2005;

(2) $424,000,000 for fiscal year 2006;

(3) $449,000,000 for fiscal year 2007; and

(4) $476,000,000 for fiscal year 2008.

(b) DEPARTMENT OF ENERGY.—There are authorized to be appropriated to the Secretary of Energy to carry out the Secretary's responsibilities under this Act—

(1) $317,000,000 for fiscal year 2005;

(2) $347,000,000 for fiscal year 2006;

(3) $380,000,000 for fiscal year 2007; and

(4) $415,000,000 for fiscal year 2008.

(c) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—There are authorized to be appropriated to the Administrator of the National Aeronautics and Space Administration to carry out the Administrator's responsibilities under this Act—

(1) $34,100,000 for fiscal year 2005;

(2) $37,500,000 for fiscal year 2006;

(3) $40,000,000 for fiscal year 2007; and

(4) $42,300,000 for fiscal year 2008.

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the Director of the National Institute of Standards and Technology to carry out the Director's responsibilities under this Act—

(1) $68,200,000 for fiscal year 2005;

(2) $75,000,000 for fiscal year 2006;

(3) $80,000,000 for fiscal year 2007; and

(4) $84,000,000 for fiscal year 2008.

(e) ENVIRONMENTAL PROTECTION AGENCY.—There are authorized to be appropriated to the Administrator of the Environmental Protection Agency to carry out the Administrator's responsibilities under this Act—

(1) $5,500,000 for fiscal year 2005;

(2) $6,050,000 for fiscal year 2006;

(3) $6,413,000 for fiscal year 2007; and

(4) $6,800,000 for fiscal year 2008.

**SEC. 7. DEPARTMENT OF COMMERCE PROGRAMS.**

(a) NIST PROGRAMS.—The Director of the National Institute of Standards and Technology shall—

(1) as part of the Program activities under section 2(b)(7), establish a program to conduct basic research on issues related to the development and manufacture of nanotechnology, including metrology; reliability and quality assurance; processes control; and manufacturing best practices; and

(2) utilize the Manufacturing Extension Partnership program to the extent possible to ensure that the research conducted under paragraph (1) reaches small- and medium-sized manufacturing companies.

(b) CLEARINGHOUSE.—The Secretary of Commerce or his designee, in consultation with the National Nanotechnology Coordination Office and, to the extent possible, utilizing resources at the National Technical Information Service, shall establish a clearinghouse of information related to commercialization of nanotechnology research, including information relating to activities by regional, State, and local commercial nanotechnology initiatives; transition of research, technologies, and concepts from Federal nanotechnology research and development programs into commercial and military products; best practices by government, universities and private sector laboratories transitioning technology to commercial use; examples of ways to overcome barriers and challenges to technology deployment; and use of manufacturing infrastructure and workforce.

**SEC. 8. DEPARTMENT OF ENERGY PROGRAMS.**

(a) RESEARCH CONSORTIA.—

(1) DEPARTMENT OF ENERGY PROGRAM.—The Secretary of Energy shall establish a program to support, on a merit-reviewed and competitive basis, consortia to conduct interdisciplinary nanotechnology research and development designed to integrate newly developed nanotechnology and microfluidic tools with systems biology and molecular imaging.

(2) AUTHORIZATION OF APPROPRIATIONS.—Of the sums authorized for the Department of Energy under section 6(b), $25,000,000 shall be used for each fiscal year 2005 through 2008 to carry out this section. Of these amounts, not less than $10,000,000 shall be provided to at least 1 consortium for each fiscal year.

(b) RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—The Secretary of Energy shall carry out projects to develop, plan, construct, acquire, operate, or support special equipment, instrumentation, or facilities for investigators conducting research and development in nanotechnology.

**SEC. 9. ADDITIONAL CENTERS.**

(a) AMERICAN NANOTECHNOLOGY PREPAREDNESS CENTER.—The Program shall provide for the establishment, on a merit-reviewed and competitive basis, of an American Nanotechnology Preparedness Center which shall—

(1) conduct, coordinate, collect, and disseminate studies on the societal, ethical, environmental, educational, legal, and workforce implications of nanotechnology; and

(2) identify anticipated issues related to the responsible research, development, and application of nanotechnology, as well as provide recommendations for preventing or addressing such issues.

(b) CENTER FOR NANOMATERIALS MANUFACTURING.—The Program shall provide for the establishment, on a merit reviewed and competitive basis, of a center to—

(1) encourage, conduct, coordinate, commission, collect, and disseminate research on new manufacturing technologies for materials, devices, and systems with new combinations of characteristics, such as, but not limited to, strength, toughness, density, conductivity, flame resistance, and membrane separation characteristics; and

(2) develop mechanisms to transfer such manufacturing technologies to United States industries.

(c) REPORTS.—The Council, through the Director of the National Nanotechnology Coordination Office, shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science—

(1) within 6 months after the date of enactment of this Act, a report identifying which agency shall be the lead agency and which other agencies, if any, will be responsible for establishing the Centers described in this section; and

(2) within 18 months after the date of enactment of this Act, a report describing how the Centers described in this section have been established.

**SEC. 10. DEFINITIONS.**

In this Act:

(1) ADVISORY PANEL.—The term ''Advisory Panel'' means the President's National Nanotechnology Advisory Panel established or designated under section 4.

(2) NANOTECHNOLOGY.—The term ''nanotechnology'' means the science and technology that will enable one to understand, measure, manipulate, and manufacture at the atomic, molecular, and supramolecular levels, aimed at creating materials, devices, and systems with fundamentally new molecular organization, properties, and functions.

(3) PROGRAM.—The term ''Program'' means the National Nanotechnology Program established under section 2.

(4) COUNCIL.—The term ''Council'' means the National Science and Technology Council or an appropriate subgroup designated by the Council under section 2(c).

(5) ADVANCED TECHNOLOGY USER FACILITY.—The term ''advanced technology user facility'' means a nanotechnology research and development facility supported, in whole or in part, by Federal funds that is open to all United States researchers on a competitive, merit-reviewed basis.

(6) PROGRAM COMPONENT AREA.—The term ''program component area'' means a major subject area established under section 2(c)(2) under which is grouped related individual projects and activities carried out under the Program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 189.

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

There was no objection.

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

Mr. Speaker, I rise in support of S.189, the Nanotechnology and Research Development Act. This bill began its life in the House as H.R. 766, which I introduced with my colleague, the gentleman from California (Mr. HONDA) and which the House passed back in May by the overwhelming margin of 405 to 19.

The text before us today reflects 2 months of negotiations with the Senate to come up with a final version of the bill. The Senate amended S. 189 with the text of that agreement, and it is that compromise we will be sending on to the President today.

This bill is endorsed by a wide variety of high technology and academic organizations including the National Association of Manufacturers, the Semiconductor Industry Association,

Intel, IBM, Hewlett-Packard, and the Association of American Universities.

The idea behind this bill is simple yet powerful. The American economy will grow bigger if America's scientists and engineers focus on things that are smaller. The U.S. is the leader in nanotechnology and New York under Governor Pataki is in the front ranks of that world leadership. We must remain in the front as this new field starts remaking the marketplace.

This bill has four salient aspects designed to help ensure continued U.S. leadership: It authorizes the President's National Nanotechnology Initiative; it emphasizes the need for broad interagency participation and stronger interagency coordination, especially in the presentation of program budgets; it underscores the need for interdisciplinary research and for shepherding research from the laboratory to the marketplace; and it ensures that research and public discussion on the societal and ethical consequences of nanotechnology will go on concurrent with, and as part of technology research and development.

The nanotechnology program will be a model of government, industry, university, cooperation, coordination and interdisciplinary research with public involvement.

I wanted to thank the many Members who helped contribute to this bill but particularly to my cosponsor, the gentleman from California (Mr. HONDA) and my partner, the ranking member, the gentleman from Texas (Mr. HALL), as well as the chairman of our Subcommittee on Research, the gentleman from Michigan (Mr. SMITH) and his ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Last but not least, I want to thank my staff who labored so long and hard on this bill and on the many hearings on the subject. Peter Rooney, Dan Byers and Elizabeth Grossman deserve special recognition, but the entire staff of the committee minority and majority has been actively engaged.

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

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

Mr. Speaker, I, of course, rise in support of the Nanotechnology Research and Development Act, Senate 189, which as the chairman has so ably set forth, authorizes the National Nanotechnology Initiative as part of the President's budget request. This interagency research program is going to have enormous consequences for the future of our entire Nation.

S. 189 is a compromise measure worked out with the other body. It is largely based on H.R. 766 which passed the House in May by a vote of 405 to 19. The bipartisan House bill was introduced by Committee on Science chairman, the gentleman from New York (Mr. BOEHLERT) and the gentleman from California (Mr. HONDA) and cosponsored by Members from both sides of the aisle.

I want to acknowledge the leadership of the chairman, the gentleman from New York (Mr. BOEHLERT) and the gentleman from California (Mr. HONDA) in crafting the original version of the legislation. I want to thank the gentleman from New York (Mr. BOEHLERT) for working cooperatively day in and day with Democratic Members in developing the bill and arriving at the final bicameral compromise.

I also want to thank my colleague, the gentleman from California (Mr. HONDA) for his hard work on the bill. His efforts have led to a strengthening of the outside advisory mechanism for this research and also led to a process to help facilitate the transfer of research innovations to commercial applications.

The potential reach and impact of nanotechnology argues for careful attention to how it might affect society, and in particular, attention to potential downsides of the technology.

I believe it is important for the successful development of nanotechnology that problems be addressed from the beginning in a straightforward and open way.

Consequently, I am pleased that the bill imposes requirements to provide understanding of potential problems arising from the nanotechnology applications. I particularly want to compliment my colleague, the gentleman from California (Mr. SHERMAN) and my colleague, the gentleman from Texas (Mr. BELL) for championing provisions to address this issue, including annual reporting requirements to allow Congress to track the agencies' activities that are related to societal and ethical concerns.

This annual report will include a description of the nature of the activities being supported and how the activities relate to the overall objectives of the research initiative. An important goal of the bill is to integrate research on societal and ethical concerns with research and development efforts to advance nanotechnology.

The bill also addresses the need to open lines of communication between the research community and the public to make clear that potential safety risks of nanotechnology are being explored and not ignored.

I want to especially acknowledge the efforts of my colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) who introduced provisions that will provide for input from and outreach to the public from such mechanisms as citizen panels and consensus conferences.

Senate 189 authorizes appropriations over 4 years for nanotechnology research and development at five agencies: The National Science Foundation, the Department of Energy, NASA, National Institute of Standards and Technology, and EPA. In addition to setting funding goals, the bill puts in place mechanisms for planning and coordinating and implementation of the interagency research program.

The bill also includes provisions for outside, expert advice to help guide the research program and ensure its relevance to emerging technological opportunities and to the industry. The advisory committee required by the bill is charged to review the goals, content, implementation and administration of the nanotechnology initiative.

Mr. Speaker, we now stand at the threshold of an age in which materials and devices can be fashioned atom by atom. The capability will have enormous consequences for the information industry, for manufacturing, and for medicine and health. Indeed, the scope of this technology is so broad as to leave virtually no product untouched.

The measure before us will help ensure that the Nation maintains a vigorous research effort in a technology area that is emerging as increasingly important for the economy and also for national security. It enjoys widespread support from the research community and industry. I urge my colleagues to support its final passage.

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

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT), the distinguished chair of the Subcommittee on Energy.

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

Mr. Speaker, as an original cosponsor of H.R. 766, the Nanotechnology Research and Development Act that was approved by the House last May, I rise to express my strong support for this compromise legislation negotiated by the House Committee on Science.

I want to commend the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT) for working with the Senate to develop such a comprehensive and forward-looking piece of legislation as S. 189, the 21st Century Nanotechnology Research and Development Act.

Unlike so many other complex scientific concepts, nanotechnology is actually something that we should all be able to grasp. Most Americans learn in grade school and high school that atoms are the building blocks of nature. In the years since I have been in school, incredible machines have allowed to us see every one of those atoms.

The challenge now is to develop the tools, equipment and expertise to manipulate those atoms, and build new materials and new machines, one molecule at a time.

This bill takes up that challenge, ensuring coordination and collaboration among the many Federal agencies engaged in nanotech research. Unlike other research efforts, some of which are undertaken for the sake of science and our understanding of it, the broad and practical applications of nanotechnology, and its benefits, can be described in layman's terms.

Here are just a few benefits: Sensing the presence of unwanted pathogens in blood; improving the efficiency of electricity distribution; dispensing medications; cleaning polluted soil and water,

or building the next generation of space craft.

I do not think I am being overly optimistic. Just consider how far we have come since the creation of the first microchip. Sixty percent of Americans now own a personal computer or a laptop, and 90 percent of them use the Internet. The public, private, and nonprofit sectors invested in research that reduced the size of the microchip while increasing its speeds exponentially.

This investment was made because the applications were many and the possibilities endless. After all, microchips are now found in cars, pacemakers, watches, sewing machines, and just about every household appliance.

With all its potential applications, nanotechnology could have an equal, if not greater, impact than the microchip on our lives, our wealth, our health and safety, our environment, and our security at home and abroad.

All levels of government, academia, and the industry recognize the potential of nanotechnology, as well as the benefits of collaborating to realize that potential. Nanotechnology could very well be the catalyst for national competitiveness for the next 50 years. In countless ways, our lives will be better as a result of coordinated investment in nanoscience R&D.

I urge my colleagues to join me in supporting this nanotechnology research and development legislation.

Mr. HALL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the ranking member on Subcommittee on Research.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the leadership of the committee and the subcommittee. I want to express my appreciation for the camaraderie of which we work together on the committee. I rise together in support of S. 189, the Nanotechnology Research and Development Act.

The emerging fields of nanoscale science, engineering and technology are leading to unprecedented understanding and control over the basic building blocks of properties of all natural and man-made things.

□ 1445

Nanotechnology has the potential for enormous consequences, both technological and societal. This technology could result in new materials with prescribed properties not otherwise possible, information processing that far exceeds our current capabilities, and medical devices that could provide revolutionary advances in health care and dramatically increase our lifespan.

Nanotechnology has a great potential for America's leadership around the world. As America enters the 21st century, it is important that we lead the world in developing and commercializing new technologies and perhaps restore many of the jobs that we have lost.

I am very pleased that this bill includes an amendment that I introduced when we voted on H.R. 766 back in May. This amendment, under program ''activities on societal and ethical concerns,'' requires public input and outreach to the public to be integrated into the program through regular and ongoing public discussions, including citizens panels, consensus conferences, and educational events.

The views of the general public, who will bear the brunt of the consequences, both good and bad, should have input in the planning and execution of the research program. Taxpayers are paying for development of this technology. They have a right to have a voice in the research agenda.

I agree with that assessment that nanotechnology is one of the most promising and exciting fields of science today.

I am proud to be a cosponsor of this legislation and proud to say that I believe that the area which I represent will have some leading research in this area, with Nobel laureates. As I vote for its approval, I would urge my colleagues to do the same.

Mr. BOEHLERT. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. SMITH), the chairman of the Subcommittee on Research.

Mr. SMITH of Michigan. Mr. Speaker, first, let me compliment the gentleman from California (Mr. HONDA) and the chairman for introducing this legislation. Nanotechnology is the science of the very small, and I thought I might use a visual aid today. So if my colleagues would take a hair out of their heads and pretend that it is hollow, they could fit 100,000 strands of nano-technology inside that hollow hair. It is amazing technology.

Nanotechnology is exciting to me because it has so much potential for the future. Already today, computers and disk drives contain nanotechnology. Soon, most computers and telecommunications hardware will be based on it. In the not-too-distant future, nanotechnology will begin to transform biology, medicine, military systems, energy systems.

Nanotechnology is poised to become the next great vehicle of growth for the American economy; and like biotechnology was 10, 12, 15 years ago, nanotechnology has reached a critical growth stage. The 21st Century Research and Development Act intensifies Federal support for nanoresearch and experimentation and will prove, I think, critical to unlocking the tremendous potential that nanotechnology presents.

In conclusion, let me just say that nanotechnology holds incredible promise in a wide range of scientific disciplines; and while there are some nanotechnology products on the market today, the industry is very close to achieving several important breakthroughs that include revolutionary new applications in materials science, in manufacturing. So if we are going to stay competitive in the world market, and that means having our standard of living above everybody else, then we are going to have to take advantage of this kind of technology that can improve the way we produce products, but also improve those products that we are selling and allow us to be competitive on a world market.

In conclusion, I would hope everybody would unanimously not only support this bill but the kind of funding that is necessary to make sure that the United States stays on top in nanoresearch.

I thank the chairman for yielding me the time.

Mr. HALL. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. HONDA), who is an original Democratic cosponsor of the House bill.

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

Mr. HONDA. Mr. Speaker, I rise in support of S. 189, the 21st Century Nanotechnology Research and Development Act. I thank the distinguished leaders of the Committee on Science, the gentleman from New York (Chairman BOEHLERT) and the gentleman from Texas (Ranking Member HALL) for working with me on the House version of this bipartisan bill, as well as Senators ALLEN and WYDEN for their leadership on the Senate version of this legislation.

I would also like to thank my personal staff and the committee staff for all their hard work in ironing out the differences with the other body that has allowed us to get to where we are today on this important legislation.

Nanotechnology, which is the ability of scientists and engineers to manipulate matter at the level of single atoms and molecules, can be revolutionary because it is an enabling technology and fundamentally changes the way many items are designed and manufactured. Most Members of this body had probably never heard of the word ''nanotechnology'' before we first considered legislation in May, but their support for the bill then and in the following months suggests that they have come to appreciate the impact this field will have.

The long-term, sometimes high-risk nature of the research that will be needed to bring nanotechnology to maturity requires the support of, and significant investment by, the Federal Government. This bill provides three things. It puts the National Technology Initiative into law and authorizes $3.7 billion in spending over the next 4 years for the program.

This investment in the future is critical because experts agree that investing in innovation is the key to a vibrant U.S. manufacturing base and continued generation of new jobs. Nanotechnology is one of the areas of innovation most worthy of investment, as it has the potential to create entirely new industries and radically transform the basis of competition in others.

The bill also contains a number of other provisions to make improvements in our national technology initiative. It requires the creation of research centers, education training efforts, research into the societal and ethical consequence of nanotechnology, and efforts to transfer technology into the marketplace. Importantly, the bill includes a series of coordination offices, advisory committees and regular programming to ensure that taxpayer money is being spent wisely and efficiently.

This is an excellent bill that I am proud to have had the chance to work on, and I urge my colleagues to support it.

Once again, let me again repeat my gratitude and thanks to the leadership of the gentleman from New York (Mr. BOEHLERT), our chairman, and the gentleman from Texas (Mr. HALL), our ranking member.

Mr. BOEHLERT. Mr. Speaker, let me say I want to thank the gentleman from California (Mr. HONDA) for his partnership, and it has been a cooperative effort; and all of the efforts on the Committee on Science reflect that cooperation.

Mr. Speaker, it is my pleasure to yield 3 minutes to the distinguished gentleman from Texas (Mr. BURGESS), who has been a real leader for our side on this issue of nanotechnology.

Mr. BURGESS. Mr. Speaker, I thank my chairman for yielding me time.

It is indeed a pleasure to be here this afternoon to support Senate bill 189, the 21st Century National Nanotechnology Research and Development Act.

Nanotechnology is a very promising future technology. From materials to computers, medicine, defense, energy, the possibilities are limitless. We are moving from an age of miniaturization to an age of self-replication.

The House overwhelmingly approved this bill's companion, H.R. 766, and I am hopeful that the House will once again make a bipartisan commitment to increasing resources for nanotechnology research and development. The development of nanotechnology is not only important to my corner of the country but for every human on the planet.

The National Science Foundation estimates that in a little over a decade nanotechnology will positively impact the global market by approximately $1 trillion. This bill will ensure that the United States continues to be a leader in nanotechnology research.

This bill is especially important to my academic institutions in my district, especially the University of North Texas. Mr. Speaker, as the ranking member knows, everything is bigger in Texas unless it is better to be smaller, in which case everything is smaller in Texas.

Beginning last fall, the University of North Texas began laboratory renovation and equipment purchases for the Department of Material Science, including research space for their Laboratory for Electronic Materials and Devices and the establishment of a nanometrology laboratory, the first in the Nation.

This center, the Center for Advanced Research and Technology, is a unique collaboration between academic and corporate partners in the north Texas area, designed to develop new nanotechnology applications. The development of the nanometrology laboratory will provide remote access by researchers throughout the United States through state-of-the-art materials characterization.

These facility and research capabilities are important to the future competitiveness and the value of American materials worldwide, and this bill will help further those developments.

This comprehensive approach taken by Senate bill 189 to raise the profile of nanometrology and nanotechnology among the general public and increased resources for academic institutions will ensure that our country, America, is the leader in this field for years to come.

Mr. HALL. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LOFGREN), a long-time leader in high-tech issues from the Silicon Valley.

Ms. LOFGREN. Mr. Speaker, I am happy to strongly support S. 189, the 21st Century Nanotechnology Research and Development Act.

I represent, as the gentleman from Texas (Mr. HALL) just said, an area, Silicon Valley, that often leads this Nation in fostering cutting-edge research in technology and in manufacturing. Indeed, a great deal of much important research involving nanotechnology is being done right now at NASA Ames Research Park in California.

Mr. Speaker, I would like to take this opportunity to remind us all of the importance of supporting scientific research and its interaction with our society and our economy. With that in mind, Mr. Speaker, S. 189 is an important first step that will ensure that the United States will continue to play a pioneering role in the area of nanotechnology and its revolutionary potential to transform the manufacturing sector in our Nation, not to mention energy, health care, and areas that we can only dream of today.

I congratulate the gentleman from New York (Mr. BOEHLERT) and my Bay Area colleague, the gentleman from California (Mr. HONDA), for their bipartisan efforts in drafting and perfecting and passing H.R. 766 in the House which in large part forms the basis of this bill that we are about to pass.

The future benefits of research in nanotechnology, fusion energy, and other types of research depend on us acting with great foresight. S. 189 represents a great first step on that path; and as my colleague, the gentleman from California (Mr. HONDA), said recently at a nanotechnology conference that he helped organize at NASA Ames Research Park, nanotechnology is the next big thing.

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

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time; but before I yield back, I urge everyone to take the enlightened approach and support this very important initiative. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and pass the Senate bill, S. 189.

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

A motion to reconsider was laid on the table.

***NOTICE***

***Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.***

## CONFERENCE REPORT ON H.R. 1904, HEALTHY FORESTS RESTORATION ACT OF 2003

Mr. GOODLATTE (during debate on the Inslee motion to instruct conferees on H.R. 1) submitted the following conference report and statement on the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–386)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1904), to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, 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 to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Healthy Forests Restoration Act of 2003''.*

*(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*


*Sec. 1. Short title; table of contents.*
*Sec. 2. Purposes.*
*Sec. 3. Definitions.*

*TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND*

*Sec. 101. Definitions.*
*Sec. 102. Authorized hazardous fuel reduction projects.*
*Sec. 103. Prioritization.*
*Sec. 104. Environmental analysis.*
*Sec. 105. Special administrative review process.*
*Sec. 106. Judicial review in United States district courts.*
*Sec. 107. Effect of title.*
*Sec. 108. Authorization of appropriations.*

*TITLE II—BIOMASS*

*Sec. 201. Improved biomass use research program.*
*Sec. 202. Rural revitalization through forestry.*
*Sec. 203. Biomass commercial utilization grant program.*

*TITLE III—WATERSHED FORESTRY ASSISTANCE*

*Sec. 301. Findings and purposes.*
*Sec. 302. Watershed forestry assistance program.*
*Sec. 303. Tribal watershed forestry assistance.*

*TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES*

*Sec. 401. Findings and purpose.*
*Sec. 402. Definitions.*
*Sec. 403. Accelerated information gathering regarding forest-damaging insects.*
*Sec. 404. Applied silvicultural assessments.*
*Sec. 405. Relation to other laws.*
*Sec. 406. Authorization of appropriations.*

*TITLE V—HEALTHY FORESTS RESERVE PROGRAM*

*Sec. 501. Establishment of healthy forests reserve program.*
*Sec. 502. Eligibility and enrollment of lands in program.*
*Sec. 503. Restoration plans.*
*Sec. 504. Financial assistance.*
*Sec. 505. Technical assistance.*
*Sec. 506. Protections and measures*
*Sec. 507. Involvement by other agencies and organizations.*
*Sec. 508. Authorization of appropriations.*

*TITLE VI—MISCELLANEOUS*

*Sec. 601. Forest stands inventory and monitoring program to improve detection of and response to environmental threats.*


***SEC. 2. PURPOSES.***

*The purposes of this Act are—*

*(1) to reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects;*

*(2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuel, and petroleum-based product substitutes, and for other commercial purposes;*

*(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;*

*(4) to promote systematic gathering of information to address the impact of insect and disease infestations and other damaging agents on forest and rangeland health;*

*(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and*

*(6) to protect, restore, and enhance forest ecosystem components—*

*(A) to promote the recovery of threatened and endangered species;*

*(B) to improve biological diversity; and*

*(C) to enhance productivity and carbon sequestration.*

***SEC. 3. DEFINITIONS.***

*In this Act:*

*(1) FEDERAL LAND.—The term ''Federal land'' means—*

*(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and*

*(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.*

*(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).*

## *TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND*

***SEC. 101. DEFINITIONS.***

*In this title:*

*(1) AT-RISK COMMUNITY.—The term ''at-risk community'' means an area—*

*(A) that is comprised of—*

*(i) an interface community as defined in the notice entitled ''Wildland Urban Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire'' issued by the Secretary of Agriculture and the Secretary of the Interior in accordance with title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or*

*(ii) a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land;*

*(B) in which conditions are conducive to a large-scale wildland fire disturbance event; and*

*(C) for which a significant threat to human life or property exists as a result of a wildland fire disturbance event.*

*(2) AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECT.—The term ''authorized hazardous fuel reduction project'' means the measures and methods described in the definition of ''appropriate tools'' contained in the glossary of the Implementation Plan, on Federal land described in section 102(a) and conducted under sections 103 and 104.*

*(3) COMMUNITY WILDFIRE PROTECTION PLAN.—The term ''community wildfire protection plan'' means a plan for an at-risk community that—*

*(A) is developed within the context of the collaborative agreements and the guidance established by the Wildland Fire Leadership Council and agreed to by the applicable local government, local fire department, and State agency responsible for forest management, in consultation with interested parties and the Federal land management agencies managing land in the vicinity of the at-risk community;*

*(B) identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment on Federal and non-Federal land that will protect 1 or more at-risk communities and essential infrastructure; and*

*(C) recommends measures to reduce structural ignitability throughout the at-risk community.*

*(4) CONDITION CLASS 2.—The term ''condition class 2'', with respect to an area of Federal land, means the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled ''Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management'' (RMRS–87), dated April 2000 (including any subsequent revision to the report), under which—*

*(A) fire regimes on the land have been moderately altered from historical ranges;*

*(B) there exists a moderate risk of losing key ecosystem components from fire;*

*(C) fire frequencies have increased or decreased from historical frequencies by 1 or more return intervals, resulting in moderate changes to—*

*(i) the size, frequency, intensity, or severity of fires; or*

*(ii) landscape patterns; and*

*(D) vegetation attributes have been moderately altered from the historical range of the attributes.*

*(5) CONDITION CLASS 3.—The term ''condition class 3'', with respect to an area of Federal land, means the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (4) (including any subsequent revision to the report), under which—*

*(A) fire regimes on land have been significantly altered from historical ranges;*

*(B) there exists a high risk of losing key ecosystem components from fire;*

*(C) fire frequencies have departed from historical frequencies by multiple return intervals, resulting in dramatic changes to—*

*(i) the size, frequency, intensity, or severity of fires; or*

*(ii) landscape patterns; and*

*(D) vegetation attributes have been significantly altered from the historical range of the attributes.*

*(6) DAY.—The term ''day'' means—*

*(A) a calendar day; or*

*(B) if a deadline imposed by this title would expire on a nonbusiness day, the end of the next business day.*

*(7) DECISION DOCUMENT.—The term ''decision document'' means—*

*(A) a decision notice (as that term is used in the Forest Service Handbook);*

*(B) a decision record (as that term is used in the Bureau of Land Management Handbook); and*

*(C) a record of decision (as that term is used in applicable regulations of the Council on Environmental Quality).*

*(8) FIRE REGIME I.—The term ''fire regime I'' means an area—*

*(A) in which historically there have been low-severity fires with a frequency of 0 through 35 years; and*

*(B) that is located primarily in low elevation forests of pine, oak, or pinyon juniper.*

*(9) FIRE REGIME II.—The term ''fire regime II'' means an area—*

*(A) in which historically there are stand replacement severity fires with a frequency of 0 through 35 years; and*

*(B) that is located primarily in low- to mid-elevation rangeland, grassland, or shrubland.*

*(10) FIRE REGIME III.—The term ''fire regime III'' means an area—*

*(A) in which historically there are mixed severity fires with a frequency of 35 through 100 years; and*

*(B) that is located primarily in forests of mixed conifer, dry Douglas fir, or wet Ponderosa pine.*

*(11) IMPLEMENTATION PLAN.—The term ''Implementation Plan'' means the Implementation Plan for the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106–64) (and subsequent revisions).*

*(12) MUNICIPAL WATER SUPPLY SYSTEM.—The term ''municipal water supply system'' means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collection, impoundment, storage, transportation, or distribution of drinking water.*

*(13) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means—*

*(A) a land and resource management plan prepared for 1 or more units of land of the National Forest System described in section 3(1)(A) under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or*

*(B) a land use plan prepared for 1 or more units of the public land described in section 3(1)(B) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).*

*(14) SECRETARY.—The term ''Secretary'' means—*

*(A) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and*

*(B) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).*

*(15) THREATENED AND ENDANGERED SPECIES HABITAT.—The term ''threatened and endangered species habitat'' means Federal land identified in—*

*(A) a determination that a species is an endangered species or a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);*

*(B) a designation of critical habitat of the species under that Act; or*

*(C) a recovery plan prepared for the species under that Act.*

*(16) WILDLAND-URBAN INTERFACE.—The term ''wildland-urban interface'' means—*

*(A) an area within or adjacent to an at-risk community that is identified in recommendations to the Secretary in a community wildfire protection plan; or*

*(B) in the case of any area for which a community wildfire protection plan is not in effect—*

*(i) an area extending 1/2-mile from the boundary of an at-risk community;*

*(ii) an area within 1½ miles of the boundary of an at-risk community, including any land that—*

*(I) has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community;*

*(II) has a geographic feature that aids in creating an effective fire break, such as a road or ridge top; or*

*(III) is in condition class 3, as documented by the Secretary in the project-specific environmental analysis; and*

*(iii) an area that is adjacent to an evacuation route for an at-risk community that the Secretary determines, in cooperation with the at-risk community, requires hazardous fuel reduction to provide safer evacuation from the at-risk community.*

***SEC. 102. AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.***

*(a) AUTHORIZED PROJECTS.—As soon as practicable after the date of enactment of this Act, the Secretary shall implement authorized hazardous fuel reduction projects, consistent with the Implementation Plan, on—*

*(1) Federal land in wildland-urban interface areas;*

*(2) condition class 3 Federal land, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;*

*(3) condition class 2 Federal land located within fire regime I, fire regime II, or fire regime III, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;*

*(4) Federal land on which windthrow or blowdown, ice storm damage, the existence of an epidemic of disease or insects, or the presence of such an epidemic on immediately adjacent land and the imminent risk it will spread, poses a significant threat to an ecosystem component, or forest or rangeland resource, on the Federal land or adjacent non-Federal land; and*

*(5) Federal land not covered by paragraphs (1) through (4) that contains threatened and endangered species habitat, if—*

*(A) natural fire regimes on that land are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or habitat of an endangered species or threatened species in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), or a notice published in the Federal Register determining a species to be an endangered species or a threatened species or designating critical habitat;*

*(B) the authorized hazardous fuel reduction project will provide enhanced protection from catastrophic wildfire for the endangered species, threatened species, or habitat of the endangered species or threatened species; and*

*(C) the Secretary complies with any applicable guidelines specified in any management or recovery plan described in subparagraph (A).*

*(b) RELATION TO AGENCY PLANS.—An authorized hazardous fuel reduction project shall be conducted consistent with the resource management plan and other relevant administrative policies or decisions applicable to the Federal land covered by the project.*

*(c) ACREAGE LIMITATION.—Not more than a total of 20,000,000 acres of Federal land may be treated under authorized hazardous fuel reduction projects.*

*(d) EXCLUSION OF CERTAIN FEDERAL LAND.—The Secretary may not conduct an authorized hazardous fuel reduction project that would occur on—*

*(1) a component of the National Wilderness Preservation System;*

*(2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or*

*(3) a Wilderness Study Area.*

*(e) OLD GROWTH STANDS.—*

*(1) DEFINITIONS.—In this subsection and subsection (f):*

*(A) APPLICABLE PERIOD.—The term ''applicable period'' means—*

*(i) the 2-year period beginning on the date of enactment of this Act; or*

*(ii) in the case of a resource management plan that the Secretary is in the process of revising as of the date of enactment of this Act, the 3-year period beginning on the date of enactment of this Act.*

*(B) COVERED PROJECT.—The term ''covered project'' means an authorized hazardous fuel reduction project carried out on land described in paragraph (1), (2), (3), or (5) of subsection (a).*

*(C) MANAGEMENT DIRECTION.—The term ''management direction'' means definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan developed in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).*

*(D) OLD GROWTH STAND.—The term ''old growth stand'' has the meaning given the term under management direction used pursuant to paragraphs (3) and (4), based on the structure and composition characteristic of the forest type, and in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).*

*(2) PROJECT REQUIREMENTS.—In carrying out a covered project, the Secretary shall fully maintain, or contribute toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.*

*(3) NEWER MANAGEMENT DIRECTION.—*

*(A) IN GENERAL.—If the management direction for an old growth stand was established on or after December 15, 1993, the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project by implementing the management direction.*

*(B) AMENDMENTS OR REVISIONS.—Any amendment or revision to management direction for which final administrative approval is granted after the date of enactment of this Act shall be consistent with paragraph (2) for the purpose of carrying out covered projects.*

*(4) OLDER MANAGEMENT DIRECTION.—*

*(A) IN GENERAL.—If the management direction for an old growth stand was established before December 15, 1993, the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project during the applicable period by implementing the management direction.*

*(B) REVIEW REQUIRED.—Subject to subparagraph (C), during the applicable period for management direction referred to in subparagraph (A), the Secretary shall—*

*(i) review the management direction for affected covered projects, taking into account any*

*relevant scientific information made available since the adoption of the management direction; and*

*(ii) amend the management direction for affected covered projects to be consistent with paragraph (2), if necessary to reflect relevant scientific information the Secretary did not consider in formulating the management direction.*

*(C) REVIEW NOT COMPLETED.—If the Secretary does not complete the review of the management direction in accordance with subparagraph (B) before the end of the applicable period, the Secretary shall not carry out any portion of affected covered projects in stands that are identified as old growth stands (based on substantial supporting evidence) by any person during scoping, within the period—*

*(i) beginning at the close of the applicable period for the management direction governing the affected covered projects; and*

*(ii) ending on the earlier of—*

*(I) the date the Secretary completes the action required by subparagraph (B) for the management direction applicable to the affected covered projects; or*

*(II) the date on which the acreage limitation specified in subsection (c) (as that limitation may be adjusted by a subsequent Act of Congress) is reached.*

*(5) LIMITATION TO COVERED PROJECTS.—Nothing in this subsection requires the Secretary to revise or otherwise amend a resource management plan to make the project requirements of paragraph (2) apply to an activity other than a covered project.*

*(f) LARGE TREE RETENTION.—*

*(1) IN GENERAL.—Except in old growth stands where the management direction is consistent with subsection (e)(2), the Secretary shall carry out a covered project in a manner that—*

*(A) focuses largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and*

*(B) maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands.*

*(2) WILDFIRE RISK.—Nothing in this subsection prevents achievement of the purposes described in section 2(1).*

*(g) MONITORING AND ASSESSING FOREST AND RANGELAND HEALTH.—*

*(1) IN GENERAL.—For each Forest Service administrative region and each Bureau of Land Management State Office, the Secretary shall—*

*(A) monitor the results of a representative sample of the projects authorized under this title for each management unit; and*

*(B) not later than 5 years after the date of enactment of this Act, and each 5 years thereafter, issue a report that includes—*

*(i) an evaluation of the progress towards project goals; and*

*(ii) recommendations for modifications to the projects and management treatments.*

*(2) CONSISTENCY OF PROJECTS WITH RECOMMENDATIONS.—An authorized hazardous fuel reduction project approved following the issuance of a monitoring report shall, to the maximum extent practicable, be consistent with any applicable recommendations in the report.*

*(3) SIMILAR VEGETATION TYPES.—The results of a monitoring report shall be made available for use (if appropriate) in an authorized hazardous fuels reduction project conducted in a similar vegetation type on land under the jurisdiction of the Secretary.*

*(4) MONITORING AND ASSESSMENTS.—Monitoring and assessment shall include a description of the changes in condition class, using the Fire Regime Condition Class Guidebook or successor guidance, specifically comparing end results to—*

*(A) pretreatment conditions;*

*(B) historical fire regimes; and*

*(C) any applicable watershed or landscape goals or objectives in the resource management plan or other relevant direction.*

*(5) MULTIPARTY MONITORING.—*

*(A) IN GENERAL.—In an area where significant interest is expressed in multiparty monitoring, the Secretary shall establish a multiparty monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of authorized hazardous fuel reduction projects and projects conducted pursuant to section 404.*

*(B) DIVERSE STAKEHOLDERS.—The Secretary shall include diverse stakeholders (including interested citizens and Indian tribes) in the process required under subparagraph (A).*

*(C) FUNDING.—Funds to carry out this paragraph may be derived from operations funds for projects described in subparagraph (A).*

*(6) COLLECTION OF MONITORING DATA.—The Secretary may collect monitoring data by entering into cooperative agreements or contracts with, or providing grants to, small or micro-businesses, cooperatives, nonprofit organizations, Youth Conservation Corps work crews, or related State, local, and other non-Federal conservation corps.*

*(7) TRACKING.—For each administrative unit, the Secretary shall track acres burned, by the degree of severity, by large wildfires (as defined by the Secretary).*

*(8) MONITORING AND MAINTENANCE OF TREATED AREAS.—The Secretary shall, to the maximum extent practicable, develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved.*

***SEC. 103. PRIORITIZATION.***

*(a) IN GENERAL.—In accordance with the Implementation Plan, the Secretary shall develop an annual program of work for Federal land that gives priority to authorized hazardous fuel reduction projects that provide for the protection of at-risk communities or watersheds or that implement community wildfire protection plans.*

*(b) COLLABORATION.—*

*(1) IN GENERAL.—The Secretary shall consider recommendations under subsection (a) that are made by at-risk communities that have developed community wildfire protection plans.*

*(2) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the planning process and recommendations concerning community wildfire protection plans.*

*(c) ADMINISTRATION.—*

*(1) IN GENERAL.—Federal agency involvement in developing a community wildfire protection plan, or a recommendation made in a community wildfire protection plan, shall not be considered a Federal agency action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*(2) COMPLIANCE.—In implementing authorized hazardous fuel reduction projects on Federal land, the Secretary shall, in accordance with section 104, comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*(d) FUNDING ALLOCATION.—*

*(1) FEDERAL LAND.—*

*(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall use not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface.*

*(B) APPLICABILITY AND ALLOCATION.—The funding allocation in subparagraph (A) shall apply at the national level. The Secretary may allocate the proportion of funds differently than is required under subparagraph (A) within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects on land described in section 102(a)(4).*

*(C) WILDLAND-URBAN INTERFACE.—In the case of an authorized hazardous fuel reduction project for which a decision notice is issued during the 1-year period beginning on the date of enactment of this Act, the Secretary shall use existing definitions of the term ''wildland-urban interface'' rather than the definition of that term provided under section 101.*

*(2) NON-FEDERAL LAND.—*

*(A) IN GENERAL.—In providing financial assistance under any provision of law for hazardous fuel reduction projects on non-Federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.*

*(B) PRIORITY.—In allocating funding under this paragraph, the Secretary should, to the maximum extent practicable, give priority to communities that have adopted a community wildfire protection plan or have taken proactive measures to encourage willing property owners to reduce fire risk on private property.*

***SEC. 104. ENVIRONMENTAL ANALYSIS.***

*(a) AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.—Except as otherwise provided in this title, the Secretary shall conduct authorized hazardous fuel reduction projects in accordance with—*

*(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); and*

*(2) other applicable laws.*

*(b) ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT.—The Secretary shall prepare an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for each authorized hazardous fuel reduction project.*

*(c) CONSIDERATION OF ALTERNATIVES.—*

*(1) IN GENERAL.—Except as provided in subsection (d), in the environmental assessment or environmental impact statement prepared under subsection (b), the Secretary shall study, develop, and describe—*

*(A) the proposed agency action;*

*(B) the alternative of no action; and*

*(C) an additional action alternative, if the additional alternative—*

*(i) is proposed during scoping or the collaborative process under subsection (f); and*

*(ii) meets the purpose and need of the project, in accordance with regulations promulgated by the Council on Environmental Quality.*

*(2) MULTIPLE ADDITIONAL ALTERNATIVES.—If more than 1 additional alternative is proposed under paragraph (1)(C), the Secretary shall—*

*(A) select which additional alternative to consider, which is a choice that is in the sole discretion of the Secretary; and*

*(B) provide a written record describing the reasons for the selection.*

*(d) ALTERNATIVE ANALYSIS PROCESS FOR PROJECTS IN WILDLAND-URBAN INTERFACE.—*

*(1) PROPOSED AGENCY ACTION AND 1 ACTION ALTERNATIVE.—For an authorized hazardous fuel reduction project that is proposed to be conducted in the wildland-urban interface, the Secretary is not required to study, develop, or describe more than the proposed agency action and 1 action alternative in the environmental assessment or environmental impact statement prepared pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).*

*(2) PROPOSED AGENCY ACTION.—Notwithstanding paragraph (1), but subject to paragraph (3), if an authorized hazardous fuel reduction project proposed to be conducted in the wildland-urban interface is located no further than 1½ miles from the boundary of an at-risk community, the Secretary is not required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).*

*(3) PROPOSED AGENCY ACTION AND COMMUNITY WILDFIRE PROTECTION PLAN ALTERNATIVE.—In*

*the case of an authorized hazardous fuel reduction project described in paragraph (2), if the at-risk community has adopted a community wildfire protection plan and the proposed agency action does not implement the recommendations in the plan regarding the general location and basic method of treatments, the Secretary shall evaluate the recommendations in the plan as an alternative to the proposed agency action in the environmental assessment or environmental impact statement prepared pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).*

*(e) PUBLIC NOTICE AND MEETING.—*

*(1) PUBLIC NOTICE.—The Secretary shall provide notice of each authorized hazardous fuel reduction project in accordance with applicable regulations and administrative guidelines.*

*(2) PUBLIC MEETING.—During the preparation stage of each authorized hazardous fuel reduction project, the Secretary shall—*

*(A) conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal land on which the authorized hazardous fuel reduction project will be conducted; and*

*(B) provide advance notice of the location, date, and time of the meeting.*

*(f) PUBLIC COLLABORATION.—In order to encourage meaningful public participation during preparation of authorized hazardous fuel reduction projects, the Secretary shall facilitate collaboration among State and local governments and Indian tribes, and participation of interested persons, during the preparation of each authorized fuel reduction project in a manner consistent with the Implementation Plan.*

*(g) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines, the Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement for an authorized hazardous fuel reduction project.*

*(h) DECISION DOCUMENT.—The Secretary shall sign a decision document for authorized hazardous fuel reduction projects and provide notice of the final agency actions.*

***SEC. 105. SPECIAL ADMINISTRATIVE REVIEW PROCESS.***

*(a) INTERIM FINAL REGULATIONS.—*

*(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate interim final regulations to establish a predecisional administrative review process for the period described in paragraph (2) that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on Forest Service land.*

*(2) PERIOD.—The predecisional administrative review process required under paragraph (1) shall occur during the period—*

*(A) beginning after the completion of the environmental assessment or environmental impact statement; and*

*(B) ending not later than the date of the issuance of the final decision approving the project.*

*(3) ELIGIBILITY.—To be eligible to participate in the administrative review process for an authorized hazardous fuel reduction project under paragraph (1), a person shall submit to the Secretary, during scoping or the public comment period for the draft environmental analysis for the project, specific written comments that relate to the proposed action.*

*(4) EFFECTIVE DATE.—The interim final regulations promulgated under paragraph (1) shall take effect on the date of promulgation of the regulations.*

*(b) FINAL REGULATIONS.—The Secretary shall promulgate final regulations to establish the process described in subsection (a)(1) after the interim final regulations have been published and reasonable time has been provided for public comment.*

*(c) ADMINISTRATIVE REVIEW.—*

*(1) IN GENERAL.—A person may bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court only if the person has challenged the authorized hazardous fuel reduction project by exhausting—*

*(A) the administrative review process established by the Secretary of Agriculture under this section; or*

*(B) the administrative hearings and appeals procedures established by the Department of the Interior.*

*(2) ISSUES.—An issue may be considered in the judicial review of an action under section 106 only if the issue was raised in an administrative review process described in paragraph (1).*

*(3) EXCEPTION.—*

*(A) IN GENERAL.—An exception to the requirement of exhausting the administrative review process before seeking judicial review shall be available if a Federal court finds that the futility or inadequacy exception applies to a specific plaintiff or claim.*

*(B) INFORMATION.—If an agency fails or is unable to make information timely available during the administrative review process, a court should evaluate whether the administrative review process was inadequate for claims or issues to which the information is material.*

***SEC. 106. JUDICIAL REVIEW IN UNITED STATES DISTRICT COURTS.***

*(a) VENUE.—Notwithstanding section 1391 of title 28, United States Code, or other applicable law, an authorized hazardous fuels reduction project conducted under this title shall be subject to judicial review only in the United States district court for a district in which the Federal land to be treated under the authorized hazardous fuels reduction project is located.*

*(b) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—In the judicial review of an action challenging an authorized hazardous fuel reduction project under subsection (a), Congress encourages a court of competent jurisdiction to expedite, to the maximum extent practicable, the proceedings in the action with the goal of rendering a final determination on jurisdiction, and (if jurisdiction exists) a final determination on the merits, as soon as practicable after the date on which a complaint or appeal is filed to initiate the action.*

*(c) INJUNCTIONS.—*

*(1) IN GENERAL.—Subject to paragraph (2), the length of any preliminary injunctive relief and stays pending appeal covering an authorized hazardous fuel reduction project carried out under this title shall not exceed 60 days.*

*(2) RENEWAL.—*

*(A) IN GENERAL.—A court of competent jurisdiction may issue 1 or more renewals of any preliminary injunction, or stay pending appeal, granted under paragraph (1).*

*(B) UPDATES.—In each renewal of an injunction in an action, the parties to the action shall present the court with updated information on the status of the authorized hazardous fuel reduction project.*

*(3) BALANCING OF SHORT- AND LONG-TERM EFFECTS.—As part of its weighing the equities while considering any request for an injunction that applies to an agency action under an authorized hazardous fuel reduction project, the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of—*

*(A) the short- and long-term effects of undertaking the agency action; against*

*(B) the short- and long-term effects of not undertaking the agency action.*

***SEC. 107. EFFECT OF TITLE.***

*(a) OTHER AUTHORITY.—Nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104.*

*(b) NATIONAL FOREST SYSTEM.—For projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing in this title affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations, or the consideration or disposition of any legal action brought with respect to the procedures.*

***SEC. 108. AUTHORIZATION OF APPROPRIATIONS.***

*There is authorized to be appropriated $760,000,000 for each fiscal year to carry out—*

*(1) activities authorized by this title; and*

*(2) other hazardous fuel reduction activities of the Secretary, including making grants to States, local governments, Indian tribes, and other eligible recipients for activities authorized by law.*

## *TITLE II—BIOMASS*

***SEC. 201. IMPROVED BIOMASS USE RESEARCH PROGRAM.***

*(a) USES OF GRANTS, CONTRACTS, AND ASSISTANCE.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended—*

*(1) in paragraph (3), by striking ''or'' at the end;*

*(2) in paragraph (4), by striking the period at the end and inserting ''; or''; and*

*(3) by adding at the end the following:*

*''(5) research to integrate silviculture, harvesting, product development, processing information, and economic evaluation to provide the science, technology, and tools to forest managers and community developers for use in evaluating forest treatment and production alternatives, including—*

*''(A) to develop tools that would enable land managers, locally or in a several-State region, to estimate—*

*''(i) the cost to deliver varying quantities of wood to a particular location; and*

*''(ii) the amount that could be paid for stumpage if delivered wood was used for a specific mix of products;*

*''(B) to conduct research focused on developing appropriate thinning systems and equipment designs that are—*

*''(i) capable of being used on land without significant adverse effects on the land;*

*''(ii) capable of handling large and varied landscapes;*

*''(iii) adaptable to handling a wide variety of tree sizes;*

*''(iv) inexpensive; and*

*''(v) adaptable to various terrains; and*

*''(C) to develop, test, and employ in the training of forestry managers and community developers curricula materials and training programs on matters described in subparagraphs (A) and (B).''.*

*(b) FUNDING.—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended by striking ''$49,000,000'' and inserting ''$54,000,000''.*

***SEC. 202. RURAL REVITALIZATION THROUGH FORESTRY.***

*Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended by adding at the end the following:*

*''(d) RURAL REVITALIZATION TECHNOLOGIES.—*

*''(1) IN GENERAL.—The Secretary of Agriculture, acting through the Chief of the Forest Service, in consultation with the State and Private Forestry Technology Marketing Unit at the Forest Products Laboratory, and in collaboration with eligible institutions, may carry out a program—*

''(A) to accelerate adoption of technologies using biomass and small-diameter materials;

''(B) to create community-based enterprises through marketing activities and demonstration projects; and

''(C) to establish small-scale business enterprises to make use of biomass and small-diameter materials.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2004 through 2008.''.

**SEC. 203. BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.**

(a) IN GENERAL.—In addition to any other authority of the Secretary of Agriculture to make grants to a person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuel, or substitutes for petroleum-based products, the Secretary may make grants to a person that owns or operates a facility that uses biomass for wood-based products or other commercial purposes to offset the costs incurred to purchase biomass.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008.

**TITLE III—WATERSHED FORESTRY ASSISTANCE**

**SEC. 301. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) there has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management;

(2) it is commonly recognized that the proper stewardship of forest land is essential to sustaining and restoring the health of watersheds;

(3) forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes forest restoration worthy of special focus; and

(4) strengthened education, technical assistance, and financial assistance for nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) PURPOSES.—The purposes of this title are—

(1) to improve landowner and public understanding of the connection between forest management and watershed health;

(2) to encourage landowners to maintain tree cover on property and to use tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) to enhance and complement forest management and buffer use for watersheds, with an emphasis on community watersheds;

(4) to establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) to provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, and conserves and improves forested land and potentially forested land, through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) to maximize the proper management and conservation of wetland forests and to assist in the restoration of those forests.

**SEC. 302. WATERSHED FORESTRY ASSISTANCE PROGRAM.**

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 (16 U.S.C. 2103a) the following:

**''SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.**

''(a) DEFINITION OF NONINDUSTRIAL PRIVATE FOREST LAND.—In this section, the term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

''(1) has existing tree cover or that is suitable for growing trees; and

''(2) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decisionmaking authority over the land.

''(b) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Chief of the Forest Service and (where appropriate) through the Cooperative State Research, Education, and Extension Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or Cooperative Extension officials at land grant colleges and universities and 1890 institutions for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested land and potentially forested land.

''(c) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

''(1) IN GENERAL.—The Secretary, in cooperation with State foresters or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality described in paragraph (2).

''(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

''(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, and local levels;

''(B) to provide State forestry best-management practices and water quality technical assistance directly to owners of nonindustrial private forest land;

''(C) to provide technical guidance to land managers and policymakers for water quality protection through forest management;

''(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

''(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

''(3) IMPLEMENTATION.—In the case of a participating State, the program of technical assistance shall be implemented by State foresters or equivalent State officials.

''(d) WATERSHED FORESTRY COST-SHARE PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program—

''(A) which shall be—

''(i) administered by the Forest Service; and

''(ii) implemented by State foresters or equivalent State officials in participating States; and

''(B) under which funds or other support provided to participating States shall be made available for State forestry best-management practices programs and watershed forestry projects.

''(2) WATERSHED FORESTRY PROJECTS.—The State forester, an equivalent State official of a participating State, or a Cooperative Extension official at a land grant college or university or 1890 institution, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) (or an equivalent committee) for that State, shall make awards to communities, nonprofit groups, and owners of nonindustrial private forest land under the program for watershed forestry projects described in paragraph (3).

''(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

''(A) the use of trees as solutions to water quality problems in urban and rural areas;

''(B) community-based planning, involvement, and action through State, local, and nonprofit partnerships;

''(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

''(D) watershed-scale forest management activities and conservation planning; and

''(E)(i) the restoration of wetland (as defined by the States) and stream-side forests; and

''(ii) the establishment of riparian vegetative buffers.

''(4) COST-SHARING.—

''(A) FEDERAL SHARE.—

''(i) FUNDS UNDER THIS SUBSECTION.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

''(ii) OTHER FEDERAL FUNDS.—The percentage of the cost of a project described in clause (i) that is not covered by funds made available under this subsection may be paid using other Federal funding sources, except that the total Federal share of the costs of the project may not exceed 90 percent.

''(B) FORM.—The non-Federal share of the costs of a project may be provided in the form of cash, services, or other in-kind contributions.

''(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State, or equivalent State committee, shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

''(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State watershed or best-management practice forester position to—

''(A) lead statewide programs; and

''(B) coordinate watershed-level projects.

''(e) DISTRIBUTION.—

''(1) IN GENERAL.—Of the funds made available for a fiscal year under subsection (g), the Secretary shall use—

''(A) at least 75 percent of the funds to carry out the cost-share program under subsection (d); and

''(B) the remainder of the funds to deliver technical assistance, education, and planning, at the local level, through the State Forester or equivalent State official.

''(2) SPECIAL CONSIDERATIONS.—Distribution of funds by the Secretary among States under paragraph (1) shall be made only after giving appropriate consideration to—

''(A) the acres of agricultural land, nonindustrial private forest land, and highly erodible land in each State;

''(B) the miles of riparian buffer needed;

''(C) the miles of impaired stream segments and other impaired water bodies where forestry practices can be used to restore or protect water resources;

''(D) the number of owners of nonindustrial private forest land in each State; and

''(E) water quality cost savings that can be achieved through forest watershed management.

''(f) WILLING OWNERS.—

''(1) IN GENERAL.—Participation of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section is voluntary.

''(2) WRITTEN CONSENT.—The watershed forestry assistance program shall not be carried out on nonindustrial private forest land without the written consent of the owner of, or entity having definitive decisionmaking over, the nonindustrial private forest land.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2004 through 2008.''.

**SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.**

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the ''Secretary''),

*acting through the Chief of the Forest Service, shall provide technical, financial, and related assistance to Indian tribes for the purpose of expanding tribal stewardship capacities and activities through tribal forestry best-management practices and other means at the tribal level to address watershed issues on land under the jurisdiction of or administered by the Indian tribes.*

*(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—*

*(1) IN GENERAL.—The Secretary, in cooperation with Indian tribes, shall develop a program to provide technical assistance to protect water quality, as described in paragraph (2).*

*(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—*

*(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, tribal, and local levels;*

*(B) to provide tribal forestry best-management practices and water quality technical assistance directly to Indian tribes;*

*(C) to provide technical guidance to tribal land managers and policy makers for water quality protection through forest management;*

*(D) to complement tribal efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal agencies and tribal entities charged with responsibility for water and watershed management; and*

*(E) to provide enhanced forest resource data and support for improved implementation and monitoring of tribal forestry best-management practices.*

*(c) WATERSHED FORESTRY PROGRAM.—*

*(1) IN GENERAL.—The Secretary shall establish a watershed forestry program in cooperation with Indian tribes.*

*(2) PROGRAMS AND PROJECTS.—Funds or other support provided under the program shall be made available for tribal forestry best-management practices programs and watershed forestry projects.*

*(3) ANNUAL AWARDS.—The Secretary shall annually make awards to Indian tribes to carry out this subsection.*

*(4) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within land under the jurisdiction of or administered by an Indian tribe by demonstrating the value of trees and forests to watershed health and condition through—*

*(A) the use of trees as solutions to water quality problems;*

*(B) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;*

*(C) watershed-scale forest management activities and conservation planning;*

*(D) the restoration of wetland and stream-side forests and the establishment of riparian vegetative buffers; and*

*(E) tribal-based planning, involvement, and action through State, tribal, local, and nonprofit partnerships.*

*(5) PRIORITIZATION.—An Indian tribe that participates in the program under this subsection shall prioritize watersheds in land under the jurisdiction of or administered by the Indian tribe to target watershed forestry projects funded under this subsection.*

*(6) WATERSHED FORESTER.—The Secretary may provide to Indian tribes under this section financial and technical assistance to establish a position of tribal forester to lead tribal programs and coordinate small watershed-level projects.*

*(d) DISTRIBUTION.—The Secretary shall devote—*

*(1) at least 75 percent of the funds made available for a fiscal year under subsection (e) to the program under subsection (c); and*

*(2) the remainder of the funds to deliver technical assistance, education, and planning in the field to Indian tribes.*

*(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2004 through 2008.*

## *TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES*

### *SEC. 401. FINDINGS AND PURPOSE.*

*(a) FINDINGS.—Congress finds that—*

*(1) high levels of tree mortality resulting from insect infestation (including the interaction between insects and diseases) may result in—*

*(A) increased fire risk;*

*(B) loss of old trees and old growth;*

*(C) loss of threatened and endangered species;*

*(D) loss of species diversity;*

*(E) degraded watershed conditions;*

*(F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and*

*(G) decreased timber values;*

*(2)(A) forest-damaging insects destroy hundreds of thousands of acres of trees each year;*

*(B) in the West, more than 21,000,000 acres are at high risk of forest-damaging insect infestation, and in the South, more than 57,000,000 acres are at risk across all land ownerships; and*

*(C) severe drought conditions in many areas of the South and West will increase the risk of forest-damaging insect infestations;*

*(3) the hemlock woolly adelgid is—*

*(A) destroying streamside forests throughout the mid-Atlantic and Appalachian regions;*

*(B) threatening water quality and sensitive aquatic species; and*

*(C) posing a potential threat to valuable commercial timber land in northern New England;*

*(4)(A) the emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests because an emerald ash borer infestation is almost always fatal to affected trees; and*

*(B) the emerald ash borer pest threatens to destroy more than 692,000,000 ash trees in forests in Michigan and Ohio alone, and between 5 and 10 percent of urban street trees in the Upper Midwest;*

*(5)(A) epidemic populations of Southern pine beetles are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and*

*(B) in 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in Southern pine beetle populations;*

*(6) those epidemic outbreaks of Southern pine beetles have forced private landowners to harvest dead and dying trees, in rural areas and increasingly urbanized settings;*

*(7) according to the Forest Service, recent outbreaks of the red oak borer in Arkansas and Missouri have been unprecedented, with more than 1,000,000 acres infested at population levels never seen before;*

*(8) much of the damage from the red oak borer has taken place in national forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources;*

*(9)(A) previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application; and*

*(B) there have not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments;*

*(10) only through the full funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests;*

*(11)(A) often, there are significant interactions between insects and diseases;*

*(B) many diseases (such as white pine blister rust, beech bark disease, and many other diseases) can weaken trees and forest stands and predispose trees and forest stands to insect attack; and*

*(C) certain diseases are spread using insects as vectors (including Dutch elm disease and pine pitch canker); and*

*(12) funding and implementation of an initiative to combat forest pest infestations and associated diseases should not come at the expense of supporting other programs and initiatives of the Secretary.*

*(b) PURPOSES.—The purposes of this title are—*

*(1) to require the Secretary to develop an accelerated basic and applied assessment program to combat infestations by forest-damaging insects and associated diseases;*

*(2) to enlist the assistance of colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions), State agencies, and private landowners to carry out the program; and*

*(3) to carry out applied silvicultural assessments.*

### *SEC. 402. DEFINITIONS.*

*In this title:*

*(1) APPLIED SILVICULTURAL ASSESSMENT.—*

*(A) IN GENERAL.—The term ''applied silvicultural assessment'' means any vegetative or other treatment carried out for information gathering and research purposes.*

*(B) INCLUSIONS.—The term ''applied silvicultural assessment'' includes timber harvesting, thinning, prescribed burning, pruning, and any combination of those activities.*

*(2) 1890 INSTITUTION.—*

*(A) IN GENERAL.—The term ''1890 Institution'' means a college or university that is eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).*

*(B) INCLUSION.—The term ''1890 Institution'' includes Tuskegee University.*

*(3) FOREST-DAMAGING INSECT.—The term ''forest-damaging insect'' means—*

*(A) a Southern pine beetle;*

*(B) a mountain pine beetle;*

*(C) a spruce bark beetle;*

*(D) a gypsy moth;*

*(E) a hemlock woolly adelgid;*

*(F) an emerald ash borer;*

*(G) a red oak borer;*

*(H) a white oak borer; and*

*(I) such other insects as may be identified by the Secretary.*

*(4) SECRETARY.—The term ''Secretary'' means—*

*(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System land; and*

*(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.*

### *SEC. 403. ACCELERATED INFORMATION GATHERING REGARDING FOREST-DAMAGING INSECTS.*

*(a) INFORMATION GATHERING.—The Secretary, acting through the Forest Service and United States Geological Survey, as appropriate, shall establish an accelerated program—*

*(1) to plan, conduct, and promote comprehensive and systematic information gathering on forest-damaging insects and associated diseases, including an evaluation of—*

*(A) infestation prevention and suppression methods;*

*(B) effects of infestations and associated disease interactions on forest ecosystems;*

*(C) restoration of forest ecosystem efforts;*

*(D) utilization options regarding infested trees; and*

*(E) models to predict the occurrence, distribution, and impact of outbreaks of forest-damaging insects and associated diseases;*

*(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of forest-damaging insects and associated diseases on Federal land and State and private land; and*

*(3) to disseminate the results of the information gathering, treatments, and strategies.*

*(b) COOPERATION AND ASSISTANCE.—The Secretary shall—*

*(1) establish and carry out the program in cooperation with—*

*(A) scientists from colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions);*

*(B) Federal, State, and local agencies; and*

*(C) private and industrial landowners; and*

*(2) designate such colleges and universities to assist in carrying out the program.*

***SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.***

*(a) ASSESSMENT EFFORTS.—For information gathering and research purposes, the Secretary may conduct applied silvicultural assessments on Federal land that the Secretary determines is at risk of infestation by, or is infested with, forest-damaging insects.*

*(b) LIMITATIONS.—*

*(1) EXCLUSION OF CERTAIN AREAS.—Subsection (a) does not apply to—*

*(A) a component of the National Wilderness Preservation System;*

*(B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;*

*(C) a congressionally-designated wilderness study area; or*

*(D) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.*

*(2) CERTAIN TREATMENT PROHIBITED.—Nothing in subsection (a) authorizes the application of insecticides in municipal watersheds or associated riparian areas.*

*(3) PEER REVIEW.—*

*(A) IN GENERAL.—Before being carried out, each applied silvicultural assessment under this title shall be peer reviewed by scientific experts selected by the Secretary, which shall include non-Federal experts.*

*(B) EXISTING PEER REVIEW PROCESSES.—The Secretary may use existing peer review processes to the extent the processes comply with subparagraph (A).*

*(c) PUBLIC NOTICE AND COMMENT.—*

*(1) PUBLIC NOTICE.—The Secretary shall provide notice of each applied silvicultural assessment proposed to be carried out under this section.*

*(2) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment before carrying out an applied silviculture assessment under this section.*

*(d) CATEGORICAL EXCLUSION.—*

*(1) IN GENERAL.—Applied silvicultural assessment and research treatments carried out under this section on not more than 1,000 acres for an assessment or treatment may be categorically excluded from documentation in an environmental impact statement and environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*(2) ADMINISTRATION.—Applied silvicultural assessments and research treatments categorically excluded under paragraph (1)—*

*(A) shall not be carried out in an area that is adjacent to another area that is categorically excluded under paragraph (1) that is being treated with similar methods; and*

*(B) shall be subject to the extraordinary circumstances procedures established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations.*

*(3) MAXIMUM CATEGORICAL EXCLUSION.—The total number of acres categorically excluded under paragraph (1) shall not exceed 250,000 acres.*

*(4) NO ADDITIONAL FINDINGS REQUIRED.—In accordance with paragraph (1), the Secretary shall not be required to make any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.*

***SEC. 405. RELATION TO OTHER LAWS.***

*The authority provided to each Secretary under this title is supplemental to, and not in lieu of, any authority provided to the Secretaries under any other law.*

***SEC. 406. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated such sums as are necessary to carry out this title for each of fiscal years 2004 through 2008.*

## *TITLE V—HEALTHY FORESTS RESERVE PROGRAM*

***SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.***

*(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—*

*(1) to promote the recovery of threatened and endangered species;*

*(2) to improve biodiversity; and*

*(3) to enhance carbon sequestration.*

*(b) COORDINATION.—The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.*

***SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.***

*(a) IN GENERAL.—The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.*

*(b) ELIGIBILITY.—To be eligible for enrollment in the healthy forests reserve program, land shall be—*

*(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and*

*(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—*

*(A) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but*

*(B) are candidates for such listing, State-listed species, or special concern species.*

*(c) OTHER CONSIDERATIONS.—In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—*

*(1) improve biological diversity; and*

*(2) increase carbon sequestration.*

*(d) ENROLLMENT BY WILLING OWNERS.—The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.*

*(e) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the healthy forests reserve program shall not exceed 2,000,000 acres.*

*(f) METHODS OF ENROLLMENT.—*

*(1) IN GENERAL.—Land may be enrolled in the healthy forests reserve program in accordance with—*

*(A) a 10-year cost-share agreement;*

*(B) a 30-year easement; or*

*(C) an easement of not more than 99 years.*

*(2) PROPORTION.—The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.*

*(g) ENROLLMENT PRIORITY.—*

*(1) SPECIES.—The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—*

*(A) primarily, species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and*

*(B) secondarily, species that—*

*(i) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but*

*(ii) are candidates for such listing, State-listed species, or special concern species.*

*(2) COST-EFFECTIVENESS.—The Secretary of Agriculture shall also consider the cost-effectiveness of each agreement or easement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.*

***SEC. 503. RESTORATION PLANS.***

*(a) IN GENERAL.—Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture, in coordination with the Secretary of Interior.*

*(b) PRACTICES.—The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—*

*(1) species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and*

*(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.*

***SEC. 504. FINANCIAL ASSISTANCE.***

*(a) EASEMENTS OF NOT MORE THAN 99 YEARS.—In the case of land enrolled in the healthy forests reserve program using an easement of not more than 99 years described in section 502(f)(1)(C), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—*

*(1) the fair market value of the enrolled land during the period the land is subject to the easement, less the fair market value of the land encumbered by the easement; and*

*(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the easement.*

*(b) 30-YEAR EASEMENT.— In the case of land enrolled in the healthy forests reserve program using a 30-year easement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—*

*(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the easement; and*

*(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.*

*(c) 10-YEAR AGREEMENT.—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—*

*(1) 50 percent of the actual costs of the approved conservation practices; or*

*(2) 50 percent of the average cost of approved practices.*

*(d) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.*

***SEC. 505. TECHNICAL ASSISTANCE.***

*(a) IN GENERAL.—The Secretary of Agriculture shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements or easements) under the healthy forests reserve program.*

*(b) TECHNICAL SERVICE PROVIDERS.—The Secretary of Agriculture may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842), to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.*

***SEC. 506. PROTECTIONS AND MEASURES***

*(a) PROTECTIONS.—In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species,*

*the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances and protection under—*

*(1) section 7(b)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)); or*

*(2) section 10(a)(1) of that Act (16 U.S.C. 1539(a)(1)).*

*(b) MEASURES.—If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 503, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 504.*

***SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.***

*In carrying out this title, the Secretary of Agriculture may consult with—*

*(1) nonindustrial private forest landowners;*

*(2) other Federal agencies;*

*(3) State fish and wildlife agencies;*

*(4) State forestry agencies;*

*(5) State environmental quality agencies;*

*(6) other State conservation agencies; and*

*(7) nonprofit conservation organizations.*

***SEC. 508. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated to carry out this title—*

*(1) $25,000,000 for fiscal year 2004; and*

*(2) such sums as are necessary for each of fiscal years 2005 through 2008.*

***TITLE VI—MISCELLANEOUS***

***SEC. 601. FOREST STANDS INVENTORY AND MONITORING PROGRAM TO IMPROVE DETECTION OF AND RESPONSE TO ENVIRONMENTAL THREATS.***

*(a) IN GENERAL.—The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—*

*(1) in units of the National Forest System (other than those units created from the public domain); and*

*(2) on private forest land, with the consent of the owner of the land.*

*(b) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—*

*(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);*

*(2) loss or degradation of forests;*

*(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;*

*(4) quantification of carbon uptake rates; and*

*(5) management practices that focus on preventing further forest degradation.*

*(c) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—*

*(1) isolate and treat a threat before the threat gets out of control; and*

*(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.*

*(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2004 through 2008.*

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

And the Senate agree to the same.

From the Committee on Agriculture, for consideration of the House bill and the Senate amendments, and modifications committee to conference:

BOB GOODLATTE,
JOHN BOEHNER,
WILLIAM L. JENKINS,
GIL GUTKNECHT,
ROBIN HAYES,
CHARLIE STENHOLM,
COLLIN C. PETERSON,
CAL DOOLEY,

From the Committee on Resources, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

RICHARD POMBO,
SCOTT MCINNIS,
GREG WALDEN,
RICK RENZI,

From the Committee on the Judiciary, for consideration of sections 106 and 107 of the House bill, and sections 105, 106, 1115, and 1116 of the Senate amendment and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.,
LAMAR SMITH,

*Managers on the Part of the House.*

THAD COCHRAN,
MITCH MCCONNELL,
MICHAEL CRAPO,
PETE V. DOMENICI,
TOM DASCHLE,

*Manager on the Part of the Senate.*

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERNCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1904), An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendments struck out all of the text of the House bill after the enacting clause and inserted a substitute text and a new title.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The House also recedes from its disagreement to the amendment of the Senate to the title of the bill. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE: TABLE OF CONTENTS

*(1) Short Title*

The House bill cites that this Act may be cited as ''Healthy Forests Restoration Act of 2003'' and lists the table of contents. (Section 1)

The Senate amendment has an identical short title and differences in the table of contents that reflect the Senate amendment. (Section 1)

The Conference substitute adopted the House provision with an amendment to conform the table of contents to the conference agreement. (Section 1)

*(2) Purpose*

The House bill lists the purposes of this Act, including: to reduce the risks of damage to communities, municipal water supplies and federal lands from catastrophic wildfire; to authorize grant programs to improve the commercial value of forest biomass; to enhance efforts to protect watersheds and address threats to forest and rangeland health; to promote systematic information gathering to address the impacts of insect infestation on forest and rangeland health; to improve the capacity to detect insect and disease infestations at an early stage; and to benefit threatened and endangered species, improve biological diversity and enhance carbon sequestration. (Section 2)

The Senate amendment contains similar purposes with only technical and clarifying changes. (Section 2)

The Conference substitute adopts the Senate provision with an amendment that reflects changes made necessary by deletions from the bill. (Section 2)

TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

*(1) Definitions*

The House bill defines terms necessary for implementation of the bill, including: interface community and intermix community; authorized hazardous fuel reduction project; condition class 2; condition class 3; day; decision document; Federal land; implementation plan; municipal water supply system; Secretary concerned; threatened and endangered species habitat. (Section 101)

The Senate amendment defines the same terms as the House bill with only technical differences, and defines additional terms, including: at-risk community; community wildfire protection plan; fire regime i, ii, and iii; Indian tribe; resource management plan; and Wildland-urban interface. (Sections 3, 101)

The Conference substitute [adopts the Senate provisions, with an amendment to modify the definition of wildland-urban interface. (Sections 3, 101)]

*(2) Authorized Hazardous Fuel Reduction Projects*

The House bill allows for authorized hazardous fuels reduction projects on federal lands that (1) are located in an interface or intermix community; (2) are located in proximity to such communities; (3) are condition class 3 or 2 and located in proximity to a municipal water supply (or a perennial stream, including rivers and other permanent natural flowing water sources feeding a municipal water supply); (4) are condition class 3 or 2 and have been identified as an area where windthrow, blowdown, the existence or threat of disease or insect infestation poses a threat to forest or rangeland health, or (5) contain threatened and endangered species, if: the natural fire regimes are important for, or wildfire is a threat to threatened or endangered species or their habitat; the authorized hazardous fuel reduction project will enhance protection from catastrophic wildfire, and; the Secretary complies with applicable guidelines in any management or recovery plan. (Section 102(a))

The Senate amendment allows for authorized hazardous fuel reduction projects on federal lands that: (1) are in wildland-urban interface areas, (2) are condition class 3 and located in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, (3) are condition class 2 within fire regime I, fire regime II or fire regime III and otherwise the same as paragraph (2), (4) are identified as an area where windthrow, blowdown, ice storm damage, or the existence of insects or disease

poses a significant threat to an ecosystem component, or forest or rangeland resource on federal land or adjacent non-federal land, or (5) contain threatened and endangered species habitat, if: the natural fire regimes are important for, or wildfire is a threat to threatened or endangered species or their habitat; the authorized hazardous fuel reduction project will enhance protection from catastrophic wildfire, and; the Secretary complies with applicable guidelines in any management or recovery plan. (Section 102(a))

The Conference substitute adopts the Senate provision with amendments modifying the definition of wildland-urban interface and that clarify the provision relating to insect and disease infestation. (Section 102(a))

*(3) Agency Plans; Acreage Limitation; Exclusion of Certain Federal Land*

The House bill requires projects to be planned and conducted in a manner consistent with land and resource management plans or an applicable land use plan; limits the acreage available for authorized hazardous fuels reduction projects to 20,000,000 acres; and prohibits authorized hazardous fuels reduction projects on the following federal lands: a component of the National Wilderness Preservation System, federal lands where the removal of vegetation is prohibited or restricted by a Congress or a presidential proclamation, or wilderness study areas. (Section 102(b), (c), and (d))

The Senate amendment contains similar provisions with only technical differences. (Section 102(b), (c), and (d)).

The Conference substitute adopts the Senate provisions. (Section 102(b), (c), and (d))

*(4) Old Growth Stands and Large Tree Retention*

The Senate amendment: (Section 102(e), (f))

Provides direction for projects that may occur within old growth stands;

Defines a covered project as all authorized hazardous fuel reduction projects except those in an area where windthrow, blowdown, ice storm damage, or the existence of insects or disease poses a significant threat to an ecosystem component (section 102(a)(4));

Identifies standards for old growth as the definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan, based on the structure and composition characteristic of the forest type, and in accordance with applicable law;

Requires the Secretary to fully maintain, or contribute toward the restoration of the structure and composition of structurally complex old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, while considering the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure;

Provides that old growth standards that are 10 years old or less from the date of enactment of this Act shall be used by the Secretary in carrying out a covered project;

Requires that any amendment or revision to standards for which final administrative approval is granted after the date of enactment of this Act shall be consistent with the requirement described above;

Provides that old growth standards established before the 10-year period may be used for a 2-year period beginning on the date of enactment of this Act, or if in the process of revising a resource management plan, may be used for a 3-year period;

Provides that older standards shall be reviewed and revised, if necessary, to reflect relevant information not considered in formulating the resource management plan. If such review is not completed within the appropriate time period, no covered project shall occur in a stand that is identified as an old growth stand (based on substantial supporting evidence) by any person during scoping; and

Requires that covered projects outside of old growth stands focus largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects; and, maximizes the retention of large trees, as appropriate for the forest type, to the extent that the large trees promote fire-resistant stands.

The House bill has no comparable provisions.

The Conference substitute adopts the Senate provisions with an amendment that makes technical and clarifying changes to the old growth provisions; and adds a clause to the large tree retention provision to clarify that such provision is not intended to prevent achieving the purpose in section 2(1). (Section 102(e), (f))

The Managers note that nothing in subsection 102(e) requires resource management plans to be amended.

*(5) Prioritization for Communities*

The House bill directs the Secretary to give priority to authorized hazardous fuel reduction projects that provide for the protection of communities and watersheds as provided for in the implementation plan. (Section 103)

The Senate amendment: (Section 103)

Directs the Secretary to develop an annual program of work that gives priority to authorized hazardous fuel reduction projects that provide for protection of at-risk communities or watersheds or that implement community wildfire protection plans;

Makes the Federal Advisory Committee Act and National Environmental Policy Act inapplicable to Federal involvement in the community wildfire protection plan planning and development process;

Directs that not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects shall be used in the wildland-urban interface. Such allocation shall apply at the national level. However, funds may be allocated differently within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects in areas with insects, disease, windthrow, blowdown or ice storm damage.

In providing financial assistance for authorized hazardous fuel reduction projects on non-federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

The Conference substitute adopts the Senate provision with amendments directing the Secretary to: (1) use existing administrative authority to define wildland-urban interface for purposes of authorized hazardous fuel reduction projects for which a decision notice is issued within one year of date of enactment of this Act, and (2) give priority in allocating funding to communities that have adopted wildfire protection plans. (Section 103)

*(6) Environmental Analysis*

The House bill:

Requires the Secretary to prepare an environmental assessment (EA) or an environmental impact statement (EIS) for any authorized hazardous fuel reduction project; (104(a))

Gives the Secretary discretionary authority to limit the analysis ordinarily required under the National Environmental Policy Act ('NEPA') to the proposed agency action, meaning the agencies would not be required to analyze and describe a number of different alternatives to the preferred course; (104(b))

Requires the Secretary to provide notice of authorized hazardous fuel reduction projects and conduct a public meeting during the planning stage; (104(c))

Requires the Secretary to collaborate among governments and interested persons during the formulation of each authorized fuels reduction project; (104(d))

Requires the Secretary to allow public input in accordance with NEPA during the preparation of an EA or EIS or an authorized hazardous fuel reduction project; (104(e))

Requires the Secretary to sign a decision document for each authorized hazardous fuels reduction project and provide notice of that document; (104(f)) and

Requires the Secretary concerned to monitor the implementation of authorized hazardous fuels reduction projects. (104(g))

With respect to House bill sections 104 (a), (c), (d), (e), and (f), the Senate amendment contains essentially identical provisions, except for technical differences.

With respect to House bill section 104(b), the Senate amendment directs the Secretary to prepare an environmental assessment (EA) or an environmental impact statement (EIS) for any authorized hazardous fuel reduction project which describes the proposed action, a no action alternative, and an additional action alternative, if the additional alternative is proposed during scoping or the collaborative process and meets the purpose and need of the project. If more than 1 additional alternative is proposed, the Secretary shall select which additional alternative to consider and provide a written record describing the reasons for the selection. (Section 104(b))

With respect to House bill section 104(g), the Senate amendment:

Directs each Forest Service region and BLM State Office to monitor the results of authorized hazardous fuels reduction projects, and submit a report every 5 years that includes an evaluation of the progress towards project goals and recommendations for modifications to the projects and management treatments. It requires monitoring and assessment from a representative sample of authorized hazardous fuel reduction projects for each management unit as to the effects on changes in condition class, fire regime, watershed or landscape goals or objectives in the resource management plan, and requires the Secretary to track acres burned the degree of severity; and develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved; and (Section 102(g))

Instructs the Secretary to establish a collaborative monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of the Senate amendment, and include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process. (Section 1108)

With respect to Section 104(b) of the House bill and the Senate amendment, the Conference substitute adopts the Senate provision with an amendment that provides for special expedited environmental analysis processes for hazardous fuels reduction projects within the wildland-urban interface and within 1½ miles of at risk communities (Section 104(d)).

For projects described in section 104(d)(1) of the Conference substitute, the Managers expect the Secretary to concisely analyze the likely environmental outcomes if the proposed treatment is not implemented.

The Managers note that, under subsection 104(c)(2), if more than one additional alternative is proposed during scoping that meets the purpose and need, the Secretary has the discretion to select which additional alternative to consider, and must provide a written record describing the reasons for the selection. The Managers note that the written record could be part of, or separate from, the environmental assessment or environmental impact statement.

The Managers expect, in carrying out authorized fuel reduction projects under the expedited processes provided by the Act, the Secretary not to neglect obligations under the provisions of section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1976 (16 U.S.C. 1604(g)(3)(B)).

With respect to Section 104(g) of the House bill, the Conference substitute: (1) strikes the Senate amendment provision (Section 1108) regarding collaborative monitoring; and (2) adopts the Senate amendment provision (Section 102(g)) regarding monitoring with an amendment that allows the Secretary to utilize multiparty monitoring with diverse stakeholders in areas where interest in multiparty monitoring exists. (Section 102(g))

*(7) Administrative Review*

The House bill:

Directs the Secretary of Agriculture to establish an administrative review process for the Forest Service within 90 days after the enactment of this Act that will serve as the sole means by which a person can seek administrative redress regarding an authorized hazardous fuels reduction project; (Section 105(a))

Limits the administrative process to be developed to persons who have submitted specific and substantive written comments during the preparation stage of the project; and (Section 105(b))

Clarifies that the Appeals Reform Act relating to USFS administrative appeals does not apply to an authorized hazardous fuels reduction project. (Section 105(c))

The Senate amendment:

Directs the Secretary of Agriculture to establish, within 30 days after the date of the enactment of this Act, interim final regulations to establish a pre-decisional administrative review process that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on National Forest System land; (Section 105(a))

Requires the Secretary to establish final regulations after a time period for public comment; (Section 105(b))

Provides that a person may only bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court if the issue was raised during the administrative process and the person has exhausted the administrative review process established by the Secretary, with exceptions for futility or inadequacy claims; and (Section 105(c))

Clarifies that, with respect to projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations (including related legal actions). (Section 107(b))

The Conference substitute adopts the Senate provisions with an amendment that incorporates the substantive content of House bill section 105(b) and adds clarifying changes to section 105(c) of the Senate amendment. (Section 105)

The Managers do not expect the provisions in section 105(c)(3)(B) of the Conference substitute to be applicable to information which has not been brought to the attention of the Secretary.

*(8) Judicial Review*

The House bill:

Establishes a time limit for filing a challenge to an authorized hazardous fuels reduction project to 15 days within notice of the final agency action; (Section 106(a))

Limits the duration of any preliminary injunction granted on an authorized project to 45 days subject to renewal, and requires Secretarial notification to Congress upon an injunction renewal; (106(b))

Encourages a court in which an action or an appeal is filed to render a final determination within 100 days of when the complaint or appeal is filed; (106(c))

With respect to all agency actions on Federal lands, directs a court, in considering a request for injunctive relief, to balance the impact to the ecosystem of the short-term and long-term effects of undertaking the agency action against the short-term and long-term effects of not undertaking the agency action, and to give deference to any agency finding that the balance of harm and the public interest in avoiding the short-term effects of the agency action is outweighed by the public interest in avoiding long-term harm to the ecosystem. (Section 107)

The Senate amendment:

Requires lawsuits challenging an authorized hazardous fuel reduction project to be filed only in the United States district court for the district in which the federal land to be treated is located; (Section 106(a))

Encourages the court to expedite the proceedings with the goal of rendering a final determination as soon as practicable; (Section 106(b))

Limits the length of any preliminary injunctive relief and stays pending appeal not to exceed 60 days, subject to renewal with a requirement that parties to the action shall present updated information on the status of the project; (Section 106(c)(1), (2))

Directs the court reviewing the project, as part of its weighing the equities while considering any request for an injunction, to balance the impact to the ecosystem likely affected by the project of the short- and long-term effects of undertaking the agency action against the short- and long-term effects of not undertaking the agency action. (Section 106(c)(3))

The Conference substitute adopts the Senate provision. (Section 106)

*(9) Effect of Title; Rules of Construction*

The House bill clarifies that nothing in this title:

shall be construed to affect or limit the use of other authorities by the Secretary concerned to plan or conduct a hazardous fuels reduction project on federal lands; and (Section 108(a))

shall be construed to prejudice the consideration or disposition of any legal action concerning the Roadless Area Conservation Rule. (Section 108(b))

The Senate amendment provides that nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104. (Section 107(a))

The Conference substitute adopts the Senate provision. (Section 107)

*(10) Authorization of Appropriations*

The Senate amendment authorizes $760 million annually for activities under this title and other hazardous fuel reduction activities of the Secretary. (Section 108)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 108)

TITLE II—BIOMASS

*(1) Findings; Definitions*

The House bill contains Congressional findings that that show high risk of wildfires across many acres due to the accumulation of heavy fuel loads from insect infestations and disease, and defines the terms: Biomass, Person, Preferred Community, and Secretary Concerned. (Sections 201, 202)

The Senate amendment has comparable provisions with minor differences. (Sections 201, 202)

*(2) Grants to Improve the Commercial Value of Forest Biomass; Reporting requirement*

The House bill establishes biomass commercial use and value-added grant programs to benefit anyone who owns or operates a facility to produce energy from biomass, as well as a monitoring program for participants, while complying with existing endangered species protections; authorizes appropriations of $25,000,000 for fiscal years 2004 to 2008; and requires that the Secretary concerned submit a report of the grant programs no later than October 1, 2010. (Sections 203, 204)

The Senate amendment has a comparable amendment with minor differences. (Sections 203, 204)

With respect to sections 201 and 202 of the House bill and sections 203 and 204 of the Senate amendment, the Conference substitute adopts an amendment that authorizes the Secretary to provide biomass purchase grants to owners and operators of biomass facilities that use such materials for production of wood-based products or other commercial purposes. (Section 203)

*(3) Improved Biomass Use Research Program*

The Senate amendment amends the Biomass Research and Development Act of 2000 by adding a silviculture component to the program. (Section 205)

The House has no provision on this subject.

The Conference substitute adopts the Senate provision. (Section 201)

*(4) Rural Revitalization Through Forestry*

The Senate amendment establishes a program to facilitate small business use of biomass and authorizes appropriations of $5,000,000 for fiscal years 2004 to 2008 to carry out the program. The program is established by amending the Food, Agriculture, Conservation, and Trade Act of 1990. (Section 206)

The House bill has no provision on this subject.

The Conference substitute adopts the Senate provision. (Section 202)

TITLE III—WATERSHED FORESTRY ASSISTANCE

*(1) Findings and Purpose*

The House bill contains Congressional findings that the proper stewardship of forest lands is essential to sustaining and restoring the health of watersheds. The purpose of this title is to improve watershed health by forest management practices, such as maintaining tree cover, buffer strips. (Section 301)

The Senate contains a comparable provision with minor changes. (Section 301)

*(2) Watershed Forestry Assistance Program*

The House bill establishes a program to assist State foresters in expanding stewardship capacities to address watershed issues on non-Federal lands through technical assistance and a cost-share program by amending the Cooperative Forestry Assistance Act. An authorization for appropriations of

$15,000,000 for each of the fiscal years 2004 through 2008 is also included. (Section 302)

The Senate contains a comparable provision with minor changes and also defines the term Nonindustrial Private Forest Land. (Section 302)

The Conference substitute adopts the Senate provision. (Section 302)

*(3) Tribal Watershed Forestry Assistance*

The Senate amendment directs the Secretary of Agriculture to provide assistance to Indian tribes for expanding forestry projects and to address watershed issues on tribal lands and provides the same basic authorities for Indian tribes as are provided in Section 302. (Section 303)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 303)

TITLE IV—INSECT INFESTATIONS

*(1) Definitions, Findings, and Purpose*

The House bill defines the terms Applied Silvicultural Assessment, Federal Lands, Secretary Concerned, 1890 Institutions. The bill also contains Congressional findings that insect infestations have many adverse effects on forest health, and states that the purpose of this title is to require the Secretary concerned to develop an assessment program to combat insect infestations, to enlist the assistance of educational institutions, and to carry out applied silvicultural assessments. (Section 401)

The Senate bill contains comparable provisions and also defines the term Forest Damaging Insect. (Sections 401, 402)

The Conference substitute adopts the Senate provision. (Sections 401, 402)

*(2) Accelerated Information Gathering Regarding Forest Damaging Insects*

The House bill establishes a program for information gathering on bark beetles, including Southern pine beetles, hemlock woolly adelgids, emerald ash borers, red oak borers, and white oak borers, to assist land managers in the development of treatments to improve forest health, and disseminate results in cooperation with scientists from university and forestry schools. (Section 402)

The Senate amendment contains a comparable provision with minor changes and expands program to include all forest-damaging insects and associated diseases. (Section 403)

The Conference substitute adopts the Senate provision. (Section 403)

*(3) Applied Silvicultural Assessments*

The House bill enables the Secretary concerned to conduct applied silvicultural assessments on federal lands that the Secretary determines in its sole discretion are at risk for infestation with certain named pests. It limits such assessment areas to 1,000 acres per assessment; applies an overall acreage limitation to 250,000 acres; requires the Secretary to provide notice of each applied silvicultural assessment proposed to be carried out; requires the Secretary to provide an opportunity for public input; creates a categorical exclusion from further analysis under NEPA which the environment. (Section 403)

The Senate amendment contains a comparable provision with minor technical differences, and expands to all forest-damaging insects and associated diseases. The Senate bill precludes categorical exclusions using similar methods from being carried out adjacent to one another and subjects them to the extraordinary circumstances procedures. (Section 404)

The Conference substitute adopts the Senate provision. (Section 404)

*(4) Relation to Other Laws; Authorization of Appropriations*

The House bill provides that authorities of the Secretary under this title are in addition to other authorities of the Secretary under other laws, and authorizes such sums as may be necessary to be appropriated between fiscal year 2004 and 2008. (Sections 404, 405)

The Senate amendment contains comparable provisions with only technical differences. (Sections 405, 406)

The Conference substitute adopts the Senate provisions. (Sections 405, 406)

TITLE V—HEALTHY FORESTS RESERVE PROGRAM

*(1) Establishment of Program*

The House bill directs the Secretary of Agriculture to establish a program with the purpose of protecting, restoring, and enhancing forest ecosystems to promote the recovery of endangered species, improve biodiversity, and enhance carbon sequestration. (Section 501)

The Senate amendment has a comparable provision. (Section 501)

The Conference substitute adopts the Senate provision. (Sections 501)

*(2) Eligibility and Enrollment of Lands in Program*

The House bill specifies lands eligible for enrollment and lists eligibility and enrollment requirements for program participants, including enrollment priorities for land with threatened and endangered species. (Section 502 (a), (b), (c), (f))

The Senate amendment has comparable provisions with minor differences. (Section 502 (a), (b), (c), (d), (g))

The Conference substitute adopts the Senate provisions. (Section 502 (a), (b), (c), (d), (g))

*(3) Maximum Enrollment; Methods of Enrollment*

The House bill establishes a maximum enrollment of 1,000,000 acres, and authorizes acres to be enrolled through a permanent easement with buyback option, a 30–year easement, or a 10–year agreement for enrolled lands under this program. (Section 502 (d) and (e))

The Senate amendment establishes a maximum enrollment of 2,000,000 acres, and authorizes acres to be enrolled through agreements of not more than 99 years with no buyback option, 30–year agreements; or 10–year cost share agreements. (Section 502 (e) and (f))

The Conference substitute adopts the Senate provision with respect to maximum enrollment (502(e) and the House provision with an amendment with respect to methods of enrollment to allow for 10–year cost share agreements, and 30–year and up to 99–year easements. (Section 502(f))

*(4) Conservation Plans*

The House bill requires lands enrolled shall be subject to a conservation plan developed by USDA and the US Fish and Wildlife Service; requires a description of the permissible land-use activities; authorizes applicable State agencies and nonprofit conservation organizations to provide technical or financial assistance in development of the plans; and requires that the plan maximize the environmental benefits per dollar expended. (Section 503)

The Senate amendment has comparable provisions. (Sections 502(g)(2), 503, 507)

The Conference substitute adopts the Senate provision. (Sections 502(g)(2), 503, 507)

*(5) Financial Assistance*

The House bill specifies maximum amounts of financial assistance for each method of enrollment of acres into the Healthy Forest Reserve. (Section 504)

The Senate amendment contains similar language (Section 504).

The Conference substitute adopts the Senate provision with an amendment reflecting the changes made in the methods of enrollment. (Section 504)

*(6) Technical Assistance*

The House bill directs the Forest Service and U.S. Fish and Wildlife service to provide participants with technical assistance. (Section 505)

The Senate amendment has a comparable provision and also adds that the Secretary may enter into cooperative agreements with third parties certified as technical service providers. (Section 505)

The Conference substitute adopts the Senate provision. (Section 505)

*(7) Safe Harbor*

The House bill instructs the Secretary of Interior to provide safe harbor to landowners who enroll land in this program when enrollment results in a net conservation benefit for listed species. (Section 506)

The Senate amendment has a comparable provision and also provides that the cost of any additional measures taken besides those covered in the restoration plan will be considered part of the restoration plan for financial purposes. (Section 506)

The Conference substitute adopts the Senate provision. (Section 506)

*(8) Authorization of Appropriations*

The House bill authorizes to be appropriated $15,000,000 for each of the fiscal years 2004 through 2008. (Section 507)

The Senate amendment authorizes to be appropriated $25,000,000 for fiscal year 2004 and such sums necessary for each of the fiscal years 2005–2008. (Section 508)

The Conference substitute adopts the Senate provision. (Section 508)

TITLE VI—MISCELLANEOUS PROVISIONS

*(1) Inventory and Monitoring Program*

The House bill instructs the Secretary of Agriculture to carry out a program to monitor forest stands on National Forest System lands and private lands; lists issues to be addressed; establishes an early warning system; and authorizes $5,000,000 for each of the fiscal years 2004 through 2008 for such activities. (Section 601)

The Senate amendment has a comparable provision that also lists specific means and offices for carrying out the program, and authorizes such sums as are necessary to carry out this section without fiscal year limitation. (Section 1101)

The Conference substitute adopts the House provision. (Title VI)

The managers expect the Secretary to consult and collaborate with the National Aeronautics and Space Administration, Stennis Space Center in carrying out this title.

*(2) Public Land Corps*

The Senate amendment creates a public land corps to carry out rehabilitation projects enlisting the help of disadvantaged young people. The amendment authorizes to be appropriated $15,000,000 for each of the fiscal years 2004 through 2008. (Title VI)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(3) Rural Community Forestry Enterprise Program*

The Senate amendment establishes a program to assist in the economic revitalization of rural forest research-dependent communities. The amendment authorizes to be appropriated $15,000,000 for each of the fiscal years 2004 through 2008. (Title VII)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(4) Firefighters Medical Monitoring Act*

The Senate amendment provides that the National Institute for Occupational Safety

and Health shall monitor the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government. The amendment authorizes to be appropriated such sums as may be necessary in each of the fiscal years 2004 through 2008 to carry out this title. (Title VIII)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(5) Disaster Air Quality Monitoring Act*

The Senate amendment instructs the Environmental Protection Agency to provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in disaster areas and publish the findings. The amendment authorizes to be appropriated $8,000,000 to carry out this title. (Title IX)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(6) Highlands Region Conservation*

The Senate amendment recognizes the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, and the national significance of the Highlands region to the United States. The amendment authorizes the Secretary of Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region, and continues the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region. (Title X )

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(7) Emergency Treatment and Reduction of Nonnative Invasive Plants*

The Senate amendment establishes a program for emergency treatment and reduction of nonnative invasive plants to provide to State and local governments and agencies, conservation districts, tribal governments, and willing private landowners grants for use in carrying out hazardous fuel reduction projects to address threats of catastrophic fires that have been determined by the Secretaries to pose a serious threat, including work to eradicate Salt Cedar and Russian Olive trees and other brush along the Bosque lands on the Rio Grande River in the State of New Mexico. (Section 1102)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(8) USDA National Agroforestry Center*

The Senate amendment amends section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 to establish a National Agroforestry Center. (Section 1103)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(9) Upland Hardwoods Research Center*

The Senate amendment directs the Secretary to establish an upland hardwood research center. (Section 1104)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(10) Emergency Fuel Reduction Grants*

The Senate amendment instructs the Secretary of Agriculture to establish an emergency fuel reduction grant program under which the Secretary shall provide grants to State and local agencies to carry out hazardous fuel reduction projects addressing threats of catastrophic fire that pose a serious threat to human life, as determined by the Forest Service. (Section 1105)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(11) Eastern Nevada Landscape Coalition*

The Senate amendment authorizes the Secretary of Agriculture and the Secretary of the Interior to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes. (Section 1106)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(12) Sense of Congress Regarding Enhanced Community Fire Protection*

The Senate amendment states that it is the sense of Congress to reaffirm the importance of enhanced community fire protection program, as described in section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) (as added by section 8003(b) of the Farm Security and Rural Investment Act of 2002 (Public Law 107 09171; 116 Stat. 473)). (Section 1107)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(13) Best-Value Contracting*

The Senate amendment allows the Secretaries to use best value contracting criteria in awarding contracts and agreements. Best-value contracting criteria includes the ability of the contractor to meet the ecological goals of the projects; the use of equipment that will minimize or eliminate impacts on soils; and benefits to local communities such as ensuring that the byproducts are processed locally. (Section 1109)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(14) Suburban and Community Forestry and Open Space Program; Forest Legacy Program*

The Senate amendment establishes within the Forest Service a program to be known as the ''Suburban and Community Forestry and Open Space Program'' (Section 1110)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(15) Wildland Firefighter Safety*

The Senate amendment directs the Secretaries to ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards management direction established by the National Wildfire Coordinating Group. (Section 1111)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(16) Green Mountain National Forest Boundary Adjustment*

The Senate amendment states the boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled ''Green Mountain Expansion Area Map I'' and ''Green Mountain Expansion Area Map II'', each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. (Section 1112)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(17) Puerto Rico Karst Conservation*

The Senate amendment authorizes and supports conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the health and wellbeing of the citizens of the Commonwealth; and promotes cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts. (Section 1113)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(18) Effective Date of Section 10806 of Farm Security and Rural Investment Act*

The Senate amendment states Section 10806(b)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d; 116 Stat. 526), is deemed to have first become effective 15 days after the date of the enactment of this Act. (Section 1114)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(19) Enforcement of Animal Fighting Prohibitions Under the Animal Welfare Act*

The Senate amendment amends Section 26 of the Animal Welfare Act. (Section 1115)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

*(20) Changes in Fines for Violation of Public Land Regulations During a Fire Ban*

The Senate amendment contains provisions to modify the penalties for violations of fire bans. (Section 1116)

The House bill contains no comparable provision.

The Conference substitute strikes the Senate provision.

From the Committee on Agriculture, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

BOB GOODLATTE,
JOHN BOEHNER,
WILLIAM L. JENKINS,
GIL GUTKNECHT,
ROBIN HAYES,
CHARLIE STENHOLM,
COLLIN C. PETERSON,
CAL DOOLEY,

From the Committee on Resources, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

RICHARD POMBO,
SCOTT MCINNIS,
GREG WALDEN,
RICK RENZI,

From the Committee on the Judiciary, for consideration of sections 106 and 107 of the House bill, and sections 105, 106, 1115, and 1116 of the Senate amendment and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.
LAMAR SMITH,

*Managers on the Part of the House.*

THAD COCHRAN,

MITCH MCCONNELL,
MICHAEL CRAPO,
PETE V. DOMENICI,
TOM DASCHLE,
*Managers on the Part of the Senate.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of New York (at the request of Ms. PELOSI) for November 19th on account of illness.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTINGS of Florida) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, today.

Mr. SHUSTER, for 5 minutes, today.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and November 21.

Mr. SMITH of New Jersey, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

## ADJOURNMENT

Mr. THOMAS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes a.m.), the House adjourned until today, Friday, November 21, 2003, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

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

5512. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Cardiovascular Devices; Reclassification of the Arrhythmia Detector and Alarm [Docket Nos. 1994N-0418 and 1996P-0276] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5513. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Immunology and Microbiology Devices; Classification of the West Nile Virus IgM Capture Elisa Assay [Docket No. 2003P-0450] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5514. A letter from the Regulations Coordinator, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting the Department's final rule — Possession, Use, and Transfer of Select Agents and Toxins — received October 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5515. A letter from the Deputy Assistant Administrator, Office of Diversion Control, DEA, Department of Justice, transmitting the Department's final rule — Sale by Federal Departments or Agencies of Chemicals Which Could Be Used in the Illicit Manufacture of Controlled Substances [Docket No. DEA-176F] (RIN: 117-AA47) received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5516. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA 03-16476, Notice 1] (RIN: 2127-A182) received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5517. A letter from the Sr. Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Implementation of Section 304 of the Telecommunications Act of 1996 [CS Docket No. 97-80]; Commercial Availibility of Navigation Devices; Compatibility Between Cable Systems and Consumer Electronic Equipment [PP Docket No. 00-67] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5518. A letter from the Special Assistant to the Bureau Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Archer City, Texas) [MB DOcket No. 03-116] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5519. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communication Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Ehrenberg, Arizona) [MB Docket No. 03-174 RM-10754] received October 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5520. A letter from the Senior Legal Advisor, International Bureau, Federal Communication Commission, transmitting the Commission's final rule — Flexibility for Delivery of Communication by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands [IB Docket No. 01-185] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5521. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2,25 of the Commission's Rules to Permit Operation of NGSO FSS Sysytems Co-Frequency with GSO and Terrestrial Systems in Ku-Band [ET Docket No. 98-206] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5522. A letter from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 87 of the Commission's Rules to Accomodate Advanced Digital Communications in the 117.975-137 MHz Band and to Implement Flight Information Services in the 136-137 MHz Band [WT Docket No. 00-77 RM Nos. 9376, 9462] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5523. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of LPTV Digital Data Services Pilot Project — received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5524. A letter from the Bureau Chief, CGB, Federal Communications Commission, transmitting the Commisison's final rule — Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disbilities [CC Docket No. 98-67]; Petition for Clarification of WorldCom, Inc. — received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5525. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Payson and Camp Verde, Arizona) [MB Docket No. 03-160 RM-10706] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5526. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Butte, Montana) [MB Docket No. 03-118 RM-10585] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5527. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment sof Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Fayetteville, Arkansas) [MM Docket No. 01-55 RM-10034] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5528. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations. (Bay City, Michigan) [MM Docket No. 01-84 RM-10067] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5529. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) FM Table of Allotments, FM Braodcast Stations. (Harrison, Michigan) [MB Docket No. 03-176 RM-10720] received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5530. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-Band Frequency Range [ET Docket No. 98-206] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5531. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rues for Implementation of its Cable Operations And Licensing System (COALS) to Allow for Electronic Filing of Licensing Applications, Forms, Registrations and Notifications in the Multichannel Video and Cable Television Service and the Cable Television Relay Service [CS Docket No. 00-78] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5532. A letter from the Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television [MM Docket No. 00-39] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5533. A letter from the Assistant Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5534. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Partial Band Licensing and Loading Standards for Earth Stations in the FSS That Share Spectrum With Terrestrial Services [IB Docket No. 00-203; RM-9649], Blanket Licensing for Small Aperture Terminals in the C-Band [SAT-PDR-19990910-00091], Routine Licensing of 3.7 Meter Transmit and Receive Stations at C-Band, and Deployment of Geostationary-Orbit FSS Earth Stations in the Shared Portion of the Ka-Band, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5535. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Band [CC Docket No. 92-166] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5536. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Spectrum Sharing Plan Amoung Non-Geostationary Satellite Orbit Mobile Satellite Service Systems in the 1.6/2.4 GHz Bands [IB Docket No. 02-364] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5537. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — The International Bureau Revises and Reissues the Commission's List of Foreign Telecommuncations Carriers that Are Presumed to Possess Market Power in Foreign Telecommunications Markets — received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5538. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule — Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59) [GN Docket No. 01-74; FCC 02-185] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5539. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended [WT Docket No. 99-87] received November 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5540. A letter from the Senior Legal Advisor, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — Enforcement of Other Nations' Prohibitions Against the Uncompleted Call Signaling Configuration of International Call-back Service [IB Docket No. 02-18]; Petition for Rulemaking of the Telecommunications Resellers Association To Eliminate Comity-Based Enforcement of Other Nations' Prohibitions Against the Uncompleted Call Signaling Configurations of International Call-back Service [RM-9249] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5541. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commissission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Glen Falls, Indian Lake, Malta and Queensbury, New York) [MB DOcket No. 03-105 RM-10671] received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5542. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Assesment of Access Authorization Fees (RIN: 3150-AH30) received November 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5543. A letter from the transmitting the Commission's final rule — Amdt. of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services [ET Dkt No.00-258]; The Establishment of Policies and Service Rules for the Mobile-Satellite Service in the 2 GHz Band [IB Dkt. No.99-81]; Amdt. of the Table of Frequency Allocations to Designate the 2500-2520/2670-2690 MHz Frequency Bands for the Mobile-Satellite Service [RM-9911]; Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service [RM-9498]; Petition for Rule Making of to the Committee on Energy and Commerce.

5544. A letter from the Director, International Cooperations, Department of Defense, transmitting a copy of Transmittal No. 20-03 which informs of an intent to sign Amendment Number One to the Project Arrangement between the United States and Canada concerning Distributed Mision Training Technologies, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

5545. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Australia (Transmittal No. DDTC 104-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5546. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to the Republic of Korea (Transmittal No. DDTC 118-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5547. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment and defense articles to Belgium (Transmittal No. DDTC 103-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5548. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5549. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Part A Premium for 2004 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8018-N] (RIN: 0938-AM33) received November 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5550. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2004 [CMS-8016-N] (RIN: 0938-AM31) received November 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5551. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Losses Claimed and Income to be Reported from Lease In/Lease Out Transactions — received October 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5552. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-75) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5553. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Business Purpose (Rev. Rul. 2003-110) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5554. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Reimbursements and other expense allowance arrangements (Rev. Rul. 2003-106) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5555. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Amount of Credit (Rev. Rul. 2003-112) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5556. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Ruling and determination letters (Rev. Proc. 2003-81) received October 24,

2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5557. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories (Rev. Rul. 2003-113) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5558. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-80) received October 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5559. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2004 Limitations Adjusted As Provided in Section 415(d), etc. [Notice 2003-73] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5560. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-74] received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5561. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories (Rev. Rul. 2003-121) received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5562. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed $2,800,000 (Rev. Rul. 2003-119) received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5563. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Gross income defined (Rev. Rul. 2003-115) received November 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5564. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Definition of Company's Share and Policyholders' Share (Rev. Rul. 2003-120) received November 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5565. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Beginning January 1, 2004 [CMS-8017-N] (RIN: 0938-AM91) received November 20, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POMBO: Committee on Resources. H.R. 2408. A bill to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges; with amendments (Rept. 108–385). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLATTE: Committee of Conference. Conference report on H.R. 1904. A bill to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes (Rept. 108–386). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 456. Resolution providing for consideration of motions to suspend the rules (Rept. 108–387). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 457. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1904) to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System Lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes (Rept. 108–388). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 458. Resolution waiving a requirement of clause 6(a) of rule XIII wtih respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–389). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 459. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 108–390). Referred to the House Calendar.

*[Submitted November 21 (legislative day of November 20), 2003]*

Mr. THOMAS: Committee of Conference. Conference report on H.R. 1. A bill to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, and for other purposes (Rept. 108–391). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan (for himself and Ms. BALDWIN):

H.R. 3540. A bill to extend for an additional year the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 3541. A bill to provide authority to prevent human rights violations by controlling certain exports, and for other purposes; to the Committee on International Relations.

By Ms. BALDWIN (for herself, Mr. SMITH of Michigan, and Mr. HOLDEN):

H.R. 3542. A bill to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted; to the Committee on the Judiciary.

By Mr. CAPUANO (for himself, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. SESSIONS, Mr. WYNN, and Mr. LYNCH):

H.R. 3543. A bill to limit liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for service station dealers with respect to the release or threatened release of recycled oil; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASE:

H.R. 3544. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating certain lands along the southern coast of Maui, Hawaii, as a unit of the National Park System; to the Committee on Resources.

By Mr. FARR:

H.R. 3545. A bill to establish a program of research and other activities to provide for the recovery of the southern sea otter; to the Committee on Resources.

By Ms. DEGETTE (for herself, Ms. DELAURO, Mr. HINCHEY, Mr. STARK, and Mr. ENGLISH):

H.R. 3546. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to improve the safety of meat and poultry products by enhancing the ability of the Secretary of Agriculture to retrieve the history, use, and location of a meat or poultry product through a recordkeeping and audit system or registered identification, and for other purposes; to the Committee on Agriculture.

By Ms. DEGETTE (for herself, Ms. DELAURO, Mr. HINCHEY, Mr. STARK, and Mr. WAXMAN):

H.R. 3547. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS (for himself and Mr. INSLEE):

H.R. 3548. A bill to amend title 5, United States Code, to exclude civilian personnel at naval shipyards from the national security personnel system; to the Committee on Government Reform.

By Mr. HILL (for himself, Mr. SANDLIN, Mr. LAMPSON, Mr. MCINTYRE, Mr. ETHERIDGE, Mr. HOYER, Mr. TANNER, Mr. WU, and Ms. PELOSI):

H.R. 3549. A bill to amend titles XVIII and XIX of the Social Security Act to improve payments to providers of services and physicians furnishing services to Medicare and Medicaid beneficiaries, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. PETRI, Mr. LIPINSKI, Mr. BOEHLERT, Mr. RAHALL, Mr. COBLE, Mr. DEFAZIO, Mr. DUNCAN, Mr. COSTELLO, Mr. GILCHREST, Ms. NORTON, Mr. MICA, Mr. NADLER, Mr. HOEKSTRA, Mr. MENENDEZ, Mr. QUINN, Ms. CORRINE BROWN of Florida, Mr. EHLERS, Mr. FILNER, Mr. BACHUS, Ms.

EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. TAYLOR of Mississippi, Mrs. KELLY, Ms. MILLENDER-MCDONALD, Mr. BAKER, Mr. CUMMINGS, Mr. NEY, Mr. BLUMENAUER, Mr. LOBIONDO, Mrs. TAUSCHER, Mr. MORAN of Kansas, Mr. PASCRELL, Mr. GARY G. MILLER of California, Mr. BOSWELL, Mr. BEREUTER, Mr. HOLDEN, Mr. ISAKSON, Mr. LAMPSON, Mr. HAYES, Mr. BAIRD, Mr. SIMMONS, Ms. BERKLEY, Mrs. CAPITO, Mr. HONDA, Mr. BROWN of South Carolina, Mr. LARSEN of Washington, Mr. JOHNSON of Illinois, Mr. CAPUANO, Mr. REHBERG, Mr. WEINER, Mr. PLATTS, Ms. CARSON of Indiana, Mr. GRAVES, Mr. HOEFFEL, Mr. KENNEDY of Minnesota, Mr. THOMPSON of California, Mr. SHUSTER, Mr. BISHOP of New York, Mr. BOOZMAN, Mr. MICHAUD, Mr. CHOCOLA, Mr. DAVIS of Tennessee, Mr. BEAUPREZ, Mr. BURGESS, Mr. BURNS, Mr. PEARCE, Mr. GERLACH, Mr. MARIO DIAZ-BALART of Florida, Mr. PORTER, Mr. MATHESON, and Mr. CARSON of Oklahoma):

H.R. 3550. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. EHLERS:

H.R. 3551. A bill to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 3552. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to cover individuals, other than United States persons, who engage in international terrorism without affiliation with an international terrorist group; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAHOOD (for himself, Mr. HASTERT, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. DAVIS of Illinois, Mr. CRANE, Ms. SCHAKOWSKY, Mr. KIRK, Mr. WELLER, Mr. COSTELLO, Mrs. BIGGERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. EVANS, Mr. SHIMKUS, Mr. ISSA, Mr. UPTON, Mr. RAHALL, Mr. WAXMAN, and Ms. SLAUGHTER):

H.R. 3553. A bill to establish the Abraham Lincoln National Heritage Area, and for other purposes; to the Committee on Resources.

By Mr. MCDERMOTT (for himself, Mr. WU, Mr. DEFAZIO, Mr. INSLEE, Ms. KILPATRICK, and Mr. LARSEN of Washington):

H.R. 3554. A bill to amend the Temporary Extended Unemployment Compensation Act and the Federal-State Extended Unemployment Compensation Act to temporarily allow States to disregard the look-back requirement of these Acts for purposes of determining unemployment insurance eligibility; to the Committee on Ways and Means.

By Mr. MORAN of Virginia:

H.R. 3555. A bill to amend the Clean Air Act to prohibit stationary sources located in ozone nonattainment areas from purchasing nitrogen oxide emission credits under the Environmental Protection Agency's nitrogen oxide trading program without the consent of the State in which such source is located, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NADLER (for himself, Mr. RANGEL, Mr. MCNULTY, Mr. HOUGHTON, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. ENGEL, Mr. BOEHLERT, Mr. SERRANO, Mr. OWENS, Mr. WEINER, Mr. HINCHEY, Mrs. MALONEY, Ms. SLAUGHTER, and Mrs. LOWEY):

H.R. 3556. A bill to provide for income tax treatment relating to certain losses arising from, and grants made as a result of, the September 11, 2001, terrorist attacks on New York City; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mr. COX, Mr. BAIRD, Mr. DOOLEY of California, Mr. LANTOS, Ms. LOFGREN, and Ms. WOOLSEY):

H.R. 3557. A bill to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the ''James R. Browning United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. PITTS (for himself and Mr. MARKEY):

H.R. 3558. A bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services; to the Committee on Energy and Commerce.

By Mr. PLATTS:

H.R. 3559. A bill to amend title 10, United States Code, to allow faculty members at Department of Defense service academies and schools of professional military education to secure copyrights for certain scholarly works that they produce as part of their official duties in order to submit such works for publication, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. CONYERS, Ms. MCCOLLUM, Mr. TOWNS, Mr. ACEVEDO-VILA, Ms. LEE, Mrs. CHRISTENSEN, Mr. EMANUEL, Mr. LIPINSKI, Mr. PALLONE, Ms. MILLENDER-MCDONALD, Mrs. JONES of Ohio, and Mr. CUMMINGS):

H.R. 3560. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 3561. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain improvements to retail space; to the Committee on Ways and Means.

By Mr. SHUSTER:

H.R. 3562. A bill to amend the Internal Revenue Code of 1986 to allow businesses a credit for security devices, assessments, and other security-related expenses; to the Committee on Ways and Means.

By Mr. STEARNS (for himself and Mr. UPTON):

H.R. 3563. A bill to coordinate cargo theft crime data collection and to amend title 18, United States Code, to make improvements relating to cargo theft prevention, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND:

H.R. 3564. A bill to remove United States fair trade laws from the World Trade Organization dispute settlement system process; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 3565. A bill to provide that a grantee may not receive the full amount of a block grant under the Local Law Enforcement Block Grant program unless that grantee adopts a health standard establishing a legal presumption that heart, lung, and respiratory disease are occupational diseases for public safety officers and to provide that such diseases are presumed to be sustained in the performance of duty, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALDEN of Oregon:

H.R. 3566. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program using geospatial and information management technologies to inventory, monitor, characterize, assess, and identify forest stands and potential forest stands, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, 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. WU:

H.R. 3567. A bill to require the General Accounting Office to conduct an investigation of the high price of college textbooks; to the Committee on Education and the Workforce.

By Mr. WELDON of Pennsylvania (for himself, Ms. HARMAN, Mr. KIRK, Mr. BERMAN, Mr. SOUDER, Mr. CARDOZA, Mr. WILSON of South Carolina, Mr. MEEK of Florida, Mr. NUNES, Mr. LAHOOD, Mr. JONES of North Carolina, Mr. CASE, Mr. DEUTSCH, and Mr. SHAW):

H. Con. Res. 332. 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; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD (for herself and Mr. TOM DAVIS of Virginia):

H. Con. Res. 333. Concurrent resolution expressing support and appreciation for the longstanding alliance between the United States and the Republic of Korea, and for other purposes; to the Committee on International Relations.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, and Mr. MEEKS of New York):

H. Con. Res. 334. Concurrent resolution expressing the sense of Congress that ''Kids Love a Mystery Month''should be established; to the Committee on Government Reform.

By Mrs. TAUSCHER (for herself, Mr. GEORGE MILLER of California, Mr. TAYLOR of Mississippi, Mr. COOPER, Ms. PELOSI, Mr. SKELTON, Mr. MORAN

of Virginia, Mr. MCGOVERN, Mr. DAVIS of Tennessee, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. LEE, Mr. RYAN of Ohio, Ms. WATSON, Mr. EVANS, Mr. KILDEE, Mr. TOWNS, Mr. KENNEDY of Rhode Island, Mr. MEEHAN, Mr. RANGEL, Mr. INSLEE, Mr. ISRAEL, Mr. BLUMENAUER, Mr. MCDERMOTT, Ms. ESHOO, Mr. LANTOS, Ms. DELAURO, Ms. NORTON, Mr. LARSEN of Washington, Ms. LOFGREN, Mrs. MALONEY, Mr. BELL, Mr. LYNCH, Mr. GRIJALVA, Mr. CASE, Mr. CARDOZA, Mr. MATHESON, Ms. WOOLSEY, Ms. MCCARTHY of Missouri, Mr. FROST, Mr. BROWN of Ohio, Mr. FARR, Mr. HONDA, Mrs. CAPPS, Ms. MCCOLLUM, Mr. DELAHUNT, Ms. SOLIS, Ms. JACKSON-LEE of Texas, and Mr. SERRANO):

H. Con. Res. 335. Concurrent resolution recognizing the sacrifices made by members of the regular and reserve components of the Armed Forces, expressing concern about their safety and security, and urging the Secretary of Defense to take immediate steps to ensure that the reserve components are provided with the same equipment as the regular component; to the Committee on Armed Services.

By Mrs. JONES of Ohio (for herself, Ms. PRYCE of Ohio, Mr. DINGELL, Mr. TIBERI, Mr. TURNER of Ohio, Mr. OXLEY, Mr. GILLMOR, Mr. STRICKLAND, Ms. KAPTUR, Mr. KUCINICH, Mr. BROWN of Ohio, Mr. LATOURETTE, Mr. RYAN of Ohio, Mr. NEY, Mr. KILDEE, Mr. UPTON, Mrs. MILLER of Michigan, Mr. PORTMAN, Mr. LEVIN, Ms. KILPATRICK, Mr. CONYERS, Mr. MCCOTTER, Mr. HOBSON, and Mr. FORD):

H. Res. 460. A resolution congratulating The Ohio State University and the University of Michigan on the 100th football game between the two teams and recognizing their rivalry as the greatest sports rivalry in history; to the Committee on Education and the Workforce.

By Mr. WEXLER (for himself, Mr. GRIJALVA, Mr. TOWNS, Mr. HASTINGS of Florida, Ms. MCCOLLUM, Mr. CROWLEY, Mr. DEUTSCH, Mr. SERRANO, Mr. HINCHEY, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. WAXMAN, Ms. MILLENDER-MCDONALD, Mr. MARKEY, Mr. CLAY, and Ms. NORTON):

H. Res. 461. A resolution expressing the sense of the House of Representatives with respect to the American Association of Retired Persons and the Republican Medicare prescription drug bill; 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.

## ADDITIONAL SPONSORS

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

H.R. 58: Mr. SIMPSON, Mr. SHIMKUS, and Mr. GUTIERREZ.

H.R. 173: Mr. JEFFERSON.

H.R. 375: Mr. COLE and Mr. BRADY of Pennsylvania.

H.R. 525: Mr. ACKERMAN, Mr. ALLEN, Mr. BAIRD, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Mr. CARSON of Oklahoma, Ms. CARSON of Indiana, Mr. CLAY, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. DOYLE, Mr. ETHERIDGE, Mr. FARR, Mr. GREEN of Texas, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. INSLEE, Mr. JEFFERSON, Mr. KANJORSKI, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK, Mr. LANTOS, Mr. LIPINSKI, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. MOORE, Mr. PRICE of North Carolina, Mr. REYES, Mr. RODRIGUEZ, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SNYDER, Mr. STUPAK, Mr. VAN HOLLEN, Ms. WOOLSEY, Mr. PASCRELL, Mr. OLVER, Mr. KUCINICH, and Ms. MCCARTHY of Missouri,

H.R. 527: Mr. GALLEGLY.

H.R. 528: Mr. LANTOS.

H.R. 645: Mr. STENHOLM, Mrs. MUSGRAVE, and Mr. BOOZMAN.

H.R. 648: Mrs. MUSGRAVE.

H.R. 717: Mr. LANGEVIN.

H.R. 770: Ms. KAPTUR.

H.R. 852: Mrs. JONES of Ohio and Ms. MILLENDER-MCDONALD.

H.R. 857: Mr. RUSH, Mr. RAHALL, Mr. BISHOP of New York, Mr. INSLEE, Mr. HOEFFEL, Mr. ENGLISH, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MEEKS of New York, and Ms. MILLENDER-MCDONALD.

H.R. 876: Mr. BURNS, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. BARTLETT of Maryland, Mr. PAUL, Mr. CRENSHAW, Mr. BOEHNER, Mr. LUCAS of Kentucky, Mr. LIPINSKI, Mrs. JONES of Ohio, Mr. LANTOS, Mrs. MUSGRAVE, Mr. HEFLEY, Mr. CULBERSON, Mr. DAVIS of Alabama, Ms. LEE, Mr. MCGOVERN, Mr. MCNULTY, and Mr. SKELTON.

H.R. 936: Mr. HASTINGS of Florida.

H.R. 955: Mr. OWENS.

H.R. 997: Mr. SAXTON.

H.R. 1034: Ms. MCCOLLUM, Mr. RANGEL, Mrs. CAPPS, and Mr. GRIJALVA.

H.R. 1043: Mr. MCHUGH.

H.R. 1045: Mr. WEINER.

H.R. 1052: Mr. LEWIS of Georgia.

H.R. 1102: Mr. LEACH and Mr. RUPPERSBERGER.

H.R. 1117: Mr. HOSTETTLER and Mr. TANCREDO.

H.R. 1125: Mr. SOUDER.

H.R. 1155: Mr. RUSH and Mr. SHAW.

H.R. 1157: Mr. SPRATT.

H.R. 1285: Mr. KANJORSKI, Mr. LYNCH, Mr. RAHALL, and Mr. DAVIS of Tennessee.

H.R. 1336: Mrs. CAPPS and Mr. HASTINGS of Washington.

H.R. 1389: Ms. LINDA T. SANCHEZ of California.

H.R. 1430: Ms. WOOLSEY.

H.R. 1513: Mr. PORTER and Mr. GARRETT of New Jersey.

H.R. 1523: Ms. CARSON of Indiana.

H.R. 1532: Mr. LARSEN of Washington, Mr. RUPPERSBERGER, Ms. LOFGREN, Mr. UPTON, Mr. EVANS, Mr. RUSH, and Mr. NEAL of Massachusetts.

H.R. 1552: Mr. ANDREWS and Ms. MCCARTHY of Missouri.

H.R. 1582: Mr. NETHERCUTT.

H.R. 1659: Mr. SCHIFF.

H.R. 1684: Mr. TOWNS, Mrs. CAPPS, and Mr. MEEHAN.

H.R. 1746: Mr. ABERCROMBIE, Mr. UDALL of New Mexico, Mr. JENKINS, Mr. JACKSON of Illinois, and Mr. KIRK.

H.R. 1749: Mr. HOBSON.

H.R. 1767: Mr. GINGREY and Mr. TOM DAVIS of Virginia.

H.R. 1812: Ms. CARSON of Indiana and Mr. DOOLEY of California.

H.R. 1873: Mrs. JONES of Ohio.

H.R. 1895: Mr. HINCHEY and Mr. PAYNE.

H.R. 1910: Mr. SCOTT of Georgia.

H.R. 1914: Mr. AKIN, Mr. CASTLE, Mr. COSTELLO, Mr. DAVIS of Alabama, Mr. DEUTSCH, Mr. DINGELL, Mr. ENGEL, Mr. EVANS, Mr. GORDON, Mr. HONDA, Ms. KAPTUR, Ms. KILPATRICK, Mr. KOLBE, Mr. KUCINICH, Mr. LAMPSON, Mr. LANTOS, Mr. LIPINSKI, Ms. LOFGREN, Ms. MAJETTE, Mr. NADLER, Mr. OLIVER, Mr. ORTIZ, Ms. LINDA T. SANCHEZ of California, Mr. SCOTT of Georgia, Mr. SHAYS, Ms. SLAUGHTER, Mr. TURNER of Texas, Mr. WYNN, Mr. DEFAZIO, Mr. DOGGETT, and Ms. BALDWIN.

H.R. 1919: Mr. JOHN.

H.R. 1958: Mr. PAYNE.

H.R. 1998: Mr. TERRY.

H.R. 2093: Mr. SESSIONS.

H.R. 2131: Mr. GUTIERREZ, Mrs. BONO, Mr. BONILLA, Mr. FRANKS of Arizona, Mr. WELLER, Mr. NUNES, and Mr. TOOMEY.

H.R. 2217: Mr. PAYNE, Mr. DEUTSCH, Mr. LEWIS of Georgia, Mr. RANGEL, and Mr. LIPINSKI.

H.R. 2239: Mr. LEWIS of Georgia.

H.R. 2262: Mr. EVANS.

H.R. 2295: Mr. BOUCHER.

H.R. 2347: Mr. MURPHY.

H.R. 2404: Mr. PITTS and Mr. HALL.

H.R. 2604: Mr. FOLEY.

H.R. 2628: Mr. CROWLEY.

H.R. 2720: Mr. MANZULLO and Mrs. LOWEY.

H.R. 2809: Mr. GREENWOOD, Mr. TANCREDO, and Mr. ENGLISH.

H.R. 2810: Mr. GREENWOOD, Mr. TANCREDO, and Mr. ENGLISH.

H.R. 2837: Ms. WOOLSEY.

H.R. 2880: Ms. LORETTA SANCHEZ of California.

H.R. 2911: Mr. WAXMAN, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, Ms. WOOLSEY, Mrs. JONES of Ohio, Mrs. CHRISTENSEN, and Ms. SOLIS.

H.R. 2938: Ms. JACKSON-LEE of Texas and Mr. SOUDER.

H.R. 2968: Mr. PRICE of North Carolina.

H.R. 2986: Mr. DUNCAN, Mr. PASCRELL, Mr. CUMMINGS, Mr. FRANKS of Arizona, Mr. LIPINSKI, Mr. COSTELLO, and Mr. HEFLEY.

H.R. 3035: Mr. MOORE.

H.R. 3029: Mrs. KELLY.

H.R. 3049: Ms. BALDWIN.

H.R. 3109: Mr. BACHUS, Mr. BALLANCE, Mr. BARRETT of South Carolina, Mr. BOEHLERT, Mr. BONNER, Mrs. BONO, Mr. BRADLEY of New Hampshire, Mr. COBLE, Mrs. EMERSON, Mr. GOODE, Mr. GUTKNECHT, Mr. HOSTETTLER, Mr. HUNTER, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAHOOD, Mr. LUCAS of Oklahoma, Mrs. MYRICK, Mrs. NORTHUP, Mr. QUINN, Mr. REYNOLDS, Mr. ROHRABACHER, Mr. SAXTON, Mr. SCHROCK, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUDER, Mr. SWEENEY, and Mr. WOLF.

H.R. 3120: Ms. CARSON of Indiana.

H.R. 3142: Mr. REHBERG, Mr. BOSWELL, Mr. ENGLISH, and Mr. GEORGE MILLER of California.

H.R. 3190: Mr. LATHAM, Mr. BRADY of Texas, Mr. NORWOOD, Mr. AKIN, Mr. HERGER, Mr. TURNER of Texas, and Mr. EVERETT.

H.R. 3191: Mr. REHBERG, Mr. HAYWORTH, and Mr. JANKLOW.

H.R. 3194: Mr. LEWIS of Georgia and Mr. RANGEL.

H.R. 3204: Mr. BURR, Mrs. JO ANN DAVIS of Virginia, Mr. GILCHREST, Mr. GILLMOR, Mr. HASTINGS of Washington, Mr. LINDER, Mr. LUCUS of Oklahoma, Mr. MICA, Mr. MORAN of Kansas, Mr. PORTMAN, Mr. SAXTON, and Mr. SHAYS.

H.R. 3215: Mr. TIAHRT and Mr. SESSIONS.

H.R. 3228: Mr. BROWN of Ohio.

H.R. 3230: Mr. PAUL.

H.R. 3244: Mr. POMEROY.

H.R. 3261: Mr. WEXLER, Mr. TURNER of Ohio, Mr. PORTMAN, and Mr. DELAHUNT.

H.R. 3263: Ms. ROS-LEHTINEN, Mr. GREEN of Wisconsin, Mr. ENGEL, Mr. HOEFFEL, and Mr. BERMAN.

H.R. 3275: Mr. LEWIS of Georgia and Mr. OLVER.

H.R. 3277: Mr. PASTOR, Mr. GRAVES, Mr. MCKEON, Mr. GUTKNECHT, Mr. BASS, Mr. BEAUPREZ, Mr. HINCHEY, Mr. GUTIERREZ, Mr.

BERRY, Mr. VISCLOSKY, Mr. LIPINSKI, Ms. SCHAKOWSKY, Mr. SANDERS, Mr. KOLBE, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. SABO, Mr. MORAN of Virginia, Mr. MOORE, Mr. DINGELL, Mr. MENENDEZ, Mr. MICHAUD, Mr. DEFRAZIO, Mr. DAVIS of Alabama, Mr. INSLEE, Ms. BALDWIN, Mr. BERMAN, Mr. SCOTT of Virginia, Ms. HARMAN, Mr. HOLDEN, Mr. REYES, Mr. ISRAEL, Mr. JENKINS, Mr. RYAN of Wisconsin, and Mr. PENCE.

H.R. 3344: Mr. STRICKLAND, Ms. WATERS, Mr. LANGEVIN, and Mr. BELL.

H.R. 3355: Mrs. MCCARTHY of New York and Mr. VAN HOLLEN.

H.R. 3362: Ms. DELAURO, Ms. NORTON, Mr. ISRAEL, Mr. OWENS, Mr. FROST, Mr. GREEN of Texas, and Mr. GUTIERREZ.

H.R. 3368: Mr. ENGLISH and Mr. WELDON of Pennsylvania.

H.R. 3378: Mr. FALEOMAVAEGA.

H.R. 3386: Ms. MCCOLLUM.

H.R. 3408: Mr. LANTOS, Ms. NORTON, Mr. FROST, Ms. MILLENDER-MCDONALD, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. MCNULTY, Mr. SERRANO, Mr. EMANUEL, Mrs. JONES of Ohio, and Mr. MEEKS of New York.

H.R. 3422: Mr. RANGEL, Mr. FRANK of Massachusetts, and Mr. VAN HOLLEN.

H.R. 3429: Mr. WHITFIELD and Mr. OTTER.

H.R. 3432: Mr. MICHAUD.

H.R. 3459: Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. MEEHAN, Ms. WOOLSEY, and Ms. SCHAKOWSKY.

H.R. 3509: Mr. SPRATT, Mr. GRIJALVA, and Mr. BAIRD.

H.R. 3519: Mr. MEEHAN, Mr. RODRIGUEZ, Mrs. NAPOLITANO, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. ORTIZ, Mr. SERRANO, Mr. PASTOR, Mr. BECERRA, Mr. GUTIERREZ, Mr. MENENDEZ, Ms. VELAZQUEZ, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mr. GONZALEZ, Mr. ACEVEDO-VILA, Ms. SOLIS, Mr. CARDOZA, and Ms. LINDA T. SANCHEZ of California.

H.J. Res. 22: Mr. NEUGEBAUER.

H.J. Res. 56: Mr. EVERETT, Mr. NEUGEBAUER, Mr. BAKER, Mr. SHADEGG, Mr. JANKLOW, Mr. BURTON of Indiana, and Mr. DEAL of Georgia.

H. Con. Res. 111: Mr. BELL.

H. Con. Res. 281: Mr. VAN HOLLEN.

H. Con. Res. 304: Mr. UDALL of Colorado, Mr. LANGEVIN, Mr. BURR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WEINER, Mr. RAMSTAD, Mr. HUNTER, Mr. WALSH, Mr. LYNCH, Mrs. MALONEY, Mr. BRADLEY of New Hampshire, Mr. DEFAZIO, Mr. HOLT, Mr. OWENS, and Ms. LOFGREN.

H. Con. Res. 324: Mr. BLUMENAUER.

H. Con. Res. 103: Mrs. NORTHUP.

H. Res. 313: Mr. RYAN of Ohio.

H. Res. 354: Mr. CLYBURN.

H. Res. 389: Mr. SNYDER.

H. Res. 441: Mr. MURPHY.

H. Res. 446: Mr. AKIN, Mr. BARTLETT of Maryland, and Mr. PICKERING.

H. Res. 453: Mr. FROST, Mr. MEEKS of New York, Ms. SCHAKOWSKY, MS. CARSON of Indiana, Mr. BEREUTER, Mr. FATTAH, Mr. SAXTON, Ms. JACKSON-LEE of Texas, Ms. DELAURO, Mr. HOEFFEL, Mr. PITTS, Mr. CRAMER, Mr. GRIJALVA, Mr. SANDLIN, Mr. DAVIS of Florida, Mr. FOLEY, Ms. CORRINE BROWN of Florida, Mr. KLECZKA, Mr. MANZULLO, and Ms. BERKLEY.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, NOVEMBER 20, 2003 No. 169

# Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord most holy, who has found us wanting and yet has not forsaken us, deliver us from insincerity and thoughtlessness.

Help the leaders of this body to be strong and courageous. Keep them from deviating from the path of integrity and remind them of the importance of seeking Your wisdom. Give them an awareness of Your abiding presence and supply their needs. Help them never to fail to do what they can to establish peace and justice among nations.

Lord, make each of us instruments of Your peace, carving tunnels of hope through mountains of despair. May we remember that You have determined our path and You direct our steps. We pray this in Your powerful Name. Amen.

## PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Mr. President, this morning, the Senate will resume consideration of the Energy conference report. A number of Senators came to the floor to speak on the Energy conference report yesterday. We had a good debate, good discussion, and the Senate will continue this debate throughout today's session.

**NOTICE**

If the 108th Congress, 1st Session, adjourns sine die on or before November 21, 2003, a final issue of the Congressional Record for the 108th Congress, 1st Session, will be published on Monday, December 15, 2003, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–410A of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Friday, December 12, 2003. The final issue will be dated Monday, December 15, 2003, and will be delivered on Tuesday, December 16, 2003.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerkhouse.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–60 of the Capitol.

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By order of the Joint Committee on Printing.

ROBERT W. NEY, *Chairman.*

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



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I do remind my colleagues that a cloture motion was filed on the conference report during yesterday's session, and that cloture vote will occur on Friday morning.

As we all know, we are scheduled to consider several major pieces of legislation over the next few days. In addition to the appropriations measures and the Medicare reform package, there will be other conference reports that will become available for Senate consideration, and we will attempt to clear those measures for Senate action as they arrive.

In addition to that, we will also continue to work through nominations on the Executive Calendar. There are some roadblocks right now, but we are doing our very best to address those. There are a number of important nominations that are ready for confirmation, including judicial nominees who should be cleared, the Department of Homeland Security positions, a number of ambassadors, Health and Human Services officials, and the list goes on and on. They are ready for confirmation.

I understand there are Members who are objecting to all of those nominations. I urge my colleagues to allow us to schedule votes on at least the noncontroversial nominations. Some of these nominations are being held up by colleagues who say nothing is going to go through. At least let the noncontroversial nominations proceed. It is clear we can't, in these final few days, be held hostage to unrelated matters on these important nominations.

I mentioned the Senate will need to work this weekend in order for us to finish all of our business. We will have a clearer picture as to what to expect over the course of the weekend as this day progresses. I do alert everyone that the likelihood of being in Saturday is very high and possibly for a period of time on Sunday as well.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, the majority leader has been consulting with us with regard to the schedule. I share his view that there is an opportunity here for us to complete our work, if we can find a way to resolve the remaining issues before the Senate. We have a lot of work to do on conference reports, on the omnibus legislation, and on certain nominations.

I will say there are a number of holds on the nominations in part because of a misunderstanding perhaps with the White House on a particular nominee that has to be resolved if we are to move forward on these nominations. I am hopeful that can be done perhaps as early as today. That is one of the major obstacles to addressing successfully a number of other nominees.

This is going to be a busy week. I certainly urge our colleagues not to make plans for Saturday or Sunday until we know better what the scheduling entails. I think it would be important for us to give our Members adequate notice with regard to the schedule, perhaps once or twice a day updating people as to what the schedule may hold. We will certainly work with the majority leader in attempting to address the many challenges we face with regard to the legislative schedule yet before us.

I yield the floor.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, the Democratic leader and I have been in consultation and will continue to be in consultation over the course of the day—as he suggested, pretty much every few hours—to facilitate what is going to be a challenge in moving in a reasonably orderly way all that we have on the table.

I do want to mention in my opening comments that we are very close to addressing Healthy Forests. I plead with everyone, hopefully over the course of this morning, to resolve whatever remaining issues there are in terms of holding up that legislation. If we go to conference quickly, that very important legislation will be addressed. I think we are just about there. We were just about there last night. If we can get that over the goal line this morning, that would be helpful.

The PRESIDENT pro tempore. The minority leader.

Mr. DASCHLE. Mr. President, I am pleased the majority leader mentioned Healthy Forests. I would have done it if I had remembered. Of course, Senator COCHRAN and I had a very good conversation yesterday. Based on that conversation and his assurances that extraneous material would not be included in conference, we are prepared to go to conference now.

We have had good success in reaching agreement on the forest health provisions of the bill. There are other issues that still remain to be addressed. I share the view of the majority leader that we are now at a moment where I think we ought to try to complete our work. It would be great if at the end of the day we could set aside the pending legislation and pass that conference report. I think we are going to get a good broad bipartisan vote on the legislation. I applaud those who have taken us to this point. This is good legislation. It deserves support. I look forward to finishing work on that bill as well.

I yield the floor.

## RESERVATION OF LEADER TIME

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

## ENERGY POLICY ACT OF 2003—CONFERENCE REPORT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the conference report accompanying H.R. 6, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany H.R. 6, an act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDENT pro tempore. The Chair is in doubt. Under the previous order, the Senator from New Mexico was to be recognized first.

Under the previous order, the Senator from California is now recognized for 60 minutes.

Mr. REID. Mr. President, we received word Senator DOMENICI would not be here this morning. Of course, he is managing this bill. Whenever he comes, we will work him into the order.

The PRESIDENT pro tempore. The Chair thanks the Senator from Nevada.

(Mr. SMITH assumed the chair.)

Mrs. FEINSTEIN. Mr. President, I have come to the floor as a Californian to say there is very little in this Energy bill for California. There is very little to prevent future blackouts. There is nothing to protect consumers from manipulation and gaming of the system that we experienced a few years ago.

There is nothing to improve our Nation's energy security by increasing fuel economy standards. In short, from a California perspective, I see this bill as one giant giveaway to special interests, particularly the ethanol, the MTBE, the oil, the gas, and the nuclear power industries of this country.

I had hoped that this Congress, and in particular the Energy Committee on which I serve, following the Western energy crisis and last summer's blackout in the Northeast, would pass a sensible bill that would improve our Nation's energy supply while protecting consumers, the environment, and the economy. But as I read this bill, that is not the case. This Energy bill was drafted behind closed doors, without any input from Democratic conferees or from those of us on my side of the aisle on the Energy Committee. Simply put, it is one of the worst pieces of legislation I have seen in my time in the Senate.

It is interesting that today on every Member's desk is a summary of editorials. There are over 100 editorials from newspapers, large and small, all across this great country saying ''oppose this bill.'' In fact, 100 newspapers around the country have come out opposed to the bill and editorialized against it. I will quote from one of them. Let me begin with the newspaper whose editorial policy is generally very conservative, and that is the Wall Street Journal. Let me read what the Wall Street Journal says about this legislation:

We realize that making legislation is never pretty, but this exercise is uglier than most.

The fact that it's being midwifed by Republicans, who claim to be free marketers, arguably makes it worse. By claiming credit for passing this comprehensive energy reform, Republicans are now taking political ownership of whatever blackouts and energy shortages ensue. Good luck.

Now I will go to yesterday's Denver Post. The editorial is entitled ''Energy Bill Full of Pork.''

The bill does include funds for energy conservation, including some incentives for ''green'' construction, but some sound suspicious. Some $180 million will pay for a development in Shreveport, LA. That project will use federal tax money to subsidize the city's first-ever Hooters restaurant. What a new Hooters has to do with America's energy situation may be best known to U.S. Rep. Bill Tauzin, a Louisiana Congressman and key player in the secret conference committee talks.

The bill provides no real vision, represents no real improvement in policies and laws. It is vexing that Congress did not seize an opportunity to improve the national energy picture. Congress should start over next year.

Let me now go to the Northeast, a large newspaper, the New York Times:

The oil and gas companies were particularly well rewarded—hardly surprising in a bill that had its genesis partly in Vice President Dick Cheney's secret task force. Though they did not win permission to drill in the Arctic National Wildlife Refuge, they got a lot of other things, not only tax breaks but also exemptions from the Clean Water Act, protection against lawsuits for fouling underground water and an accelerated process for leasing and drilling in sensitive areas at the expense of environmental reviews and public participation. Meanwhile, the bill imposes new reliability standards on major electricity producers, but it is not clear whether it would encourage new and badly needed investment in the power grid.

Now let me go to the Midwest to the Chicago area, the Chicago Tribune.

Despite all the years of partisan haggling that preceded it, the approximately 1,400-page energy bill that Republicans unveiled over the weekend, and which Congress is expected to vote on this week, is no masterpiece of compromise or even effective legislation.

It is more like a jigsaw puzzle with hundreds of unrelated pieces crammed together. A few initiatives are worthwhile, most look more like a laundry list of special-interest subsidies. Together, they don't add up to a policy that will promote energy self-sufficiency or stable prices.

Then let's go to one of the Chair's own newspapers, the Anchorage Daily News, which states:

What's left is a grab bag of lesser measures and pet projects patched together in hopes of gaining enough votes to pass in the House and Senate. The result is an energy bill that likely will pass—but not a coherent energy policy for a nation critically dependent on imported energy supplies.

Then let's go to the Houston Chronicle, and I will not read it all:

The most pressing problem facing the Nation is its increasing reliance on imported oil and gas. Yet the bill ignores several obvious avenues for progress.

The Republican draft of the bill set no standard for renewable sources of power, such as solar and wind. The latter will provide 2 percent of Texas' electricity supply and one day could spell the difference between air conditioning and brownout. There is no reason for Congress to ignore these pollution-free, alternative energy sources, and the conference committee should adopt a Senate amendment requiring expanded production of renewable energy.

Now, let me take a moment here to elaborate on this point. On Monday, during the Energy Conference, I was pleased an amendment requiring utilities to generate 10 percent of their energy from renewable sources was included in the bill. Unfortunately, this provision was stripped out of the conference report by the House just hours later. Although the bill does have requirements for renewable energy in government buildings, that is not enough. We need to encourage the use of this clean technology at a national level.

Finally, I would like to move to the west coast, to the largest newspaper, the Los Angeles Times. Their editorial is entitled ''An Energy Throwback.'' They say:

It's clear why Republican leaders in Congress kept their national energy policy bill locked up in a conference committee room for the last month, safe from review by the public. Taxpayers, had they been given time to digest the not-so-fine print in the pork-laden legislation, would have revolted.

Let me begin my impression of the bill with its costs. The editorials from around the country show that this bill increases energy production at the expense of both the taxpayers and the environment. A group called the Taxpayers for Common Sense has estimated that this bill will cost $72 billion in authorized spending, and $23 billion in tax giveaways. That is $95 billion in spending over the next 10 years.

I ask unanimous consent to have that report printed in the RECORD following my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Taxpayers for Common Sense points out that there is nearly $13 billion for the oil and gas industry, $5.4 billion for coal, $1.4 billion for the nuclear power industry, $4.16 billion for ethanol, $4.9 billion in energy efficiency, $1.7 billion for auto efficiency and fuels—that includes ethanol—$11 billion for LIHEAP and weatherization, $21 billion for science research and development, $2.15 billion for freedom car and hydrogen research, and $764 million for miscellaneous provisions.

Now, I am in favor of some of these programs, but the cost of this is enormous. The Senate should think twice about these massive spending increases, especially given our rising Federal deficit. I do not want to leave my children and my grandchildren saddled with these debts.

Let's also consider the fact that this bill does not deal with global warming, does not deal with fuel efficiency standards, does not deal with consumer protections, and does not deal with energy security.

From a western perspective, and particularly a California perspective, we have to look at the western energy crisis and ask the question: Will this bill help in the future? My analysis of the bill leaves me with the conclusion that the answer is no.

I have often pointed out in this Chamber that the cost of energy directly before the crisis was $7 billion. That was in 1999. It rose to $27 billion in 2000, and $26.7 billion in 2001. In 1 year, the cost went up 400 percent in California. There are Members of this body who said: Oh, California, it is your fault, you have a broken system, you don't have adequate supply to meet demand. A 400 percent increase is not the product of supply and demand, it is the product of gaming and manipulation.

Now, 3 years later and after $45 billion in costs, we have learned how the energy markets were gamed and abused. In March of 2003, the Federal Energy Regulatory Commission issued its final report on price manipulation in the western markets, and what did it find? It confirmed that there was widespread and pervasive fraud and manipulation during the western energy crisis.

The abuse in our energy markets was in fact pervasive and unlawful. So you would think an Energy bill coming out a few years after this crisis would take a look and say we ought to prevent this from ever happening again, we ought to put policies and those procedures in this bill to prevent it, we ought to strengthen the Federal Energy Regulatory Commission's ability to produce just and reasonable rates and ensure that rates remain just and reasonable across this Nation. But this bill does not do this. Rather, this bill actually impedes the ability of Federal and State agencies to investigate and prosecute fraud and price manipulation in energy markets. These provisions would make it easier to manipulate energy markets, not harder to manipulate energy markets.

This bill sends this country in the wrong direction. Rather than preventing Enron-type schemes, such as Fat Boy, Ricochet, Death Star, and Get Shorty, this bill weakens the oversight over energy markets. It guts the Federal Energy Regulatory Commission's ability to enforce just and reasonable rates.

Between now and 2007, the FERC will be in court, litigating the meaning of this electricity title rather than enforcing the State administration of just and reasonable rates to electricity customers. FERC will be powerless to respond to market crises like the one that occurred in the West between 2000 and 2001.

I am also particularly concerned about the provision in the bill which directly affects the so-called sanctity of contract provision. California was overcharged by as much as $9 billion for the cost of energy as a result of long-term electricity contracts that were entered into under desperate circumstances at the height of a gamed

energy crisis. These contracts were not based on just and reasonable rates, they were based on rates that were inflated as a result of gaming and manipulation. California has filed at FERC for refunds.

This sanctity of contract provision, however, would mean FERC would never provide any further refund in the California case. So it shuts out California from any further recourse. No one from California should vote for this Energy bill. The provision places the importance of the physical contract above the importance of enforcing just and reasonable rates. In other words, it says even if you signed a contract in a situation that has been gamed and manipulated by fraud, you are still bound to that fraud-inspired contract. That is what we are doing in this bill.

In my view, this is simply absurd. We need to be strengthening FERC's ability to enforce just and reasonable rates, particularly in a deregulated market, not weakening it. And the irony is that FERC recently announced a settlement in which El Paso Corporation and its subsidiaries would pay $1.6 billion to resolve a complaint that the company withheld supplies of natural gas into California, driving up prices for gas and electricity during the State's energy crises in 2000 and 2001.

This was precisely the incident about which I tried to see the President—he wouldn't see me at that time—because we knew that the price from San Juan, NM, to southern California, which should have been $1 per dekatherm, was $60 per dekatherm, which was a manipulated price based on the withholding of space in the El Paso pipeline. We now know that that was correct because El Paso has paid $1.6 billion: Fact.

This bill does nothing to prevent gaming and manipulation in the natural gas market. The bill does increase penalties for electricity gaming and fraud, but does nothing to increase the low penalties for manipulation of the natural gas market. It is estimated that El Paso's price manipulation cost consumers and businesses $3.7 billion, yet this bill fails to give the FERC the power it needs to ensure that this kind of price manipulation does not happen again.

Now I would like to speak about what should be for the east coast and the west coast one of the most egregious provisions in the bill, and that is this ethanol mandate. This mandate is essentially a hidden gas tax. It will increase automobile emissions in the most polluted areas of the country and will not reduce our dependence on oil. Not only is this mandate unnecessary but it may have serious unintended environmental consequences because the environmental studies on ethanol have not been done. Yet this bill forces consumption of ethanol beyond that which is needed. So this bill is pushing an untested product that States such as mine don't need to meet clean air standards.

There are several reasons I am adamantly opposed to mandating the increase in ethanol consumption from 3.1 billion gallons a year to 5 billion gallons over the next 7 years. Not only do I believe the mandate is unnecessary but I am concerned about unintended environmental consequences. Let me tell you why. This is not just off the top of my head. This summer, for the first time, 70 percent of southern California's gasoline was blended with ethanol. Partially as a result, southern California endured its worst smog season since 1998. Why? Ethanol produces smog.

For the first time in 5 years, southern California experienced a stage 1 smog alert. As of September, the greater Los Angeles metropolitan area had experienced 63 days of unhealthy air quality, when ozone levels exceeded Federal standards. That number far exceeds the 49 days of unhealthy air quality during 2002 and the 36 days in 2001.

That is with 70 percent of its gasoline blended with ethanol. So the air got worse; it didn't get better.

The number of unhealthy days this year was almost more than twice that of two other of the smoggiest areas of the country, the San Joaquin Valley and Houston, TX, which exceeded the Federal health standards for 32 days and 25 days, respectively. What ethanol has done for southern California is make it more smoggy, not less smoggy. It is a culprit. It is worsening smog. I think we are mandating it in this bill willy-nilly because of greed.

The Secretary of the California EPA concluded, and this is his direct quote:

> Our best estimate is that the increase in the use of ethanol-blended gasoline has likely resulted in a 1-percent increase in emissions of volatile organic gases in the South Coast Air Quality Management District in the summer of 2003. Given the very poor air quality in the region, and the great difficulty of reaching the current Federal ozone standard by the required attainment date of 2010, an increase of this magnitude is of great concern. Clearly, these emission increases have resulted in higher ozone levels this year than what would have otherwise occurred and are responsible for at least some of the rise of ozone levels that have been observed.

Not only does this bill do harm to California, it increases the use of ethanol-blended gasoline, and that will threaten my State's long-term trend toward cleaner air. It will make it more difficult, and it may well make it impossible.

Without major emission reduction in the next several years, air quality officials warn that the region may miss a 2010 clean air deadline to virtually eliminate smoggy days. If the deadline isn't met, the Los Angeles region could face Federal sanctions amounting to billions of dollars.

That is why I oppose this ethanol mandate. That is why I say to those who are supporting it that you are doing us grievous injury.

Furthermore, the bill as written threatens the highway trust fund, the funding stream that allows States to construct and maintain our roads.

Let me tell you how. Gasoline taxes generate about $20 billion per year for the highway trust fund, and they comprise about 90 percent of the overall money for the fund. Because this bill subsidizes ethanol with transportation dollars, any increase in the use of ethanol will mean a decrease in the amount of money going into the highway trust fund. In fact, California will lose approximately $900 million over the next 7 years just because of this provision. The loss of highway funds for the entire country will amount to $10 billion over the next 7 years because of this ethanol mandate. It is egregious public policy.

I am also concerned about the price impact this mandate will have on the cost of gasoline at the pump.

Proponents of the ethanol mandate argue that gas price increases will be minimum, but the projections don't take into consideration the real world infrastructure constraints and concentration in the marketplace that can lead to high price hikes. We all know that when one entity controls most of the marketplace, that entity can move price as it sees fit. And that is the situation we have here.

Everyone outside of the Midwest will have to grapple with how to bring ethanol to their States in amounts prescribed and mandated since the Midwest controls most of the ethanol production. California has done more analysis than any other State on what it will take to get ethanol to our State. The bottom line is that it can't happen without raising gas prices. Our analysis shows that we can't bring ethanol to our State without increasing gas prices.

As I said, California has done more analysis on what it will take to bring the required amount of ethanol to our State than any other State, and has found that it will have cost consequences at the pump. Proponents of the ethanol mandate argue that gas price increases will be minimal. But the projections don't take into consideration the infrastructure and strength and the concentration in the marketplace that exists. Everyone outside of the Midwest will have to grapple with how to bring ethanol to their States since the Midwest controls most of the production.

I am also concerned about the limited number of ethanol suppliers in the market today. This high market concentration will leave consumers vulnerable to price hikes as it did when electricity and natural gas prices soared in the West because of a few out-of-State generating firms dominating the market.

As I have watched all of this, every time you have out-of-State companies dealing with an unregulated energy-related marketplace you have problems. I don't know why. But I suspect there really isn't the connection with the consumer. Many of the companies driving the energy crisis in California

weren't in California. I wonder if they would do the same thing to their State that they did to our State. I am not a fan of the way the marketplace is structured today. And into this lack of structure and lack of price responsibility, we bring a whole new component. That component is that one company is the dominant producer in the highly concentrated ethanol market.

ADM today controls 46 percent of the ethanol market. That is only what is produced today. The company has an even greater control over how ethanol is distributed and marketed. ADM does not have a sterling record. It is an admitted price fixer and three of its executives have served prison time for colluding with competitors. I cannot look at ADM and say we have a pristine corporate citizen who controls this marketplace, its production, its distribution and will have any compassion for price responsibility. I do not believe giving firms such as this, this kind of control, is good public policy.

One could ask, Do I have any more grievous complaints? The answer is yes. The list goes on and on.

Let me take up MTBE. In this bill, there is a liability waiver so nobody can sue for the fact that MTBE has been found to be defective by a court of law. Not only that, it is a retroactive liability protection for MTBE producers. This provision offers them immunity from claims that the additive is defective in design or manufacture. It makes this liability protection retroactive to September 5 of this year thereby wiping out hundreds of lawsuits brought by local jurisdictions all across America. This retroactive immunity is a perverse incentive to those who pollute because it says to them, OK, you have done all of this damage; nonetheless, it does not really matter. You do not really have any liability. All these suits will be wiped out.

This bill does not ban MTBE nationwide despite what has happened in huge numbers of States, including my own. It gives MTBE producers $2 billion in what is called ''transition assistance'' to transition out of a product they are allowed to continue to produce and export. So they can accept $2 billion and continue to produce a flawed product that we know contaminates ground water, that we know leaches out of ground water wells, creates plumes of benzene, could possibly be carcinogenic, and pollutes drinking water so it is undrinkable and what do they get for doing this? $2 billion in this bill. Now I ask, is that good public policy? Remember, the courts have already found it to be a defective product. This is not me speaking; it is the courts.

I first learned about MTBE when the mayor of Santa Monica came to see me and told me that one-half of their entire water supply was contaminated with MTBE and could not be used. As I delved into it and investigated the claims further, I came to learn there were at least 10,000 sites contaminated in California. Since then, about a year ago, it is now 15,000 sites in California.

California is not alone. Last year the EPA estimated there are 15,051 sites in California. Nationally there are 153,000 contaminated ground water sites.

The States with the most pollution include California and Florida. Florida has 20,273 contaminated ground water sites—more than California. Florida is heavily impacted with MTBE pollution. Illinois has 9,546 contaminated sites. Michigan has 9,087 sites. Texas has 5,678 sites. Wisconsin has 5,567 sites. New York has 3,290 polluted sites. Pennsylvania has 4,723. It is State after State after State. They total 153,000 polluted drinking water sites. This bill does not make MTBE illegal; this bill gives MTBE $2 billion, and they cut out the ability of local jurisdictions to sue to be able to clean up these sites with the money. If that is not perverse public policy, if that does not create an incentive to do bad things, I don't know what does.

As I said, the courts ruled that MTBE is a defective product. Actually, this relates to a case in my State so I think it is relevant to mention this case. It is a case brought by the South Lake Tahoe Public Utility District. The court held Shell, Texaco, Tosco, Lyondell Chemical, which is ARCO Chemical, and Equilon Enterprises liable for selling a defective product, gasoline with MTBE, while failing to warn of its pollution hazard. The court forced these MTBE producers to pay the water district of South Lake Tahoe $60 million to clean up the mess.

The industry, in fact, knew of the problems with MTBE yet decided to include it in gasoline. They deny all of this, but a court has found it to be the case. In fact, let me read a comment from Exxon employee Barbara Mickelson from 1984:

> Based on higher mobility and at the same time/odor characteristics of MTBE, Exxon's experience with contaminations in Maryland, and our knowledge of Shell's experience with MTBE contamination incidents, the number of well contamination incidents is estimated to increase three times following the widespread introduction of MTBE into Exxon gasoline.

This is 1984. The company went ahead and included it in their gasoline. Now, no one can sue them for a defective product in this bill.

Let me also give you an excerpt from a 1987 memorandum circulated within the Environmental Protection Agency:

> Concern about MTBE in drinking water surfaced after the Interagency Testing Committee report was published. Known cases of drinking water contamination have been reported in 4 states. These cases affect individual families as well as towns of up to 20,000 people. It is possible that this program could rapidly mushroom due to leaking underground storage tanks at service stations. The tendency for MTBE to separate from the gasoline mixture into ground water could lead to widespread drinking water contamination.

That is what indeed happened as illustrated by the fact that today we have 153,000 drinking water sites contaminated with MTBE across this Nation. This bill does not make its use illegal. It gives the companies $2 billion, and it prevents water districts from suing because the product was knowingly defective. There is no way you can look at a provision like this and not say this is a bad bill.

What adds insult to injury is this bill says they can continue to produce MTBE and export it to other countries so the drinking water of other countries can be polluted. How perverse can public policy be?

I am also disappointed that the conference report does nothing to increase fuel economy standards of our Nation's fleet of automobiles. We have an Energy bill. The largest contributor to global warming is carbon dioxide. The largest producer of carbon dioxide is the automobile. This bill does nothing to make automobiles more fuel efficient. What kind of an energy policy is that? In fact, the bill, again, perversely, makes it more difficult for the Department of Transportation to encourage fuel efficiency standards in the future by including a new list of criteria the Department must consider when revising standards.

I believe increasing the fuel economy of SUVs and light trucks is the single easiest step the Nation can take to reduce the emission of carbon dioxide into the atmosphere. It is the biggest single shot at reducing global warming. Yet we refuse to do it.

Earlier this year, Senator SNOWE and I introduced bipartisan legislation to close what is called the SUV loophole. We were unable to offer this legislation as an amendment to the Senate version of the Energy bill when it was on the floor.

But our bill had been evaluated by the National Academy of Sciences, that has released a study on this issue, and said it was technologically feasible to do this, and that over the next 10 years it would save the United States a million barrels of oil a day and reduce our dependence on foreign oil by 10 percent. It said it would prevent 240 million tons of carbon dioxide, the top greenhouse gas, as I have said, from entering the atmosphere each year, and it would save SUV and light-duty truck owners hundreds of dollars, ranging anywhere from $300 a year to $600 a year at the pump in the cost of gasoline.

CAFE standards were first established in 1975. They were fought by Detroit, just as seatbelts were fought by Detroit. At that time light trucks made up only a small percentage of the vehicles on the road. They were used mostly for agriculture and commerce. Today they are used mostly as passenger cars. Our roads look much different. SUVs and light-duty trucks comprise more than half of new car sales in the United States.

As a result, the overall fuel economy of our Nation's fleet is the lowest it has been in two decades, largely because fuel economy standards for SUVs

and light trucks are so much lower than they are for other passenger vehicles. They are 22 miles per gallon. We could have them equal to sedans and have all the savings I have just cited.

Additionally, what is interesting is that others are moving rapidly to retrofit automobiles with new fuel savings technology that is available today for use by car manufacturers. Toyota recently announced improvements in its hybrid vehicle, the Prius, making it more powerful and more fuel efficient. Toyota has announced a hybrid version of its Lexus RX 330 SUV, which is scheduled to be released in early next year.

Meanwhile, instead of moving forward, some U.S. automakers are moving backward. I was very disappointed by the announcement made by the Ford Motor Company stating Ford would not be meeting its self-imposed goal of raising the fuel economy in its SUVs by 25 percent by 2005. Additionally, Ford announced it is delaying the sale of its hybrid SUV, the Escape, another year until 2004.

Yet China has announced it is going to move quickly on imposing fuel efficiency standards on its automobiles. Of course, any American companies that produce for Chinese consumption will have to conform.

I am so disappointed to see this Energy bill does not address global climate change. We are 5 percent of the world's population. We use 25 percent of its energy. We produce the world's most greenhouse gas emissions. We are the most significant culprit driving global warming.

Despite the fact that climate change threatens our environment and our economy, this bill does nothing to address it. I think that is a major mistake. Energy and climate are inextricably linked. A truly comprehensive energy policy cannot ignore that issue. As a nation, we ignore it at our peril.

The scientific evidence of global warming is real. The problem is getting worse. People are seeing mosquitos in areas of the Arctic for the first time. Glaciers are melting around the world, from Glacier National Park to the slopes of Mount Kilimanjaro. The largest ice shelf in the Arctic is disintegrating. This ice shelf covers 150 square miles. It is 100 feet thick.

The hole in the ozone layer, which decreased in size last year, grew to its largest level earlier this year.

Climate change is also affecting some of our most treasured places. Over a century ago, 150 magnificent glaciers could be seen on the high cliffs and jagged peaks of the surrounding mountains of Glacier National Park. Today, there are only 35. The 35 glaciers that remain today are disintegrating so quickly that scientists estimate the park will have no glaciers in 30 years.

Glaciers in the Sierra Nevada, in my State, are disappearing. Many of these have been there for the last thousand years.

We are seeing similar melting around the world, from Mount Kilimanjaro in Tanzania to the ice fields beneath Mount Everest in the Himalayas.

Dwindling glaciers offer a clear and visible sign of climate change in America and the rest of the world. We are seeing these changes. Scientists tell us to expect more. Yet this bill is silent.

We have reports from the National Academy of Sciences, the Intergovernmental Panel on Climate Change, and the Congressional Budget Office.

Let me quote the CBO report in May:

> Scientists generally agree that continued population growth and economic development . . . will result in substantially more greenhouse gas emissions and further warming unless actions are taken to control those emissions.

The place to take those actions is in an Energy bill, and yet this conference report is silent.

Let me tell you what the actual effect is in my State.

Sea level has risen 6 inches in San Francisco since 1850, with the greatest change happening since 1925. As sea level rises, the salt water permeates into the delta, contaminating drinking water and ground water further upstream.

Even without climate change, it would be a struggle to supply enough water for all of the people that live in California. But report, after report, after report indicates that climate change will further threaten a water supply that is already tight.

Models from NASA, the Lawrence Livermore National Laboratories, and the Union of Concerned Scientists all indicate that climate change is likely to increase winter rain and decrease snowfall in my State.

More winter rain means winter flooding. Less snow means less water for the rest of the year. California's water supply depends on gradual snow runoff. We have spent billions of dollars on water infrastructure that depends on this runoff, and yet we still have to struggle to provide enough water for our farms, our cities, our fish, and our wildlife. This bill does nothing to help California's situation.

In 1910, half of the Sacramento River's annual runoff took place between April and July. Today that number is 35 percent, and it is continuing to decline. We can't count on this runoff. It is clearly in our best interest to address climate change. Our environment is clearly at risk. Our relations with our allies are at risk because of our reluctance to address it.

The Foreign Relations Committee has recognized the need for the United States to act. We should do so in this bill. Yet we do not. How can I, representing the largest State in the Union, support a bill that does nothing for my State—nothing?

Let me now deal with the sensitive issue of coastal protection. On the positive side, the bill no longer includes another inventory of oil and gas resources on the Outer Continental Shelf. However, this conference report takes away the States' input into an important set of energy development projects, including liquefied natural gas facilities and other oil- and gas-related projects. These States need input into these decisions. For coastal States, this is a significant weakness in this bill, particularly States such as Florida and California and for your own State of Oregon, Mr. President. Time after time, we have said we do not want offshore energy development. This bill opens that door, and it reduces the States' input into decisions which directly affect our coastal zone waters.

The Energy bill also fails to include the renewable portfolio provision which was included in the Senate-passed bill. I heartened when the ranking member, the Senator from New Mexico, announced earlier this week that it was in. Apparently, it is now out. Solar, wind, geothermal, and biomass are generating electricity for homes and businesses nationwide. It is working in California. We need an energy policy that not only provides tax incentives for their continued development but also requires their use. I believe it is in the public interest for our Nation to require a greater development of renewable resources.

The tax provision of this bill implies that nuclear power is a form of renewable power, and it places this form of power on an equal footing in the Tax Code with traditional renewables. This production tax credit for nuclear power is the largest energy tax credit in the bill and would be the largest one in the code, equaling $6 billion. As a nation, we still can't properly dispose of nuclear waste. This waste has a half-life of an eternity, yet we are going to produce more of it. I strongly believe this is a mistake.

This bill also weakens the Clean Air Act. Upon reviewing the bill, I was most disappointed to learn that the legislation that has really cleaned up our air, the Clean Air Act, is weakened. The 1990 amendments to the Clean Air Act, signed by the first President Bush, implemented timelines for cities to clean their air. This bill undermines the intent of those amendments by no longer requiring communities to clean up their air if they can claim that part of its pollution is a result of transported air pollution.

Most of California—all the inland areas—is a product of transported, to some degree, air pollution. Seventy percent of our State does not meet national air quality standards. So California is probably more adversely impacted by this than any other State because of strong prevailing westerly winds which drive the pollution from the big coastal areas into the valley areas. This will result in a major weakening of the Clean Air Act. Huge areas of the State, such as the Central Valley and the Inland Empire, will have reduced cleanup requirements.

Our Nation needs an energy policy that will protect consumers, reduce our dependence on foreign oil, and produce

new energy development while protecting our environment. This bill does not do that. This bill deserves to be defeated. This bill is a bad bill.

I strongly urge my colleagues to vote against this poorly crafted legislation.

EXHIBIT 1

TAXPAYERS FOR COMMON $ENSE

| Type or industry | Authorized spending |
|---|---|
| Oil and Gas (including MTBE/LUST) | $12.971 billion (includes $414 million scoring of royalty provisions). |
| Coal | $5.434 billion. |
| Nuclear | $5.735 billion. |
| Utilities | $1.355 billion. |
| Renewables (including R&D) | $4.164 billion. |
| Energy Efficiency (including R&D) | $4.931 billion. |
| Auto Efficiency and fuels (including Ethanol) | $1.698 billion. |
| LIHEAP and Weatherization Assistance | $11.425 billion. |
| Science Research and Development | $21.850 billion. |
| Freedom CAR and Hydrogen Research | $2.149 billion. |
| Miscellaneous | $764 million. |
| Total Authorization | $72.476 billion. |

BREAKDOWN OF COST ESTIMATES

*Oil and Gas*

Title III—$949 million (direct and royalty exemptions).

Title IX Research and Development—Fossil Fuel $1.997 billion.

Title XIV Miscellaneous, Subtitle B Coastal Programs— $5 billion.

Title XV Ethanol—MTBE and other provisions—$5.025 billion.

=$12.971 billion.

*Coal*

Title IV Coal—$3.925 billion.

Title IX Research and Development—Fossil fuels $1.509 billion (specifically allocated to coal).

=$5.434 billion.

*Nuclear*

Title VI Nuclear Matters—$1.186 billion.

## HEALTHY FORESTS RESTORATION ACT OF 2003

Mr. FRIST. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 1904), to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House disagree to the amendments of the Senate to the bill (H.R. 1904) entitled ''An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes'', and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

*Ordered*, That the following Members be the managers of the conference on the part of the House:

From the Committee on Agriculture, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. Goodlatte, Mr. Boehner, Mr. Jenkins, Mr. Gutknecht, Mr. Hayes, Mr. Stenholm, Mr. Peterson of Minnesota, and Mr. Dooley of California.

From the Committee on Resources, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. Pombo, Mr. McInnis, Mr. Walden of Oregon, Mr. Renzi, Mr. George Miller of California, and Mr. Inslee.

From the Committee on the Judiciary, for consideration of sections 106 and 107 of the House bill, and sections 105, 106, 1115, and 1116 of the Senate amendment and modifications committed to conference: Mr. Sensenbrenner, Mr. Smith of Texas, and Mr. Conyers.

Mr. FRIST. Mr. President, I ask unanimous consent the Senate insist on its amendments and agree to the request of the House on a conference of the disagreeing votes of the two Houses thereon, and the Chair be authorized to appoint conferees on behalf of the Senate with a ratio of 4 to 3.

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

The Presiding Officer (Mr. SMITH) appointed Mr. COCHRAN, Mr. MCCONNELL, Mr. CRAPO, Mr. DOMENICI, Mr. HARKIN, Mr. LEAHY and Mr. DASCHLE conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the leader. It, indeed, is good news that this bill is coming over. It is my understanding that we have had successful negotiations. I am very hopeful there will be a bill before us shortly.

I yield the floor.

## ENERGY POLICY ACT OF 2003—CONFERENCE REPORT—Continued

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I see no other Senators seeking recognition so I will speak for a few moments about one aspect of this bill.

First, I thank my colleague from California for her statement. She has been extremely involved in these issues from the beginning as a member of the Energy Committee. She has taken a leadership role on many aspects of the legislation in trying to see that the provisions we came up with were good for her State and good for the country.

Let me try to talk about one part of the bill. There are 16 titles to the legislation. It does go on for 11 or 12 hundred pages. I want to talk about one of those 16 titles; that is, title XII, which relates to electricity generation and transmission and distribution.

That is a very important part of the bill and one that is complicated and difficult for us to understand but one we need to focus on because of the extreme importance it has to our economy. In my view, some of the biggest changes in law that are contained in the bill are located in the electricity title. I would also argue that the biggest retreats we are making from consumer protections are perhaps in this section as well.

During the last few years, there have been three very notable publicized developments or events in the electricity industry that have come to our attention as a nation. Not in chronological order, but first, at least in what is on the front page today and what is most immediately in mind when we think about electricity, is the blackout we experienced in the eastern part of the United States and some of the Midwest that shut down nearly a third of our Nation; the problems of how to have a reliable system for transmitting electricity and ensuring that if there is a failure somewhere, it does not cascade to the 18 States that were affected by this blackout, for example. So reliability is a serious issue, and we were made very aware of that. The President's phrase was that this was a wake-up call. I would suggest that this was a wake-up call we have not heeded adequately in the bill. I will go into why I believe that.

A second issue, of course, is what happened in California and the west coast, Oregon and Washington in particular, a couple of years ago when they had the market meltdown there and prices spiraled out of control and people saw their utility bills go up very substantially. Unfortunately, those bills have remained very high. It has had a significant impact on the economy of that part of our country. Some of that, of course, was due to manipulation of those markets, ineffective market rules. That is another area of concern that clearly should be addressed in this legislation.

The third area of concern that I cite is the financial collapse of many utilities, due in large part to the investments they have made in markets that are not central to the business of producing and selling electricity. That financial collapse has become a serious problem for many in our country as well.

This bill, in my opinion, fails to adequately address each of these problems, whether it is a liability or protection of the consumer. In the conference report before us, it blocks implementation of market rules that could prevent market manipulation. There, I am thinking about the provisions in the bill that delay FERC's ability to act not only to issue a standard market design rule, but to issue other orders of general applicability within the scope of that standard market.

It also addresses only one form of market manipulation—round-trip trading. I will get into more of a description about that, but there are other types of market manipulation we should be prohibiting in this bill. It

fails to do so, and it repeals the Public Utility Holding Company Act, which was passed back in the 1930s, without providing the necessary level of protection for consumers, by strengthening the Federal Energy Regulatory Commission's authority to oversee mergers and acquisitions of other entities. It makes the likelihood of blackouts greater by stalling the Federal Energy Regulatory Commission's attempts to create regional transmission entities through the delay of this standard market design, or any other order of general applicability within the scope of that rule, it discourages the construction of needed transmission, and it discourages regional transmission organization formation by imposing an unwise pricing policy called participant funding. I will try to explain the effect of the language related to participant funding and why that has become such a central part of the concern about the bill.

First, let me talk a little about the effects the bill would have on reliability; that is, the blackout problem. The United States-Canada Power System Outage Task Force yesterday released its interim report. The report dealt with the causes of the August 14 blackout both in the United States and Canada. Secretary Abraham had a press conference. I saw him last night on Jim Lehrer's show explaining it again. He has been very aggressive in trying to explain what this report includes.

The report contains no recommendations at this point. It is the first of several reports. It is an interim report. It is primarily technical in nature. It tries to establish a timeline for the events that led up to the blackout and then during the blackout. The report tells the story of a day when the power system was not unusually overloaded, but on which a series of events that you could expect to be controllable led to an outage that cascaded through 18 States in the United States and a number of Canadian provinces. It shut down power to tens of millions of customers, paralyzed our major cities—New York, Cleveland, Detroit. Some areas were blacked out for as long as 3 days, and the economic cost of this was enormous, as we would expect it to be.

I could go into some detail about what the report found, but I am sure everybody can read that in their morning paper. The report doesn't draw many conclusions or make many recommendations. In my reading of it, it is clear that the lack of communication, the lack of coordination of response, the lack of consistency of rules and equipment were major causes of what occurred. If anything is clear, it is that the major transmission system that we depended upon is a large regional machine that is not bound by political borders but is only bound by physics and by commerce. What happens in one part of the country has far-reaching effects on areas that are very far from the initial occurrence. That fact leads to the inescapable conclusion that the control and management of that transmission system needs to be on a regional basis if it is going to respond to events that happen across these regions.

This event cascaded across two countries, 18 States, 4 transmission regions, 4 reliability councils, and it did all of that in 7 minutes. The FERC, which is the Federal agency that is authorized to oversee this enormously complex part of our economy, has been trying to encourage voluntary regional control and management of the transmission system for nearly 6 years now, since the issuance of order No. 888 in 1998. If the Midwest ISO—independent system operator—is the result of the voluntary process that has been going on over this period—and it is—then it is clear that voluntary process has not worked as it should.

The Midwest ISO is the best that could be negotiated in the voluntary program for this region. It still has 23 different control areas, inadequate communication, inadequate coordination to respond to a series of events such as those that occurred during a 7-minute period on August 14. The FERC has more recently tried to take some stronger steps to be sure that the regional transmission organizations, such as the Midwest ISO, are up to the task of ensuring the reliability of the system. The standard market and design rule that was proposed by the FERC proposed that we have mandatory regional transmission organizations; that is, that FERC could require utilities to join these regional transmission organizations. This bill stops that effort in its tracks. This bill doesn't have any suggestions as to what should be done to accomplish regional transmission control, except further encouragement of these utilities to do it on a voluntary basis. But it stops the effort that is underway today to require utilities to take these steps.

I think the report gives one more strong piece of evidence that the electricity title, as proposed, is unwise and inadequate. The participant funding provisions—let me talk about those because that is an abstruse but important part of this legislation. It is one about which there is substantial controversy. When we wrote the Energy bill in the last Congress, there was substantial controversy about it in the development of this conference report. It is an issue that we need to try to do right.

In my view, provisions in the bill related to participant funding will also have a negative impact on reliability. Let me explain how I conclude that.

This provision in the bill would require that the Commission, FERC, approve participant funding for the expansion of transmission by a regional transmission organization, or by any utility. Now, what participant funding means is that the participant in the market who wants the transmission constructed, or the expansion of transmission constructed, has to pay the full freight for getting it done. The Commission may not authorize the recovery of costs on a rolled-in basis, or it may not rule that the costs should be shared among those who will benefit from the upgrade in transmission, or the expansion of transmission. Unless the native load ratepayers have stated they require the transmission, they are not to be charged for it. This amendment takes the mantle of consumer protection by supposedly protecting retail ratepayers from bearing the costs of transmission system expansions that are built in order to ship power to a far distant region of the country. In reality, there are very few transmission system expansions that are for the benefit only of one user.

In a properly planned system, expansions that take place are ones that support the entire load in the region, including the need to export power from the region where that exists. This provision has three problems.

First, it would cause customers to have to pay for costs they did not cause and for benefits they are not receiving.

Second, it would deprive local customers of the rights to the lines that are built in their area.

Third, it is not always clear or true that only one participant is creating the need for new transmission and benefiting from that transmission.

The restriction on allocating costs to Native load ratepayers sounds good at first blush. The effect, however, is to shift the cost to other ratepayers for facilities that the Native load ratepayers in question are able to use and, in many cases, are benefiting from without having to pay.

One simple example, to try to bring this home to people, is each of us has a couple of filling stations we go to, to fill up our vehicles. If we were asked, Do you need another filling station in your part of the city, most of us would say: No, we don't; we found a way to do this. But if one is built that is convenient for our use, we will use it; we will benefit from it.

The question is, Does everyone hold back and say, I will not suggest the need for expansion of a transmission facility because I am going to be stuck with the whole bill; I will wait until someone else suggests the need and then, of course, I can get the benefit without having to pay my share?

This is supposed to be aimed at generators who want to sell into the competitive market. The real victims, in my view, are the consumers who buy electricity from municipal or cooperative utilities or from utilities other than the ones that are required to pay under this participant funding language.

The likely effect of this policy is that needed transmission would not get built. If customers who need transmission expansion have to pay for the full cost of the expansion, those who need the transmission expansion may

not be able to finance either the purchase or the sale they are contemplating because it becomes prohibitively expensive.

The transmission either doesn't get built or, if it does, it is at a cost that gives the incumbent utility a competitive advantage.

The second effect is the utilities would be encouraged not to join regional transmission organizations or, if they are already members of regional transmission organizations, to leave those, and they are perfectly free to do so under the legislation. This is not my conclusion. This is the conclusion of many experts who have written to us in opposition to this participant funding language.

If the utilities gain this kind of competitive advantage and get their transmission built at no cost to themselves, why should they join a regional transmission organization and talk to others about the need to cooperate and share costs?

This proposal on participant funding is anticompetitive and it is antireliability, in my view. If transmission construction is needed to relieve bottlenecks to prevent blackouts, this provision discourages that.

Under current policy, which the Federal Energy Regulatory Commission issued in 1995, new transmission is paid for by those who benefit from the transmission. If there is a single entity or single group of ratepayers who benefit, then they are the ones who pay. If the system as a whole benefits, then everyone shares in the cost. Often, there is a combination of the two and there is a sharing of the cost. The single beneficiary pays for part of the cost; the rest is rolled into the rates for all of those who use the system.

This provision that is in the bill assumes there is always a single beneficiary rather than there is a benefit to many, as is the case in most circumstances. The provision requires something FERC already has the authority to do. As I said, it can allocate the total cost to one participant. But we should not be legislating the way FERC has to deal with these issues. They should be able to deal with them on a case-by-case basis. The provision prevents them from doing that.

We have letters in opposition to this participation funding language from a great many people. I will cite a few: Public service commissions of Michigan, Minnesota, Wisconsin, Indiana, Pennsylvania, and many other States; utilities in California, Indiana, Ohio, Maryland, Pennsylvania, Delaware, West Virginia, New Jersey, Oregon, Utah, Arizona, Colorado, and many other areas of the country. We have many organizations that have come out in opposition to this provision—from APPA, NRECA, Elcon—Electric Consumers Resource Council, the large industrial customers group including General Motors, Dow Chemical, Air Products, steel companies, aluminum companies—Louisiana, Energy Users Group, the American Chemical Council, the American Forest and Paper Association, American Iron and Steel Institute, Council of Industrial Boiler Owners, Portland Cement Association, Electric Power Supply Association, Consumers for Fair Competition National Grid, American Transmission Company, International Transmission Company, Electric Power Supply Association, many individual municipal and cooperative utilities, and many others.

Congress, in my view, should not be meddling in this area. It is too complex. It is too dependent upon the facts of individual cases for us to try to be writing legislation directing how FERC allocates cost. We should not legislate what they do in this area. In my view, that is counterproductive.

The bill also contains a delay in the issuance of the standard market design rulemaking which I mentioned before. The delay is until January of 2007. That is a much longer delay than I think is wise. That is over 3 years from now. Clearly, in my view, the Federal Energy Regulatory Commission may well have circumstances to which they need to respond. They may well identify problems for which they need to issue rules of general applicability in that period, and we should not be tying their hands.

The bill would prohibit under its current language ''rule or general order of applicability on matters within the scope of the standard market design rule.''

The truth is, the standard market design rule covers everything but the kitchen sink. So if you are saying you cannot issue rules of general applicability on matters that are within the scope of that rule, you are basically saying you are blocked from issuing orders for the next 3 years.

What kind of actions could this prevent? It could prevent the Commission from doing its job in many respects. FERC currently has a rule in process on interconnections to the transmission grid. No matter what that rule said, the Federal Energy Regulatory Commission would be prohibited from issuing it.

Other matters that are dealt with in the rule that FERC would be prevented from dealing with in a generic manner are such things as market oversight, market mitigation, transmission pricing, scope of the regional transmission organizations, the adequacy of rules for transactions across regional transmission organization boundaries, and, in short, just about anything the Commission does about transmission or markets, because this standard market design rule, which we are blocking the implementation of, touches on all of those items. All of those subjects are within the scope of that rule, and we are legislating a prohibition not only against the rule but against any rule of general applicability within the scope of standard marketing.

I also believe some of the orders FERC issued in the western market crisis would be defined as orders of general applicability and would have been prohibited had this language been on the books at the time FERC was trying to deal with that crisis.

If another crisis occurs in the next 2 or 3 years, would we not want FERC to bring order to the market to deal with the crisis? Hopefully, we will not wind up legislating a prohibition on their doing that.

I offered amendments to try to correct this language on the Senate floor. They failed. I offered another amendment when we had our one meeting of the conference on Monday of this week.

That was agreed to by a majority of Senate conferees but was rejected by the House. Then, of course, the Senate conferees receded to that. So I think this is a serious problem that undermines our efforts as a nation to ensure reliability of the system.

Let me go on to this issue of the crisis in western markets, and any possible future market crises that we may face. It is surprising to me how soon we can forget. Just over a year ago, maybe 2 years ago now, we were in the middle of a daily diet of newspaper stories and headlines about the excesses of Enron and other power marketers and their manipulation of California and other western markets. Now it seems as though those shocking stories, that public outcry for Government to do something about that, is all gone, and we are on to other matters.

We have outlined many times before, and many of my colleagues in their statements have outlined, a parade of horrible schemes, deceitful schemes, that were put in place to defraud utilities and to ultimately defraud consumers. The names are well known to all of us: Get Shorty, DeathStar, Ricochet, Black Widow, wash trades. This conference report prohibits wash trades or roundtrip trades, and that is good. I favor that prohibition.

By doing so, the bill acknowledges that the Federal Power Act should protect consumers against fraudulent and deceptive practices, but we only mention one such practice: Roundtrip trading, these wash trades. That is a circumstance where two participants in the market sell to each other the same amount of electricity at the same price in order to make it appear they have more volume of transactions than they really have; there is more going on. This also creates a sales volume for both the sellers. This can be used to pad the reports of stockholders and analysts and make the company look as if it is a better place to invest. This practice should be prohibited.

The other practices involve creating artificial congestion on transmission lines so that one can claim to have relieved the congestion in order to collect a congestion rent. There were a number of colorfully named practices that were of this nature. Those clearly should be prohibited as well.

Some would argue that we do not need to prohibit those; they are prohibited elsewhere. I do not believe that.

When FERC commissioners came before the committee last year, they told us these practices were not prohibited, that there was not much they could do to deal with them. When other Senators seemed not to be concerned about giving this authority, I could not really understand that point of view. Clearly, there can always be other prosecutions for fraud, general fraud and all, but FERC, the agency with responsibility for overseeing this sector of our industry, should have the authority to impose penalties and prohibit these practices. We need to give regulators who are charged with controlling these markets the tools they need to do the job that needs to be done.

Senator CANTWELL from Washington offered, and the Senate approved by a vote of 57 to 39, an amendment that bans all forms of manipulation. Unfortunately, the conference report does not contain that language now, language which was strongly supported in the Senate.

The other problem I mentioned when I started my comments, that I want to say a few more words about, is the problem of the financial meltdowns that we saw as a result of unwise investments by utilities in nonutility ventures and the risk that brings to ratepayers.

The conference report repeals the Public Utility Holding Company Act. I have supported repealing the Public Utility Holding Company Act, and I will explain why. But this conference report repeals that act without providing adequate protection for consumers to replace the necessary protections that were in that act. I have always taken the position that we should repeal the Public Utility Holding Company Act because it is no longer a useful device, but at the same time we should add authority to the Federal Energy Regulatory Commission to review mergers and to review dispositions of property by utilities so we can be sure consumers and ratepayers are protected.

The conference report purports to contain such strengthening of authority, but I would argue that, in fact, it weakens the authority of FERC to review mergers.

There are three problem areas that I see with this language. One is, the jurisdiction over mergers; second, the failure to guard against cross-subsidies, which I think is very important and which was in the bill we passed through the Senate earlier; and third, the language which shifts the burden from the company to the Government if a merger that is occurring is going to be stopped. It automatically occurs if the Government does not act to keep it from occurring under this language, and I think that is bad public policy.

FERC's merger authority is essential in this industry, which has been based on a system of local and regional monopolies but which is moving toward depending almost entirely on a competitive wholesale market for electricity generation.

The industry is highly concentrated. Consolidation of generation and distribution of transmission can prevent the development of a competitive market. One of the key failures in the bill, as I see it, is that the bill does not make the generation of energy or power a subject that is under the jurisdiction of the Federal Energy Regulatory Commission. Without authority over this generation of power, FERC would have to stand by and watch while this industry or parts of it reconcentrate. A single company could acquire every generator in the United States and the Federal Energy Regulatory Commission would have no authority under this act to deal with that problem. Or a single company could acquire every generator in a particular region and the Federal Energy Regulatory Commission would be unable to deal with it. This is surely incompatible with the idea that we want to develop competitive markets.

Even when the transaction is only the sale of a facility, there are serious issues at stake. Many of the utilities that are in the headlines lately are there because they are facing deep financial problems that have come as a result of the utilities spinning off their generation capacity, their powerplants, to affiliates which then are in the unregulated electricity market. Companies such as Xcel and Allegheny are experiencing extreme financial distress because of the activities of their generation and marketing affiliates.

A second failure of the proposal is that it does not require FERC to create real protections against cross-subsidy and encumbrance of assets in the new merged company. In the bill that we passed in the Senate, we had protections against cross-subsidy. We said the Federal Energy Regulatory Commission must determine that if someone is going to buy something that is not part of their utility business, they are not going to be cross-subsidizing some kind of nonutility activity.

Now, that is an essential protection for ratepayers. Otherwise, the ratepayers find their electricity rates going up because the company is losing money in some unrelated business. Clearly, we should protect consumers against that.

The provisions we had in the Senate bill, the one we sent to conference, required that the transaction do no harm either to competition, consumers, or the capacity of regulators to regulate, and it required that the Federal Energy Regulatory Commission determine that there would not be a cross-subsidy to an affiliate company and there would not be an encumbrance of the assets of the utility for the benefit of some affiliate. That is a very important provision which, unfortunately, has been dropped from the bill.

In the past, all generation was owned by utility companies. Clearly, that was under the jurisdiction of the Federal Energy Regulatory Commission. If a utility merged with another utility, the merger was under the jurisdiction of the Federal Energy Regulatory Commission under the Federal Power Act.

But we are in a new world now, and generation can be separated from the utility company, either sold to a stand-alone generation company or spun off to an affiliate of a holding company that owns the utility, and such sales or spinoffs would not be under their jurisdiction either under the Federal Power Act, since the generation facilities are not under the jurisdiction of FERC, or of course under PUHCA, since we are going to repeal PUHCA, the Public Utility Holding Company Act. So mergers of stand-alone generation companies would not be something FERC could look at.

A third key weakness of the proposal is that it requires FERC to act on a merger within a certain timeframe. It says that within 180 days, FERC needs to act. If FERC determines that is not enough time, it can extend that for another 180 days. But if it does not rule against the merger at the end of the second 180 days, then the merger is approved. That is putting the burden on the wrong end, in my view. I favor requiring FERC to issue an order approving the merger, as is current law. This is a major weakening of current law we are being presented with here.

These are only some of the problems in the electricity title. I have also expressed concerns about the provisions that give the Commodity Futures Trading Commission a role in monitoring markets that cut the Federal Energy Regulatory Commission and States out of such activities; also, over a provision that raises the bar for the Federal Energy Regulatory Commission review on whether contracts are resulting in rates that are just and reasonable. I know others are going to address those problems in their comments.

We have tried, at every opportunity during the long course of this legislation, to correct these problems. We tried to offer amendments that would strengthen the Federal Energy Regulatory Commission's merger authority, amendments to ban all forms of market manipulation, amendments to clarify FERC's authority and to strike participant funding language. We have not succeeded in making those changes. As a consequence, we have a bill that in my view, I regret to conclude but I do conclude, weakens consumer protections and reliability protections with regard to electricity.

There are others here seeking the floor, wishing to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I would like to take some time on this bill. I think we should perhaps divide the time up a little bit here.

Mr. JEFFORDS. Mr. President, if I may? I ask unanimous consent that I be allowed to follow the Senator from Wyoming.

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

Mr. THOMAS. Mr. President, I think we need to take a little time to talk about the purpose of this bill. All we have heard, frankly, is criticism. All we have heard is people being negative about the things that are there. The fact is, what we need in this Congress, and in this country, is a policy. We had a policy last year, you will recall, that had almost all the things about which the Senator from New Mexico talked. It did not pass. We do not have an energy policy with all those things he insists upon getting in there.

We hear from the Senator from California about the problems that happened there. We need to go back and recollect some of the reasons they happened in California. That was because the State didn't allow for the development of energy, it didn't bring any transmission to get it into California, and they had some price controls on the retail but not on the wholesale.

We need to go back and focus a little bit on what our real opportunity and obligation is here, and that is to have an energy policy, a policy that deals with conservation, that deals with alternative sources of energy, that deals with research, so we can continue to use the energy we have now, but which also focuses on domestic production.

We can talk all we want about where we are going to be in the future, and I hope we are with more alternatives and more renewables, but the fact is we will not have those for several years. The immediate need is to make sure we do not become even more dependent on imported oil and gas from places such as the Middle East and Iraq.

I want to take a minute and talk about some of the things that are very positive here because there are very positive aspects to this energy policy, keeping in mind it is an energy policy, keeping in mind, also, that most of us would like to recognize the differences between the regions in the country.

The idea of having FERC control all the details of operations doesn't work. It is not acceptable. That is why it has changed this year, so we can put emphasis on regional organizations so States can concentrate on having things work the way they work in one region that don't work in another region.

That is one of the reasons that standard market design was not acceptable to most people. It has been modified in this bill so it is not laid on the country originally. There are certainly opportunities for FERC to exercise their responsibilities, as they should, but after the States have had an opportunity to work as States and then to work as regions. This is the direction we are seeking to go.

Let me go back just a moment to some of the things we seldom hear people talking about in the Chamber about which, it seems to me, we should be talking. One is energy efficiency. We require a 20 percent reduction in Federal building energy use by 2013. There is an effort to do something about it in the conservation area. The bill authorizes $3.4 billion for low-income housing, to be able to assist that housing in being more energy efficient. Our demand for energy—the production of coal, for example, in the last 5 years has doubled our energy. We are continuing to increase our demand, yet we are becoming more restrictive on our production.

We have to balance these things. That is what is done here, is to seek to get more energy efficiency. We seek to establish new energy efficiency standards for commercial and consumer uses of products, such as stoves and refrigerators and those kinds of things. We need to do that.

We also emphasize renewables. The talk here is we don't give enough attention to renewables. As a matter of fact, we do. There are incentive programs authorizing $300 million for solar programs with the goal of installing 20,000 solar rooftop systems in Federal buildings.

It authorizes over a half billion dollars for biomass projects. These are things that have potential but have not been moved. This is designed to provide incentives so those things can move forward. It authorizes $100 million in increased hydropower production to increase efficiency of dams.

So we have goals of increasing renewables by 75 percent over just a few years.

Clean coal technology—coal is our largest resource of fossil fuel. It now produces nearly 60 percent of the electricity in this country. It ought to be used as opposed to gas, for example, because we are going to have more of that and gas is more flexible for other uses. But what we want to do is perfect and increase and make better the generation facilities so we can have clean air, so we can protect the environment at the same time that we use this fuel.

The Senator from New Mexico was talking about transmission. Certainly you are going to have to have more of that. You have to start where the fuel is and go to the marketplace. That takes transmission. That takes movement of that kind. So we need to prepare for that, and that is what regional transmission organizations are for, so you can move interstate as you move in regions.

The States can agree on what we do there.

We talk about vehicles and fuels. Advanced vehicle programs: $200 million for that; and clean schoolbus programs. We are putting a great deal of money into the development of hydrogen for use in automobiles and elsewhere.

This idea that all we are doing is giving credits for production of coal, oil, and gas is not true. That just isn't the case. There are lots of other things in here, as a matter of fact.

We continue to increase funding for the Department of Transportation to work on improving CAFE standards so we will get better mileage out of the cars. I mentioned hydrogen. It is one of the real opportunities.

As I said, this is a broad policy. It follows what the administration began several years ago to have a policy for the future of energy production for this country. We need to deal with it in a broad way. This bill does.

I understand the people who seem to be concerned about it pick out those little things, and that is all they talk about. But we need to take a look at the broad bill and what it does. One of them, of course, is it gives some incentives for increasing production. That is what we need to do if we are going to continue to have the lights on and continue to drive our cars in the years to come.

We have to have production. We have ways to do that. I happen to come from a production State. We can produce more. At the same time, we can protect the environment.

These are issues that we talk about here in terms of transporting. For instance, we can produce more natural gas in Wyoming, and we can have a pipeline to get it to the marketplace. We are in the process of doing that. This helps considerably. The same thing is true with electric transmission.

There are a great many details which we could go into here. A lot of people have talked about the cost. There is a cost.

Let me tell you very briefly, from a conservation standpoint, that there are tax credits for energy efficiency. That is a pretty good thing to be doing—tax credits for producing electricity from certain renewables. I believe that is the direction we want to move—and fuel-efficient vehicles. Some of these tax credits are going to create more conservation.

We have talked about reliability in relation to the California situation.

There are some incentives for accelerating depreciation; and natural gas-gathering lines so we continue to produce.

These are a great many things of that kind.

Production by marginal wells is one of the areas that needs to be visited. A lot of older wells only produce a few barrels a day. There has to be some incentive to continue to do that. But it is a very important production aspect so we are not totally reliable on imports.

I see others on the floor who are going to be more positive than we have heard for a while. So I will slow down here. But I do suggest that we take a look at our demand for energy and take a look at the growth of demand for energy. Look around in your own family, in your own business, and in your own place where you are sitting right now. How much increased demand do we have for energy? Then take a little look at where we are going to be in 10 or 15 years from now. How are we going to deal with that? That is really what policy is about.

Take a little look at this bill and you will find we are talking about conservation, renewables, and domestic production so we can meet the needs on which all of us would agree.

I yield the floor.

Mr. CRAIG. Mr. President, will the Senator yield for a unanimous consent request?

Mr. THOMAS. Yes.

Mr. CRAIG. Mr. President, I understand Senator JEFFORDS will follow the Senator from Wyoming.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRAIG. The chairman of the full committee has just come to the floor. Senator CORNYN is on the floor ready to speak. Senator JEFFORDS has such time as he will consume. I was going to offer a unanimous consent to allow Senator CORNYN to speak, to be followed by Senator DOMENICI. Is there any objection to that?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. I thank the Chair.

Mr. THOMAS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, on Monday, I addressed the Senate to share my concerns about the environmental impact of the Energy conference report. These provisions are a direct reflection of the manner in which this bill was developed and the flawed conference process used to produce it.

Nearly 100 sections of this bill are in the jurisdiction of the Environment and Public Works Committee. We were not consulted on any of these provisions—not on any of them.

In some cases, such as on the issue of nuclear security, the Environment and Public Works Committee reported legislation on a bipartisan basis. The Senate could have taken up the reported bill and passed it.

Instead, they stuck the provisions of the original introduced version of this bill in this report. Now my committee will likely have to go back and clean up this language if the bill becomes law. This could have been avoided, if the conferees had spoken to my committee in the first place.

I am deeply concerned that the conference report before us does not represent the kind of forward-looking, balanced energy policy that our Nation needs. As I mentioned earlier this week, it does not go far enough in reducing our reliance on imported oil. Further, the bill fails to provide appropriate and adequate remedies to prevent a recurrence of the electricity blackout the Northeast experienced this summer or the crisis that the West experienced 3 years ago.

The Energy legislation fails to address other important issues such as a renewable portfolio standard or climate change.

The bill contains waivers of environmental laws, and it provides for unjustified subsidies and porkbarrel programs. But, worst of all, this bill seriously harms our environment.

On November 7, 2003, I wrote all Members of the Senate listing seven of what I believe to be the most troubling environmental provisions of this conference report. The Environment and Public Works Committee has jurisdiction over all of these items. Six of the seven items outlined in my letter are now in the bill. The bill has not one but two provisions extending compliance deadlines for Federal ozone pollution standards.

I also mentioned in my letter that I was concerned the bill would delay our new Federal mercury emission standards for utilities. It doesn't do that. Instead, it authorizes $1.5 billion in compliance assistance grants for the utilities. Instead, the bill proposes to pay up to 50 percent of these compliance costs. This is poor policy.

I would like to review the status of some of the other provisions I described in my November 7 letter in more detail.

First, I would like to let colleagues know that the renewable fuels title in the conference report differs significantly from the language reported by the Environment and Public Works Committee in the 107th Congress. The provisions that my committee reported were ones contained in the energy legislation that the Senate passed this year and last year.

This conference report will shield companies that make, use, or market toxic gasoline additive MTBE from Federal and State product liability lawsuits.

Let me repeat that. It will shield companies that make, use, or market the toxic gasoline additive MTBE from Federal and State product liability lawsuits.

MTBE has contaminated ground water in every State of this Nation. This provision was not included in the Senate-passed bill. This provision shifts an estimated $29 billion in cleanup costs from oil and chemical companies to State and local American taxpayers.

The General Accounting Office estimates that there are at least 150,000 MTBE-contaminated sites nationwide.

Vermont has 851 of those sites. Public and private drinking water systems in my State have been polluted by MTBE. If the water right here in the Capitol building was contaminated with MTBE, we would ban this toxin today.

Even though we know MTBE is environmentally harmful, the conference report dramatically extends the time that this product can be added to our gasoline before we pull it off the market. In fact, it may be extended forever.

Besides the MTBE problem, the renewable fuels provisions in this conference report are deeply flawed.

The Senate's renewable fuels title was a carefully drafted package which balanced regional interests. Now, it is unbalanced in so many ways.

For instance, the Senate put positive environmental provisions into our renewable fuels package. One provision allowed Northeastern States to require reformulated gasoline statewide.

We also provided the Environmental Protection Agency with the authority to better regulate fuel additives to prevent future MTBE-like situations.

We provided States with authority to reduce the emissions from fuels if too much ethanol was being used. These are all gone.

Although I support renewable fuels and ethanol, this package has changed so dramatically that it is harmful to the air and water. I cannot support using the fuels provisions of the Clean Air Act to damage air quality.

A second item from my letter is the treatment of ozone pollution standards in the conference report.

The conferees have agreed to include an extraneous new provision amending the ozone nonattainment designation process in Title I of the Clean Air Act.

This is the part of the act that officially tells the public how dirty or clean the air is. It tells the public whether their area meets the health-based ozone standards and it determines what must be done to help clean up the air in that area and for its downwind areas.

This is an entirely new provision, it was not considered by either the Senate or the House of Representatives.

This provision, inserted in the secret conference, would allow polluted areas off the hook for controlling ozone pollution for years at a time. It would extend the deadline for compliance with the ozone standard almost indefinitely for many areas.

It would also reach back in time and declare some cities with serious air quality problems as ''clean.'' This whole provision is a direct attack on the Clean Air Act and bad for public health.

As a result, people downwind will suffer. The air of the communities downwind of these ''extended compliance'' or ''reclassified'' areas will get dirtier. There will be more asthma and more respiratory problems.

This provision is not the answer to transported pollution. The answer is for this administration to get cracking on protecting air quality.

Changing cities' ozone compliance deadlines under the Clean Air Act does not increase our Nation's alternative energy supplies.

This provision is not an energy policy measure. It does not offer an energy-related solution to compliance with ozone pollution standards, and does not belong in this bill.

The changes put in here by a Congressman from Texas are also unfair to States and cities that have already achieved compliance with the national ozone standards. These States and cities have worked hard and invested resources in controlling their pollution.

All their work will have been for naught.

There are other cities that have been ''bumped up'' or classified as having more serious ozone problems. EPA has already asked them to undertake more stringent ozone control efforts.

These stronger measures are already required and being implemented in numerous cities throughout the Nation including: Chicago, Milwaukee, Baltimore, Philadelphia, New York, Wilmington, Trenton, Los Angeles, and Sacramento.

Mr. President, in addition to this general assault on public health, the conferees have included one other little gem. EPA is prohibited from imposing any requirements of the Clean Air Act on an area of Southwest Michigan for 2 years.

Obviously, this provision was also not contained in either the Senate or House bills. Nor is it good public health policy.

Not only is the Clean Air Act substantially amended in this bill, but the Clean Water Act is as as well. The conferees have included language similar to a provision in the House-passed bill that exempts oil and gas exploration and production activities from the Clean Water Act stormwater program.

The Clean Water Act requires permits for stormwater discharges associated with industrial activity. The conference report exempts oil and gas construction sites from stormwater pollution control requirements.

The scope of the provision is extremely broad. Stormwater runoff typically contains pollutants such as oil and grease, chemicals, nutrients, metals, bacteria, and particulates.

According to EPA estimates, this change would exempt at least 30,000 small oil and gas sites from clean water requirements. That is a terrible rollback of current law.

Another troubling section of this bill is the leaking underground storage tank provisions. This issue is also in the Environment and Public Works Committee jurisdiction.

This is another case where my committee unanimously passed a bill that is stronger than the provisions in this conference report.

The conference report's inspection provisions are so lax that a tank last inspected in 1999 may not be reinspected until 2009. The bill my committee passed, and that I supported, would require inspections of all tanks every 2 years.

While the underground tank program needs reform, the conference report takes a step backward. It allows leaking tanks to remain undetected for years. And, in many cases, it allows the polluter off the hook for cleaning up his own mess.

Let's review what we are debating today: An energy bill. Actually, it is an energy producers' bill; an energy polluters' bill; an energy profiteers' bill.

The three Ps: Producers, polluters, profiteers.

I would like to focus briefly on the polluters.

A senior member of the conference committee reported that, yes, this bill will not reduce our reliance on polluting sources of energy. But it will secure our energy independence.

I agree with the first statement, that with this bill our Nation becomes more addicted to energy sources that pollute. In fact, I would say that this energy bill equals pollution.

Four words and a numeric symbol say it all here on my chart.

Energy bill equals pollution.

This bill pollutes our surface and groundwater by exempting oil and gas development from provisions of the Clean Water Act.

This bill pollutes our drinking water by allowing MTBE, a toxic fuel additive, to seep into our public and private drinking water systems.

This bill pollutes our land by allowing unlimited development of energy installations on public lands, including parks, wildlife refuges, and sensitive areas.

And this bill pollutes our air in so many different ways; primarily by extending pollution compliance deadlines and continuing to avoid serious progress in cleaning up our air.

Pollution, that is what we are voting on in this legislation.

A vote for this bill is a vote for greater pollution.

This is wrong. The American people do not want energy security at the expense of the environment. The word ''conservation'' and the word ''conservative'' are closely related. I am an independent Senator, but I consider myself to be a careful legislator.

I seek to be conservative. I try not to support legislation that exploits our natural resources and pollutes our environment. This bill abandons that approach. It is an aggressive, overreaching measure. I oppose this bill, and all other Senators should as well.

Mr. President, one last thing I should note for interested Members is that this Barton ozone provision is not the same as the former Clinton ''bump-up'' policy. That policy was a case-by-case basis and it applied only to the outgoing 1-hour ozone standard.

Also, the areas receiving the benefit of not being ''bumped-up'' to a higher nonattainment status under the Clinton policy had to demonstrate that their emissions did not cause problems downwind. That protection appears nowhere in Barton.

This Barton provision completely disrupts the Clean Air Act's designation process and appears to do it indefinitely.

I hope the Congressman from Texas is willing to pay the hospital and doctor bills of all the children whose health he and his Congress will damage if this bad bill becomes law. Every person who votes for cloture and for this bill should also be held responsible.

I ask unanimous consent to have printed in the RECORD a one-page explanation of how the Barton provision is different from the former Clinton policy.

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

BARTON'S OZONE EXTENSION PROVISION IS FAR DIFFERENT THAN 1994 CLINTON ''BUMP-UP'' POLICY

The 1994 policy explicitly states that the policy should apply only where ''transport from an area with a later attainment date makes it practicably impossible to attain the standard by its own attainment date.''

The 1994 policy says that in this situation where it is ''impossible'' to meet clean air standards due to transport, the attainment date may be extended, but the new attainment date must be ''as soon as practicable based on the maximum acceleration practicable for emissions reductions in the downwind area and in the upwind area.''

Barton's provision (Section 1443 of H.R. 6) is not limited to situations where transport makes attainment of clean air ''impossible.'' It applies wherever there is a ''significant contribution'' due to transport.

What does ''significant contribution'' mean? It is undefined in Barton's provision, but typically significant means ''able to be detected or measured.'' That is a much, much less restrictive standard than the approach under the Clinton administration's 1994 policy.

And unlike the 1994 policy which discusses ''maximum acceleration practicable for emissions reductions'' in upwind areas, section 1443 does nothing to address upwind sources of air pollution.

Another big difference between the Clinton administration policy and Section 1443 is that Section 1443 is not limited to the one-hour ozone standard. Section 1443 also applies to the eight-hour ozone standard.

In 1998, when EPA revised their transport policy, they knew it would be short-lived. EPA had promulgated a new eight-hour standard in 1997. By applying this policy to the eight-hour ozone standard, Section 1443 will likely have adverse affects on air quality for years and years to come.

EPA has done no analysis regarding the public health impacts of expanding this policy from the one-hour standard to the eight-hour standard.

However, Abt Associates, a leading air pollution consulting firm, found that delaying action meet the 8-hour ozone standard for even one year would result in: Over 387,400 asthma attacks; almost 4,900 hospitalizations due to respiratory distress; and over 573,300 missed school days.

Rep. Barton has contended that this provision would just give EPA the discretion to grant a deadline extension if appropriate and that it would not require a deadline extension. However, the language is mandatory. If section 1443 is enacted, then it creates a new section 181(d)(2) of the Clean Air Act which says EPA ''shall extend the attainment date'' for downwind areas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I want to speak for a few minutes about the Energy bill conference report that is before this body, and specifically address some of the criticisms that have been made against a clean fuel additive that was mandated by Congress under the Clean Air Act, and which was specifically certified for use by the Environmental Protection Agency.

But, first, let me just speak more generally about the need for a national

energy policy in this country. We are a country that likes to consume a lot of energy—whether it is gasoline, natural gas, coal—because it improves our quality of life and because it is key to growth in our economy and our prosperity, which, in turn, creates jobs so people can provide for their families.

At the same time, we are a country that loves and cherishes our environment, whether it is clean water or clean air. We know that by consuming energy we need to also take necessary steps to protect our air and our water and our environment at the same time. We do not want to be forced to choose one or the other. We want, and I believe we can have, both. We can have the energy we need in order to maintain our quality of life and our prosperity and to fuel our economy, and we can also have that energy supply produced and consumed in a way that protects the environment against unreasonable damage.

The reason I support this Energy bill is not because I believe it is perfect. I do not believe there is such a bill, unless the person talking happens to be the author of that bill. That is probably the only bill any of us would agree was perfect, the one that we were able to write by ourselves. But, of course, that is not the way it happens. That is not the way the Founding Fathers conceived of legislation passing.

So what we have is a bill that has some strengths and some weaknesses. But, on the whole, I support this bill because I believe, for the first time in at least 10 years, it means America has the hope for a national energy policy that not only serves our economic interests but serves our national security interests as well.

About 60 percent of the fuel we consume in this country is imported. Over the years, as we have consumed more and more energy, we have also become more and more dependent on imports from other parts of the world. We know one of those locations in the world is the Middle East, which is the subject, of course, of daily news reports. We know how troubled it is. We know how volatile that area of the world is. It means our energy supply is in jeopardy. Thank goodness we have been able to secure a steady supply of fuel, but it is at risk—as much at risk as the next headline, the next news flash, where we learn that some terrorist activity or some disruption of our energy supply is caused by other governments and other people beyond our control.

So I think what we need to do, and what this Energy bill does, is encourage innovation and increase productivity here in America so we are less dependent on imported energy. I think that is a good thing.

What we have right now is a schizophrenic energy policy in this country, one that squanders our strength in terms of our natural resources. It discourages innovation, and it leaves consumers too vulnerable.

There are specifically some interests that relate to my State of Texas in this bill that I want to talk about, but this is a bill that is not just good for Texas, this is a bill that is good for the entire Nation. It moves us one step forward, and it is one that I believe is in the best interests of the American people.

There has been some criticism of the provisions of this bill as they relate to a chemical called MTBE. The technical term is methyl tertiary-butyl ether.

Now, people may wonder why we are talking about MTBEs, and why it is so important. Well, the truth is, this was mandated, the use of reformulated gasoline, in the Clean Air Act about 20 years ago because what Congress recognized was that unless we could find ways to burn gasoline in a cleaner, more environmentally friendly way, then we were going to have dirtier air.

So Congress mandated the use of reformulated gasoline. American enterprise, as it does so well, innovated, created this product, which has then been used over the last 20 years and has enabled literally millions of people with lung disease, asthma, and the elderly to breathe easier. In other words, this oxygenate, as it is called, this chemical compound, has improved the public health in this country over the last 20 years. We are a better and healthier Nation for it.

As a result of this Federal mandate that reformulated gasoline be used, and that something be innovated and created to allow gasoline to burn cleaner so we may breathe easier, people in my State and around the country began to produce MTBE. And you do not do that overnight. It takes a lot of infrastructure. It takes a lot of investment to produce this particular product.

Indeed, 70 percent of MTBE is produced in the State of Texas and, not coincidentally, it creates a lot of jobs in our State. It is used in parts of the United States which are among the most polluted because we universally recognize that the use of reformulated gasoline and this particular oxygenate is important to reducing pollution and improving the public health.

Well, the problem is—that this Energy bill seeks to identify—in some places we have seen that people who store MTBE in storage tanks have not kept those tanks in good repair and they have leaked this oxygenate into the surrounding environment.

But rather than address their ire and their concern—a concern which I share—at those who maintain leaking tanks, we have people focusing on this chemical compound—which has not been shown to be harmful to public health but which, indeed, has improved the quality of the air we breath over these last 20 years—people who want to opportunistically claim that this chemical is somehow dangerous, when, in fact, the fault lies with those who do not maintain the tank in which this chemical is stored.

We realize—and common sense would tell us—that whether it is gasoline or whatever the product is, if it is in a leaky tank, once it gets out of that tank into the surrounding environment, it can cause some harm. Common sense tells us that. But rather than focus on the leaky tanks and the people who have negligently allowed those tanks to leak, we have people who want to aim their crosshairs at the people who produce MTBE, which has improved public health and air quality.

What this bill simply does is provide a safe harbor provision for those who have produced this product, which has improved the public health, and says: We are not going to stab you in the back for doing what the Federal Government asked you to do in the first place.

In other words, the Federal Government said: Please invest your money, Mr. Businessman. Please create this infrastructure to produce this reformulated gas additive that allows our air to be cleaner.

We are not going to let that happen and then years later, when perhaps memories dim and when someone has another idea, to say: Yes, we have you. Now you are going to be liable for money damages because you have done what Congress and the EPA asked you to do. We don't care about the benefit to the public health by producing clean air because now all we are concerned about is getting the people who have, perhaps, the deep pockets.

What we are discussing, in terms of the safe harbor, is a provision that ensures fairness, that preserves the trust that is so important to guaranteeing that we in this country have the benefits of the innovation that the free enterprise system provides and that improves all of our lives.

I hope we are not going to say to those who place their trust in Uncle Sam, when Uncle Sam says, please, Mr. Businessman, innovate and create a product that is going to improve public health, we are not going to allow that to be turned into a liability. There are some who want it to turn into a liability. In fundamental fairness, as well as our collective interest in the innovation that comes in the free enterprise system, when people step up and produce a product from which we all benefit, we should not let that innovation and we should not let that commitment and that trust suffer as a result of this legislation.

I congratulate Chairman DOMENICI and the conference committee for standing strong in the interest of fairness. It is true that over the next 15 years, MTBE will be phased out. There will be other products that will step in to provide cleaner burning gasoline, those that are based on ethanol. But, frankly, unless the safe harbor provision stays in this bill, if I were someone who was going to produce an ethanol-based gasoline additive to produce a cleaner burning fuel, I would be very skeptical about investing the money, about developing a product that will clean our air, because I would worry that just as those who are targeting MTBE, we would be back here 10 or 15

years from now, saying: We caught you. And what are you guilty of? You are guilty of trusting Uncle Sam and Congress. Now we are going to let entrepreneurial lawyers and others make claims regarding the very product that you designed in order to meet the needs of the American people. They are going to sue you for it and try to take everything you have and more.

I don't think that would be fair. I don't think that would be right. Frankly, I wanted to come out here and talk a little bit about how we got to this place because I think anybody who understands the complete story would understand that while this bill phases out MTBE use over the next 15 years, it also, at the same time, preserves the trust that is so important to getting investment in innovative products that make the public health better.

Manufacturers will be extremely reluctant to invest in other additives without some confidence that the Federal Government will not allow those investments to become the basis of future liability.

In short, the bill Chairman DOMENICI and the conference committee have crafted ensures that clean alternative fuels will not be regarded as unreasonably dangerous simply because they comply with Federal mandates. It is important to say, though, that if someone is negligent, whether it is maintaining a leaky tank that contains MTBE or any other product, and it causes harm, they are not protected by the language in this bill in any way. There is no defense or immunity from a suit for negligent conduct.

I have heard some say that MTBE is a threat to public health. As I said, MTBE on the whole has benefited public health. The truth is, it is one of the most widely studied chemicals in commerce, including the pharmaceutical industry. The overwhelming majority of scientific evaluations to date have not identified a single health-related risk from the intended use of MTBE in gasoline. Numerous government and world-renowned independent health organizations to date have found no compelling reason to classify MTBE as even a possible cause of harm to human beings. Because MTBE manufacturers have complied with the requirements of the federally mandated program, MTBE should receive the equivalent legal treatment as ethanol for the reasons I have mentioned: for reasons of fairness and sound energy and consumer policy, and to encourage the kind of investment that ultimately will improve and maintain the public health.

The facts that demonstrate the need for a comprehensive energy policy that this bill represents are overwhelming. Gas prices are at $1.50 and above in most areas of the country. Natural gas prices at the burner tip are more than $9 per 1,000 cubic feet. This summer, as we will recall, 20 percent of the Nation faced a total blackout which lasted more than 8 hours. If now is not the time to pass comprehensive energy legislation, I ask my colleagues: When is? If now is not the time to pass comprehensive energy legislation where America can again have a coherent and comprehensive energy policy that protects our economy and our national security, when will we pass such a bill and embrace such a policy? We should do so without any hesitation and without any further delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I was going to go next, but I note the attendance of the distinguished Senator from Louisiana. He would like to speak, and I will yield to him.

Let me make one or two observations regarding the speech just delivered. First, I thank the Senator from Texas for the reasonableness, the rationality of his discussion. He would not believe, the people who have listened to the debate over the last couple of days would not believe the facts as you have described them, which are the facts, with reference to MTBE. This bill does not say if somebody misuses MTBE, negligently spills it, if they have tanks that leak, if they are not careful to keep it where it is supposed to be, it doesn't say those kinds of actions are rendered nonactionable in tort liability.

The safe harbor is very narrow. It says the producer of the product, which has been determined by the Government and to date determined by scientists to be totally safe and very effective, it says those who made the product are not liable for the mere fact of making it and selling it. They are not liable. If it causes harm because of other actions with reference to it, then the hold harmless does not apply. That is what the Senator has been telling us today; plus, he has enlightened us that, even as we speak today, contrary to the elaborate statements regarding people who have been damaged and hurt, the scientists in the Government still say, as a product, it is safe; as a product, it is tremendously effective; and as a product, the Government isn't even considering doing anything about it. They are not out there saying we want to stop it. I have not heard that from the EPA or anyone else—I think because they would have no evidence—that there is anything wrong with the product.

I say to everybody in this country who wants ethanol, ethanol may prove, as an additive, in 15 years to cause some damage. Are we going to go back 15 years and say to the farmers who grew the crops that went into ethanol: You are collectively, as the farmers of America, liable for producing the corn that produced ethanol that produced a problem 15 years later? I doubt it, because I don't think anybody would be down here saying we want to stick all these hundreds of thousands of farmers. But right now we are saying: Have at it, trial lawyers, we hope you can get after these guys because somebody got hurt. Sue the companies that produced it. People are saying: After all, they are rich companies.

That is not the American judicial system. Liability is not based on whether you have a successful company. As a matter of fact, one of the reasons some people are upset about this safe harbor is that they think the ones with money are the ones that are going to be in this safe harbor; namely, those that produced a product. They don't think there is going to be enough money for them out there in the marketplace where other things have gone wrong. They don't want to have to look for people who had leaky tanks and sue them and their insurance companies. They want to leave that to somebody else, right? They want to go after one of these companies—I don't know which one—and a number of them are in Texas. People will say: There is that old Texas again.

Well, Texas has about 13 companies that produce various products related to this whole area, not just this. Some of them produce this product. If I were the Senator from Texas, I would be right here doing what he is doing. The Senator is not opposed to those companies, right, or embarrassed by them? He is saying: Good luck. He is not embarrassed that they are making money. I assume they pay a salary to people in his State. I assume these towns like them. They are not doing anything to these towns. There is no pollution in the towns where it is being produced.

Those who would kill this bill over this issue have said to the farmers of the United States who want to use their crops to produce ethanol—if you vote this bill down based on this MTBE issue, you are saying to the farmers in your States—there are 12 or 15 of them—that have lots of corn and soybeans: We are taking the trial lawyers over you. You are saying: We have a choice to make and tomorrow morning we will make it, and we will choose the trial lawyers; we want to help them and forget about the farmers. That is the issue, as I see it. This will not end because we are going to go into MTBE today in a little more detail.

I yield to the Senator from Louisiana.

(Mr. GRAHAM from South Carolina assumed the chair.)

Mr. BREAUX. Mr. President, I thank the chairman for the work he has done on this legislation. It has been difficult and time-consuming, and it has occupied a great deal of his time. It seems to me that everything the Energy bill does in terms of traditional oil and gas exploration and development, and what it does in geothermal, encouraging wind power and alternate fuels, has sort of become secondary to the question of MTBE.

I guess Americans who are watching this debate where we are talking about an Energy bill might say the whole thing will rise or fall on what Congress does with MTBE. They would say:

What are you talking about? Energy security, energy efficiency, and lessening our dependence upon foreign imports; that is all part of this legislation. It does a good job in that area. Could it do more? Of course. But it does a good, solid job in working with the issues of electricity and traditional oil and gas development and alternative fuels.

So the question now comes down, for many on my side of the aisle, to what Congress is doing with MTBE. I thought I would try, in a limited way and in a limited amount of time, to explain what I think the issue is.

The legislation establishes for MTBE—which is a fuel additive, to make fuel burn cleaner, like ethanol—the same standards for liability for one who produces it and misuses it as it does for ethanol. What does it mean? The legislation simply says you cannot sue a manufacturer of this fuel additive because it is a defective product if it is made according to the standards to which the Government told them to make it. Congress mandated that people produce MTBE to be a fuel additive so that gasoline would burn cleaner. You can add ethanol or you can add MTBE, and the results are that you have a cleaner product.

Some in this country say: Well, if MTBE gets into the drinking water, the ground water, we ought to be able to sue the manufacturers because they have produced a defective product—even though they have nothing to do with the injuries or the damage that occurred.

What I mean by that is this. Here is an example. Suppose somebody goes down to the local Exxon station and they buy 100 gallons of gasoline, and then that person takes the 100 gallons of gasoline and dumps it into the drinking water system of their hometown. Should someone be able to sue Exxon because they have made a product that this person dumped into the river system or the drinking water system? Of course not. They would be laughed out of court. If the Exxon service station took the 100 gallons of their gasoline and dumped it into the river system, then Exxon, the seller and manufacturer of that product, would be negligent and would be responsible, and you could sue them.

But there are numerous lawsuits brought against the manufacturers of MTBE, not because they did anything wrong with the product they make; the product is made to be put into gasoline to make it burn cleaner. It is made according to the standards set up and required by the Federal Government.

So the legislation says: Wait a minute, you cannot sue the manufacturer for doing what Congress told them to do in making a product that, if used in a correct manner, is very efficient, effective, and helps clean up the environment.

Some say: No, we want to sue them because it is a defective product. The product is only defective if someone misuses it. Then they ought to be able to be sued. They should be responsible.

Somebody gave me the analogy of a company that makes baseball bats. If somebody buys a baseball bat and takes it home and beats up his wife or his children, or the wife beats up her husband, then someone should not be able to sue the manufacturer of the baseball bat. Of course not.

The bat, if used for its intended purpose to play the game of baseball, is not a defective product. That is the purpose for which it was manufactured. If someone uses it to cause harm, they should be responsible, not the manufacturer of the bat, not the manufacturer of the product.

If MTBE is used as it is supposed to be used and made according to the standards Congress told it to be made by, it is not a defective product; it is a very valuable product. The legislation simply says if the product is used according to how it should be used, you can't sue the manufacturer because someone else misuses it.

The important thing is that it does not deny an injured person redress or the opportunity to sue if damage is done. The proposed language in the chairman's bill makes it abundantly clear that any claims of negligence or spills or drinking water contamination can go forward in the judicial process. That is part of the chairman's legislation. The only claim that is restricted is suing someone who makes a product according to the formula they are supposed to make it; they cannot be sued for making something that we told them to make in the first place. Not only is that common sense, it is good judicial sense. That is what the bill says.

I read the legislation. I said: What is everybody talking about? Because it can't possibly be true. Guess what. It is not. The lawsuits that are still available to proceed against misuse of these areas are substantial. It specifically maintains claims for environmental remediation costs. You can still sue for drinking water contamination. You can still sue for negligence, for spills, or other reasonably foreseeable events. You can still sue for public or private nuisance. You can still sue for trespass. You can still sue for breach of warranty. You can still sue for breach of contract. And you can still sue for any other liability, other than a liability based on the claim that you made a bad product and, therefore, you ought to be liable for damages. I think that is something no reasonable person would say is needed or necessary.

I was reading the language. You can talk about papers and this group sent out this piece of paper and that group sent out this piece of paper, and we get all this material about ''vote against this'' and ''vote for it.'' Every now and then it becomes important, I say to the chairman, to actually read the legislation. You cannot put a spin on the words of the legislation. Legislation is not a political document from the Democratic Policy Committee nor a political document from the Republican Policy Committee. It is the language on which we are going to be voting.

The language says very clearly that ''nothing in this subsection''—in the bill—''shall be construed to affect the liability of any person for environmental remediation costs, for drinking water contamination, for negligence, for spills, or other reasonably foreseeable events, public or private nuisance, or trespass, or breach of warranty, or breach of contract, or any other liability other than the liability based on the fact that it is a defective product.''

MTBE is not a defective product. If you misuse it, it can cause problems. If you drink it, it could kill you. That is not its intended purpose. If you drink gasoline, it will kill you. That is not its intended purpose. Its intended purpose is to run engines for the economy of this country.

I am well satisfied that we have crafted a section on MTBE liability that is reasonable; it makes legal sense, and it just makes common sense. There may be other reasons not to be for the Energy bill, but it should not be on this particular issue which has been misconstrued by those who say they have concern.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I struck an agreement with a couple of Senators who have been waiting to speak. Senator NICKLES would like to follow me. I ask unanimous consent that he follow me. Secondly, the Senator from California, who was just here a bit ago, asked that she proceed next, and I ask unanimous consent she proceed next.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Let me see what this means. Are we doing this under a particular time?

Mr. DOMENICI. No, we are not.

Mr. LEAHY. The Senator from Vermont would like to speak on two different issues: the energy issue and wants his experiences here in Washington at the time of President Kennedy's assassination. I want to get some idea of time.

Mr. DOMENICI. The Senator can speak after the Senator from California. That is fine. She is right here.

Mr. LEAHY. Mr. President, Senator DOMENICI was saying the Senator from Oklahoma and then the Senator from California. Might I ask the Senator from Oklahoma—I am not going to object—how long will the Senator speak?

Mr. NICKLES. Twenty or thirty minutes.

Mr. LEAHY. The Senator from California?

Mrs. BOXER. Fifteen to twenty minutes.

Mr. DOMENICI. And I am going to speak for 20 minutes now.

Mr. LEAHY. I wonder if I might ask, to make sure in case Senators wish to speak longer, to amend the unanimous consent request so the senior Senator from Vermont could be recognized at a quarter of 2 for up to 20 minutes.

Mr. DOMENICI. I have no objection, but I would like to add, with that agreement, that the distinguished Senator from the State of Kentucky would like to speak, and he will either speak before the Senator from Vermont, if the quarter of 2 has not yet arrived, or after the Senator from Vermont speaks.

Mr. LEAHY. But at quarter of 2, the Senator from Vermont is to be recognized.

Mr. DOMENICI. That is the junior Senator from Kentucky who is asking for time.

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

Mr. DOMENICI. Mr. President, I sure hope the people in this country and those who have written about MTBE were privileged to hear the few remarks that took place this morning about the issue from the distinguished junior Senator from Texas and the Senator from Louisiana. I don't plan to speak anymore about MTBE now, but before the afternoon is finished, I will speak to it with a little more detail so people will understand that the House asked us to do this, and they didn't ask us for anything unreasonable. This is a very valid approach to a problem that cries out for a solution, other than to turn it loose and let anybody sue however they would like and see what happens.

Having said that, I wish to talk about this bill that is before us from the standpoint of what is going to happen if those who have come to the floor and been so critical of the bill prevail and we don't have this bill.

I don't want to go back and spend a lot of time duplicating the words that have been used about this bill. Suffice it to say, there have been enough negative words used about this bill that one might consider it is the worst thing that ever happened.

I would like to tell each and every one of the Senators and each and every American who is concerned what is going to happen if this bill doesn't pass.

The impression is this is just a big bill that somebody put together that has a lot of pieces to it. We don't like some of them and some of them we think are giveaways, so we ought to just kill it. I am going to use the word ''kill'' for a little while because I assume those people who have gotten up and talked that way would like to kill the bill.

First, if we kill this bill, fuel diversity efforts that will help reduce our dependency on foreign oil and gas will be killed along with it. In other words, this bill is a conscientious effort to help American industry, large and small, produce alternative sources of energy for America and, in many instances, to do that, they have been given a tax incentive. All of those alternatives will be dead when this bill is killed, if it is.

The ethanol program, which many have wanted for years—a few in this body don't like it, but let's just take it for what it is—everybody should know the ethanol program is dead, killed, gone, out the window.

Now, there are some who would applaud it, but the overwhelming number of people, and the entire agribelt of America, is cheering that we pass it, not that we defeat it. I, frankly, do not see any way, I say to all the farmers in this country, of ever getting an ethanol bill anywhere like this if this bill is killed.

So to repeat, for those who think we need ethanol to provide an alternative 5 billion gallons a year to the use of crude oil gasoline, and for farmers who want an alternative crop, kill the bill and you have killed that forever.

The renewable fuels provision would replace 5 billion gallons of oil with 5 billion of domestic-produced ethanol. I have alluded to it. It will die with the death of this bill.

Over 800,000 job opportunities for our citizens will go out the window, dead, killed, for those who relish speaking about killing this bill.

Clean coal initiatives, which for the first time say to America, America, you are king, K-I-N-G, King Coal, and we want to provide some incentives so you might use some of that coal. Well, for those who want to kill this bill, ''King Coal'' will remain a dead product. We can inventory it, we can take note of it, and we can brag that America has coal that will run the country for—I do not know how long. The last time I read something, it would run it for 500 or 600 years. Out the window, no chance to use it because we will be using every other fuel led by natural gas and we will soon be importing liquefied natural gas because there is no way we are going to use our coal.

So let me repeat in simple phrases, ''King Coal'' will remain dormant but for the small amount being used. Not a new powerplant will be built using coal. It is dead.

Yesterday there was a report by a commission. The commission worked since the Northeastern blackout. They issued a report, and the summary of the report is two or three pages long. What they have concluded, I say to my colleagues, is that the principal reason for the Northeast blackout is that some companies were not following the voluntary reliability standards. Then those who made the study conclude that if this bill is passed, there should not be another blackout because the reliability standards are made mandatory and they will be enforced by criminal penalties. So nobody is going to run around taking a chance with overloading and breaching the reliability standards. Reliability means that one is doing what is prudent and there is no more reference to the use of these lines.

So let us summarize that one. For the time being, and I think for some time to come, the blackouts in America will remain alive and possible because we will have thrown out the window the reliability standards that are in this bill because some want to make the case on an issue such as MTBE or the like which we are talking about today.

There is regulatory certainty required for the utility industry. If we fail to provide that, FERC, with congressional direction on issues such as standard market design and transmission pricing, will be gone. They will be dead. The repeal of the Public Utility Holding Company Act will be killed.

Some people have said if nothing else was in this bill, the repeal of PUHCA, a 1935 vestige that hangs around over the utility industry, prohibiting investment over some kind of fear that is no longer a reality—and look how long we have been waiting to get rid of PUHCA—I think it would be fair that I could say if this bill is killed, PUHCA is here forever. So industry that is waiting for an injection of money, they can sit by and eke out investment because the principal impediment will still be there. The repeal will have been killed.

There are some who say because their States have had some unlucky or unfortunate situations, such as Enron, that consumer protections are necessary and then, of course, they look at this bill and say, I know what protections I want and they are not exactly the way I want them in the bill, so they come to the floor and say there are no protections. But I say if this bill is killed, you kill the consumer protections in this bill which are against fraud, manipulation, which force increased transparency, which increase penalties for violation of the Federal Power Act and Natural Gas Act, and they close the Enron fraud loophole.

Now, you can throw all of those out the window for people who want to find fault and want to talk about a turkey and want to talk about the goodies in this bill, but I am telling you what you lose when you lose this bill. I am ready for anybody to come and say it is not true.

How are we going to get these if this bill dies? Will the House come marching down the aisle, just having gone through this exercise, and say, oh, well, let's just start next week and do another one? Does the Chair think so? I think not. Do my colleagues think this Senator spent the better part of a year on it, and do they think I am going to march to my committee and start hearings and saying, oh, well, we did the best we could but we better just start over again because we heard so many speeches? Not on your life. The speeches had little to do with the important provisions in this legislation.

They had to do with things that were put in the legislation, as everyone knows, when it is run through both the House and the Senate and individual bodies and then through a conference.

Tax credits—let me say I am aware of the tax credit game, and this bill is filled with tax credits that people wanted and needed and on which I am sure some of my good friends are quite certain we were too generous. I note the presence of my great friend Senator NICKLES and I am sure he is not going to get up and speak about MTBE and we ought to take it out, but he is going to wonder whether we put in too many tax credits.

For every newspaper article and editorial that said: let's kill this bill, it is no good, there are hundreds of letters of support from the people affected. They do not write editorials. They write and tell us their problem.

The people who build and sell windmills and have giant windmill projects going, they are very clear. This is the best thing that ever could have happened to them. We have made permanent the production tax credit that is sending windmills soaring in the United States, and I do not mean soaring in the air, I mean soaring in numbers.

Some ask: Do you really want those, Senator? And I sometimes chuckle. I drive around and see some of them, and I am not sure. But they will build them pretty before they are finished. They will even be good looking. Right now, some people write us letters and say: We don't want any more of those. Some people in Massachusetts wanted us to put something in this bill saying the local community could stop them if they didn't want them. We couldn't get that done if we tried. In any event, the credits for that are gone. If we pass the bill, we will see it soar.

Regarding solar, we received all kinds of congratulations and support from the solar industry, saying it will finally go now. It will go, but it is dead in its tracks when this bill dies, if it dies. I don't think it is going to. At least I hope not.

You can go right on through. Biomass and all the others are anxiously waiting so they can begin to produce alternatives, adding to the totality of what we will use for energy in America.

We have been so bold that we say the next generation, economically speaking, will be the hydrogen generation. I am not sure about that, but this bill starts us down that path. I don't know where we are going to pick up a bill that will put together the kinds of things that are involved, such as $1.6 billion to start joint ventures with the automobile companies to build this.

Then there is nuclear. France leads the world. While we tremble, they build. While we worry, they have 78 percent of their electricity from nuclear power. While we run around worrying where are we going to put this waste product, do you want to take a trip to France? They will show you where they put theirs. It is a building that looks just like a schoolhouse.

You walk into it and look around and you ask: Where is the spent fuel?

They say: You are standing on it.

What?

It is right there. It is encased and they put in solvent and put in water, glass put upon it, and they are smart enough to say that will be safe for 50 to 100 years. Guess what. They say: We will find a solution or a use for it in that period of time.

We stopped producing nuclear powerplants, one of the reasons being we don't know what to do with the waste. An engineering problem, and nothing more, has killed nuclear power in America. We have said maybe somebody would like to try it and we will give them some incentive to get around the difficulties involved. I hope we do it this way. Because if we don't, I think we can probably say, during my lifetime—I am not sure about the lifetime of the occupant of the chair, who is a very young Senator and very much waiting around to see this happen. You may see it, but I don't think I will, because you have to give some incentives to get started and then the public will see the new generation, something we ought to have going on in our country.

I could go on. Before I stop, though, I want to talk about Alaska and natural gas. First there was a program—it is not in this bill—to capture crude oil that is in ANWR. We were told: If you put it in the bill, it will be filibustered. Isn't that interesting, Senator NICKLES? You weren't for taking it out; you wanted it in. Now we have left it out and we have somebody filibustering because of the MTBE hold harmless clause.

I wish we had known we were going to have cloture votes down here. Maybe we should have put it in and had cloture on a lot of things, including ANWR. But we didn't put it in, in good faith, because the minority leader said he had enough votes to kill it. So we left it out.

Alaska is loaded with energy. What do we do in this bill if we can't utilize some of their energy? We tried very hard to assure the delivery of natural gas to the lower 48 because it will not be longer than 10 years until we will be short of natural gas and we will be using it from other countries. Won't it be interesting? With a State of ours loaded with natural gas, America, which is using natural gas like it went out of style, will be importing LNG from all over the world. We will say: Here we are again. Instead of getting independent, we are getting dependent.

But we did try our best. This bill says bring it down through a certain area and bring it to Chicago. We said we will help the companies that will build it. We did what we could by way of credits and accelerated depreciation, but as of today we have no assurance that it will be done. We have hope, and at least we have done what we could, and it may happen. If you throw this bill out, that is not going to happen either. I don't know how long before you get anything going in Alaska, with the kind of fear and trepidation that happens every time you mention capturing some of their resources.

There are many other provisions in this bill. There are all kinds of great research programs. They are misunderstood because they are not paid for; they are authorized. They are saying if, in the future, Congress wants to pay for some additional research in—let's just pick one—nanotechnology, this gives them authority but doesn't pay for it. That is one. If you add it up, you will say this bill costs all these things, but it doesn't cost those things, because those are part of—like when you fund an education bill, you fund it for a lot more than you need and later on you pay for what you can afford.

I could go through some more, but my good friend Senator NICKLES wants to speak. He will be to the point. He will cite some problems with the bill, I am sure, and will also tell us some of the things that are reasonably good about it.

I am glad people have not come down here and made a lot of noise about the whistleblower protection because we did continue protection of whistleblowers, contrary to what some of their main groups are saying. They just wanted more, not continued protection. But we have continued them.

There are at least 10 other major issues we have done that I truly don't believe will get done in the near future. They are more or less moribund—that means dead—if we finish this bill by not voting for cloture and voting for the bill.

I thank the Senator for listening. To the extent there are programs in here that others have worked hard to get in here and are very proud of and I haven't mentioned, please understand I did not mention everything. I mentioned what I could. What I didn't, I am glad, in our spare time, to get on the phone and suggest to others the rest of the things that are here.

I close by saying there are a lot of ways we could have done this bill. We have been chastised, we have been ridiculed, we have been put upon because of the way we put the bill together. All I want to say to my fellow Senators is we got a bill. We tried this before. We have gone through a year, year and a half and got nothing. I started this with the idea we would get a bill and it would be reasonably close to what we would have gotten had we spent much more time collaboratively with many more scriveners, many more writers, than we had. I think that is the case. Most people who were interested saw the product long before it came to the floor.

You notice I did not mention electricity reform, other than indirectly. But I will say for those who want FERC to run the entire grid, they will have that if this bill fails. For States

that think we ought to have FERC doing it, they can be gleeful.

We thought we ought to phase it in and we thought we ought to let some States provide differently for themselves, but we made sure they couldn't close out investors who wanted to come into their States and put in utilities. We didn't make it simple, but we let it happen and we let them get their money back, too.

Those are tough issues. You don't get the bill, and you might get what some people like, or you might get that chairman over there who thinks he knows how to run it all by himself. You might get that. I didn't think that is the right way to go. But I didn't have the luxury of writing four versions. We had to write one version the best we could for everybody. We did that.

I yield the floor. I thank the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment Senator DOMENICI, the chairman of the committee. He stated at the beginning of the year that he was going to produce a very comprehensive Energy bill, and he has done it. I have been in the Senate for 23 years. I have been on the Energy Committee with Senator DOMENICI for 23 years. This is the most comprehensive piece of energy legislation we have had in that entire time. We have had a lot of people say we need a comprehensive bill, but until now, that hasn't happened.

A couple of years ago, there was an Energy bill on the Senate floor, but the Energy Committee didn't have a markup. Senator DOMENICI, as chairman, decided that wasn't the way to go. He rightly felt the entire Energy Committee should be involved in marking up this bill. We marked it up over a period of months, and took several weeks in committee to report it out. For this open and inclusive committee process I compliment Senator DOMENICI for his methodology in reporting out this legislation which helped insure a solid and bipartisan product. I know he has been criticized for the way the Conference process, but he did allow the committee to work its will, and now we have brought back a very comprehensive piece of legislation to the Senate floor.

I tell my very good friend from New Mexico that I agree with a lot that is in the bill. But I disagree with some of the things in the bill. I am going to support the bill on the whole because I think positive energy legislation is very critical if we want to have a growing economy. You cannot have a growing economy if you do not have viable, sustainable and reasonably priced sources of energy. It is very important that we pass a good bill.

I would like to share with my colleagues that I ran for the Senate back in 1980 because of misguided energy policy that passed the Congress during the Carter administration which I found personally infuriating. In the midst of an energy crisis, the Carter administration proposed and passed, under a Democratic controlled Congress, several energy measures at that time which only served to worsen the energy related problems afflicting our nation. As a business man living in Ponca City, OK, I thought: What in the world is Congress doing? Everything they were doing, in my opinion, was very shortsighted. Maybe they had good, laudable goals, but they were very shortsighted if you happen to believe in free market principles. The one bill they passed that probably had more to do with me running for the Senate than anything was the windfall profits tax, which Congress passed in 1980. I was a State senator who happened to believe in free markets. The knowledge that my government would pass a law which so disincentivised the production of the very commodity we were most in need of at that time led me to conclude these people were completely out of touch with reality.

Then Congress passed a bill that said we are going to tax domestic production, but we do not tax imports. The net impact of that is you discourage domestic production and you encourage imports. That was about as anti-free enterprise as any piece of legislation I could conceive.

I was so irritated that I ran for office, and ended up serving in the Senate.

I might mention that one of the highlights of my legislative career was when we repealed the windfall profits tax in 1988. Frankly, I was embarrassed it took so long to get it repealed. I introduced legislation every year I was in the Senate to repeal the windfall profits tax. We didn't get it repealed until after it robbed the taxpayers of $79 billion, but we got it repealed.

We repealed several other pieces of the mistaken energy policy of the Carter era.

In a short sighted attempt to artificially incentivise renewables while ignoring market principals the fuel use tax said you couldn't burn natural gas in utilities and big powerplants. It passed in 1978. We repealed it in 1987.

The Natural Gas Policy Act of 1978 had dozens of different class categories for natural gas. I was pleased to be the principal cosponsor of the 1987 legislation to basically deregulate natural gas. That was a very significant piece of legislation that some people had worked on for decades, and we were finally able to get it through.

I might mention that at that time Bennett Johnson was chairman of the committee. He and Wendell Ford worked in bipartisan ways to basically deregulate natural gas.

I also might tell my colleagues that many people on this floor and many people who have not retired from this Senate said if we do deregulate natural gas, terrible things will happen; natural gas prices will explode. They did just the opposite. Gas prices went down. Oil prices went down after we deregulated oil.

Also, during the Carter administration they passed the bill creating the Synthetic Fuels Corporation to subsidize the creation of synthetic fuel from coal and shale oil. That was passed in 1980, and it expired—thank goodness—I believe in the 1986, but not before it wasted billions of the taxpayers dollars.

It is important that we not pass bad legislation. But it is very important that we pass energy legislation. We are far too dependent on unreliable sources that can choke and strangle our economy. We have seen that happen in 1993. We have seen it happen in other years. We can't allow that to happen. We have become far too dependent on foreign oil. We import over 50 percent, and it is growing towards about two-thirds dependency on foreign oil. That is not acceptable. What can and could and should be done?

The bill that we have before us has a blend of a lot of things. It encourages production and it encourages conservation. It also does a couple of other things—talking about some fixes on the books that need to be replaced.

It reforms PURPA, the Public Utility Regulatory Policy Act. I believe that passed in 1978 as well. We are finally going to repeal it. That required utilities to pay for avoided costs for energy and basically increased utility prices, in many cases by—I was going to say hundreds of millions of dollars. It might be hundreds of millions of dollars for one powerplant over the life of that powerplant or those contracts. I compliment Senator LANDRIEU who worked with me on that. If there is competition, we will repeal it. I appreciate her work.

We are also finally getting rid of PUHCA, the Public Utility Holding Company Act. This passed in the 1930s. Maybe it made sense in the 1930s. It makes no sense, and, frankly, it hasn't made sense for the last couple of decades. We are finally going to get rid of it. By getting rid of that, we will open up, frankly, investment for utilities and energy projects in the billions of dollars. It received almost no attention and no debate. But anybody who has looked at it—it has been mentioned by, I think, everybody from Alan Greenspan to many of the regulators—said get rid of PUHCA. We are finally going to get rid of that regulatory maze that is long overdue.

It is also notable to see what we didn't do in the bill that many of our friends, primarily on the other side of the aisle, wanted to put in this bill. We don't have renewable portfolio standards. If we did, the price of electricity would go up dramatically all across the country. They tried to do it even in the markup earlier this week. We were successful in defeating that. That is a real win for consumers. They forgot to tell you that if you had the renewable portfolio standards of 10 percent, if you do not meet the standard, there is tax. It says you have to pay a tax of 1.5 cents per kilowatt hour—about 50 percent of

the wholesale price of electricity, if you do not meet this standard. That means if you don't make 10 percent, you could have your electricity prices go up by 5 or 10 percent. We defeated that.

We defeated a very onerous corporate average fuel economy standard that people wanted to enact. It would have mandated automobiles to average 40 miles per gallon. That would have eviscerated consumer choice and resulted in our citizens being forced to buy an economy-sized automobile which could prove very unsafe. It would have been a very expensive provision as well in terms of consumer costs and lost jobs in our auto industry. We didn't do that.

We didn't put in the global warming provision that would have greatly increased every person's utility costs, devastated our economy and would have made us uncompetitive internationally. We didn't do those things. I am pleased about that.

We did do some positive electricity provisions that will encourage regional transmission organizations, that will mandate reliability standards which will help us avoid curtailment in the future. It is not fail-safe, but it certainly is a positive step in the right direction.

Senator DOMENICI mentioned several other things in the nuclear field and other provisions in coal that should help us broaden and diversify our energy sources. He mentioned the tax provisions. I voted against the tax portion of this bill when it came out of the Finance Committee. If we were voting on the tax portion of this bill standing alone, I would vote against it now.

On the tax provisions, the administration requested $8 billion. The Senate Finance Committee reported out $15 billion, and this bill is $23.5 billion.

Mr. GREGG. Mr. President, will the Senator yield for a question on that point?

Mr. NICKLES. I would be glad to yield.

Mr. GREGG. I was wondering if the tax provisions as scored violate the budget on that point.

Mr. NICKLES. To answer my colleague's question, the budget points of order lie against the spending, and I expect the tax provisions as well.

Mr. GREGG. I thank the chairman of the committee.

Mr. NICKLES. Mr. President, we scored in the budget, I believe, $18 billion for this bill. This bill will score close to $30 billion, for the information of the Senator. It scores that way for a couple of reasons.

One, the tax provision. Also, there is a provision that says brownfield projects can be funded by bonds that cost about $2 billion, which I think is a terrible way to be financing projects. This is not an appropriations bill.

Senator DOMENICI also mentioned a lot of things are authorized. I hope and pray not everything will be spent that is authorized. I will tell my colleagues that is always the case. We authorize a lot more money than we appropriate, and thank goodness for that.

I'll mention just a couple of other things. There is also direct spending in this bill. I tell my friend from New Hampshire that this Senator, at least, questions the wisdom of doing it. By direct spending there are new entitlements for two or three items that are created. Coastal impact has an estimated cost of $1 billion. I predict it will cost a lot more than $1 billion over the next 10 years. I am sympathetic with those who live on the coast and they have drilling offshore and say they do not get anything. That money goes into general revenue. It should be subject to appropriation. The coastal State should receive some consideration, maybe some compensation. But to have it set up as an entitlement for 10 years and then subject to appropriation is a very poor manner of doing it.

There is deepwater research, $150 million that is direct entitlement spending for the next 10 years. Again, I don't think that is the way this committee should operate. This is not an Appropriations Committee. The same thing for Denali. They get about $500 million over the 10 years. That is $3 billion of direct or entitlement spending that, frankly, should not be in this bill.

Let me touch on a couple of other things that are in the bill that are critically important, and at least in my opinion, if you add this together, make the bill worthwhile. One is the Alaska natural gas pipeline. If you go back historically and read the debates that occurred in this Congress, this Senate, for the Alaska oil pipeline, it was one of the most contentious issues this body had seen in a long time. This Alaska gas pipeline could have been as contentious, but it is not. It is in this bill. It is a $20 billion project, maybe the largest project in the United States in our history, certainly one of the largest projects ever. It is in this bill with expedited procedures which make that pipeline viable, in my opinion.

We also have a provision that allows the pipeline to be amortized over a shorter period of time, 7 years. That will encourage the construction of the pipeline. That is jobs. That is energy. We have a very significant serious natural gas challenge or shortage or potential shortage and deliverability shortage, getting the product to the consumers in the next several years. Getting this gas that basically is stuck in the northern plains of Alaska to the lower 48 will help alleviate that shortage to the tune of trillions of cubic feet of gas. It is absurd to leave that gas in Alaska, in northern Alaska, untapped, unutilized. This bill will authorize and expedite the construction of that pipeline.

That, to me, is probably the best thing we have in this bill, the most pro-energy item in the bill. We also have some other things that make good sense, that do encourage production. I compliment our colleagues for putting those in the bill.

On balance, we need an energy package. The administration should be complimented for the fact that Vice President CHENEY led a task force and recommended many of these things. They are now in this bill. He has taken a lot of heat for it but, frankly, this country for decades has needed a comprehensive energy package. Vice President CHENEY and President Bush have led the effort to make that happen. Now we are within a day or so of actually passing a bill to do that.

While this bill is far from perfect, while this bill actually does cost too much, while the tax provisions in this bill are far too numerous, in this Senator's opinion, with way too many tax credits—I believe there are 19 new tax credits in the code, and I hate to see the Tax Code cluttered and confused and complicated, substituting the wisdom of tax writers over the free market—I still think on balance the country needs a bill, needs an energy package. I believe this is the best one that this Congress can write, at least at this time. I encourage my colleagues to support this bill.

I yield the floor.

Mr. REID. Mr. President, it is my understanding that it works better if people know when they are supposed to come. The order locked in now is Senator LEAHY will be recognized at 1:45; is that right?

The PRESIDING OFFICER. Senator BOXER has 15 to 20 minutes by unanimous consent.

Mrs. BOXER. There is no particular time set.

The PRESIDING OFFICER. Senator BOXER, Senator LEAHY, 1:45, and Senator BUNNING, either before or after Senator LEAHY.

Mr. REID. That is now the order before the Senate.

The PRESIDING OFFICER (Mr. BUNNING). That is correct.

Mr. REID. The only other Senator I know, either Democrat or Republican, who wishes to speak is Senator DURBIN. I ask that he follow Senator BUNNING.

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

The Senator from California.

Mrs. BOXER. Mr. President, there is so much to say about this Energy bill, I hope I am able to be coherent on why I think it ought to be defeated.

It is a bill, first of all, that is a tax giveaway to the biggest corporations in this country. Actually, the multinational corporations—$30 billion is the size of the giveaway; $30 billion of debt. When this administration came into power, we had a surplus. Now we are reaching a $500 billion deficit. This is adding $30 billion to it.

The attitude around here is, just let our kids and grandkids pick up that deficit. It is absolutely the wrong policy for right now.

This bill is an unfunded mandate because it gives a free ride to the makers of a poisonous chemical called MTBE that never was mandated by any government and was the oxygenate of

choice of the oil companies. They knew it was poisonous and they kept on putting it into the gasoline. It has contaminated water systems all over this country. By walking away from this problem and giving a pass to the people who polluted our areas, in my opinion—and this is just my own words—I think it is immoral. That is why we have the cities of this country against this bill, the counties of this country against this bill, the water agencies of this country against this bill.

The more we let this bill hang out there, the more it smells. MTBE smells. This bill has a similar smell, a sour smell, a bad smell, a poison smell.

The chairman of the committee wrote this bill with one other person in a locked room. It is extraordinary. I thought when I went to school that I learned a bill becomes a law this way: They pass a bill in the House, they pass a bill in the Senate. If they are different, there is a conference committee. The conference committee is made up of people from both sides of the aisle, both bodies. They cannot add new and extraneous things into the bill that were not at least in one of the bodies—the Senate or the House. Then it goes back to each respective House of Congress. If it is passed, it goes on to the President's desk. We have a bill, therefore, that would be a compromise, that would be genuine, which would reflect the broad views of the conferees and, therefore, by extension, all sides of the debate reflected among the American people.

What did we have in this case? Two people of the same party from big oil States sitting in a room having a party. And what we are going to have if this bill passes is one huge party, with the biggest corporations in this country, the oil companies, nuclear—believe me, they will not be drinking water tainted with MTBE. They will be drinking the bubbly stuff, and it might even be imported. But it will be expensive. This bill is expensive. Thirty billion dollars is added on to our debt from the very people who say we have to be fiscally responsible.

Then the chairman of the committee says, in a most angry fashion, and it is his right—I am angry, a little bit different type of anger—says in his angry way: If you do not take this, you will never have another Energy bill because I am not going to do it.

This is a government of laws, not men. We can have a good Energy bill if we defeat this bill. We can have one that looks toward the future. We can have an Energy bill that is a 21st century Energy bill, not an Energy bill that is a 20th century Energy bill.

So the sky will not fall for my friends who want ethanol. And I understand they want that. By the way, there are some good provisions in there for my State regarding making ethanol out of rice straw. I worked for those provisions.

I am going to go through this bill: What is good in the bill, what is bad in it, and what is left out. I worked hard to examine this bill. But when all is said and done, it is an Energy bill that is a giveaway to the special interests of this country. It is an Energy bill which turns its back on people on the west coast who suffered from companies that ripped us off and owe us $9 billion just in California alone. It is an Energy bill that really just gives a wink and a nod to some of the possible ways that we can work ourselves out of dependence on foreign oil.

Now, again, the chairman of the committee is very ecstatic about this bill, and it is his right. Why wouldn't he be? He wrote it. He likes big oil. He is defending the makers of MTBE. He loves nuclear energy. The last I checked, we still do not have a safe way to dispose of the waste from nuclear powerplants. The last time I checked, in some places in Europe they are beginning to close down nuclear powerplants. Oh, but we are going to build a new one—we, the taxpayers, $1 billion, as I understand it—in Idaho.

Now we have reports—we were going to send all of our nuclear waste to Yucca Mountain—and now we hear, in Nevada, a new scientific report saying, watch out, that material can leak.

So this is not the time to be subsidizing the building of nuclear powerplants. My God, you would think this is the 1940s after World War II, ''Atoms for Peace.'' It does not work.

By the way, I hope taxpayers understand that what is also in this bill is a 20-year extension of the Price-Anderson Act. What is that, you ask? That takes the nuclear companies off the hook if there is a nuclear accident. They pay for some of the damage but the mammoth amount of damage, which could go escalating to God knows where, you taxpayers are picking up the tab. So first you are building them the nuclear powerplant. Then, if there is an accident, you have to pick up the tab.

This is some Energy bill. This is the worst bill. I cannot think of the names—let's hear what some of the editorials are saying from around the country for this great Energy bill.

USA Today: ''Congress forgets promises made in blackout's wake.'' The Brattleboro Reformer: ''It's time to shift gears.'' The Billings Gazette: ''Energy bill lacks critical balance.'' The Boston Globe: ''A polluted energy bill.'' The Brunswick Times Record: ''This energy bill is appalling.'' That was their word.

The Buffalo News: ''Oil and grease. Energy bill fails country as it dispenses favors to the industry.'' The Cape Cod Times: ''Misused energy.'' Des Moines Register—now imagine, this is in a place where they love the ethanol issue, and even with that, this is what they say: ''The MTBE outrage.'' And I will go into how the MTBE outrage impacts my State.

The Fort Worth Star Telegram: ''Coming up short.'' The Great Falls Tribune: ''Senate should stall Energy Policy Act of 2003.'' Absolutely they are right. Count me in. I am going to try to stall this bill. I am going to try to kill this bill. I am going to try to stop this bill in every single way I can because it is bad for the people I represent and it is not the kind of bill we want for this country at this time.

Jackson Clarion-Ledger: ''A 'P' Perfect Bill: Pork, Politics, Pollution.'' That is a good one. Lakeland Ledger: ''Senate, derail the energy bill.'' The Los Vegas Sun: ''Mixed bag on national energy plan.'' The Lewiston Sun: ''Proposed law is lousy legislation.'' Their words.

Memphis Commercial Appeal: ''Pork barrel bill, not worth the energy.'' Missoula Missoulian: ''Energy bill uses tax dollars for fuel. Legislation larded with massive subsidies is a parity of effective energy legislation.'' That is from the Deep South.

The Nashua Telegram: ''Rushing energy bill is a bad way to set policy.'' New Jersey Star Ledger: ''Defeat GOP energy bill.'' Orange County Register—and this is in a part of my State that is predominantly Republican—do you know what they write? ''Energy bill is a waste.''

Palm Beach Post: ''A powerless public.'' The Phoenix Arizona Republic: ''Energy overload. Overstuffed bill has it all, except coherent national policy.''

I just have to say, the more this bill is subjected to the light of day, out of that closed-door conference committee, with two people from the same party, from big oil States—the longer that bill sees the light of day, the more people will see it.

Now, yes, there are a few good things in this bill. I am going to tell you what they are. I am going to show you what they are. Then I am going to show you what was left out of it. And then I am going to talk about the bad things in the bill.

A good thing: Drilling in the Arctic Refuge in Alaska is not in this bill. As the person who wrote the amendment that stopped it before, I say thank you to all my colleagues on both sides of the aisle who stood tall and said: We will never allow this to be put in an Energy bill. Thank you. That is a good thing.

No offshore inventory of oil—I thank the House on that one. My friend LOIS CAPPS over there was fighting hard. You cannot go into a pristine coastline that is supposed to have a moratorium on it and then drill to see how much oil there is in it. Either it is pristine and it is left alone, and there is a moratorium to keep it left alone, or you might as well just go in and destroy it. The conferees said no to that because that would have been a poison pill, too. So thank you. It is not in there.

Something that is in there that I wrote has to do with incentives for making ethanol from agricultural waste. Now, this is something that is forward looking because we have rice straw and biowaste and sugar waste

from beets and we know we can use that waste to compete with corn ethanol. We think it is exciting. If we can develop those industries in our State, then we do not have to ship that corn ethanol all the way across from the Midwest. That kind of shipping is going to add to the price of gasoline for my people who need to have their cars to go to work.

Energy efficiency by the Federal Government—I am very pleased we have that in this bill. That is an important thing to undertake.

Hybrid car tax credit—ditto. It is good.

Increased funding for energy assistance in LIHEAP—for the poorest of the poor. That is good.

I understand there are some solar tax credits in there, which I think are very important, to put solar energy on some kind of equilibrium. These provisions are very small.

Now, this is what is missing from this bill which would have made it at least relevant to what has happened in our country.

There are no refunds for the people of my State. We have been told by the Federal Energy Regulatory Commission that we have been ripped off, robbed. They have stolen our money with phony schemes to create artificial shortages. You all remember some of those schemes. The fact is, FERC, which can order these refunds, has refused to do so. This administration refuses to order FERC to get those refunds back to our people. Our new Governor has his hands full with tremendous deficits. That is our money, and we want it back. No, they would not go there.

No. 2, there are no long-term contract renegotiations for my State or other States on the west coast. What does that mean? These thieving companies, as they were robbing us blind, and had us over a barrel, negotiated long-term contracts for the future. They said: Oh, we are giving you a good deal. We are going to charge you a lot less than the spot price. Well, we were negotiating with them under duress. It was a phony price. A phony price was out there, and our Governor was trying to get the best deal.

Yes, he got a lot lower than the current price, but it was way over what the market is today. So we are asking for new long-term contracts. We want to do away with those. No, they didn't do that.

No end to electricity market manipulation schemes: Ron Wyden was very good on that point. We had schemes that had every name in the book. They made up names that you can't even believe. The one I hated the most was Get Shorty. Because I am a little person, I hated the name. But they were shorting us of electricity. They were doing all these things, and they were giving them all these names. By the way, why isn't someone in jail on all of that Enron stuff? No, we didn't go there.

No CAFE standards: Unbelievable. It has been pointed out that even China, that has a bad environmental record—I went there; they are building dams that are destroying mountains and homes and valleys,

I just got sick to see it—has set CAFE standards because they know pollution is bad for their people.

When cars pollute, kids get asthma, workers get sick. And if you can't work, that hurts productivity. It is just common sense. Forget the fact that it is the right thing to do to have CAFE standards and spare the air. No, they couldn't do this.

There is a huge SUV loophole. It was about $25,000, and in the last tax bill it went up to $100,000. The Senate tried to bring it back to $25,000 but the House rejected that effort.

No increased use of renewable sources for electricity: They walked away from the formula that Senator BINGAMAN had gotten into the Senate bill.

By the way, any resemblance between this Energy bill that is before us and the Energy bill the Senate wrote is purely coincidental. This is a completely different bill, written by two people from big oil States, who love nuclear energy and have walked away from fighting for the consumer. It is a sad thing. This is what is missing from the bill.

Now let me tell you what is bad about the bill. Unfortunately, it is a long list. We talked about giveaways to the oil industry. I want to give you a few examples of that: $10.5 billion in tax breaks would be provided to the oil and gas industries. The bill provides millions of dollars' worth of subsidies to the oil industry by reducing the amount of royalties—that is kind of like rent—that they have to pay to drill off our coasts and on our Federal lands. So they use our Federal land that all the American people own. They are supposed to pay royalties when they find oil there.

This bill provides royalty relief for marginal oil and gas wells or wells that are relatively less productive. They give this royalty relief to oil and gas development off the coast of Alaska as well as deep wells and deep water operations in the Gulf of Mexico.

Wake up, America. If you want to count, listen to these things. One of the things that I find happens, I went on TV and I did an interview on one of the issues we are going to be talking about, MTBE. The person interviewing me said: I know this is very complex but let's discuss it.

It isn't complex. It is pretty simple. This bill is a giveaway to the biggest companies. It walks away from the consumers. It lets the polluters go free. It is a 20th century Energy bill.

People say it is confusing; it is complicated. It is not so complicated. That is the way to say to people: You better tune out the argument; it is too complicated.

America, tune in. It is your future. It is your kids who are going to have to pay this $30 billion. It is your kids who are going to have to breathe the dirty air. It is your kids and your cities that are going to have to pick up the tab to clean up MTBE. So listen.

The bill would also reimburse energy companies for their costs to reclaim abandoned wells on Federal lands under a new program forcing taxpayers to pay these costs rather than industry. It would provide a broad liability waiver to oil and gas operators reclaiming sites on Federal lands. So they go on the Federal lands. They mess them up. They pollute them. They walk away.

These are our lands. The bill will take $150 million from royalties and fund research on ultradeep wells, unconventional natural gas petroleum, and the Federal Government may well give $50 million extra to this fund. This research would be done to benefit the industry.

You know what, let them pay for their own R&D. They get a great tax break. I am all for it. I give big tax breaks for R&D. We don't have to give them cash on the barrel.

Giveaways to the nuclear industry: I mentioned before the Price Anderson Act. If there is a nuclear catastrophe, don't worry about it, we will pick up the tab. Your children will pick up the tab, my children, my grandchildren. Not the nuclear industry, a 20-year extension.

If it is so safe, why can't they get insurance in the private sector for the possible damage it would do? I believe in checks and balances. The insurance companies are checks and balances. If a nuclear person comes in to an insurance company and sits down and says: Well, I might have an accident.

What would it cost?

Oh, $100 billion.

Well, I won't cover you for more than $10 billion. It would just break our back.

Oh, OK.

Maybe that is a signal, Uncle Sam, that this isn't safe yet. No, we are going to back up the nuclear industry for another 20 years. It raises the cap, which is a good thing, but it is still a cap nonetheless. They don't have to pay full insurance premiums. Why should they? This bill is for them. It is not for us.

If there were an accident, nuclear companies don't have to pay the costs of the damages because the taxpayers are on the hook. That is a great idea.

A $6 billion production tax break is in here for utility companies that operate new nuclear reactors. So while they are closing down nuclear reactors in Europe and while we are reading reports that Yucca Mountain is not safe, we are going to give tax incentives for new nuclear reactors.

It goes on on the nuclear side, but I will move on to one more point here: public health and the environment.

The placing of these nuclear plants is just not going to live up to the highest level of protection. There is concern to me in terms of dumping the waste and

the injuries that could occur due to the fact that we don't know what to do with the waste. These people want to give tax breaks for dirty industry—$29 billion in tax incentives for the energy industry, and more than 70 percent of the tax breaks go to polluting and mature industries, including coal, oil, gas, and nuclear.

Yes, we gave some tax benefits to some of the new and clean energy but very small in comparison. It is $1.8 billion for the clean technologies versus $28 billion; it is about 28 to 1. That is a 20th century Energy bill. Now, we repealed consumer protections in the electricity market. That is another thing that is bad. The most eloquent Senator I have heard on this of all time is Senator MARIA CANTWELL. I am sure if she hasn't spoken already, she will explain to you what this means. I have to say that the Senator from New Mexico, who wrote this bill, with the Congressman from Louisiana, a big oil, big nuclear power State—he said: This is your last chance. You will never get to repeal the Public Utility Holding Company Act if you don't do it today.

I have one word for that: Wrong. We are going to be here every day. If he doesn't like PUHCA, you can try to do it another day, just like he can try to get his nuclear money another day, just like he can do tax giveaways another day, just like he can give a liability waiver to his big oil friends another day. You don't have to pass this bill today. That is the biggest bunch of baloney I have ever heard. We are supposed to be working here all year. We don't have to pass this today or tomorrow or the next day. I hope we will not because this Public Utility Holding Company Act is the main law to protect consumers from market manipulation and fraud and abuse in the electricity sector.

It is unbelievable that we have uncovered evidence about what Enron did, and we are repealing the one law that could help us in the future. It is, to me, outrageous. Again, I will leave that for Senator MARIA CANTWELL to talk about.

We see drilling and development of our public lands. In my State, I have to tell you that this bill has a special interest provision to site a high voltage electricity transmission line through the Cleveland National Forest. The State of California, through the PUC, said, no, it is not needed and not wanted. I wonder why, in the midst of the terrible fire that we just had, we are now going to put a high voltage line through a national forest. Can someone tell me why? Can someone tell me why we would permit the siting of a high voltage electricity transmission line through a national forest?

I will tell you why. It is a special interest provision, and the State didn't want it and the local people didn't want it. The State said no, but somebody put that into the bill. The more you read the bill, the more you learn. The bill would also put the Department of Energy in charge of permitting rights of way across public lands for utility corridors.

The bill would require the Department of the Interior to process applications for permits to drill for oil and gas on Federal lands within 30 days, even though people said we need more time to look at the facts.

So the USGS would be required to identify restrictions and impediments to oil and gas development. They are allowed to look at fish and wildlife, cultural and historic values, and other public resources. In other words, they can call these things ''restrictions'' and ''impediments'' when, in fact, the law has always said they should be respected. Now they are impediments.

Diminished protection for our coasts: The first provision would grant the Secretary of the Interior broad new authority to permit energy development and support facilities anywhere on the Outer Continental Shelf. Authorized facilities would include those that support exploration, development, production, transportation, or storage of oil and gas. There are no standards for issuing or revoking easements, and the provision does not require consultation with the Secretary of Commerce.

There is no requirement that the Secretary of the Interior even consult with the States before making this decision on the Outer Continental Shelf.

I will explain the Outer Continental Shelf. The first 3 miles off of the coast are State waters. Where does the Outer Continental Shelf start? It starts after that. So you can, as a State, put all the restrictions on damaging projects that would occur because you believe your coastline is God-given. You believe your coastline is also an economic resource. You believe that your coastline and your ocean is important to protect the fish because, in fact, it is a big industry in my State. You do all these protective things.

Now they are going to say it is 4 miles out, or 3 miles plus an inch, and they are going to start looking on that Outer Continental Shelf and destroying it. This is what is in there.

They weaken the coastal zone, which is important to weigh in on what should be done.

Section 325 of the Energy bill erodes States' rights to review and respond to Federal decisions affecting coastal waters. Section 330 would also reduce States' rights to review and comment on pipelines and other energy-related projects off their coast by limiting appeals.

It is taking me a long time to tell you what is bad in this bill. There are more things, but I want to give you a sense of some of them.

Clean air rollbacks: Actually, they have amended the Clean Air Act. They have amended the Clean Air Act in this Energy bill. ''Great news'' for the American people. I am sure they are dancing in the streets that the Clean Air Act has been rolled back in this bill that was written by two people of the same party from big oil States, behind closed doors, who are threatening that we will never see the light of day on any Energy bill if we don't pass their ''masterpiece.'' The last I heard, every Senator is equal to every other Senator.

There is a provision tucked into this conference report designed to delay cleaning ozone pollution in some of the most polluted areas of our country. Under the Clean Air Act, the schedule is established for areas to clean up their air. How much they have to do, and in what timeframe, depends on how dirty or clean their air is. If these deadlines are missed, an area is bumped up into the worst air quality category. When this happens, a greater amount of air pollution must be reduced and additional requirements are imposed, but on a longer timeframe.

This provision will allow areas to avoid the additional requirement if some of the air pollution comes from upwind areas. Why this provision and why now? Because the Republicans are trying to overturn several court decisions holding that this type of an extension is illegal under the Clean Air Act. Their argument says it is unfair for a community to be forced to clean up air pollution coming from somewhere else.

Unfortunately, it appears that every community with poor air quality can meet this test because ozone pollution travels in the air. Somebody is going to be able to say we don't have to clean up our air because it is coming from somewhere else. Who gets hurt? The people who breathe the air.

Why would we delay cleaning up the air as it gets worse and worse? Do you think a child who is in a hospital because of asthma—do you think the mom will say: Why does my kid have asthma?

And the doctor will say: Because the air is filthy dirty.

And she will say: Oh, my God. That is awful. I am going to write my Senator.

Then the Senator writes and says: Your kid has asthma from dirty air, but it wasn't coming from your community. It came from another community, so please forgive us.

Wrong. This is what is done in this bill. Remember, this was written by two people of the same party from big oil States.

(Mr. SUNUNU assumed the Chair.)

Mrs. BOXER. Mr. President, the net result of this could be that no one will ever have to clean up the air until someone else cleans it up. It is unacceptable. Ozone pollution must be cleaned up. There are 130 million Americans living in communities that violate ozone smog clean air safeguards. Inhalation of smog is linked to respiratory illness, such as asthma, especially for children.

There you have that mother, as a matter of fact, in the hospital with her child because hospital admissions for children due to asthma alone increased 30 percent between 1980 and 1999. Overall admissions for respiratory problems

increased 20 percent in the same time period. We had a 30-percent increase in asthma admissions in hospitals, but only a 20-percent increase for other things.

Let me say to all my colleagues who might be listening, and even to those who might read my remarks, go to any school in your State—it could be a public school, it could be a private school, it matters not—ask the children to raise their hands if they have asthma. Ask them to keep their hands up or new hands for someone who knows someone who has asthma or someone in their family, and you will see almost 40 percent of the children in that classroom respond.

In California alone, there will be 42,000 additional asthma attacks, 499 additional hospital admissions, and 68,000 lost schools days. What are we doing in an Energy bill to help those children? Are we going to clean energy? Of course not. Are we even moving to increase the fuel economy of our cars by 2 miles per gallon or 3 or 4 or 5? Are we? No, of course not. This is a bill for big oil. We do a little bit for hybrid vehicles. I am glad. We do a little bit for solar. But $28 billion to $1 billion in favor of big oil, big nuclear—big, big, big, big, dirty.

Clean water rollbacks: This might surprise you. This is an Energy bill. We have clean water rollbacks in this bill. The oil and gas industry is exempted from storm water runoff cleanup. This conference report contains language exempting oil and gas construction activities, including roads, drill pads, pipelines, and refineries from obtaining a permit and controlling their pollution runoff as required under the Clean Water Act.

Explain to me why this is necessary. Are these some poor startup companies that need our help and, oh, for a while we will let them be free of these requirements? No, these are multinational big companies that have fought so hard that we no longer have a real, important Superfund Program anymore because they don't even want to be taxed a tiny bit to clean up the mess they made. This bill gives them more rollbacks. They don't have to worry about clean air and clean water.

What is going on here? Then the chairman of the committee says: Oh, there will never be another bill; kill this bill and you will never see another Energy bill. Forget about ethanol. Forget about tax breaks for the things you believe in that might work because you will never get them. You are going to have to swallow all this bad stuff to get a bill.

I want to talk about some more of the bad items, and I will close on the MTBE issue.

Here is a picture of our country. All the States in black—and, Mr. President, I know this is an issue that is near and dear to you—all the States in black are the States that have either ground water contamination from MTBE or drinking water contamination. The ones with the little orange stickers have drinking water contamination.

Sad to say, my State has an orange sticker. When this came to me, I was stunned to hear that my town of Santa Monica in southern California had lost one-half of its drinking water. When the town tried to figure out what to do about it, they found out it would cost millions of dollars—$200 million to $400 million to clean up. This is a small city, relatively speaking in terms of California. We are a big State, but it is a relatively small city—$200 million.

They said: Oh, my God, what are we going to do? They did what every other city, every other county, every other water agency is going to have to do, be they in New Hampshire, be they in Minnesota, be they in Iowa, be they in Nebraska, be they in Nevada. They went to court. They filed a lawsuit, and they made a claim and said: Please, to the people who put this in our gasoline and it got into our water, please, help us clean it up. That is Santa Monica.

Many of you know of Lake Tahoe. It is a magnificent lake and a beautiful lake. It was getting polluted with MTBE. MTBE was leaking from the boats that were on the water into the lake. They went to court. They tried to sue under three grounds—nuisance, negligence, defective product liability. The judge in that case said on the nuisance claim: You haven't proved nuisance because you have to prove who did what to whom, when, and what day. Negligence, same thing. You have to find the people, you have to track the people. But defective product liability, that makes sense because in discovery they learned—that is a legal term when they are getting ready for the court case—they learned that the makers of MTBE knew this product was bad. As a matter of fact, they joked about it. I forget what exactly they said. One of them said: Major threat to better earnings, MTBE, because they knew some day the truth would come out. They joked about it. We found that out.

Here is the jury verdict on the Lake Tahoe case. They found the makers of MTBE knew beforehand that this was bad. This is the verdict: MTBE was defective in design because they failed to warn of its environmental risks. Gasoline containing MTBE refined by the other defendants at trial was defective in design because the environmental risks from MTBE outweighed the benefits and refiners failed to warn of its known risks. The refiners failed to warn, failure to warn. There is clear and convincing evidence that the companies acted with malice—acted with malice—as they developed, promoted, and distributed their defective MTBE product.

I say in the strongest of terms, when you are told and I am told that these companies acted with malice, why on God's green Earth would we give them a get-out-of-jail-free card in this bill? They acted with malice. They knew it was poison, and now this bill is saying, this bill that was written by two people of the same party behind closed doors from big oil States: You are off the hook.

I also want to tell you that the cost of MTBE contamination—this is a 2-year old estimate—is $29 billion. That is what this cost 2 years ago. We are looking at probably 50, 75, to 100 because all those States I showed you before are just now beginning to understand how dangerous this contamination is.

This bill is an unfunded mandate on New Hampshire. This bill is an unfunded mandate on California. This bill is an unfunded mandate on 43 out of our 50 States that have MTBE contamination.

Now, you can dress it up, you can make it look pretty, you can put lipstick on it and rouge, but the bottom line is, it is ugly. It is an ugly thing to do to the people.

I will show my colleagues our little ''get out of jail free card.'' Here it is: MTBE producers not responsible for pollution, get out of jail free.

Is this why I came to the Senate? No. It certainly is not why the Senator from New Hampshire came, and it should not be why any of us came—to give a ''get out of jail free card'' to the very polluters who have harmed our people.

Senator DOMENICI talks about how many people are for this bill. I understand that. But the fact is that the League of Cities are against this bill, the National Association of Counties are against this bill, the Water Agency is against this bill, the Association of Metropolitan Water Districts, the U.S. Conference of Mayors, and the list goes on.

This bill should not be passed. This bill should never be passed. This bill is a giveaway to the biggest multinational corporations, to encourage them to do things they should not be doing. This bill rolls back environmental laws.

In summation, there were jokes on the floor about those of us who want to stop this bill because of MTBE, that we are taking some small step here, that this is not important. Well, this is important. When people cannot drink the water coming out of their tap and they have to go buy bottled water, this is important. This is important when people are fearful that their kids are going to get cancer from MTBE.

Remember, no matter what they say, the Government never mandated MTBE. The Government mandated an oxygenate. The oil companies picked MTBE and they kept using it after they knew it was dangerous. By the way, they even used it before an oxygenate was mandated.

If we can just put up that map one more time, I would like the Senator from Vermont to see this because he has not seen it as clearly as this. His State of Vermont has MTBE, as he knows, in the ground water; luckily, we do not think in the drinking water

yet, but who knows. The orange shows the States where it is actually in the drinking water. My friend from Vermont, who stands every day for justice, for the people of this country, understands why we have to stop this bill.

I thank the Chair for his hard work in representing his State so well on this really tough issue, and I hope we have a chance to stop this bill in its tracks, send it back and have it come back without some of these provisions that are so harmful to the very people we are supposed to help, the people of the United States of America.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 1:45 having arrived, the Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair, my neighbor across the Connecticut River in the great State of New Hampshire.

Those of us who have wiled away the time sometimes on long airplane trips reading a bad book, we know a lot of bad books have ghostwriters. Well, a lot of bad bills that come before the Congress also have ghost writers.

If one reads through this 1,100-page Energy bill, they can tell actually who the ghostwriters were: The oil, the gas, the coal, and the ethanol industries that—surprise, surprise—are going to get almost $200 billion in tax subsidies from this bill. The voices of those ghostwriters echo throughout the bill.

The cost to the taxpayers does not stop there. If taxpayers feel their wallets are getting lighter this week, it is because this bill will cost them another $70-plus billion in other subsidies over the next 10 years. Unfortunately, the 1,100 pages of this bill are full of special interest giveaways, but they are empty of innovative and sustainable energy policy, a policy that would ensure Americans a clean, reliable, and affordable policy in the future.

Some of our colleagues are trying to sell this bill to the American public as a balanced energy plan, something that would give our Nation energy security over the decades to come. It is not that. It only increases our reliance on unsustainable petroleum-based energy sources. It undercuts recent progress in developing renewable energy sources and technologies that reduce pollution. It undermines the reliability of our electricity markets by opening the door to more manipulation and mergers in stalling regional efforts to improve the transmission grid.

The Senate sent a decent Energy bill to conference. What did we get back? We got a frog. We went from the prince to the frog, not the other way around. The roster of squandered taxpayers' dollars and squandered opportunities in this bill is breathtaking to behold.

Now the American people might have expected us to learn from this summer's blackout. After all, it should be fresh in our experiences and our minds. It cost governments and businesses billions of dollars. We could have used this bill to address what went wrong. We could have used it to build upon what is right. Incredibly, the bill does the opposite.

New England, where we rely on energy—as all parts of the country do—is also a part of the country where we can get 10, 20, 30 below zero sometimes. We have already created a regional organization to increase reliability of our transmission lines. In fact, that was able to stop the blackout from cascading further into Vermont and other States. Instead of using an organization that we know works as a model, this bill actually discourages utilities in other regions of the country from joining regional organizations. It would also discourage badly needed new investment in the transmission grid.

Apparently, we can only invest in transmission grids if they are in Iraq. We cannot invest in them when they are in our own country.

There is also no prohibition on the price gouging schemes employed by companies such as Enron, even though the Senate, on a wide margin, voted for that.

The bill repeals a 70-year-old law to restrict mergers of utility companies with other companies where they have no expertise. In the past, that has caused financial troubles for utilities and consequently the ratepayers.

One might have hoped the bill could have done more to emphasize technological innovation, promote clean and sustainable energy, but it does not. Instead of working to advance technologies to create jobs and reduce pollution, we have a bill that gives oil, gas, ethanol, and nuclear companies enormous subsidies.

One of the things it does, in my own State of Vermont, is it hands Vermont drivers a double whammy by mandating the use of 5 billion gallons of ethanol by 2012 while threatening deep revenue losses in the highway trust fund. Under this bill, Vermonters and drivers in other States can expect higher prices at the pump due to this mandate and more potholes in the road due to the trust fund cuts.

We have heard talk about MTBE producers. We know this protects producers of the gasoline additive MTBE from liability, but in Vermont and around the country States and communities face multimillion-dollar bills for cleaning up the MTBE that is already in the ground water. And, to stop the cases filed, the Energy bill makes the provision retroactive. It wipes out cases filed in September by several New York communities, cases filed by the State of the distinguished Presiding Officer, New Hampshire. The list goes on and on but so do the echoes of the ghostwriter's voice in this bill.

This turkey would waive environmental analyses for energy projects on public lands, exempt them from the Clean Water Act, Safe Drinking Water Act, open coastal areas to oil and gas development, reduce support for clean coal technology, and this bill will simply mean that more toxic pollutants like mercury will get dumped on Vermont's forests and our lakes and our rivers.

Shortly after the administration entered the White House, it closed the doors to the public and they started to put together the energy industry's wish list of subsidies—environmental and consumer protection rollbacks. If we pass this bill, we are going to say Christmas came before Thanksgiving for these special interests.

I don't see how, at a time when we are justifying drastic cuts to vital social programs, we can push through a $100 billion counterproductive budget buster for the energy industry.

As I said, many a bad book has a ghostwriter, and so do many bad bills. When you read through this 1,100-page energy bill, it is clear who the ghostwriter were: the oil, gas, coal and ethanol industries that—surprise, surprise—would reap almost $20 billion tax subsidies from this bill. The voices of these ghostwriters echo throughout this bill.

But the cost to taxpayers does not stop there. If taxpayers feel their wallets getting lighter this week it's because this bill will cost them another seventy-plus billion dollars in other subsidies over the next 10-years.

Unfortunately, the 1,100 pages are full of special interest giveaways but empty of innovative and sustainable energy policy that will ensure Americans clean, reliable and affordable power in the future.

Some of our Republican colleagues are trying to sell this bill to the American public as a balanced energy plan to give our Nation energy security over the decades to come. It is not.

It will only increase our reliance on unsustainable, petroleum-based energy sources. It undercuts recent progress in developing renewable energy sources and technologies that reduce pollution. It undermines the reliability of our electricity markets by opening the door to more manipulation and mergers and stalling regional efforts to improve the transmission grid.

The Senate sent a decent energy bill to conference, and we got back a frog. The roster of squandered taxpayers' dollars and squandered opportunities in this bill is breathtaking to behold.

The American people could have expected that we could have learned from this summer's blackout—still fresh in our experience and on our minds—and used this bill to address what went wrong and build upon what went right.

Incredibly, this bill does the opposite. In New England, we have already created a regional organization to increase reliability of our transmission liens. It was able to stop the blackout from cascading farther into Vermont and other States. Instead of using this organization as a model, this bill actually discourages utilities in other regions of the country from joining regional organizations. It could also discourage badly needed new investment in the transmission grid.

The bill also does not do enough to protect consumers and ratepayers from manipulation of energy markets. There is no prohibition on the price-gouging schemes employed by companies like Enron, even through the Senate supported such protections by a wide margin.

The bill repeals a 70-year-old law to restrict mergers of utility companies with other companies where they have no expertise. In the past, this practice has caused financial troubles for utilities and consequently, the ratepayers.

The American people could have hoped that this bill would do more to emphasize technological innovation that would promote clean and sustainable energy. Instead, it barely holds on to the status quo in incentives for renewable and energy efficiency. If we are going to avoid future blackouts, we have to decrease demand on the electricity grid as well as make improvements to it.

But instead of working to advance technologies to create jobs and reduce pollution, we have a bill that gives oil, gas, ethanol and nuclear companies enormous subsidies.

At the same time, this bill fails to address one of the biggest energy and environmental issues facing our country: how to improve fuel efficiency standards for cars and trucks. In fact, the bill actually would enlarge a loophole for huge SUVs that will actually encourage more people to buy these gas guzzlers. We all have heard of the SUV dealerships that actually use the existing tax loophole in their TV ads.

The bill also hands Vermont drivers a double whammy by mandating the use of 5 billion gallons of ethanol by 2012, while threatening deep revenue losses to the Highway Trust Fund. Under this bill, Vermonters and drivers in other States could expect higher prices at the pump due to this mandate, and more potholes in their roads due to the Trust Fund cuts.

While the bill fails to take any steps forward on energy policy, it takes a giant step backward on environmental protections. When the Clinton administration strengthened the requirements for reducing smog around cities, it was hailed as a major step toward reducing asthma and other chronic illnesses. Well, by postponing these ozone attainment targets, no one will be breathing easier after this bill except the special interests.

Although you won't be able to see much through the smog when you're looking up, you might see more when you're looking down, and what you see will be unwelcome.

This bill includes several new provisions that let polluters off the hook when it comes to reducing contaminates in groundwater and drinking water. It protects producers of the gasoline additive MTBE from liability if their product is found to be defective. In Vermont and around the country, States and communities face multimillion dollar bills for cleaning up the MTBE that already has leached into the groundwater.

At least one court has already found MTBE producers liable for these cleanup costs because of product defects, and several other cases are pending. To make sure these cases are stopped, the energy bill makes the provision retroactive, wiping out cases filed in September by several New York communities and New Hampshire.

The list goes on and on, and so do the echoes of the ghostwriters' voice in this bill. This turkey would waive environmental analysis for energy projects on public lands. It would exempt oil and gas drilling from requirements of the Clean Water Act and Safe Drinking Water Act. It would open coastal areas to oil and gas development. It also would reduce support for clean-coal technology in favor of the conventional dirty power plants.

This will simply mean that more toxic pollutants like mercury will get dumped on Vermont's forests, lakes and rivers.

Days after this administration entered the White House, they closed the doors to the public and started to put together the energy industry's wish list of subsidies and environmental and consumer protection rollbacks. Well, Christmas came early this year for the special interests.

The energy bill now before Congress is stuffed with everything on that wish list, plus just about everything else that these special interests could dream up when they were given the chance.

The bill before us now costs three times more than the proposal that the administration first put on the table 2 years ago.

When you look at the list of special-interest giveaways, it is no wonder the bill was written behind closed doors.

The President and the Congress had a real opportunity to produce a bill that would lead the Nation toward balanced, sustainable, clean energy production. This bill fails on all counts.

Instead, we have 1,100 pages worth of policies that will increase our dependence on fossil fuels, prop up wealthy energy corporations, repeal consumer protections and threaten environmental and public health. I do not see how my Republican colleagues can any longer justify their drastic cuts to vital social programs while pushing through this $100 billion, counterproductive budget-buster for the energy industry.

TRIBUTE TO JOHN FITZGERALD KENNEDY

I would like to talk for a moment about a more personal matter. Here we are today, November 20, 2003, just two days away from November 22. I think back to 40 years ago on November 22, 1963. I was living in Washington, D.C., at that time, as a young law student. My wife, Marcelle, and I were living in a small basement apartment. She was working as a nurse at the VA hospital, then called Mount Alto, up on Wisconsin Avenue, where the Russian Embassy is now. I was going to Georgetown Law School downtown here in Washington.

They say that anybody who was old enough to remember on that November 22 remembers exactly where they were when they heard the news about President Kennedy's assassination. That is true of anybody I have ever spoken with.

I was in the law school library and one of my classmates, who was not a supporter of President Kennedy, came in and told me the President had been shot. I told him this was really not funny, and then I realized he was crying. He was a person who had never voted for President Kennedy but realized the enormity of what had happened. When I saw his tears, I knew it had to be true.

My wife and I did not own a car at the time. I went outside and hailed a cab to head back to our apartment. My wife had worked the whole night before, and she was home asleep. I did not want to call her. I wanted to tell her in person what had happened.

I think I probably got in the only cab in all of Washington that did not have a radio. You can imagine my frustration as we started through the Washington traffic. As we drove down K Street, where many stockbrokers have their offices, we could see the screen that normally displayed stock prices was blank. That was an obvious signal that they had closed the markets in New York.

I saw Mrs. Kennedy's brother-in-law. As he would be chauffeured in a Rolls-Royce to his brokerage house each morning, I would watch with envy from the bus as I went to work. I saw him running into the street, frantic, trying to hail a cab. I saw a police officer directing traffic with tears coming down his face.

When I got to our apartment, I banged on the door and woke up my wife. We turned on the television to see the now famous announcement by Walter Cronkite—taking off his horn-rimmed glasses, announcing the President was dead.

Just a short time before, President Kennedy had given a speech at American University, a speech that I thought laid out his focus for that term and what most people believed would be a second term. That was the speech in which he said, ''We must make the world safe for diversity.'' I would like to include a copy of this speech with my statement.

We should think about this quote these days. President Kennedy said, ''make the world safe for diversity.'' He did not say we should make the world an exact copy of the United States. If everybody knew they could follow their beliefs and they could follow their system of government, it would be a safer world. But that was not to be.

I remember the next day when my wife and I stood on Pennsylvania Avenue with a half a million people watching as the cortege went from the White

House up to the Capitol. It was silent. It was so silent that as we stood there, we could hear the traffic lights. Even though the street was blocked off, the traffic lights were still operating, and from eight lanes away, you could hear the click of the lights as they changed. This is with half a million or more people on that street.

Where we were standing, near the National Art Gallery, almost from the moment the cortege left the White House, we could hear the noise of the drums and the horses. I remember vividly the riderless horse, the boots turned backwards. It was a very spirited horse. I recall his name was Blackjack. He was skittering, his feet dancing on the pavement. I can still hear the click, click of his hooves. I remember a car going by with then-Attorney General Robert Kennedy in it, his chin on his hand, just staring straight ahead, not seeing any of the crowd. And, of course, I remember the coffin being brought here to lie in state in the Rotunda.

We heard the distinguished majority leader at that time, Mike Mansfield, a very close friend of John Kennedy, give a eulogy. He spoke of President Kennedy's and Jacqueline Kennedy's wedding rings. She took her husband's ring from his finger. It was 40 years ago, but I remember it so well.

I did not meet Senator Mansfield until more than 10 years later when I was the Senator-elect from Vermont. I got to know him well and realized the depth of his affection and his friendship for President Kennedy, with whom he had served in the Senate. It must have been so difficult for him to give that eulogy.

For two days, there were people—not just officials from Washington, D.C., but people from all over the country—who were stretched literally for miles, waiting to pay their respects. I can still see them huddled in their coats with frost from their breath in the air as they stood in line all night.

We stayed at our apartment to watch the funeral, because we were expecting our first child. We felt the crowd would have made it too difficult to go back downtown.

At the funeral, there were heads of state marching from 1600 Pennsylvania Avenue to St. Matthews. There were Prime Ministers, Presidents, Kings, Princes, and dictators. Someone came up with the idea of having the representatives march based on the name of their country. The head of France marched next to head of Ethiopia. Emperor Haile Selassie of Ethiopia marched next to Charles de Gaulle.

The interesting thing about this is the way the world came together. In fact, for a while there was a rumor that Premier Khrushchev might come. Remember, this was the height of the Cold War. This was when President Kennedy and Premier Khrushchev had stared across oceans at each other during the Cuban missile crisis. Khrushchev was dissuaded from coming by security considerations. Instead, he personally went to the American Embassy to sign the book of condolences. This was the kind of unity that was felt around the world.

Actually, I cannot think of any time when we felt that kind of unity and support for the United States, until the tragedy, 38 years later, of September 11.

Everybody watched the television, listened to the radio, or stood downtown to watch the funeral. We saw on television planes fly by in a missing man formation followed by Air Force One tipping its wing in salute. We ran outside just in time to see the planes which we had seen seconds before on television fly over our heads.

Looking around, everybody else had run outside too. We stood there, neighbors and strangers.

At that time, there was so much optimism, so much hope, even though it was at the height of the Cold War, and even though we had just experienced the Cuban missile crisis. After the death of President Kennedy, we felt so much of this optimism was lost.

I saw the unity come back after September 11. I don't know if the optimism will ever came back fully. We were optimistic of many things.

In my lifetime, we have seen so many wonderful advances in science. When I was young, we had to worry about polio. Our children and my two grandchildren will never have to worry about those kinds of things. Our country has had many wonderful advances and much to be optimistic about. There was unity and support from around the world for the United States right after that event, as there was right after September 11. We are now in a time where that unity is missing. I hope it will come back.

I hope this weekend all Members of this body—most of us are old enough to remember that day—I hope we stop and think what is best for this country. It is time to start working together more closely, with more support for each other and the country, and it is time to help restore some of the optimism. We are a great country. We have survived world wars, civil wars, Presidential assassinations, and terrorist attacks. We can survive much more—if not for ourselves, for our children and for our grandchildren.

Mr. President, I ask unanimous consent to print President Kennedy's 1963 commencement address delivered at American University.

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

REMARKS OF PRESIDENT JOHN F. KENNEDY, JR. AT AMERICAN UNIVERSITY, WASHINGTON D.C., JUNE 10, 1963

President Anderson, members of the faculty, Board of Trustees, distinguished guests, my old colleague, Senator Bob Byrd, who has earned his degree through many years of attending night law school, while I am earning mine in the next 30 minutes, ladies and gentlemen:

It is with great pride that I participate in this ceremony of the American University, sponsored by the Methodist Church, founded by Bishop John Fletcher Hurst, and first opened by President Woodrow Wilson in 1914. This is a young and growing university, but it has already fulfilled Bishop Hurst's enlightened hope for the study of history and public affairs in a city devoted to the making of history and to the conduct of the public's business. By sponsoring this institution of higher learning for all who wish to learn whatever their color or their creed, the Methodists of this area and the nation deserve the nation's thanks, and I commend all those who are today graduating.

Professor Woodrow Wilson once said that every man sent out from a university should be a man of his nation as well as a man of his time, and I am confident that the men and women who carry the honor of graduating from this institution will continue to give from their lives, from their talents, a high measure of public service and public support.

''There are few earthly things more beautiful than a University,'' wrote John Masefield, in his tribute to the English Universities—and his words are equally true here. He did not refer to spires and towers, to campus greens and ivied walls. He admired the splendid beauty of the University, he said, because it was ''a place where those who hate ignorance may strive to know, where those who perceive truth may strive to make others see.''

I have, therefore, chose this time and this place to discuss a topic on which ignorance too often abounds and the truth is to rarely perceived—yet it is the most important topic on earth: world peace.

What kind of peace do I mean? What kind of peace do we seek? Not a Pax Americana enforced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace—the kind of peace that makes life on earth worth living—the kind that enables man and nations to grow and to hope and to build a better life for their children—not merely peace for Americans but peace for all men and women—not merely peace in our time but peace for all time.

I speak of peace because of the new face of war. Total war makes no sense in an age when great powers can maintain large and relatively invulnerable nuclear forces and refuse to surrender without resort to those forces. It makes no sense in an age when a single nuclear weapon contains almost ten times the explosive force delivered by all of the allied air forces in the Second World War. It makes no sense in an age when the deadly poisons produced by a nuclear exchange would be carried by the wind and water and soil and seed to the far corners of the globe and to generations unborn.

Today the expenditure of billions of dollars every year on weapons acquired for the purpose of making sure we never need to use them is essential to keeping the peace. But surely the acquisition of such idle stockpiles—which can only destroy and never create—is not the only, much less the most efficient, means of assuring peace.

I speak of peace, therefore, as the necessary rational end of rational men. I realize that the pursuit of peace is not as dramatic as the pursuit of war—and frequently the words of the pursuer fall on deaf ears. But we have no more urgent task.

Some say that it is useless to speak of world peace or world law or world disarmament—and that it will be useless until the leaders of the Soviet Union adopt a more enlightened attitude. I hope they do. I believe we can help them do it. But I also believe that we must re-examine our own attitude—as individuals and as a Nation—for our attitude is as essential as theirs. And every graduate of this school, every thoughtful citizen who despairs of war and wishes to bring

peace, should begin by looking inward—by examining his own attitude toward the possibilities of peace, toward the Soviet Union, toward the course of the Cold War and toward freedom and peace here at home.

First: Let us examine our attitude toward peace itself. Too many of us think it is impossible. Too many of us think it is unreal. But that is dangerous, defeatist belief. It leads to the conclusion that war is inevitable—that mankind is doomed—that we are gripped by forces we cannot control.

We need not accept that view. Our problems are manmade—therefore, they can be solved by man. And man can be as big as he wants. No problem of human destiny is beyond human beings. Man's reason and spirit have often solved the seemingly unsolvable—and we believe they can do it again.

I am not referring to the absolute, infinite concept of universal peace and good will of which some fantasies and fanatics dream. I do not deny the values of hopes and dreams but we merely invite discouragement and incredulity by making that our only and immediate goal.

Let us focus instead on a more practical, more attainable peace—based not on a sudden revolution in human nature but on a gradual evolution in human institutions—on a series of concrete actions and effective agreements which are in the interest of all concerned. There is no single, simple key to this peace—no grand or magic formula to be adopted by one or two powers. Genuine peace must be the product of many nations, the sum of many acts. It must be dynamic, not static, changing to meet the challenge of each new generation. For peace is a process—a way of solving problems.

With such a peace, there will still be quarrels and conflicting interests, as there are within families and nations. World peace, like community peace, does not require that each man love his neighbor—it requires only that they live together in mutual tolerance, submitting their disputes to a just and peaceful settlement. And history teaches us that enmities between nations, as between individuals, do not last forever. However fixed our likes and dislikes may seem the tide of time and events will often bring surprising changes in the relations between nations and neighbors.

So let us persevere. Peace need not be impracticable—and war need not be inevitable. By defining our goal more clearly—by making it seem more manageable and less remote—we can help all peoples to see it, to draw hope from it, and to move irresistibly toward it.

Second: Let us re-examine our attitude toward the Soviet Union. It is discouraging to think that their leaders may actually believe what their propagandists write. It is discouraging to read a recent authoritative Soviet text on Military Strategy and find, on page after page, wholly baseless and incredible claims—such as the allegation that ''American imperialist circles are preparing to unleash different types of wars . . . that there is a very real threat of a preventive war being unleashed by American imperialists against the Soviet Union . . . (and that) the political aims of the American imperialists are to enslave economically and politically the European and other capitalist countries . . . (and) to achieve world domination.

Truly, as it was written long ago: ''The wicked flee when no man pursueth.'' Yet it is sad to read these Soviet statements—to realize the extent of the gulf between us. But it is also a warning—a warning to the American people not to fall into the same trap as the Soviets, not to see only a distorted and desperate view of the other side, not to see conflict as inevitable, accommodations as impossible and communication as nothing more than an exchange of threats.

No government or social system is so evil that its people must be considered as lacking in virtue. As Americans, we find communism profoundly repugnant as a negation of personal freedom and dignity. But we can still hail the Russian people for their many achievements—in science and space, in economic and industrial growth, in culture and in acts of courage.

Among the many traits the peoples of our two countries have in common, none is stronger than our mutual abhorrence of war. Almost unique, among the major world powers, we have never been at war with each other. And no nation in the history of battle ever suffered more than the Soviet Union suffered in the course of the Second World War. At least 20 million lost their lives. Countless millions of homes and farms were burned or sacked. A third of the nation's territory, including nearly two thirds of its industrial base, was turned into a wasteland—a loss equivalent to the devastation of this country east of Chicago.

Today, should total war ever break out again—no matter how—our two countries would become the primary targets. It is an ironical but accurate fact that the two strongest powers are the two in the most danger of devastation. All we have built, all we have worked for, would be destroyed in the first 24 hours. And even in the Cold War, which brings burdens and dangers to so many countries, including this Nation's closest allies—our two countries bear the heaviest burdens. For we are both devoting massive sums of money to weapons that could be better devoted to combating ignorance, poverty and disease. We are both caught up in a vicious and dangerous cycle in which suspicion on the other, and new weapons beget counter-weapons.

In short, both the United States and its allies, and the Soviet Union and its allies, have a mutually deep interest in a just and genuine peace and in halting the arms race. Agreements to this end are in the interests of the Soviet Union as well as ours—and even the most hostile nations can be relied upon to accept and keep those treaty obligations, and only those treaty obligations, which are in their own interest.

So, let us not be blind to our differences—but let us also direct attention to our common interests and to means by which those differences can be resolved. And if we cannot end now our differences, at least we can help make the world safe for diversity. For, in the final analysis, our most basic common link is that we all inhabit this plant. We all breathe the same air. We all cherish our children's future. And we are all mortal.

Third: Let us re-examine our attitude toward the Cold War, remembering that we are not engaged in a debate, seeking to pile up debating points. We are not here distributing blame or pointing the finger of judgment. We must deal with the world as it is, and not as it might have been had history of the last eighteen years been different.

We must, therefore, preserve in the search for peace in the hope that constructive changes within the Communist bloc might bring within reach solutions which now seem beyond us. We must conduct our affairs in such a way that it becomes in the Communists' interest to agree on a genuine peace. Above all, while defending our vital interest, nuclear powers must avert those confrontations which bring an adversary to a choice of either a humiliating retreat or a nuclear war. To adopt that kind of course in the nuclear age would be evidence only of the bankruptcy of our policy—or of a collective death-wish for the world.

To secure these ends, America's weapons are non-provocative, carefully controlled, designed to deter and capable of selective use. Our military forces are committed to peace and disciplines in self-restraint. Our diplomats are instructed to avoid unnecessary irritants and purely rhetorical hostility.

For we can seek a relaxation of tensions without relaxing our guard. And, for our part, we do not need to use threats to prove that we are resolute. We do not need to jam foreign broadcasts out of fear our faith will be eroded. We are unwilling to impose our system on any unwilling people—but we are willing and able to engage in peaceful competition with any people on earth.

Meanwhile, we seek to strengthen the United Nations, to help solve its financial problems, to make it a more effective instrument of peace, to develop it into a genuine world security system—a system capable of resolving disputes on the basis of law, of insuring the security of the large and the small, and of creating conditions under which arms can finally be abolished.

At the same time we seek to keep peace inside the non-communist world, where many nations, all of them our friends, are divided over issues which weaken western unity, which invite communist intervention or which threaten to erupt into war. Our efforts in West New Guinea, in the Congo, in the Middle East and in the Indian subcontinent, I have been persistent and patient despite criticism from both sides. We have also tried to set an example for others—by seeking to adjust small but significant differences with our own closest neighbors in Mexico and in Canada.

Speaking of other nations, I wish to make one point clear. We are bound to many nations by alliances. These alliances exist because our concern and theirs substantially overlap. Our commitment to defend Western Europe and West Berlin for example, stands undiminished because of the identity of our vital interests. The United States will make no deal with the Soviet Union at the expense of other nations and other peoples, not merely because they are our partners, but also because their interests and ours converge.

Our interests converge, however, not only in defending the frontiers of freedom, but in pursuing the paths of peace. It is our hope—and the purpose of Allied policies—to convince the Soviet Union that she, too, should let each nation choose its own future, so long as that choice does not interfere with the choices of others. The communist drive to impose their political and economic system on others is the primary cause of world tension today. For there can be no doubt that if all nations could refrain from interfering in the self-determination of others, then peace would be much more assured.

This will require a new effort to achieve world law—a new context for world discussions. It will require increased understanding between the Soviets and ourselves. And increased understanding will require increased contact and communications. One step in this direction is the proposed arrangement for a direct line between Moscow and Washington, to avoid on each side the dangerous delays, misunderstandings, and misreadings of the other's actions which might occur at a time of crisis.

We have also been talking in Geneva about other first-step measures of arms control, designed to limit the intensity of the arms race and to reduce the risks of accidental war. Our primary long-range interest in Geneva, however, is general and complete disarmament—designed to take place by stages, permitting parallel political developments to build the new institutions of peace which would take the place of arms. The pursuit of disarmament has been an effort of this Government since the 1920's. It has been urgently sought by the past three Administrations. And however dim the prospects may be

today, we intend to continue this effort—to continue it in order that all countries, including our own, can better grasp what the problems and possibilities of disarmament are.

The one major area of these negotiations where the end is in sight—yet where a fresh start is badly needed—is in a treaty to outlaw nuclear tests. The conclusion of such a treaty—so near and yet so far—would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards which man faces in 1963, the further spread of nuclear arms. It would increase our security—it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

I am taking this opportunity, therefore, to announce two important decisions in this regard.

First: Chairman Khrushchev, Prime Minister Macmillan and I have agreed that high-level discussions will shortly begin in Moscow looking toward early agreement on a comprehensive test ban treaty. Our hopes must be tempered with the caution of history—but with our hopes go the hopes of all mankind.

Second: To make clear our good faith and solemn convictions on the matter, I now declare that the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. We will not be the first to resume. Such a declaration is no substitute for a formal binding treaty—but I hope it will help us achieve one. Nor would such a treaty be a substitute for disarmament—but I hope it will help us achieve it.

Finally, my fellow Americans, let us examine our attitude toward peace and freedom here at home. The quality and spirit of our own society must justify and support our efforts abroad. We must show it in the dedication of our own lives—as many of you who are graduatng today will have a unique opportunity to do, by serving without pay in the Peace Corps abroad or in the proposed National Service Corps here at home.

But wherever we are, we must all, in our daily lives, live up to the age-old faith that peace and freedom walk together. In too many of our duties today, the peace is not secure because freedom is incomplete.

It is the responsibility of the Executive Branch at all levels of government—local, state and national—to provide and protect that freedom for all of our citizens by all means within their authority. It is the responsibility of the Legislative Branch at all levels, wherever that authority is not now adequate, to make it adequate. And it is the responsibility of all citizens in all sections of this country to respect the rights of all others and to respect the law of the land.

All this is not unrelated to world peace. ''When a man's ways please the Lord,'' the Scriptures tell us, ''he maketh even his enemies to be at peace with him.'' And is not peace, in the last analysis, basically a matter of human rights—the right to live out our lives without fear of devastation—the right to breathe air as nature provided it—the right of future generations to a healthy existence?

While we proceed to safeguard our national interests, let us also safeguard human interests. And the elimination of war and arms is clearly in the interest of both. No treaty, however much it may be to the advantage of all, however tightly it may be worded, can provide absolute security against the risks of deception and evasion. But it can—if it is sufficiently effective in its enforcement and if it is sufficiently in the interests of its signers—offer far more security and far fewer risks than an unabated, uncontrolled, unpredictable arms race.

The United States, as the world knows, will never start a war. We do not want a war. We do not now expect a war. This generation of Americans has already had enough—more than enough—of war and hate and oppression. We shall be prepared if others wish it. We shall be alert to try to stop it. But we shall also do our part to build a world of peace where the weak are safe and the strong are just. We are not helpless before that task or hopeless of its success. Confident and unafraid, we labor on—not toward a strategy of annihilation but toward a strategy of peace.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I thank you.

I rise to talk about the Energy conference report and urge my fellow Senators to support this bill. We have waited for a comprehensive Energy bill for too long. I am pleased that we have before us a good energy policy bill which we can send to the President of the United States.

The conference bill is not perfect. I don't believe I have voted for a perfect bill in the last 17 years. But no bill we ever pass around here is perfect. But it is a good compromise that will help our country meet its future energy needs. This agreement will mean more jobs and more money in American's pocketbooks and create more than a million jobs across this country. We are already on the upturn of an economic recession. This bill will help kick our economy into high gear.

A good energy policy must strike a balance between energy production and conservation. This bill does just that by including increased energy production while also doing more to encourage conservation and smarter energy use.

I know this bill was difficult to get out of conference. I watched my chairman for almost 2 months suffer with this bill. Under his leadership and the leadership of Senator GRASSLEY, we have before the Senate a solid piece of legislation that provides energy policy and tax incentives to promote production and energy efficiencies throughout and the use of cleaner burning fuels.

In the wake of our ongoing problems in the Middle East, now more than ever a sound energy policy is a critical part of our national security. We must have a reliable source of energy and we must cut our reliance on foreign oil. Presently we depend on foreign nations, including the Middle East, for nearly 60 percent of our Nation's oil supply. While we appear to be moving away from combat in Iraq, we still have many problems there. There is still a lot of uncertainty in the Middle East. We need to increase our own production of energy because it is more important than ever right now. It is too important and there is too much instability in the world not to pass this bill. We do not want the United States of America at the mercy of other countries just to keep our engines running and our lights on. This Energy bill will help increase our energy independence by increasing domestic production of energy and reducing our reliance on foreign sources.

This bill allows for and encourages through tax credits more oil and more natural gas exploration. The bill also includes clean coal provisions that I helped write, to increase domestic production, while also improving environmental production soundness. In my home State this means jobs, a lot of jobs, and a cleaner place to live.

Clean coal technology will result in a significant reduction in emissions and a sharp increase in energy efficiency.

I am proud to be from a coal State. Generations of Kentuckians have made their living in the coal fields and coal mines of Kentucky. For the last decade, coal in Kentucky was on the downturn because of legislative and regulatory policies from the Federal Government which forced electricity generation to invest in natural gas-fired facilities instead of coal.

I am glad to see we have turned things around and are taking steps to make sure coal continues to play a vital role in meeting our future energy needs. This focus on clean coal is good for the environment. It is certainly good for the economy and for putting folks back to work.

The Energy bill encourages research and development of clean coal technology by authorizing nearly $2.6 billion in appropriations for the Department of Energy to conduct programs to advance new technologies. Almost $2 billion will be used for the clean coal power initiatives where the DOE will work with industry to advance efficiencies, environmental performance, and cost competitiveness of new clean coal technologies.

The energy tax package includes $2.5 billion for coal-fired companies to invest in clean coal technologies and pollution control equipment. I am pleased to see that the bill also authorized an additional $2 billion for clean air programs which will encourage the use of pollution control equipment and the next generation of clean coal generators.

The 21st century economy will require increased amounts of reliable, clean, and affordable electricity to keep our Nation running. This bill recognizes that coal must play an important role in our energy future.

Today, more than half our Nation's electricity is generated from an abundant low-cost domestic coal. We have over 275 billion tons of recoverable coal reserves. This is nearly 30 percent of the world's coal supply. That is enough coal to supply us with energy for more than 250 years.

This Energy bill also includes fuel provisions that I pushed hard for that will help make fuel burn cleaner. The bill requires the use of 5 billion gallons

per year of renewable fuels such as ethanol and biodiesel in gasoline by the year 2012. The bill also provides tax credits to encourage the use of these fuels. Increasing the use of alternative fuels will help farmers while also increasing domestic energy production and lessening our dependence on foreign oil.

The bill also addresses electricity. Kentucky is the second lowest electric rate State in the Union. It just fell below Idaho. Much of Kentucky's low rates come as a result of our coal production. The low rates also come from Kentucky's decision to put Kentucky consumers first before consumers outside of the State.

I do not believe this bill goes far enough to prevent FERC from implementing SMD permanently or preventing mandatory RTOs. I do believe this bill is a good compromise. The bill delays until 2007 FERC's plan to create its SMD and allows companies to participate in RTOs voluntarily.

Some of the electric provisions are especially good for Kentucky. More than one-third of Kentucky's electricity comes from rural electric cooperative distributors. This bill will help the consumer-owners of Kentucky's 26 electric cooperatives to stay in business and maintain the State's status as having the lowest residential or second lowest residential rates in the country.

I worked hard in the Senate Energy Committee to ensure that the small rural electric cooperatives in Kentucky are not subject to expensive FERC jurisdiction that could raise consumers' rates without improving the reliability of the electric utility system. This is a big issue for our cooperatives in Kentucky that serve only a few thousand customers and do not have bulk transmission.

This bill specifically codifies RUS borrowers' existing exemption from FERC regulation and expands the exemption to include small electric cooperatives that sell less than 4 million megawatts of electricity per year. This is also called the small utility exemption.

The bill also minimizes other new regulatory burdens on cooperatives. I am pleased to see this bill does not include new regulatory programs such as environmental mandates that would have raised consumers' electric rates.

I hope the Senate passes the Energy bill this week so we can make our environment, economy, and national security stronger.

Thank you, Mr. President, for the time, and I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is to be recognized.

Mr. DURBIN. Mr. President, I am happy to yield to the Senator from New Mexico, who has asked permission to speak for a few moments.

I say to the Senator, whatever time you would like, I would be happy to yield for that purpose.

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

The Senator from New Mexico.

Mr. DOMENICI. Thank you, Mr. President. I will not take too long.

I wish to speak a moment to the Senator from Kentucky.

First, I say to the Senator, I chair the Energy Committee, and I am very pleased that Kentucky has contributed you to the committee. You bring to us an enthusiastic approach to America's self-sufficiency, not the gloom and doom of: We can't make it, we can't do it. You are always there saying: We ought to do it. Why don't we do it?

I am very pleased we were able to put in this new law a series of provisions that permit the Senator to come to the floor and speak with optimism about coal of the future, coal and America's future. Of course it is parochial but it is national.

The Senator's State is a coal producer but it is a part of America. Kentucky is a State in the Union. Your State does not want to go down in coal. As I understand it, you want coal to go up. You do not want ''King Coal'' dead. You want ''King Coal'' alive.

The first thing I want to do is say to the Senator, it is very interesting to see how you interpret this and how others interpret it—that all these coal provisions are a giveaway to big business. I did not hear the Senator mention big business once, not because they are not going to be involved, but I think it is because the Senator understands you are not going to produce new, clean coal generators with nonprofit organizations.

I guess the Senator assumes, as I do, that some coal company is going to apply to the Department of Energy to do this. Is that not right, I ask the Senator?

Mr. BUNNING. Absolutely. The Senator is absolutely right.

Mr. DOMENICI. So one can stand up and say: There must have been great lobbying from the coal companies.

Well, the coal companies did not have to lobby. All we had to do was have a brain and to know there is coal and say: Well, what are we going to do so somebody will invest money in coal, servicing our country in a bigger and better way?

If it turns out some choose to come to the floor and label that indecent lobbying by a big company, I am sorry, we could have done this if no coal company ever visited us, I assure you.

I say to the Senator, we have Senators like you who told us about it.

Mr. BUNNING. I assure the Senator from New Mexico that I was not lobbied by coal companies. But I sure was lobbied by the small electric producers in Kentucky.

Mr. DOMENICI. Absolutely. The truth is, whatever you lobbied for as a Senator, that is your privilege. Nobody could say you should not work for coal in this bill, that you ought to just abandon it, that you should not do that because that is representing an interest. Of course. Well, if there are no interests, there is nothing going on. Right? We just as well might go to sleep and forget about it.

Another thing that is interesting, we have had at least three Senators come to the floor, including my cohort from New Mexico, saying they are against electricity provisions because they wanted FERC to have more power.

Now, I did not have the luxury of making speeches about FERC. I had to write something. And here we have one Senator saying FERC should have run the whole electric system in the country. Right?

Then we have this Senator. He is over here saying: You almost went too far, where we skinnied back on FERC's power. We said it can phase in over time. Right?

You were not sure of that. If you had been writing it, and did not have anybody else pressuring you, you would have written it more in favor of your State. But, you see, I did not have the luxury of writing one for each State, one that affects you up the road.

Then there is another State—such as Pennsylvania—saying: We don't do business like they do. We want a whole different electricity provision. I heard that. I could not write one for them, too. Right?

Mr. BUNNING. Fifty different ones.

Mr. DOMENICI. The last time they used to write two was before the Civil War. They wrote one for the South and one for the North. But I told them: Why don't you cut it in four pieces and we will write four of them? Right? But there aren't four countries; there are just the States. So we did the best we could. I think it is a good provision.

Now, what else about it? I share with you, right now, on the electric provision that here is the study. So everybody can see it—it is the first time it has been on the floor of the Senate. It is entitled ''Interim Report: The Causes of the August 14th Blackout in the United States and Canada.'' I do not think I will ask that it be printed in the RECORD. I will refer to it. We have gone through it and we have looked at what they said.

Let me say to my friend, it says that the principal reason we had a blackout was that all of the States, with their various utility systems, had what are called reliability standards.

Now, I am not a technician, but reliability means something pretty common and ordinary. I can talk reliability at home in an evening with my wife. We talk a lot about this, and she should know what that is. Reliability standards means that you appropriately and prudently load your electric wires so they are not so overloaded that something happens, or that they are clean and they do not have things imposing upon their reliability.

This said it was nothing dramatic. It was not that we have an old, wornout system. Somebody said we had a Third World system. No, no, we do not. We have a first world system, not a third

world system. When we have a blackout, it is big news. That is because we have a first-rate system. You know the third-rate systems nobody cares about because they are not working anyway.

So the truth is, this little report says the biggest reason it went out was reliability.

Well, guess what. For all the things we did so wrong in this bill, one of the principal things we provided was mandatory reliability standards. No more cheating, fudging, hiding a little, and overloading the lines during heavy use, and saying: Well, nobody will do anything—except when it blows out. Then we all find out.

So I say to everybody, we did the report. You wondered what happened. You got the study. You got a bill. The bill says, if you pass this bill, it is fixed. Right?

Mr. BUNNING. Right.

Mr. DOMENICI. Contrary-wise, do what some have suggested, throw the bill out, and you are right back where we were. You are right back where we were. You can sit around and wait for a blackout, just playing with your hands, worrying, sweating, saying: When will it occur?

At least this bill says we know why it occurred, and we are not going to let it occur again. The Feds are going to fine anybody who is lazy and loafs around and doesn't clean up the lines. In fact, the report is pretty good that they are going to be on them to get the trees off the lines. That would be good news; we don't have to go out there line by line. But that is part of the reliability.

The point I make is, for every issue people have raised on the floor that this bill doesn't do or fails to do, on the other hand it does and it doesn't fail to. Every time people say ''we don't like it because,'' there is something in it to say, ''but we do like it because.'' I regret that it can't be every single Senator taking the floor and saying: Everything in it is precisely what I want.

I am glad we have people such as the Senator from Kentucky who knows that can't happen.

Mr. BUNNING. I thank the Chair.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, obviously, I am in opposition to this Energy bill. The Senator from New Mexico is my friend. We go nose to nose and toe to toe and fight on a lot of issues. We are in real disagreement over this bill. But I respect him and like him very much. When we do come together on issues such as mental health parity, it is a wonderful feeling for us to be on the same side fighting together. Unfortunately, today that may not be the case, but tomorrow I hope it is. I have a great deal of respect for him and for all the hard work he and his staff and so many others put into this legislation.

What I like about Senator DOMENICI—I guess most of all—is his candor. He tends to play cards with the cards face up. You know what you are dealing with. He is very honest and plain-spoken. That is a refreshing virtue and quality in this world of politics. He was quoted on the floor the other day, talking about this Energy bill:

> We know that as soon as you start reading the language, we are duck soup.

That is what he said. I have to say to the Senator from New Mexico that I have read some of the language. It looks like a duck, it walks like a duck, and it sounds like a duck. It is a duck. And we are in the soup if we enact it.

There are provisions in this bill that are very good for America and very good for my home State, provisions which I have long fought for throughout my congressional career: Expanding the use of ethanol, expanding the use of biodiesel. These are positive steps to help farmers, rural communities, to clean up air pollution in a sensible way, to provide energy resources which are not being used as much as they should. You might not expect to hear that from a Senator from Illinois because we have the largest ethanol production in the Nation. I have been honored to represent a congressional district that includes Decatur, IL, home of Archer Daniels Midland, the largest single ethanol producer in the Nation.

I came to this issue with some knowledge and with an inclination to try my best to expand ethanol. Throughout my public career, I have done it. I have been chairman of the congressional alcohol fuels caucus. I have introduced legislation, sponsored it. I have led efforts with letters and speeches, just about all you can do to promote ethanol. If it is enacted, the ethanol provision in the bill will be the most dramatic expansion in the Nation's history. I certainly support it.

To all of my friends in the farm community back home who are disappointed because I oppose this bill, trust that my commitment to ethanol is not going to change. I am just going to hope that the next venue, the next opportunity to discuss ethanol, will be in a much different bill, a much better bill.

Sadly, what is included in this bill, beyond the ethanol provisions and the biodiesel provisions and efforts to look for new ways to burn coal in an environmentally safe way, many of the provisions are very bad, very troublesome.

Tomorrow we will have a vote. That vote will decide whether this bill goes forward to final passage. It really is the key vote. It is going to be close, probably within one or two Senators' votes. They will decide what happens to this Energy bill. It is my hope that the Senators who are on the fence now or worried about the vote will consider several things.

First, we can do better. If this is supposed to be an Energy bill for America's future, we can do so much better. Take any family in your State, wherever you are from—Tennessee, Illinois, New Mexico, or Delaware—sit down with them and say: When it comes to the energy future of America, what is the first thing we ought to look at? My guess is that most of those individuals, with no particular scientific or technical knowledge, will say: How about all the gasoline we are burning in our cars and trucks? That is the most obvious use of energy in America.

It is the No. 1 use of imported petroleum products, conversion into gasoline to fuel our cars and trucks. So you would assume that in this lengthy bill, the first chapter of the bill would relate to how we can burn this gasoline more efficiently, how we can reduce our consumption of gasoline, how we can make our cars and trucks more fuel efficient so there is less pollution and less dependence on foreign oil.

Most Americans would assume that.

Well, there is bad news. You can search this new law that is being proposed, page after page after page for 1,400 pages, and find precious little, if any, reference to fuel efficiency and fuel economy of America's cars and trucks. Why? How can we in good faith say to the American people that we are concerned about our energy security and energy independence without addressing the fuel efficiency of our cars and trucks?

There was a time, in 1975, when the average fuel efficiency was about 14 miles a gallon. Congress passed a law that almost doubled that fuel efficiency to 27.5 miles a gallon by 1985. That was 18 years ago. You ask yourself: How good are we today? Have we improved on that mark? Are we doing better than 27.5 miles a gallon on average? The answer, sadly, is no. We have gone in the opposite direction. We are closer now to 22 miles a gallon.

What has happened in 18 years? No leadership—not from Congress, not from the President—no leadership that leads us to more fuel efficiency. Instead, we have left it to the forces of the marketplace. There are many here who believe that is all we need to worry about; let the market work its will.

The market has worked its will and, as a result, we are selling cars that are less and less fuel efficient. We are importing more oil from overseas and burning it to fuel heavier, less fuel-efficient vehicles. In fact, this Congress, if it has shown any leadership, has gone in the opposite direction. We have created tax incentives for people to buy the most inefficient cars and SUVs in America, these monstrous Humvees that come rolling down the highway. We are going to give you a great big tax credit if you will buy those. Do you know why? Those big old monsters get between 9 and 15 miles a gallon. We will give you an incentive to buy those.

Yet when it comes to incentives to buy fuel-efficient cars, hybrid vehicles, we are going to have to phase that out. We do have a deficit.

Isn't that upside down? Shouldn't we be thinking about encouraging more

fuel-efficient vehicles if we truly want to lessen our dependence on Saudi Arabia and Middle Eastern oil? That is obvious to most people in the State I represent. It is obvious to most Americans. It certainly was not obvious to the sponsors of this Energy bill. They wrote this bill listening to Detroit. The automobile manufacturers in Detroit—I have worked with them on a number of issues—are just plain wrong on this. They have fought tooth and nail every proposal to bring more fuel-efficient vehicles to America.

Do you want to hear the irony of this situation? The irony was brought out by a disclosure—quoting here from the Baltimore Sun of November 19, 2003. Listen to what they wrote:

> Chinese leaders are worried about their nation's growing dependence on imported oil. What's more, pollution from such fossil fuels threatens to become a parallel concern as China's booming economy matures.
>
> So they've hit upon an obvious energy strategy that somehow has eluded U.S. lawmakers: conservation.
>
> In what should be an embarrassing juxtaposition for leaders here, China is moving to impose tighter fuel-efficiency rules on cars and SUVs than the U.S. requires, while Congress is adopting an opposite approach—boosting domestic production of fossil fuels to meet all-but-unchecked demand.
>
> . . . adds insult to injury by subsidizing the purchase of monster gas-guzzlers, such as the Humvee.

They conclude:

> The Senate still has a chance to stop this monstrosity [the Energy bill]. It should take a cue from China and prepare for the future, instead of squandering precious resources trying to maintain an unsustainable past.

Chinese thinking on energy is very clear, I might say. It is the thinking of American politicians that is inscrutable. How in the world can we be talking about energy independence and ignore fuel efficiency for the cars and trucks we drive? That, sadly, is the reality of this legislation. That is why it cannot be taken seriously. You cannot believe this is the best the Congress in America can produce to deal with energy, without addressing that issue.

There is another issue here which I think goes to questions of justice and fairness, maybe even morality. I hate to raise that question, but we hear a lot about morality and virtue and values on the floor of the Senate. Occasionally, we should apply those same words to the legislation we consider. That relates to section 1502 of this legislation.

Section 1502 of this legislation has created a ''get out of jail free card'' for the producers of MTBE. What is MTBE? It is a substance that has been added to gasoline for years in America to reduce the tailpipe emissions and to make your engine run more smoothly. It is what is called an oxygenate. You probably didn't even know it was there. But it is blended with gasoline for those purposes, as an oxygenate. It is a product of waste products of the oil-processing procedure. So it is a pretty cheap commodity. It has been blended, for years, with gasoline in the United States. Other oxygenates include ethanol, which I referred to earlier, and, like alcohol, it is benign and doesn't really threaten the environment.

But MTBE—this additive—turns out to be extraordinarily dangerous. It is a poison, a toxic substance which, if it leeches into a water supply, can make it undrinkable, at best, and dangerous, at worst, leading those who consume it to a greater likelihood of serious illness and disease, even the potential of cancer.

So what has happened across the United States is that the oil companies that use MTBE as an additive learned that when the underground storage tank at your gas station started to leak—little drips day after day—ultimately, that MTBE-blended gasoline would reach the water table under the ground, and the water supply of the community where the gas station was located. As it reached the water supply, it didn't biodegrade but continued to be toxic and lethal. As a result, the consumers, the families, the children, and the schools that consume this water were at a public health risk.

Well, this contamination has now spread across the United States. It is in Illinois and in many other States. Let me show you how bad this is.

Here is a map showing States with MTBE contamination in ground drinking water. The Presiding Officer's State of Tennessee does not have contamination in drinking water but does have contamination sites. Tennessee has 1,394 MTBE contamination sites. Illinois, where I live, has 9,546 MTBE contamination sites. Look at this map of America. You can see that where MTBE has reached the ground water, and now the drinking water, we have the public health hazard that has swept across America. Only six States in the continental United States have not been touched by this. Hawaii has not but Alaska has. Alaska's drinking water has been contaminated as well.

Why is this important? Because, for the first time in my memory, and I have asked my legal staff to keep looking—I may be wrong—we have decided to put into legislation protection from liability for product liability cases that are filed against MTBE producers. If you are an oil company that had MTBE blended with your gasoline and it ended up contaminating drinking water, causing a public health hazard, this bill, in section 1502, says, for you, you are in luck, you get a ''get out of jail free card.''

How can we do this? How can we, in all fairness, say the corporations and businesses that made a conscious decision to use this additive, and because of the use of this dangerous substance are endangering the public health and lives of Americans, will somehow be free of liability?

One of the first things we decided in America—those who sat down and, in their wisdom, created our Constitution—was that we would do away with royalty; we weren't going to give people titles such as ''princes'' and ''viscounts'' and whatever it happened to be in the old country. No, in America it is different. There is no royalty. We are all the same. People are treated the same. The highest and the lowest in rank in America are held accountable.

But that is not the case when it comes to this Energy bill because if you happen to be an oil company with MTBE contamination, we are going to treat you like royalty with a ''get out of jail free card.'' We are going to say that you are not going to be held responsible as will the business next door selling another product. That is just plain wrong.

Senator DOMENICI came to the floor and said repeatedly—understand, he turns the cards over so there is no doubt what is going on. He says: Understand what this bargain was. If you want ethanol, you want to sell more ethanol—the oil companies hate ethanol; they don't make ethanol. In order for them to go along with this bill, in order for the oil company giants to agree to promoting ethanol in America, we had to give them this MTBE waiver of liability. Those are not my words. I think they are an accurate paraphrase of Senator DOMENICI's words, repeated many times on the floor of the Senate. He said: If you don't give the oil companies this protection from liability for their own wrongdoing, from product liability lawsuits, frankly, there is going to be no ethanol in your future.

Isn't it a sad outcome that we would turn our backs on 153,858 MTBE contamination sites in America and say to the communities, to the towns and cities, the subdivisions and the families, to the individuals who are harmed by this MTBE: We are sorry, you will not have a day in court. You will not be able to hold the people accountable who ended up endangering your family. Why? Because we had to strike a political deal. We had to say that when it came to using ethanol—which is a benign substance, environmentally acceptable—we had to swallow hard and say to the makers of MTBE and the oil producers that we are going to let them off the hook.

Do you know what else is in this bill? It is not just a protection from liability. Imagine this, if you will. We provided in this bill that you can continue to sell MTBE in the United States until 2014. Now, here is a substance that we know is damaging the environment in 153,858 contaminated sites, and this bill gives the companies the express permission to continue to sell it in America. It goes on to say that any Governor or the President can stop the MTBE ban for any State or region, which means 2014 is not a real deadline. Then, to add the ultimate insult, it gives to the industry $2 billion to transition away from MTBE.

My mind is spinning to think that Congressman DELAY of Texas, who supposedly is the author of this, was so audacious as to walk into the conference

and say: Here is the deal, my friends. This lethal chemical in gasoline can continue to be sold in this country for 11 or 12 more years, and any Governor or President can extend the sale of that beyond that period; any company that wants to stop selling it is going to get a Federal subsidy to a total tune of $2 billion; and, furthermore, while this MTBE additive continues to contaminate water supplies and endanger public health, we are going to make sure that those who are injured, the innocent victims across America, cannot go to court and sue under a product liability claim.

How can we do this? How can we in good conscience do this? How can we ignore this section of the bill, this outrageous section of the bill?

Frankly, this is good reason to say to our friends who have worked long and hard on this conference report: Enough; send this bill back for more work. Remove this outrageous section about MTBE. Protect innocent American families and communities, and do it now.

There are those who argue, frankly, that there are other lawsuits that can be filed, that you don't have to use the product liability theory. Here is a lawsuit that was filed in Lake Tahoe, CA, South Tahoe Utility District v. ARCO, Atlantic Richfield Company. Here is what the jury verdict was in the case.

Lyondell—the maker of the MTBE additive—Lyondell's MTBE was defective in design because Lyondell failed to warn of the environmental risks.

They went on to say: Gasoline containing MTBE refined by the other defendants at trial was defective in design because the environmental risks of MTBE outweigh the benefits and the refiners failed to warn of its risks.

They went on to say: There is clear and convincing evidence that Lyondell and Shell acted with malice as they developed, promoted, and distributed their defective MTBE products.

What this tells us is that the companies which were sued knew they had a dangerous product, they continued to make it, continued to sell it, and continued to endanger people. Not only are they clearly guilty under a product liability standard, they are guilty, I think, in the worst scenario. As I recall from law school, it is whether they knew or should have known. This is not a ''should have known'' situation. The wrongdoers with MTBE actually were found, in this case, to have known it was a dangerous product.

Yesterday, I came to the floor and talked about this MTBE issue. I no sooner left the floor than the oil industry decided to put out a rebuttal to the remarks I had made on the floor. It is a lengthy rebuttal, but I would like to address the elements in it.

Frankly, they were plain wrong and the record should be set straight. I stated in my floor statement yesterday and I repeat again today, there were alternatives to MTBEs in the 1990s. Some would have you believe we had no choice when it came to oxygenate; it was MTBE or nothing. But listen to this: The MTBE manufacturers knew conclusively by 1984 that MTBE was a dangerous product that could contaminate water wells throughout the United States. They misled the Environmental Protection Agency in direct responses to inquiries in 1986 when they claimed they were unaware of MTBE water contamination.

Because of this deception by the MTBE companies about the dangers of their product and their efforts to discredit anybody who said otherwise, the industry increased its production at the expense of the alternative oxygenate, ethanol.

It should be noted, MTBE, as I said earlier, is a waste product, cheaper than ethanol. Had the manufacturers of MTBE disclosed the truth about MTBE contamination, the ethanol industry would have done quite well, and Congress might or could have prohibited this product at a very early stage. But because of the active deception of the MTBE industry, starting with their knowledge in the 1980s of the danger of their product, this didn't happen.

I went on to say that MTBE was found to be a probable cause of cancer. I spent a lot of my years on Capitol Hill fighting the tobacco companies. I know how they work. The MTBE gang is up to the same bag of tricks. They are now starting to dispute medical evidence as to whether MTBE is dangerous.

The industry, in rebuttal to my remarks, said:

> MTBE is one of the most widely studied chemicals in commerce, including pharmaceuticals, and that the overwhelming majority of scientific evaluations to date have not identified any health-related risk to humans from the intended use of MTBE in gasoline.

Then they go on to cite ''numerous government'' and ''world-renowned independent health organizations'' having found no sufficiently compelling reason to classify MTBE as carcinogenic.

Let me tell you, the MTBE industry, like the tobacco industry, when it comes to playing games with medical evidence, is plain wrong. The University of California at Davis concluded that MTBE is a known animal carcinogen.

In addition, the director of the General Accounting Office's Office of Natural Resources and Environment testified before Congress in May 2002 and stated:

> An interagency assessment of potential health risks associated with fuel additives to gasoline, primarily MTBE, concluded that while available data did not fully determine risk, MTBE should be regarded as a potential carcinogenic risk to humans. . . . A primary rule in epidemiology is ''Absence of evidence of risk is not evidence of absence of risk.''

The data has been coming in leading community after community, jury after jury, to conclude that this dangerous product might or could have endangered the health of Americans.

The removal of MTBE, as I said yesterday, is a growing problem. Their industry spokesman said:

> It's more water soluble and can be transported more readily in soil and water than other gasoline constituents.

I will tell you this: The largest MTBE manufacturer in the United States, Lyondell, has already been forced to revise its product safety bulletin and state, in their own industry safety bulletin:

> A relatively small amount of MTBE, less than 1 part per billion, can impart a displeasing taste and odor to water.

The U.S. Geological Survey has determined MTBE is the second most frequently detected pollutant in the United States, second only to chlorine, which is intentionally added to water, to give you an idea of how pervasive this issue is.

I also stated that the defective product claim is the most effective to secure relief against MTBE. The industry denies it. Yet what we have found is this: We have had to, in most communities across America, dig up gasoline storage tanks because they leaked. It was through the Leaking Underground Storage Trust Fund—the LUST fund—that a lot of this was paid for. We did it because we found this leaking gasoline was contaminating underground wells and aquifers.

The point I make is this: Despite our best efforts to dig up these underground storage tanks, the problem across America has not abated. About half of the States have reported finding MTBE they can still attribute to leaking tanks and suspect it came from other sources, even above-ground tanks to store fuels.

The point I would like to make is this, for those who are attempting to rebut my remarks of yesterday: The problem with MTBE has not gone away and is not likely to go away soon. What this legislation is designed to do is to hold those wrongdoers, those producers of MTBE, harmless from liability in product liability lawsuits for selling an inherently dangerous and defective product, a product which the industry has known since 1984 would contaminate water supplies and endanger public health.

This, in my mind, is the ultimate in irresponsibility. Frankly, I would like to say to my friends in the farm community who have said to me, You have to look the other way; we have to allow ethanol to expand even if it means endangering the lives of people from contaminated water in public water supplies—I would like to say to them, remember what you said yourself.

The president of the Illinois Farm Bureau, Ron Warfield, a good friend of mine, called and spoke to me about this issue. He has testified before Congress, and he said:

> We recognize the urgency of ending MTBE use to protect drinking water supplies.

Mr. Warfield went on to state:

> MTBE has adverse human health and environmental impacts.

He went on to state:

The farm bureau's belief—

This is the Illinois Farm Bureau—

that any legislation that addresses MTBE must be national in scope. Allowing States that have different programs will not allow us to achieve our national energy goals.

This bill goes directly against the Illinois Farm Bureau's position. This bill says, when it comes to MTBE we are going to allow them to escape liability. We, who have said for years that MTBE was a dangerous contaminant, cannot forget our own word.

My colleague in the Senate, Senator FITZGERALD, I believe in 2002, introduced legislation to ban the use of MTBE and to move toward the use of a safer oxygenate, specifically the use of ethanol. My colleagues in the House of Representatives, Congressman SHIMKUS from Illinois, and Congressman Ganske, introduced similar legislation.

Senator FITZGERALD said in his press release, March 6, 2000: Despite relatively limited MTBE use in Illinois, the Illinois EPA reports that at least 25 communities across the State have detected the chemical in their water supply, and three towns have had to discontinue use of wells as a result of MTBE contamination.

That is a quote from Senator FITZGERALD's press release in March of 2000. He understood the seriousness of this risk. He understood the danger to Illinois and its communities. Frankly, the situation has not gotten better. It is worse.

Taking a look at this chart, we can see that in Illinois we have 9,546 contaminated MTBE sites, including drinking water sites. So for my colleagues, Senator FITZGERALD, Congressman SHIMKUS, my friends at the Illinois Farm Bureau, and other farm organizations, I hope they can understand how this bill, frankly, makes a mockery of what we have said in the past.

If we have said, under oath at times, that MTBE is dangerous to the public health, how can we in good conscience now support this bill, which includes section 1502, which lets the producers of MTBE off the hook? How can we say to the communities and families of Illinois, or any other State affected, that we are going to limit their opportunity to come to court?

Yesterday, Senator DOMENICI likened lawsuits against MTBE producers to lawsuits against McDonald's because a woman was scalded when hot coffee was spilled on her lap. I might say to the Senator, there is all the difference in the world between the two of them. The lawsuit against the MTBE producers is a lawsuit based on the fact that this industry had knowledge, almost 20 years ago, that what they were selling was environmentally dangerous. They continued to sell it. They deceived the Government. They secreted information away from the public, and now they are trying to escape liability for their fraud and trickery.

Why should we be party to their fraud? Why should we say that they will not be held accountable for their wrongdoing? Is it not a premise of law and the rule of law in America that each and every individual and business will be held accountable for their wrongdoing? Why, then, do we cut this wide swath and say that these contaminants, the companies that made them, and the lawsuits that might come from them, should somehow be changed by this law? That is fundamentally unfair. Why would we do that at the same time that we offer $2 billion in taxpayer money to these companies as they phase out the use and production of that product?

I can think of plenty of businesses in my State of Illinois, or the States of New Mexico, West Virginia, and Texas, that are struggling to survive, that could use a Federal subsidy to get through a transition. We are not giving them a subsidy, but we are giving a subsidy to the oil and chemical companies that make MTBE a $2 billion subsidy. That, to me, is unconscionable, unreasonable, and indefensible. It is good reason for us to stand and oppose this bill.

When we look at the States that are affected by this—New Mexico, 1,126 contaminated sites; the State of West Virginia, 1,333 contaminated sites; Texas, 5,678 contaminated MTBE sites, and the list goes on and on—it says to each one of us that this crisis is not over. This crisis will continue. If we fail to hold the wrongdoers accountable, others will pay the price. There will be injured individuals and families who will have to bear the brunt of this environmental crime. There will be cities, towns, villages, and States which will have to pay to put infiltration systems in, new water systems and cleanup because of these polluters.

Why is it that this administration, and its friends in Congress, are dedicated to polluter protection instead of the basic principle that polluters should pay?

Polluters should pay for their own pollution. This is a classic example. Section 1502, which absolves in product liability lawsuits MTBE manufacturers from their responsibility and their liability, I think that is classic in terms of special interest legislation.

As I mentioned at the outset, Senator DOMENICI said there was a real danger—and let me quote him directly: We know as you start reading the language, we are duck soup. That is what Senator DOMENICI said on the Senate floor.

Well, we have read the language and, as we read it, we are saddened and troubled that in the Senate we would have such an egregious carve-out, such a blatant effort to reward one special interest group. I understand Congressman TOM DELAY's political strength, his persuasive ability, but to think that he could walk into a conference and force this provision into this conference committee is something that I do not think we should accept.

This is what we have to face. Those of us from States with MTBE contamination cannot walk away from our responsibility. We have to acknowledge that this bill, so long as it contains this provision, needs to be defeated. This bill must be stopped in its tracks. We must say to those who spent so much time on it, they need to go back and tell Congressman DELAY, the oil companies, and those who are pushing for this provision, that this is patently unacceptable and it is, frankly, unprecedented in American law that we would exempt one company from its own wrongdoing. But that is exactly what we are doing.

Once we have removed this offensive provision, we need to sit down and write a real Energy bill, an Energy bill which tries to encourage alternative fuels and renewable fuels, an Energy bill which focuses once and for all on ''conservation,'' which seems to be a blasphemous word in this administration, in this Congress, but one that most Americans understand. We need an Energy bill that deals with fuel efficiency and fuel economy. Sadly, this bill does not.

We need an Energy bill that looks to reducing our dependence on imported oil in the future. Maybe we should invite the Chinese to come over and give us some guidance on how we could move toward conservation and fuel economy and less dependence on foreign oil because, frankly, they understand it far better than we do. We need an Energy bill that does not have to get passed by being larded up with a gusher of giveaways. If one wants to talk about oil exploration, there is a gusher of giveaways in this bill, giveaways to cities, towns, States, Congressmen, and Senators. Is that what it takes to develop an energy policy in America? I hope it does not.

I am no newcomer to Capitol Hill, and I understand that sometimes one has to keep the process moving along and they have to help one State or this region or one industry or that industry, but when it goes to this extreme, when it goes to the extreme of absolving a polluting and contaminating industry from their legal liability in products liability lawsuits for contamination of 153,000 sites across America, then it has gone entirely too far.

I urge my colleagues to join me in opposing the motion for cloture. If that motion is stopped, this bill is stopped. When it is, it can go back to conference.

Let us hope that for the first time we will have an open process. This whole energy policy started when Vice President CHENEY created a secret task force with secret meetings, producing a secret bill, leading to the administration's energy policy. It continued apace through the congressional process and returned to secrecy when two individuals, my friend the Senator from New Mexico and the Congressman from Louisiana, Mr. TAUZIN, sat down in a room without other Members and without anyone from the minority party and wrote this bill.

The reason there is such resistance today is the fact that this was not an open process. It should have been more open. Had it been more open, I do not believe anyone could, in good conscience, have proposed this MTBE exclusion from liability. You could not have brought this out in public with a straight face. But in private you can, and that is what happened.

Now the bill is on the floor and America gets a chance to read it. Having read it, I urge those who happen to be from the States with contamination of MTBE—and I put this map up here for those who are following the debate, for my colleagues to note. If your State is in black on this map, you know you have MTBE contamination. If it has one of those gold circles as well, it is contamination of drinking water.

If you vote for this legislation, you are saying to the people living in your State and your communities: We are closing the opportunity for you to go and hold the people accountable who have created this environmental disaster in your State.

I wouldn't want to go home and try to explain that. And I am not, because, frankly, I am going to oppose this bill so long as it contains this provision.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Mexico.

Mr. DOMENICI. Under the order, the distinguished Senator from Texas is next; is that correct?

The PRESIDING OFFICER. There is no order.

Mr. DOMENICI. She has been waiting. I assume she asks she be next. Will the Senator let me use 5 minutes before she proceeds?

Mrs. HUTCHISON. Certainly.

Mr. DOMENICI. Mr. President, I want to take 5 minutes on the issue my good friend from Illinois raised here today. Has anybody thought how in the world there would be MTBE being used in all these different parts of the United States even today, even today? Has anybody wondered why it is still being used? Because it is still valid according to the laws of our land, and it is approved by the Environmental Protection Agency. This MTBE product was produced because the U.S. Government sought an additive to be applied to gasoline so it would be cleaner than gasoline without it.

I want to assure everybody in this country. The Senator makes it sound as if the product is an illegal product. If he doesn't, then I would sure say, if per se this product is this dangerous, it ought to be banned. But isn't it interesting?

He could say it should be, but the truth is, it is not. It has not been, and there has only been a little ripple of talking around here about perhaps shutting it down.

Why has there been none? Why is the Environmental Protection Agency, not just this one, the one in the Clinton and the one before that—why did they not do something about it? The reason is there is nothing wrong with the product. The product is being used. If it is used right, it is a good product. We are going to do better when we do ethanol.

But the good Senator from Illinois—I don't know how many times he will come back to the floor, how many times the Senator from Illinois will return to the floor to speak about MTBE. But his State is the second largest producer of corn in America, and the reason he is down here talking about MTBE is because he is scared of his farmers because he is not going to vote for the thing they want more than anything else—ethanol. That is what they want. He has been working on it. I have been working on it. Everybody has been working on it. And this Senator has decided, the Senator who just spoke, from Illinois, decided he would rather defend the trial lawyers who want to go after the companies that produce MTBE.

I also assure you that the language in this bill does not say that anybody is immune from liability. It merely says you can't sue the producer of the product just because they produced the product.

What is happening is it is being used improperly. When it is used improperly, it is producing all these ill effects across the country.

Does that mean we sue the people who produced it? I repeat, it is a legal product that has been approved by the Environmental Protection Agency. The United States of America approved it and now it is being used but people don't use it right. Underground tanks leak and it leaks into the water system. Does that mean the company 2,000 miles away that manufactured the product should be responsible to clean up those water systems? Of course not.

But I guarantee they are chomping at the bit to do it—do what? Not to sue the people whose tanks leaked because they are not fat enough. They are chomping to sue the big oil company that manufactured it for the last 20 years.

Now I want to read the statute. The statute says: No product shall be deemed defective—

> if it does not violate a control or prohibition imposed by the Administrator of the Environmental Protection Agency (hereinafter referred to as the ''Administrator'') under section 211 of such Act, and the manufacturer is in compliance with all requests for information under subsection (b) of such section 211 of such Act. . . . If the safe harbor provided by this section does not apply, the existence of a claim of defective product shall be determined under otherwise applicable law. Nothing in this subsection shall be construed to affect the liability of any person for environmental remediation costs—

Clean up the water, sewer systems and water systems.

It says:

> Nothing in this subsection shall be construed to affect the liability of any person for environmental remediation costs, drinking water contamination, negligence for spills or other reasonably foreseeable events, public or private nuisance, trespass, breach of warranty, breach of contract, or any other liability other than liability based upon a claim of defective product.

Frankly, there is no defective product. You can go on saying where it is all over America and that is because it is legal to use it. But it is not legal to abuse it. When people abuse it, should we really, as a nation, say the people who manufactured it are liable for all the consequences? I think not. That is all we did in this legislation.

If the distinguished Senator is so worried about this, I suggest he ought to vote for this bill and take care of the ethanol producers in his State and other States. He may be the deciding vote that decides we are not going to have ethanol. I wouldn't like to be in that position, I tell you, not on a weak proposition that the reason I did it was to protect the big lawyers who want to file these lawsuits. I say to all of them: File your lawsuits. When this thing is over with, file your lawsuits. It is just that you will not be able to sue the company that made the product which is legal and allowed. You can sue anybody else who caused the damage.

It is like somebody who drinks some soup in a restaurant and somebody in the restaurant, instead of putting soup in the bowl, they put some poison in it. You drank it and got sick.

Do you sue Campbell's Soup Company for producing the soup or do you go look for the people who put the poison in it?

The truth is, maybe we would all like to see MTBE go away. But that is not the issue. The issue is whether or not we should deny the passage of an Energy bill and ethanol for the farmers of this country, a great, giant substitute for the crude oil that we are going to use; whether we are going to do that or not.

If we are not, we surely ought not do it based upon the excuse that a valid product licensed by the United States improperly used is causing damage to people and we don't want to let them sue the people who produced the product but let them sue anybody else—the leaking tank owner, the distributor who distributed it wrongly, or anybody else who caused this—just because you made a legal product and somebody got hurt later on down the line, go back and sue the company that made it legally, validly, under what one might say is almost a license from the Federal Government.

I thank the Senator from Texas for yielding. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from New Mexico for shepherding this very important and very complicated bill to the floor.

I have to say I have been in the Senate for 10 years, and I have tried to get an Energy bill through the Senate during all of that time. We have never been able to do that until the Senator from New Mexico became chairman of

the committee. What he has produced is a balanced bill. There are many things in it that I don't like. There are many things in it that I am sure every one of us in this Chamber would do a little differently. But we are a legislative body, and people have the right to have differing views and come together in compromises.

When we are making the decisions about how we are going to vote on legislation, we have to determine if the good outweighs the bad and if the bad is going to be unchangeable or more harmful than we should allow. I think the good definitely outweighs the bad in this bill.

I was going to talk about the MTBE issue. I couldn't talk about it any better than the Senator from New Mexico. People forget that MTBE was a mandate from the Federal Government. It came as a result of a mandate to produce oxygenated gasoline to try to reduce smog in our country and reduce pollution. The manufacturers came forward with MTBE. It is a perfectly safe product if used properly. In fact, it did have the intended consequences of reducing pollution.

The reason it is going to be phased out is that it has been misused, it has leaked into water supplies, all of which is very bad. But I don't think making the manufacturers of a product that was produced at the insistence and mandate of the Federal Government is good public policy. I think the MTBE issue has been used as a stalking horse for people who do not like other parts of the bill.

In fact, I think this is a good Energy bill. We must have an energy policy that addresses the issue of self-sufficiency for our country.

Between 1950 and 2000—50 years—overall energy consumption in the United States increased three-fold. We currently account for 24 percent of consumption worldwide. Yet, while demand has drastically increased, domestic exploration and the development of renewable sources have not kept pace. What we are doing today and tomorrow and as long as it takes to pass this bill, I hope, is promoting conservation, promoting increased efficiency, promoting reduced consumption, and promoting increased production from traditional sources. Some forms of energy are limited. They will exhaust themselves over time. But others are replaceable.

In this bill, we encourage the replaceable sources. Geothermal technology offers a clean, sustainable energy created by the harnessing the Earth's heat. Geothermal resources can be found in shallow ground or in hot water and rock miles below the Earth's surface. Hydropower, currently the largest source of renewable power in the United States, yields electricity from flowing water. Solar energy harnesses sunlight to generate electricity, provide hot water to heat and cool, and light buildings. Wind energy is created by 16-ton turbine engines capturing the wind with two or three giant blades to generate electricity. These turbines can be seen on hilltops where there is strong wind and not too much turbulence.

These are becoming increasingly a common sight in my home State of Texas, one of the Nation's leaders in wind energy production.

All of these sources are clean, natural, and renewable, and they can play a greater role in our Nation's energy policy. This legislation provides incentives for nuclear power. This has been overlooked in recent decades.

Since 1978, no new nuclear plants have been built in our country. Fear of accident and extraordinary insurance costs have made nuclear energy a costly venture. While European nations have safely developed sophisticated nuclear capability, the United States has let development of this important source lag. By encouraging the development of nuclear energy, we will give American companies a kick start that will create the high-paying technology and construction jobs and provide probably the biggest source of clean energy to meet our high demand.

One of the parts of the bill that I wrote is tax credits for marginal wells. Marginal wells are the 10-barrel-a-day wells, or less. When there are wells that produce a million barrels, thousands of barrels, a 10-barrel-a-day well is a small well. It takes a lot of capital to go out and drill a well. If a producer believes it is going to be a very small well, that producer is going to be less likely to incur the costs of drilling. But in fact, these little bitty wells, if they are going at full capacity in our country, and if we encourage them, can bring up the same amount of oil and gas as we import from Saudi Arabia every day. These little wells can be drilled by small business people. They can create jobs in the oil fields, and they can become a significant source of oil and gas for our country.

We have tax credits for these small wells if the price goes below $18 a barrel. These people will go out of business at $18 a barrel. They cannot make it. They can't break even. They will have to close the well, which is also expensive, and let their people go. So you have a loss of jobs. With a credit for marginal wells, when the price goes below $18 a barrel, you can encourage these people to go ahead and drill the well, put people to work and keep producing oil and gas for our country. Hopefully, the price goes back up—and, of course, the price is up right now. So it wouldn't even take effect right now. But it gives that floor so that the little guys will take the chance to go ahead and drill that well.

This provision was modeled after a Texas law that has also been quite successful in waiving certain State taxes for the little guy to keep those wells going.

The other thing it does is allow expensing for delayed rental costs, and G and G—which is the geological and geothermal exploration. These are expenses that are incurred, and in any other business they are able to be written off. They would be able to in this bill as well.

It encourages deep drilling in the Gulf of Mexico, which is quite expensive. We have had incentives over the last few years for this deep drilling. It has become the largest source of oil and gas we have in our country except for Alaska. Of course, we are not able to drill in ANWR. So this is a very significant resource for us, the Gulf of Mexico.

All of these are provisions I put in the bill because I believe that keeping the small businesses in business is a very important part of energy self-sufficiency in our country and creating jobs.

There is a national security issue. When 60 percent of our oil is imported—and we know how volatile the largest sources of those imports are in the Middle East—we know our country is going to be in a very bad fix if we lose those resources because of volatility or the war on terrorism. Our economy will be affected adversely. That will affect our jobs. It will affect our factories. It will affect our small business costs if we don't have our own sources of energy. That is why the Senator from New Mexico and the people on the committee who worked to forge this bill were addressing our national security interests as much as those who work on the defense issues.

If we are energy self-sufficient, that means our economy will not be in upheaval if we have a huge loss in the ability to import foreign oil, and therefore the price goes up and it becomes prohibitively expensive. We need to have our own sources of energy. We need to be dependent on ourselves. We need to keep the jobs for energy in our own country. That is why this bill is a good bill. It is not a perfect bill. No one said it is. I would not have written it this exact way, but it is a good bill. It will make us more energy self-sufficient, which also means we will be more secure in our country, more secure in our economy, and we will keep the jobs coming which are so important to keeping our economy strong and to have the recovery we have all been looking for to occur in the next year.

I support this bill. I hope people will look at the big picture. I hope people will look at the rhetoric on MTBE and overlook some of the things they do not like in the bill by looking at the good things that will increase production, increase the renewable energy sources, increase the clean energy, and decrease our consumption all at the same time so we will have a better energy policy for our country.

We have been working on this for over 10 years. The time has come. We will be able to fix things that do not work. We always do that with major legislation that is passed. The time has come. We have the capability to act now. I hope we will not lose it.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from West Virginia.

Mr. BYRD. Madam President, we have before the Senate the long-awaited Energy bill. For the more than 3 years of its making, we have been led to believe this was to be the piece of legislation that would go a long way toward solving our Nation's energy problems. But instead of providing for our Nation's energy security and stability, this bill does little more than codify back-room bargaining, underwrite the administration's corporate contributions, and further deepen our deficit ditch.

This bill is a monstrosity of gifts for special interests. Its passage will mean another lost opportunity to shore up our Nation's energy security, provide for future economic growth, and protect consumer interests.

The White House and Republican advocates may argue that this bill is national, comprehensive, and strategic. It is not. Advocates argue that this is a premier jobs bill and that hundreds of thousands of new jobs will be magically created because of the Pixie dust that is sprinkled throughout the bill. But these are empty assertions. This Energy bill will be neither an economic shot in the arm nor a jobs booster.

The White House and its secretive energy task force have done their utmost to dictate the terms of energy legislation for more than 3 years now. This energy conference bill is that dismal result. The Republican energy bill negotiators took a page out of the Vice President's playbook by not undertaking their deliberations in an open, transparent, and bipartisan manner. When well-placed corporate heads have a greater voice at the conference table than the minority Members of Congress, then we have truly sold our Nation's energy policy to the highest bidder. This conference was a shameful example of how the big moneyed interests who are bosom pals of this administration, continue to elbow out the best interests of the American people.

The American people should also know that the White House and Republican proponents who have so often avowed the free market system and fiscal responsibility are essentially ignoring those policies in this bill today. During the deliberations on energy legislation, the White House raised concerns about unrealistic authorizations and indicated its support for only $8 billion in tax incentives. But now the Bush administration wholeheartedly welcomes and strongly supports this bill regardless of its budgetary impact.

The Congressional Budget Office estimates that the deficit will be deepened to the tune of $25.7 billion because of mandatory spending and unbalanced tax incentives. This Energy bill, like so many bills that Congress has passed, is another empty promise. The White House's only major goal is to tick off a campaign pledge, regardless of its contents or lack thereof.

Furthermore, this bill is replete with unrealistic new authorizations that go far beyond the reality of our limited and shrinking budgetary resources.

Passage of this bill is far from a guarantee that the money will flow. How many authorization bills have been passed during the tenure of the Bush administration pledging huge sums of moneys that never came into being? How easy it is to vote to authorize funding, to make a splash in the headlines, and raise hopes about the funds that will flow from Washington, but when it comes to actually putting money in the budget and supporting the promised funding levels in the appropriations bills, this administration jumps ship again and again and again. One need only look at the No Child Left Behind program to see how this game of bait and switch is practiced and played.

What complicates the matter further is the number of new programs that have been created in this bill. In a perfect world I would like nothing better than to be able to support a plethora of energy programs that truly advance our neighbor's ability to produce and use energy more cleanly and efficiently. But realistically, this legislation only creates more programs that will have to compete for the same pot of money, and that pot of money is ever dwindling. Instead of focusing on our Nation's highest energy priority needs, longstanding programs—programs that are working—could well be severely fractured and diluted for years to come. That is not progress. In the end, this bill will just be another empty soapbox for the President to stand upon even though the necessary resources to carry out our energy programs will never materialize.

I certainly recognize that there are several important and useful provisions that have been included in this legislation, including a number of specific clean coal programs which I have supported. These and several other provisions have had bipartisan support in the Senate in both the 107th and 108th Congresses. Yet, in the aggregate, this bill will not help us to achieve our energy, economic, and environmental goals and, in many cases, will create even bigger problems down the road.

I have long advocated developing a complimentary approach toward our energy and environmental policies. Yet I have serious concerns about this bill's liability waivers, exemptions, and alterations to longstanding environmental laws, and limited consumer protection provisions. Furthermore, like several major tax cut bills and the homeland security legislation, special deals have been stuffed into the nooks and crannies of this bill. Yet some of the matters that rightfully should have been dealt with in this legislation are glaringly absent.

I speak, for example, of the coal miners Combined Benefit Fund. Nearly 50,000 retired coal miners and their dependents are facing an imminent crisis. These miners, who live in every State, are in danger of having their health care benefits cut due to a financial emergency in the fund, created by law, to pay those benefits. These are elderly men and women—women for the most part. Most of these are elderly widows who are truly among America's most vulnerable citizens. Yet among all the billions of dollars to help oodles of special, corporate interests in this bill, I find not a penny—not one penny—to help these elderly Americans, most of whom, as I say, are widows.

For the past 2 years, as the ranking member of the Appropriations Committee, as the Senator who has been on that Appropriations Committee longer than any other Senator in history, I have come to the aid by providing relief to that fund through several appropriations transfers of funds.

The Appropriations Committee was not the committee of jurisdiction. Other committees in the Senate are the committees of jurisdiction, not the Appropriations Committee. But I have come to the aid, with the support of my friends on both sides of the aisle in that committee, and especially I remember the support that was rendered on my behalf and on behalf of the coal miners and retired miners by Senator TED STEVENS, my Republican friend.

These were transfers that did not cost any State any money to clean up its abandoned mine lands. Yet these retirees and their dependents, most of them probably in very ill health and frail health—I believe the average age of these retirees is in the high seventies, probably near eighty—are being held hostage in some cold-hearted game of chicken. There was a chance in this bill to help them. There was a chance to provide a fix for the program that Congress designed to fulfill our promise to them, but the conferees failed to make that fix. The effort was killed by too many greedy hands grabbing for their own piece of the pie.

I hope the Senate and House committees of jurisdiction—not the Appropriations Committee; the Appropriations Committee has helped time and again—I will act next year to ensure that our Government keeps its promise to these retired miners. Certainly, compassion for the old and the sick should prevail over greed.

It pains me to conclude that this energy conference report, in its totality does not fully integrate four fundamental principles of good energy policy; namely, energy security, fiscal soundness, consumer protection, and environmental balance.

Despite its rhetoric, this White House's lip service and corporate coddling have been the sum total of this White House's energy policy. It began with the Vice President's National Energy Policy plan and concluded with the exclusion of Democrats from the energy conference.

As the Sun begins to shine on this leviathan, I hope that Americans will understand that this Energy bill will do

little to resolve our energy problems, and if it passes, it could very well turn out to be a Pandora's Box.

Madam President, this legislation comes to us at the end of a session, and the Republican majority is attempting to serve up this elaborate and expensive dessert. But these are just empty calories—a delicious photo opportunity for the President, rich filling for industry lobbyists, but, in the end, only empty calories and heartburn for the American taxpayers. Sadly, when all is said and done, the American people will continue to stand in the bread line, hungry for a comprehensive national energy strategy.

Madam President, 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. INHOFE. 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. INHOFE. Madam President, I have listened very carefully to the distinguished Senator from West Virginia and his characterization of this legislation. I have to come to a different conclusion because I believe this legislation before us today is a first giant step. We have been talking about this now for not months but years. I can tell you right now that the problem we are having with energy in America is a very serious problem.

I am from a State that is a production State. We have produced shallow and marginal wells for a long period of time. Sometimes people don't realize how significant this source of energy is. Statistically this is true: If we had all of the marginal wells that have been plugged in the last year flowing today, it would equal more than we are currently importing from Saudi Arabia. That is a huge amount.

I started out, before most of the people in this Chamber were born, in the industry, in the oil business. I was a tool dresser on a cable tool rig. That is the way we used to go after oil, particularly shallow oil, where you would have to take a bit out. You would stand with it, white hot, and sledgehammers on both sides, sharpen it, and then go back and pound. We pulled a lot of oil out of the ground at that time.

If you think about the economy that resulted from all that production, there were good jobs. In the Osage area of my State of Oklahoma, northeastern Oklahoma, we had a lot of shallow wells. I can remember going in to Pawhuska, OK, at noontime to eat lunch. You would have to wait in line 15 minutes to pay your bill. It was because this industry was so viable. Today it is almost a ghost town.

With the passage of this bill, there are incentives in here. Nobody talks about them. There are some things I wish were in this bill. No one is more familiar with the necessity to get into some of the drilling at ANWR, and certainly we need to be doing that. But just look at some of the opportunities that are in the bill.

This bill has an incentive to get back into marginal well production, and that could open up a huge domestic supply of oil and lessen our reliance upon foreign countries. That reminds me of something I often say: Our reliance upon foreign countries for our oil supply is not an energy issue. It is a national security issue.

I remember back many years ago, during the Reagan administration, when Don Hodel was Secretary of Energy and later Secretary of the Interior. He and I had a little dog and pony show. We would go around the country and talk to them about how the outcome of every conflict, every war back to and including the First World War was dependent on who was in control of the energy supply. We talked about the Malay Peninsula. We talked about the submarines coming into the Caribbean to knock down the ships so we could not get to our refineries.

This is something I thought surely people would understand. They didn't understand it. By the way, the fact that we are looking at an energy policy today, this should not really be a partisan issue. I kind of laugh when I hear some of my colleagues on the other side of the aisle saying we don't need an energy policy. I tried to get Ronald Reagan to have an energy policy. He didn't do it. I tried with the first President Bush. I said: Let's get an energy policy. Let's have, as a cornerstone of that policy, a maximum amount that we are willing to depend on foreign countries for our ability to fight a war. He didn't do it. We didn't do it during the Clinton administration. But this President is.

I talked to this President when he was running for office. I said: Will you commit to an energy policy so we can lessen our dependence on foreign countries for our ability to fight a war? Back when Don Hodel and I were going around, we were 38-percent dependent upon foreign countries. Now it is approaching 60 percent. So it is very serious.

Why is it people wouldn't realize that after the Persian Gulf War in 1991, why wouldn't it be indelibly imprinted upon the hearts of every American that we could no longer be dependent upon the Middle East for our ability to fight a war? Yet it didn't seem to help. We picked up a few extra votes but not enough to get a real policy.

I chair the Environment and Public Works Committee. There are a lot of issues that are within the jurisdiction of my committee that are very significant and that are in this bill. One is, it allows hydraulic fracturing to be used by not just Oklahoma but by all States. This is a way of extracting oil out of tight formations. It is something we need to be addressing. It is addressed in this bill.

This clarifies the exemption for oil and gas production from storm water discharge permits. Congress provided this exemption years ago, and a misinterpretation of the exemption had threatened to stop a lot of the small, local production. This clarifies that and will get us back into producing.

This provides a 5 billion gallon ethanol requirement for motor fuel. If anyone ever says there is is not enough renewable energy in this bill, they have not really read this title of the bill. I started working on this issue over 5 years ago, and I am glad to see that a compromise was developed to increase the amount of renewables while ensuring that our Nation's refineries are not adversely affected.

In my committee, we had the renewal of the Price-Anderson bill. We passed it. It is now a part of this bill. So a lot of the things that would otherwise have been on individual bills or have been on a comprehensive bill from my committee are in this bill.

It is necessary to have reauthorization of Price-Anderson in order to provide the protections so we can go after the other sources of oil such as nuclear sources. This establishes a nuclear security program. I think we all, after 9/11, recognize that.

In the committee I chair, we had all the security bills. We had a wastewater security bill. We had a nuclear security bill. We had a chemical security bill. They are all there for the purpose of protecting those vital elements of our economy from a potential terrorist attack. We went ahead and put the nuclear security bill in this. If we don't pass this, it is going to certainly heighten the risk that is out there on something happening to a nuclear plant. So after a lot of effort, we finally have that in here.

This bill provides $300 million for the EPA's clean schoolbus program, another one that came out of my committee.

I am saying there is a lot more to this bill. It doesn't go far enough. I can't look at the lovely acting President in the chair without thinking about ANWR and about going up there. I just wish people who are so concerned about disrupting the environment or something up there in those slopes would go up and look at it. It is not a pristine wilderness. It is a mud flat. All the local people want it.

Here we are down here—we are a lot smarter here in Washington—saying no, in spite of the fact it would alleviate some of our reliance upon foreign countries for our ability to fight a war. We are smarter than they are up in Alaska. We know what is good for them in spite of what they want.

I am very proud of both Senators from the State of Alaska for understanding this, for explaining it. I feel sorry for them that we have such arrogance in this body that we feel we know more about their business than they do.

Our Nation is at the point where access is prohibited to almost every major reserve of oil and gas on our Nation's shores. Furthermore, extremist

environmentalists have declared war on oil and gas wells in the interior of our Nation.

I have had occasion, as I am sure the manager of this bill, Senator DOMENICI, has had numerous occasions to debate people on the other side. We know we have a crisis in energy in this country. Yet there are those on the other side who say: We don't want nuclear energy. We don't want fossil fuels. We don't want oil. We don't want coal. Now they don't even want windmills because they will disturb some migratory bird path.

We have to have it. Look at the flight of industry and business that is going overseas. Right now we have chemical companies that fear they are going to end up not being able to use coal as a source of energy, one that we are depending upon for more than 50 percent of our energy in America today. They have gone over into other countries such as western Europe where they have nuclear energy, where some of the countries, 80 percent of their energy comes from nuclear sources.

This bill is a modest start. But if we don't do this, after being rejected since 1980 and before having an energy policy in America, this crisis we are facing right now is going to be even more serious. It is a modest beginning and one on which certainly, at the very least—I say this to the Republicans—we should at least have a chance procedurally to have an up-or-down vote.

Let's remember what we went through last week for some 39 hours. The big debate there was, let's just get to the point where we can have an up-or-down vote. That is all we want on this, an up-or-down vote. I would hope that some of those individuals who may not be in support of this legislation will at least vote to allow us to have that up-or-down vote.

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. GREGG. 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. GREGG. Madam President, I wish to continue what I think has been a fairly lively and informative discussion on the Energy bill which is before us. A lot of the time has been focused, of course, on the language which exempts the manufacturers of MTBEs from liability and which does it in a retroactive way which is extremely penal to those States that decided to use their rights to try to protect the ground water of the populace by bringing lawsuits and, as a result, will now be barred from those lawsuits, not only prospectively but actually ex post facto.

That seems to be an outrage in and of itself, of course, coupled with the fact an additional $2 billion is going to be spent to subsidize the companies that are producing the MTBE. That just adds insult to injury. The list of issues involving MTBE goes on and on, and they have been explored at considerable length on the floor.

I want to return to another element of this bill that concerns me, and that is the fact that it is extremely profligate in its use of Federal tax dollars and especially the manner in which those tax dollars are used.

It would be appropriate to have an energy policy in this country. That is absolutely necessary, in fact. If we are going to have an energy policy, it ought to be based on three basic purposes: One, it should be based on reducing consumption through, hopefully, conservation; two, it should be based on producing renewables that can be used over and over and, therefore, reduce our reliance on international oil; and, three, it should be based on the need to create more production of resources that can be used for energy.

All of those elements should have some sort of marketplace relevance. In other words, you can't suddenly go out and pervert the marketplace by essentially saying you are going to pick a winner and that winner, even though it may not be commercially viable and even though it may not be even environmentally viable, will be given a dramatic increase in support from the Federal Government simply because it happens to be the item of the day for those folks who happen to be writing this bill.

Unfortunately, that is the way this bill is put together. It is a hodgepodge of little interests—some of them rather large interests, some of them extremely large interests—that were able to get to the table and get their interests taken care of but not in an orderly way, not in a way that had an overarching theme, such as creating conservation, creating renewables, and creating production but, rather, in a manner that says we are going to pick winners and losers; certain segments are going to be the winners, and certain segments are going to be the losers; certain regions are going to be winners to the detriment of other regions; and essentially we are going to try to logroll this bill through the Senate even though on its face it has no relationship to national energy policy.

The list is quite long of items which you have to say, if you are going to try to be kind, are arbitrary—arbitrary at best—but they invade the taxpayers' wallet.

Let me read a few of them: $2 billion for companies in Texas and Louisiana to compensate for their phaseout of the gasoline additive MTBE. I find that to be one of the most outrageous since those companies are also, at the same time, demanding they be held basically free of any liability for having produced MTBE which is such a huge detriment to the country—$2 billion in tax deductions for oil and gas companies for purposes of geological and geophysical expenditures; $500 million for a new loan program for the oil and gas industry to demonstrate and encourage new technology. The program leaves it to the discretion of the Secretary and the loan recipients to establish interest rates and loan repayment schedules.

You have to admit, that is creative. The last time I went into a bank, I, as the borrower, did not get to pick my loan payment rate and my repayment schedule. These are very creative people who sat around this table taking care of your tax dollars.

There is $2 billion in taxpayers' money to be used for cleaning up gasoline and chemical spills from leaking underground storage tanks, a worthy goal, until one learns this fund will even fund cases where the polluter can be identified, letting the polluting individual or company off the hook and putting the hook into the American taxpayer.

There is $2.9 billion in corporate welfare for some of the wealthiest corporations in the fossil fuel industry; $800 million for a loan to build a coal gasification plant in Minnesota; $1.1 billion for the first-ever production tax credit for coal.

The bill expands the solar energy and geothermal investment tax credit to include clean coal investment. That is a unique view of renewables. That is creative use of the term ''renewables''—to throw solar and geothermal in with clean coal; $1.5 billion for loan guarantees for coal plants, more than $1.4 billion over the next 5 years.

The bill establishes a federally funded research and development program to ensure coal remains a cost-competitive source of electrical generation as a chemical feedstock and for transportation fuels. This is a classic example of trying to control the marketplace arbitrarily with tax dollars.

Basically, what we are saying is even if it doesn't work competitively, we are going to subsidize it, and we are going to force it to work in the marketplace to the tune of these billions and billions of dollars. That list goes on.

One of the most interesting ones is what they did with the abandoned mines land fund. This fund collects fees on all coal mines in the United States to clean up the dangerous mines abandoned before 1977. That is an extremely worthy goal. Obviously, we don't want the mines out there, and the damage they do to the environment is significant.

Over $6 billion is needed to mitigate the environmental damage from these abandoned mines, but there is only $1 billion in the fund today. This proposal would reauthorize the fund for another 15 years, reduce the fee to mining companies by 20 percent, and transfer $275 million from the fund to address the deficit in the United Mine Workers Combined Benefit Fund and direct 10 percent of the Federal mineral leasing moneys to address the money owed from the AMI fund to Wyoming and Montana.

Over the next 3 years, the proposal would cost approximately $1.4 billion, but the mines would not get cleaned up because the money would have been siphoned off for these special projects. That is what is called special interest governance. Two billion dollars in the provision could defray some of the costs incurred by utility companies in installing pollution control equipment in old coal-burning plants to comply with the clean air bill. That sounds reasonable except for the fact we have to realize that these plants have been exempt from the Clean Air Act now for over a decade and they were given the exemption so they could work their way into being clean.

Other plants have come online, with the consumer paying the costs of having those plants be clean-air-producing plants. So consumers are paying for new plants but now they are going to get to pay twice—not the local consumers but the region of the whole country is going to get to pay twice for the old plants that do not meet the responsibility and have refused to upgrade their responsibility. Picking winners and losers again in the marketplace in a way that is extremely arbitrary and simply reflects the fact that certain interests were at the table that had the ear of the people who were effective in developing the bill.

Ethanol is a program that has taken on a life of its own. Regrettably, that life is paid for by the whole country, especially by parts of the country which see no significant benefit from this product, at an extraordinarily high cost.

Since 1978, the U.S. Government has granted a multitude of tax incentives and subsidies to promote the growth of the domestic ethanol industry. The industry and its supporters, including suppliers of ethanol—the primary input, corn—maintain that ethanol is an effective and environmentally sound way to substitute for gasoline. However, the huge subsidies given out year after year have benefited few besides the corn growers and the ethanol producers, which are often very large companies.

Despite the claims, ethanol has neither reduced our dependence on foreign oil nor has it significantly reduced pollution. Taxpayers' repeated payments in the form of subsidies to corn growers and ethanol producers, and the opportunity it costs, serves no other purpose than to artificially prop up the price of corn and the ethanol industry.

The list of subsidies that have been developed over the years is rather staggering. In the last farm bill, we put $26 billion into that bill over a 6-year period to assist people who grow corn. This is independent of the ethanol issue. That is $4.3 billion a year. Maybe that is legitimate. The farm program has some serious problems, but maybe that $4.3 billion was legitimate.

It turns out that is just the beginning, because this bill doubles the mandate for the minimum use of ethanol to 5 billion per year, costing the American taxpayer, because ethanol is not an efficient way to produce energy, an extra $6 billion. That means that $6 billion comes from taxpayers across the country in the form of higher prices to pay for an ethanol product which was already subsidized under the farm bill to the tune of $26 billion. Then on top of that, we have to pay to create two new research programs in this bill for ethanol.

One would think, after we had put $26 billion in the farm bill and $6 billion out of the taxpayers' pockets through the direct subsidy of the gasoline, they would have at least had the courtesy to pay for their own research. That is what most market-oriented products do; they go out and they research and determine whether they can produce the product. And they do not charge that research to the Federal Government. They charge it to their end product users, which is us again and we have to pay for it. But, no, that is not the case. We have to pay $12 million in this bill to create two new research initiatives.

Then, on top of the $5.9 billion in subsidies, and the $26 billion in farm subsidies, we also have to give $750 million to the ethanol producers for the cost of building their production facilities.

This is the most incredible program. First, we underwrite the raw material with tax dollars, probably to a point where we actually see the net income of the people who are actually producing the raw materials. That otherwise would be described as a national socialist approach to an economy, certainly not a market economy. Then we have to get people to pay to subsidize the purchase of the product to the tune of $6 billion, and then we have to pay $750 million to build the facilities to produce the product. The list just goes on and on.

On top of all of this, there is another $2 billion of tax credit which goes to the producers of this product in this bill. They were not happy with the fact that the small producers were going to get this tax credit so they had to expand it, so they picked up a whole group of new producers which are much bigger people in the way of income. They essentially doubled the small producer language in this bill. So we now have fairly significant people getting this huge credit. On top of the farm subsidy, on top of the subsidy for purchasing the gas, on top of the subsidy for building the production facilities, on top of the subsidy for researching the production facilities, we have a tax credit.

It is truly an amazing act of largess on the part of the American taxpayer. We all feel very good about this, I am sure. We have been able to pursue a policy in this bill that is essentially spending these types of dollars on our friends who produce this product and manufacture this product. The problem is that by doing this type of a commitment to this product and the producers of the product and the manufacturers of the product, we have totally perverted the marketplace.

We have essentially picked a winner, ethanol, and we have said that winner is going to get so heavily subsidized, and then require that the product be used, plus used in a way that is extremely detrimental to an area such as New England because in New England ethanol cannot be shipped in. It does not transport through pipelines because it is too corrosive in the pipelines. It does not transport by truck or train because it is too explosive. So it has to be put on a ship in the gulf and taken around the Gulf of Mexico and brought up the coast into the ports in the Northeast. So on top of all of the other subsidy that is in this product, we pay a much higher price for this product which we are forced to buy under this bill. It is truly not energy policy. It is simply an initiative to take care of an interest group that may be very legitimate and they are very nice people, and they certainly have good representatives in the Senate and in the Congress generally, but they cannot defend this product as being a competitive product in the arena of what we should be looking at for various options for fuel with this type of subsidy level. There are no market forces at all involved in this product. It is totally a subsidized event, subsidized by all the taxpayers in the United States for the benefit of the few who produce the product. Truly, it is a classic example of how not to do an Energy bill because it totally takes the market out of the exercise.

Then you get into the special interest projects in this bill. We have heard a little discussion of those. We have these green bond proposals. I think the Senator from Arizona pointed out that one of them would build a Hooters restaurant somewhere in Louisiana. That is paid for in this bill with taxpayers' money. You have $1 billion for coastal impact, almost all of which flows to Louisiana. That is basically a special interest initiative. You have a hydrogen research project for a Freedom Car, which is $2.1 billion. The President asked for $1.2 billion, but the lobbyists and somebody decided that just wasn't enough to take care of this interest group.

That sort of reflects this whole bill. The President asked for $8 billion in tax credits, a reasonable number. It was within the budget. I want to come back to that. Instead, we ended up with a $25 billion tax credit bill, three times the price the President asked, and we don't end up with a better energy policy. We didn't get three times better energy policy than what the President proposed because those tax credits are all being used basically to artificially manage the marketplace and to create events within the marketplace which were not able to stand on their own, and as soon as the tax credit goes away, you will not have that production capability because those products

are not viable and they are not competitive for the most part.

In a speech I earlier gave on this bill, I pointed out I went through this once before. We all went through this in the 1980s. At the end of the oil crisis and an embargo in the 1970s, we tried subsidizing different forms of energy at extremely high levels to see if we could not bring them on line and make them competitive commercially. We did shale oil and solar and wind and geothermal. We even did something, I forget the name of it, where we put a ship out in the ocean and ran a pipe in the water and the pipe got cold and we piped it back around. There was some technical name for that. We were building ships to do that.

None of these technologies, except maybe solar and wind, survived, and solar and wind survived in a much different framework than the direction the initial tax incentives pushed them. That is because they were not competitive because, even with those subsidies, they could not compete in the marketplace with the products that were out there beside them.

So, once again, we are seeing that in this bill. It is not energy policy. It is picking winners and losers for the purpose of gaining economic advantage for one sector of the economy over another, one group of people over another, one manufacturing group over another. We have the $1.1 billion proposal to construct an advanced reactor hydrogen cogeneration project in Idaho—$500 million is for the construction, and then we pay $635 million, or as much as is necessary, in order to operate the plant. It is bad enough that we are going to pay to build the plant. But on the face of it, if you are going to have to spend $635 million to operate the plant, you have to conclude the plant isn't too viable as an exercise.

We went through this all, by the way. Idaho had another one of these projects which I suspect is interrelated to this, although I don't know it, which didn't fly because it was too heavily subsidized.

The window is open at the bank of the American taxpayer and their checkbook, with item after item of fairly questionable attempts to try to pick winners and losers in the nuclear industry and to do some things which are of questionable value. I could go through the list, but the list has become fairly public and it probably isn't necessary to review it.

There are a couple of other specific ones. It has been reported that the bill for some reason effectively mandates permanent use of the controversial Cross Sound Cable between Connecticut and Long Island. You tell me what that has to do with energy policy. That is an issue between Connecticut and Rhode Island, and Connecticut is a little upset that we are suddenly stepping into their jurisdiction and making that decision for them.

The Energy bill would build a project on the Iron Range, a $1 billion plus Excel Energy Powerplant for the Iron Range. Well, it is $800 million of loan guarantees for that project. It is probably a good project, but it is hard to understand why we should have picked that project, to put that level of tax dollars into this bill.

The list goes on and on, regrettably, to the point of excess in the area of picking winners and losers, and doing it in a way which has no comprehensible relationship to what one might consider to be producing an energy policy that had a rationale behind it, versus an exercise in simply going into a room and listening to the people who are whispering in your ear on the day when you are writing the bill.

That is a big problem, the fact that the bill is not structured very well as an energy policy bill and doesn't address in a thoughtful way or a comprehensive way consumption of renewables or production.

There are some production initiatives in this bill which do make sense. I think the Alaska pipeline initiative would probably be very good for this country. I wish they had included ANWR.

But overall this bill is just a hodgepodge, and it is excessive. The fact is that it exceeds the President's request by almost three times, which brings me to the next point. This bill is in violation of at least four budget points of order. That is how excessive it is. The bill violates a spending point of order, it violates a tax point of order, it violates a pay-go point of order, to say nothing of the fact that it violates rule XXVIII.

Why? Because it is totally out of touch with our own budget as a Federal Government. We put in place a Federal budget. We put in place a plan for how much we could spend in developing an energy policy, and then we ignore it in this bill. There is no fiscal responsibility at all reflected in this bill but just the opposite in the way it spends money and in the way it treats the budget which we have passed as a Congress. It is hard for me to understand how the administration could endorse a bill which exceeds their level of spending and tax policy by such a significant number.

We have heard numerous complaints about Congress overspending in a variety of areas. This bill just drives through that barrier as if it weren't even there and proceeds on down the road.

The bill has a lot of problems. It has the problem that it is an attack on a region, New England specifically, in the MTBE language. It has the problem that it is not comprehensive in its approach, or at least coordinated in its approach. It is a hodgepodge of various interest initiatives, some of which may score well, some of which may not, but there is certainly no coherence with them.

It is filled with initiatives which are clearly counterproductive to using a marketplace approach, which I think should be the approach we as Republicans would want to use, where we test the product and determine whether or not it can compete in the market, and then we give it support to draw it into the market. But we don't say you don't have to worry at all about the market, as we do in this bill, with a number of different initiatives and production capabilities.

It is expensive. It exceeds the budget by a significant number.

It is hard to defend a bill like this, it seems to me. So that is why I hope when we get around to the issue of cloture, or even the issue of points of order, people will take a very serious look at the failures of this bill on those various accounts.

Madam President, I yield the floor and make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Madam President, I rise today to share my concerns about this Energy bill. An Energy bill is a serious matter. I strongly believe the country needs to achieve a balanced national energy policy.

I did not make my decision to oppose this bill lightly, but unfortunately this bill is even worse than the Senate version. I cannot support it.

Although my remarks will be very brief, my reservations about this bill run deep.

I oppose this bill for several reasons. For one thing, the price tag of this bill troubles me. According to the Congressional Budget Office, this bill will cost the taxpayers $31 billion and is not offset anywhere else in the budget. Our national deficit has ballooned over the past several years, so it is even more imperative that we be fiscally responsible with taxpayers dollars.

In addition to the bill's fiscal implications, I am deeply concerned that the bill repeals the Public Utility Holding Company Act. This critical act protects consumers against abuses in the utility industry. Repeal of PUHCA would leave rate-payers vulnerable and spur further consolidation in an industry that has already seen a number of mergers. Two large holding companies have been created in Wisconsin alone in recent years. Furthermore, the bill does not protect consumers from Enron-style electricity trading practices and market manipulation. The Senate recently went on record in support of an amendment by Senator CANTWELL to bar such abusive practices and I am disappointed that the bill fails to include similar protections. I also doubt that the bill will prevent blackouts like that we experienced last August—this is one of the country's most pressing energy problems, yet the bill does little to address it.

In the area of boutique fuels, the bill also falls badly short. Everyone in my state of Wisconsin is familiar with price spikes during the shift from the spring to winter fuel supply. Wisconsin has pushed for national standards for federally mandated reformulated gasoline blends, or RFGs, to try to broaden the supply and reduce price hikes during RFG shortages. The current bill will just authorize a study about the problem, not solve it. We had a genuine bipartisan effort to try to do this. I cannot understand for the life of me why this was not included in the conference report.

Also, the bill has serious and unwelcome environmental impacts. For example, the bill undercuts the Clean Air Act by postponing ozone attainment standards across the country. This issue was never considered in the House or Senate bill, but it was inserted in the conference report. This rewrite of the Clean Air Act is not fair to cities like Milwaukee that have devoted significant resources to reducing ozone and cleaning up their air. And, as asthma rates across the country increase, this provision could severely undercut efforts to safeguard the air quality of our citizens.

In addition to undermining air quality protection, the bill allows for siting of transmission lines in national parks, grants exemptions from the Clean Water Act and Safe Drinking Water Act for oil and gas companies, and pays oil and gas companies for their costs of compliance with the National Environmental Policy Act. I am also concerned that the liability exemption for MTBE is retroactive to September 5, 2003, which will nullify about 100 ongoing lawsuits. MTBE is found in all 50 States, and high levels are affecting drinking water systems all over the Midwest, including 5,567 wells in 29 communities in Wisconsin, even though the state only used MTBE gasoline for the first few weeks of the phase I program that began in January 1995. As a result of this bill, taxpayers are going to have to foot the $29 billion bill for the national MTBE cleanup.

This bill fails to reduce our reliance on fossil fuels. The Senate energy bill contained a requirement that power companies provide at least 10 percent of their power from renewable energy sources like wind, water, and solar power. The technical term is a renewable portfolio standard. The current bill doesn't contain any renewable portfolio. standard. There's no doubt that we can and should do better on renewable energy to reduce our dependence on foreign fossil fuels.

Although, I support many of the renewable fuel provisions in the bill regarding ethanol, I am troubled by the fact that the bill also depletes vital highway funds for States by siphoning money from the volumetric ethanol excise tax credit.

The content of the bill is problematic, but so is the process of how it was written. My Democratic colleagues who served on the conference had only 48 hours to review the 1,700-page report before the Monday conference meeting. They were virtually shut out of the negotiation process. I regret that the manner in which the current bill was drafted—in secret, closed meetings, without adequate time to review it. This is no way to come up with a balanced national energy policy.

For these reasons, I oppose this bill and I will oppose cloture. I appreciate the need to develop a new energy strategy for this country. I disagree strongly, however, with the measures taken in this bill. This is a bad bill, it's bad for Wisconsin, and it's bad for the Nation's taxpayers.

I thank my colleagues from Oregon and my colleague from New Jersey for their courtesy in letting me give my remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

UNANIMOUS CONSENT REQUEST

Mr. WYDEN. Madam President, on behalf of myself, Chairman GRASSLEY, Chairman LOTT, and Senator BYRD, I ask unanimous consent the Rules Committee be discharged from consideration of S. Res. 216; that the Senate proceed to its immediate consideration; the resolution be agreed to, and the motion to reconsider be laid upon the table, without any intervening action or debate.

Mr. BURNS. Madam President, reserving the right to object, and I will object, this is mistimed to be considering this rule change on this piece of legislation. On behalf of some Senators on this side of the aisle I will have to object to the Senator's request.

The PRESIDING OFFICER. The objection is heard.

Mr. WYDEN. Has the Senator objected? I was under the impression you reserved the right to object.

Mr. BURNS. I reserved the right to object, and I did object.

Mr. WYDEN. Madam President, in light of the objection, on behalf of myself, Chairman GRASSLEY, Chairman LOTT, and Senator BYRD, I ask unanimous consent that no later than March 1 of 2004 the Rules Committee be discharged from further consideration of S. Res. 216, if not reported, and that the Senate proceed to the consideration of S. Res. 216 at a time determined by the majority leader following consultation with the Democratic leader.

Mr. BURNS. I object.

The PRESIDING OFFICER. The objection is heard.

## MORNING BUSINESS

Mr. WYDEN. Madam President, I ask unanimous consent there now be a period of up to 20 minutes of morning business under my control to discuss S. Res. 216.

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

## ENDING SECRET HOLDS

Mr. WYDEN. Madam President, my good friend from Montana and I have worked together on so many issues. He has objected to this bipartisan resolution which would give the Senate a chance to end one of the most pernicious practices in Washington, DC, and that is the practice of secret holds.

Walk down Main Street anywhere in the United States, and I bet you would not find one out of a million Americans who know what a secret hold is. The hold does not appear anywhere in the dictionary. It is not even in the Senate rules. Yet it is one of the most powerful weapons that any U.S. Senator has. It is, of course, a senatorial courtesy whereby one Senator can block action on a bill or nomination by telling the respective Democrat or Republican leader that he or she would object. The objection does not have to be written down, and it does not have to be made public.

It is a little bit like the seventh inning stretch in baseball. There is no official rule or regulation that talks about it, but it has been observed for so long that it has become a tradition.

Now, the capacity to use this hold, which is in secret—there is no transparency, no accountability—the prospect of using these secret holds is notorious and has given birth to several intriguing offspring: The hostage hold, the rolling hold, and the May West hold. Suffice it to say, at this time of the year secret holds are more common than acorns around an oak tree.

Senator GRASSLEY and I have been working on this for almost 7 years. I am extremely proud that the chairman of the Rules Committee, Senator LOTT, has joined us on this matter. Senator BYRD is a cosponsor. There is no one in this body who has a better understanding of the rules than Senator BYRD, and Senator BYRD has made it clear this practice is out of hand. It is out of hand because the rules are designed to expedite the business of the Senate and not hold it up.

What we heard earlier in the objection to the effort to end secret holds is emblematic of what has happened. The objection was based on the idea that now was not a good time for the Senate to address this. It is never a good time to address it if you are in favor of doing business behind closed doors. If you are in favor of doing the public's business without accountability, it is never a good time. If you are in favor of doing business in secret, of course, we are never going to bring it up in the Senate.

The minority leader, Senator DASCHLE, has been supportive of this effort from the very beginning. From the very first day I went to him to discuss this, he said: You are right. The hold is an important power for a member of the Senate, but it ought to be exercised with some accountability.

So there was no objection from this side of the aisle. Unfortunately, we had an objection from the other side. I

think it is unfortunate because I have sought throughout—throughout—to make this a bipartisan effort.

Chairman GRASSLEY and Chairman LOTT deserve an extraordinary amount of credit for the effort to work with me and with others on this issue. The fact is, during this time of the session, one Member of the Senate can spend days asking all 99 other Senators whether they have a secret hold, only to find that Senator does not even know about the secret hold because it was generated by staff.

The Senator who can successfully track down and lift the last secret hold almost feels around here as if they have won the national title.

Every Senator has a favorite example of torturous search for the sponsor of a secret hold. My favorite was during the Rules Committee hearing on holds, Senator DODD—by the way, who, is very supportive, like Chairman LOTT, of this proposal—we heard about the chairman trying to call Senators in airports around the country, trying to find out who had a hold on a bill. Senator DODD was concerned about this when he was faced with his election reform bill.

I went through the very same exercise on the spam bill where I had to literally go from desk to desk in the Senate to find out who was holding up a measure that everybody was for. Everybody said they were against spam but there were holds, and we had to try to figure out where they were.

The same thing happened on the Internet tax bill. At one time there were seven holds on the Internet tax bill. When I tried to find out which Senators had the holds, I was told that this information would not be shared with me.

Think about the consequences of not dealing with that issue. I say to my colleagues, we may have a virtual ''Grinch'' visiting the consumers of this country because the Senate has not dealt with the Internet tax issue. Come the holiday season, if some States and localities choose to do it, they can go out and tax e-mail, they can go out and tax Internet services that are delivered through wireless devices or DSL because the Senate has not updated the law. I believe it has not updated the law because there was not the opportunity to have a real debate, and we were held up because there were secret holds.

I am very pleased that the distinguished chairman of the Rules Committee has come to the Chamber to join me in this effort. Perhaps more than any other Member of this body, he understands the implications of this because of his service as chairman of the Rules Committee as well as having served as the distinguished majority leader of this body. He has held hearings on this issue. He reached out to Senator BYRD and Senator GRASSLEY.

We have been working on this issue for years and years. At this time of the session, the secret hold is all powerful. It is one of the most powerful weapons that a Member of Congress has. We do not seek to have it stripped from the Senate. We do not come together on a bipartisan basis to say, let us outlaw the holds. We come together—Chairman LOTT, Senator GRASSLEY, Senator BYRD, and myself—to say: There ought to be some sunshine.

Our proposal is for sunshine holds, for saying that the powers exercised by a Member of the Senate should be accompanied by some accountability. You ought to be straight with your constituents.

My good friend, the chairman of the committee, is here. I would like, without losing the remainder of our time, to yield to the distinguished chairman of the Rules Committee, who has been so supportive of the effort to end secret holds, so he could make his remarks, knowing he has a very busy schedule.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered. The Senator from Mississippi.

Mr. LOTT. Mr. President, could I inquire about what time remains for Senator WYDEN?

The PRESIDING OFFICER. Twelve minutes twenty seconds are remaining.

Mr. LOTT. Thank you very much, Mr. President.

I believe this is an issue whose time has come in the Senate. It is an issue I am very familiar with because I have dealt with holds, both as a Senator as a leader. I have placed holds, and probably over the years some of them have been anonymous, not so much out of intent, just that is the way it was.

I remember talking to Senator WYDEN years ago, and Senator GRASSLEY, about what we could do to have a better understanding of what a hold is and how it works and what could we do to stop the anonymous holds. Senator DASCHLE and I even got together on a letter and tried to clarify how holds should be handled, and what they mean, and how Members should deal with them, by telling the committee chairman or the sponsor of legislation that they had a hold. But there was no enforcement mechanism, so it did not happen.

At this time of year, holds are particularly a problem for the leadership. Republican or Democrat, this is not a partisan issue because when they pop up right at the end of the session, it could be unrelated to the nominee, unrelated to the bill. They can be a part of a rolling hold. But with all the warts of the hold, it is something Senators prize, maybe even treasure. But I do not see how anybody can defend them being anonymous.

If there is a secret hold on a bill or a nominee, and it is just at this time of year, it is almost impossible for the leadership to deal with it. The leader, he tries to track down who has the hold, and sometimes the staff will not even tell you who has the hold because they have a problem.

I can remember tracking down Senators in their hideouts, finding Senators in airports, saying: Please, this is the Deputy Secretary of State or this is a Commissioner who needs to be confirmed.

It is not good for the institution. I think someday we should even look at the whole practice of holds. You have an institution where one Senator—one Senator alone—particularly at the end of a session, can defeat a nominee or a bill anonymously. There is something wrong with that. You are putting your constituency or the constituencies of others and 99 Senators at the mercy of one.

There is this feeling here in the institution that we cannot touch the traditions or the precedents or the rules of the Senate. They are sacrosanct. They are holy. How do you think they got there? Changes were made. Improvements were made. Or problems were created.

So that is why I do commend Senator WYDEN and Senator GRASSLEY for being doggedly persistent on this issue. I do not wish to be a part of a process or an effort that causes difficulty for the leaders. They have enough problems now. They are concerned with the Energy bill, the omnibus bill, the Medicare prescription drug bill, the FAA bill—you name it. So I do not want to contribute to their problems.

But I do think something needs to be done here. I think we need to address the overall issue of holds, but at the very minimum we should have some way to deal with secret holds.

When we sent the letter, as I suggested earlier, we required Members to notify the sponsor of the legislation, the committee of jurisdiction, and the leaders of their hold. It had a little effect for a little while. Senators sort of said: Oh, yeah. OK.

By the way, what is a hold? A hold is a notice by the Senator—to the staff, usually—that before a nominee or bill is brought up, they want to be notified so they can debate it or so they can reserve all rights to amendments. That is all it really is.

Now, if it is anonymous, that makes it even more damaging. But it is a problem for the leader because you try to get the work completed, and the threat of a filibuster or endless amendments basically kills it. So since there was no enforcement mechanism, it just did not accomplish what we wanted it to accomplish.

This resolution would place a greater responsibility on Senators to make their holds public. It creates a standing order that would stay in effect until the end of this Congress. This is something that Senator BYRD had suggested, that maybe was the solution that would do the job. We can see how it works. Let's make it a standing order, not change the rules. Let's make it apply to the rest of this Congress, which would be next year. If it works, great, we might want to build on it. If it does not, it is dead.

The order requires that the majority and the minority leaders can only recognize a hold that is provided in writing. I put a hold on a nominee today. I said: Please put a hold on this nominee. Letter will follow. So I put it in writing and it is not a secret thing.

Moreover, for the hold to be honored, the Senator objecting would have to publish his objection in the CONGRESSIONAL RECORD three days after the notice is provided to the leader. That is critical: notice. That is all really we are looking for here: Understand what a hold is; put it in writing; and make it well known.

A hold should be left to the wrestling ring, not to the Senate, and it certainly should not be in secret.

I hope the leadership, Senator FRIST and Senator DASCHLE, will work with Senator WYDEN and Senator GRASSLEY to find a solution that will allow us to do this. The light of day always has a purifying effect. This is getting to be very moldy. We need to deal with it. Again, I emphasize, I am for this because I think it would be good for the institution. I am for it because I think it is the right thing to do. I am not for it because I am trying to cause problems with the leaders. Heaven forbid, I don't want to do that. Actually, we are trying to help them deal with a problem. They are hesitant to do it because I know Senators are going to slip up next to them and say: Wait a minute, you may not want to change anything here. This is the way it has been done.

I challenge the Senators to stand up here and say they should not at least make it public. We can't have cowardice on something that is affecting people's lives and on legislation that affects our country.

I guess I am getting a little carried away. I agree with the Senator. I am going to continue to work to try to find a way to be helpful in getting this issue addressed because I think it is time we do it.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, how much time remains under my control?

The PRESIDING OFFICER. Twelve minutes 20 seconds remain.

Mr. WYDEN. I thank the Chair.

Mr. KYL. Will the Senator yield for a question?

Mr. WYDEN. I am happy to yield without losing my time.

Mr. KYL. Mr. President, I ask unanimous consent that following the Senator from Oregon, at the conclusion of his remarks, the order of speaking be Senator SUNUNU for 15 minutes, Senator LAUTENBERG for 15 minutes, Senator MURKOWSKI for 15 minutes, Senator CANTWELL for 30 minutes, and Senator KYL for 10 minutes.

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

The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, I thank the distinguished chairman of the Rules Committee for his eloquent statement. He has been so supportive of this effort. Essentially what he and I and Senator GRASSLEY have been talking about is the quaint notion that the public's business ought to be done in public. This is not a complicated idea.

As I have mentioned earlier, I am sure the vast majority of Americans have no idea what a secret hold is. It is not written down anywhere. This is something you wouldn't find 1 of 1,000 people having any idea about. But this is, in fact, one of the most powerful weapons, one of the most significant tools a Member of this body could possibly have. It is utilized without any accountability whatsoever.

The distinguished chairman of the Rules Committee pointed out in hearings, and we heard it echoed by Senator DODD, the bizarre kind of process of trying to track down Senators who are thousands of miles away from Capitol Hill and still claiming to have an objection when, in a lot of instances, they may not even know about it; their staff will have objected to it.

So what we have sought to do in this effort is to not limit the powers of any Member of the Senate but simply to say that power ought to be accompanied by responsibility. Yes, there should be rights. There ought to be rights of every Member of the Senate to stand up and be heard on matters important to their constituents and to this country. But there also ought to be responsibilities.

Chairman LOTT has addressed this issue very eloquently by saying one of our most important responsibilities is to let the public see what we are up to. Yes, sunlight is the best disinfectant, but it is especially important, as Chairman LOTT has noted, at the end of a session.

If someone exercises a hold in the beginning of a session, there is an opportunity, as the distinguished chairman of the committee has noted, for the leaders to come together with the chairs and work out an effort to resolve a matter in a process that is fair to all sides.

When you are down to the last few days of a session and you are talking about a measure that may involve billions of dollars, the well-being of millions of our citizens, someone can exercise the power to hold up the public's business without any accountability whatsoever. What happens is then the leaders and the chairs traipse all over here, practically going almost the equivalent of door to door, desk to desk on the Senate floor. It got to a point, when I was trying to deal with one particularly exasperating hold, where a Senator came up to me and apologized because he was told there was a hold about which I was concerned. He said: I knew nothing about it. It was put on by a staff person. I asked for its removal.

There are a variety of technical issues on which Chairman LOTT and Chairman GRASSLEY and Senator BYRD and I have worked. There is a difference between a consult and a hold. A consult, in effect, is just a request to be informed when a measure is going to be brought up. A hold is something different. A hold is when you want to shut down the effort to go forward and examine an important issue altogether. It is all powerful in the last few days of a session, as the distinguished chairman of the Rules Committee, Senator LOTT, has noted.

There is something very wrong with the process when, in effect, you have to traipse all over the Senate trying to figure out whether or not your measure is going to see the light of day.

We have had an objection to our bipartisan effort today, but I think I speak for all of the sponsors when I say we are going to be back at it. Chairman LOTT has initiated a very important process in the Rules Committee to examine some of the antiquated practices of the Senate. The holds is one that we see working great injury in the last days of a session. But under the leadership of Chairman LOTT, we are going to be looking at other practices in the Rules Committee. I think that is long overdue. I have great confidence that the chairs, Chairman LOTT, Chairman GRASSLEY, Senator BYRD, who knows more about the rules of the Senate than I could ever dream of knowing, are going to be able to work with us on a bipartisan basis to address this responsibly.

We have done that. We have asked only that this be done for the rest of this session. I personally do not believe Western civilization is going to come to an end because a Member of the Senate has to be clear about whether or not they are holding up the public's business. But to make it absolutely clear what would transpire, we have in effect a test period, as Chairman LOTT has described it, to examine the effect of our sunshine holds, a process that would end some of the stealth and secrecy that surround this issue.

I ask unanimous consent to add Senator DAYTON as a cosponsor of S. Res. 216.

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

Mr. WYDEN. I see Senator LOTT and other colleagues have other business to attend to. I will wrap up only by quoting the foremost authority on Senate rules who served as majority leader of the 95th, 96th and 100th Congresses; that is, our friend and colleague, Senator ROBERT C. BYRD. In chapter 28, ''Reflections of a Party Leader,'' volume 2 of his publication in the Senate, Senator BYRD wrote:

> To me, the Senate's rules were to be used when necessary to advance and to expedite the Senate's business.

Giving the sunshine hold a place in the Senate's rules, creating sunshine holds so as to ensure that there is new openness and new accountability in the way the Senate does its business, seems to me to be an ideal way for the Senate to honor those eloquent words of Senator BYRD.

We have not been successful today, despite the best effort of Chairman LOTT, Senator GRASSLEY, and others. But we will be back. This practice is continuing to increase. Even when I came to the Senate, I found it used frequently but not to the extent it is being used today. It is time to do the public's business in public. We will stay at this effort to accomplish just that.

I yield the floor.

Mr. GRASSLEY. Mr. President, I rise in support of the resolution to end secret holds in the Senate. Senator WYDEN and I have worked long and hard on this issue and it is time for the Senate to act decisively to reject the practice of placing anonymous holds.

A hold, which allows a single Senator to prevent a bill or nomination from coming to the floor, is a very powerful tool. Holds are a function of the rules and traditions of the Senate and they can be used for legitimate purposes. However, I believe in the principle of open government. Lack of transparency in the public policy process leads to cynicism and distrust of public officials. I would maintain that the use of secret holds damages public confidence in the institution of the Senate.

Our resolution would establish a standing order for the remainder of this Congress that holds must be disclosed publicly. For my colleagues who might be apprehensive of this change in doing business, I would point out that this measure would only be in effect for the current Congress and would not formally amend the Senate rules. Nevertheless, a standing order has essentially the same force and effect in practice as a Senate rule. I have no doubt that, once instituted, this reform will be found to be sound and no reason will be found why it shouldn't be renewed in subsequent Congresses.

For several years now, I have made it my practice to publicly disclose any hold I place in the CONGRESSIONAL RECORD, along with a short explanation. It's quick, easy and painless, I assure my colleagues. Our proposed standing order would provide for a simple form to fill out, like adding a cosponsor to a bill. The hold will then be published in the CONGRESSIONAL RECORD and the Senate calendar. It is as simple as that.

I am very pleased to have the support of Chairman LOTT and Senator BYRD on this initiative to require public disclosure of holds. Earlier this year, Chairman LOTT held a hearing in the Rules Committee on the Grassley-Wyden resolution to require disclosure of holds. Since that time, my staff has worked together with staff members for Senators WYDEN, LOTT, and BYRD to come up with what I think is a very well thought out proposal to require public disclosure of holds on legislation or nominations in the Senate. I think it says a lot that this proposal was written with the help and support of Senator LOTT and Senator BYRD. As the chairman of the Rules Committee and a former majority leader, Senator LOTT brings valuable perspective and experience. It is also a great honor to be able to work on this issue with Senator BYRD, who is also a former majority leader and an expert on Senate rules and procedure.

I am disappointed that we cannot move forward with this resolution now, but I would urge my colleagues to join the growing coalition of Senators who are working to shed some sunlight on some of the most shadowy parts of this body so that we can ensure open and honest debate on the issues before the American people. I believe that the more we talk about secret holds, the more the consensus grows that this is an issue that must ultimately be addressed by the full Senate. You can be assured that we will keep pushing forward until that happens.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 15 minutes.

## ENERGY POLICY ACT OF 2003—CONFERENCE REPORT—Continued

Mr. SUNUNU. Mr. President, I rise to add my voice to the very spirited debate we have had about the Energy bill. A number of Members have come to the floor to talk about specific provisions—the concern for the liability waiver for MTBE, in particular.

I want to step back and talk about the bigger picture—about the financial health of our country and the impact that this Energy bill, given its enormous size, will have on the long-term health of our budget, as well as our economy.

During the budget debates, we hear a great deal about fiscal responsibility. People love to talk about fiscal responsibility in the abstract. When you are looking out 10 years and are talking about surpluses or deficits, or more broadly about revenues or spending, it is all about fiscal responsibility. But they don't like to talk about it as much when we have a specific piece of legislation on the Senate floor, as we have now, that will draw from the Federal Treasury and start spending that money in a way that I don't think is very well thought out. I certainly don't think it will have a very positive effect on our economy.

In particular, if we look at the Energy bill and its scope and size, it not only breaks the budget that was agreed to just 6 months ago, it not only violates the budget once or twice or three times, it is in violation of the Budget Act in four different ways. In fact, in one area in particular, on spending, it violates the Budget Act three different times. A point of order, as has been indicated by the budget chairman himself, lies against this bill. It violates the budget caps, busts the budget by over $800 million next year alone, by more than $3.4 billion over the next 5 years, and by $4.3 billion over a 10-year period. It breaks the budget cap, breaks the budget agreement, and violates the Budget Act. That is a lot of money—800 million dollars, $3.4 billion, and $4.3 billion over the next 10 years.

I think at a certain point we have to draw the line. We have to say energy is important to the country, markets are important to the country, competitiveness is important to the country, but we can achieve these things without violating the budget agreement that was just put into place several months ago.

The bill includes new mandatory spending, which is effectively on automatic pilot, where once the bill is signed into law, the spending will take place automatically, without appropriations and without any new legislation passed. So it is $3.7 billion in mandatory spending over the next 5 years, $5.4 billion in new mandatory spending over the next 10 years. In addition to that, we have all the authorized spending in the bill—over $70 billion in spending is authorized over the next 10 years.

Looking at the authorization language, the different programs—dozens and dozens of different programs—total over $70 billion. These programs are effectively picking and choosing among different ideas and innovations and areas of the energy industry, picking winners and losers among the different competing forces. That is where we need to be very careful about the impact a bill like this would have. Why should any legislator, or bureaucrat, for that matter, be trying to pick the winning or the losing energy technology or innovation 5 or 10 years out into the future? We are not experts in this area. We are not scientists. We don't dedicate our lives to understanding the nuances of new energy technology. We certainly should not be writing legislation that picks those winners and losers in the marketplace.

If you read through—just to touch on a few to get a sense of what I am talking about—$250 million is in the bill for photovoltaic energy commercialization, the use of photovoltaic energy in public buildings. Photovoltaics is an interesting technology, perhaps a promising one. But to spend $250 million to try to commercialize this in public buildings suggests that we know, as Senators, that this is the right energy source to use in public buildings for the foreseeable future.

Why not let the market compete? Why not let investors step forward to build or renovate or improve public buildings, to use energy more efficiently in public buildings, pick the best contractor, the best product, the product which delivers the best value for the public? Why do we have to spend $250 million biasing the marketplace? There is $125 million for a coal technology loan. It turns out this particular one will actually go to convert a clean coal technology plant into a traditional coal-fired generation plant.

Elsewhere in the bill, we have a couple of billion dollars to subsidize the clean coal technology industry. So this

is a case where maybe we are just not sure what the winner is going to be, and we are trying to hedge our bets. There is nearly $100 million in the bill for the reduction of enginizing heavy-duty vehicles; reduce the amount of heavy duty vehicles' idle—I suppose in traffic, or sitting at the truck stop, or wherever else it might be. Energy efficiency in heavy-duty trucks is a great idea. Somebody tells me that those who build, manufacture, and own and operate heavy-duty trucks have a financial incentive not to waste the diesel fuel they use to drive the trucks all over the country. I don't think they need a subsidy of $100 million for us to do the job that they ought to be doing to make themselves more competitive and ultimately earn more money in the marketplace.

Engine testing program, $25 million. Why should we be subsidizing the testing of commercial engines that companies or industries use to operate and earn a good living, as they should?

Here is another very interesting one. The next generation of lighting initiative; $250 million for the next generation of lighting. We have next generation Internet. I am still not sure why we put a billion dollars or $2 billion into that. The Internet is probably the one area of our economy that has attracted more capital faster than any other idea in our history. Why the Federal Government should be subsidizing that, I don't know. Why we should be subsidizing new lighting technologies, I certainly don't know. There are wonderful companies that make great lighting products, such as halogen lights, neon lights. I could name a few companies, but I am sure I will leave some out.

When we go to the Home Depot to buy lighting products or to the local hardware store or COSTCO and buy lighting products, we know who the competitors are. Why does the Federal Government need to spend $250 million to help develop better or newer lighting?

Somebody might say we are working on more efficient lighting. If you build a better light bulb that is less expensive to use and/or less expensive to sell, I bet customers will recognize that value. It is a mature industry, a well-understood industry. You don't need a Ph.D. to understand why you would use a light bulb, how you use one, how much it costs, and what the value is. That is the classic example of an industry that certainly doesn't need a taxpayer subsidy.

Let's recognize that all of this spending—$250 million for lighting, $125 million for a coal loan, $2 billion for MTBE producers—is not money just being printed out in a back room somewhere. These are dollars that we are collecting from working families, men and women who work very hard. We collect their Federal taxes and we have an obligation to be fiscally responsible and to do a thoughtful job in the way this money is spent in Washington.

We have new mandatory spending, we have authorized spending, and then we get to the tax subsidies, some $25 billion. The President recommended only $8 billion. The Senate recommended $18 billion. It comes out of conference with the House and Senate at nearly $25 billion in tax subsidies, loan guarantees for diesel fuel plants, loan guarantees for three new coal plants. A loan guarantee to build any of these new plants effectively puts the taxpayer on the hook for all, or a very significant part, of that facility.

Again, I think the coal industry is a terrific industry, and also the oil and gas industry, electricity generation, wind power, hydropower, solar power. What we ought to be working toward, however, is a level playing field where these competing ideas and competing technologies can provide electricity, can provide power, can provide energy so consumers and investors can make good decisions about where to put their money and which one of these competing technologies to buy.

There are certainly some good provisions in this legislation. I think the electricity title takes important steps. I support repeal of the Public Utility Holding Company Act. We have better reliability standards in this legislation for our electric grid. We have regulatory reform which I think is important for building out the electric infrastructure and avoiding future crises, shortages, or blackouts. But we can do all of these things without busting the budget. We can do all of these things without violating the Budget Act. We can do all of these things without coming back with a bill that has three times the tax subsidies the President proposed.

Like so many Energy bills I have seen in my short time working in Congress, this bill is full of some very grandiose pipedreams. One of my favorites is the hydrogen car—$2 billion for the hydrogen car. We are just coming off a $2 billion bender known as the Partnership for the Next Generation Vehicle. Mr. President, $2 billion of taxpayers' money was spent to try to develop an electric car that was going to be a hybrid electric car, a hybrid combustion engine and, at the end of the day, it was a failure—$2 billion later. It had no material impact on the delivery of more energy efficient vehicles into the marketplace.

Someone somewhere suddenly decided: It turns out the car of the future is not an electric car, the car of the future is really a hydrogen car. We must have gotten that whole electric car thing wrong. Forget about that Partnership for the Next Generation Vehicle; it is really the hydrogen car, and we only need $2 billion to do it.

I don't know if hydrogen is going to propel vehicles in the future. It would be terrific if it did. I think the right way to get the answer is to let the marketplace decide, to let competing technologies and ideas in the marketplace decide; put those ideas out, attract capital, attract investment, do the research and development, and, believe me, if somebody develops a cost-competitive electric car, let alone a hydrogen car, they are going to make a lot of money because there is a demand for that in the marketplace.

People are willing to pay for a cheaper vehicle. People are willing to support initiatives that not only fulfill the needs in their daily lives traveling around but also help keep our environment a little cleaner by reducing emissions.

We have coal gasification, at $1 billion or so—nearly $1 billion for a coal gasification initiative. Twenty years ago, it was all about synthetic oil. That was clearly going to be the energy of the future—the fossil fuel energy at least. I guess we must have gotten that one wrong because we spent $4 billion, $5 billion on that, and it turns out it is really not cost competitive. So we are going to go with coal gasification. Maybe that is what we meant to say or we learned a little bit since then.

Now we can see the future much more clearly, and we are going to start out with a little bit less than $1 billion, but you can be assured that over time it is going to be a lot more than that.

These are pipedreams. These are important visions for scientists or technologists to have, and we want them to put some funding or risk some capital for these ideas. The question isn't whether they are interesting ideas or whether they are even worthy of investment but whether they are worthy of taking Federal money, taxpayer money, and putting that money at risk in a marketplace that should be able to stand on its own, compete on a level playing field, and continue to deliver the innovation and technology of which I think most Americans would and should be very proud.

We can do a lot better than this bill. We can do better than a bill that busts the budget. We can do better than a bill that has a $25 billion grab bag of tax subsidies that distort the marketplace of ideas and the marketplace of capital. We can do better in terms of legislation that should be promoting a very competitive environment and, therefore, a stronger, more robust economy, but instead, in distorting the marketplace, I think we will do great damage to our economy.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SUNUNU. I ask unanimous consent for 1 minute.

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

Mr. SUNUNU. Mr. President, we can do better than this legislation. Frankly, we need to do better than this legislation because if we don't, I am afraid if we adopt this conference report, this will become the standard method of operation, the standard way we approach science, technology, and energy: That

we get together in a room in a conference or in a committee, and we sit down as Senators and we try to pick the winners and the losers; that we distribute subsidies in the way of spending or we distribute—in some ways this is even worse—subsidies in the way of added complexity to the Tax Code. Instead of ending up with an economy that is robust, an economy that is the envy of the world, an economy that encourages new ideas and innovation, we end up with some sort of variant of what has already been defeated in the Eastern European countries and in the former Soviet Union—a manipulated government-subsidized enterprise or government-run economy where bureaucrats or elected officials try to pull the strings, but to no avail, degrading the economy, making it less efficient, making it less robust, and not discovering those very entrepreneurs we know are the heart and soul of the prosperity we enjoy.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that following the statement of Senator KYL, Senator GRAHAM of Florida be recognized for 20 minutes.

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

Mr. LAUTENBERG. Mr. President, I rise to join many of my colleagues in strongly opposing this Energy bill. The opposition is not reserved to only Democrats; the opposition is for those people who think about the implications of this bill and the serious concerns it raises.

For one thing, it is terribly lopsided. It is out of balance. It is heavily weighted toward the industry because it was written by just a few select individuals with almost no conference input by Democrats.

The bill is an embarrassing example of the public's worst fears about Washington power politics, and those power sources are the oil and gas lobbyists downtown. Though it is called the Energy Policy Act of 2003, this bill promotes the outdated policies of a generation ago. It should be called actually the Energy Policy Act of 1903. The policy here is simple: Drill for oil, drill for natural gas, dig for coal.

While the country needs oil, natural gas, and coal, we also need leaders with a vision to promote clean sources of energy that won't harm the health of our children, our grandchildren, and future generations. It is the 21st century, and we have the technology to do better.

According to the Congressional Research Service, between 1948 and 1998 the Federal Government subsidized the energy industry by well over $100 billion. Unfortunately, less than $1 in $10 was used to promote renewable energy, that which you can find relatively easily and without the pollution that our present energy sources convey to the public.

Now, in this single bill, we are being asked to spend another $50 billion to $100 billion on tax credits and loan guarantees to the oil, gas, and nuclear industries. How will all of those taxpayer dollars be spent? They will be spent on a long list of brazen giveaways to polluting uranium companies, Archer Daniels Midland, to MTBE producers, and for a smattering of goodies and pet projects.

Taking care of special interests has become a hallmark of this Congress. Peter Jennings highlighted it in a perfect example on the evening news the other night. He reported that taxpayers have so far contributed $1.3 billion to subsidize wealthy individuals who buy the biggest gas guzzlers sold in America. As he pointed out, one couple received $17,000 in tax breaks on their new SUV and boast: ''We have decided to take two extra vacations this year with the money we saved.'' But for the energy they used, they pose a whole different kind of issue.

Why is the answer around here always to hand over cash to rich people and successful companies? Can we really justify turning over the hard-earned tax dollars of Americans, who do not earn enough to benefit much from the Bush tax cuts, to companies flush with cash?

Here is an issue that was announced August 1, 2003: ''Chevron Quadruples Profits.'' It goes on to say:

> Oil giant Chevron Texaco increased quarterly profits four times to $1.6 billion.

Their revenues soared to $29 billion in the quarter. Do these companies really sound as if they need Government subsidies to do their job? Not to me.

We have the perfect opportunity to guide the country toward clean, renewable energy. Yet most of the bill's tax credits for efficiency and renewables last only 2 or 3 years. Any business person knows this is not a sufficient time period to encourage significant investments and technology development.

We Americans have always set ourselves apart by our ingenuity and creativity. Today, amid an avalanche of promising scientific discoveries in the field of energy, the majority can see no further than the lobbyists' interests which this bill follows to the letter.

Recently, I read that in Amsterdam, a major European chip manufacturer has discovered a new way to produce solar cells that will generate electricity 20 times cheaper than today's solar panels. ST-Microelectronics, Europe's largest semiconductor maker, says that by the end of next year it expects to have the first stable prototypes ready. If a decade ago we had been serious about promoting renewable energy, that discovery could have been made by an American company, but such breakthroughs are unlikely with the minimal incentives offered in this bill for development of better ways to be less dependent on the energy sources we have now.

It is also disheartening that this bill grants exemption after exemption to the Clean Water Act, the Clean Air Act, and other protective laws. I do not really understand it. Is boosting the profits of giant companies really more important to the bill's authors than the health of the American people?

Let us talk about just one of the riders slipped in by House Republicans without a vote from either the House or the Senate. This was snuck in during conference. This rider amends the Clean Air Act, gives cities an easy out if they find meeting the new ozone standard is difficult due to transboundary pollution. It requires EPA to grant them an automatic extension. It does not say for how long. It fails to define the conditions that would precipitate such an extension.

The result of this rider, of delaying implementation of the ozone standard for just 1 year, is severe. That rider is estimated to cause 390,000 more asthma attacks, 44,000 of those in my State, 5,000 more hospitalizations, and 570,000 more missed schooldays. That is the result of just one of the many exceptions carved out of our environmental laws by this bill.

Among my nine grandchildren, I have two who are asthmatic. The rate of asthma among juveniles is growing substantially. I lost my sister to an asthma attack. It was obviously a devastating event in our family's history. To those who see kids with asthma get fatigued after participating in sports or otherwise, it is the kind of anguish that drives parents to all kinds of anxieties.

The bill fails the American people on every level. It fails to boost our energy security, it fails to safeguard electricity consumers, and it fails to protect the environment.

It is astounding to look at what this bill does not do. While automobiles account for a whopping 40 percent of our Nation's growing oil addiction, the bill does not address fuel economy at all. The bill comes at the very time when fuel efficiency has arguably never been more important. America's fuel economy is at a 22-year low. Today, the United States spends $200,000 every minute on foreign oil. But the economic costs of weak fuel efficiency requirements go far beyond just the cost of oil. If we include the major oil price shocks of the last 30 years and the resulting economic recessions, the cost goes up at least $7 trillion.

Given these hard facts, one would naturally expect a national energy policy to aggressively pursue decreases in oil. It does not. Just the opposite. It generously promotes increases in oil use while tossing what I would call petty cash toward energy conservation, energy efficiency, and renewable energy.

We never hear a word—and this has happened in Democratic as well as Republican administrations—about sacrifice, conserve, think about what happens when more fuel is ground into toxic emissions. It is terrible that we cannot understand there is a mission attached to saving oil and gasoline use.

It is amazing what this bill fails to do on electric policy. This bill contains only one of three provisions the country must enact to prevent another massive blackout such as the Northeast experienced last August. We are being asked to support a dirty Energy bill in order to get one of the fundamental regulatory reforms to our electric grid system. I say the bad outweighs the good, and I cannot support it.

Around here, it is often said that the perfect is the enemy of the good, but I say the bad far outweighs the good as an alternative.

The administration's energy and environmental policies reflected in this bill are so utterly transparent in their goal of more corporate welfare that the consultant, Frank Luntz, warned the party:

Watch your language—

And here he is, the fat cat—

A caricature has taken hold in the public imagination: Republicans seemingly in the pockets of corporate fat cats who rub their hands together and chuckle maniacally as they plot to pollute corporate America for fun and profit.

Unfortunately for many, that is no caricature. From where I am standing, that picture is pretty accurate. If one wants proof, look at this bill. It is filled with little but big breaks for those who need them the least. Yet rather than change their policies, Luntz offers them protecting language. He wrote a memo to Republicans instructing them on how to use the language tested on focus groups to hide their deplorable environmental record.

This Energy bill is a great disappointment. It might have been acceptable at the beginning of the 20th century, but it is indefensible at the beginning of the 21st century.

Mr. President, you know true patriotism is more than waving flags. It means putting the interests of the American people before the powerful special interests, the very thing this Energy bill fails to do. I urge my colleagues to oppose this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I rise today to speak also to the Energy conference report. Unlike some of the previous speakers I listened to in the past 2 hours that I have been in the Chamber, I stand in support of the agreement that was reached in conference. It has been pointed out that this is not a perfect bill. I would be the first to chime in and say I agree with that. But in an effort to achieve the perfect, I don't think we should overlook the good in the conference report.

Because of the hard work of Chairman DOMENICI and his staff, working with the others on the conference agreement, and spending many, many hours to reach the consensus we have before us, I think we can truly say this is a good bill and a bill that should be signed into law. There has been a great deal of talk, not just during this legislative session but in years previous: We need to have an energy policy for this country. We need to have the framework for an energy policy.

It seems to me that so often what we do is react to situations, whether it is the blackout we experienced in August, or when the price of gasoline increases to a level where it gets our attention. We only respond when there is something that gets our attention and focuses the Nation on energy.

Quite honestly, most Americans don't pay attention to energy. They don't pay attention to how they get their lights to turn on, or how we keep the temperature cool or warm. I have said many times as I talk about energy, most Americans ascribe to the immaculate conception theory of energy: It just happens. We know that is not the case. It doesn't just happen. It takes innovation. It takes incentives. It takes capital. It takes the desire to do something.

But without the energy we have in this country, we would not have the freedoms or the liberties we take for granted—the ability to do what we want, to go where we want to go. We need to recognize that energy is something that has built our country and made us strong. We need to continue with that sound policy. I believe the conference report we have in front of us is a good first step toward that sound policy.

As I say that in very general terms, I have to start off that this is not my perfect bill. At the top of my list for an energy policy for this country would be the opening of ANWR. We don't see that coming out of the conference report. Congress had the opportunity to include language that would have generated over 1 million jobs for American workers by allowing for oil and gas exploration on just 2,000 acres of Alaska's North Slope.

I know we tried to keep ANWR in the conference report. The chairman was working hard. But we were threatened with that constant threat of a filibuster. You can't put ANWR in the Energy bill or it will be filibustered. It seems a little ironic to be standing here tonight. ANWR is not in the Energy bill yet we are still slowed in the task of getting to a vote on the Energy bill.

The House adopted ANWR and wanted it in the conference report but there were continued objections, primarily from the environmental groups, that have kept us and will keep us this year from moving forward with jobs that truly could have been promised with the opening of ANWR.

I have made the invitation to the Senators here on the floor and I know my counterpart, Senator STEVENS, has made the effort to invite all Senators to visit ANWR and see what this dispute over opening the Coastal Plain of ANWR to oil and gas exploration is all about. We want you to see Prudhoe Bay. We want you to see the developments in Alpine and the technology we have utilized to provide for the exploration and development of oil up on the North Slope. We want you to see the minimal impact to the environment, and how technology has helped us to advance.

I get a few takers, primarily in the summertime. But I encourage you to come up in the wintertime. This is when we do the production up there. I know that is kind of a chilly invitation to some, but I think it would help to understand what we are dealing with in Alaska, how vast our spaces are, and just how small of an area the Coastal Plain of ANWR, the 1002 area, really is, in comparison.

I agree with those of my colleagues who would argue we cannot drill our way to independence from foreign oil. They are absolutely right. We have to have the incentives for renewable energy sources. We have to have greater technological efficiency. We have to decrease our energy consumption. Those efforts need to be part of this comprehensive energy package. But we must also have increased domestic production. I suggest to you again, if you are going to argue that we need to have energy security, if we want to reduce our reliance on foreign oil, the first place we should be looking is ANWR.

But I am not going to go into any further discussion about ANWR at this time. You have certainly heard the debate before. It will be an issue that we will revisit. We will continue to push for opening ANWR.

I want to take one more second to remind folks that we had an opportunity here for over one million jobs across the Nation, at a time when millions are unemployed in our country. But some Members have declined to accept that offer. Instead, we are talking about extending unemployment benefits.

I suggest to you that the unemployed people in my State, if given a choice, would certainly prefer to have a job than more unemployment benefits.

But when we speak about jobs, I should not be talking exclusively in the negative here because all is not lost. We have an incredible opportunity in Alaska with our natural gas. Several very important provisions are included in this bill that will promote the construction of a natural gas pipeline to transport the vast quantities of natural gas that we have up on our North Slope, to bring it to market in the lower 48, be it down the Alaska Canadian Highway or through LNG tankers to the west coast. We have 35 trillion cubic feet of gas up there now.

You have heard Members in the Chamber talking about the fact that right now that gas is stranded up there. Right now that gas is being reinjected instead of being shipped down here to the lower 48, where we need it. We have provisions in the Energy bill to get that gas where it is needed: We have guaranteed loans, expedited judicial and environmental reviews, and a program to train pipeline workers—again,

talking about the jobs aspect. The pipeline, if constructed, could provide over one million jobs, direct and indirect jobs, through the construction of this pipeline alone.

But the key here is, if this pipeline is constructed, there are no guarantees. We have done a great deal in this legislation to encourage the construction of the line.

There is one provision that generated a great deal of attention and focus but is not included. There would have been a production credit to ensure the economic viability and provide a safety net in the event the price of gas drops to very low levels. That is not included in the legislation.

This is a huge project. People need to understand how huge. This is a $20 billion project, 3,500 miles in length, 5 million tons of steel, delivering billions of cubic feet of gas per day to a nation that is starved right now for natural gas. And the situation is just getting worse.

It would be the biggest construction project of its kind in the country. It is something that we can only imagine. When we imagine huge projects like this, every now and again they take a little bit of a boost to get going. What we have done in the Energy bill is to provide that boost, to provide the incentives to encourage the construction.

Again, what we are providing is grants to authorize training of the crews and workers who will construct and operate the pipeline.

We limit the period of time to bring a claim, if a claim should arrive, and we expedite the claim so the project doesn't get bogged down in the courts.

We authorize the construction of the pipeline. We have loan guarantees of up to 80 percent of the cost of the project. It would be an $18 billion Federal loan guarantee—probably the largest loan guarantee we have ever seen given to a project here in the United States.

We have also included a 15-percent enhanced oil recovery credit for the $2.6 billion gas handling plant that will be required on the North Slope.

We have provided for accelerated depreciation on the project, again helping to provide that incentive which we need to encourage construction of this line.

This only happens, the jobs only come, if the construction happens, if we can get moving with the line, if we convince the producers that it is timely, it is necessary, and that the demand is there. I think we have established that the demand is clearly there.

I am going to be working with the State of Alaska and the industry to examine the options and to pursue those possibilities as we push this project to completion. It is imperative that we in Congress, through the passage of this bill, make our intent known that this is a priority for the country. It is a priority for Alaska. But it must be a priority for this Nation as well.

I have been talking about the Alaska component in the bill. We are pleased with what I have spoken to so far. But we should be reminded about the other good things in the Energy bill that apply throughout the country.

Authorized annual funding for the Low-Income Home Energy Assistance Program, LIHEAP, is increased from $2 billion to $3.4 billion.

There is $550 million in grants for biomass production, and it provides money for communities under 50,000 in population to improve the commercial value of their biomass.

A couple of weeks ago, I stood on the floor during the debate on the Healthy Forests legislation and I showed a picture of Alaska Chugach Forest on the Kenai Peninsula where as far as the eye can see the standing trees are dead, killed by the spruce bark beetle. With the help of grants that we are seeing in the Energy bill, those trees can be converted into a biomass fuel providing a new source of energy for low-income communities.

There is money for clean coal power energy for those projects that demonstrate the advanced technology that achieves significant emission reductions.

I need to point out that there has been discussion on this floor that through the Energy bill perhaps we are not putting enough focus on clean air, clean water, and concern for the environment. We need to understand that our environment is only going to be helped. We are only going to get cleaner air and cleaner water when we have the advanced technology instead of the old stuff we had in the past. Those technologies might take some upfront money.

I know there are programs that have already been spoken about—such as the clean schoolbuses—$100 million to retrofit existing diesel buses with new pollution control technology, $200 million in grants to replace older schoolbuses with clean alternative fuels and ultra-low sulfur fuel buses.

Also, as has been referenced, there is funding for hydropowered automobiles that the President has made such a big push for.

I might remind the body, though, that in order for us to make headway on this particular initiative, it will increase the demand for our natural gas. Again, the imperative is to move forward with a natural gas pipeline.

The bill contains language to make permanent the United States' commitment to the energy security of Israel ensuring, if Israel is unable to independently secure its own supply of oil, that the United States will procure the necessary oil to meet Israel's needs.

There is much in this Energy bill that provides the incentives and the technology to move forward. We have language that will help in the rural areas of the nation—certainly those in my State. Not only do we not have affordable energy in parts of rural Alaska, we don't have any energy to speak of. We have a long way to go, but it is only with the assistance we are seeing through the Energy bill that we will get there.

While I may suggest that Congress has missed an opportunity on certain topics, such as ANWR, this bill does offer new programs to improve our energy efficiency, increase the development and use of renewable energy resources, and promote domestic production.

It doesn't go as far as it could in reducing America's dependence on unstable foreign sources of oil, but it is the beginning of a comprehensive energy policy for this country. It is a policy that has been lacking for many, many years, and one that I feel is badly needed.

I would like to take this opportunity to thank Chairman DOMENICI and his counterpart in the House, Chairman TAUZIN. I appreciate their hard work and their leadership. Again, this is not a perfect bill, but it is a good bill. I urge my colleagues to support its adoption so we can move forward with a sound energy policy for the country.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Washington.

Ms. CANTWELL. Mr. President, I commend the Senator from Alaska for bringing up an important issue of jobs in this bill, because clearly one of the key components that we in the Northwest are interested in is that this bill might move us forward on an energy policy that would create jobs and diversify Northwest power.

When we ran into a drought in 2000 and ended up having to go out on the spot market and buy electricity, we certainly were gouged by some manipulated contracts. But one of the things that could provide us some long-term relief in the near term from future droughts and overreliance on the hydrosystem would be a natural gas pipeline from Alaska down to the continental United States which would help us in diversifying and protecting against such incidents in the future.

But let us be clear. This bill doesn't get the job done. The Alaska pipeline that we have all talked about as it relates to natural gas doesn't have the framework within this legislation to move forward.

I commend the Senator from Alaska for focusing on job issues. I agree with her that an energy policy must accomplish two things. It must set a policy for us to get off our dependence on foreign oil and again for America to have an advantage in job creation as we move on a 21st century energy policy. But this bill does nothing to help us diversify in the short term on natural gas that is available to us in Canada and Alaska. It does very little to help us in the future with the hydrogen fuel economy which, it is estimated, could create 750,000 jobs over the next 10 years. That is not just the kind of activity that would make us a leader in the United States; it is the kind of activity that would make us a global

leader in the energy system of the future.

I will take a few minutes to talk about where we are with the Energy bill and where we have been because yesterday I spent quite a bit of time talking about the overall aspects of the bill. Something of great concern to me, being a member of the Energy and Natural Resources Committee, I wanted to make sure, given the fact this bill has been drafted mostly in secret, starting with the Vice President's energy task force. That left many Americans out of the process of understanding what the administration's energy proposal would be, which led to a conference report that was done in secret by the Republican Party. Yesterday I needed to spend my time talking about the various aspects of this bill in a comprehensive way that would give my colleagues a perspective of someone from the Energy and Natural Resources Committee who has dealt with some of the challenges and problems.

Clearly, this 2003 Energy bill is becoming known as the bill about Hooters, polluters, and about the looting of America that has happened, particularly on the west coast, particularly in my State.

Americans are trying to understand this. I have had phone calls to my office: I don't understand. I understand conservation, I understand renewable energy, I understand incentivizing. What does Hooters have to do with an energy policy?

In this legislation we have included green bond projects; that is, we would help in the public financing of proposals to various developers in Colorado, New York, Iowa, and Louisiana, with $2 billion in private bonds to build energy-efficient developments. I am for energy efficiency, but last I heard Hooters had its own airline, was doing quite well and probably could borrow any money it needed to invest in energy efficiency.

I have small businesses all over the State of Washington that got smacked with the energy crisis. They had to conserve; they had to shut down. Employees were coming up with all sorts of creativity: nobody got to borrow money from the Federal Government that would allow them to have a line item in a bill that said specifically, this project is for you.

Broad tax credits for conservation programs in which all companies can apply for some of the incentives to get America to conserve—because conservation is a great program, particularly in times of less supply—is a very good idea. But that is not what Hooters got. This particular project, and the three others mentioned in this legislation, specifically include a line item for particular projects. What qualifies them? I find it very hard to explain to my constituents. I know there is a daiquiri bar in and an energy efficient bowling alley and a movie theater and everything else as part of this Hooters restaurant development. But I don't understand why they should get some sort of line item for bonds, for money that needs to be borrowed for fuel efficiency when everyone else in the country has had to do their own jobs, to turn out the lights and conserve. What is so special about this particular restaurant?

As far as the polluters, obviously, my colleagues have done a great job talking about the MTBE provision and the fact that people who have been involved with that product are seeking relief from being liable for cleanup. I have heard from elected officials all over the State of Washington that they do not want to be the deep pocket. Cities have asked: Why is it that you are going to let these particular polluters in this bill off the hook and stick us with the cleanup cost of this particular product? It is very unfair that that is the approach we would take. My colleague, the Senator from Illinois, and everyone else has been very articulate on that issue.

I am also amazed, as we look at the other aspects of the bill, particularly relating to clean water and the Clean Water Act. Why would my colleagues would want to say, under the Clean Water Act, this is legislation that would somehow say to any coal-producing, oil, or gas company producer in the future under this bill, the 2003 Energy bill, that you do not have to comply with clean water runoff standards. Why should they be exempt? I cannot understand that. You build a shopping center. Guess what. You have to comply with runoff standards from the Clean Water Act. If you build a hotel, you have to comply with getting a runoff permit and saying how you are going to deal with runoff. Why? Because there are two sources of pollution. We have the source point pollution and then we have pollution that occurs from the runoff. We want to control that.

We are demanding every other business in America has to get a permit when they go through development to deal with runoff, to make sure we have clean water. But somehow we are going to allow certain types of industries in the Energy bill, particularly oil, gas, and coal, to be exempt? What kind of policy is that?

The most famous person on this chart is Ken Lay. Why is he the most famous person on this chart to people in Washington State? My constituents want to know why, when they have been gouged with higher energy prices, why this man is not in jail. I don't have a very good answer.

This bill is about pollution. It is about special deals. It is about allowing a part of our country to be looted, to allow special interests to stick their hands in the pockets of ratepayers. That is what I will focus on tonight. This bill takes a drastic step backward. While complex to understand, it is critically important for my colleagues to know they cannot take the drastic steps in this measure that will overturn 70 years of case law, protecting consumers with just and reasonable rates.

I talked a little bit about the Clean Water Act. I don't know that I have to go over that again, but I ask my colleagues, why make every other business in America comply with the Clean Water Act? There are probably lots of other industries in the country; yet they have to comply—if they want to develop—with runoff standards. Yet we will let oil, gas, and coal companies off the hook. They do not have to get a permit anymore.

What is the price gouging that has gone on in this legislation? It is significant, and I will talk about that price gouging because it is very important to understand.

I see my colleague from Florida, and I agreed to yield him some time. Would the Senator like that time now?

Mr. NELSON of Florida. If the Senator from the State of Washington would yield.

Ms. CANTWELL. How much time does the Senator from Florida need?

Mr. NELSON of Florida. Five minutes.

Ms. CANTWELL. I yield, from my half hour, 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. NELSON of Florida. I rise in the Senate to tell the Senate that I have concluded after studying this matter considerably that I will vote against this Energy bill, and I will vote against the motion for cloture because I have concluded that it is clearly against the interests of the State of Florida.

I am going to try to point out two particular areas of the bill that violate what everyone should consider in supporting the interests of the people of the State of Florida. This is a map of Florida with stars on it in dark colors. Each one of the dark-colored stars represents a hazardous material spill and an MTBE spill. There are 30,000 hazardous material spills in our State. There are over 20,000 MTBE spills.

In the dark of night, in a conference committee that was closely controlled, a provision was inserted in this conference report that has come back to us for consideration, that all liability of the oil companies would be removed forever on any of the contamination that came as a result of those MTBE spills.

That simply is not right. It is not right to wipe out the ability of 18 counties and cities in Florida that are presently contemplating suit to sue for those oil spills with MTBE, nor is it right that you would wipe out Escambia County's present suit—Escambia County, up here on the map, the cradle of naval aviation, Pensacola—that you would wipe out their present suit against the oil companies because of the damage that has been done to the water supply from the MTBE leeching.

There is a lot in this Energy bill that I would like to support. There is a lot in this Energy bill that I have helped put in and that I will continue to support, such as the incentives for wind energy. That is certainly desirable. There is a major Florida investor-owned utility that has wind energy in other parts of the country. I want to help encourage that renewable source of energy.

But I cannot take the good parts of this bill and overlook the kinds of things such as this: wiping out any liability of oil companies for the harm they have caused to the environment.

Now, there is another major part I have considerable objection to, and that is the coastal parts of this bill. Under section 321, the Secretary of the Interior will be given broad new authority to grant leases, easements, or rights-of-way on the Outer Continental Shelf in areas where there is a moratorium against oil and gas exploration.

It is the ''Holy Grail'' of Florida that we do not want oil and gas drilling off of our shores, not only for environmental reasons but for an economic reason. We have a $50 billion a year tourism industry, a lot of which depends on the pristine, sugary white beaches that we have in Florida.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. NELSON of Florida. Mr. President, may I ask the Senator for 2 additional minutes just to complete my statement?

Ms. CANTWELL. Mr. President, I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. NELSON of Florida. I thank the Senator from Washington.

Mr. President, I simply cannot support an Energy bill that suddenly eases the process of permitting or weakens the Coastal Zone Management Act, weakens the process of a State to object to the Federal Government doing anything having to do with oil and gas leasing off of the coast or with regard to the permitting process with regard to oil and gas pipelines.

That is inimical to the interests of Florida and causes me to come down on the side that even though there are lots of meritorious parts of this bill, which I will continue to work for, at the bottom line, this is clearly not in the interest of my constituency.

So I thank the Senator for yielding so that I could state my position, after a very deliberate consideration of this complicated legislation. That is the way I will vote when these issues are brought up tomorrow.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from Florida for his solid statement about the challenges facing us in drafting an Energy bill. The Outer Continental Shelf areas are somehow thrown up in the open as to whether they are going to be part of the policy discussion, whether States have rights, whether the development along those coastal areas is going to go through the normal process or whether industry is going to be able to just run roughshod over that.

So I appreciate the Senator's statement.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 12½ minutes remaining.

Ms. CANTWELL. Mr. President, I will try to be brief to explain why I have a major objection to this legislation as it relates to what we are doing or failing, I should say, to do to protect consumers from the Enron price gouging that has happened. I think it is an amazing story.

Some of my colleagues were on the Senate floor earlier today talking about how part of the California crisis was that in California they did not pass on the cost of electricity to the retail side and somehow artificially suppressed demand. They asserted maybe that would have worked everything out.

Well, let me tell you, in Washington State we paid the cost at the retail level because we have a lot of public power in Washington State. And we had a drought. It was the second worst drought in the history of our State. It just so happened when that drought occurred it was the same time that California had deregulated, and the spot market was going crazy, and the Federal Energy Regulatory Commission, which has oversight of these issues, was failing to do anything about it.

But public power has a requirement that they have an obligation to serve. So that obligation to serve meant they had to go find power somewhere. Now, they had reserves. They had alternative plans. But they went to the marketplace to buy power and found out the power was selling at exorbitant rates because of the deregulation that happened in California and the fact that the Federal Energy Regulatory Commission was failing to take action.

In fact, it got so bad in our State because of the high rates that we had, in the county I live in, 14,000 people basically lost their electricity that year. We had a 44-percent increase in the disconnect rate in Snohomish County, my home county, that year because of the high cost of energy. People could not pay their bills.

Now, I know some people think: Well, bad decisions were made by a company, and that may not happen again, or somebody did not plan for enough power in the future. But we all know now that Enron manipulated these rates. They have admitted to manipulating the rates. The Federal Energy Regulatory Commission has said they manipulated those rates. So we all know what has gone on in those situations. But I don't think America knows that people in my State are still paying on those manipulated rates.

And my consumers are mad. They are furious. They are furious that this Energy bill not only fails to recognize we need stricter guidelines against market manipulation to prevent that from occurring in the future, but somehow this bill actually goes further in condoning those acts by saying it is going to try to preserve those Enron contracts resulting from manipulation.

Let me give you an idea of what consumers have said to me.

One of my constituents writes:

> We are writing to express our extreme concern regarding our latest electricity bill. We have done everything in our power to conserve, and that is reflected in our usage, which has been down to a very minimal level. We have lived at this address since 1979, and we cannot continue to live in Snohomish County because the electricity bills are almost greater than our mortgage payments. We are currently considering moving.

Another constituent writes:

> I just received my bill today. I tried to prepare myself before opening the envelope, but, guess what, I didn't prepare myself 6,000 times enough because my bill was $800. That's absolutely crazy. We have lived at this address for 23 years, and we have tried our best at conserving. Where is it going to end?

So my constituents—and I could read many more. I could tell you how the Everett School District in Snohomish County ended up having a million-dollar increase in their energy budget, how small businesses have had huge increases in their energy budgets.

It includes the grocery industry in the State of Washington—everybody knows that grocery stores operate on slim margins and use a lot of electricity. Do you know what they have said to me? ''We are not going to build another grocery store in Snohomish County because your rates are too high.''

And our rates are too high because we continue to have to pay on Enron contracts that Enron admitted they manipulated. Why is it that we have to continue to pay on these contracts?

You would think that at least at a minimum the Energy bill would take a step forward and say: Let's prevent the kind of Enron manipulation from happening again. But we are not doing that.

In this bill, originally Senator DOMENICI's proposal, roundtrip trading is prohibited. But there are other things we proposed: basically making sure people don't dodge price caps; making sure people don't falsify demand schedules, like the load shifting that happened in California; people who would go out of the region and then sell power back into the region; obviously, under the scheme Fat Boy, people were hiding some of the energy supply that they had—all those things are still allowed under this Energy bill.

As much as my colleagues have tried to articulate this on the floor, somehow the other side of the aisle wants to ignore the reality: This bill is not dealing with the Enron manipulation schemes and blocking them from happening again. I don't see, just on this

issue alone—if there was nothing else in the Energy bill—why people would support this Energy bill because of this policy.

I ask my colleagues, I know it may not seem to you like an issue because it didn't happen to your State, but find me a Member on the other side of the aisle who would accept having a 50 percent rate increase for their consumers, not just for 1 year but for the next 5 years because that is what we are paying. And we are paying on those contracts to Enron. I have a letter from a woman. I will not go into the details, but she basically ended up losing her job and having to move to a different area because of this.

What is the real issue? These contracts have been manipulated. These rate are the increases. These are the numbers from 2002, but as I said, almost a 50 percent rate increase in Snohomish County where I live. Seattle City Light had a 60 percent increase. So we are talking about real dollars that my constituents are paying on these Enron contracts.

Enron admitted they manipulated contracts. They admitted that they weren't just and reasonable rates and that they used all these schemes. You would think my utilities could get out of those contracts. You would think my utilities could reform those contracts. In fact, I am amazed; the Department of Justice actually went after Enron and got them to reform a contract as it related to a Federal entity, the Bonneville Power Administration, because they had the power of the DOJ behind them. But when my little utilities, which don't have the Department of Justice working on their side, tried to go to court and get those contracts reformed—no luck. They were sent to the Federal Energy Regulatory Commission, which got on a conference call with Wall Street investors, told the Enron company and their interests, don't do anything to negotiate and reform those contracts because basically we are going to rule in your favor.

That is in a Wall Street Journal article. I ask unanimous consent to have it printed in the RECORD.

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

[From the Wall Street Journal, Mar. 31, 2003]

POWER POINTS: SECOND THOUGHTS ON FERC'S CALIFORNIA D-DAY

(By Mark Golden)

NEW YORK.—Even though the Federal Energy Regulatory Commission's big day on California began Wednesday with a 400-page catalog of bad behavior by energy companies, the second look by Wall Street was that things weren't so bad.

FERC staff reported to Congress that Reliant Resources (RRI) was significantly responsible for the high prices for natural gas in southern California in the winter of 2000–2001, which may have cost consumers billions of dollars.

Reliant and BP PLC (BP) did sham electricity trades, the staff alleged, and dozens of companies used trading strategies like the infamous ''Get Shorty'' stuff that Enron Corp. (ENRNQ) used in California's power market. That was illegal, staff said, and all those companies should be forced to cough up any related profits. Refunds due California for overpriced crisis-era power sales could be increased.

But the ''D'' in what one Wall Street analyst has been calling ''D-Day'' turned out to stand for ''dirt'': A lot of ugly stuff that will make it hard for energy companies to continue claiming as they have that there wasn't much funny business during the crisis, but which isn't that horrible from a financial or legal perspective for most of the companies involved.

Reliant's ''churning'' of the gas market, for example, wasn't illegal, FERC staff said, and the conclusion that the practice caused prices to rise required a leap of faith. The Reliant-BP trades may cause BP to wonder if its trader rigged a higher bonus, but they had nothing to do with the soaring prices that prevailed during the crisis.

FERC staff exonerated Williams Cos. (WMB) from claims it manipulated the California gas market. And FERC commissioners said they were going to take some time to decide whether their staff was right about the Enron-like trades being illegal.

During the public meeting, the stock prices of several companies named in the investigation fell hard. Most recovered Thursday and again Friday as the smoke cleared.

MIXED MESSAGES

FERC's Donald Gelinas, who headed the investigation into market manipulation for the past year, presented his findings in the well-attended public meeting.

After the meeting and a press conference, FERC Chairman Pat Wood and Commissioner Nora Mead Brownell, the commission's two Republicans, held a password-protected conference call with a select group of Wall Street analysts. According to several of those present, the commissioners conveyed the message that the staff findings weren't that bad.

According to one analyst on the call, the split approach makes sense, FERC wants to present a public image as a tough cop on the beat so that states and the U.S. Congress support its push for advancing electricity deregulation. On the other hand, FERC doesn't want to scare away more investment from the decapitalized electricity sector, which is in desperate need of new transmission lines and will need more power plants soon in some regions of the country.

''It was the typical thing they've been doing—trying to please Wall Street at the same time they are trying to please California, and they end up not pleasing anybody,'' that analyst said.

Brownell discussed the prospects for the commission's decision—expected but postponed on Wednesday—on whether to abrogate long-term power contracts signed during the crisis. She said there are likely two votes against abrogation on the three-member commission, and that the commission will hopefully issue an order in the next couple of weeks, according to one analyst on the call, who took notes.

Brownell's comments on the contracts were similar to what was said in the public meeting, even if the latter tone was more assuring to investors.

Schwab Capital Markets energy stock analyst Christine Tezak didn't agree that the commission has presented different messages to different audiences. Instead, their discussion with the analysts reflected the audience's primarily financial concerns.

''For Wall Street, the whole blame game thing isn't that interesting to us,'' she said. ''We want to know what actions they took and what it's going to cost and when.''

FERC APPROACH DEFENDED

Observers shouldn't necessarily expect the messages of the staff report and the commissioner's discussion with analysts to be consistent, a FERC spokesman said.

''The intent was to get an independent fact-finding analysis about whether Enron or any other company had the ability to manipulate the markets for power and gas in the western states in 2000 and 2001,'' spokesman Bryan Lee said.

Chairman Wood wouldn't try to influence the outcome of that investigation, nor does the investigation reflect his opinion on the matters, Lee said.

Still, a press release issued at the time of the report promised ''tough action'' from commissioners based on the report. Wood said that any doubts about FERC's role as effective ''cop on the beat'' should be dispelled.

Ms. CANTWELL. Enron is actually suing consumers across America. They are suing consumers in my State, in Washington, in Oregon, California, Nevada, Idaho, in the Midwest, in the East. The States on this map, those are States in which Enron is saying to utilities and to consumers and ratepayers: I am taking you to court to make sure you continue to pay on manipulated contracts because really you are going to be the deep pocket for these energy prices.

It is just plain wrong. It is plain wrong that that is what America is dealing with and that this particular bill does nothing about it.

Since the beginning of these contracts in my area, I have probably paid $700 on my own energy bill—$700 more than I would have paid if we would have had normal rates. Here is a check from me. It is not really my bank. It obviously doesn't have my bank number on there. But that is what I am going to next pay to Enron because of the fact that my utility can't get out of those manipulated contracts. My utility can't get out of those contracts. That is what everyone in Snohomish is going to have to pay, $370 more, even though we have already paid $796 more since the crisis began.

There is another example of a woman in Snohomish County, where I live, who was trying to take care of her mother. Basically, she got laid off from Boeing. She got a utility bill for $605, nearly double the last bill she had. Her mother got a bill for $747. Her mother is on a fixed income. She only has $1,500 a month from Social Security, and she is supposed to pay 747 of those dollars out to Enron to foot the bill for manipulated contracts. And this body can't do any better than to condone those contracts and further protect them under this bill? It is amazing. It is truly amazing.

So where are we on this problem and this issue? Just look at what ratepayers in my region have had to pay since 2001. The total my ratepayers have had to pay is $1.5 billion, over and above the amount they otherwise would have had to pay in the Northwest, all because they are stuck with long-term Enron contracts. It is unfair. It is unjust. It certainly isn't reasonable.

What is the problem with this legislation in front of us? Again, you would say: That is an issue of manipulated contracts. You ought to go to court. You should figure out what the court has to say about those contracts.

Actually, many of my constituents did go to court. Snohomish County PUD went to court. Enron turned around and countersued. Basically, the court said: You don't have standing here because this isn't a decision before our courts. You have to go to the Federal Energy Regulatory Commission. They are the people who oversee these issues.

So when they went to the Federal Energy Regulatory Commission, they said: There is market manipulation, but we are not going to do anything about it. And, frankly, it is a problem, but our report only is going to demonstrate that there was manipulation and we are not going to do anything.

So what we have had to do is really push on the fact that the Federal Power Act says there should be just and reasonable rates.

This bill further amends the Power Act, and it basically says that these contracts should stand. It basically gives the contracts sanctity. It goes one step further than 70 years of case law and says: Even though the Power Act requires just and reasonable rates, we are going to guarantee these contracts. And FERC and the courts don't have to reform them ever, unless somehow someone can prove that a failure to do so is somehow contrary to the public interest.

We are setting a whole new legal standard in this bill. We are failing to correct the Enron manipulations. We are failing to give direction in a key area of consumer protection. Not only that, we are changing 70 years of case law and saying it is OK to manipulate contracts.

It is time to defeat this bill which supports Hooters, polluters, and the Enron looters that are gouging American ratepayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I congratulate Chairman PETE DOMENICI and his staff for bringing a comprehensive Energy bill to the Senate floor. It has many positive features. Unfortunately, on balance, the provisions he was not primarily responsible for, those that came out of the Finance Committee, are far too heavily weighted towards subsidies and mandates and require that I respectfully oppose the bill.

Let me first mention some of the good in the bill. This is the part that came out of the Energy Committee. First, on the subject of reliability, since the year 2000, Congress has attempted to pass mandatory reliability standards. For some time it has been known that the voluntary reliability standards that currently exist were not adequate. This point was brought home in August with the blackout that hit New England and the Midwest.

We know from the United States-Canada Power Outage System Task Force interim report on the causes of the blackout that First Energy failed to follow at least six voluntary reliability standards. The mandatory reliability standards in this bill will ensure that utilities cannot ignore the responsibility they each owe to maintaining the grid. It will go a long way toward keeping the lights on for millions of Americans.

SMD delay, standard market design, the Government knows best, a one-size-fits-all prescription for Federal domination at the expense of States and the market: This had to be stopped in its tracks before it cost consumers billions of dollars.

The same bureaucrats who approved the plan that brought blackouts and skyrocketing prices to California, obviously, didn't learn their lesson.

So we included a strong SMD delay provision in the bill. The message to the Federal Energy Regulatory Commission, FERC, is very plain: When Congress says no, it means no; and it says no rule before 2007. By that, we mean you cannot just slap another label on SMD, such as WMP, or use a different legal basis, such as ''just and reasonable rates,'' rather than discrimination, and then send the same straitjacket kind of a rule out the door. The same goes for standards of conduct rulemaking, a supply margin assessment test, or some other Federal Government regulatory scheme.

Native load: The current stormy debates over how wholesale electricity should move and be traded in this country will mean nothing if we cannot guarantee retail customers, the families and businesses that pay their electricity bills every month, that when they flip the switch the lights will go on. The native load provision that I worked on with Senator DOMENICI guarantees Arizona's transmission lines will first be used to serve Arizonans and not just sold to the highest bidder. These are some of the good things in the bill. They are all in the electric portion of the bill that Senator DOMENICI presented.

The bad comes from the Finance Committee on which I also sit, primarily in the form of tax subsidies. The conference agreement includes nearly $24 billion in tax incentives; most are tax credits. I advise my colleagues that the negotiating compromise process here was a curious one. The energy tax provisions in the Finance Committee this year totaled $15 billion over 10 years. The House tax incentives total $17 billion over 10 years.

Mr. President, you would think that, between $15 billion and $17 billion, there is a fairly obvious number there—$16 billion might have been the compromise between the House and Senate. That is not the way it works. The compromise between $15 billion and $17 billion was $24 billion. Guess who lost in the compromise? The American taxpayers. How did you get to $24 billion? Well, obviously, there were a lot of votes that needed to be gained and that is how we got to $24 billion.

Maybe there is another formula. The administration only asked for $8 billion in energy tax incentives. This is three times that amount. Maybe that is the new formula for compromise in a conference committee. So that is not an appropriate number. It is way out of bounds. It is too much of a burden on American taxpayers for benefits that are dubious at best.

Tax credits are not the most efficient way to set policy. They can be inefficient and wasteful. We should use them very sparingly. Tax credits distort the market and cause individuals or businesses to undertake unproductive economic activity that they probably would not do absent the inducement. They are, in effect, appropriations through the Tax Code; they are a way to give Federal subsidies, disguised as tax cuts, to favored constituencies.

Here are some examples of tax subsidies in this agreement:

Section 45, renewable energy tax credit: Cost, $3 billion over 10 years. The conference agreement extends and expands the production tax credit for energy from wind and closed-loop biomass. It also extends credit to new forms of energy, such as solar, open-loop biomass, geothermal, small irrigation, and municipal solid waste. This provision includes energy produced from livestock waste and animal carcasses—so save your Thanksgiving turkey.

Energy-efficient improvements to existing homes, $352 million, for 10 years.

Energy-efficient new homes, $409 million, for 10 years.

Credit for energy-efficient appliances, $255 million, for 10 years. That is for washing machines, refrigerators, and the like.

Extend and modify the section 29 credit for producing fuel from nonconventional energy sources, $3.1 billion, 10 years. Often, companies that claim this credit are not even energy companies. There is one I have familiarity with because Arizona tried something similar.

Alternative motor vehicles incentives: Cost, $2.5 billion, 10 years.

This agreement deletes a requirement that was in the Senate bill I got in for a study. Why did I do that? We found that the Arizona experience could have cost the State of Arizona hundreds of millions of dollars. I wanted to prevent that from happening here. We had a disastrous experience with alternative fuel vehicle incentives. This is a quote from the Arizona Republic when the Arizona Legislature repealed its alternative fuel program:

> Lawmakers gutted the disastrous alternative fuel vehicle program . . . in a volatile and dramatic House vote, ending a debacle that outraged taxpayers, panicked buyers, and brought down one of the State's most powerful politicians.

The repealed law, incidentally, paid for up to 50 percent of the cost of a car

equipped to burn alternative fuels. The program could have cost Arizona $½ billion if it hadn't been repealed—11 percent of the State's budget. When proposed, the cost of the program was projected to be between $3 million and $10 million—less than 10 percent of its true cost. So the question I wanted to study was, are we confident about the revenue estimates for our congressional provision?

I have talked a little about some of the good and a little about some of the bad. Let me conclude by talking about the truly ugly.

Ethanol: The ethanol provisions of the conference report are truly remarkable. They mandate that Americans use 5 billion gallons of ethanol annually by the year 2012. We use 1.7 million gallons now. For what purpose, I ask, does Congress so egregiously manipulate the national market for vehicle fuel? No proof exists that the ethanol mandate will make our air cleaner. In fact, in Arizona—and this is a critical point—the State Department of Environmental Quality found that more ethanol use will degrade air quality, which will probably force areas in Arizona out of attainment under the Clean Air Act. Arizonans will suffer as a result.

Furthermore, according to the Energy Information Administration, this mandate, costing between $6.7 billion and $8 billion a year, will force Americans to pay more for gasoline. Nor is an ethanol mandate needed to keep the ethanol industry alive. That industry already receives a hefty amount of the Federal largess. CRS estimates that the ethanol and corn industries have gotten more than $29 billion in subsidies since 1996. Yet this bill not only mandates that we more than double our ethanol use, it provides even more subsidies for the industry—as much as $26 billion over the next 5 years.

Professor David Pimental, of the College of Agriculture and Life Sciences at Cornell, has studied ethanol. He is a true expert on the ''corn-to-car'' fuel process. His verdict, in a recent study: ''Abusing our precious croplands to grow corn for an energy-inefficient process that yields low-grade automobile fuel amounts to unsustainable, subsidized food burning.'' It isn't efficient. The fuel is low-grade. And what is more, Congress, by going in for ''unsustainable, subsidized food burning,'' will impede the natural innovation in clean fuels that would occur with a competitive market, free of the Government's manipulation. These ethanol provisions, alone, dictate that I vote against the bill.

So, Mr. President, in conclusion, while this bill includes several meritorious provisions, especially those negotiated by Chairman DOMENICI, I must vote against it because of the $24 billion in tax subsidies and the bill's irresponsible manipulation of the energy markets through the Tax Code and the ethanol mandate.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, it is my understanding that we are expecting Senator GRAHAM as part of an order.

The PRESIDING OFFICER. Senator GRAHAM has 20 minutes under that agreement.

Mr. REID. I will speak for a few minutes until he comes.

Mr. SCHUMER. Mr. President, will the Senator yield?

Mr. REID. I am happy to yield.

Mr. SCHUMER. May I be put in line after Senator GRAHAM?

Mr. REID. Will the Chair announce the schedule before the Senate as to what speakers will appear.

The PRESIDING OFFICER. Senator GRAHAM is the last speaker under the agreement, with 20 minutes.

Mr. REID. I ask unanimous consent that following Senator GRAHAM, the majority be recognized if they desire, and then following that, Senator SCHUMER have an opportunity to speak.

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

Mr. REID. Mr. President, as we look around the world today, we see blackouts and we see wild price spikes in electricity markets. We see turmoil in the Middle East. We see global warming caused by fossil fuel emissions. We see air pollution that contributes to asthma attacks among our smallest citizens—our children. We see our parks that are smog-ridden. We see all these things, and we realize the United States needs a national energy policy with a purpose and a vision.

We don't need more of the same old thing—more drilling, more burning, more shortages, more blackouts, more price spikes, and ever larger vehicles with inefficient engines. We need a national energy strategy that will protect our environment, provide a reliable supply of electricity for our consumers, and bolster our national security.

Instead, we get a $75 billion grab bag that I believe has serious problems with the three P's—process, pork, and policy.

The process of this bill was fatally flawed. The genesis of the bill, I believe, was hatched in secret almost 3 years ago by the Cheney task force and completed in secret just a few days ago.

The usual policy—and we have tried to live up to that—is the Senate does a bill, the House does a bill, and both parties—that is the Senators from the Senate and Congressmen from the House, Democrats and Republicans—sit down together to try to work out an arrangement. In this instance, the ranking member of the committee, Senator BINGAMAN, who was also the former chairman of the committee, was not consulted. The first he saw the bill was when it was printed. The distinguished Senator from Vermont, the ranking member and former chairman of the Environment and Public Works Committee, Senator JEFFORDS, was not consulted, even though 100 titles of this legislation that is now before the Senate were under the jurisdiction of the Environment and Public Works Committee.

The pork was best summed up by Senator MCCAIN's description of this bill: Leave no lobbyist behind. It is shameful that two-thirds of the tax incentives in this bill go to oil, gas, coal, and nuclear energy. This is an investment in the past, not an investment in the future.

This bill will lavish more than $55 billion of taxpayer money on some of the wealthiest corporations in the world; namely, oil, gas, and coal companies. It would be better if the companies were all U.S. companies, but some of them are not even U.S. companies getting these benefits.

The most disappointing aspect about this bill is its failure to enact a policy with vision. After pouring billions of dollars into oil and natural gas, we need to invest in clean technology, in a clean energy future. Sadly, this bill is more of the same old, same old. It endangers the environment; it does nothing to help consumers; and it will not break our dependence on foreign oil, a dependence that jeopardizes our national security.

Let's start with the assaults on the environment that are included in this bill.

There have been hours of speeches given in the last 2 days of how it endangers our water supply by granting MTBE producers immunity from claims that the additive is defective in design or manufacture and by weakening the leaking underground storage tank regulations.

It allows large metropolitan areas to extend deadlines for ozone nonattainment areas to comply with the Clean Air Act, and it relaxes regulatory requirements for energy production on Indian reservations and public lands.

It is beyond my ability to comprehend how anyone who is supportive of tribal sovereignty, reservations, and economic development with our Indian tribes could support this legislation.

This bill also falls short of the real steps needed to guide America toward energy independence.

For example, it is a great disappointment to me that higher fuel efficiency standards have not been included in this bill. If all cars, trucks and sport utility vehicles had a CAFE standard of 27.5 miles per gallon, the country would save more oil in 3 years than could be recovered economically from the entire Arctic National Wildlife Refuge. A comprehensive energy strategy must include conservation, efficiency, and expand generating capacity.

Certainly our Nation must promote the responsible production of oil and gas, but that doesn't mean we should sacrifice the environmental protections of our public lands.

We can't drill our way to energy independence. America only has 3 percent of the world's oil reserved, but we use 25 percent of the world's supply.

This bill also fails to protect consumers.

In the past few years, people in my home State and other Western States have experienced severe spikes in the price of electricity. The policies of the past are not the answer. Like Dorothy in the Wizard of Oz, the solution is literally right at our feet—under the ground, in the wind around us, and emanating from the Sun. In Nevada and other Western States, we have the potential to generate enormous amounts of electricity with geothermal, wind, and solar power. That is why I am disappointed this energy bill does not contain a renewable portfolio standard requiring that a growing percentage of the Nation's power supply come from renewable energy resources.

I am proud that my home State of Nevada has adopted one of the most aggressive renewable portfolio standards of any State. It requires us to produce 5 percent of our electricity with renewable sources, not counting hydropower, by the end of this year. In 10 years, the goal jumps to 15 percent. We already have developed 200 megawatts of geothermal power, with a long-term potential of more than 2,500 megawatts.

Utilities in Nevada have also signed contracts to provide 205 megawatts of wind power in 2 years, and an additional 90 megawatts is proposed. By some estimates, we could potentially produce more than 5,700 megawatts from wind power—meaning we could meet our entire electricity needs with geothermal and wind. So I wish this bill included a Renewable Portfolio Standard.

Thankfully, it does extend and expand the production tax credit on renewable energy resources from wind and poultry waste to include geothermal, solar, and open-loop biomass. I have spent years fighting for this tax credit, because it will give businesses the certainty they need to invest in geothermal and solar generating facilities. We know the production tax credit will work because it already has. With the benefit of the existing production tax credit, wind energy is the fastest growing renewable energy source. In 1990, the cost of wind energy was 22.5 cents per kilowatt hour. Today, with new technology and the help of a modest production tax credit, wind is a competitive energy source at 3 to 4 cents per kilowatt hour. I applaud the fact that wind, geothermal, and solar energy will receive a production tax credit of 1.8 cents per kilowatt hour.

I had hoped the bill would provide geothermal and solar energy the same 10-year tax credit that wind energy enjoys, but a 5-year credit is a good start. The facilities to develop these energy resources are very capital intensive, and a 10-year tax incentive is needed to fully realize our renewable energy potential.

Developing these renewable resources will not only help consumers, it will create thousands of jobs. And many of these jobs will be in rural areas that are desperate for economic growth. A report from the Tellus Institute, ''Clean Energy: Jobs for America's Future,'' found that investment in renewable energy could lead to a net annual employment increase of more than 700,000 jobs in 2010, rising to approximately 1.3 billion by 2020, and that each State would experience a positive net job impact. This is why we must be bold. We must not cling to the fossil fuel technology of the past. We must explore and seize the potential of the future.

I opened my remarks a few minutes ago by talking about all of the problems we see if we look around the world today. But I also see much that could be positive. I see renewable energy resources—the brilliance of the sun, the power of the wind, the eternal heat within the Earth. And I see the good old American ingenuity to unlock that enormous potential.

With a little bit of incentive and investment, we can develop the technologies to efficiently develop our renewable resources. And as fantastic as it sounds, with the use of hydrogen fuel cells, oil will eventually be phased out as the primary transportation fuel.

If we choose to invest in energy efficient and renewable technologies, we will create thousands of new jobs, we will protect our environment, we will provide consumers with reliable sources of energy, and we will bolster our national security. That is the vision our Nation needs. That is the leadership we must provide.

The PRESIDING OFFICER. The Senator from Florida is recognized for 20 minutes.

Mr. GRAHAM of Florida. I thank the Chair. Mr. President, the Energy bill before the Senate today is the newest chapter in the book that we have been writing throughout this year. The title of that book is ''At War With Our Children.'' This legislation would represent another example of this generation taking the benefits of our profligate behavior and then asking our children and grandchildren to pay the cost.

This chapter begins with the addition of over $30 billion in sanctioned appropriations and some $70 billion in authorized appropriations. This will be added to an already gigantic deficit. If it had been added to this year's deficit, it would have increased it by approximately 7 to 8 percent. This cost will be paid by our children. But this goes beyond just adding to the financial burdens of our future. It adds to the vulnerability of our children and grandchildren—a vulnerability that will be occasioned by the fundamental philosophy of this legislation, which is to drain America first.

There are some small vows to conservation and alternative sources of energy, but the principle that lies behind this bill is to extract as much of our national treasure as quickly as possible and to accelerate the date when we will have depleted our domestic source of petroleum and other critical natural resources.

Our generation gets whatever short-term benefits—physical maintenance of low prices of gasoline, the benefits to the oil and gas industry—that will come from this bill. But we again declare war on our children because they will end up paying for it.

Let me suggest what I think should be some goals of a reasonable, comprehensive energy policy. These would be illustrative of the kind of long-term goals that should be but, regrettably, are not the focus of this Energy bill. As an example, my goal No. 1 was that we must take a long-term approach to energy policy, establishing goals to reach for the next 50 years with milestones for each decade to guide our progress. We cannot be the generation that sets our national energy policy on a course which will inevitably result in totally depleting our domestic energy reserves by the time our grandchildren are adults.

The United States is the model to the rest of the world. We should lead by example, using energy conservation and efficiency measures. We should husband our domestic reserves, particularly of petroleum, for times of international turmoil.

Goal No. 2: We must wean ourselves from our unhealthy dependence on petroleum, both foreign and domestic. Current estimates show that the United States is consuming between 19 and 20 million barrels of oil each day. From the mid-1970s into the 1980s, use of petroleum sharply dropped in the United States. I propose we return to that path and aim to decrease the use of petroleum by approximately 10 percent over the next decade, with the ultimate goal of finding a cleaner and more efficient way of operating automobiles and expanding our transportation options such as high-speed rail.

Goal No. 3: We must reduce our importation of foreign oil, which currently accounts for about 65 percent of the oil we consume. We must conserve our current use of domestic oil and gas in order to stretch their availability as far as possible.

Under current levels of extraction and projected levels of use, in approximately 50 to 75 years, about the time our grandchildren will be our age, we will have exhausted our domestic petroleum reserves at current economic and technological levels of extraction.

This is not a new problem, it is one that has been pointed out to us for more than half a century. In 1946, James Forrestal, then-Secretary of the Navy, said this:

> If we ever go into another world war, it is quite possible that we would not have access to reserves held in the Middle East. But in the meantime, the use of those reserves would prevent depletion of our own, a depletion which may be serious within the next 15 years.

Secretary Forrestal's statement is remarkable for a couple of reasons. First, he was looking far over the horizon, beyond the short term, and trying to see what would be happening over the next 50 years. Second, he did not succumb to the mantra of independence from foreign oil through draining

America first. Rather, he viewed use of foreign oil as a method of husbanding our domestic reserves.

This Energy bill, with its drain-America-first policy, is a step backward from Forrestal's policy. It will assure that we deplete our own resources in the near future. Forrestal sets the examples of the kind of policy we should be making in this energy Bill today.

Goal No. 4: We must increase the amount of renewable and alternative energy we use. This would include wind, solar, hydro, geothermal power, and municipal solid waste. It should also include clean coal and nuclear as alternatives to current fossil fuel use.

Goal No. 5: We must eliminate our overreliance on a single source of power for electric energy generation. I am becoming increasingly concerned about our tendency to turn to natural gas to solve all of our energy woes. Clearly, natural gas has some significant advantages in terms of emission reduction, but we as a nation, in my judgment, would be foolish to have only a single or even a single dominant source of fuels for our electric supply.

The National Association of State Energy Officials estimates that natural gas used for electricity generation will increase by 54 percent between 2000 and 2015 as new powerplants are built and older plants are converted to natural gas.

In contrast, our friends in Europe are making great strides in expanding their energy portfolios to include renewables. Denmark, for example, has a plan to eventually generate about 20 percent of its energy needs from wind power. The United States should take serious steps to include all available energy sources. One way to accomplish this would be to establish a national renewable portfolio standard. This simple measure would go a long way in putting us on the path to a sustainable energy future, by encouraging innovation in renewable energy technologies and by increasing the demand which would have the result of more efficient production. It would create jobs in America for Americans.

Unfortunately, the Energy bill we are considering today ignores the renewable portfolio outright, even though Senator BINGAMAN's amendment to this effect was accepted by a strong bipartisan vote by the Senate conferees.

Goal No. 6: We must provide Americans with a reliable electricity system. We all know that millions of people were affected by the blackouts of this past summer. What we do not know is how to prevent it from happening again. I am pleased that this bill begins the process, although distressed that this bill does not go as far as the Federal Energy Regulatory Commission has recommended to give us greater reassurance about the avoidance of August 14 calamities in the future.

But there is even a more basic step we should be taking, and that is to accomplish the goal of a reliable electric grid, we must gather data about the current state of reliability.

It is shocking to realize there is presently no national reporting of outages, which makes it difficult to determine the scope of the problem and the range of solutions. Electricity customers have the means to find information about the price of their electricity should we have such national data. They do not have such an opportunity today.

I propose that consumers should also have the means to judge the reliability of the system that provides them their electricity.

Goal No. 7: We should reduce the impacts of the use of energy on our environment. In the 1990s we proved that the American economy could grow while making meaningful progress to improve our environment. This means we should not drill America first without considering real conservation and real efficiency standards, as well as the effects of such drilling on the depletion of our domestic energy reserves. It also means striving to reduce carbon emissions.

This bill does neither. It focuses, with laser-like precision, at giving big oil every item on its wish list while running roughshod over the rights of the States that depend on, for instance, healthy coasts for their economic security. Section 325 weakens the consistency guidelines of the Coastal Zone Management Act.

Currently, States have the right to review proposed offshore projects and object if they find that these projects are inconsistent with the State's plans or policy. This Energy bill would impose severely restrictive guidelines and deadlines for decisions appealing States' consistency determinations. The practical effect of this would be to limit opportunities for States to comment and provide important information on issues which directly affect their coastal zones.

Coastal States deserve to have a say in the fates of their shores. This is the basis upon which the Coastal Zone Management Act became law. This Energy bill includes provisions to get every drop of oil out of domestic reserves while refusing to improve CAFE standards for SUVs. With advances in technology, it is not difficult to improve the efficiency of vehicles while providing the other features that drivers want. Yet this bill creates the likelihood that fuel efficiency standards will continue to lag. We should resolve to move to at least the 35 miles per gallon level for new cars within this decade.

The National Academy of Sciences says this is a reasonable goal. If we pursued this goal, we would lessen the impact of any oil interruption, we would sharply reduce the amount of money going to areas of the world where the cash might support undesirable activity, and, in addition, we would also make a significant dent in reducing greenhouse gases, an issue which is also ignored by this Energy bill. Any comprehensive Energy bill that doesn't commit to at least some reductions in the emission of greenhouse gases is not worthy of passage.

Furthermore, this Energy bill goes one step further and actually rolls back important environmental standards. One example of this is the exemption of the hydraulic fracturing process from the Safe Drinking Water Act protection for drinking water sources. I have grave concerns about this action from public health, environmental, and legal perspectives.

Hydraulic fracturing is a means by which certain energy sources are retrieved through the use of a heavy hydraulic process. The consequence of this is that after the useful materials have been recovered, there is a significant amount of water laden with materials which contain potentially serious carcinogenic and toxic substances. There are potential serious consequences for drinking water quality in areas where this hydraulic fracturing occurs. In many cases, the fracturing fluids being pumped from ground water contain toxins and carcinogenic chemicals. Diesel fuel is a common component of fractured fluids.

The Energy bill before this conference permanently exempts the oil and gas industry from storm water pollution activities at construction sites. Since 1990, large construction sites have been required to control storm water runoff in order to prevent pollution from entering adjacent waterways, harming wildlife and impairing water quality.

The irony of this is that the Senate will soon consider the transportation bill, the Surface Transportation Act. This act was amended in the Environment and Public Works Committee to mandate that States earmark at least 2 percent of their highway funds to deal with storm water runoff. While we are doing this to our public agencies, requiring them to devote substantial funds and attention to storm water runoff, we are permanently exempting the oil and gas industry at its construction sites from doing so.

Mr. President, I ask unanimous consent for an additional 3 minutes to complete my remarks.

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

Mr. GRAHAM of Florida. Mr. President, in the year 2003—this year—smaller sites were to have been required to adopt the same pollution controls which, since 1990, have applied to large projects. Under industry pressure, the EPA issued a 2-year extension for the oil and gas industry. All other sectors, including small municipalities, still have to comply. This section of the Energy bill adopts a permanent exemption for all construction at oil and gas sites, including those sites that held permits for over 10 years.

These are only some of the examples of environmental rollbacks in this Energy bill related to clean water, clean

air, the National Environmental Protection Act, and other important enactments designed to protect the environment and the public health.

The Energy bill we have before us today cannot guarantee Americans that their energy future is secure. Returning to the illuminating remark of Yogi Berra, if we look at this legislation, we begin to get some sense of where we are headed.

With this Energy bill, we have written the next chapter in the book ''War On Our Children,'' and it describes the next battle: Drain America First, overlook conservation measures, ignore strategies to reduce depletion of domestic reserves.

The residue of these outdated ideas will undoubtedly stain the future. Our children and grandchildren will live in an America where water is more contaminated, where air is further clogged with pollution, where access to clean rivers and streams for drinking, swimming, and fishing will be diminished.

The cost of this destruction is not only economic or environmental, it is societal. Future generations will be forced to fix our mistakes instead of focusing on a better tomorrow for their children and grandchildren.

For these reasons, I strongly oppose this legislation and will vote no.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today in support of the conference report accompanying the Energy bill. As I have often stated, we sorely need to develop a long overdue comprehensive energy policy for our Nation. The United States has a responsibility to develop a policy that harmonizes the needs of our economy and our environment.

These are not competing needs. A sustainable environment is critical to a strong economy and a sustainable economy is critical to providing the funding necessary to improve our environment. We need to enact a policy that broadens our base of energy resources to create stability, guarantee reasonable prices, and protect America's security. It has to be a policy that will keep energy affordable. Finally, it has to be a policy that will not cripple the engines of commerce that fund the research that will yield environmental protection technologies for the future.

The legislation we are discussing today is the key element in our effort to construct a viable energy policy. It will provide a tremendous boost to our economy, protect our environment, and create hundreds of thousands of jobs. Let me say this again. Passage of this bill will provide a tremendous boost to our economy, protect our environment, and create hundreds of thousands of jobs.

There are four huge reasons that my constituents in Ohio need this bill: Ethanol, natural gas, electricity and jobs.

The fuel title in this bill will triple the use of renewable fuels over the next decade, up to 5 billion gallons by 2012. It will also reduce our national trade deficit by more than $34 billion, increase the U.S. gross domestic product by $156 billion by 2012, create more than 214,000 new jobs, expand household incomes by an additional $51.7 billion, and save taxpayers $2 billion annually in reduced Government subsidies due to the creation of new markets for corn. In other words, we will not have to use the subsidies to farms to the tune of $2 billion with this 5 billion gallons of ethanol.

The benefits to the farm economy are even more pronounced. Ohio is sixth in the Nation in terms of corn production and is among the highest in the Nation in putting ethanol into gas tanks. Over 40 percent of all gasoline sold in Ohio contains ethanol.

An increase in the use of ethanol across the Nation means an economic boost to thousands of farm families across my State.

Currently, ethanol production provides 192,000 jobs and $4.5 billion to net farm income nationwide. Passage of this bill will increase net farm income by nearly $6 billion. Passage of this bill will create $5.3 billion of new private sector investment in renewable fuel production capacity, and expanding the use of ethanol will also protect our environment by reducing auto emissions which will mean cleaner air and improved public health.

The use of ethanol reduces emissions of carbon monoxide and hydrocarbons by 20 percent. The use of ethanol also reduces emissions of particulates by 40 percent. The use of ethanol helped move Chicago into attainment of their Federal ozone standard, the only RFG area to see such an improvement.

In 2002, ethanol use in the United States reduced greenhouse gas emissions by 4.3 million tons. That is the equivalent of removing more than 630,000 vehicles from the roads.

Simply stated, this legislation is critical to our farm economy, especially in agricultural States such as Ohio. We need to get this bill finished.

We are in the midst of a natural gas crisis in the United States. Over the last decade, use of natural gas in electricity generation has risen significantly while domestic supplies of natural gas have fallen. The result is predictable: tightening supplies of natural gas, higher natural gas prices, and higher electricity prices.

Home heating prices are up dramatically, forcing folks on low incomes to choose between heating their homes and paying for other necessities such as food or medicine.

Donald Mason, a commissioner of the Ohio Public Utilities Commission, testified earlier here in Congress:

> In real terms, the home heating cost this winter will increase by at least $220 per household. That might sound not significant, but during the winter season of 2002 to 2001, one gas company in Ohio saw residential nonpayments jump from $10 million a year to $26 million a year.

As a result of these heating cost increases, 50 percent more residential customers were disconnected from gas service last year than in 2001.

I have personally seen my own natural gas costs go from $4 an mcf to over $8 an mcf. Projections indicate that this winter could be devastating on the elderly and low-income families who are already struggling to survive.

At a hearing last year, Thomas Mullen of Catholic Charities and Health and Human Services of Cleveland, OH, described the impact of significant increases of energy prices on those who are less fortunate.

He said:

> In Cleveland, over one-fourth of all children live in poverty and are in a family of a single female head of household. These children suffer further loss of basic needs as their moms are forced to make a choice of whether to pay the rent, or live in a shelter; pay the heating bill, or see their child freeze; buy food, or risk the availability of a hunger center. These are not choices that any senior citizen, child, or for that matter, person in America should make.

Manufacturers that use natural gas as a feedstock are getting hammered due to the doubling and even tripling of their natural gas costs and are either leaving the country or closing their doors.

Lubrizol, a chemical company located in Wickliffe, OH, which was at a manufacturers' listening session that I conducted a couple of weeks ago, is moving part of its workforce to France due to the tripling of natural gas prices in Ohio.

The president of Zaclon, Inc., a chemical manufacturer based in Cleveland, testified earlier this year that increased natural gas costs have resulted in loss of sales revenues and increased total energy costs.

The president of one major international pharmaceutical company stopped by my office—a company that has 22,000 employees in the U.S.—and basically said: Unless you do something about natural gas prices, we are moving most of these jobs to Europe.

Due to the natural gas crisis, the Dow Chemical Company, which is headquartered in Michigan, will be forced to shut down several plants, and they are going to eliminate 3,000 to 4,000 jobs.

The American Iron Steel Institute reported that an integrated steel mill could pay as much as $73 million for natural gas this year, up from $37 million last year.

An east Texas poultry producer reported that his poultry house heating bill jumped from $3,900 to $12,000 in 1 month, forcing him to decide between paying the bank or the gas company.

High natural gas prices have resulted in the permanent closure of almost 20 percent of the U.S. nitrogen fertilizer production capacity and the idling of an additional 25 percent.

The Potash Corporation, one of the world's largest fertilizer producers, has announced layoffs at its Louisiana and Tennessee plants due to high natural gas prices.

The company spends $2 million per day on natural gas.

I could go on and on and on about the natural gas prices. This bill is going to provide more opportunity to increase the supply of natural gas and help limit the exacerbating needs for natural gas in this country because of the fuel switching that is going on. The end result is a drag on our economy.

Don't take my word for it. Federal Reserve Chairman Alan Greenspan has testified before the Senate Energy Committee, the House Energy Committee, the Commerce Committee, and the Congressional Joint Economic Committee on the supply and price of natural gas. He did it this year. He stated:

> I am quite surprised at how little attention the natural gas problem has been getting because it is a very serious problem.

This Energy bill includes several provisions to increase domestic production of natural gas and to ensure that we have a healthy, vital fuel mix for electric generation.

It is vitally important for us to finish this debate and pass this bill in order to relieve the pressure on our natural gas supply.

This bill helps provide money for clean coal technology and use a 250-year supply of coal. There are some people in this country who want to shut down coal and force our utilities to use more natural gas. This bill will increase the use of coal using clean coal technology and take the pressure off of energy companies fuel switching to natural gas.

Electricity is another issue for the people of Ohio. There has been a lot of conversation here on the floor over the last couple of days about the electricity title of the bill. Several of my colleagues have talked about the need to prevent blackouts such as the one we experienced in August. Let me say that as a Senator from Ohio where the blackout was triggered, I know about the need to prevent more blackouts. In fact, I held a hearing on this exact topic this morning in the Oversight of Government Management Subcommittee. The electricity title in this bill explicitly provides the Federal Energy Regulatory Commission with the authority to establish and enforce with penalties new national reliability standards that will be critical in helping to prevent future blackouts.

For my colleagues who are having a problem with this bill, I remind them that this title is so needed if we are going to prevent future blackouts.

It also provides the Federal Energy Regulatory Commission with new authority to site transmission lines, encourages utilities to invest in increased transmission capacity, and encourages utilities to invest in new clean coal technologies that will allow more electricity to be put into the grid without increasing the pollution put into the air.

At the oversight hearing that I held this morning, I asked the panel of electricity experts from the Federal Energy Regulatory Commission, the Department of Energy, and the North American Electric Reliability Council what we need in order to prevent future blackouts. Their response was overwhelming: Enact the provisions in the Energy bill, especially the reliability standards.

Finally, I want to talk about jobs created by this legislation. The Energy bill saves jobs. It will create nearly 1 million new jobs. The Energy bill will prevent the loss of hundreds of thousands of jobs, like the jobs lost in the manufacturing sector in the past 3 years, in part due to high energy costs, which I have discussed, and the devastating impact it has in my State, particularly manufacturing jobs, but jobs in all sectors, including manufacturing, construction, and technology.

Where are these other jobs going to come from? Natural gas and coal, more than 400,000 direct and indirect new jobs will be created through the construction of the Alaska national gas pipeline, while at the same time bringing an affordable energy supply to the lower 48 States. America's substantial investment in clean coal technology creates 62,000 jobs and ensures Americans new electricity that is abundant, reliable, affordable, and cleaner than ever before; 40,000 new construction jobs created by the construction of approximately 27 large clean coal plants; 12,000 full time permit jobs related to plant operation; 10,000 research jobs in the fields of math, engineering, physics, and science, with an estimated annual salary of $125,000. A lot of the research jobs will be created right in my State of Ohio.

The renewable fuel standard in the bill will create more than 214,000 new jobs and expand household income by an additional $51.7 billion over the next decade.

Building a first of its kind nuclear reactor to cogenerate hydrogen will create 3,000 construction jobs and 500 long-term high-paying, high-tech jobs.

A nuclear production tax credit will spur the construction of approximately four light-water nuclear reactors for a total of 6,000 megawatts of clean and affordable energy. This construction will create between 8,000 and 12,000 jobs. Running the plants will create 6,000 high-paying, high-tech jobs. The Price-Anderson renewal in this bill will protect 61,800 jobs and 103 plants nationwide.

Again, renewables, incentives for geothermal energy will bring between 300 and 500 megawatts of clean and renewable geothermal energy on line over the next 3 years that will create between 750 and 1,000 direct jobs and between 7,500 and 10,000 indirect jobs.

The fact is, this is a jobs bill. It will also do something else: It will prevent the loss of jobs. Mississippi Chemical and Yazoo City, MS, filed for chapter 11 bankruptcy protection in May due to financial losses attributed to the combination of depression in the agricultural sector and extreme volatility in the domestic natural gas area. In other words, plants are shutting down because of the high cost of natural gas. This will produce more natural gas in this country and take the heat off the rising cost of electricity in our country.

I have heard a number of my colleagues during the debate savage this bill, claiming it will devastate the environment, that it gives oil companies a free pass for MTBE contamination, and that it contains porkbarrel funding for energy companies. Unfortunately, this rhetoric is just another example of the old adage, you cannot let the facts get in the way of good judgment or a good argument. I will address a few of those most outrageous claims we have heard.

The first complaint raised by many of my friends is that the bill is bad for the environment. What are the facts? Here are the environmental benefits to this bill. By promoting greater efficiency and cleaner energy technology, the Energy bill will improve air quality, reduce greenhouse gasses, protect our natural resources, and provide a cleaner, healthier environment for the American people. The Energy bill will reduce environmental impacts by improving energy efficiency, conserving energy, and improving air quality to renew energy efficiency standards for energy-efficient products such as consumer electronics and commercial appliances.

It will provide tax incentives for energy-efficient appliances, hybrid and fuel cell vehicles, and combine heat and power products. It will authorize $1.2 billion over the next 3 years for weatherization assistance programs to help low-income families to make their homes more energy efficient and permanently reduce their energy bills. And it will increase dramatically the LIHEAP money that we will need during the next couple of years for the poor and the elderly so that they are not literally out in the cold.

It expands the use of renewable energy, requiring the Federal Government to purchase up to 5 percent of its electricity from renewable sources and encouraging the installation of solar panels on public buildings. It increases production of renewable energy resources, such as geothermal on Federal and tribal lands. It provides tax incentives for production of electricity from renewable energy such as wind, solar, biomass, and landfill.

Under this bill, the tax credits include $5.6 billion of tax incentives for thermal and for solar energy. We are going to see, as many of my colleagues have asked for the last couple of years, a lot more windmills and a lot more solar panels built as a result of this legislation.

It reduces the use of oil for transportation. It authorizes over $2.1 billion for the President's Freedom Car and hydrogen fuel initiatives to help reduce the use of oil for transportation needs. This is a big issue in this piece of legislation. I have heard some of my colleagues say it will not do anything to

reduce their reliance on oil. I have already talked about the contribution of reducing reliance on oil in terms of renewable fuels such as ethanol, but what it also does is invests substantial money in fuel cells that need to be moved along in this country.

As a Senator and as cochairman of the auto caucus, I have been in automobiles powered by hydrogen and that use fuel cells. This bill will start us on the way to a situation where my children, and for sure my grandchildren, will not be using oil to power their motor vehicles. We have to get on with it and get serious.

It creates new markets for renewable fuels for transportation such as ethanol and biodiesel to reduce the dependence on foreign oil. Expanding use of cleaner energy technologies is another issue in this bill, and modernizing our electricity grid with policies that promote the use of efficient distribution generation combined with heat and power and renewable energy technology. It authorizes a 10-year clean coal power initiative to enable the use of plentiful domestic coal resources with fewer environmental impacts.

It also improves the hydroelectric relicensing process to help maintain this nonemitting source of energy while preserving environmental goals.

The second complaint we have heard about is it contains provisions that give MTBE a free pass from any liability. Now, what are the facts? First of all, Congress has considered liability protections in a variety of settings, including medical care and educational institutions. This provision recognizes that when Congress mandates the use of fuel components and when those components have been studied and approved by the EPA, it is reasonable to disallow a case where the mere presence of a removable system fuel makes it a defective product. The safe harbor provision is intended to offer some protection to refiners that have been required to use oxygenated fuels under the Clean Air Act. They are being required to do it. We told them to do it. The safe harbor provision will not affect cleanup costs; it will not affect claims based on the wrongful release of renewable fuel into the environment such as a spill.

The suggestion is with the spills that are going on, we will not be able to sue those people responsible. Anyone harmed by a wrongful release would retain all rights under current law and would be able to recover cleanup costs just as they do now. Those responsible for releasing oxygenated fuels will be responsible for cleaning them up.

Federal and State environmental statutes such as underground storage tank laws will still apply if gasoline is released and gets into a well or contaminates a drinking water supply.

Critics have charged that this bill will throw all MTBE lawsuits out of court. They could not be more wrong. The safe harbor only applies to product liability claims and does not affect any claims that have been filed prior to September 5, 2003. In fact, at a hearing that I chaired on this topic in March of this year, we spent a significant amount of time discussing current litigation going on in Santa Monica, CA. The facts in this case are pretty clear. MTBE has contaminated the city's water, and the city has had to undergo costly remediation to clean up the contamination.

In that litigation it is worth noting that the oil companies have paid millions and millions of dollars for the cost of remediation and to bring in uncontaminated water to that community. I understand Santa Monica litigation is moving forward. Most importantly, this legislation will not change any aspect of that case. It will not cause any claims to be kicked out and will most certainly not cause the case to be dismissed.

Let me state this again: The safe harbor does not apply in cases such as this. It does not let the oil companies off the hook. It does not throw any litigation out of court. And it does not give anyone a free pass.

Now, a number of my colleagues have come to the floor during this debate and announced they will vote no on this bill because this safe harbor provision is contained in the fuels title. These Members are announcing they oppose the ethanol package purely for this reason. Cynically, I would like to say that, in my opinion, such an announcement is a statement that some of these Members have picked trial lawyers over farmers.

The third complaint that critics of this bill have lodged against it is that it contains unreasonable handouts for big energy and oil companies. What were the facts?

The authorizations and tax incentives contained in the bill are geared to promote the kinds of energy that our friends across the aisle and on this side of the aisle are calling for.

The bill includes incentives for renewable energy—$5.6 billion worth—such as wind energy, solar energy, and the use of biomass. As I mentioned, over 26 percent of all the tax incentives in this bill go to renewable energy.

The bill includes incentives for clean-burning natural gas production.

The bill includes incentives for clean coal technologies. These are the technologies that will allow utilities to continue to use coal without continuing to emit pollution into the air.

The bill includes incentives for increased energy efficiency and conservation.

I would like to read a letter that was sent to Senator DOMENICI. It is from the American Wind Energy Association, the Geothermal Energy Association, the National Hydropower Association, and the Solar Industries Association:

Dear Senator, on behalf of the leading renewable energy trade associations, we are writing to urge your support for passage of H.R. 6. H.R. 6 contains several important provisions vital to the future of our industries. Its passage will help expand renewable energy production and spur job growth in the United States in the immediate future. We ask that you support the bill and vote in favor of any cloture motion filed on the conference report.

What is the downside of promoting clean-burning and renewable energy? Aren't these the same things that many have been attacking us for not including in the bill? This criticism is one more example of overheated rhetoric that, frankly, does not stand up to scrutiny.

If we do not pass this legislation, we will continue to see the hemorrhaging of jobs in America, especially in States such as mine, and we will lose all of the potential jobs that I have just outlined.

This is the largest jobs bill we have seen on the Senate floor in decades. It is my hope and expectation that the Senate will pass it. These issues have been in front of us for far too long—far too long.

Last year, when this was brought up, I spent 6 weeks on the floor of the Senate debating the Energy bill. We finally passed it in the Senate, and it died.

This year, we started out for 2 or 3 weeks and finally were able to enter into a compromise with the other side of the aisle and pass the bill that we passed last year so it could go into conference.

We have worked very hard on this piece of legislation. It is not perfect. There are people who have problems with it. But, overall, it is a very good piece of legislation. The result of not passing it—God only knows what would happen.

For example, this morning, when I had the hearing with the folks who are trying to do something about the blackout problem in this country, they indicated the only salvation for them is this Energy bill. They said: Please pass it, we need it now.

If we do not pass it now, then when are we going to get to mandatory renewable standards, with penalties, and get on with making sure we do not have more blackouts in the United States of America?

As I said, these issues have been in front of us for too long. Now that we are so close to the finish line, I ask my colleagues to vote for cloture on this bill, prevent a filibuster that will hurt our economy, cost us jobs, and hurt our environment. Most importantly—most importantly—we have never had an energy policy in this country. It is long overdue. It is long overdue. We need to move on with this for the future of our economy, for our environment, and for our national security.

Mr. President, I suggest the absence of a quorum.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Thank you, Mr. President.

Mr. President, I appreciate that this debate is now coming to a close, and we

will, evidently, vote on cloture tomorrow morning at about 10:30. It has been a long debate. It has been a good debate. I think it has been an elucidating debate. I think the longer we debate this bill, the more unfavorably it is looked upon by the American people.

I would like to make one general comment about the process before getting into the substance of the bill. I have tremendous respect for my friend from New Mexico, Senator DOMENICI. He is a fine man. We have worked together on legislation. I think he works hard. I think he is dedicated.

I have a very fond relationship with my former colleague from the House of Representatives, Congressman TAUZIN, head of the House Energy Committee. We came into the Congress together in 1980.

But no matter who it is, you cannot negotiate a bill with only two people in the room. Our ranking member from New Mexico, Senator BINGAMAN, was excluded. The Democratic side in the House was excluded. But it was not just the Democrats who were excluded; too, too many of the Members were excluded.

Why is it that those of us in the Northeast, Democrats and Republicans, think this bill is so bad for our region and our communities? Well, maybe it is because when you have a Senator from New Mexico and a Congressman from Louisiana negotiating the whole bill, there is not enough input from other parts of the country.

The beauty of the system that the Founding Fathers created—and that we have carried forward in our own fashion 215 years later—is that it understood those things, and it understood that we should not have a major bill negotiated by two people behind closed doors.

The fact that this bill is teetering on the edge of survival right now, I think, in part, is because of the process by which it was constructed. I hope we will not do it again.

If we should win our vote tomorrow, those of us who are arguing against cloture, I hope that the lesson will be learned. I hope we will have real debate and real conference committees.

I also hope that, even here, we do not make the same mistake of passing last year's bill and then just saying, ''Let it go to conference,'' which was a mistake, I think, made on our side as well.

The process works. It is long and slow and laborious, but it works.

Again, a bill that has so many goodies for so many people—that such a bill should be teetering on the edge of extinction, I think shows we ought to go back to the process, the open process, the process that has Members of various parts of the country represented, the process of debate and refinement, because that ends up making better legislation.

Now, I have a whole lot to say about this bill, but the hour is late. So I will just put my comments into two categories: one, what the bill contains; and, two, what the bill does not contain—neither of which makes me happy.

What the bill contains: There are some good provisions in this bill. I am not going to get up here and do a diatribe against these little narrow things that are there for everybody. There are a few in there for my State, too. I think those sometimes are the grease that makes good legislation move forward, but alone they are not enough to carry a bill, alone they are not enough to justify a bill.

Some of the bad things contained in this bill, as well as some of the things that are so missing from this bill, make a complete case against the bill.

To me, the two things that are in the bill that should not be, more than anything else, are the ethanol provisions and the MTBE provisions.

On the ethanol provisions, I would say this to my colleagues: We do have to find a substitute for MTBE. We do have to keep our air clean. And ethanol is a good way to do it. I am not against ethanol per se. What I am against is mandating ethanol for every region in the country whether it fits or not. Ethanol would be a good standard to meet the oxygenate requirements in areas where there is abundant corn and abundant ethanol manufacturing facilities. But in many regions of the country, particularly on the coasts, there is not. And there are better ways to meet the clean air standards.

Refiners in my area say that by changing the blend and changing the method of refining, they can do just that without ethanol. And they will do that to meet the oxygenate clean air standards. But this bill has the nerve—that is the only way you can put it—to require them to buy ethanol anyway or at least buy ethanol credits. I have never quite seen anything like it.

Ethanol is a very subsidized product with many different types of advantages. Corn growers get all sorts of subsidies. I am not against those subsidies. I think we need to have a farming community. And just as we need dairy farmers in New York, we need corn growers in the Midwest and other places. But I wouldn't dare require people in the Midwest to buy some kind of dairy product made in New York for some other purpose. I might subsidize the product and say: Go out in the free market and make it work. But I wouldn't force them to do it. This goes a step beyond anything we have ever done in this Chamber.

If we wanted to help the corn growers and we are not helping them enough through the Agriculture bill, then let the Government do it. But the ethanol bill says to the traveling salesmen in upstate New York: You are going to do it. It will raise the price of gasoline 4 to 10 cents a gallon in my area.

How can anyone in this Chamber ask those of us from the Northeast and the West to impose that kind of gas tax on our constituents? It is just unfair. It is just wrong. I, for one, resent it. Again, if you want to subsidize the corn growers, do it. But not in this inefficient, unfair, regionally slanted way. Therefore, I very much oppose the ethanol provision.

My folks can't afford another 4 to 10 cents a gallon, likely to be 7 or 8 cents a gallon. Gasoline is high enough. We should be doing things to lower the price of gasoline. In that one fell swoop, all the good in terms of trying to produce alternative fuels will be undone.

Probably even worse in terms of its egregiousness, in terms of its arrogance, in terms of its nerve, its gall, is the MTBE provision. Parenthetically, I say to my friend from Ohio who said it doesn't stop lawsuits, it certainly does. It doesn't stop lawsuits if the little gas station on the corner was negligent. But if you have lost your home to MTBEs, you are not going to get anything out of that little gas station.

We know the only way that homeowners are going to get recompense here. It is through the oil companies, the producers of MTBEs. And those suits are prohibited.

So it is small comfort to the thousands of citizens in Fort Montgomery or in Hyde Park or in Plainview, NY, different communities in different parts of our State who have lost use of water in their home.

This is not just some environmental fetish. I have visited these homes. I feel for these people. Every time your child wants a bath or shower, you have to get in the car and drive a mile. You must use bottled water. For most of the people I know—these are middle class people, not rich people—the value of their home has been it. All they have been able to do is save for their home, and it is gone.

Now you say: Well, we are just going after the oil companies because they have deep pockets. Bunk. The bottom line is, the oil companies knew, the producers knew this was harmful. And here is the rub: They didn't tell a soul. It is not simply that they didn't produce it, but they didn't tell a soul. When they sold the gasoline with MTBE to the gas station down the street, they didn't say: Be careful. They didn't say: If you sit on top of an aquifer or a well, maybe you shouldn't use it. They didn't say: Make sure your tanks don't have leaks because this is dangerous stuff if it leaks into the water. They didn't say any of that.

Had the oil companies, the MTBE producers, come clean and let people know that this might be harmful and that they ought to take remediation the minute there is a spill and deal with prevention so there wouldn't be spills, we would not be asking that they be sued.

The analogy is to the cigarette industry in the sense not that the product was harmful, not even that people might have known it was harmful—that is probably true in each case—but, rather, that it was kept secret. It was

concealed. People didn't have the ability, the choice, to prevent the harm from occurring.

The suits have been successful. My friend from Ohio just mentioned the suit in Santa Monica. Hundreds and hundreds of suits like that will be stopped if we pass this legislation.

I wish every one of my colleagues had come with me to Fort Montgomery, a little community in the hills overlooking the Hudson, a few miles south of West Point. The people there are mostly retired soldiers, not generals, rather, they are captains and majors and sergeants. It is a modest community. They worked hard for their country and they served their country. All they have is these little homes. And look at their faces. They all gathered one fall afternoon on someone's front lawn and talked to me. They are lovely people. They said: We don't want any money; we are not suing for money.

This isn't one of these lawsuits where they say, ''Give us millions of dollars,'' and claim some alleged damage. I don't like those lawsuits. In fact, right now we are trying to put together a class action bill that would make the lawsuits fairer. But the lawsuits were their recourse. The oil companies were beginning to negotiate with them, either to put filters on their water or to help build a new system.

If this bill passes, these people will have two terrible choices: Sell their home at maybe the half the value it was a few years back before MTBE leached into their water supply, or spend thousands and thousands and thousands of dollars each year, each taxpayer, to build a whole water system.

Who is more to blame? The company that produced the MTBE and didn't tell people it was harmful, although they knew it, or these majors and sergeants and captains who served their country for years and have lost just about everything they have had?

That story can be repeated in many parts of New York and many parts of California and many parts of New Hampshire and many parts of Iowa and many parts of America. We should not allow it to happen.

As I said, I am not the leading advocate on our side of the aisle of lawsuits as a solution to everything. I would much rather see government regulation than lawsuits. But if there was ever a situation where lawsuits are justified, it is here.

What is infuriating is we are giving the MTBE industry $2 billion for closing. My friend talked about the money for LIHEAP. It is good that it is in the bill, but it is an authorization. Every time we do the appropriations bill, we don't come close to the authorization level. That is not real money. Put that $2 billion into LIHEAP, real money. But here we are, instead, giving it to the MTBE producers for closing down.

Do we give money to the little drycleaner shop that has to close down even though the blood and sweat and tears of the person who ran it are real? Do we give money to other businesses that have closed down, the thousands in my State, because maybe our country has not done enough to defend them from unfair trade practices? No. But not only do we give this industry $2 billion as recompense for closing down, but then we protect them from liability. This bill chooses those companies over tens of thousands of innocent homeowners. It is an egregious decision, and it shall not pass—if we have anything to do with it.

Those two provisions are at the top of my list as the most egregious in the bill. I will tell you what bothers me just about as much. It is not just what is in the bill, it is what is not in the bill. As everybody who has come to the floor to speak has said, we need an energy policy in America. This bill is a hodgepodge of little things, without much of an energy policy. It is a stitching together of a coalition of individual ideas. I like the tax deductions for the renewables. The reliability provisions don't go far enough, as far as I am concerned, but at least there is a step forward there. But there is no real energy policy.

Mr. President, 9/11 showed us many things, and one thing it showed us is that we have to be independent of Middle Eastern oil. The best and quickest way to do that is by some measure of conservation, and it is MIA in this bill. When China can pass CAFE standards more significant, more stringent than our own, this country is headed for a fall. If we cannot tighten our belts now, before there is a crisis, then something is wrong with the way our country is governing itself. Yet there is virtually nothing in terms of oil independence and conservation. Even the rather modest provisions that the Senator from Louisiana put in the Senate bill are gone. Again, on issue after issue, that occurred—issue after issue after issue.

There is no real conservation measures, at a time when we cry out. If you ask experts what is most needed in terms of our energy policy, it is conservation. We can increase production, and we can try to do experiments with coal or nuclear or hydrogen or whatever you want, but those are 10, 15 years down the road. We can talk about the timetables. I disagree with my friend from Ohio on that. The quickest way to do it is by conservation. We are not doing it.

Then we have the blackout in the Northeast. It cried out for a national grid to make our electricity system like our highway system, where the Government has direct and fairly strict oversight of the means of transportation—in one case of cars, and in another of electricity. And we do the most modest of steps—after we got a huge warning.

The report yesterday showed how little oversight there is, how little coordination there is. One energy company in Ohio and one voluntary organization in part of Ohio dropped the ball. My view is simple. This ought to all be done not by the electricity companies, which have a dramatic interest against spending the money to make the transmission wires work because that is not where they want to make money. It is not a cost that brings them a big rate of return. We should turn that over to FERC and let them set the standards and require the companies to meet it.

This bill doesn't come close to that. Once again, a shot across the bow, so close to us, and we do virtually nothing. The special interests—the Southeast doesn't want to be part of a national grid. Fine. They don't want to give up any rights or be governed by rules that might be good for the common good. Fine. The grid provisions here, better than much of the bill, leave so much to be desired and are emblematic of this bill. The special interests say jump and the bill says, How high? No energy policy. And the same with the problems we have had with deregulation and the sale of electricity out in California and in the West. I am not an expert on that, but my colleagues from California and Washington State have talked about that. We are MIA.

So instead of a coherent energy policy, which the times cry out for, we have a mishmash of goodies, of nods in the direction of the best parts of the bill, and away from some very bad things that hurt many parts of our country.

It is no wonder, Mr. President, that editorial pages across the country have condemned this bill in a way we have not seen in a long time. There is virtually no division. Frankly, I have not seen one article, one editorial—I have probably missed it—that defends this bill. The New York Times—probably the leading liberal editorial page—and the Wall Street Journal—the leading conservative editorial page—I think on the same day said, ''Don't vote for this bill.'' And they are joined by about everybody in between. That is not just the media ranting and raving and not understanding the realities, or being too much in their ivory tower, or on their high horse, which I will be the first to admit happens all the time. That is because there is something wrong with this bill.

So it is my view that we are better off going back to the drawing board, open up the process, include the ranking member from New Mexico of the committee, and include the members of the committee, debate the bill even if it takes a few weeks. I guarantee you that we will get a much better bill.

This bill is an overall negative for what it contains and for what it doesn't. We can and must do a lot better. If we defeat cloture tomorrow, we will.

I yield the floor and 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.

## MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

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

## REGARDING SOUTH AFRICA'S NEW HIV/AIDS POLICY

Mr. DASCHLE. Mr. President. I rise to express my strong support for a decision taken over the last several days in South Africa.

On Wednesday, South Africa's cabinet approved a plan for government-sponsored HIV/AIDS treatment programs. Though late in coming, the decision had to be received as good news by South Africa's five million people infected with HIV. In a country where 600 people a day die of complications from AIDS, this is a life-saving announcement.

Many of us feared we might not ever see this day. In August 2002, I sat with President Mbeki in Pretoria. His response to the AIDS crisis in his country was disheartening, even disconcerting. But he and his government have come a long way.

We must be sure that we do our part now, Mr. President. I gather that the Foreign Operations and Labor-HHS conferences have agreed to provide $2.4 billion in global AIDS funding for FY 04. That is welcome and positive news. But it is still less than we promised the world, and given that 16,000 people a day contract this deadly virus we cannot afford to break that promise again next year.

We will also have to take a look at the assumptions that are underlying our current AIDS policy. The President laid out an ambitious emergency AIDS program for the 14 countries hit hardest by this virus. With a robust prevention and treatment program coupled with aggressive recruitment, training and retention of qualified medical personnel, we will make a difference in those countries.

But this pandemic is moving. While we act aggressively in these 14 countries, we cannot afford to maintain just the status quo in the countries who are threatened with the next wave of this crisis. Recent studies in India suggest that the epidemic in that one country could match if not overwhelm the suffering we have already seen in Africa. In China, government mismanagement and poverty are contributing to an acceleration of the pandemic, and eastern Europe and Russia are seeing alarming rates of infection that threaten to overwhelm the weak health care infrastructures in those tenuous democracies.

This is a huge challenge. We have begun to take some important steps to address it, but we are a long way from done.

## TRIBUTE TO UNIVERSITY OF LOUISVILLE ATHLETIC DIRECTOR TOM JURICH

Mr. McCONNELL. Mr. President, November 5, 2003, brought many reasons for celebration in Kentucky. First, my friend, Ernie Fletcher was celebrating his victory in the gubernatorial election, making him the first Republican to hold that office in 32 years. The same day, the University of Louisville, my alma mater, was celebrating its acceptance into the Big East Conference. On that day, my local paper, The Courier-Journal, highlighted both of these achievements on the front page—a great day to be a Republican and a Cardinal.

The man who orchestrated U of L's rise to the Big East is my friend, Tom Jurich, the university's athletic director. Since his arrival in 1997, Tom has worked diligently to improve Louisville's athletic department. In recent years, he has hired two outstanding coaches, football coach Bobby Petrino and basketball coach Rick Pitino. He also has secured U of L's place as one of the top athletic programs in the country. Tom's hard work and dedication should be commended.

I close by quoting Tom from the November 5, 2003 edition of The Courier-Journal. He said:

> It's a wonderful day to be a U of L fan. And it's a wonderful day to be a Cardinal student-athlete. But it's a hell of a great day to be the athletic director at the University of Louisville. This has been a six-year work in progress This puts us on a level playing field.

This U of L alum is one happy fan, and I thank my friend for all he has done for the University of Louisville Athletic Department. I ask unanimous consent that the following article from The Courier-Journal be printed in the CONGRESSIONAL RECORD to document this historic day: ''Under Tom Jurich, Louisville's star has risen in the East.''

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

[From the Courier-Journal, Nov. 5, 2003]

UNDER TOM JURICH, LOUISVILLE'S STAR HAS RISEN IN THE EAST

(By Pat Forde)

At 10 o'clock yesterday morning, a wrinkled Big East Conference banner was stretched across a table in Kenny Klein's office at the University of Louisville.

The worst-kept secret in college athletics was literally—and finally—on the table. Welcome to a banner day on Planet Red.

Klein, the associate athletic director for media relations, is in his 21st year at U of L. He has been a loyal soldier through the glory and the gory—from an NCAA championship to NCAA probation, from the Fiesta Bowl to 1–10. He ranks yesterday among his very proudest days on the job.

''For the whole, encompassing factor of the athletic department and university, it's as big as anything we've done,'' Klein said. ''We're poised to make an absolute leap, I think.

''It's really neat because you work so hard to build something, a total department, and to see it come to fruition is just a great feeling. Until now you've had that little stigma, even though we knew we can compete. The stigma's gone.''

After six years of unwavering effort by athletic director Tom Jurich, the stigma is gone. After some of the most skillful, steely and inspired personnel moves in recent college sports history reinvigorated football and men's basketball, the stigma is gone. After a committed campaign to improve U of L's shady NCAA-compliance image, low-budget facilities and neglected non-revenue sports, the stigma is gone.

The news that U of L will leave Conference USA in 2005 (at the latest) for the Big East did not pack the focused emotional wallop of beating UCLA in Indianapolis in 1980, Kentucky in Knoxville in '83, Duke in Dallas in '86 or Alabama in Tempe in '91. But those were ephemeral moments, followed (eventually) by hard times. This victory could have a permanent effect on exposure, recruiting, finances and winning—if the Bowl Championship Series situation works itself out.

That's a significant ''if,'' but Jurich expressed confidence that the new Big East won't lose its place at the big table. And if there is one thing Cards fans have learned to do, it's to trust Jurich's vision.

''He really had to change the culture for six years to make this happen,'' said senior associate athletic director Julie Hermann. ''This is a benchmark, a defining moment.''

The defining moments keep piling up for Jurich. The man who hired John L. Smith, Rick Pitino and Bobby Petrino now has brought the entire athletic department up to a level it has strived to reach forever.

Jurich took over on Oct. 21, 1997. Yesterday he jokingly said his first call to Big East headquarters came the following day. In reality he took a few months getting a grip on the U of L program, then put in a call to see where the Cardinals stood.

''It fell on deaf ears,'' he said.

There is a cure for deafness: persistence, a plan and the power of Pitino.

''We just kept at it and kept at it,'' Jurich said. ''And when we got Rick, I think the possibilities became a lot clearer.''

The possibilities could become crystal-clear probabilities by 2005. Pitino is pointing for a Final Four-level season in 2004–05 and could move the Cards immediately to the top of a 16-team Big East megaheap. Football coach Bobby Petrino will be in his third year, with a number of today's young talents in starring roles. If the non-revenue sports step up—most notably women's basketball—U of L could enter the Big East on a serious roll.

The trajectory of Louisville's climb grew steeper in recent years, but the gradual ascent began decades before. This is a school that once was a member of the Ohio Valley Conference, just another regional athletic program in a state owned by Big Blue. This is a school that once gave away football tickets with a tank of gas at convenience stores, a school that once had non-revenue facilities that would embarrass some high schools.

''It's been a slow progression, but this is a great day for the athletic department,'' U of L trustee and 1970s basketball hero Junior Bridgeman said. ''It's not a culmination, just the next step. But it's a great time, and everyone should share in the joy.''

Said Charlie Tyra, a basketball star from the 1950s: ''This is another step in the direction they want to get. Hopefully, this is the big step.''

It's big enough to say that Louisville is now officially Big. Big enough for the Big

East. Big enough for the big boys of college athletics. Big enough to have something Big Brother in Lexington lacks: membership in what will be the best basketball conference going.

This is a league big enough to find on every map. Trips to Hattiesburg, Birmingham and Greenville are out. Philadelphia, Washington and the Big Apple are in.

It's big enough to find every March. As recently as 1994, Louisville was playing in the Metro Conference Tournament in the Mississippi Coast Coliseum in Biloxi. Now it has signed on to play its league tourney on the most famous hardwood in the world at Madison Square Garden.

It's big enough to keep a football coach happy. U of L lost the two best it ever had—Howard Schnellenberger and John L. Smith—because of conference affiliation. Today Petrino, a star-in-the-making, believes he has everything he needs to chase what had been unattainable: a national championship.

Schnellenberger, Denny Crum and Bill Olsen vaulted Louisville athletics forward dramatically in the 1980s and early '90s. That shouldn't be forgotten today when measuring how far the Cards have come. But by the time Jurich arrived, the school's isolationist athletic stance had outlived its usefulness.

As the conference landscape had begun to change, U of L hadn't changed with it. Hogging TV and postseason revenue and pipedreaming of football independent status wasn't helping make the Cards an attractive modern program. In fact, it nearly cost them membership in C–USA at a time when, as Jurich pointed out, ''Louisville needed Conference USA much more than Conference USA needed Louisville.''

Today Louisville is easily the most vibrant, viable and attractive school in the league. And in 2005 it will commence aiming even higher.

You want billboard material? You've got it. Louisville might not be the Best College Sports Town in America, but it's a better one today than it ever has been.

Before the official announcement yesterday, Klein stood at a podium in the U of L football complex, preparing to make introductions. Someone flipped a switch, and behind him a projection screen rolled up.

Behind the screen was the Big East banner that had been sitting on the table in his office earlier in the day. The symbolic wrinkles had been ironed out. And as the screen rolled up, Klein couldn't help but smile.

## TRIBUTE TO MONA VANNATTER

Mr. McCONNELL. Mr. President, I rise today to honor Mona Vannatter. On December 31, 2003, Mona will be retiring after 20 years of service at the Kentucky Rural Development State Office.

Raised in Anderson, IN, Mona graduated from Ball State University with an associate's degree. However, in 1978, she moved to the Bluegrass State with her husband, Steve, and their two daughters, Kristi and Sheri. Though a Hoosier by birth, Mona is a Wildcat at heart.

In 1983, Mona became the secretary to the State director of the Kentucky Rural Development State Office. Since that time, she has proven to be a dedicated and talented employee. Her colleagues praise her as a wonderful representative of the office who genuinely cares about the Kentuckians with whom she interacts. In 2003, Mona was recognized for exemplary performance as secretary to the State director. For the past several years, she has also donated her time and energy to coordinating the United Way Combined Federal Campaign for the agency and successfully reaching the Rural Department goals.

Mona brings the same enthusiasm and energy to her life outside of work. An active member of Broadway Christian Church, Mona served as secretary for her Sunday school class and co-coordinator for God's Pantry. She taught a self-improvement class at the Women's Federal Prison Camp, bringing a positive influence and an optimistic outlook to those who need it most.

For two decades, she has been a dedicated employee of the Kentucky Rural Development State Office. Mona continually proves to be a positive influence in both her workplace and her community. I ask each of my colleagues to join me in thanking Mona Vannatter for all that she has done for her community, the commonwealth of Kentucky, and this great Nation.

## HONORING OUR ARMED FORCES

Mr. GRASSLEY. Mr. President, I rise today in honor of a fellow Iowan and a great American, CWO4 Bruce A. Smith, who recently gave his life in service to his country as a pilot in Operation Iraqi Freedom. Chief Warrant Officer Smith was killed on November 2, 2003, after his helicopter was attacked by a surface-to-air missile 40 miles west of Baghdad in central Iraq. He is survived by his wife Oliva, his 15-year-old daughter Savannah, his 12-year-old son Nathan, his sisters Carol and Brenda, and his brother Brian, as well as numerous other family members, friends, and loved ones. Our deepest sympathies go out to the members of Chief Warrant Officer Smith's family and to all those who have been touched by his untimely passing.

Our Nation's strength resides in the hearts of the men and the women who serve in its defense. The liberties we prize and the freedoms we cherish would not exist if it were not for those who courageously risk their lives while serving in our Nation's Armed Forces. Although our history books are filled with the names of those great patriots whose actions defined our Nation's founding, and although we stand in awe of our fathers and our grandfathers for the heroism they displayed during the great wars of the 20th century, from time to time we are reminded that men and women of such stature can still be found defending our Nation and our way of life.

Today, we pay tribute to one such man, CWO4 Bruce A. Smith. Chief Warrant Officer Smith enlisted in the Iowa Army National Guard as a senior in high school, serving his Nation with distinction for more than 23 years, first as a medic and then as a pilot, before losing his life in Iraq. Chief Warrant Officer Smith's exemplary career in the National Guard, his commitment to his family, and his sense of duty attest to his character as an outstanding American.

As I stand before you today to honor a fallen patriot, I would also like to use this opportunity to extend my deepest sympathies to Chief Warrant Officer Smith's loved ones. While we share their grief, we cannot possibly fully understand their sense of loss. We owe them a debt that can never be repaid and I know they will be in the thoughts and prayers of many Americans

CWO4 Bruce A. Smith has entered the ranks of our Nation's great patriots, and his courage, his dedication to duty, and his sacrifice are all testaments to his status as a true American hero. Let us always remember Chief Warrant Officer Smith's service to our Nation.

I also speak today in honor of a fellow Iowan and a great American, SGT Paul F. ''Ringo'' Fisher, who recently gave his life in service to his country as part of Operation Iraqi Freedom. On November 2, 2003, the helicopter in which Sergeant Fisher was riding was forced to make a crash landing about 40 miles west of Baghdad after being struck by a shoulder-fired missile. Sergeant Fisher sustained multiple injuries in the crash, which ultimately led to his death 4 days later on November 6, 2003, at the Homburg University Klinikum in Homburg, Germany. Sergeant Fisher is survived by his wife Karen, his stepson Jason, his mother Mary, his sister Brenda, and his brother David, as well as numerous other family members, friends, and loved ones.

I ask my colleagues in the Senate and my fellow citizens across our great Nation to join me today in paying tribute to Sergeant Fisher for his bravery, for his dedication to the cause of freedom, and for his sacrifice in defense of the liberties we all so dearly prize. The selflessness of a soldier is unmatched in the history of human endeavors, and mankind knows no greater act of courage than that displayed by the individual upon sacrificing his life for his countrymen, their liberty, and their way of life.

Although we honor Sergeant Fisher as a fallen patriot, we must also pay special tribute to his loved ones whose grief we share, but whose sense of loss we cannot possibly fully understand. My deepest sympathy goes out to the members of Sergeant Fisher's family, to his friends, and to all those who have been touched by his untimely passing. Although there is nothing I can offer that will ever compensate for their loss, I hope they will find some comfort in the thoughts and prayers of a grateful Nation who will be forever in their debt.

Our national history is filled with ordinary men and women who sacrificed their lives in service to our country.

An avid student of history, Sergeant Fisher enjoyed learning about the heroes who preceded him, especially those who brought our Nation through the great wars of the 20th century. It is thus with great solemnity that we today pay tribute to SGT Paul F. ''Ringo'' Fisher, who has himself attained heroic status, having joined the ranks of our Nation's greatest patriots and history's most courageous souls.

## SENATOR ROBERT C. BYRD, FDR, FREEDOM FROM FEAR, AND COURTING YOUR GIRL WITH ANOTHER BOY'S BUBBLE GUM

Mr. KENNEDY. Mr. President, it is an honor to take the floor now to join all Senators on both sides of the aisle in extending our warmest birthday wishes to the Senator who in so many ways is respected as Mr. United States Senate by us all, our friend and eminent colleague from the State of West Virginia, Senator ROBERT C. BYRD.

Senator BYRD is 86 years young today, with the emphasis on ''young,'' because he truly is young in the same best sense we regard our Nation itself as young, inspiring each new generation to uphold its fundamental ideals of freedom and opportunities and justice for all.

Senator BYRD's personal story is the very essence of the American dream, born to a hard life in the coal mines of West Virginia, rising to the high position of majority leader, a copy of the Constitution in his pocket and in his heart, insisting with great eloquence and equally great determination, day in and day out, year in and year out, that the Senate, our Senate, live up to the ideals and responsibilities that those who created the Senate gave us. Washington, Adams, Jefferson, Madison, Franklin, Webster, Clay, Calhoun—they each live on today in Senator ROBERT BYRD, and they would be proud of all he has done in our day and generation to make the Senate the Senate it is intended to be.

On a personal note, I am always very touched on this day in remembering the unusual coincidence that Senator BYRD was born on the same day as my brother Robert Kennedy and in the same year as my brother, President Kennedy, and was married on President Kennedy's birthday.

In the many years we have served together, he has taught me many thins about the Senate, especially how to count votes. He did me one of the biggest favors of my life, although I did not feel that way at the time. On that occasion over 30 years ago, we were each certain we had a majority of democratic votes. We couldn't both be right, and Senator BYRD was right. All these years later, like so many others among us, I still learn from his eloquence whenever he takes the floor and reminds the Senate to be more vigilant about living up to our constitutional trust.

Senator BYRD has received many honors in his brilliant career, and the honor he received last Saturday in Hyde Park in New York was among the highest. He was honored with The Freedom from Fear Award by The Franklin and Eleanor Roosevelt Institute. The award is named for one of the Four Freedoms—freedom of speech, freedom of worship, freedom from want, and freedom from fear—in President Roosevelt's famous State of the Union Address to Congress in 1942, a few weeks after the Second World War began. The award also harks back to FDR's First Inaugural Address in 1933, in which he rallied the Nation from the depths of the Great Depression with the famous words, ''The only thing we have to fear is fear itself.''

In his address accepting the award, Senator BYRD emphasized the importance of renewing our dedication to the Nation's ideals in the very difficult times we face today, when the temptations are so great once again to put aside our freedoms in order to safeguard our security. As Senator Byrd said so eloquently, in a lesson each of us should hear and heed:

> Carry high the banner of this Republic, else we fall into the traps of censorship and repression. The darkness of fear must never be allowed to extinguish the precious light of liberty.

Senator BYRD's address in Hyde Park also contains a very beautiful and moving passage about the person who has been his lifelong best friend and strongest supporter all through these years, the coal miner's daughter he married 66 years ago, his wife Erma.

I wish them both many, many happy returns on this special day, and I ask unanimous consent that Senator BYRD's extraordinary address on receiving the Roosevelt ''Freedom from Fear'' Award be printed in the RECORD.

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

### COURAGE FROM CONVICTION

I thank Ann Roosevelt and William ''Bill'' vanden Heuvel (the Great!) and the Board of the Roosevelt Institute for this distinct, unique honor. I also thank my colleague, a colleague sui generis. Yes, Senator Hillary Clinton came to my office and she said that she wanted to be a good senator. And she said, ''How shall I do it? How shall I go about it? I want to work for the people of New York. I want to be a good senator.'' And I did say, ''Be a work horse, not a show horse.'' She took that to heart, and she has been a fine senator. She has never forgotten that admonition. She has been a good senator and I am delighted to be here in her state this morning. This is an extraordinary award, for which she recommended me so graciously.

I am humbled to be deemed a practitioner of President Roosevelt's great vision. I am proud to be associated once again with my friend and quondam colleague, former Senator and Senate Majority Leader George Mitchell. Ah, what a shame, as we have witnessed the lowering of the Senate's standards. And how proud I would be to be able to vote for a great federal judge to grace the Supreme Court of the United States, George Mitchell. I would have no doubt that he would honor this Constitution of the United States of America. And I hope that, I trust that, the Great Physician, the Great Lawgiver, might bless me so that I might live to see that day.

I congratulate the other exceptional laureates, and I am proud to be their colleague. I am proud to be numbered with the previous Four Freedom recipients.

Franklin Delano Roosevelt—ah, the voice! I can hear it. I can hear it yet as it wafted its way through the valleys, up the creeks and down the hollows in the coal camps of Southern West Virginia. That voice—there was nothing like it. Franklin Roosevelt was a man of tremendous courage. A leader of uncommon vision and optimism. An orator of compelling passion. He looms large, oh so large, in my boyhood memory. I grew up in the home a of coal miner. I married a coal miner's daughter. I thank her today for her guidance, her advice, her constant confidence in me that she has always shown.

Studs (Terkel), I tell you how I won the hand of that coal miner's daughter some 66 years ago. We had in my high school class a lad named Julius Takach. He was of a Hungarian family. His father owned a little store down in Cooktown, about 4 miles from Stotesbury, where I grew up. And each morning, Julius Takach would come to school with his pockets full of candy and chewing gum from his father's store's shelves. I always made it my business to greet Julius Takach at the schoolhouse door upon his arrival! And he would give me some of that candy and chewing gum. I never ate the candy. I never chewed the chewing gum. I proudly walked the halls of Mark Twain High School to see my sweetheart as the classes changed, and I gave her that candy and chewing gum. Now do you think I told her that Julius Takach gave me that candy and that chewing gum? Why, no! Studs, that's how you court your girl with another boy's bubble gum!

The stock market crashed in October 1929. I was 12 years old. I had $7 that I had saved up selling the Cincinnati Post. I had that $7 in the bank at Matoaka, West Virginia. The bank went under, and I haven't seen my $7 since. I struggled to find my first job working at a gas station during the Great Depression. I was 24 when the Japanese bombed Pearl Harbor.

I can remember the voice of President Roosevelt on the radio in those days. His voice carried over the crackle and static of my family's old Philco set. President Roosevelt understood the nation. He understood its history. He understood its character, its ethos. He understood the Constitution. He respected the Constitution.

In Marietta, Ohio, in 1938, President Franklin Delano Roosevelt said: ''Let us not be afraid to help each other—let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country.'' President Roosevelt was right.

Especially in these days, when we find ourselves in dangerous waters, I remind the nation of President's Roosevelt's charge: the government is ourselves. I have called on my colleagues in Congress to stand as the Framers intended.

I saw them tearing a building down
A group of men in a busy town
With a ''Ho, Heave, Ho'' and a lusty yell
They swung a beam and the sidewall fell.

I said to the foreman, ''Are these men skilled?
The type you would hire if you had to build?''
He laughed, and then he said, ''No indeed,
Just common labor is all I need;
I can easily wreck in a day or two,
That which takes builders years to do.''

I said to myself as I walked away,
''Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?
Am I shaping my deeds by a well-laid plan,
Patiently building the best I can?
Or am I a wrecker who walks the town
Content with the labor of tearing down?''

That's what we see today. I call on my colleagues to stand as the Framers intended, as a check against an overreaching executive. I have urged the people of America to awaken to what is happening and to speak out against those who would tear down the fabric of Constitutional liberty. To speak out, for it is the duty of each citizen to be vigilant to what his or her government is doing, and to be critical, if need be. It is not unpatriotic to speak out. It is not unpatriotic to ask questions. It is not unpatriotic to disagree. Speak out, lest the right of dissent, the right to disagree, be trampled underfoot by misguided zealotry and extreme partisanship.

I have been in Congress now close to 51 years, longer than any other person—out of 11,707 individual persons who have served in the House or Senate or both—with the exception of two. And I have never seen such extreme partisanship; such bitter partisanship; such forgetfulness of the faith of our fathers, and of the Constitution. Never have I seen the equal of what I have seen in these last three years.

But let us not fear. The individual mind remains an unassailable force. The individual voice can inspire other to act. A single act of bravery can lead an army against great odds. At a time when dissent is labeled unpatriotic, the strength of a single individual can give hope to the hopeless, voice to the voiceless, power to the powerless.

''The iron will of one stout heart shall make a thousand quail. A feeble dwarf, dauntlessly resolved, will return the tide of battle, and rally to nobler strife the giants that had fled (Martin F. Tupper, 1810–1889).''

During these troubled times, the legacy of Franklin Eleanor Roosevelt is not forgotten. Again, I thank Ann Roosevelt and the inimitable William vanden Heuvel (the Great!), and the Board of the Roosevelt Institute for this great honor. I thank again my protege in whom I have great pride, Senator Hillary Clinton. And I thank each of you here this morning. This day has inspired me to carry on with new energy.

I close with words from President Roosevelt's first inaugural address: ''[T]he only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance.''

If I may be so bold as to add, let us take courage from conviction. Carry high the banner of this Republic, else we fall into the trap of censorship and repression. The darkness of fear must never be allowed to extinguish the precious light of liberty.

May we remember the words of the Scripture (Proverbs 22:28): ''Remove not the ancient landmark, which thy fathers have set.''

## EXPANSION OF NATIONAL SECURITY LETTER AUTHORITY IN INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. LEAHY. Mr. President, yesterday saw passage of yet another example of this Administration's secret efforts to further expand secret powers of the FBI. The FBI can now use National Security Letters, NSLs, which do not require approval by a court, grand jury, or prosecuting attorney, to demand confidential financial records from car dealers, pawn brokers, travel and real estate agents, and other businesses, and to prohibit the business from disclosing that the records have been sought or obtained.

There is no requirement that the FBI demonstrate a need for such records. It need only assert that the records are ''sought for'' an intelligence or terrorism investigation. Nor are there sufficient limits on what the FBI may do with the records or how it must store them. For example, information obtained through NSLs may be stored electronically and used for large-scale data mining operations.

Congress last expanded the FBI's NSL authority in October 2001, as part of the comprehensive antiterrorism package known as the USA PATRIOT Act. Incredibly, the Intelligence Committee forced passage of this latest expansion without consulting the Judiciary Committee, which oversees both the FBI and the implementation of the PATRIOT Act. Indeed, the Committee is in the midst of holding a series of oversight hearings on the PATRIOT Act, including the very provision that has now been significantly modified.

What is even more incredible is the fact that this very provision is the target of sunset legislation that I and other members of the Judiciary Committee, both Democratic and Republican, have introduced. There is no doubt that we would have meaningfully and thoroughly explored further expansion of the NSL authority had we been given the opportunity to do so.

This is what the new law has done. Under the PATRIOT Act, the FBI was permitted to use NSLs to obtain records from banks and other similar financial institutions if they were ''sought for'' an intelligence or terrorism investigation. Now the term ''financial institution'' has been expanded to include a host of other businesses that have nothing to do with the business of banking, and the term ''financial record'' has been expanded to include any record held by any such business that pertains to a customer.

The FBI has long had the power to obtain this sort of information, whether through a judicial subpoena or a search warrant. But with the stealth amendment of the NSL authority, the FBI can now obtain a vast amount of personal and highly confidential information without obtaining court approval, and without any other independent check on the validity or scope of the inquiry. The privacy rights of all Americans have been compromised as a result.

## 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.

Today marks the fifth annual Transgender Day of Remembrance and this year, we mourn with 37 families who lost their loved ones to antitransgender violence. My home State of Oregon has also lost a citizen to this form of hatred. In August 2001, Lorenzo ''Loni'' Okaruru died after being savagely beaten about the head and face with a blunt instrument. Detectives believe that the crime was most likely committed by a man who picked up Okaruru, who he thought was a women, and was angered to find out Okaruru was a biological male. Law enforcement officials believe that Okaruru was killed because of his sexual orientation and gender identity and have classified the crime as a hate crime. The Portland community and civil rights groups rallied together to denounce this horrible crime.

I believe that Government's first duty 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.

## CONSEQUENCES OF THE NO CHILD LEFT BEHIND ACT FOCUS ON STUDENT TESTING

Mr. FEINGOLD. Mr. President, this month public school students around Wisconsin are sharpening their No. 2 pencils and settling in to take a series of annual tests called the Wisconsin Knowledge and Concepts Examinations. These exams, given to students in grades four, eight, and ten, test students' knowledge of reading, language arts, math, science, and social studies.

These tests—and their results—have taken on new meaning for schools around my State as students and teachers in Wisconsin settle into their second school year under the No Child Left Behind Act. This law, the centerpiece of the President's domestic agenda, requires that students in grades three through eight and in one high school grade be tested annually in reading and math beginning in the 2005–2006 school year, with annual science tests to be added 2 years later. Thus, Wisconsin will be required to expand the WKCEs, and the already-existing annual third grade Wisconsin Reading Comprehension Test, to include new reading tests for students in grades five, six and seven; and new math tests for students in grades three, five, six, and seven.

As I travel around Wisconsin, I hear time and again from frustrated parents, teachers, administrators, and school board members about their concerns with the ongoing implementation of the NCLB. I began to hear such comments more than 2 years ago when the President first proposed his education

initiative, and this drumbeat of concern has increased as my constituents continue to learn first-hand what this new law means for them and for their students and children. While Wisconsinites support holding schools accountable for results, they are concerned about the focus on standardized testing included in the President's approach.

I opposed the President's education bill in large part because of this new annual testing mandate. The comments I have heard from people across Wisconsin about this new program have been almost universally negative. Parents, teachers, administrators, and others in the education community have told me that they are concerned about the effect that over-testing will have on Wisconsin's public school students. They oppose another layer of federally mandated testing for many reasons, including the cost of developing and implementing the additional tests, the loss of teaching time every year to prepare for and take the tests, and the unnecessary pressure that these additional tests will place on students, teachers, schools, and school districts.

The pressure to do well on annual tests is already weighing on the teachers and schools in Wisconsin, even with 2 years to go before the additional tests are required. The stakes are very high for schools and school districts. The results on these annual tests are a central part of the complicated formula that determines whether a school is meeting or exceeding its ''adequate yearly progress'' goals. Failure to meet AYP goals in two or more consecutive years will lead to sanctions for the schools and districts in question. I have heard from many constituents about the complex AYP system, and what being determined to be a ''school in need of improvement'' or a school that ''has not met AYP'' will mean for—and how these designations will be interpreted by—parents, students, school personnel, and the general public.

In order to measure AYP, Wisconsin and other States are required under NCLB to look at four indicators for each school and district: test participation, graduation and attendance criteria, reading achievement, and math achievement. Three of these four criteria are based on the annual standardized tests. This is troubling because the future of individual schools and school districts is riding on student participation in and success on just two exams—reading and math. These core subjects are important, to be sure, but I am concerned that this exclusive focus on testing—which is a top-down mandate from the Federal Government—may be detrimental to the successful education of our children, who could benefit from a more flexible approach.

As a recent editorial in the La Crosse Tribune points out, ''the stakes on the schools are high. Buy what about students? The test result doesn't appear on their transcript and it doesn't count toward a grade or graduation.'' And what if a student had a bad day? Or what if the required amount of students don't take the tests, and the school fails to meet the 95 percent participation rate required by the NCLB? A missed participation rate 2 years in a row would mean that the school is ''in need of improvement,'' even if the students who took the tests did well on them.

In addition, some of my constituents are concerned about the value of these tests to students, parents, and teachers. According to one teacher, the existing tests don't have any meaning to students and have little meaning to classroom teachers. And the Federal Government has mandated that students take even more tests without developing a system that makes these new tests, or the existing ones for that matter, meaningful to students.

The impact of these standardized tests on students varies. Some students already have test anxiety and that anxiety may well increase unnecessarily. As the stakes increase for schools, the increased stress level is sure to filter down from administrators to teachers to students. For example, members of the Wisconsin School Counselors Association told me that they have been handing out apple-shaped ''stress balls'' for anxious third graders to squeeze while taking their reading tests.

While some students experience stress out about tests, others simply do not care about the tests at all, and fill in random answers or turn in blank test sheets—after all, there's no penalty if they do so. For students who are struggling, however, a low test score on a standardized test can be demoralizing. According to one Wisconsin teacher, ''Students are being evaluated on one single test. What if the student has a bad day? . . . [T]he truly scary part is that standardized tests ensure that half of our students will always be 'below average.' How can we meet the benchmark that everyone will score proficient and advanced when the tests are designed to never let that happen? . . . Taking more tests is not going to improve learning.''

Most students, of course, try their best. But they are confused about why they are taking tests that do not count toward their grades, and many students and parents are confused by the results of these tests.

With the stakes rising for schools and districts, some schools in Wisconsin have resorted to offering what amounts to bribes to encourage the students to participate in the WKCEs and to do well on them. Since the tests have little consequences for individual students, but very serious consequences for schools and districts, some schools are pulling out all of the stops to get students to take these tests seriously.

According to a recent article in the Milwaukee Journal Sentinel, some schools are offering prizes to students who show up and complete their exams. These prizes range from movie tickets to gift certificates for a local mall to big ticket items such as a television and a DVD player. Some schools are offering exemptions from end-of-semester exams for students who do well on the WKCEs. One elementary school is promising students additional recess periods, snacks, and movies. One teacher told my staff that her school is allowing students to engage in one of the ultimate school no-nos chewing gum in the classroom in order to help to relieve the stress of taking the tests.

I will ask that the complete text of the two articles that I have referenced be printed in the RECORD.

Mr. President, schools in my State are already feeling the pressure to compel students to participate in and succeed on annual tests 2 years before the additional, federally mandated tests are added to the mix. I am concerned about the implications that this pressure, and the resulting scramble to get students to take these tests seriously, will have on public education in my State. I am not saying that schools should not be required to be successful or to show improvement in student performance. Of course, all schools should strive to ensure that they are successful and that their students show improvement.

But these examples from my State are clear evidence of one of the basic problems with the NCLB—its exclusive focus on test scores as the main measure of student achievement. When schools feel compelled to hand out goodies to get students to take tests seriously, those tests are not serving their intended purpose. Certainly, tests have their place in education. But tests should be used as one of multiple measures of student achievement, not as the sole means of determining the success or failure of a school.

I am extremely concerned that the new Federal testing mandate will not achieve the desired result of better schools with qualified teachers and successful students. I fear that this new mandate will curtail actual teaching time and real learning in favor of an environment where teaching to the test becomes the norm. The unfortunate result of this would be to show our children that education is not about preparing for their futures, but rather about preparing for tests—that education is really about sharp No. 2 pencils and test sheets, about making sure that little round bubbles are filled in completely, and, if their school districts and States have enough money, maybe about exam booklets for short answer and essay questions. I am also deeply concerned that this focus on testing will rob teachers of valuable teaching time and will squelch efforts to be innovative and creative, both with lesson plans and with ways of measuring student performance.

For these reasons, earlier this year I introduced the Student Testing Flexibility Act, a bill that would return a

measure of the local control that was taken from States and local school districts with the enactment of the NCLB. This bill would allow States and school districts that have demonstrated academic success for 2 consecutive years the flexibility to apply to waive the new annual testing requirements in the NCLB. States and school districts with waivers would still be required to administer high-quality tests to students in, at a minimum, reading or language arts and mathematics at least once in grades 3–5, 6–9, and 10–12 as required under the law.

This bill is cosponsored by Senators JEFFORDS, DAYTON, and LEAHY. I am pleased that this legislation is supported by the American Association of School Administrators; the National Education Association; National PTA; the National Association of Elementary School Principals; the National Association of Secondary School Principals; the School Social Work Association of America; the National Council of Teachers of English; the Wisconsin Department of Public Instruction; the Wisconsin Education Association Council; the Wisconsin Association of School Boards; the Milwaukee Teachers' Education Association; the Wisconsin School Social Workers Association; and the Wisconsin School Administrators Alliance, which includes the Association of Wisconsin School Administrators, the Wisconsin Association of School District Administrators, the Wisconsin Association of School Business Officials, and the Wisconsin Council for Administrators of Special Services.

I would also like to take a moment to discuss the recently released National Assessment on Educational Progress scores. In addition to a massive new annual testing requirement, the NCLB also requires States to participate in the previously voluntary NAEP tests for fourth grade reading and math, which are given every 2 years. Proponents of high-stakes testing argue that NAEP participation will help to ensure that the results of State-administered tests are valid, and that States are not ''dumbing down'' their tests in order to avoid Federal sanctions.

The NAEP scores that were released last week are the results of the first round of required testing under the NCLB, and, for the first time, include scores from all 50 States, the District of Columbia, and 2 schools run by the Department of Defense. While the nation-wide test results are an improvement over the NAEP administered 2 years ago, I am deeply concerned about the lingering racial disparities in the test results.

I am particularly concerned that the test scores for the approximately 25,000 Wisconsin eighth graders who took this test lead the Nation in the gap between White and African-American students on both the reading and the math tests. While the NAEP was taken by only a small percentage of students in my State and around the country, we cannot ignore the racial disparities in the test scores and the need to do more to ensure that all students have an equal opportunity for a quality education.

The Secretary of Education heralded the NAEP results, saying, ''These results show that the education revolution that No Child Left Behind promised has begun.'' If these test scores prove anything, it is that too many children are being left behind. Study after study has shown that disadvantaged students lag behind their peers on standardized tests.

I regret that the President and the Congress have not done more to ensure that schools have the resources to help these students catch up with their peers before students are required to take additional annual tests that will have serious consequences for their schools. If we fail to provide adequate resources to these schools and these students, we run the risk of setting disadvantaged children up for failure on these tests—failure which could damage the self-esteem of our most vulnerable students.

Instead of focusing resources on those students and schools needing the most help, I am afraid that the testing provisions in the President's bill will punish those very schools with sanctions that will actually take badly needed funding away from them.

I would like to note that my constituents have raised a number of other concerns about the NCLB that I hope will be addressed by Congress. I continue to hear about complex guidelines and a lack of flexibility from the Department of Education. I hear about the unique challenges that the new tutoring, public school transfer, and other requirements pose for rural districts. My constituents often ask when the Federal Government is going to provide the funding it promised for education programs. I share my constituents' concern about imposing new sanctions on schools that do not meet yearly goals even though the programs that would help students and schools to meet those goals are not fully funded.

I will continue to monitor closely the implementation of the NCLB and its effect on public school students in Wisconsin.

I ask unanimous consent the articles to which I referred be printed in the RECORD.

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

[From the Milwaukee Journal Sentinel, Nov. 9, 2003]

TAKE A TEST, GET A PRIZE

(By Amy Hetzner)

Some day soon, teams of Case High School sophomores could be sitting in a Racine movie theater and thanking President Bush.

In an attempt to boost the number of students taking the State's standardized test this week, Case High School will be handing out movie passes to every 10th-grader who completes the battery of exams.

It's just one of many efforts, which include a TV giveaway at another school, to improve student performance and participation on the Wisconsin Knowledge and Concepts Examinations, or WKCEs.

In many Wisconsin schools, the testing began for fourth-, eighth- and 10th-graders last week and will continue until Nov. 21. The tests cover reading, language arts, mathematics, science and social studies.

If nothing else, the new incentives show the growing importance that President Bush's No Child Left Behind Act has placed on annual state testing.

If students slip up, they could cause their school to be labeled as needing improvement and sent on a path to escalating sanctions imposed by the Federal law. If, for example, less than 95% of students take the tests two years in a row, a school may have to allow students to transfer elsewhere.

But the students themselves have little incentive to put forward an effort. The exam doesn't count toward a grade or graduation and won't appear on any transcript.

As Larry Black, principal of Big Foot High School in Walworth, puts it: ''For schools, they're high-stakes tests. For students, they're low stakes. . . . And that's a bad match.''

ROLLING OUT THE REWARDS

To help surmount that obstacle and hopefully avoid being labeled for improvement, two Racine high schools are rolling out the rewards just to get students to take the tests.

In addition to free movie passes, Case students can qualify for $10 cash awards, Regency Mall gift certificates, school-spirit wear and other prizes—simply by showing up this week and answering the exam's questions.

At Racine's Horlick High School, the goodies are even bigger. The school is planning several raffles for each of the two days of testing this week, at which students can win a television set, DVD player and CDs, Principal Nola Starling-Ratliff said.

The incentives are geared to increase both schools' test participation rates, which last year fell below the required 95% of students.

Miss that goal for a second year and both schools would have to allow students to transfer to other district schools under the federal law. A third year of missing their target would force the schools to offer extra tutoring in math and reading.

The high schools facing the threat of sanctions aren't the only ones proffering perks this year, however.

Gifford Elementary School in Racine also dangled the prospect of an extra recess, movie privileges and anonymous treats before any fourth-grade class that had perfect attendance during the week of testing.

''It's made a huge difference,'' Gifford Principal Steve Russo said. ''Every morning we talk about testing with the kids. We encourage them to do the best job, to take pride in their work.''

CRITIC PANS REWARD SYSTEM

But Alfie Kohn, a national opponent of high-stakes testing, called such rewards ''coercive'' and ''disrespectful'' toward students. ''Even if higher test scores were a good idea, you don't treat children like pets by dangling the equivalent of doggie biscuits before them when they perform to your liking,'' said Kohn, a Massachusetts-based author of the book, ''Punished by Rewards.''

School officials, however, say there's nothing wrong with giving students a little push.

Five years ago at Arrowhead High School in Waukesha County, test scores took a serious dip when about 80 sophomores refused to complete the exams, instead turning in blank forms in protest of a test they felt was meaningless. If a school's students were to do the same today, their action could have

more serious consequences for their school in addition to giving it a public black eye.

''We never want to fall into the category where the school's 'in need of improvement' just because students didn't take the test seriously,'' said Arrowhead Superintendent David Lodes.

A REASON TO TRY

So this year, Arrowhead will give its students a reason not only to take the test but also to try.

The school is offering its students a chance to skip final semester examinations in their regular classes if they do well on their WKCEs—scoring at least at the proficient or advanced level in the subject area that corresponds with the class exam they want to avoid.

It's the first year Arrowhead High School has made such an offer, which has been announced to students but is still waiting for formal approval from the School Board.

Arrowhead students who do exceptionally well on the WKCE—scoring at the advanced level on all the tests—also will be allowed to spend their junior-year study hall classes in the senior commons in the pilot effort.

Other schools in the state offering exam exemptions include Big Foot High School, Hartford Union High School and Pulaski High School near Green Bay. Bay Port High School in the Howard-Suamico School District gives students a chance to drop a low-scoring test with a proficient score in the subject area.

''I think we should be able to come up with a way where we can get our students to give their best effort,'' Lodes said. ''Everybody needs to do as best as they possibly can. Yet everybody wants to be rewarded.''

Arrowhead students say they can see a difference.

''I'm actually trying a little harder now,'' said Zack Olson, a 15-year-old sophomore at Arrowhead, where testing began last week.

Previously, Olson said he might not have studied for the test at all. But with the lure of getting out of final exams and a nicer study hall environment, he said he's been doing the practice work that teachers have offered.

Another Arrowhead sophomore, Adam Moir, said he was even a little nervous the night before testing began because he wasn't sure what to expect.

He said a lot of students will be motivated to try to get out of their final exams. ''But, in the same way, there are some students that could care less about school,'' Moir said. ''I'm not one of them.''

[From the La Crosse Tribune]

OUR VIEW: MAKE FEDERAL TESTING FIT WITH CURRICULUM

(By Tribune editorial staff)

Why are some school districts offering movie tickets and other prizes as an inducement to take the tests required under President Bush's ''No Child Left Behind'' law?

They are doing it because students have little incentive to participate in the testing, even though a bad result can result in a Federal Government listing as a failed school.

Under the Federal legislation, schools are required to subject students to testing once a year. If students do not participate, the school could face sanctions. For instance, if less than 95 percent of the students show up for testing two years in a row, the school could have to allow students to transfer elsewhere.

So, the stakes on the schools are high. But what about students? The test result doesn't appear on their transcript and it doesn't count toward a grade or graduation.

A story in Sunday's Milwaukee Journal Sentinel said that the Racine, Wis., School District gives away movie tickets to get kids to show up. Another, unnamed, district is giving away a television set. Still another district—Arrowhead schools in Hartland, Wis., is letting students who take the test opt out of some final exams.

None of this sounds like it is educationally sound, but school administrators say they have little other incentive to get students to take the test. Isn't there a better way to judge school performance than using a test that has no other meaning than providing a potential for Federal punishment? Are there no other valid measurements of student performance?

Giving prizes as an inducement to take a test seems of dubious value. But maybe we ought to be looking for ways to reconcile the federal government's need for performance data with schools' existing curriculum and practices.

## SYRIA ACCOUNTABILITY ACT

Mr. GRAHAM of Florida. Mr. President, the Syria Accountability and Lebanese Sovereignty Restoration Act takes important and valuable steps, and I would have voted for it had I been present, but I am concerned that it may not go far enough.

Syria has long been recognized as a state sponsor of terrorism. In fact, the Syrians themselves openly speak of their support for terrorist organizations such as Hezbollah, Hamas, and the Palestinian Islamic Jihad. Intelligence reports and terrorism experts tell us that the next generation of terrorists is being trained in a network of training facilities that exist in Syria and the Syrian-controlled parts of Lebanon. These international terrorist organizations that run these camps already have the capacity to kill Americans, and they have state sponsors with access to weapons of mass destruction. Prior to 9/11, Hezbollah was responsible for the deaths of more Americans than any other terrorist group.

On September 18, 2001, the Senate passed S.J. Res 23, which authorized the President to use ''all necessary and appropriate force'' against those responsible for the attacks of 9/11. This authorization for the use of force is therefore limited to al-Qaeda. We ignore other terrorist networks at our peril—and at one point, President Bush recognized that. Nine days after the terrorist attack of September 11, the President declared:

''Our war on terror begins with al-Qaeda but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated.''

In his State of the Union speech on January 29, 2002, President bush restated our priorities:

> Our nation will continue to be steadfast and patient and persistent in the pursuit of two great objectives. First, we will shut down terrorist camps, disrupt terrorist plans, and bring terrorists to justice. And, second, we must prevent the terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world.

I supported those statements and hoped to help the President carry out his pledge. Last October, Congress authorized the use of force against Iraq. I voted against this authorization because I believed it was a distraction from the war on terrorism. At that time, I attempted to amend the resolution to provide the president the authorization to use force against other terrorist organizations that met the following criteria: they have a state sponsor with access to weapons of mass destruction; they have a history of killing Americans; and they have the ability to strike inside the United States.

I remain concerned that the President does not have the necessary authorization to use force against these additional terrorist organizations. Without such authorization, he cannot fulfill the commitment he made in his January 2002 State of the Union speech.

I hope the administration will take this occasion to review its existing authorities and report back to Congress on where there may be deficiencies in its authorities to carry out the war on terrorism. Only then will we be able to hold Syria and similar states that sponsor or harbor terrorists truly accountable.

## BUSINESS CLIMATE IN UKRAINE

Mr. CAMPBELL. Mr. President, as Co-Chairman of the Commission on Security and Cooperation in Europe, I have closely followed developments in Ukraine including aspects of the human, security and economic dimensions. My desire is that Ukraine consolidate its independence by strengthening democratic institutions, including the judiciary, and undertaking reforms to improve the business climate essential to attracting much-needed foreign investment. Twelve years after independence, the people of Ukraine deserve to enjoy the fruits of freedom and prosperity, but obstacles remain. Bringing Ukraine more fully into Europe is both essential to the country's long-term economic success and important for European security. Accelerating Ukraine's movement toward Europe is timely and needed. While high-ranking Ukrainian officials pay lipservice to such integration, the jury is still out as to whether they are prepared to take the bold steps that will be required to advance such integration. An important barometer for the future will be the extent to which the country's moves to confront the corruption and crime that retard the process of democratization and economic liberalization and erode Ukraine's security and independence.

While those at the top say the right things, there is justified skepticism as to their sincerity. This is certainly the case concerning Ukraine's current President, Leonid Kuchma. The controversies surrounding Kuchma undercut his credibility with respect to the issue of combating corruption. Nevertheless, this should not detract from

the urgency of tackling corruption in the lead up to critical parliamentary elections slated for next year, and presidential elections to select Kuchma's successor in 2004.

Meanwhile, those serious about rooting out corruption and corrupt officials should take a hard look at the handling—or more accurately, mishandling—of Ukrainian and foreign owned businesses. For example, United States-owned businesses have been victimized through expropriations, asset thefts, extortion and the like perpetrated or abetted by corrupt officials and courts in Ukraine. While new cases continue to occur, longstanding cases remain unresolved with investors unable to obtain the relief to which they are entitled under Ukrainian and international law.

Although the State Department has made repeated representations about these cases at senior levels of the Kuchma administration, Kyiv rebuffed repeated requests to resolve them in accordance with the law. At the same time it refuses to punish the perpetrators of the criminal acts or take corrective measures to prevent similar cases from arising.

If the victims are to ever achieve a measure of justice, it is essential that U.S. officials raise these cases at every appropriate opportunity.

In one especially egregious and illustrative case, well-connected individuals in Ukraine were able to orchestrate the seizure of all the assets of a successful pharmaceutical joint venture which was half owned by United States investors. When, 6 years after the theft the Ukrainian appeals courts finally dismissed the spurious claims to the assets on grounds that they were based entirely on forged and falsely fabricated documents, senior Ukrainian officials launched into action. Within weeks of these judicial decisions, the Ukrainian President reportedly convened a meeting of senior officials, including the cognizant senior judges and his own senior law enforcement and national security cabinet level officers, at which he made clear that he did not want the stolen assets restored to their rightful American owners.

The courts quickly complied, without explanation, and in disregard of the copious evidence before them, the judges reversed the decisions taken just two months earlier and held in favor of the claimants. Several months later longstanding criminal charges against the same individuals were dropped.

The circumstances surrounding this case and others involving United States investors are indicative of the far reaching scope of corruption and the rule of law deficit in Ukraine today. While the matter was repeatedly raised by the State Department several years ago, I am concerned that the Ukrainian side might assume that the matter is a closed case. I urge officials at the Departments of State and Commerce to disabuse Ukrainian Government officials of such an impression.

If the Kuchma administration is serious about rooting out corruption and advancing democracy and the rule of law, these cases provide a good starting point. Only time will tell if they are up to the challenge.

## CONGRATULATING THE PEOPLE OF GUATEMALA ON THEIR RECENT ELECTIONS

Mr. COLEMAN. Mr. President, the people of Guatemala went to the polls on November 9 to elect a new President, Members of the Guatemalan Parliament, local officials, and representatives to the Central American Parliament.

These elections attracted attention, in large part, due to the candidacy of Efrain Rios Montt, a former coup leader who under the Guatemalan constitution should have been banned from running for the Presidency all together. Rios Montt presided over a troubled part of Guatemala's history, during which time too many innocent lives were lost.

Now these elections were not perfect. Long lines and confusion over where to vote made it difficult for many Guatemalans to express their political views. Some polling stations stayed open for as long as 5 hours after they were scheduled to close; other did not. The time period leading up to the elections was marked by violence and intimidation linked to some Rios Montt supporters.

But in the end, these were important and hopeful elections for a number of reasons. Rios Montt was defeated in the ballot box—and he accepted defeat. The willingness of losers to accept defeat is one sign of a maturing democracy. And the result of this defeat for Rios Montt should not be overlooked; he will lose his immunity from prosecution for crimes committed under his watch.

There is much more to the story than Rios Montt's candidacy, however. Approximately 60 percent of Guatemala's 5 million voters went to the polls on Sunday—the largest turnout since 1985. By turning out in such numbers, Guatemalans showed they understand the power of the ballot box. As one woman put it, ''You have to vote if you want things to change.''

Overall, these elections were fair and open. Ballots were not rigged, and vehicles carrying them were monitored by satellite.

Violence on election day was isolated. In spite of an insecure climate during the campaign season, threats of violence were not carried out on a large scale over the weekend. The violence many had feared—and some observers have come to expect from elections of this sort—did not take place. In the words of Guatemalan Nobel Prize winner Rigoberta Menchu: ''This first round was about saying no to violence.''

These elections also marked the first time a nation-wide network of over 3,000 independent election observers, Mirador Electoral, monitored Guatemalan elections—no easy feat in a country ravaged by 40 years of civil war. The group was so highly regarded, they were asked by the Guatemalan election commission to release their ''quick count'' projections of the winners. And the results of Mirador Electoral matched those reached by the election commission.

Guatemalans will go to the polls again on December 28, and will choose between top vote-getters Oscar Berger and Alvaro Colon to be the next President. I would call upon the Guatemalan Government to maintain their commitment to fairness, and to make adjustments to better prepare for a high turn-out of Guatemalans.

While Guatemala still has many problems, these elections give me hope for the future. I congratulate the Guatemalan people for their commitment to democracy.

# ADDITIONAL STATEMENTS

## CONGRATULATING EDITH MILLER

• Mr. JEFFORDS. Mr. President, today I recognize the outstanding contributions made by Edith Miller, outgoing Executive Director for the Vermont School Boards Association, VSBA.

Edie, as she is known to her colleagues, friends, and family, joined the Vermont School Boards Association in December 1997 after previously serving for many years as the director of the University of Vermont's Continuing Education Program.

Edie also served with great distinction on numerous boards dedicated to the arts and community welfare. Her participation in local government is noteworthy. She has worn many hats, from holding positions on the town zoning and planning commissions to her current role as Chair of the East Montpelier Select Board.

I also had the pleasure and benefit of having her husband, Martin Miller, on staff during my tenure as Vermont Attorney General from 1969 through 1972.

Over the years, various individuals have described Edie Miller as a strong and articulate voice in support of public education. She possesses a tireless work ethic and an ability to identify critical issues, analyze the information, and communicate that information not only to the VSBA members, but also to local State and Federal officials.

Edie was a driving force in the creation and implementation of the Vermont Education Leadership Alliance Project, VELA. She worked diligently with her colleagues in the Vermont Superintendents Association and the Vermont Principals' Association to address the critical shortage of principals, superintendents and school board members in Vermont. The program was designed to train and certify

school leaders, thereby increasing their effectiveness and reducing turnover. Although VELA is now under the capable leadership of David Ford, Edie still remains very active on its Board of Directors.

Her remarkable skill at working with a broad constituency has earned Edie enormous respect within Vermont's education community. Edie is not afraid to pursue any idea that she believes will improve outcomes for Vermont's children.

To underscore my efforts to increase funding of special education, Edie met with members of every school board throughout Vermont, convincing them to sign a petition asking the federal government to fully fund the Individuals with Disabilities Education Act. This was not an easy task, but she persevered. These petitions were presented to me in Vermont, bound in a red ribbon. During Senate debate of the various special education funding proposals I have sponsored, I take these petitions with me to the chamber. I can tell you that those petitions have made a deep impression on my colleagues.

I have been very fortunate to work closely with Edie on a number of education issues. I have always appreciated her keen insight and her insistence on carefully weighing all aspects of proposals before making a policy decision.

For Edie, it is important to increase educational opportunities for all students. For Edie, first and foremost, it is and always will be about the kids.

Edie has left an indelible mark on Vermont's education landscape. Though she may be stepping away from her responsibilities at VSBA, I know she will not be stepping away from education.

So, it is with great pleasure that I offer my congratulations to Edie Miller on her stellar accomplishments as executive director for the Vermont School Boards Association and her unyielding commitment to the education of Vermont's children.●

## CHARLES D. ''CHUCK'' ANDERSON

● Mr. KYL. Mr. President, I was recently advised of the upcoming retirement of Mr. Charles D. ''Chuck'' Anderson after a long and faithful career in the defense industry. Mr. Anderson is retiring from Raytheon as the company's vice president of the Air-to-Air Missiles Division in Tucson, AZ.

Chuck began his career in the 1950s as a paratrooper with the California National Guard, then earned his bachelor of science degree in mathematics and physics from California State Polytechnic University. He went on to earn a master of science degree in Systems Engineering from the University of Southern California in 1972.

For the last 10 years, Mr. Anderson has been with Raytheon, and it is my understanding that he has been responsible for all AMRAAM, Sparrow AIM–9M, AIM–9X, and ASRAAM efforts, including development, testing, and production. He also played key roles in the design and manufacture of the Standard Missile, Standard Arm, DIVAD, Stinger, Advanced Cruise Missile, and Phalanx.

Prior to his years at Raytheon, Chuck served in a variety of capacities with General Dynamics, and over the years he has earned a number of awards: the Winner of the 1998 Department of Defense Logistics Life Cycle Cost Reduction Award; the 1999 Outstanding Contracting Team Award; and the 2000 Secretary of the Air Force Lightening Bolt Award, to name just a few.

Chuck Anderson has spent a career dedicated to keeping America strong. I wish him and his wife, Carolyn, best wishes as they venture into the next chapter of their lives.●

## TRIBUTE TO PAUL UNGER

● Mr. DEWINE. Mr. President, today I pay tribute to a remarkable Ohioan—a man of great vision and great compassion. Paul Unger is the founder of the Unger Croatia Institute for Public Administration, an organization that provides professional training, education, and technical assistance to Croatian Government administrators and university officials. On January 23, 2004, he will receive the Outstanding Citizen Achievement Award from the U.S. Agency for International Development for his tireless dedication to fostering democracy and freedom in Croatia.

Paul Unger, a fellow Ohioan who is a native of Cleveland, first arrived in Zagreb for a Christmas party one wintry December night in 1945. He was en route from his post as commandant of a United Nations refugee camp for Croatians in Egypt to his new assignment as administrator for the United Nations relief program in Yugoslavia. That evening, he met Sonja Franz, a Croatian architect-engineer, who became his wife by the next holiday season. Soon after they married, the Ungers left Croatia for the United States.

As the decades passed, the Ungers kept close contact with their family, friends, and colleagues who had remained overseas, committed to a free, democratic Croatia. In 1997, Paul Unger assembled an advisory group of 45 American and Croatian banking, education, and government leaders to found the Unger Croatia Institute for Public Administration to help reform-minded leaders ease Croatia's transition from the devastating war to a more efficient, democratic government.

As a first step, Mr. Unger created a fellowship program to assist senior Croatian officials in the development of improved practices in government. This program was to be administered by his alma mater, Harvard University. The Unger Croatia Program was created within the John F. Kennedy School of Government, and the Institute Advisory Group was charged with nominating and selecting candidates. Between 1998–2001, the Ungers personally sponsored 22 Fellows at the Kennedy School, including deputy prime ministers, cabinet ministers and deputies, national bank governors, parliamentary committee chairs, ambassadors, and a Presidential candidate.

To build a program that could provide similar services for locally elected officials, Mr. Unger turned to the Maxine Goodman Levin College of Urban Affairs at Cleveland State University, CSU. In 2001, the Unger Croatia Center for Local Government Leadership was established within CSU's Levin College.

The success of the Cleveland seminars inspired Mr. Unger to create an educational alliance between CSU and the University of Rijeka, which was formalized in 2002. This collaboration continues to blossom. Over the past 2 years, the Unger Croatia Center at CSU has worked closely with the Economics faculty in Rijeka to develop their professional courses. Last summer, the University of Rijeka hosted the first seminar for public officials in Croatia, and this spring, the University will introduce its first programs in public administration and public health administration—an important step toward the eventual realization of the first-ever Croatian Graduate School of Public Administration.

As Mr. Unger continues to work toward a vision for a prosperous Croatia, government is being transformed. Program participants have returned home and implemented the techniques learned through their studies, creating an environment where Croatians have become increasingly involved in local government and have taken an active role in setting budget priorities and guiding community development.

Beyond his extraordinary efforts abroad, Mr. Unger also has contributed much to our home State of Ohio. It is here that he and Sonja raised a family and achieved prominence through a successful business, volunteer service, and community activism. Among his many accomplishments, Mr. Unger served as president/CEO of the Unger Company, a national food packaging company headquartered in Cleveland; chairman of the Urban Renewal Task Force for the Mayor of Cleveland; president of the Cleveland chapter of the American Civil Liberties Union; and chairman of the Ohio's International Trade Council. He has been widely-recognized, notably by the Cleveland Heights High School Hall of Fame, the Cleveland Blue Book, and the City Club of Cleveland Hall of Fame.

Finally, Paul Unger has remained steadfast in moving Cleveland into the international arena. He has helped lead the Cleveland-Miskole Sister City Committee and the Cleveland Council on World Affairs. He also has sponsored the ''Cleveland in the World'' lecture series at the City Club of Cleveland.

Sonja has been a local civic and political leader in her own right and was the first woman to be honored with a Golden Door Award by Cleveland's Nationality Services Center for her dedication as a social worker and interpreter.

In January 2004, the USAID's Bureau for Europe and Eurasia will honor Paul Unger with the Outstanding Citizen Achievement Award, which recognizes Americans who have made exceptional contributions to international development through volunteerism. I congratulate Mr. Unger for all his work at home and abroad and express my thanks to him and to his wife Sonja for their leadership, dedication, and commitment to democracy in Croatia.●

## HONORING DR. DONALD PINKEL AND PROFESSOR DR. HANSJÓ RG RIEHM

● Mrs. BOXER. Mr. President, I rise to pay homage to the remarkable contributions of Dr. Donald Pinkel and Professor Dr. Hansjörg Riehm to the cure of childhood acute lymphoblastic leukemia, or ALL, once an invariably lethal disease. On December 4, 2003, distinguished colleagues from 12 nations will honor these outstanding physicians in San Diego, CA.

ALL is the most common cancer in children. Forty years ago, very few children were cured. Since that time, the cure rate has improved dramatically. I am informed that thanks in part to the leadership and vision of Dr. Pinkel and Professor Dr. Hansjörg Riehm, about 80 percent of ALL patients are now cured in developed nations. Dr. Pinkel's development of effective presymptomatic central nervous system therapy and Professor Dr. Hansjörg Riehm's development of effective post induction intensification halved the number of relapses and deaths. Tens of thousands of children, their families, friends and neighbors in many countries have benefitted. Dr. Pinkel and Professor Dr. Riehm stand united in their desire that effective therapy be available to children with ALL, both in the developed world and in the developing world.

I am informed that during his years at St. Jude Children's Research Hospital in the 1960s, Dr. Pinkel introduced the concept of presymptomatic central nervous system therapy and cured one-half of children with ALL. Previously, many children had achieved temporary remission from leukemia, only to suffer return of leukemia or relapse in the central nervous system, subsequent bone marrow relapse, and death. Presymptomatic central nervous system therapy remains a cornerstone of ALL therapy throughout the world.

Professor Dr. Hansjörg Riehm and his colleagues in the Berlin Frankfurt Münster Group introduced effective postinduction intensification in the late 1970s. This concept involves implementing stronger therapy after the patient is in remission. Previously, patients received brief intensive induction therapy followed by presymptomatic central nervous system therapy and prolonged mild maintenance therapy. Most patients achieved remission, but many suffered leukemic relapse and death. With application of effective post induction intensification, the number of relapses fell and the chance for cure increased. Professor Riehm's strategy of post induction intensification has been applied throughout the world with similar success.

We know how tragic it is when children and their families struggle with life-threatening disease. The dramatic improvement in the cure rate of ALL gives children and those who cherish them just cause for greater hope. Literally tens of thousands of children in many nations have survived and grown up to realize their hopes and dreams due to the remarkable contributions of Dr. Pinkel and Professor Dr. Riehm. I am certain that children's lives are ample thanks, but I would like to add California's thanks for these physicians' lifetimes of accomplishments. Our Nation and world are fortunate to have benefitted from their work.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, 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 2:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 117. An act to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes;

S. 286. An act to revise and extend the Birth Defects Prevention Act of 1998;

S. 650. An act to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients;

S. 1685. An act to extend and expand the basic pilot program for employment eligibility verification, and for other purposes; and

S. 1720. An act to provide for Federal court proceedings in Plano, Texas.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 48. Concurrent resolution supporting the goals and idelas of ''National Epilepsy Awareness Month'' and urging support for epilepsy research and service programs.

The message further announced that the House passed the following bills and joint resolution in which it requests the concurrence of the Senate:

H.R. 421. An act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes;

H.R. 1006. An act to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species;

H.R. 2218. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes;

H.R. 2420. An act to improve transparency relating to the fees and costs that mutual fund investors incur and to improve corporate governance of mutual funds;

H.R. 3140. An act to provide for availability of contact lens prescriptions to patients, and for other purposes;

H.R. 3491. An act to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes; and

H.J. Res. 78. An act making further continuing appropriations for the fiscal year 2004, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions in which it requests the concurrence of the Senate:

H. Con. Res. 83. Concurrent resolution honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979;

H. Con. Res. 288. Concurrent resolution honoring Seeds of Peace for its promotion of understanding, reconciliation, acceptance, coexistence, and peace among youth from the Middle East and other regions of conflict; and

H. Con. Res. 320. Concurrent resolution expressing the sense of the Congress regarding the importance of motorsports.

The message further announced that the House agree 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. 2417) to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

At 6:51 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the amendment of the Senate to the bill (H.R. 2297) to amend title 38, United States Code, to improve benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

The message also announced that the House agree to the amendments of the Senate to the resolution (H.J. Res. 63) to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia'', and the ''Compact of Free Association, as

amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands'', and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, and for other purposes.

## ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker, were signed on today, November 20, 2003, by the President pro tempore (Mr. STEVENS):

S. 254. An act to revise the boundary of the Kaloko-Honokohau National Historical Park in the State of Hawaii, and for other purposes;

S. 864. An act to designate the facility of the United States Postal Service located at 710 Wick Lane in Billings, Montana, as the ''Ronald Reagan Post Office Building''; and

S. 1718. An act to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the ''Senator James B. Pearson Post Office''.

H.R. 23. An act to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks.

H.R. 1588. An act 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.

H.R. 2744. An act to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the ''David Bybee Post Office Building''.

H.R. 2754. An act making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 3175. An act to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the ''Richard D. Watkins Post Office Building''.

H.R. 3379. An act to designate the facility of the United States Postal Service located at 3210 East 10th Street in Bloomington, Indiana, as the ''Francis X. McCloskey Post Office Building''.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2420. An act to improve transparency relating to the fees and costs that mutual fund investors incur and to improve corporate governance of mutual funds; to the Committee on Banking, Housing, and Urban Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 83. Concurrent resolution honoring the victims of the Cambodian genocide that took place from April 1975 to January 1979; to the Committee on Foreign Relations.

H. Con. Res. 288. Concurrent resolution honoring Seeds of Peace for its promotion of understanding, reconciliation, acceptance, coexistence, and peace among youth from the Middle East and other regions of conflict; to the Committee on the Judiciary.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on November 20, 2003, she had presented to the President of the United States the following enrolled bills:

S. 254. An act to revise the boundary of the Kaloko-Honokohau National Historical Park Addition Act of 2003;

S. 867. An act to designate the facility of the United States Postal Service located at 710 Wicks Lane in Billings, Montana, as the ''Ronald Reagan Post Office Building''; and

S. 1718. An act to designate the facility of the United States Postal Service located at 3710 West 73rd Terrace in Prairie Village, Kansas, as the ''Senator James B. Pearson Post Office.''

## 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–5325. A communication from the Secretary of Transportation, transmitting, a report relative to the Convention on International Interests in Mobile Equipment and the Protocol on Matters Specific to Aircraft Equipment; to the Committee on Commerce, Science, and Transportation.

EC–5326. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector'' (ID101003F) received on November 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5327. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: [CGD07–02–160], Canaveral Barge Canal, Cape Canaveral, Brevard County, FL'' (RIN1625–AA00) received on November 19, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5328. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: [CGD08–03–042], Mississippi River, Iowa, and Illinois'' (RIN1625–AA09) received on November 19, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5329. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: [CGD08–03–045], St. Croix River, Prescott, WI'' (RIN1625–AA09) received on November 19, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5330. 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 2 Regulations), [CGD07–03–144], [COTP San Diego 03–033]'' (RIN1625–AA09) received on November 19, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5331. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: (Including 2 Regulations), [CGD07–03–069], [CGD09–03–214]'' (RIN1625–AA11) received on November 19, 2003; to the Committee on Commerce, Science, and Transportation.

EC–5332. A communication from the Director, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, a report on direct spending or receipts legislation dated October 24, 2001; to the Committee on Appropriations.

EC–5333. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report relative to the EA–18G; to the Committee on Armed Services.

EC–5334. A communication from the Under Secretary of Agriculture for Natural Resources and Environment, transmitting, pursuant to law, a report relative to contracts involving the National Recreation Reservation System; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5335. A communication from the Director, Regulatory Review Group, Commodity Credit Corporation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Obsolete Regulations'' (RIN0560–AH04) received on November 20, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5336. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Poultry Improvement Plan and Auxiliary Provisions'' (Doc. No. 03–017–2) received on November 19, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5337. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Veterinary Services User Fees; Pet Food Facility Inspection and Approval Fees'' (Doc. No. 03–036–2) received on November 19, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5338. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Interpretation of Rule 3b–3'' (Release No. 34–48795) received on November 19, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5339. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR Part 575—Authorization for U.S. Financial Institutions to Transfer Certain Claims Against the Government of Iraq'' received on November 20, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–5340. A communication from the Director, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, a report on direct spending or receipts legislation dated October 24, 2001; to the Committee on the Budget.

EC–5341. A communication from the Assistant Secretary for Civil Works, Department of the Army, transmitting, pursuant to law, a report relative to the Port of Los Angeles Channel Deepening Project, California; to the Committee on Environment and Public Works.

EC–5342. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulation, transmitting, pursuant to law, the report of a rule entitled ''Direct Final Rule on Decommissioning Trust Provisions'' (RIN3150–AH32) received on November 19, 2003; to the Committee on Environment and Public Works.

EC–5343. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $100,000,000 or more to Australia; to the Committee on Foreign Relations.

EC–5344. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a proposed manufacturing agreement of the manufacture of significant military equipment abroad and the license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the Republic of Korea; to the Committee on Finance.

EC–5345. A communication from the Director, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, a report on direct spending or receipts legislation dated October 24, 2001; to the Committee on Foreign Relations.

EC–5346. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Appeals Settlement Guidelines: Forest Products—Losses of Timber for Epidemic for Southern Pine Beetles'' (UIL165.19–00) received on November 20, 2003; to the Committee on Finance.

EC–5347. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''October–December 2003 Bond Fund Amounts'' (Rev. Rul. 2003–117) received on November 20, 2003; to the Committee on Finance.

EC–5348. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Transfers to Provide for Satisfaction of Contested Liabilities'' (RIN1545–BA91) received on November 20, 2003; to the Committee on Finance.

EC–5349. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Transfers to Provide for Satisfaction of Contested Liabilities'' (RIN1545–BA91) received on November 20, 2003; to the Committee on Finance.

EC–5350. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—December 2003'' (Rev. Rul. 2003–122) received on November 20, 2003; to the Committee on Finance.

EC–5351. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Transfers to Trusts to Provide for the Satisfaction of Contested Liabilities'' (Notice 2003–77) received on November 20, 2003; to the Committee on Finance.

EC–5352. A communication from the Procurement Executive, Department of State, transmitting, pursuant to law, the report of a rule entitled ''Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace'' (RIN1400–AB83) received on November 19, 2003; to the Committee on Governmental Affairs.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–326. A resolution adopted by the General Assembly of the State of New Jersey relative to the federal tax code; to the Committee on Armed Services.

ASSEMBLY RESOLUTION NO. 292

Whereas, The President of the United States has authorized the Secretary of Defense to mobilize select members of the National Guard to active duty in response to the continuing global war on terrorism, armed conflict with Iraq, and heightened tensions with North Korea, additionally, state governors have mobilized National Guard members for state active duty to protect airports, nuclear power plants and interstate bridges and tunnels; and

Whereas, Members of the National Guard activated by the President of the United States are entitled to certain exemptions from income taxation that members of the National Guard activated by a Governor are not; and

Whereas, Members of the National Guard activated during the current crises, whether activated by the President of the United States or a Governor, are serving vital interests for which they deserve the full support of our government; and

Whereas, Many of the National Guard members and their families will suffer short and long-term hardships due to their state activation during the crises; and

Whereas, It is fitting and proper that the United States government recognize the sacrifice that these mobilized National Guard members and their families are making; and

Whereas, Part of this recognition should consist of the enactment of federal legislation establishing the same tax treatment for allowances received by members of the National Guard on state active duty as exists for allowances received by such members on federal active duty: Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey:*

1. The President of the United States and the Congress of the United States are respectfully urged to enact legislation to amend the provisions of the federal tax code to exempt from taxable income of National Guard members on state active duty allowances received for housing and subsistence.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the Majority and Minority Leaders of the United States Senate, the Speaker and Minority Leader or the United States House of Representatives, and each member of Congress elected from the State of New Jersey.

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POM–327. A resolution adopted by the General Assembly of the State of New Jersey relative to trade relations with Taiwan; to the Committee on Finance.

ASSEMBLY RESOLUTION NO. 228

Whereas, The United States and the Republic of China, commonly known as Taiwan, maintain an important trade relationship, with Taiwan being among the largest trading partners of the United States and the United States being one of the largest exporters to Taiwan; and

Whereas, Taiwan, the fourteenth largest trading nation in the world, is a center for international trade which is vital to the economic prosperity of this State and the United States in general; and

Whereas, The State of New Jersey and Taiwan established a sister-state relationship in 1989 symbolizing the close friendship between the people of New Jersey and the people of Taiwan; and

Whereas, This State seeks to encourage and expand mutually beneficial commercial relationships with Taiwan; and

Whereas, Taiwan is a modern democracy that routinely holds free and fair elections and has dramatically improved its record on human rights; and

Whereas, Taiwan's 23,000,000 people are not represented in the United Nations; and

Whereas, Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations and has much to contribute to the work and funding of the United Nations; and

Whereas, Taiwan's participation in the United Nations will help maintain peace and stability in Asia and the Pacific: Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey:*

1. The Congress and the President of the United States are respectfully memorialized to strengthen trade relations with the Republic of China (Taiwan) and to support the participation of the Republic of China (Taiwan) in the United Nations.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Trade Representative, and every member of the New Jersey Congressional delegation.

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POM–328. A resolution adopted by the General Assembly of the State of New Jersey relative to a Medicare prescription drug benefit; to the Committee on Finance.

ASSEMBLY RESOLUTION NO. 318

Whereas, Some senior citizens in New Jersey have prescription drug coverage through the ''Pharmaceutical Assistance to the Aged and Disabled'' and Medicaid programs, Medicare supplemental insurance policies or retirement benefit plans; however, according to the federal government, approximately one-third of senior citizens in the nation do not have any insurance coverage for prescription drugs; and

Whereas, Prescription drugs and medication therapy management services are essential components of medical treatment, yet the Medicare program does not offer a comprehensive prescription drug and service benefit to senior citizens who need prescription drug and service coverage in order to be able to afford their medications and comply with prescription medication regimes; and

Whereas, Proper utilization of prescriptions drugs can be one of the most cost-effective medical interventions available in the health care system and medication therapy management services would assist senior citizens in proper medication utilization, which can help reduce adverse medication events that oftentimes result in increased spending of Medicare funds for nursing home stays and hospital, physician and emergency room visits; and

Whereas, Proper utilization of prescription drugs can meet the needs of special populations with chronic diseases and those with co-morbidities through coordinating care with disease management, drug utilization review and patient education program, all of which aid in ameliorating medical errors; and

Whereas, Promoting greater access to prescription drugs through the inclusion of a prescription benefit in the Medicare program would reduce the incidence of senior citizens employing unsafe cost-saving methods, such as splitting pills and staggering the days on which medications are taken; and

Whereas, Comprehensive reform of the Medicare program would coordinate care for this population and offer more choices of quality coverage for senior citizens, while maintaining the financial sustainability of the program; and

Whereas, A voluntary, comprehensive Medicare prescription drug benefit program, which provides eligible enrollees with covered outpatient prescription drugs, medication preparation services and medication therapy management services, would ensure senior citizens access to necessary prescription drugs and services: Now, therefore, be it

*Resolved by the Assembly of the State of New Jersey:*

1. This House respectfully memorializes Congress to enact, and the President of the United States to sign into law, a financially sustainable, voluntary, universal and comprehensive prescription drug benefit in the Medicare program, which would ensure senior citizens access to necessary prescription drugs and services.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk of the General Assembly, shall be forwarded to the President of the United States, the Secretary of Health and Human Services of the United States, the presiding officers of the United States Senate and the House of Representatives, and each of the members of the Congress of the United States elected from the State of New Jersey.

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POM–329. A resolution adopted by the Commission of the City of Miami of the State of Florida relative to tax-exempt governmental facilities; to the Committee on Finance.

POM–330. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to steel tariffs; to the Committee on Finance.

HOUSE RESOLUTION NO. 348

Whereas, The Commonwealth of Pennsylvania is the birthplace of the American steel industry and home to the country's largest steel producer, United States Steel Corporation, and to the United Steelworkers of America; and

Whereas, The House of Representatives of the Commonwealth of Pennsylvania unanimously passed House Resolution 429 on February 12, 2002, calling upon the President to maintain the Section 201 steel tariffs; and

Whereas, The Senate of the Commonwealth of Pennsylvania adopted Senate Resolution 165 on February 12, 2002, calling upon the President to maintain the Section 201 steel tariffs; and

Whereas, As set forth in House Resolution 429 and Senate Resolution 165, the domestic steel industry and the United Steelworkers of America have worked cooperatively and made difficult decisions to ensure that the steel industry's restructuring occur in order to advance a globally competitive United States steel industry; and

Whereas, The President of the United States imposed steel tariffs on March 5, 2003, which have been vitally important to allow for the restructuring of the steel industry; and

Whereas, Since the imposition of the Section 201 tariffs, imports and domestic production of steel have increased; and

Whereas, Steel prices in the United States are still lower than in most other major steel-consuming markets around the world, and any inquiry suffered by steel-consuming industries is unrelated to the President's steel program; and

Whereas, The overall competitiveness of the United States manufacturing industries relies on the ability to maintain a steady domestic steel supply; and

Whereas, Maintaining a steady domestic steel supply is critical to the overall competitiveness of the United States manufacturing industries in the global marketplace; and

Whereas, Steel is essential to the manufacturing and infrastructure sectors, the mainstays of every advanced economy, and no major industrialized nation has been able to function without the ability to produce steel; and

Whereas, The steel tariffs the President imposed in 2002 have provided relief for the domestic steel industry; the tariffs have stopped the hemorrhaging and the steel industry is seeing signs of real recovery; the industry has begun the process of significant restructuring to adjust to the current import competition situation; and continued relief for the full three-year term is necessary so that the industry can undertake vital capital investments that it was forced to postpone due to the import crisis; therefore be it

*Resolved (the Senate concurring)*, That the General Assembly urge the President to maintain the Section 201 steel tariffs for the three-year duration and provide all available assistance to ease the hardship which was resulted for thousands of retired steelworkers as a result of bankruptcies and restructuring; and be it further

*Resolved*, That a copy of this resolution be transmitted to the President of the United States, to Vice President Dick Cheney, to the members of Congress and to Pennsylvania Governor Edward G. Rendell.

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POM–331. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Medicare program; to the Committee on Finance.

HOUSE RESOLUTION NO. 255

Whereas, The mammogram is the medical standard in early breast cancer detection, reducing mortality due to breast cancer by at least 30%; and

Whereas, In the past year and a half, low Medicare and private insurance reimbursement rates for mammograms have contributed to a crisis in mammography; and

Whereas, The average cost of a mammogram is between $90 and $100 and Medicare only reimburses $69 for the procedure; and

Whereas, The private insurance reimbursement is between $50 and $60; and

Whereas, As payments from the Medicare program have not kept pace with rising health care costs, hundreds of radiology clinics have been forced to close their doors and radiologists have been unable to provide mammography services because health care providers are not adequately reimbursed; and

Whereas, The current mammography crisis is causing an increasing shortage of qualified radiologists to administer mammograms; and

Whereas, United States Senators Tom Harkin and Olympia Snowe introduced Senate Bill No. 548, which would be known as the Assure Access to Mammography Act; and

Whereas, Senate Bill No. 548 would increase:

(1) The reimbursement rate of mammography services under the Medicare program to $90.

(2) The Medicare graduate medical education funding for added radiology residency slots, some of which are required to specialize in mammography.

(3) The funding for allied health profession loan programs in order to increase the supply of qualified radiological technicians available to conduct mammograms; therefore be it

*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress of the United States to pass Senate Bill No. 548 to provide enhanced reimbursements for and expanded capacity to mammography services under the Medicare program; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States, the Secretary of Health and Human Services, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

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POM–332. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the Federal Unemployment Tax Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 53

Whereas, the Federal Unemployment Tax Act (FUTA) requires that every employer pay an excise tax of 6.2% on the first $7,000 of total wages paid to each employee; and

Whereas, FUTA includes corporate officers within the scope of covered employment by defining these persons as ''employees'' of a corporation (26 U.S.C. §3121(d)(1)); and

Whereas, Pennsylvania employers, including corporate officers, can, to the extent provided by law, take a tax credit against the FUTA tax of the unemployment contributions that were paid into Pennsylvania's unemployment compensation fund; and

Whereas, FUTA establishes that employers may take a maximum credit of 5.4% against the FUTA tax; and

Whereas, after the offset credit is applied, Pennsylvania employers who pay into the State unemployment system are left to pay 0.8% FUTA tax on the first $7,000 in wages paid to each employee; and

Whereas, Pennsylvania's Unemployment Compensation Law requires that corporate officers pay unemployment compensation taxes, although they generally are not eligible to collect unemployment compensation benefits should they become unemployed; and

Whereas, Pennsylvania corporate officers have expressed frustration because they are required to pay into the State's unemployment compensation sysetm but are subsequently denied unemployment benefits when they become unemployed; and

Whereas, the payment of unemployment compensation taxes is especially burdensome for small, incorporated businesses; and

Whereas, exempting Pennsylvania corporate officers from State unemployment contribution liability would be futile because such officers would then be required to pay the full 6.2% FUTA tax on their wages instead of the net 0.8% rate normally paid with the 5.4% offset credit permitted for State unemployment taxes paid; and

Whereas, such an exemption would not provide any real tax relief to corporate officers, but would merely result in the Federal Government benefiting from additional tax revenue at the expense of Pennsylvania's unemployment compensation fund: Therefore be it

*Resolved (the senate concurring)* That the General Assembly of the Commonwealth of Pennsylvania urge the Congress to reexamine the FUTA tax as it relates to corporate officers and reevaluate the need for such a tax; and be it further

*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

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POM–333. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to the war against terrorism; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 373

Whereas, nineteen terrorists hijacked four commercial airplanes on September 11, 2001, crashing two planes into the twin towers of the World Trade Center in New York City, one into the Pentagon, in Washington, D.C., and one in Pennsylvania, resulting in the loss of life of thousands of innocent people; and

Whereas, the events of September 11 led President George W. Bush to initiate a war against terrorism that is being fought at home and abroad through multiple operations including diplomatic, military, financial, investigative, homeland security and humanitarian actions; and

Whereas, the United States is enforcing a doctrine which makes plain that terrorists will be held responsible for their actions and governments which harbor, feed, house and hide terrorists will be held accountable for these acts; and

Whereas, the United States has moved to block the assets of 62 organizations and individuals associated with two investment and money-moving networks of terror; and

Whereas, the coalition of countries supporting the financial war against terrorism now stands at 195 countries; and

Whereas, the United States has issued orders blocking the access of 150 known terrorists, terrorist organizations and terrorist financial centers to United States financial systems; and

Whereas, the United States Department of Defense has airdropped 1,725,840 Humanitarian Daily Rations totaling approximately $120 million into Afghanistan; and

Whereas, the United Nations reports that since November 1, 2001, nearly 12,000 refugees have spontaneously returned to Afghanistan from refugee camps in Iran, representing only a small portion of the estimated number of Afghan refugees in Pakistan and Iran, and it is apparent that humanitarian efforts must continue and be encouraged; and

Whereas, the people of Afghanistan have suffered extensively under the rule of the repressive Taliban regime, with girls denied access to schooling; women prohibited from working, accessing medical care and leaving their home unescorted; women required to wear the enveloping burqa; and other restrictive measures imposed on all Afghan people, including restrictions on smiling, laughing, listening to music and other normal activities of daily living; and

Whereas, talks are under way in Bonn, Germany, among various parties in Afghanistan to establish an agreement leading to a stable, cohesive and broad-based government which is loyal to the people of Afghanistan and respects its international obligations: Therefore be it

*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania support and encourage the continued efforts of the President and Congress of the United States to bring those responsible for the September 11, 2001, attack on America to justice; and be it further

*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania support and encourage efforts currently under way to establish a stable government in Afghanistan and enable Afghanistan to become a peaceful participant in world nations; and be it further

*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania encourage national and international efforts to bring humanitarian aid and relief to the people of Afghanistan; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–334. A resolution adopted by the General Assembly of the State of New Jersey relative to funding for the Head Start program; to the Committee on Health, Education, Labor, and Pensions.

ASSEMBLY RESOLUTION NO. 307

Whereas, the Federal Head Start project in the Department of Health and Human Services has been one of the most successful of the Great Society anti-poverty programs; and

Whereas, New Jersey's Head Start programs have played a highly successful and valuable multi-faceted role in fighting poverty, creating economic opportunity and educating low-income children in New Jersey since 1965; and

Whereas, New Jersey's Head Start programs have graduated over 1.5 million children and made them education-ready for kindergarten; and

Whereas, New Jersey Head Start programs currently educate over 16,000 children in New Jersey and build the capacity of thousands of parents and staff; and

Whereas, Head Start programs nationwide and in New Jersey are under attack with a threatened loss of funding and virtual elimination of Federal performance standards that include social services benefits to families; and

Whereas, the Federal Government is proposing to move funding that goes to Head Start programs from the Department of Health and Human Services to the Department of Education; and

Whereas, the Federal Government is also proposing to block grant the Federal funding that goes to Head Start programs to the individual states; and

Whereas, the Department of Education has no experience in supervising comprehensive anti-poverty, social service and education programs for preschoolers and families; and

Whereas, evidence makes clear that block granting to the states the funds that now go directly from Federal to local Head Start programs would undermine the consistent quality of Head Start nationwide; and

Whereas, studies show that Federal funds are 8 times more likely than State funds to reach the neediest children, including the General Accounting Office 1998 Report ''State and Federal Efforts to Target Poor Children''; and

Whereas, it is inconsistent for the Federal Government to push for national outcomes for Head Start children and simultaneously erase the mechanisms to help achieve them; and

Whereas, currently, Head Start funds only 6 slots out of every 10 for eligible children and Early Head start has only enough funding to serve 3% of all eligible children; and

Whereas, the New Jersey Supreme Court has already accepted the argument that expanded preschool for low-income children in poor school districts is essential to help combat the disadvantages they experience relative to children living in wealthier school districts; and

Whereas, New Jersey has this nation's most segregated housing system and school districts, and loss of Head Start means low-income and black and Latino children would be disappropriately affected; and

Whereas, over $131 million in Head Start funds comes to local programs in New Jersey, which leverages those funds and invests in local businesses within the local Head Start community; and

Whereas, many community-based Head Start programs in New Jersey are able to build preschool facilities more economically and efficiently within the community than the State and public schools; and

Whereas, over 1,060 of Head Start's 3,400 employees in New Jersey are former Head Start parents and from the local community; and

Whereas, Head Start's mission includes a commitment to help parents become economically viable and better advocates for children and also to strengthen the community and engage in economic development activities; and

Whereas, block granting would undermine the New Jersey Supreme Court's Abbott v. Burk decision and allow the State to use the Federal funds to pay for its expenses rather than provide the supplemental funds that the Head Start programs need to meet the Supreme Court mandates: Now, therefore, be it

*Resolved by the General Assembly of the State of New Jersey:*

1. This House expresses its opposition to the move of Head Start funding by the Federal Government from the Department of Health and Human Services to the Department of Education and also expresses its opposition to provide Head Start funding on a block grant basis.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk, shall be transmitted to the President and Vice-President of the United States, the Speaker of the House of Representatives, the Secretaries of Education and Health and Human Services, and every member of Congress elected from this State.

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POM–335. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to consolidation loans; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 388

Whereas, the 1998 Amendments to the Higher Education Act of 1965 (Public Law 105–244) provided for Federal consolidation loans to help students and graduates by reducing the cost of repaying the money that they borrowed to finance their higher education; and

Whereas, the law provides that a borrower who has a Federal consolidation loan is not eligible for a subsequent Federal consolidation loan except in the narrower circumstances in which he or she has obtained another eligible loan that is to be consolidated with the existing consolidation loan; and

Whereas, many students and graduates would benefit from the ability to refinance their student loans more than once in order to secure a lower rate of interest: Therefore, be it

*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania memorialize the Congress to amend the 1998 Amendments to the Higher Education Act of 1965 to allow for subsequent Federal consolidation loans regardless of whether the borrower has obtained a new eligible loan; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

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POM–336. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to confirmation hearings on the Michigan nominees to the United States 6th Circuit Court of Appeals; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 127

Whereas, the Senate of the United States is perpetuating a grave injustice and endangering the well-being of countless Americans, putting our system of justice in jeopardy in Michigan and the states of the Sixth Circuit of the federal court system; and

Whereas, the Senate of the United States is allowing the continued, intentional obstruction of the judicial nominations of four fine Michigan jurists: Judges Henry W. Saad, Susan B. Neilson, David W. McKeague, and Richard A. Griffin, all nominated by the President of the United States to serve on the United States 6th Circuit Court of Appeals; and

Whereas, this obstruction is not only harming the lives and careers of good, qualified judicial nominees, but it is also prolonging a dire emergency in the administration of justice. This emergency has brought home to numerous Americans the truth of the phrase ''justice delayed is justice denied''; and

Whereas, both of Michigan's Senators continue to block the Judiciary Committee of the United States from holding hearings regarding these nominees. This refusal to allow the United States to complete its constitutional duty of advice and consent is denying the nominees the opportunity to address any honest objections to their records or qualifications. It is also denying other Senators the right to air the relevant issues and vote according to their consciences. This is taking place during an emergency in the United States 6th Circuit Court of Appeals with the backlog of cases; and

Whereas, we join with the members of Michigan's congressional delegation who wrote Chairman Orrin Hatch on February 26, 2003, to express their concern that ''if the President's nominations are permitted to be held hostage, for reasons not personal to any nominee, then these judicial seats traditionally held by judges representing the citizens of Michigan may be filled with nominees from other states within the Sixth Circuit. This would be an injustice to the many citizens who support these judges and who have given much to their professions and government in Michigan''; and

Whereas, we are concerned about the Sixth Circuit as a whole, a circuit understaffed, with 4 of its 16 seats vacant, knowing that the Sixth Circuit ranks next to last out of the 12 circuit courts in the time it takes to complete its cases. Since 1996, each active judge has had to increase his or her number of decisions by 46%—more than three times the national average. In the recent past, the Sixth Circuit has taken as long as 15.3 months to reach a final disposition of an appeal. With the national average at only 10.9 months, this means the Sixth Circuit takes over 40% longer than the national average to process a case; and

Whereas, the last time the Sixth Circuit was this understaffed, former Chief Judge Gilbert S. Merritt said that it was handling ''a caseload that is excessive by any standard.'' Judge Merritt also wrote that the court was ''rapidly deteriorating, understaffed and unable to properly carry out their responsibilities''; and

Whereas, decisions from the Sixth Circuit are slower in coming, based on less careful deliberation, and, as a result, are less likely to be just and predictable. The effects on our people, our society, and our economy are far-reaching, including transaction costs. Litigation increases as people strive to continue doing business when the lines of swift justice and clear precedent are being blurred; and

Whereas, President Bush has done his part to alleviate this judicial crisis. Over the past two years, he has nominated eight qualified people to the Sixth Circuit Court of Appeals, with three of them designated to address judicial emergencies. Four of these nominees continue to languish without hearings because of the obstruction of the two Michigan Senators: Now, therefore, be it

*Resolved by the senate,* That we memorialize the United States Senate and Michigan's United States Senators to act to continue the confirmation hearings and to have a vote by the full Senate on the Michigan nominees to the United States 6th Circuit Court of Appeals; and be it further

*Resolved,* That copies of this resolution be transmitted to Michigan's United States Senators and to the President of the United States Senate.

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POM–337. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to confirmation hearings on the Michigan nominees to the United States 6th Circuit Court of Appeals; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 108

Whereas, the Senate of the United States is perpetuating a grave injustice and endangering the well-being of countless Americans, putting our system of justice in jeopardy in Michigan and the states of the Sixth Circuit of the federal court system; and

Whereas, the Senate of the United States is allowing the continued, intentional obstruction of the judicial nominations of four fine Michigan jurists: Judges Henry W. Saad, Susan B. Neilson, David W. McKeague, and Richard A. Griffin, all nominated by the President of the United States to serve on the United States 6th Circuit Court of Appeals; and

Whereas, this obstruction is not only harming the lives and careers of good, qualified judicial nominees, but it is also prolonging a dire emergency in the administration of justice. This emergency has brought home to numerous Americans the truth of the phrase ''justice delayed is justice denied''; and

Whereas, both of Michigan's Senators continue to block the Judiciary Committee of the United States Senate from holding hearings regarding these nominees. This refusal to allow the United States Senate to complete its constitutional duty of advice and consent is denying the nominees the opportunity to address any honest objections to their records or qualifications. It is also denying other Senators the right to air the relevant issues and vote according to their consciences. This is taking place during an emergency in the United States 6th Circuit Court of Appeals with the backlog of cases; and

Whereas, we join with the members of Michigan's congressional delegation who wrote Chairman Orrin Hatch on February 26, 2003, to express their concern that ''if the President's nominations are permitted to be held hostage, for reasons not personal to any nominee, then these judicial seats traditionally held by judges representing the citizens of Michigan may be filled with nominees from other states within the Sixth Circuit. This would be an injustice to the many citizens who support these judges and who have give much to their professions and government in Michigan''; and

Whereas, we are concerned about the Sixth Circuit as a whole, a circuit court understaffed, with 4 of its 16 seats vacant, knowing that the Sixth Circuit ranks next to last out of the 12 circuit courts in the time it takes to complete its cases. Since 1996, each active judge has had to increase his or her number of decisions by 46%—more than three times the national average. In the recent past, the Sixth Circuit has taken as long as 15.3 months to reach a final disposition of an appeal. With the national average at only 10.9 months, this means the Sixth Circuit takes over 40% longer than the national average to process a case; and

Whereas, the last time the Sixth Circuit was this understaffed, former Chief Judge Gilbert S. Merritt said that it was handling ''a caseload that is excessive by any standard.'' Judge Merritt also wrote that the court was ''rapidly deteriorating, understaffed and unable to properly carry out their responsibilities''; and

Whereas, decisions from the Sixth Circuit are slower in coming, based on less careful deliberation, and as a result, are less likely to be just and predictable. The effects on our people, our society, and our economy are far-reaching, including transaction costs. Litigation increases as people strive to continue doing business when the lines of swift justice and clear precedent are being blurred; and

Whereas, President Bush has done his part to alleviate this judicial crisis. Over the past two years, he has nominated eight qualified people to the Sixth Circuit Court of Appeals, with three of them designated to address judicial emergencies. Four of these nominees continue to languish without hearings because of the obstruction of the two Michigan Senators: Now, therefore, be it

*Resolved by the house of representatives,* That we memorialize the United States Senate and Michigan's United States Senators to act to begin the confirmation hearings on the Michigan nominees to the United States 6th Circuit Court of Appeals; and be it further

*Resolved,* That copies of this resolution be transmitted to Michigan's United States Senators and to the President of the United States Senate.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

S. 1741. A bill to provide a site for the National Women's History Museum in the District of Columbia (Rept. No. 108–204).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment:

S. 1425. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program (Rept. No. 108–205).

By Ms. COLLINS, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 1567. A bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes.

## 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 Ms. SNOWE:

S. 1897. A bill to amend title XVIII of the Social Security Act to provide a clarification of congressional intent regarding the counting of residents in a nonprovider setting for purposes making payment for medical education under the medicare program; to the Committee on Finance.

By Mr. COLEMAN:

S. 1898. A bill to amend the Internal Revenue Code of 1986 to allow tax-payers to designate part or all of any income tax refund

to support reservists and National Guard members; to the Committee on Finance.

By Mr. BROWNBACK (for himself and Mr. GREGG):

S. 1899. A bill to improve data collection and dissemination, treatment, and research relating to cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR:

S. 1900. A bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes; to the Committee on Finance.

By Mr. BAYH:

S. 1901. A bill to amend the Internal Revenue Code of 1986 to provide for tax credit for offering employer-based health insurance coverage and to provide for the establishment of health insurance purchasing pools; to the Committee on Finance.

By Mr. REED (for himself, Mr. SPECTER, Mr. DURBIN, and Mr. ALLEN):

S. 1902. A bill to establish a National Commission on Digestive Diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself and Mr. BAYH):

S. 1903. A bill to promote human rights, democracy, and development in North Korea, to promote overall security on the Korean Peninsula and establish a more peaceful world environment, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM of Florida (for himself and Mr. NELSON of Florida):

S. 1904. A bill to designate the United States courthouse located at 400 North Miami Avenue in Miami, Florida, as the ''Wilkie D. Ferguson, Jr. United States Courthouse''; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI (for herself and Mr. CAMPBELL):

S. 1905. A bill to provide habitable living quarters for teachers, administrators, other school staff, and their households in rural areas of Alaska located in or near Alaska Native Villages; to the Committee on Indian Affairs.

By Mr. SESSIONS (for himself and Mr. MILLER):

S. 1906. A bill to provide for enhanced Federal, State, and local enforcement of the immigration laws, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. JOHNSON, Mr. LEAHY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. BAUCUS, Mr. DAYTON, Mr. HARKIN, Mr. FEINGOLD, Mr. BINGAMAN, Mr. JEFFORDS, Mr. EDWARDS, and Mr. SCHUMER):

S. 1907. A bill to promote rural safety and improve rural law enforcement; to the Committee on the Judiciary.

By Mr. CORNYN:

S. 1908. A bill to allow certain Mexican nationals to be admitted as nonimmigrant visitors for a period of 6 months; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. KENNEDY):

S. 1909. A bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN:

S. 1910. A bill to direct the Secretary of Agriculture to carry out an inventory and management program for forests derived from public domain land; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 1911. A bill to amend the provisions of title III of the Trade Act of 1974 relating to violations of the TRIPS Agreement, and for other purposes; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, Mr. LAUTENBERG, Mr. DODD, Mr. WYDEN, Mr. JEFFORDS, and Mr. KENNEDY):

S. Res. 269. A resolution urging the Government of Canada to end the commercial seal hunt that opened on November 15, 2003; to the Committee on Foreign Relations.

By Mr. COLEMAN (for himself and Mr. DAYTON):

S. Res. 270. A resolution congratulating John Gagliardi, football coach of St. John's University, on the occasion of his becoming the all-time winningest coach in collegiate history; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 560

At the request of Mr. CRAIG, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 595

At the request of Mr. HATCH, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 674

At the request of Ms. COLLINS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 674, a bill to amend the National Maritime Heritage Act of 1994 to reaffirm and revise the designation of America's National Maritime Museum, and for other purposes.

S. 811

At the request of Mr. ALLARD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 811, a bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes.

S. 1006

At the request of Mr. BURNS, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1006, a bill to reduce temporarily the duty on certain articles of natural cork.

S. 1177

At the request of Mr. JOHNSON, his name was withdrawn as a cosponsor of S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1266

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. FITZGERALD), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Colorado (Mr. CAMPBELL) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1266, a bill to award a congressional gold medal to Dr. Dorothy Height, in recognition of her many contributions to the Nation.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1354

At the request of Ms. MURKOWSKI, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1354, a bill to resolve certain conveyances and provide for alternative land selections under the Alaska Native Claims Settlement Act related to Cape Fox Corporation and Sealaska Corporation, and for other purposes.

S. 1411

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1411, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1500

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1500, a bill to amend the Internal Revenue Code of 1986 to modify the tax credit for holders of qualified zone academy bonds.

S. 1619

At the request of Mrs. MURRAY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1619, a bill to amend the Individuals with Disabilities Education Act to ensure that children with disabilities who are homeless or are wards of the State have access to special education services, and for other purposes.

S. 1758

At the request of Mr. VOINOVICH, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1758, a bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar.

S. 1781

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1781, a bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes.

S. 1879

At the request of Ms. MIKULSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1879, a bill to amend the Public Health Service Act to revise and extend provisions relating to mammography quality standards.

S. 1890

At the request of Mr. ENZI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1890, a bill to require the mandatory expensing of stock options granted to executive officers, and for other purposes.

S. CON. RES. 81

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 81, 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. 202

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 202, a resolution expressing the sense of the Senate regarding the genocidal Ukraine Famine of 1932–33.

S. RES. 216

At the request of Mr. LOTT, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Res. 216, a resolution establishing as a standing order of the Senate a requirement that a Senator publicly discloses a notice of intent to object to proceeding to any measure or matter.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN:

S. 1898. A bill to amend the Internal Revenue Code of 1986 to allow tax-payers to designate part or all of any income tax refund to support reservists and National Guard members; to the Committee on Finance.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today—the Voluntary Support for Reservists and National Guard Members Act, which creates a voluntary check-off on tax returns to support the income lost to reservists who are called to active duty—be printed in the RECORD.

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

S. 1898

*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 Support for Reservists and National Guard Members Act''.

**SEC. 2. DESIGNATION OF OVERPAYMENTS TO SUPPORT RESERVISTS.**

(a) DESIGNATION.—

(1) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

**''PART IX—DESIGNATION OF OVERPAYMENTS TO SUPPORT RESERVISTS**

''Sec. 6097. Designation.

**''SEC. 6097. DESIGNATION.**

''(a) IN GENERAL.—In the case of an individual, with respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that a specified portion (not less than $1) of any overpayment of tax for such taxable year be paid over to the Reservist Income Differential Trust Fund.

''(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made in such manner as the Secretary prescribes by regulations except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

''(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as—

''(1) being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed, and

''(2) a contribution made by such taxpayer on such date to the United States.''.

(2) TRANSFERS TO RESERVIST INCOME DIFFERENTIAL TRUST FUND.—The Secretary of the Treasury shall, from time to time, transfer to the Reservist Income Differential Trust Fund the amounts designated under section 6097 of the Internal Revenue Code of 1986.

(3) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Part IX. Designation of overpayments to support reservists.''.

(b) RESERVIST INCOME DIFFERENTIAL TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

**''SEC. 9511. RESERVIST INCOME DIFFERENTIAL TRUST FUND.**

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the 'Reservist Income Differential Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Reservist Income Differential Trust Fund amounts equivalent to the amounts designated under section 6097 (relating to designation of overpayments to support reservists).

''(c) EXPENDITURES.—Amounts in the Reservist Income Differential Trust Fund shall be available for making distributions to eligible members of reserve components in accordance with section 212 of title 37, United States Code.''.

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 9511. Reservist Income Differential Trust Fund.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2003.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act.

**SEC. 3. PAY DIFFERENTIAL FOR MOBILIZED RESERVES.**

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 3 of title 37, United States Code, is amended by adding at the end the following new section:

**''§ 212. Reserves on active duty: pay differential for service in support of a contingency operation**

''(a) AUTHORITY.—To the extent provided in appropriations Acts, the Secretary of a military department shall pay an eligible member of a reserve component of the armed forces a pay differential computed under subsection (c).

''(b) ELIGIBLE MEMBER.—A member of a reserve component is eligible for a pay differential for each month during which the member is serving on active duty for a period of more than 30 days pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10.

''(c) AMOUNT.—(1) Subject to paragraphs (2) and (3), the amount of a pay differential paid under this section for a month to a member called or ordered to active duty as described in subsection (b) shall be equal to the excess of—

''(A) the monthly rate of the salary, wage, or similar form of compensation that applied to the member in the member's position of employment (if any) for the last full month before the month in which the member either commenced the period of active duty to which called or ordered or commenced the performance of duties for the armed forces in another duty status in preparation for the performance of the active duty to which called or ordered, over

''(B) the monthly rate of basic pay payable to the member under section 204 of this title for such month of active-duty service.

''(2) The Secretary concerned may pay a member a pay differential under this section for a month in an amount less than the amount computed under paragraph (1) if the Secretary concerned determines that it is necessary to do so on the basis of the availability of funds for such purpose.

''(3) A member may not be paid more than a total of $25,000 under this section.

''(d) FUNDING.—(1) Pay differentials under this section shall be paid out of funds that are transferred from the Reservist Income Differential Trust Fund to military personnel accounts for the purposes of this section.

''(2) The Secretary of Defense and the Secretary of the Treasury shall jointly prescribe regulations providing for transfers of funds in the Reservist Income Differential Trust Fund to the appropriate military personnel accounts to make payments under this section.

''(3) In this section, the term 'Reservist Income Differential Trust Fund' means the Reservist Income Differential Trust Fund referred to in section 6097 of the Internal Revenue Code.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by adding at the end the following new item:

''212. Reserves on active duty: pay differential for service in support of a contingency operation.''.

(b) EFFECTIVE DATE.—Section 212 of title 37, United States Code, shall take effect on October 1, 2004, and shall apply with respect to months that begin on or after that date.

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By Mr. BROWNBACK (for himself and Mr. GREGG):

S. 1899. A bill to improve data collection and dissemination, treatment, and research relating to cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, ours is a remarkable Nation.

America is the home to 90 of the top 100 universities. Americans work an average of 300 hours more per year than our friends in Europe. More patents are applied for in this Nation each year than in all of the EU member states combined. We lead the world in research and development. Perhaps the area in which our labor and investment will have the most profound impact, is in field of the life sciences.

This year our Nation met a remarkable goal. In the span of the last 5 years we have doubled our financial commitment to basic health research funding. Those funds will go toward saving and extending the lives of, and improving the quality of life for, people around the world.

Our history has proven that when this Nation is resolute and determined, we can achieve remarkable things.

In 1939, the United States was producing 800 military airplanes per year. At the onset of World War II, President Roosevelt challenged the Nation to increase manufacturing to 4,000 planes per month. By the end of 1943, in perhaps the greatest industrial feat in history, the United States was producing 8,000 military aircraft per month.

On May 5, 1961, the United States launched Mercury 3 and Alan Shepard became the first American in space, spending a total of 15 minutes and 28 seconds in sub-orbit. Twenty days later President Kennedy addressed a joint session of Congress and proposed that our Nation land a man on the moon before the end of the decade. Only July 29, 1969, four days after leaving the launch pad, Neil Armstrong stepped from the lunar module to the surface of the moon in perhaps the greatest engineering and technological feat in history.

Between 1996 and 1997, for the first time, the total number of cancer deaths in the United States did not rise. That trend has continued to this very day. Today, there are at least 50 compounds under investigation for efficacy as cancer preventives and untold research is being performed in search of new cures and treatments for cancer. This is the time for our Nation to become resolute and determined to achieve what may be the greatest scientific feat in history—to win the war on cancer.

Our Nation began its commitment to the War on Cancer with the passage of the National Cancer Institute Act of 1937. In 1971, Congress committed itself to win the war with the passage of the National Cancer Act. Today, I am joined by the Chairman of the Health, Education, Labor, and Pensions Committee JUDD GREGG in beginning the next campaign of this war, with the introduction of the National Cancer Act of 2003. With this bill we renew our commitment to the fight, and join NCI Director Dr. Andrew Von Eshenbach in his commitment to make cancer survivorship the rule and cancer deaths rare by 2015.

Major provisions within the legislation include: Enhancing our current cancer registry system; enhancing our existing screening mechanisms; creating a new Patient Education Program; enhancing NCI Designated Comprehensive Cancer Centers; elevating the importance of pain management and survivorship throughout the nation's cancer programs; authorizing the Office of Survivorship within NCI; freeing the NCI to engage private entities to further cancer research; and providing patients with greater access to experimental therapies.

In the coming months, I look forward to working with the Chairman, the Administration and other members interested committed to winning the War on Cancer, to get this bill to markup, to the floor and to the President's desk.

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By Mr. LUGAR:

S. 1900. A bill to amend the African Growth and Opportunity Act to expand certain trade benefits to eligible sub-Saharan African countries, and for other purposes; to the Committee on Finance.

Mr. LUGAR. Mr. President, I rise today to introduce the ''United States-Africa Partnership Act.'' This bill builds on the important trade and investment initiatives that were contained in the African Growth and Opportunity Act (AGOA) passed in 2000.

The original African Growth and Opportunity Act and the expansion of AGOA that I am introducing today emphasize the need to elevate the African private sector. The AGOA legislation offers enhanced trade benefits, more U.S. private sector investment, and a higher level dialogue with African governments. It envisions a new economic partnership between the United States and African nations.

To gain these benefits, African countries are expected to undertake sustained economic reform, abide by international human rights practices, and strengthen good goverance. These standards have been used by the U.S. to stimulate reforms in Asia, Latin America, Eastern Europe and elsewhere. There is no reason to expect that they will not be successful in Africa as well.

Private investment tends to follow good governance and economic reform, but the private sector takes cues from government policies and involvement. It is very much in our interest to play a constructive role in the evolving political and economic transition in Africa. A stable and prosperous Africa will be better equipped to cooperate on a range of shared global problems such as weapons proliferation, terrorism, narcotics, the environment and contagious diseases. African economic success also can create new markets for American exports. If jobs are created and foreign exchange is earned through enhanced exports, Africa will have greater capacity to buy goods and services from abroad. They will likely purchase machinery, electronics, financial services, agricultural products, and many other goods and services from U.S. suppliers.

If we had ignored Taiwan and Korea in the 1960s when they were at stages of economic development comparable to many African societies today, we would have missed out on enormous opportunities in East Asia. Years from now, I hope we can look back and say that we were present at a crucial juncture in Africa's growth and development and that we played a constructive role in that change.

In an effort to reverse the persistent under-performance by African economies and to stimulate American involvement in Africa, I introduced the African Growth and Opportunity Act in the United States Senate in 1999. Since its enactment in 2000, AGOA has been a positive economic force in Africa. In 2002, 94 percent of U.S. imports from AGOA-eligible countries entered duty-free. The United States imported $9 billion in merchandise duty-free under AGOA in 2002, a 10 percent increase from 2001.

Imports from African countries, not counting oil, jumped 50 percent last year. In South Africa, sub-Sahara's most important economy, exports of automobiles have increased sixteen-fold in the past two years. The tiny country of Lesotho, population 2.2 million, generated $318 million in AGOA exports in 2002. New export-oriented garment factories have created 25,000 jobs. For the first time in its history, private sector manufacturing employment—thanks to trade—exceeds government employment.

Performances like this, which occurred despite the recent slowdown in world trade, are the direct result of AGOA. The legislation lets African countries export some 1,800 products duty-free, without quotas, to the United States. It is a direct response to developing countries' long-time plea; trade, not aid, is the real key to ending poverty and bringing about sustainable, long term economic growth.

Despite these signs of progress, many Africa economies remain in bad shape. Of the 64 least developed countries in the world, 38 are in Africa. Per capita output of goods and services actually dropped during the 1990s, according to the World Bank, and with only 1.4 percent of world trade in 2001, sub-Saharan Africa has been falling behind the rest of the world. During the 1990s,

global gross domestic product grew a robust 44 percent; the figure for Africa was only 8.5 percent. From 1990 to 2001, gross national income per capita in sub-Saharan Africa actually declined by .2 percent.

Africa is in need of help, and expanding AGOA should be a part of the development strategy for the continent. The experience of AGOA has taught us valuable lessons about the path to enhanced investment and economic development and has confirmed some of the key principles that proponents of market-based development have used to guide policy. First, AGOA has demonstrated that a commitment to good governance and a positive investment climate is important to economic growth. Countries such as Lesotho, which has made significant efforts in recent years to promote economic reform and stable democracy, have derived the most benefit from the AGOA provisions. Second, the experience of AGOA has demonstrated that regional integration is as essential to development as access to the U.S. and other foreign markets. Using the infrastructure and economic stability of South Africa as a base, neighboring southern African countries have worked together to take advantage of the benefits under AGOA.

AGOA should not be seen as an end in itself. Rather, it is an initial step designed to expand development and decrease poverty by promoting greater integration of Africa into the global trading community. Achieving these goals will require both enhancements to the AGOA framework and additional steps to address the compelling problems facing Africa. Our trade efforts must be part of a broader American partnership with the often-neglected countries of Africa.

This partnership starts with three issues. First, we must help address the HIV/AIDS crisis in Africa. In addition to the human tragedy that HIV/AIDS has created in Africa, the epidemic severely limits the economic growth that would reduce Africa's poverty. When workers are forced to call in sick more days than they are able to work, when government positions are experiencing regular turnover, and when scarce capital must be diverted from investment to dealing with the AIDS crisis, it is nearly impossible to build a stable economy.

Earlier this year, Congress passed legislation establishing a program under which the United States will contribute $15 billion over the next 5 years to address the HIV/AIDS crisis in Africa. The President signed this bill into law and has placed his prestige behind its effective implementation. It is my hope that this leadership and much needed funding will start to turn the tide in the fight against the HIV/AIDS epidemic.

Second, we have begun an effort to rethink the way that aid is delivered to the world's poorest countries, most of which are in Africa. Earlier this year, the Senate Foreign Relations Committee took action on the President's Millennium Challenge Corporation initiative. This initiative would deliver up to $8 billion over the next three years to the world's poorest countries, and it would condition that aid on the development of policies by the recipient countries that will make that aid more effective. These policies include a commitment to just and democratic governance and economic freedom. The Millennium Challenge Corporation would build on the lessons of AGOA, which has demonstrated that private investment will flow to countries that build a stable, predictable investment climate. The incentives provided by Millennium Challenge Corporation dollars would help to establish conditions that will cause private investment dollars to flow to the poorest countries.

Third, we need to move forward with enhancements to AGOA itself. That is my purpose in introducing the United States Africa Partnership Act (USAPA)—also known as ''AGAO III.''' The current AGOA expires in 2008. My bill would extend AGOA benefits until 2015. This coincides with the goal of the World Trade Organizations to have a ''tariff free world'' by 2015. We should take action on this extension soon so that investors will have the certainty they need when making investment decisions involving Africa.

AGOA contains a provision that allows least developed countries (LDCs) to export capped quantities of apparel made from third country fabric to the U.S. duty free. All other countries must use U.S. or African fabric inputs in order to receive duty-free treatment. This ''special rule'' for LDCs expires on September 30, 2004. USAPA would extend this provision for four additional years until September 30, 2008.

It also would eliminate the import sensitivity test with respect to African products and nuisance provisions in the rule of origin for apparel. The AGOA rule of origin is modified so that it applies only to the essential components of apparel. USAPA also clarifies the definitions of certain fabrics for customs purposes, including hand-loomed folklore articles.

USAPA would develop initiatives to provide technical and capacity building experience. In the area of agriculture, it directs the Secretary of Agriculture to develop a comprehensive plan to increase import and export abilities in agricultural trade. It also provides that 20 full-time personnel of the Animal and Plant Health Inspection Service be stationed in at least 10 AGOA eligible countries to provide technical assistance in meeting U.S. import requirements and trade capacity building.

In an effort to stimulate business partnerships, the bill I introduce today also addresses investment incentives and encourages the Overseas Private Investment Corporation, the Export-Import Bank, and the Foreign Agricultural Service to facilitate investment in AGOA eligible countries. It directs the Secretary of the Treasury to seek negotiations regarding tax treaties with eligible countries.

In addition, it encourages U.S. private investment in African transportation, energy and telecommunications and increases coordination between U.S. and African transportation entities to reduce transit times and costs between the United States and Africa.

Finally, the bill grants funding for the continuation of the AGOA forums and establishes an AGOA task force to facilitate the goals of the Act.

The original African Growth and Opportunity Act launched an effort to formulate a new American strategy towards Africa. It sought to establish the foundation for a more mature economic relationship with those countries in Africa that undertake serious economic and political reforms. That effort was supported by virtually all sub-Saharan African nations, and it had wide support among American businesses and non-governmental organizations. We should now seize the opportunity to further integrate African countries into the world economy.

The United States-Africa Partnership Act that I introduce today recognizes the enormous potential for economic growth and development in sub-Saharan Africa. It embraces the vast diversity of people, cultures, economies, and potential among forty-eight countries and nearly 700 million people. A stable and economically prosperous Africa can provide new partnerships that will contribute greatly to our commercial and security interests. I urge all members to support the United States-Africa Partnership Act so that we can achieve the mutual long-term benefits that it would bring to Africa and to our country.

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By Mr. REED (for himself, Mr. SPECTER, Mr. DURBIN, and Mr. ALLEN):

S. 1902. A bill to establish a National Commission on Digestive Diseases; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I rise today, along with my colleague, Senator SPECTER of Pennsylvania, to introduce the National Commission on Digestive Diseases Act.

It is estimated that over 62 million Americans presently suffer from a range of painful, debilitating and in some cases, fatal digestive diseases. Conditions such as inflammatory bowel disease (IBD), irritable bowel syndrome (IBS), colorectal cancer, gastroesophageal reflux disease impact the lives of our friends, loved ones and neighbors. These diseases produce total estimated direct and indirect costs in excess of $40 billion annually. Of course, these figures do not take into account the serious physical and emotional toll digestive diseases have on those afflicted.

Thanks to significant advances in medical science, we are now on the brink of some major scientific breakthroughs in the area of digestive disease research. However, in other areas

of this diverse field, we still lack even a basic understanding of the condition itself, let alone effective methods of treatment and prevention.

The bill I am proposing today would call upon the Secretary of the Department of Health and Human Services (HHS) to establish a Commission of scientific and health care providers with expertise in the field, as well as persons suffering from digestive ailments, to assess the state of digestive disease research and develop a long range plan to direct our scientific research agenda with regard to digestive disease. The Commission would submit their report to Congress in 18 months.

This legislation would build upon the successes of a digestive disease commission that was assembled roughly 25 years ago with a similar goal. The 1976 Commission's findings directed significant progress in the area of digestive disease research.

While the plan set forth by the first Commission has certainly accomplished a great deal, the burden of digestive diseases in this country remains substantial and advancements in genetics and medical technology compel the assembly of a new commission to guide our research efforts well into the 21st century.

I look forward to working with my colleagues towards expeditious passage of this important, bipartisan legislation.

Mr. SPECTER. Mr. President, I have sought recognition today to join my colleague Senator REED of Rhode Island to introduce the National Commission on Digestive Diseases Act.

Each year, more than 62 million Americans are diagnosed with digestive diseases and disorders. These conditions, such as colorectal, liver and pancreatic cancers, inflammatory bowel disease, irritable bowel syndrome, gastroesophageal reflux disease (GERD) and chronic hepatitis C require patients to undergo rigorous courses of medical therapies and treatment. As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I am acutely aware that while promising research developments have been made in these areas, the causes of many of these diseases are unknown and their incidence is on the rise.

In 2001, the Lewin Group conducted a study of the economic burden to our society resulting from the direct and indirect costs associated with just 17 of the over several hundred digestive diseases. The results of this study revealed that the total costs associated with physician care, inpatient and outpatient hospital care as well as loss of work for patients with digestive disorders was $42 billion in the year 2000. It is clear from this study and the findings of digestive disease specialists around the country that these disorders represent enormous health and economic consequences for the nation.

The National Commission on Digestive Diseases Act would address the burden of digestive diseases in a comprehensive and coordinated manner. This legislation would create a panel of scientists in the relevant disciplines, patient representatives, employers and other appropriate experts to conduct a comprehensive study on the current state of scientific and clinical knowledge in digestive diseases. The commission would then be charged with evaluating the resources necessary to expedite the discovery of treatments and cures for patients with these diseases and develop a 5–10 year long-range plan for effectively addressing these needs.

In 1976, Congress created a Commission on Digestive Diseases Research which serves as the successful model for this new initiative. Following 18 months of deliberations, the 1970s commission created a long-range plan and recommendations that laid the groundwork for significant progress in the area of digestive diseases research. The state of scientific knowledge has changed substantially since the late 1970s, however, and the advent of genetics and genomics research, as well as the discovery of additional digestive diseases, compels us to look anew at the challenges that digestive diseases present to patients and those who care for them.

It is my hope that this legislation will advance our understanding of the causes, effective treatments, possible prevention, and cures for digestive diseases. I look forward to working with my colleagues to enact this important bipartisan legislation.

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By Ms. MURKOWSKI (for herself and Mr. CAMPBELL):

S. 1905. A bill to provide habitable living quarters for teachers, administrators, other school staff, and their households in the rural areas of Alaska located in or near Alaska Native Villages; to the Committee on Indian Affairs.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will have a profound effect on the retention of teachers, administrators, and other school staff in remote and rural areas of Alaska. I am pleased to have Mr. CAMPBELL join me in introducing this bill.

In rural areas of Alaska, school districts face the challenge of recruiting and retaining teachers, administrators and other school staff due to the lack of housing. In the Lower Kuskokwim School District in western Alaska, they hire one teacher for every six who decide not to accept job offers. Half of the applicants not accepting a teaching position in that district indicated that their decision as related to the lack of housing.

Earlier this year, I traveled through rural Alaska with Education Secretary Rod Paige. I wanted him to see the challenges of educating children in such a remote and rural environment. At the village school in Savoonga, the principal slept in a broom closet in the school due to the lack of housing in that village. The special education teacher slept in her classroom, bringing a mattress out each evening to sleep on the floor. The other teachers shared housing in a single home. Needless to say, there is not enough room for the teachers' spouses. Unfortunately, Savoonga is not an isolated example of the teacher housing situation in rural Alaska.

Rural Alaskan school districts experience a high rate of teacher turnover due to the lack of housing. Turnover is as high as 30 percent each year in some rural areas with housing issues being a major factor. How can we expect our children to receive a quality education when the good teachers don't stay? How can we meet the mandates of No Child Left Behind in such an educational environment? Clearly, the lack of teacher housing in rural Alaska is an issue that must be addressed in order to ensure that children in rural Alaska receive the same level of education as their peers in more urban settings.

My bill authorizes the Department of Housing and Urban Development to provide teacher housing funds to the Alaska Housing Finance Corporation, which is a State agency. In turn, the corporation is authorized to provide grant and loan funds to rural school districts in Alaska for teacher housing projects.

This legislation will allow school districts in rural Alaska to address the housing shortage in the following ways: construct housing units; purchase housing units; lease housing units; rehabilitate housing units; purchase or lease property on which housing units will be constructed, purchased or rehabilitated; repay loans secured for teacher housing projects; provide funding to fill any gaps not previously funded by loans or other forms of financing; and conduct any other activities normally related to the construction, purchase, or rehabilitation of teacher housing projects.

Eligible school districts that accept funds under this legislation will be required to provide the housing to teachers, administrators, other school staff, and members of their households.

It is imperative that we address this important issue immediately and allow the flexibility for the disbursement of funds to be handled at the local level. The quality of education of our rural students is at stake.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1905

*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 ''Rural Teacher Housing Act of 2003''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) housing for teachers, administrators, other school staff, and their households in remote and rural areas of Alaska is often substandard, if available at all;

(2) as a consequence, teachers, administrators, other school staff, and their households are often forced to find alternate shelter, sometimes even in school buildings; and

(3) rural school districts in Alaska are facing increased challenges, including meeting the mandates of the No Child Left Behind Act, in recruiting employees due to the lack of affordable, quality housing.

(b) PURPOSE.—The purpose of this Act is to provide habitable living quarters for teachers, administrators, other school staff, and their households in rural areas of Alaska located in or near Alaska Native Villages.

**SEC. 3. DEFINITIONS.**

In this Act, the following definitions shall apply:

(1) ALASKA HOUSING FINANCE CORPORATION.—The term ''Alaska Housing Finance Corporation'' means the State housing authority for the State of Alaska, created under the laws of the State of Alaska, or any successor thereto.

(2) ELEMENTARY SCHOOL.—The term ''elementary school'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) ELIGIBLE SCHOOL DISTRICT.—The term ''eligible school district'' means a public school district (as defined under the laws of the State of Alaska) located in the State of Alaska that operates one or more schools in a qualified community.

(4) NATIVE VILLAGE.—The term ''Native Village''—

(A) has the meaning given that term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C 1602); and

(B) includes the Metlakatla Indian Community of the Annette Islands Reserve.

(5) OTHER SCHOOL STAFF.—The term ''other school staff'' means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative school personnel.

(6) QUALIFIED COMMUNITY.—

(A) IN GENERAL.—The term ''qualified community'' means a home rule or general law city incorporated under the laws of the State of Alaska, or an unincorporated community (as defined under the laws of the State of Alaska) in the State of Alaska situated outside the limits of such a city, with respect to which, the Alaska Housing Finance Corporation has determined that the city or unincorporated community—

(i) has a population of 6,500 or fewer individuals;

(ii) is situated within or near a Native Village, as determined by the Alaska Housing Finance Corporation; and

(iii) is not connected by road or railroad to the municipality of Anchorage, Alaska.

(B) CONNECTED BY ROAD.—In this paragraph, the term ''connected by road'' does not include a connection by way of the Alaska Marine Highway System, created under the laws of the State of Alaska, or a connection that requires travel by road through Canada.

(7) SECONDARY SCHOOL.—The term ''secondary school'' has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(9) TEACHER.—The term ''teacher'' means an individual who is employed as a teacher in a public elementary or secondary school, and meets the teaching certification or licensure requirements of the State of Alaska.

(10) TRIBALLY DESIGNATED HOUSING ENTITY.—The term ''tribally designated housing entity'' has the meaning given that term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(11) VILLAGE CORPORATION.—The term ''Village Corporation'' has the meaning given that term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), and includes urban and group corporations, as defined in that section.

**SEC. 4. RURAL TEACHER HOUSING PROGRAM.**

(a) GRANTS AND LOANS AUTHORIZED.—The Secretary shall provide funds to the Alaska Housing Finance Corporation in accordance with the regulations promulgated under section 5, to be used as provided under subsection (b).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds received pursuant to subsection (a) shall be used by the Alaska Housing Finance Corporation to make grants or loans to eligible school districts, to be used as provided in paragraph (2).

(2) USE OF FUNDS BY ELIGIBLE SCHOOL DISTRICTS.—Grants or loans received by an eligible school district pursuant to paragraph (1) shall be used for—

(A) the construction of new housing units within a qualified community;

(B) the purchase and rehabilitation of existing structures to be used as housing units within a qualified community;

(C) the rehabilitation of housing units within a qualified community;

(D) the leasing of housing units within a qualified community;

(E) purchasing or leasing real property on which housing units will be constructed, purchased, or rehabilitated within a qualified community;

(F) the repayment of a loan used for the purposes of constructing, purchasing, or rehabilitating housing units, or for purchasing real property on which housing units will be constructed, purchased, or rehabilitated, within a qualified community, or any activity under subparagraph (G);

(G) any other activities normally associated with the construction, purchase, or rehabilitation of housing units within a qualified community, including—

(i) connecting housing units to various utilities;

(ii) preparation of construction sites;

(iii) transporting all equipment and materials necessary for the construction or rehabilitation of housing units to and from the site on which such housing units exist or will be constructed; and

(iv) environmental assessment and remediation of construction sites or sites where housing units exist; and

(H) the funding of any remaining costs for the construction, purchase, or rehabilitation of housing units within a qualified community, the purchase of real property within a qualified community, or any activity listed under subparagraph (G) that is not financed by loans or other sources of funding.

(c) OWNERSHIP OF HOUSING AND LAND.—

(1) IN GENERAL.—All housing units constructed, purchased, or rehabilitated, or real property purchased, with grant or loan funds provided under this Act, or with respect to which funds under this Act have been expended, shall be owned by the relevant eligible school district, municipality (as defined under the laws of the State of Alaska), Village Corporation, the Metlakatla Indian Community of the Annette Islands Reserve, or a tribally designated housing entity. Ownership of housing units and real property may be transferred between such entities.

(d) OCCUPANCY OF HOUSING UNITS.—

(1) IN GENERAL.—Except as provided under paragraphs (2) and (3), each housing unit constructed, purchased, rehabilitated, or leased with grant or loan funds under this Act, or with respect to which funds awarded under this Act have been expended, shall be provided to teachers, administrators, other school staff, and members of their households.

(2) NON-SESSION MONTHS.—A housing unit constructed, purchased, rehabilitated, or leased with grant or loan funds under this Act, or with respect to which funds awarded under this Act have been expended, may be occupied by individuals other than teachers, administrators, other school staff, or members of their household, only during those times in which school is not in session.

(3) TEMPORARY OCCUPANTS.—A vacant housing unit constructed, purchased, rehabilitated, or leased with grant or loan funds under this Act, or with respect to which funds awarded under this Act have been expended, may be occupied by a contractor or guest of an eligible school district for a maximum period of time, to be determined by the Alaska Housing Finance Corporation.

(e) COMPLIANCE WITH LAW.—Each eligible school district receiving a grant or loan under this Act shall ensure that all housing units constructed, purchased, rehabilitated, or leased with such grant or loan funds, or with respect to which funds awarded under this Act have been expended, meet all applicable laws, regulations, and ordinances.

(f) PROGRAM POLICIES.—

(1) IN GENERAL.—The Alaska Housing Finance Corporation, after consulting with eligible school districts, shall establish policies governing the administration of grant and loan funds made available under this Act. Such policies shall include a methodology for ensuring that funds provided under this Act are made available on an equitable basis to eligible school districts.

(2) REVISIONS.—Not less than every 3 years, the Alaska Housing Finance Corporation shall, in consultation with eligible school districts, consider revisions to the policies established under paragraph (1).

**SEC. 5. REGULATIONS.**

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Housing and Urban Development such sums as are necessary for each of the fiscal years 2005 through 2014, to carry out this Act.

(b) LIMITATION.—The Secretary and the Alaska Housing Finance Corporation shall each use not more than 5 percent of the funds appropriated in any fiscal year to carry out this Act for administrative expenses associated with the implementation of this Act.

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By Mr. SESSIONS (for himself and Mr. MILLER):

S. 1906. A bill to provide for enhanced Federal, State, and local enforcement of the immigration laws, and for other purposes; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise today to introduce the Homeland Security Enhancement Act of 1003. Senator MILLER and I have taken the lead in encouraging a culture of cooperation of all levels of immigration law enforcement—Federal, State, and local—and seek to build an immigration law enforcement system that uses unified

databases for information sharing from one level to another.

The subject matter of the bill introduced today is one I care very deeply about—the ability of State and local law enforcement to voluntarily aid the Federal Government in the Enforcement of immigration law. Let me be clear, this bill is not about the commandeering of State and local police forces or about forcing them to dedicate resources toward immigration law enforcement, it is simply about their authority to participate in immigration law enforcement if they so choose.

I am convinced that our ability to successfully enforce our immigration laws is a test of whether we will be a Nation governed by laws.

Many of the immigration reforms enacted by this Congress since 9/11 have been aimed at fixing the first half of our broken immigration system, the visa issuance process that allowed terrorists to enter our country under the guise of legality.

It is now time to look at the second half of our broken immigration system—the half that allows people to remain here illegally for indefinite time periods, regardless of how they came here.

We know that Americans strongly value our heritage as a Nation of immigrants. Americans openly welcome legal immigrants and new citizens with character, ability, decency, and a strong work ethic. However, it is also clear Americans do not feel the same way about illegal immigration. The fact is that a large majority of Americans feel that State and local governments should be aiding the Federal Government in stopping illegal immigration.

A RoperASW poll published in March of this year titled ''Americans Talk About Illegal Immigration'' found that 88 percent of Americans agree, and 68 percent ''strongly'' agree, that Congress should require State and local government agencies to notify the INS, now ICE, and their local law enforcement when they determine that a person is here illegally or has presented fraudulent documentation. Additionally, 85 percent of Americans agree, and 62 percent ''strongly'' agree that Congress should pass a law requiring State and local governments and law enforcement agencies, to apprehend and turn over to the INS, now ICE, illegal immigrants with whom they come in contact.

Those numbers speak volumes about the desires of the American population. It is important to note that those numbers were collected on requiring state and local action. It is very likely that a poll on this bill, a bill that is about volunteer State and local action would yield even stronger support.

America's strength is based on its commitment to the rule of law. Inscribed on the front of the Supreme Court Building just down the street are the words, ''Equal Justice Under Law.''

In the world of immigration laws, a facade of enforcement that holds no real consequences for law breakers is both dangerous and irresponsible. If the only real consequence of coming to this country illegally is a social label, then our immigration laws are but a brightly painted sepulcher full of dead bones, for it is impossible to be a Nation governed by the rule of law, if our laws have no real effect on the lives of the people they govern.

Our illegal alien population is at a record high. The lack of immigration enforcement in our country's interior has resulted in 8–10 million illegal aliens living in the U.S. with another estimated 800,000 illegal aliens joining them every year—that is on top of the more than 1 million that legally immigrate each year. These numbers make it easy for criminal aliens to disappear inside our borders.

Of the 8–10 million illegal aliens present today, the Department of Homeland Security has estimated that 450,000 are ''alien absconders''—people that have been issued final deportation orders but have not shown up for their hearings.

An estimated 86,000 of them are criminal illegal aliens—people convicted of crimes they committed in the U.S. who should have been deported, but have slipped through the cracks and are still here.

The next number is perhaps the most concerning—3,000 of the ''alien absconders'' within our borders are from one of the countries that the State Department has designated to be a ''state sponsor of terrorism.''

The number of illegal aliens outweighs the number of federal agents whose job it is to find them within our borders by 5,000 to 1. The enforcement arm of the old INS, now called The Bureau of Immigration and Customs Enforcement (ICE) has a mere 2,000 interior agents inside the borders. Leaving the job of interior immigration enforcement solely to them will guarantee failure.

State and local police, a force 650,000 strong, are the eyes and ears of our communities. They are sworn to uphold the law. They police our streets and neighborhoods every day. Their role is critical to the success of our immigration system.

For that critical role to be effective, a few very important things need to happen: 1. State and local law enforcement need clear authority to voluntarily act; 2. the NCIC needs to contain critical immigration related information that can be accessed on the roadside; 3. Federal immigration officials have to take custody of illegal aliens apprehended by State officers, they can not continue to tell them to just let them go; 4. the Institutional Removal Program has to be expanded so that criminal aliens are detained after their State sentences until deportation, they can't be released back into the community just to be searched for by federal officials at a later date; and 5. critically needed federal bedspace has to be given to DHS for they can not guarantee effective removal without adequate detention space.

The Homeland Security Enhancement Act that Senator MILLER and I are introducing today will do all of those things.

Let me tell you about a few of the problems in immigration enforcement that started my interest in this area and prompted me to author this bill.

A few years ago, police chiefs and sheriffs in Alabama began to tell me that they had been shut out of the system and felt powerless to do anything about Alabama's growing illegal immigrant population.

As I went to town hall meetings and conferences with police, I heard the same story—''we have given up calling the INS because INS tells us we have to have 15 or more illegal aliens in custody or they will not even come pick them up.''

Even worse is that Alabama police were told that the aliens could not be detained until the INS could manage to send someone. They were told they had to just let them go! They were being told this, even though I thought the legal authority of State and local officers to voluntarily act on violations of immigration law was clear. If there is any doubt that State and local officers have this authority, Congress needs to fix that, which is what this bill will do.

Only two circuits have expressly ruled on State and local law enforcement authority to make an arrest on an immigration law violation. In 1983, the Ninth Circuit, while not mentioning a preexisting general authority, held that nothing in federal law precludes the police from enforcing the criminal provisions of the Immigration and Naturalization Act. See *Gonzales* v. *City of Peoria*, 722 F.2d 468 (9th Cir. 1983).

The Tenth Circuit has reviewed this question on several occasions, concluding squarely that a ''State trooper has general investigatory authority to inquire into possible immigration violations.'' *United States* v. *Salinas-Calderon*, 728 f.2d 1298, 1301 n.3 (10th Cir. 1984).

As the Tenth Circuit has described it, there is a ''preexisting general authority of State or local police officers to investigate and make arrests for violations of federal law, including immigration laws.,'' *United States* v. *Vasquez-Alvares*, 176 F.3d 1294, 1295 (10th Cir. 1999). And again, in 2001, the Tenth Circuit reiterated that ''State and local police officers [have] implicit authority within their respective jurisdictions 'to investigate and make arrests for violations of federal law, including immigration laws.'' *United States* v. *Santana-Garcia*, 264 F.3d 1188, 1194 (citing *United States* v. *Vasquez-Alvarez*, 176 F.3d 1294, 1295).

None of these Tenth Circuit holdings drew any distinction between criminal violations of the INA and civil provisions that render an alien deportable.

It appears that the Ninth Circuit started the confusion regarding the distinction between civil and criminal violations in Gonzales v. City of Peoria by asserting in dicta that the civil provisions of the INA are a persuasive regulatory scheme, and therefore only the federal government has the power to enforce civil violations. See *Gonzales* v. *City of Peoria*, 722 F.2d 468 (9th Cir. 1983).

This confusion was, to some extent, fostered by an erroneous 1996 opinion of the Office of Legal Counsel (OLC) of the department of Justice, the relevant part of which has since been withdrawn by OLC.

Why was the Federal agency responsible for immigration enforcement telling my police chiefs in Alabama to just let illegal aliens go?

To be fair, ICE probably does not have the manpower or detention space to take custody and detain all illegal aliens. With less than 20,000 appropriated detention beds, ICE tells my office that they do not have the bed space to detain all the illegal aliens that they apprehend; instead, they have to give first priority to detaining the worst of the worst—individuals such as convicted felon aliens.

It is shocking to me that even though we know that detention is a key element of effective removal, we do not even detail all illegal aliens that have been convicted of crimes, even convicted of felonies, before removal. Last February, in a report titled ''the Immigration and Naturalization Service's Removal of Aliens Issued Final Orders'' the Department of Justice Inspector General found that 87 percent of those not detained before removal never get deported. Even in high risk categories, the IG found that only fractions of non-detained violators are ever removed—35 percent of those with criminal records and 6 percent of those from ''state sponsors of terrorism.''

These percentages have not changed substantially since 1996, when the last IG report issued on the ability to remove aliens found that 89 percent of aliens with final deportation orders that are not detained are never removed.

But we cannot lay all the blame on DHS—they can only detain illegal aliens that they have space to detain. They are using all of the bedspace that they have and are releasing people that should be detained because there is no more room. The Homeland Security Enhancement Act would add the critical bedspace DHS needs to fulfill its mission of interior enforcement.

The third problem that has been brought to my attention is the inadequate way we share immigration information with State and local police. We have databases full or information on criminal aliens and aliens with final deportation orders, but that information is not directly available to state and local police. They have to make a special second inquiry to the immigration center in Vermont just to see if an illegal alien is a wanted by DHS.

Without easy access to immigration database information, and with ICE unwilling to come and identify every suspected illegal alien, State and local police cannot quickly and accurately identify who they have detained and who they will be releasing back into the community if they follow ICE's instruction to ''just let them go.''

State and local police are accustomed to checking for criminal information in the NCIC (National Crime Information Center) database, which is maintained by the FBI. They can and routinely do access the NCIC on the roadside when they pull over a car or stop a suspect.

An NCIC check, which takes just minutes, includes information about individuals with outstanding warrants. Even fugitives that use false identification can be identified on the roadside through use of the NCIC when, as is often the case, a police officer has access to an instant fingerprint scanner in his car.

Separately, ICE operates the Law Enforcement Support Center, which makes immigration information available to State and local police, but requires a second additional check after NCIC that most State and local police either don't know about or don't have the time to perform.

The Hart Rudman Report, ''America Still Unprepared—America Still In Danger,'' found that one problem America still confronts is ''650,000 local and State police officials continue to operate in a virtual intelligence vacuum, without access to terrorist watchlists.'' The first recommendation of the report was to ''tap the eyes and ears of local and State law enforcement officers in preventing attacks.'' On page 19, the report specifically cited the burden of finding hundreds of thousands of fugitive aliens living among the population of more than 8.5 million illegal aliens living in the U.S. and suggested that the burden could and should be shared with 650,000 local, county, and State law enforcement officers if they could be brought out of the information void.

If State and local police are not accessing the immigration information we have worked hard to make available, we must find a way to get the information to them, through systems that are used to using. Our bill will get information to them through the system that are already using—the NCIC.

As part of its Alien Absconder Initiative, ICE tells us that it is in the process of entering information on the estimated 450,000 alien absconders into NCIC. As of October 31, only information on 15,200 alien absconders had been entered into NCIC. That number is totally unacceptable and is shocking to me.

This should only be the beginning. At the least, the NCIC should contain information on all illegal aliens who have received final orders of departure and all illegal aliens who have signed voluntary departure agreements. In truth, the NCIC should contain information on all violations of law.

Our bill will ensure that when a NCIC roadside check is done on an individual pulled over for speeding, police will know immediately if the individual has already been ordered to leave the country, has signed a legal document promising to leave, or has overstayed their visa.

Understanding the value of getting immigration information to State and local police comes from understanding that they are the ones who will come into contact with the dangerous illegal aliens on a day-to-day basis.

Three 9/11 hijackers were stopped by State and local police in the weeks proceeding 9/11. Hijacker Mohammad Atta, believed to have piloted American Airlines Flight 77 into the World Trade Center's north tower, was stopped twice by police in Florida, Hijacker Ziad S. Jarrah was stopped for speeding by Maryland State Police two days before 9/11. And, Hani Hanjour, who was on the flight that crashed into the Pentagon, was stopped for speeding by police in Arlington, VA. Local police can be our most powerful tool in the war against terrorism.

The D.C. Snipers were caught because of the fingerprint collected by local police. John Lee Malvo was identified when the fingerprint collected from a magazine at the scene of the liquor store murder and robbery in Montgomery, Alabama matched with the fingerprints collected by INS agents in Washington State. Had both law enforcement entities not done their job by taking prints, it is possible that the identity of John Lee Malvo could have been a mystery for weeks longer.

In February, a 42-year-old woman sitting on a park bench in New York with her boyfriend was dragged away and gang-raped by five deportable illegal immigrants. Although 4 of the 5 had State criminal convictions and 2 had served jail time, the INS claims they were never told about them—thus, they were not deported as the law requires.

Fifty-six illegal aliens were caught by State and local police, and convicted of molestation and child abuse, long before ICE's ''Operation Predator'' found them a few weeks ago living in New York and Northern New Jersey after they should have been deported. Of the 56 arrested, one had raped his 10-year-old niece; another has sexually assaulted a 6-year-old boy; one had raped his 7-year-old niece; and another has sexually assaulted a 2-year-old.

The 9/11 hijacker cases, the D.C. sniper cases, and a multitude of criminal alien cases clearly illustrate that our State and local police are on the front lines in combating alien crime. To cut them out of the system, as we do now, whether intentionally or unintentionally, is to eliminate our most effective weapon against criminal and terrorist aliens.

The opponents of this bill will say that we don't want immigrants to succeed and that we don't want people to

come here. That is absolutely not true. We believe in the rule of law. We believe that people should come here to be citizens of this country under the color of law. We want people to come here and reach their fullest potential. But, we believe that a Nation has the right to set the standards by which it accepts people, and if it sets those standards it ought to create a legal system to enforce those standards. This bill will work to enforce the immigration standards our Nation has created.

The opposition will say that State and local police can not adequately respect the civil rights of illegal aliens, and that enforcement will cost too much and will discourage the reporting of crimes. It is curious logic to say that we trust our police to enforce laws against citizens but not against noncitizens here illegally.

I know that State and local police are trained to protect the civil rights of all types of suspects and defendants and that they do so every day in this country. In Alabama, State troopers receive annual training on racial profiling. In New York, the NYC Police Department operations order #11 strictly prohibits racial profiling in law enforcement actions. If Alabama and New York are consistent in how they instruct and train their State and local police with regards to racial profiling, it is safe to assume that the rest of the Nation does as well.

Under this bill, State and local police will have to respect the civil rights of illegal aliens the same way they respect the civil rights of all people against whom they enforce the law. State and local police will continue to be held responsible for violations of civil rights; this bill does not change that fact.

The opposition will say that this bill is expensive; that it costs too much. It is always expensive to enforce the law. I do not think this bill is overly expensive. We have made it as cost affordable as we can by electing to efficiently use resources already available to us. Law enforcement is not an area where it pays to pinch pennies. In immigration enforcement, I believe that it costs us too much not to enforce the law. I believe it is time that Congress take responsibility for providing DHS with the resources they need to do the job we have given them.

When it comes to immigration enforcement in America, the rule of law is not prevailing. If we are serious about securing the homeland, we simply must get serious about immigration enforcement.

It is time to talk about the big picture—time to be honest about what it will really take to fix our broken immigration system. In most cases, we don't need tougher immigration laws, we just need to utilize our existing resources and use some new resources to enforce the laws we already have.

If State and local police are confused about their authority to enforce immigration laws, that authority needs to be clarified. This bill will do that. If State and local police can not access immigration background information on individuals quickly enough, we should change that. This bill makes that information more accessible. If DHS is not taking custody of the illegal aliens being apprehended by State and local police, we need to make it possible for them to do so. This bill will address the practice of ''catching and releasing'' illegal aliens. If we do not have enough detection space to hold people that break the law, then we need more detention space. This bill gives DHS 50 percent more bedspace to use in immigration enforcement. If illegal aliens are being released back into the community after their prison sentences instead of being deported, we need to fix the system that releases them. This bill will extend the Institutional Removal Program to ensure that custody is transferred from the state prison to federal officials at the end of the alien's prison sentence.

Once again I would like to thank Senator MILLER for joining with me to introduce this legislation. It is imperative that we take critical steps toward regaining control of our out-of-control immigration system. This bill is a critical step in the right direction. I encourage my colleagues to study this bill and to join Senator MILLER and I as we work to pass the Homeland Security Act of 2003.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1906

*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 ''Homeland Security Enhancement Act of 2003''.

## TITLE I—ENHANCING FEDERAL, STATE, AND LOCAL ENFORCEMENT OF THE IMMIGRATION LAWS

**SEC. 101. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.**

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), in the enforcement of the immigration laws of the United States. This State authority has never been displaced or preempted by Congress.

**SEC. 102. STATE AUTHORIZATION FOR ENFORCEMENT OF FEDERAL IMMIGRATION LAWS ENCOURAGED.**

(a) IN GENERAL.—Effective 2 years after the date of enactment of this Act, a State (or political subdivision of a State) that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State, or of a political subdivision within the State, from enforcing Federal immigration laws or from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers' law enforcement duties shall not receive any of the funds that would otherwise be allocated to the State under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(b) REALLOCATION OF FUNDS.—Any funds that are not allocated to a State due to the failure of the State to comply with this section shall be reallocated to States that comply with this section.

**SEC. 103. CIVIL AND CRIMINAL PENALTIES FOR ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.**

(a) ALIENS UNLAWFULLY PRESENT.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 275 the following:

''CRIMINAL PENALTIES AND FORFEITURE FOR UNLAWFUL PRESENCE IN THE UNITED STATES

''SEC. 275A. (a) In addition to any other violation, an alien present in the United States in violation of this Act shall be guilty of a misdemeanor and shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both. The assets of any alien present in the United States in violation of this Act shall be subject to forfeiture under title 18, United States Code.

''(b) It shall be an affirmative defense to a violation of subsection (a) that the alien overstayed the time allotted under the visa due to an exceptional and extremely unusual hardship or physical illness that prevented the alien from leaving the United States by the required date.''.

(b) INCREASE IN CRIMINAL PENALTIES FOR ILLEGAL ENTRY.—Section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)) is amended by striking ''6 months,'' and inserting ''1 year,''.

(c) PERMISSION TO DEPART VOLUNTARILY.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''; and

(2) in subsection (a)(2)(A), by striking ''120'' and inserting ''30''.

**SEC. 104. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.**

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have on any and all aliens against whom a final order of removal has been issued, any and all aliens who have signed a voluntary departure agreement, and any and all aliens who have overstayed their visa. Such information shall be provided to the National Crime Information Center regardless of whether or not the alien received notice of a final order of removal and even if the alien has already been removed.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether or not the alien has received notice of the violation and even if the alien has already been removed; and''.

**SEC. 105. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION ABOUT APPREHENDED ILLEGAL ALIENS.**

(a) PROVISION OF INFORMATION.—

(1) IN GENERAL.—In order to receive funds under the State Criminal Alien Assistance Program described in section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)), States and localities shall provide to the Department of Homeland Security the information listed in subsection (b) on each alien apprehended in the jurisdiction of the State or locality who is believed to be in violation of an immigration law of the United States.

(2) TIME LIMITATION.—Not later than 10 days after an alien described in paragraph (1) is apprehended, information required to be provided under paragraph (1) must be provided in such form and in such manner as the Secretary of Homeland Security may, by regulation or guideline, require.

(b) INFORMATION REQUIRED.—The information listed in this subsection is as follows:

(1) The alien's name.

(2) The alien's address or place of residence.

(3) A physical description of the alien.

(4) The date, time, and location of the encounter with the alien and reason for stopping, detaining, apprehending, or arresting the alien.

(5) If applicable, the alien's driver's license number and the State of issuance of such license.

(6) If applicable, the type of any other identification document issued to the alien, any designation number contained on the identification document, and the issuing entity for the identification document.

(7) If applicable, the license plate number, make, and model of any automobile registered to, or driven by, the alien.

(8) A photo of the alien, if available or readily obtainable.

(9) The alien's fingerprints, if available or readily obtainable.

(c) REIMBURSEMENT.—The Department of Homeland Security shall reimburse States and localities for all reasonable costs, as determined by the Secretary of Homeland Security, incurred by that State or locality as a result of providing information required by this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as necessary to carry out this Act.

**SEC. 106. INCREASED FEDERAL DETENTION SPACE.**

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States, with 500 beds per facility, for aliens detained pending removal or a decision on removal of such alien from the United States.

(2) ADDITIONAL FACILITIES.—Whenever the capacity of any detention facility remains within a 1 percent range of full capacity for longer than 1 year, the Secretary of Homeland Security shall construct or acquire additional detention facilities beyond the number authorized in paragraph (1) as are appropriate to eliminate that condition.

(3) DETERMINATIONS.—The need for, or location of, any detention facility built or acquired in accordance with this subsection shall be determined by the detention trustee within the Bureau of Immigration and Customs Enforcement.

(4) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this subsection, the Secretary of Homeland Security shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a)(1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) shall be amended by striking ''may expend'' and inserting ''shall expend''.

**SEC. 107. FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.**

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following:

''CUSTODY OF ILLEGAL ALIENS

''SEC. 240D.

''(a) If the chief executive officer of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension of an illegal alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

''(1) shall—

''(A) not later than 48 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 48 hours after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government and incarcerate the alien; or

''(B) request that the relevant State or local law enforcement agency temporarily incarcerate or transport the illegal alien for transfer to Federal custody; and

''(2) shall designate a Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of the criminal or illegal aliens to the Department of Homeland Security.''.

''(b) The Department of Homeland Security shall reimburse States and localities for all reasonable expenses, as determined by the Secretary of Homeland Security, incurred by a State or locality in the incarceration and transportation of an illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1). Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State) plus the cost of transporting the criminal or illegal alien from the point of apprehension, to the place of detention, and to the custody transfer point if the place of detention and place of custody are different.

''(c) The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide an appropriate level of security.

''(d)(1) In carrying out this section, the Secretary of Homeland Security may establish a regular circuit and schedule for the prompt transfer of apprehended illegal aliens from the custody of States and political subdivisions of States to Federal custody.

''(2) The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement and detention officials to implement this subsection.

''(e) For purposes of this section, the term 'illegal alien' means an alien who—

''(1) entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security;

''(2) was admitted as a nonimmigrant and who, at the time the alien was taken into custody by the State or a political subdivision of the State, had failed to—

''(A) maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248; or

''(B) comply with the conditions of any such status;

''(3) was admitted as an immigrant and has subsequently failed to comply with the requirements of that status; or

''(4) failed to depart the United States under a voluntary departure agreement or under a final order of removal.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There is authorized to be appropriated $500,000,000 for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for fiscal year 2004 and each subsequent fiscal year.

**SEC. 108. TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO THE ENFORCEMENT OF IMMIGRATION LAWS.**

(a) TRAINING MANUAL AND POCKET GUIDE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish—

(A) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and identification of fraudulent documents); and

(B) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(2) AVAILABILITY.—The training manual and pocket guide established in accordance with paragraph (1) shall be made available to all State and local law enforcement personnel.

(3) APPLICABILITY.—Nothing in this subsection shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established in accordance with paragraph (1) with them while on duty.

(4) COSTS.—The Department of Homeland Security shall be responsible for any costs incurred in establishing the training manual and pocket guide under this subsection.

(b) TRAINING FLEXIBILITY.—

(1) IN GENERAL.—The Department of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at Federal facilities, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses.

(2) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section shall not displace or otherwise adversely affect the training of Federal personnel.

(c) ADMINISTRATION FEES.—The Secretary of Homeland Security may charge a fee for training under subsection (b) that shall be an amount equal to not more than half the actual costs of providing such training.

(d) CLARIFICATION.—Nothing in this Act or any other provision of law shall be construed

as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer exercising that officer's inherent authority to apprehend, arrest, detain, or transfer to Federal custody illegal aliens during the normal course of carrying out their law enforcement duties.

(e) TRAINING LIMITATION.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (2), by adding at the end the following: ''Such training shall not exceed 14 days or 80 hours, whichever is longer.''.

**SEC. 109. IMMUNITY.**

(a) PERSONAL IMMUNITY.—Notwithstanding any other provision of law, a law enforcement officer of a State or local law enforcement agency shall be immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the enforcement of any immigration law, provided the officer is acting within the scope of the officer's official duties.

(b) AGENCY IMMUNITY.—Notwithstanding any other provision of law, a State or local law enforcement agency shall be immune from any claim for money damages based on Federal, State, or local civil rights law for an incident arising out of the enforcement of any immigration law, except to the extent that the law enforcement officer of that agency, whose action the claim involves, committed a violation of Federal, State, or local criminal law in the course of enforcing such immigration law.

**SEC. 110. PLACES OF DETENTION FOR ALIENS ARRESTED PENDING EXAMINATION AND DECISION ON REMOVAL.**

(a) IN GENERAL.—Section 241(g) of the Immigration and Nationality Act (8 U.S.C. 1231(g)) is amended by adding at the end the following:

''(3) POLICY ON DETENTION IN STATE AND LOCAL DETENTION FACILITIES.—In carrying out paragraph (1), the Secretary of Homeland Security shall ensure that an alien arrested under section 287(a) is detained, pending the alien's being taken for the examination described in that section, in a State or local prison, jail, detention center, or other comparable facility, if—

''(A) such a facility is the most suitably located Federal, State, or local facility available for such purpose under the circumstances;

''(B) an appropriate arrangement for such use of the facility can be made; and

''(C) such facility satisfies the standards for the housing, care, and security of persons held in custody of a United States marshal.''.

(b) DETENTION FACILITY SUITABILITY.—Notwithstanding any other provision of law, a facility described in section 241(g)(3)(C) of the Immigration and Nationality Act, as added by subsection (a), is adequate for detention of persons being held for immigration related violations.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1231) is amended by striking ''Attorney General'' each place that term appears and inserting ''Secretary of Homeland Security''.

**SEC. 111. INSTITUTIONAL REMOVAL PROGRAM.**

(a) CONTINUATION.—

(1) IN GENERAL.—The Department of Homeland Security shall continue to operate and implement the program known as the Institutional Removal Program (IRP) which—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Institutional Removal Program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens shall—

(A) cooperate with Federal Institutional Removal Program officials;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to Federal IRP authorities as a condition for receiving such funds.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State have the authority to—

(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology such as videoconferencing shall be used to the maximum extent possible in order to make the Institutional Removal Program (IRP) available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the Institutional Removal Program—

(1) $10,000,000 for fiscal year 2004;
(2) $20,000,000 for fiscal year 2005;
(3) $30,000,000 for fiscal year 2006;
(4) $40,000,000 for fiscal year 2007;
(5) $50,000,000 for fiscal year 2008;
(6) $60,000,000 for fiscal year 2009;
(7) $70,000,000 for fiscal year 2010; and
(8) $80,000,000 for fiscal year 2011.

**TITLE II—ENHANCING ENFORCEMENT OF THE IMMIGRATION AND NATIONALITY ACT IN THE INTERIOR THROUGH IMPROVED DOCUMENT SECURITY**

**SEC. 201. DRIVERS LICENSES.**

(a) EXPIRATION DATE FOR CERTAIN ALIENS.—

(1) IN GENERAL.—Section 656 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (5 U.S.C. 301 note) is amended by inserting after subsection (a) the following:

''(b) STATE-ISSUED DRIVER'S LICENSES EXPIRATION DATE.—A Federal agency may not accept for any identification-related purpose a driver's license issued by a State unless, if the driver's license is issued to an alien who is in lawful status but who is not an alien lawfully admitted for permanent residence, the period of validity of the license expires on the date on which the alien's authorization to remain in the United States expires.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect beginning on October 1, 2007, but shall apply only to licenses issued to an individual for the first time and to replacement or renewal licenses issued according to State law.

(b) CONDITION OF FUNDS.—Section 402(b)(1) of title 23, United States Code, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) prohibit aliens who are not in lawful status, as determined under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), from being issued a driver's license in that State.''.

**SEC. 202. SECURE AND VERIFIABLE IDENTIFICATION REQUIRED FOR FEDERAL PUBLIC BENEFITS.**

(a) IN GENERAL.—In the provision in the United States of a Federal public benefit or service that requires the recipient to produce identification, no Federal agency, commission, or other entity within the executive, legislative, or judicial branch of the Federal Government may accept, recognize, or rely on (or authorize the acceptance or recognition of, or the reliance on) any identification document, unless—

(1) the document was issued by a United States Federal or State authority and is subject to verification by a United States Federal law enforcement, intelligence, or homeland security agency; or

(2) the recipient—

(A) is lawfully present in the United States;

(B) is in possession of a passport; and

(C) is a citizen of a country for which the visa requirement for entry into the United States is waived if the alien possesses a passport from such country.

(b) IMMUNITY.—An elected or appointed official, employee, or other contractor or agent of the Federal Government who takes an action inconsistent with subsection (a) is deemed to be acting beyond the scope of authority granted by law and shall not be immune from liability for such action, unless such immunity is conferred by the Constitution and cannot be waived.

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By Mr. DASCHLE (for himself, Mr. JOHNSON, Mr. LEAHY, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. BAUCUS, Mr. DAYTON, Mr. HARKIN, Mr. FEINGOLD, Mr. BINGAMAN, Mr. JEFFORDS, Mr. EDWARDS, and Mr. SCHUMER):

S. 1907. A bill to promote rural safety and improve rural law enforcement; to the Committee on the Judiciary.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

*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 ''Rural Safety Act of 2003''.

**TITLE I—SMALL COMMUNITY LAW ENFORCEMENT IMPROVEMENT GRANTS**

**SEC. 101. SMALL COMMUNITY GRANT PROGRAM.**

Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by adding at the end the following:

''(d) RETENTION GRANTS.—

''(1) IN GENERAL.—The Attorney General may make grants to units of local government and tribal governments located outside a Standard Metropolitan Statistical Area, which grants shall be targeted specifically for the retention for 1 additional year of police officers funded through the COPS Universal Hiring Program, the COPS FAST Program, the Tribal Resources Grant Program-Hiring, or the COPS in Schools Program.

''(2) PREFERENCE.—In making grants under this subsection, the Attorney General shall give preference to grantees that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers described in paragraph (1).

''(3) LIMIT ON GRANT AMOUNTS.—The total amount of a grant made under this subsection shall not exceed 20 percent of the original grant to the grantee.

''(4) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2005 through 2009.

''(B) SET-ASIDE.—Of the amount made available for grants under this subsection for each fiscal year, 10 percent shall be awarded to tribal governments.''.

**SEC. 102. SMALL COMMUNITY TECHNOLOGY GRANT PROGRAM.**

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by striking subsection (k) and inserting the following:

''(k) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—

''(1) IN GENERAL.—Grants made under subsection (a) may be used to assist the police departments of units of local government and tribal governments located outside a Standard Metropolitan Statistical Area, in employing professional, scientific, and technological advancements that will help those police departments to—

''(A) improve police communications through the use of wireless communications, computers, software, videocams, databases, and other hardware and software that allow law enforcement agencies to communicate and operate more effectively; and

''(B) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities.

''(2) COST SHARE REQUIREMENT.—A recipient of a grant made under subsection (a) and used in accordance with this subsection shall provide matching funds from non-Federal sources in an amount equal to not less than 10 percent of the total amount of the grant made under this subsection, subject to a waiver by the Attorney General for extreme hardship.

''(3) ADMINISTRATION.—The COPS Office shall administer the grant program under this subsection.

''(4) NO SUPPLANTING.—Federal funds provided under this subsection shall be used to supplement and not to supplant local funds allocated to technology.

''(5) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There are authorized to be appropriated $40,000,000 for each of fiscal years 2005 through 2009 to carry out this subsection.

''(B) SET-ASIDE.—Of the amount made available for grants under this subsection for each fiscal year, 10 percent shall be awarded to tribal governments.''.

**SEC. 103. RURAL 9-1-1 SERVICE.**

(a) PURPOSE.—The purpose of this section is to provide access to, and improve a communications infrastructure that will ensure a reliable and seamless communication between, law enforcement, fire, and emergency medical service providers in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area and in States.

(b) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to units of local government and tribal governments located outside a Standard Metropolitan Statistical Area for the purpose of establishing or improving 9-1-1 service in those communities. Priority in making grants under this section shall be given to communities that do not have 9-1-1 service.

(c) DEFINITION.—In this section, the term ''9-1-1 service'' refers to telephone service that has designated 9-1-1 as a universal emergency telephone number in the community served for reporting an emergency to appropriate authorities and requesting assistance.

(d) LIMIT ON GRANT AMOUNT.—The total amount of a grant made under this section shall not exceed $250,000.

(e) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2005, to remain available until expended.

(2) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be awarded to tribal governments.

**SEC. 104. JUVENILE OFFENDER ACCOUNTABILITY.**

(a) PURPOSES.—The purposes of this section are to—

(1) hold juvenile offenders accountable for their offenses;

(2) involve victims and the community in the juvenile justice process;

(3) obligate the offender to pay restitution to the victim and to the community through community service or through financial or other forms of restitution; and

(4) equip juvenile offenders with the skills needed to live responsibly and productively.

(b) AUTHORITY TO MAKE GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants, in accordance with such regulations as the Attorney General may prescribe, to units of rural local governments and tribal governments located outside a Standard Metropolitan Statistical Area to establish restorative justice programs, such as victim and offender mediation, family and community conferences, family and group conferences, sentencing circles, restorative panels, and reparative boards, as an alternative to, or in addition to, incarceration.

(c) PROGRAM CRITERIA.—A program funded by a grant made under this section shall—

(1) be fully voluntary by both the victim and the offender (who must admit responsibility), once the prosecuting agency has determined that the case is appropriate for this program;

(2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly, to describe the impact of the offense against the victim, and the opportunity to suggest possible forms of restitution;

(3) require that conferences be attended by the victim, the offender and, when possible, the parents or guardians of the offender, and the arresting officer; and

(4) provide an early, individualized assessment and action plan to each juvenile offender in order to prevent further criminal behavior through the development of appropriate skills in the juvenile offender so that the juvenile is more capable of living productively and responsibly in the community.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $10,000,000 for fiscal year 2005 for grants to establish programs; and

(B) $5,000,000 for each of fiscal years 2006 and 2007 to continue programs established in fiscal year 2005.

(2) SET-ASIDE.—Of the amount made available for grants under this section for each fiscal year, 10 percent shall be awarded to tribal governments.

**TITLE II—CRACKING DOWN ON METHAMPHETAMINE**

**SEC. 201. METHAMPHETAMINE TREATMENT PROGRAMS IN RURAL AREAS.**

Subpart I of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended by inserting after section 509 the following:

**''SEC. 510. METHAMPHETAMINE TREATMENT PROGRAMS IN RURAL AREAS.**

''(a) IN GENERAL.—The Secretary, acting through the Director of the Center for Substance Abuse Treatment, shall make grants to community-based public and nonprofit private entities for the establishment of substance abuse (particularly methamphetamine) prevention and treatment pilot programs in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area.

''(b) ADMINISTRATION.—Grants made in accordance with this section shall be administered by a single State agency designated by a State to ensure a coordinated effort within that State.

''(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a public or nonprofit private entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(d) USE OF FUNDS.—A recipient of a grant under this section shall use amounts received under the grant to establish a methamphetamine abuse prevention and treatment pilot program that serves one or more rural areas. Such a pilot program shall—

''(1) have the ability to care for individuals on an in-patient basis;

''(2) have a social detoxification capability, with direct access to medical services within 50 miles;

''(3) provide neuro-cognitive skill development services to address brain damage caused by methamphetamine use;

''(4) provide after-care services, whether as a single-source provider or in conjunction with community-based services designed to continue neuro-cognitive skill development to address brain damage caused by methamphetamine use;

''(5) provide appropriate training for the staff employed in the program; and

''(6) use scientifically-based best practices in substance abuse treatment, particularly in methamphetamine treatment.

''(e) AMOUNT OF GRANTS.—The amount of a grant under this section shall be at least $19,000 but not greater than $100,000.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated $2,000,000 to carry out this section.

''(2) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be awarded to tribal governments to ensure the provision of services under this section.''.

**SEC. 202. METHAMPHETAMINE PREVENTION EDUCATION.**

Section 519E of the Public Health Service Act (42 U.S.C. 290bb–25e) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (F), by striking ''and'' at the end;

(B) in subparagraph (G), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(H) to fund programs that educate rural communities, particularly parents, teachers, and others who work with youth, concerning the early signs and effects of methamphetamine use, however, as a prerequisite to receiving funding, these programs shall—

''(i) prioritize methamphetamine prevention and education;

''(ii) have past experience in community coalition building and be part of an existing

coalition that includes medical and public health officials, educators, youth-serving community organizations, and members of law enforcement;

''(iii) utilize professional prevention staff to develop research and science-based prevention strategies for the community to be served;

''(iv) demonstrate the ability to operate a community-based methamphetamine prevention and education program;

''(v) establish prevalence of use through a community needs assessment;

''(vi) establish goals and objectives based on a needs assessment; and

''(vii) demonstrate measurable outcomes on a yearly basis.'';

(2) in subsection (e)—

(A) by striking ''subsection (a), $10,000,000'' and inserting ''subsection (a)—

''(1) $10,000,000'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(2) $5,000,000 for each of fiscal years 2005 through 2009 to carry out the programs referred to in subsection (c)(1)(H).''; and

(3) by adding at the end the following:

''(f) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be used to assist tribal governments.

''(g) AMOUNT OF GRANTS.—The amount of a grant under this section, with respect to each rural community involved, shall be at least $19,000 but not greater than $100,000.''.

**SEC. 203. METHAMPHETAMINE CLEANUP.**

(a) IN GENERAL.—The Attorney General shall, through the Department of Justice or through grants to States or units of local government and tribal governments located outside a Standard Metropolitan Statistical Area, in accordance with such regulations as the Attorney General may prescribe, provide for—

(1) the cleanup of methamphetamine laboratories and related hazardous waste in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area; and

(2) the improvement of contract-related response time for cleanup of methamphetamine laboratories and related hazardous waste in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area by providing additional contract personnel, equipment, and facilities.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2005 to carry out this section.

(2) FUNDING ADDITIONAL.—Amounts authorized by this section are in addition to amounts otherwise authorized by law.

(3) SET-ASIDE.—Of the amount made available for grants under this section, 10 percent shall be awarded to tribal governments.

**TITLE III—LAW ENFORCEMENT TRAINING**

**SEC. 301. SMALL TOWN AND RURAL TRAINING PROGRAM.**

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the National Center for State and Local Law Enforcement Training of the Federal Law Enforcement Training Center (FLETC) as part of the Small Town and Rural Training (STAR) Program to—

(1) assess the needs of law enforcement in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area;

(2) develop and deliver expert training programs regarding topics such as drug enforcement, airborne counterdrug operations, domestic violence, hate and bias crimes, computer crimes, law enforcement critical incident planning related to school shootings, and other topics identified in the training needs assessment to law enforcement officers in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area; and

(3) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers in units of local government and tribal governments located outside a Standard Metropolitan Statistical Area.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 for fiscal year 2005, and $5,000,000 for each of fiscal years 2006 through 2009 to carry out this section, including contracts, staff, and equipment.

(2) SET-ASIDE.—Of the amount made available for grants under this section for each fiscal year, 10 percent shall be awarded to tribal governments.

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By Mr. COCHRAN (for himself and Mr. KENNEDY):

S. 1909. A bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege to join with Senator COCHRAN in supporting the Stroke Treatment and Ongoing Prevention Act of 2003. The STOP Stroke Act is a vital first step in building a national network of effective care to diagnose and quickly treat victims of stroke.

For over 20 years, stroke has consistently been the third leading cause of death in our country. Every 45 seconds, another American suffers a stroke. Every 3 minutes, another American dies. Few families today are untouched by this cruel, debilitating, and often fatal disease that strikes indiscriminately, robbing us of our loved ones.

More than ever today, help is available. Modern medicine is generating new scientific advances that increase the chance of survival and partial or even full recovery following a stroke. We are learning how to manage this disease more effectively, and we are also learning how to prevent it from happening in the first place.

But science doesn't save lives and protect health by itself. We have to put new discoveries into action. We need to educate as many people as possible about the warning signs of stroke, so that they know enough to seek medical attention. We need to train doctors and nurses in the best techniques of care. We need better ways to treat victims as quickly and as effectively as possible—so that they have the best chance of full recovery.

Our bill provides grants to States to develop statewide programs for stroke care, so that the most effective care will be available to patients as quickly and efficiently as possible to reduce the level of disability caused by stroke.

Stroke systems will rely on information sharing among agencies and individuals involved in the study and provision of care, in addition to training for health professionals on the signs of stroke and guidelines on best practices.

The bill also authorizes the Secretary of HHS, acting through CDC, to operate the Paul Coverdell National Acute Stroke Registry to develop and collect data and analyze the care of acute stroke patients. Funds were appropriated for the registry at the end of the last Congress, but the registry has not yet been authorized. In fact, the Senate passed the act unanimously last year, and it came very close to House passage. Literally millions of our fellow citizens will benefit from the lives saved and the better care they will receive as a result of this legislation. It's long past time for Congress to act.

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By Mr. HATCH (for himself and Mr. LEAHY):

S. 1911. A bill to amend the provisions of title III of the Trade Act of 1974 relating to violations of the TRIPS Agreement, and for other purposes; to the Committee on Finance.

Mr. LEAHY. Mr. President, today I introduce an important, bipartisan piece of legislation that will amend the Trade Act of 1974 to help ensure that America's intellectual property rights are properly protected by our trading partners and that disputes between America and other governments can be investigated and resolved in a quick and sensible manner.

This bill makes commonsense changes to three important aspects of the Trade Act of 1974. First, this bill makes certain that our partners who benefit from trade with the United States adequately protect American intellectual property. The TRIPS standards (Trade Related Aspects of Intellectual Property) that the World Trade Organization uses today in order to determine if a country is protecting intellectual property laws were written in the early 1990s—before digital piracy had become widespread. Our legislation will codify the necessity on the part of other nations to keep intellectual property protections current with technology.

In addition, this measure will establish a petition process for bringing intellectual property claims against trade partners in the Caribbean Basin who fail to enforce intellectual property rights while benefiting from profitable trading programs. Under current law, there is no provision for parties to petition the United States Trade Representative to investigate whether or not one of our Caribbean partners is meeting the criterion of ''fair and effective'' enforcement of intellectual property rights in order to benefit from special trade programs. This legislation invests the USTR with the power to ensure that beneficiaries of favorable trading programs will not be rewarded for failing to protect intellectual property in a meaningful way.

Finally, this bill will correct an undesirable and unintended technical deficiency of the Trade Act of 1974 when applied to the dispute mechanisms of the World Trade Organization. Current

timelines for investigating intellectual property violations under the Trade Act force the USTR to designate certain countries as failing to protect intellectual property before a complete investigation can be completed and make it virtually impossible to negotiate with that country or bring a WTO dispute settlement case in order to resolve a dispute. This bill amends Section 301 of the Trade Act to make sure that investigations can proceed before policy is made.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 269—URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT THAT OPENED ON NOVEMBER 15, 2003

Mr. LEVIN (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, Mr. LAUTENBERG, Mr. DODD, Mr. WYDEN, Mr. JEFFORDS, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 269

Whereas on November 15, 2003, the Government of Canada opened a commercial hunt on seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins, and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of any seal products;

Whereas in February 2003, the Ministry of Fisheries and Oceans in Canada authorized the highest quota for harp seals in Canadian history, allowing nearly 1,000,000 seals to be killed over a 3–year period;

Whereas harp seal pups can be legally hunted in Canada as soon as they have begun to molt their white coats at approximately 12 days of age;

Whereas 97 percent of the seals culled in the 2003 slaughter were pups between just 12 days and 12 weeks of age, most of which had not yet eaten their first solid meal or learned to swim;

Whereas a 2001 report by an independent team of veterinarians invited to observe the hunt by the International Fund for Animal Welfare concluded that the seal hunt failed to comply with basic animal welfare regulations in Canada and that governmental regulations regarding humane killing were not being respected or enforced;

Whereas the 2001 veterinary report concluded that as many as 42 percent of the seals studied were likely skinned while alive and conscious;

Whereas the commercial slaughter of seals in the Northwest Atlantic is inherently cruel, whether the killing is conducted by clubbing or by shooting;

Whereas many seals are shot in the course of the hunt, but escape beneath the ice where they die slowly and are never recovered, and these seals are not counted in official kill statistics, making the actual kill level far higher than the level that is reported;

Whereas the commercial hunt for harp and hooded seals is not conducted by indigenous peoples of Canada, but is a commercial slaughter carried out by nonnative people from the East Coast of Canada for seal fur, oil, and penises (used as aphrodisiacs in some Asian markets);

Whereas the fishing and sealing industries in Canada continue to justify the expanded seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas 2 Canadian Government marine scientists reported in 1994 that the true cause of cod depletion in the North Atlantic was over-fishing, and the consensus among the international scientific community is that seals are not responsible for the collapse of cod stocks;

Whereas harp and hooded seals are a vital part of the complex ecosystem of the Northwest Atlantic, and because the seals consume predators of commercial cod stocks, removing the seals might actually inhibit recovery of cod stocks;

Whereas certain ministries of the Government of Canada have stated clearly that there is no evidence that killing seals will help groundfish stocks to recover; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

*Resolved,* That the Senate urges the Government of Canada to end the commercial hunt on seals that opened in the waters off the east coast of Canada on November 15, 2003.

Mr. LEVIN. Mr. President, today I am joined by a number of my colleagues in submitting a resolution in the hope that the Canadian government will cease its support of the slaughter of seals. The images from this senseless slaughter are difficult to view but even harder to accept: skinning of live animals, some no older than 12 days, and the dragging of live seals across the ice using steel hooks.

On November 15, 2003, the Government of Canada opened a commercial hunt on seals in the waters off the east coast of Canada. This hunt is supported by millions of dollars of subsidies to the sealing industry every year from the Canadian Government. These subsidies facilitate the slaughter of innocent animals and artificially extend the life of an industry that has ceased to exist in most developed countries. These subsides can not be justified and should be ended.

Few would argue that this industry still serves a legitimate purpose. Two years ago, an economic analysis of the Canadian sealing industry concluded that it provided the equivalent on only 100 to 150 full-time jobs each year. In addition, the analysis found that these jobs cost Canadian taxpayers nearly $30,000 each. The report concluded that when the cost of government subsidies provided to the industry was weighed against the landed value of the seals each year, the net value of the sealing industry was close to zero.

There is little about the Canadian sealing industry that is self-sustaining. The operating budget of the Canadian Sealers Association continues to be paid by the Canadian government; their rent each month is paid by the provincial government of Newfoundland and Labrador; seal processing companies continue to receive subsidies through the Atlantic Canada Opportunities Agency; Human Resources Development Canada, and other federal funding programs for staffing and capital costs. The sealing industry, through the Sealing Industry Development Council and other bodies, receives assistance for product research and development, and for product marketing initiatives, both overseas and domestically. All the costs of the seal hunt for ice breaking services and for search and rescue, provided by the Canadian Coast Guard, are underwritten by Canadian taxpayers.

Many believe that subsidizing an industry that only operates for a few weeks a year and employs only a few hundred people on a seasonal, part-time basis is simply a bad investment on the part of the Canadian government. The HSUS has already called upon the Canadian government to end these archaic subsidies and instead work to diversify the economy in the Atlantic region by facilitating long-term jobs and livelihoods.

The clubbing of baby seals can't be defended or justified, and Canada should end it just as we ended the Alaska baby seal massacre 20 years ago. I urge my colleagues to support this resolution.

### SENATE RESOLUTION 270—CONGRATULATING JOHN GAGLIARDI, FOOTBALL COACH OF ST. JOHN'S UNIVERSITY, ON THE OCCASION OF HIS BECOMING THE ALL-TIME WINNINGEST COACH IN COLLEGIATE HISTORY

Mr. COLEMAN (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 270

Whereas John Gagliardi began his coaching career in 1943 at the age of 16 when his high school football coach was drafted and John Gagliardi was asked to take over the position;

Whereas John Gagliardi won 4 conference titles during the 6 years he coached high school football;

Whereas John Gagliardi graduated from Colorado College in 1949 and began coaching football, basketball, and baseball at Carroll College in Helena, Montana, winning titles in all 3 sports;

Whereas John Gagliardi took over the football program at St. John's University in Collegeville, Minnesota, in 1953 and the football team won the Minnesota Intercollegiate Athletic Conference title in his first year as coach;

Whereas by the end of the 2002 season, John Gagliardi had won 3 national championships, coached 22 conference title teams, appeared in 45 post-season games and compiled a 376–108–10 record during his 50 years at St. John's University;

Whereas under the leadership of John Gagliardi, St. John's University has been nationally ranked 37 times in the past 39 years, and the university set a record with a 61.5 points per game average in 1993;

Whereas over 150 students participate in the St. John's University football program

each year and every player dresses for home games;

Whereas John Gagliardi's coaching methods follow the ''Winning with No's'' theory: no blocking sleds or dummies, no whistles, no tackling in practices, no athletic scholarships, and no long practices;

Whereas John Gagliardi has coached over 5,000 players during his 50 years at St. John's University, and no player has failed to graduate and most have graduated in 4 years;

Whereas, in 1993, the John Gagliardi trophy was unveiled, and it is given each year to the most outstanding Division III football player;

Whereas on November 1, 2003, John Gagliardi tied Grambling University coach Eddie Robinson's record of 408 wins with a 15 to 12 victory over the University of St. Thomas;

Whereas on November 8, 2003, John Gagliardi broke Eddie Robinson's record with a 29 to 26 victory over Bethel College;

Whereas John Gagliardi is admired by his players, as well as by the students, faculty, and fans of St. John's University for his ability to motivate and inspire;

Whereas students who take his course, Theory of Football, credit John Gagliardi for teaching them more about life than about football;

Whereas those closest to John Gagliardi will tell you that football is only part of his life—he values the time he spends with Peg, his wife of 47 years, and their 4 children; and

Whereas the on- and off-the-field accomplishments of John Gagliardi have placed him in an elite club that includes the best coaches in history: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates John Gagliardi, football coach of St. John's University in Collegeville, Minnesota, on becoming the all-time winningest coach in collegiate football history; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to John Gagliardi and St. John's University.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2207. Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1152, to reauthorize the United States Fire Administration, and for other purposes.

SA 2208. Mr. FRIST proposed an amendment to the joint resolution H.J. Res. 78, making further continuing appropriations for the fiscal year 2004, and for other purposes.

## TEXT OF AMENDMENTS

**SA 2207.** Mr. FRIST (for Mr. MCCAIN) proposed an amendment to the bill S. 1152, to reauthorize the United States Fire Administration, and for other purposes; as follows:

### TITLE I—UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''United States Fire Administration Reauthorization Act of 2003''.

**SEC. 102. RE-ESTABLISHMENT OF POSITION OF UNITED STATES FIRE ADMINISTRATOR.**

Section 1513 of the Homeland Security Act of 2002 (6 U.S.C. 553) does not apply to the position or office of Administrator of the United States Fire Administration, who shall continue to be appointed and compensated as provided by section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)).

**SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)) is amended by striking subparagraphs (A) through (K) and inserting the following:

''(A) $63,000,000 for fiscal year 2005, of which $2,266,000 shall be used to carry out section 8(f);

''(B) $64,850,000 for fiscal year 2006, of which $2,334,000 shall be used to carry out section 8(f);

''(C) $66,796,000 for fiscal year 2007, of which $2,404,000 shall be used to carry out section 8(f); and

''(D) $68,800,000 for fiscal year 2008, of which $2,476,000 shall be used to carry out section 8(f).''.

### TITLE II—FIREFIGHTING RESEARCH AND COORDINATION

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Firefighting Research and Coordination Act''.

**SEC. 202. NEW FIREFIGHTING TECHNOLOGY.**

Section 8 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) ASSISTANCE TO OTHER FEDERAL AGENCIES.—At the request of other Federal agencies, including the Department of Agriculture and the Department of the Interior, the Administrator may provide assistance in fire prevention and control technologies, including methods of containing insect-infested forest fires and limiting dispersal of resultant fire particle smoke, and methods of measuring and tracking the dispersal of fine particle smoke resulting from fires of insect-infested fuel.

''(f) TECHNOLOGY EVALUATION AND STANDARDS DEVELOPMENT.—

''(1) IN GENERAL.—In addition to, or as part of, the program conducted under subsection (a), the Administrator, in conjunction with the National Institute of Standards and Technology, the InterAgency Board for Equipment Standardization and Inter-Operability, the National Institute for Occupational Safety and Health, the Directorate of Science and Technology of the Department of Homeland Security, national voluntary consensus standards development organizations, interested Federal, State, and local agencies, and other interested parties, shall—

''(A) develop new, and utilize existing, measurement techniques and testing methodologies for evaluating new firefighting technologies, including—

''(i) personal protection equipment;

''(ii) devices for advance warning of extreme hazard;

''(iii) equipment for enhanced vision;

''(iv) devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;

''(v) equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;

''(vi) equipment and methods for training, especially for virtual reality training; and

''(vii) robotics and other remote-controlled devices;

''(B) evaluate the compatibility of new equipment and technology with existing firefighting technology; and

''(C) support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies based on techniques and methodologies described in subparagraph (A).

''(2) STANDARDS FOR NEW EQUIPMENT.

(A) The Administrator shall, by regulation, require that new equipment or systems purchased through the assistance program established by the first section 3 3 meet or exceed applicable voluntary consensus standards for such equipment or systems for which applicable voluntary consensus standards have been established. The Administrator may waive the requirement under this subparagraph with respect to specific standards.

''(B) If an applicant for a grant under the first section 33 proposes to purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed applicable voluntary consensus standards, the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that do meet or exceed such standards.

''(C) In making a determination whether or not to waive the requirement under subparagraph (A) with respect to a specific standard, the Administrator shall, to the greatest extent practicable—

''(i) consult with grant applicants and other members of the fire services regarding the impact on fire departments of the requirement to meet or exceed the specific standard;

''(ii) take into consideration the explanation provided by the applicant under subparagraph (B); and

''(iii) seek to minimize the impact of the requirement to meet or exceed the specific standard on the applicant, particularly if meeting the standard would impose additional costs.

''(D) Applicants that apply for a grant under the terms of subparagraph (B) may include a second grant request in the application to be considered by the Administrator in the event that the Administrator does not approve the primary grant request on the grounds of the equipment not meeting applicable voluntary consensus standards.''.

**SEC. 203. COORDINATION OF RESPONSE TO NATIONAL EMERGENCY.**

(a) IN GENERAL.—Section 10 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2209) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) MUTUAL AID SYSTEMS.

''(1) IN GENERAL.—The Administrator shall provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies that—

''(A) include threat assessment and equipment deployment strategies;

''(B) include means of collecting asset and resource information to provide accurate and timely data for regional deployment; and

''(C) are consistent with the Federal Response Plan.

''(2) MODEL MUTUAL AID PLANS.—The Administrator shall develop and make available to State and local fire service officials model mutual aid plans for both intrastate and interstate assistance.''.

(b) REPORT ON STRATEGIC NEEDS.—Within 90 days after the date of enactment of this Act, the Administrator of the United States Fire Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the need for a strategy concerning deployment of volunteers and emergency response personnel (as defined in section 6 of the Firefighters' Safety Study Act 15 U.S.C. 2223e)), including a national credentialing system, in the event of a national emergency.

(c) REPORT ON FEDERAL RESPONSE PLAN.—Within 30 days after the date of enactment of this Act, the Department of Homeland Security shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Governmental Affairs, and the House of Representatives Committee on Science describing plans for revisions to the Federal Response Plan and its integration into the National Response Plan, including how the revised plan will address response to terrorist attacks, particularly in urban areas, including fire detection and suppression and related emergency services.

**SEC. 204. TRAINING.**

(a) IN GENERAL.—Section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (N); and

(3) by inserting after subparagraph (E) the following:

''(F) strategies for building collapse rescue;

''(G) the use of technology in response to fires, including terrorist incidents and other national emergencies;

''(H) response, tactics, and strategies for dealing with terrorist-caused national catastrophes;

''(I) use of and familiarity with the Federal Response Plan;

''(J) leadership and strategic skills, including integrated management systems operations and integrated response;

''(K) applying new technology and developing strategies and tactics for fighting forest fires;

''(L) integrating the activities of terrorism response agencies into national terrorism incident response systems;

''(M) response tactics and strategies for fighting fires at United States ports, including fires on the water and aboard vessels; and''.

(b) CONSULTATION ON FIRE ACADEMY CLASSES.—The Superintendent of the National Fire Academy may consult with other Federal, State, and local agency officials in developing curricula for classes offered by the Academy.

(c) COORDINATION WITH OTHER PROGRAMS TO AVOID DUPLICATION.—The Administrator of the United States Fire Administration shall coordinate training provided under section 7(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) with the Attorney General, the Secretary of Health and Human Services, and the heads of other Federal agencies

(1) to ensure that such training does not duplicate existing courses available to fire service personnel; and

(2) to establish a mechanism for eliminating duplicative training programs.

(d) COURSES AND TRAINING ASSISTANCE.—Section 7(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(1)) is amended by adding at the end the following: ''The Superintendent shall offer, at the Academy and at other sites, courses and training assistance as necessary to accommodate all geographic regions and needs of career and volunteer firefighters.''.

**SEC. 205. FIREFIGHTER ASSISTANCE GRANTS PROGRAM.**

(a) ADMINISTRATION.—The first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by striking subsection (b)(2) and inserting the following:

''(2) ADMINISTRATIVE ASSISTANCE.—The Director shall establish specific criteria for the selection of recipients of assistance under this section and shall provide grant-writing assistance to applicants.''; and

(2) by striking ''operate the office established under subsection (b)(2) and'' in subsection (e)(2).

(b) Maritime Firefighting.—Subsection (b)(3)(B) of the first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)(B)) is amended by inserting ''maritime firefighting,'' after ''arson prevention and detection,''.

(c) FIREFIGHTING IN REMOTE AREAS.—The first section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) by inserting ''equipment for fighting fires with foam in remote areas without access to water, and'' after ''including'' in subsection (b)(3)(H); and

(2) by inserting ''Of the amounts authorized in this paragraph, $3,000,000 shall be made available each year through fiscal year 2008 for foam firefighting equipment.'' at the end of subsection (e)(1).

**SEC. 206. NATIONAL FALLEN FIREFIGHTERS FOUNDATION.**

(a) MEMBERS.—Section 151303(b) of title 36, United States Code, is amended—

(1) by striking ''9'' in paragraph (2) and inserting ''12'';

(2) by striking ''six'' in subparagraph (D) of paragraph (2) and inserting ''nine''; and

(3) by striking ''3 members'' in paragraph (3) and inserting ''4 members''.

(b) COMPENSATION.—Section 151304(b)(3) of title 36, United States Code, is amended by inserting ''15 percent above'' after ''more than''.

(c) PERIOD OF AUTHORIZED ASSISTANCE.—Section 151307 of title 36, United States Code, is amended in subsection (a)(1), by striking ''During the 10-year period beginning on the date of the enactment of the Fire Administration Authorization Act of 2000, the'' and inserting ''The''.

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**SA 2208.** Mr. FRIST proposed an amendment to the joint resolution H.J. Res. 78, making further continuing appropriations for the fiscal year 2004, and for other purposes; as follows:

On page 2, line 7, strike ''23'' and insert ''24''.

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## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, November 20, 2003, at 3 p.m., in closed session, to receive a briefing on assessment of the current situation in Iraq.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 20, 2003, at 10 a.m., to conduct a vote on the nomination of Ms. Alicia R. Castaneda, of the District of Columbia, to be a member of the Board of Directors of the Federal Housing Finance Board; the nomination of Mr. Thomas J. Curry, of Massachusetts, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation; and S. 1531, the ''Chief Justice John Marshall Commemorative Coin Act.''

Following the votes, the committee will conduct a hearing on ''Improving the Corporate Governance of the New York Stock Exchange.''

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, November 20, 2003, at 2 p.m., to conduct a hearing on the ''Review of Current Investigations and Regulatory Actions Regarding the Mutual Fund Industry.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, November 20, 2003, at 9:30 a.m., on Drug Importation.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, November 20, 2003 at a time and location to be determined to hold a business meeting to consider the nominations of James M. Loy to be Deputy Secretary of Homeland Security, Department of Homeland Security; and Scott J. Bloch to be Special Counsel, Office of Special Counsel.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, be authorized to meet on Thursday, November 20, 2003 at 10 a.m. for a hearing entitled, ''Keeping the Lights on: The Federal Role in Managing the Nation's Electricity, Part Two.''

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Thursday, November 20, 2003, at 9 a.m., for a hearing entitled ''U.S. Tax Shelter Industry: The Role of Accountants, Lawyers and Financial Professionals.''

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

## MEASURE READ THE FIRST TIME—H.R. 1274

Mr. FRIST. I understand that H.R. 1274, which was just received from the House, is at the desk and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1274) to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

Mr. FRIST. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

## HUGH GREGG POST OFFICE BUILDING

Mr. FRIST. I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 397, H.R. 3185.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3185) to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the Hugh Gregg Post Office Building.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3185) was read the third time and passed.

## JOHN G. DOW POST OFFICE BUILDING

Mr. FRIST. I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 367, H.R. 3166.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3166) to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the John G. Dow Post Office Building.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3166) was read the third time and passed.

## CORRECTION OF HEALTH CARE SAFETY NET AMENDMENTS ACT OF 2003

Mr. FRIST. I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 3038 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3038) to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments Act of 2002.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3038) was read the third time and passed.

## EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO POLIO

Mr. FRIST. I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 266 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 266) expressing the sense of the Senate with respect to Polio.

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

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 266) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 266

Whereas polio has caused millions of casualties through history, paralyzing millions and killing untold numbers of others;

Whereas polio remains a public health threat in today's world, despite being easily preventable by vaccination;

Whereas polio is now limited to 10 countries, with the distinct possibility that it can be once and forever extinguished as an affliction on mankind by ensuring the vaccination of all children in these countries under the age of 5;

Whereas a Global Polio Eradication Initiative exists that seeks to once and forever end polio as an illness, which includes efforts underway by the Centers for Disease Control and Prevention; and

Whereas the United States has the capacity to act to speed the eradication of polio by assisting in the targeting of its few remaining reservoirs: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses serious concern about the continuing threat posed by polio;

(2) encourages the United Nations and its component agencies, the private sector, private voluntary organizations and non-governmental organizations, concerned States, and international financial institutions to act with haste and manifold dedication to eradicate polio as soon as possible; and

(3) calls upon the United States government to continue its contribution to the multilateral effort to eradicate polio, including closely monitoring laboratory stocks of the polio virus.

## ESTABLISHING THE NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE

Mr. FRIST. I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 3491, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3491) to establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, over 200 years ago, there was a dream that was America for a group of individuals who were brought to our shores in shackles. A dream so powerful that compelled a race of people to fight for the liberty of others when they were in bondage themselves. A dream that not only served as a catalyst for physical liberation in the African-American community but removed societal shackles from our culture and enabled us to realize the ideals set before us in the Constitution—that all men are created equal under God.

Today, I am proud to stand here with my colleagues, from both the House and the Senate, and announce the passage of the National Museum of African-American History and Culture Act. After over 70 years, we have finally created a museum to honor—nationally—the contributions and sacrifice of African Americans in this country.

I would specifically like to thank Senator DODD, who was committed to honoring this history and has worked hard to get us to this point today.

I would also like to thank Senator TRENT LOTT for his unwavering support to move this bill through the Committee of Jurisdiction. As well as Senator TED STEVENS for his leadership and commitment to this project.

Additionally, I would like to recognize Senator SANTORUM for his continued unwavering commitment to this bill as well as the majority leader of the Senate, Senator BILL FRIST. It means a great deal to have such widespread support and I am grateful.

Perhaps most important, I would like to thank Representative JOHN LEWIS for championing this bill for over 15 years. It has been a pleasure for me to work with you, JOHN, on this bill.

With the creation of this museum, we will celebrate a rich and magnificent history. A history of a people's quest for freedom that shaped this Nation into a symbol of freedom and democracy around the world. I am proud to

stand here today with my colleagues and celebrate the passage of this wonderful bill.

Perhaps most important, I believe that this museum will be a catalyst for needed racial reconciliation in this country. There will be many tears shed at this museum—tears that cleanse the soul and that transcend race, creed, and color.

I remember when I met with the dean of the Afro-American Studies at Howard University. He told me of a story about his grandfather who finished a bowl the day the Emancipation Proclamation was authorized.

His grandfather decided to keep the bowl because it no longer was the property of a slave master but the man who made it—his grandfather. The dean has this bowl in his home—an incredible piece of history and I am sure there are many more pieces out there waiting for a home—a national home and today we have ensured that there will indeed be a home for such artifacts.

Specifically, this bill creates this museum within the Smithsonian Institution—America's premier museum complex. We have worked very hard with the Smithsonian Institution to craft a bill that will compliment their programs—and indeed we have done just that.

The legislation outlines a museum that is very similar to the American Indian Museum, slated to open next year. And I know that the Smithsonian Institution will create another national treasure, one that tells the story of African Americans in this country—a proud history, a rich history.

This bill charges the Board of Regents of the Smithsonian Institution along with the Council of the National Museum to plan, build and construct a museum dedicated to celebrating nationally African-American history—which is American history.

In addition, this bill charges the board of regents with choosing a site on or adjacent to the National Mall for the location of the museum.

Additionally, the bill instructs the director of the museum to create and oversee an education and program liaison section designed to work with educational institutions and museums across the country in order to promote African-American history.

Finally, the bill sets fourth a federal-private partnership for funding the museum and creates a council for the museum, which will be comprised from a mixture of leading African Americans from the museum, historical, and business communities.

I do not pretend that this museum is a panacea for racial reconciliation. It is, however, a productive step in recognizing the important contributions African Americans have made to this country.

Dr. Martin Luther King, Jr. once expressed his desire for this Nation, ''That the dark clouds of [misconceptions] will soon pass away and the deep fog of misunderstanding will be lifted from our fear-drenched communities and in some not too distant tomorrow the radiant stars of love and brotherhood will shine over our great Nation with all their scintillating beauty.'' We are one step closer today—God bless.

Mr. DODD. Mr. President, today is a truly historic day. After nearly three-quarters of a century of trying, a national museum dedicated to telling the story of the African American struggle and contribution to the founding and development of this country is about to be realized with passage of H.R. 3491, legislation to create a National Museum of African American History and Culture.

Many individuals are to be congratulated and thanked for their efforts to bring this dream to fruition. In the Senate, my distinguished colleague and author of legislation this Congress to authorize the African American Museum, Senator SAM BROWNBACK, has been a champion of this effort for the past two Congresses. I was pleased to be his coauthor on this measure.

As chairman of the Senate Rules Committee last Congress, it was my great honor to work with him to produce legislation to create the Presidential Commission, whose report underpinned the legislation we introduced earlier this year. We would not be voting on this matter today but for the continuing efforts of Senator BROWNBACK.

In the House, my good friend, Congressman BOB NEY, and my friend and colleague from Connecticut, Congressman JOHN LARSON, worked with us to find a compromise that could be supported in the House and shepherded this legislation to passage on the House suspension calendar on Wednesday by an overwhelming vote of 409 to 9. Their diligence and dedication to this effort was tireless.

But no one deserves more credit for helping to realize this dream than does my dear friend from Georgia, Congressman JOHN LEWIS. This bill is truly his dream, his inspiration, his vision, his mission.

For nearly 12 years JOHN LEWIS has made creation of this museum his personal crusade. It has been a labor of love and while the road has been long and filled with bumps, the victory today is his victory. I salute JOHN LEWIS for his courage and tireless dedication to this cause.

But the ultimate winner today is not just a handful of Members, it is our Nation as a whole. For today, Congress has acted to heal old wounds of the past and formally acknowledge that the stories and contributions of African Americans to the birth and growth of this great Nation must be told to complete our history.

Since 1929, efforts have been made to recognize the contributions and unique history of Americans of African descent. It is past time that we publicly acknowledge and incorporate the African American experience into our collective identity.

This legislation will help ensure that the compelling stories and invaluable contributions of African Americans to our national fabric will no longer be ignored, but shared with all Americans, indeed, all peoples of the world.

With the creation of the National Museum of African American History and Culture, Americans of all races, ethnic backgrounds, and personal histories can come together to celebrate the contributions of all Americans to the rich heritage and culture that is the American melting pot.

That is the essence of this legislation—the completion of the American story of our quest for freedom and truth through the public incorporation of the experiences and contributions of African Americans to that struggle. This Museum offers the promise and hope that all Americans can come to understand the full story of how this nation was formed.

The House bill before us is virtually identical to the bill Senator BROWNBACK and I introduced in May of this year, S. 1157, which the Senate passed on June 23rd.

This legislation directs the Smithsonian Institution to establish a museum known as the National Museum of African American History and Culture. Within 12 months of enactment, the Smithsonian Board of Regents will choose a site for this Museum from among four sites listed in the bill.

With regard to the sites available for selection, the House bill deletes the Capitol grounds site contained in the Senate-passed bill and substitutes a fourth site, known as the ''Banneker Overlook site'' located on 10th Street Southwest at the foot of the L'Enfant Plaza promenade on axis with the Smithsonian Castle.

The bill directs that, prior to the selection of the site, the Board of Regents will consult with the chair of the National Capital Planning Commission and the chair of the Commission on Fine Arts, as well as the chairman of the Presidential Commission, Congressional oversight committees and others.

In the meantime, the Smithsonian Board of Regents will appoint a 19 member council, comprised of leaders within the African American community and others, to advise the Regents on the development, design and construction of the Museum.

With regard to the selection of these council members, I was disappointed that the House deleted a provision in the Senate-passed bill which would have required that at least 9 members of the council be of African American descent.

This important provision in the Senate-passed bill was modeled on provisions of the act which created the National Museum of the American Indian. As in the case of that Museum, this language was intended to ensure that the sensitivities and perspectives of those individuals whose stories this Museum will tell are properly considered and portrayed.

Although I regret that the House deleted this provision, the bill still requires that, in appointing 17 of the 19 members of the council, the Board of Regents take into consideration individuals recommended by organizations and entities that are committed to the advancement of knowledge of African American life, art, history, and culture.

Although this change weakens the Senate version of this bill some, the Smithsonian Institution can still ensure the integrity of the content of this museum by appointing members to the council in keeping with the Senate's original intent. As the ranking member of the Rules Committee which has oversight jurisdiction over the Smithsonian, I look forward to working with the Smithsonian to see that this happens.

This Museum will include exhibits and programs relating to all aspects of African American life, art, history, and culture from the time of slavery through present day and will provide leadership to other museums and will collaborate with historically Black colleges and universities and educational organizations to ensure the integrity of the exhibits and programming and to broaden the reach of its story and mission.

The House compromise also retains provisions of the Senate-passed bill which authorizes a grant program within the National Institute of Museum and Library Services. This program is intended to support organizations dedicated to expanding the knowledge of the African American experience and slavery by providing support for improving operations, care of collections, and intern and scholarship programs.

Equally important is a provision which will provide grants to nonprofit organizations whose primary purpose is to promote the study of the African American diaspora. Such grants can be used to increase existing endowment funds for the purpose of enhancing education programs and maintaining and operating traveling exhibits.

In Connecticut, we are fortunate to have such an organization in Amistad America, Inc. Amistad America is a national, non-profit educational organization dedicated to promoting the legacies of the Amistad incident of 1839 through the traveling exhibit of the freedom schooner *Amistad*.

The *Amistad* is literally a floating classroom which celebrates and teaches the historic lessons of perseverance, leadership, cooperation, justice, and freedom inherent in the Amistad Incident. Although its home port is New Haven, CT, the freedom schooner *Amistad* travels to both national and international ports to bring the story of our collective history and the continuing struggle for equality and human rights to school children and adults around the globe.

It is through the efforts of such organizations as Amistad America, with the support of the new Museum of African American History and Culture and the National Institute of Museum and Library Services, that we can ensure that the lessons of the past are not lost on current or future generations.

In short, this legislation offers the hope that through knowledge and education, the history of the struggles for freedom and equality of some Americans becomes the interwoven history of all Americans and ensures that future generations will not have to repeat such struggles.

I was honored to be the lead Democratic sponsor of this legislation in the Senate, and I am honored to stand before the Senate today to urge my colleagues to adopt this compromise which the House has passed and send this measure to the President for his signature.

We would not be at this point today without the dedication and assistance of many people, including the staff who labor many hours and late into the night to facilitate the legislative process. At the risk of leaving someone off the list, I want to recognize those staff for their considerable contributions to this measure, including LaRochelle Young of Senator BROWNBACK's staff; Michael Collins and Tammy Boyd of Congressman JOHN LEWIS's staff; Paul Vinovich and George Hagijski of Congressman BOB NEY's House Administration Committee staff; George Shevlin and Matt Pinkus of Congressman JOHN LARSON's House Administration Committee staff; Susan Brita of Congressman JAMES OBERSTAR's House Transportation and Infrastructure Committee staff; Dan Mathews of Congressman STEVEN LATOURETTE's Transportation and Infrastructure Committee staff; Bill Johnson of Congressman JACK KINGSTON's staff; and Kennie Gill of my Rules Committee staff.

The action we take today is historic not only in its ability to unify this nation, but in its message to the world that we recognize and cherish the contributions of all Americans to the creation of this great democracy.

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 relating to the bill be printed in the RECORD.

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

The bill (H.R. 3491) was read the third time and passed.

Mr. FRIST. I want to take just one moment and comment on the unanimous consent agreement and the establishment within the Smithsonian Institution of the National Museum of African American History and Culture, which we just approved.

This has been a fairly long journey, to come to the point of the establishment of this African American History and Culture Museum. It really goes back to the time of African-American history, when it began in 1619 in Jamestown, VA. It was there a Dutch slave trader exchanged his cargo of Africans for food. Over the next 400 years, the descendants of men and women brought to America in chains would seek and find freedom. They would transform the American consciousness. They would permanently revolutionize American culture, American music, American art, and American literature.

We are on the cusp of really a momentous event, and that is the enshrining of these events in a national museum devoted to African-American history and culture. With this, visitors from around the world will learn about 400 years of struggle and progress.

The museum will house priceless artifacts, it will house documents, it will house recordings—all commemorating that 400-year history. It will serve as a wellspring of inspiration and scholarship. With the action of just a few moments ago, we will be sending the President a bill to fulfill this vision.

What the African American Museum of History and Culture Act does is establish this museum within the Smithsonian. It is a Federal-private partnership. It authorizes $17 million for the first year in order to launch this museum.

The Board of Regents will have 12 months to designate a site and the legislation lays out four possibilities for that site. Once that site is selected, the Board will set to work raising up this new national institution. America will finally have a museum worthy of the generations of men and women who have sacrificed so much and given so deeply to the cause of freedom.

I do commend my colleagues, Senator BROWNBACK, Senator DODD, Senator LOTT, Senator SANTORUM, Senator STEVENS, and on the House side especially Representative JOHN LEWIS of Georgia and Representative J.C. Watts for their hard work and their leadership in coming to this point.

Indeed, the African-American journey is America's journey and tonight we take another major step forward.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If the Senator has finished his comment on the passage of this important legislation, I would like to briefly say JOHN LEWIS's name was mentioned, and rightfully so. Everyone the distinguished majority leader mentioned has played a significant role in this legislation before us, but when JOHN LEWIS came to Washington, this became a personal crusade of his.

JOHN LEWIS is one of my heroes. I have such great admiration and respect for him. I think this is the culmination of a dream he started many years ago. I want the record to be clear as to how much this means to him, the people of Georgia, and this country.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. I, again, want to second that. When this bill passed the House of Representatives—I think it was 2 nights ago—I immediately called Representative LEWIS the next morning for exactly the same reason.

I have not been around Washington quite as long to be able to build upon the shoulders of somebody like Representative LEWIS, who had this vision of a museum, but we are now taking that major step forward. As museums are approved and money is put forward, it takes a while, but to see that dream really becoming concrete, I want to tell him thank you for me, for this body, for America, and for all the millions of people who will benefit from that vision he had.

## CONGRATULATING COACH JOHN GAGLIARDI

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 270, submitted by Senators COLEMAN and DAYTON earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 270) congratulating John Gagliardi, football coach of St. Johns University, on the occasion of his becoming the all-time winningest coach in collegiate football history.

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

Mr. DASCHLE. Mr. President, I rise in strong support of S. Res. 270, congratulating John Gagliardi on becoming the winningest college football coach in history. He is a truly remarkable coach and an even better man.

While thousands of his players have known this for years, the rest of the country has come to learn over the last several weeks that it not just John's 410 wins which make him special. In an era when collegiate student athletes are pressured to avoid academics, John Gagliardi consistently coaches teams with graduation rates at or close to 100 percent. He values sportsmanship, hard work and humility. And he treats his players and opponents with respect.

I am proud that several South Dakotans have contributed to John's success over the years. This year's conference championship team includes three fine student athletes from South Dakota: Aaron Babb, of Sioux Falls; Jason Hardie, of Beresford; and Dana Kinsella, also of Sioux Falls.

There have been other fine South Dakotans before them. While there are dozens, I will name just a couple. Sean Dailey, an all-conference defensive end, is now an accomplished chemist. And Jay Conzemius, an All-American running back was until recently the Chancellor of the Catholic Diocese of Sioux Falls.

It is right and fitting for the Senate to honor John Gagliardi for his historic accomplishments. It is unlikely that anyone will ever win as many games as he has, and maybe even more unlikely that any coach will so positively impact the lives of so many young men. I yield the floor.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 270) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 270

Whereas John Gagliardi began his coaching career in 1943 at the age of 16 when his high school football coach was drafted and John Gagliardi was asked to take over the position;

Whereas John Gagliardi won 4 conference titles during the 6 years he coached high school football;

Whereas John Gagliardi graduated from Colorado College in 1949 and began coaching football, basketball, and baseball at Carroll College in Helena, Montana, winning titles in all 3 sports;

Whereas John Gagliardi took over the football program at St. John's University in Collegeville, Minnesota, in 1953 and the football team won the Minnesota Intercollegiate Athletic Conference title in his first year as coach;

Whereas by the end of the 2002 season, John Gagliardi had won 3 national championships, coached 22 conference title teams, appeared in 45 post-season games and compiled a 376–108–10 record during his 50 years at St. John's University;

Whereas under the leadership of John Gagliardi, St. John's University has been nationally ranked 37 times in the past 39 years, and the university set a record with a 61.5 points per game average in 1993;

Whereas over 150 students participate in the St. John's University football program each year and every player dresses for home games;

Whereas John Gagliardi's coaching methods follow the ''Winning with No's'' theory: no blocking sleds or dummies, no whistles, no tackling in practices, no athletic scholarships, and no long practices;

Whereas John Gagliardi has coached over 5,000 players during his 50 years at St. John's University, and no player has failed to graduate and most have graduated in 4 years;

Whereas, in 1993, the John Gagliardi trophy was unveiled, and it is given each year to the most outstanding Division III football player;

Whereas on November 1, 2003, John Gagliardi tied Grambling University coach Eddie Robinson's record of 408 wins with a 15 to 12 victory over the University of St. Thomas;

Whereas on November 8, 2003, John Gagliardi broke Eddie Robinson's record with a 29 to 26 victory over Bethel College;

Whereas John Gagliardi is admired by his players, as well as by the students, faculty, and fans of St. John's University for his ability to motivate and inspire;

Whereas students who take his course, Theory of Football, credit John Gagliardi for teaching them more about life than about football;

Whereas those closest to John Gagliardi will tell you that football is only part of his life—he values the time he spends with Peg, his wife of 47 years, and their 4 children; and

Whereas the on- and off-the-field accomplishments of John Gagliardi have placed him in an elite club that includes the best coaches in history: Now, therefore, be it

*Resolved,* That the Senate—

(1) congratulates John Gagliardi, football coach of St. John's University in Collegeville, Minnesota, on becoming the all-time winningest coach in collegiate football history; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to John Gagliardi and St. John's University.

## RECOGNITION OF THE EVOLUTION AND IMPORTANCE OF MOTORSPORTS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 395, S. Res. 253.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 253) to recognize the evolution and importance of motorsports.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 253) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 253

Whereas on March 26, 1903, an automotive race was held on a beach in Volusia County, Florida, inaugurating 100 years of motorsports;

Whereas 100 years later, motorsports are the fastest growing sports in the country;

Whereas races occur at hundreds of motorsport facilities in all 50 States;

Whereas racing fans can enjoy a wide variety of motorsports sanctioned by organizations that include Championship Auto Racing Teams (CART), Grand American Road Racing (Grand Am), Indy Racing League (IRL), International Motorsports Association (IMSA), National Association for Stock Car Automobile Racing (NASCAR), National Hot Rod Association (NHRA), Sports Car Club of America (SCCA), and United States Auto Club (USAC);

Whereas the research and development of vehicles used in motorsports have directly contributed to improvements in safety and technology for the automobiles and motor vehicles used by hundreds of millions of Americans;

Whereas 13,000,000 fans will attend NASCAR races alone in 2003;

Whereas fans of all ages spend days at motorsport facilities participating in a variety of interactive theme and amusement activities surrounding races;

Whereas motorsport facilities that provide these theme and amusement activities contribute millions of dollars into local economies;

Whereas motorsports make a significant contribution to the national economy; and

Whereas tens of millions of people in the United States enjoy the excitement and speed of motorsports every week: Now, therefore, be it

*Resolved,* That the Senate recognizes the evolution of motorsports and honors those

who have helped create and build this great American pastime.

## EXPRESSING THE IMPORTANCE OF MOTORSPORTS

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 320, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 320) expressing the sense of the Congress regarding the importance of motorsports.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 320) was agreed to.

The preamble was agreed to.

## UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 250, S. 1152.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1152) to reauthorize the United States Fire Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which has been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1152

*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 ''United States Fire Administration Reauthorization Act of 2003''.

**[SEC. 2. RE-ESTABLISHMENT OF POSITION OF UNITED STATES FIRE ADMINISTRATOR.**

[Section 1513 of the Homeland Security Act of 2002 does not apply to the position or office of Administrator of the United States Fire Administration, who shall continue to be appointed and compensated as provided by section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)) after the functions vested by law in the Federal Emergency Management Agency have been transferred to the Directorate of Emergency Preparedness and Response in accordance with section 503 of the Homeland Security Act of 2002.

**[SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

[Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended to read as follows: ''(1) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, there are authorized to be appropriated to carry out the purposes of this Act—

[''(A) $52,000,000 for fiscal year 2004;

[''(B) $53,560,000 for fiscal year 2005; and

[''(C) $55,166,800 for fiscal year 2006.''.]

### *TITLE I—UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION*

***SECTION 101. SHORT TITLE.***

*This title may be cited as the ''United States Fire Administration Reauthorization Act of 2003''.*

***SEC. 102. RE-ESTABLISHMENT OF POSITION OF UNITED STATES FIRE ADMINISTRATOR.***

*Section 1513 of the Homeland Security Act of 2002 does not apply to the position or office of Administrator of the United States Fire Administration, who shall continue to be appointed and compensated as provided by section 5(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204(b)) after the functions vested by law in the Federal Emergency Management Agency have been transferred to the Directorate of Emergency Preparedness and Response in accordance with section 503 of the Homeland Security Act of 2002.*

***SEC. 103. AUTHORIZATION OF APPROPRIATIONS.***

*Section 17(g) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)) is amended—*

*(1) by striking subparagraphs (A) through (K) of paragraph (1) and inserting the following:*

*''(A) $63,200,000 for fiscal year 2004, of which $2,200,000 shall be used to carry out section 8(e);*

*''(B) $65,096,000 for fiscal year 2005, of which $2,266,000 shall be used to carry out section 8(e);*

*''(C) $67,049,000 for fiscal year 2006, of which $2,334,000 shall be used to carry out section 8(e);*

*''(D) $69,060,000 for fiscal year 2007, of which $2,404,000 shall be used to carry out section 8(e); and*

*''(E) $71,132,000 for fiscal year 2008, of which $2,476,000 shall be used to carry out section 8(e).''; and*

*(2) by adding at the end the following:*

*''(3) Of the funds authorized by paragraph (1) for fiscal years 2004 through 2006, $3,000,000 annually shall be made available for grants for fire fighting equipment necessary to fight fires using foam in remote areas without access to water.''*

### *TITLE II—FIREFIGHTING RESEARCH AND COORDINATION*

***SECTION 201. SHORT TITLE.***

*This title may be cited as the ''Firefighting Research and Coordination Act''.*

***SEC. 202. NEW FIREFIGHTING TECHNOLOGY.***

*IN GENERAL.—Section 8 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2207) is amended—*

*(1) by striking ''and'' after the semicolon in paragraph (9) of subsection (a);*

*(2) by striking ''section.'' in paragraph (9) of subsection (a) and inserting ''section;'';*

*(3) by adding at the end of subsection (a) the following:*

*''(9) methods of containing insect infested forest fires and limiting disbursal of resultant fine particle smoke; and*

*''(10) methods of measuring and tracking the disbursal of fine particle smoke resulting from fires of insect infested fuel.'';*

*(4) by redesignating subsection (e) as subsection (f); and*

*(5) by inserting after subsection (d) the following:*

*''(e) DEVELOPMENT OF NEW TECHNOLOGY.—*

*''(1) IN GENERAL.—In addition to, or as part of, the program conducted under subsection (a), the Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Inter-Operability, the National Institute for Occupational Safety and Health, the Directorate of Science and Technology of the Department of Homeland Security, national voluntary consensus standards development organizations, interested Federal, State, and local agencies, and other interested parties, shall—*

*''(A) develop new, and utilize existing, measurement techniques and testing methodologies for evaluating new firefighting technologies, including—*

*''(i) personal protection equipment;*

*''(ii) devices for advance warning of extreme hazard;*

*''(iii) equipment for enhanced vision;*

*''(iv) devices to locate victims, firefighters, and other rescue personnel in above-ground and below-ground structures;*

*''(v) equipment and methods to provide information for incident command, including the monitoring and reporting of individual personnel welfare;*

*''(vi) equipment and methods for training, especially for virtual reality training; and*

*''(vii) robotics and other remote-controlled devices;*

*''(B) evaluate the compatibility of new equipment and technology with existing firefighting technology; and*

*''(C) support the development of new voluntary consensus standards through national voluntary consensus standards organizations for new firefighting technologies based on techniques and methodologies described in subparagraph (A).*

*''(2) NEW EQUIPMENT MUST MEET STANDARDS.—For equipment for which applicable voluntary consensus standards have been established, the Administrator shall, by regulation, require that equipment or systems purchased through the assistance program established by section 33 meet or exceed applicable voluntary consensus standards.''.*

***SEC. 203. COORDINATION OF RESPONSE TO NATIONAL EMERGENCY.***

*(a) IN GENERAL.—Section 10 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2209) is amended—*

*(1) by redesignating subsection (b) as subsection (c); and*

*(2) by inserting after subsection (a) the following:*

*''(b) MUTUAL AID SYSTEMS.—*

*''(1) IN GENERAL.—The Administrator, after consultation with the Under Secretary for Emergency Preparedness and Response, shall provide technical assistance and training to State and local fire service officials to establish nationwide and State mutual aid systems for dealing with national emergencies that—*

*''(A) include threat assessment and equipment deployment strategies;*

*''(B) include means of collecting asset and resource information to provide accurate and timely data for regional deployment; and*

*''(C) are consistent with the Federal Response Plan.*

*''(2) MODEL MUTUAL AID PLANS.—The Administrator, in consultation with the Under Secretary for Emergency Preparedness and Response, shall develop and make available to State and local fire service officials model mutual aid plans for both intrastate and interstate assistance.''.*

*(b) REPORT ON STRATEGIC NEEDS.—Within 90 days after the date of enactment of this Act, the Administrator of the United States Fire Administration shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the need for a strategy concerning deployment of volunteers and emergency response personnel (as defined in section 6 of the Firefighters' Safety Study Act (15 U.S.C. 2223e), including a national credentialing system, in the event of a national emergency.*

*(c) UPDATE OF FEDERAL RESPONSE PLAN.—Within 180 days after the date of enactment of this Act, the Under Secretary of Emergency Preparedness and Response shall—*

*(1) revise the Federal Response Plan to incorporate plans for responding to terrorist attacks, particularly in urban areas, including fire detection and suppression and related emergency services; and*

*(2) transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science describing the action taken to comply with paragraph (1).*

***SEC. 204. TRAINING.***

*(a) IN GENERAL.—Section 8(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) is amended—*

*(1) by striking ''and'' after the semicolon in subparagraph (E);*

*(2) by redesignating subparagraph (F) as subparagraph (N); and*

*(3) by inserting after subparagraph (E) the following:*

*''(F) strategies for building collapse rescue;*

*''(G) the use of technology in response to fires, including terrorist incidents and other national emergencies;*

*''(H) response, tactics, and strategies for dealing with terrorist-caused national catastrophes;*

*''(I) use of and familiarity with the Federal Response Plan;*

*''(J) leadership and strategic skills, including integrated management systems operations and integrated response;*

*''(K) applying new technology and developing strategies and tactics for fighting forest fires;*

*''(L) integrating terrorism response agencies into the national terrorism incident response system;*

*''(M) response tactics and strategies for fighting fires at United States ports, including fires on the water and aboard vessels; and''.*

*(b) CONSULTATION ON FIRE ACADEMY CLASSES.—The Superintendent of the National Fire Academy may consult with other Federal, State, and local agency officials in developing curricula for classes offered by the Academy.*

*(c) COORDINATION WITH OTHER PROGRAMS TO AVOID DUPLICATION.—The Administrator of the United States Fire Administration shall coordinate training provided under section 8(d)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206(d)(1)) with the Attorney General, the Secretary of Health and Human Services, and the heads of other Federal agencies—*

*(1) to ensure that such training does not duplicate existing courses available to fire service personnel; and*

*(2) to establish a mechanism for eliminating duplicative training programs.*

Mr. MCCAIN. Mr. President, I am pleased the Senate will now consider S. 1152, the United States Fire Administration Act of 2003. I am pleased to offer a substitute amendment which includes the provisions of S. 321, the Firefighting Research and Coordination Act.

I thank Senators HOLLINGS, BROWNBACK, BREAUX, BIDEN, DEWINE, CANTWELL, LINDSEY GRAHAM, CARPER, and SNOWE for their support of these two bills. I also thank Representative CAMP for his leadership in the House on the companion bill to S. 321. In addition, I thank Chairman BOEHLERT and ranking member HALL of the House Science Committee, and Chairman NICK SMITH of the Research Subcommittee for their work on this legislation.

The purpose of this legislation is to address many of the pressing needs of our fire services. As we face a war against terrorism, we must remember that firefighters are among the first to respond to any domestic terrorist event. In addition, today's firefighters must be prepared to deal with a host of other hazards caused by urban and wild land fires, natural disasters, hazardous materials spills, and other accidents. This legislation is designed to ensure that our Nation's first-responders are adequately prepared and trained to take action against these myriad threats.

This legislation will reauthorize funding for the U.S. Fire Administration, USFA, for fiscal year 2005 through fiscal year 2008. The USFA's important mission is to reduce the loss of life and property due to fire and related emergencies. The agency utilizes a number of tools to fulfill its mission. The National Fire Academy, NFA, is the premiere training academy of the fire services, and has trained over 1.4 million firefighters and other first-responders in emergency management, fire prevention, and anti-terrorism. In addition, the USFA engages in research, testing, and evaluation activities with public and private entities to promote and improve fire and life safety.

This legislation also would reestablish the position of U.S. Fire Administrator at USFA. The U.S. Fire Administrator plays a critical role in our Nation's fire control policy and homeland security initiatives by serving as the point-of-contact for the fire services. This position was eliminated in last year's legislation that established the Department of Homeland Security. On April 30, 2003, the Senate Committee on Commerce, Science, and Transportation heard testimony from many of the major fire service organizations regarding the importance of the U.S. Fire Administrator, and the need for the administrator to serve as a representative of the fire services within the new Department of Homeland Security.

The legislation would address a major issue that fire departments face in equipping themselves. Today's firefighters use a variety of technologies including thermal imaging equipment; devices for locating firefighters and victims; and state-of-art protective suits to fight fires, clean up chemical and hazardous waste spills, and contend with potential terrorist devices. Unfortunately, there are no uniform technical standards for new equipment used in combating fires. Without such standards, local fire companies may purchase equipment that is faulty or that does not satisfy their needs. A January 2003, Consumer Reports article reported that much of the emergency equipment sold today is not tested or certified by the government or independent labs. The article states that ''the confusion will get worse, emergency departments say, as new equipment floods the market in response to increased government funding.''

The legislation would help to resolve this problem by authorizing the U.S. Fire Administrator to work with other Federal agencies and interested parties to support the development of voluntary consensus standards for new firefighting technology. Fire departments would use these standards when buying equipment through the federal Assistance to Firefighters Grant Program. In the rare case where a standard is out of date, the U.S. Fire Administrator would be allowed to grant a waiver.

The legislation also would address many of the coordination challenges that firefighters face during national emergencies. It would direct the U.S. Fire Administrator to provide assistance to State and local fire services in developing mutual aid plans, and report on a strategy for deployment of volunteers and other emergency response personnel.

Additionally, the legislation would authorize the National Fire Academy to train firefighters on technologies and strategies to respond to future terrorist attacks. It also would authorize the U.S. Fire Administrator to work with other federal agencies to coordinate training programs to prevent duplication.

The bill also would authorize the U.S. Fire Administrator to work with the Department of Agriculture and Department of the Interior to provide assistance in fire prevention and control technologies, including methods of containing insect-infested forest fires as well as measuring, tracking, and limiting the dispersal of the resulting smoke. In addition, the legislation would expand the Board of Directors of the National Fallen Firefighters Foundation from nine members to 12. And, it would allow local fire departments to purchase equipment for fighting fires with foam in remote areas without access to water under the Assistance to Firefighters Grant Program.

This legislation is supported by the National Volunteer Fire Council; the Congressional Fire Services Institute; the National Fire Protection Association; the International Association of Fire Chiefs; the International Association of Fire Fighters; the International Association of Arson Investigators; International Society of Fire Service Instructors; North American Fire Training Directors and the International Fire Service Training Association.

I urge my colleagues to support swift passage of this important legislation.

I ask unanimous consent to print the letter of endorsement in the RECORD.

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

NOVEMBER 6, 2003.

Hon. JOHN MCCAIN,
*Chairman, Senate Committee, Science and Transportation Committee, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR MCCAIN: We are writing in strong support of S. 1151/H.R. 2692, the United States Fire Administration Reauthorization Act of 2003. Through a cooperative effort between both the leaders of the

authorizing committees and our organizations, this legislation charts a course for the United States Fire Administration to prepare our nation's fire service for the many challenges it faces in a post 9–11 world.

Of particular importance to the fire service is the reinstatement of the United States Fire Administrator position as a Senate-confirmed position. As you are aware, the Homeland Security Act of 2002 (Public Law 107–296) inadvertently eliminated the position of U.S. Fire Administrator. The Fire Administrator is the lead advocate for the fire service within a presidential administration. In a display of nonpartisanship, the nation's fire service, several members of Congress, and Secretary Tom Ridge agreed that the position needed to be reinstated.

Like you, we have taken a keen interest in the development of new technologies for first responders. While the emergence of new technologies will certainly benefit the readiness of local first responders, attention must be given to its performance capabilities. Otherwise we could jeopardize the safety of our first responders. For this reason, we support the Firefighter Research and Coordination Act (S. 321/H.R. 545) as an amendment to the reauthorization measure. Many new technologies have the potential to improve the capabilities of our first responders; however we must ensure that these technologies serve their intended purpose and protect our firefighters and emergency medical personnel through the requirement that equipment purchased with the FIRE Grant program must meet voluntary consensus standards.

We also support the other sections of the legislation calling for coordination of response to national emergencies and for increased training. These are critical to the effective deployment and safety of first responders at major incidents.

Lastly, there is one issue not included in your legislation that we encourage both the Congress and the U.S. Fire Administration to help us advance: the installation of automatic fire sprinklers in both homes and the workplace. We can significantly reduce the number of deaths caused by fire by providing incentives and encouragement to the public to stall automatic sprinkler systems in their homes and businesses. Until the 108th session adjourns, we will continue to call on Congress to support the Fire Sprinkler Incentives Act, sponsored by Congressman Curt Weldon and Senator Jon Corzine and any other measures that promote the use of sprinklers.

We look forward to working with you in advancing this legislation through Congress quickly. Again, we thank you for your continued support.

Sincerely,

Congressional Fire Service Institute, International Association of Arson Investigators, International Association of Fire Chiefs, International Association of Fire Fighters, International Fire Service Training Association, International Society of Fire Service Instructors, National Fire Protection Association, National Volunteer Fire Council, North American Fire Training Directors.

Ms. SNOWE. Mr. President, I rise today in support of S. 1152, the U.S. Fire Administration Reauthorization Act of 2003 that reestablishes the position of U.S. Fire Administrator and incorporates the provisions of S. 321, the Firefighting and Research Coordination Act which I cosponsored.

As we prepare to reauthorize the U.S. Fire Administration for the first time since fiscal year 2000, we do so in a vastly changed environment. In that time, the term ''first responder'' has entered the lexicon and is now a part of our national consciousness. Americans have always understood and were assured that in the event of an emergency, units of the U.S. Fire Service would respond, render aid to the suffering, and protect our property and resources. However, we had gotten to the point that we were taking the Fire Service for granted.

All of that changed, as did many things in America, on September 11, 2001. On that day, we watched in horror as those tragic events unfolded in New York, Pennsylvania and at the Pentagon, and we saw over and over the bravery and sacrifice of those proud men and women of the United States Fire Service as they worked tirelessly and without regard for their personal safety to help their fellow Americans. On that day, all of America once again became aware of those who live in our midst—our neighbors, our friends, and our relatives—who daily stand on the front lines to protect us from harm.

Since that time we embarked on an immense reorganization of the Government as we stood up the Department of Homeland Security. There were many views about the relative pros and cons of such a Department and which Federal agencies should be included in the Department and which were better left outside. This proposal will reauthorize just one agency within that organization, the United States Fire Administration. Most importantly, it will reestablish the U.S. Fire Administrator position as a separate entity appointed by the President and ensure that it is not subsumed as the Director of the Preparedness Division within the Department of Homeland Security.

In testimony earlier this year before the Commerce Committee, we heard from representatives from the International Association of Fire Chiefs, the National Fire Protection Association and the National Volunteer Fire Council who were united in their call to reestablish the position of United States Fire Administrator because of the importance of having an independent voice within the administration. As one example, they cited the need to have the Fire Administrator oversee the Firefighter Investment and Response Enhancement, FIRE, Act grants program to ensure funds were properly focused on the entirety of the fire service mission and not expended on strictly counterterrorism efforts.

I have always believed the FIRE grant program was one of the most successful competitive grant programs run by the Federal Government. In fiscal year 2002, my home State of Maine received a little over $4.3 million in grants, most of which went to the smallest communities in the State. In fact, the largest single recipient was the smaller South Berwick Fire Department, not the larger Portland or Bangor departments.

I have the honor and privilege of representing the Great State of Maine which has 5,300 miles of coastline and a long and proud maritime tradition. I am particularly pleased that this measure amends the FIRE grant process to include maritime firefighting so that those responsible for the protection of our ports and vessels at sea have the opportunity to acquire the tools and equipment they need to accomplish that mission.

Beyond simply directing the FIRE Act program, the bill also authorizes the U.S. Fire Administrator, in consultation with the National Institute of Standards and Technology, the Inter-Agency Board for Equipment Standardization and Interoperability, the Directorate of the Science and Technology at the Department of Homeland Security, national voluntary consensus standards development organizations and other interested parties, to develop the measurement techniques and testing methodologies to assess new firefighting technologies.

Such standards would support the development of voluntary consensus standards for evaluating the performance and compatibility of new firefighting technology, including thermal imaging equipment; early warning fire detection devices; personal protection equipment for firefighting; victim detection equipment; and devices to locate firefighters in buildings.

The U.S. Fire Administration Reauthorization Act also ensures that equipment purchased under the FIRE grant program will be required to meet or exceed those applicable voluntary consensus standards unless waived by the Fire Administrator in accordance with very specific guidelines.

Furthermore, under this legislation, the Fire Administrator is tasked with acting as a resource for State and local governments in developing mutual aid plans, updating the Federal Response Plan, and reporting on the need for a strategy for deploying volunteers, including a national credentialing system. New training programs at the National Fire Academy to improve tactics for using new firefighting technology and responding to terrorist attacks will be authorized under this measure.

I want to stress that the report on our strategic needs for the deployment of volunteers and emergency response personnel would be required within 90 days of enactment and a report describing plans to revise the Federal Response Plan to address responses to terrorism attacks would be due 180 days after enactment. These times are critical because it is imperative we complete the planning our national response so the Fire Service can more effectively protect our fellow citizens.

Successful implementation of those plans require that our firefighters undergo comprehensive training to understand and use the Federal Response Plan, to use new technologies and to develop the strategies and tactics to fight fires wherever they occur—in buildings, in forests or on the water.

This legislation also encourages the Superintendent of the National Fire Academy to coordinate with Federal, State and local agencies to develop the curricula to accomplish that training and ensure that it is available in all geographic regions to both career and volunteer firefighters.

In conclusion, I would just say that this reauthorization of the Fire Administration is vital to those who risk their own lives every day in this nation to protect our citizens and our resources. It provides them with the leadership, the tools, the planning and the training they need to effectively accomplish that mission and I urge my colleagues to support passage of this measure.

Mr. FRIST. Mr. President, I ask unanimous consent that the McCain substitute at the desk be agreed to, the committee substitute, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 2207) was agreed to, as follows:

(Purpose: To provide a complete substitute for the language reported by the Committee on Commerce, Science, and Transportation)

Strike all after the enacting clause and insert the following:

**TITLE I—UNITED STATES FIRE ADMINISTRATION REAUTHORIZATION**

**SEC. 101. SHORT TITLE.**

This title may be cited as the ''United States Fire Administration Reauthorization Act of 2003''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1152), as amended, was passed.

## PRESERVATION OF EXISTING JUDGESHIPS ON THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 399, S. 1561.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1561) to preserve existing judgeships on the Superior Court of the District of Columbia.

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 related to the bill be printed in the RECORD.

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

The bill (S. 1561) was read the third time and passed, as follows:

S. 1561

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

**SECTION 1. COMPOSITION OF SUPERIOR COURT.**

Section 903 of title 11 of the District of Columbia Code is amended by striking ''fifty-eight'' and inserting ''61''.

## FAIRNESS TO CONTACT LENS CONSUMERS ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to consideration of H.R. 3140, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3140) to provide for availability of contact lens prescriptions to patients, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 3140) was considered read the third time and passed.

## MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2004

Mr. FRIST. I ask unanimous consent the Senate proceed to the consideration of H.J. Res. 78, which is at the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 78) making further continuing appropriations for the fiscal year 2004, and for other purposes.

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

Mr. FRIST. I ask the amendment at the desk be agreed to, the joint resolution, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the joint resolution be printed in the RECORD.

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

The amendment (No. 2208) was agreed to, as follows:

On page 2, line 7, strike ''23'' and insert ''24''.

The joint resolution (H.J. Res. 78), as amended, was considered read the third time and passed.

## ORDERS FOR FRIDAY, NOVEMBER 21, 2003

Mr. FRIST. I ask unanimous consent when the Senate completes its business today, it adjourn until 9:30 a.m. Friday, November 21. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the conference report to accompany H.R. 6, the Energy Policy Act, and that there then be 60 minutes equally divided between the chairman and ranking member of the Energy and Natural Resources Committee; provided that the final 10 minutes be divided between Senator BINGAMAN or his designee in control of the first 5 minutes, and the chairman or his designee in control of the final 5 minutes on the motion to invoke cloture on the conference report.

Mr. REID. Reserving the right to object, I appreciate the majority leader allowing the full 60 minutes after the prayer and pledge.

I ask, so there is no confusion on this side—this has been cleared with Senator BINGAMAN—the time on our side be allotted as follows: Senator LIEBERMAN, 4 minutes; Senator MCCAIN, 4 minutes; Senator CANTWELL, 3 minutes; Senator SCHUMER, 4 minutes; Senator JEFFORDS, 4 minutes; Senator COLLINS, 4 minutes; and the final 5 minutes, as pursuant to the intended order be Senator BINGAMAN.

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

## PROGRAM

Mr. FRIST. Tomorrow morning there will be 1 hour of debate prior to a cloture vote on the energy conference report. I hope the Senate will be able to invoke cloture on this long overdue issue. It is important that the Senate invoke cloture to allow the Senate to have an up-or-down vote on the bill that will strengthen the Nation's energy security by establishing a national energy policy.

I would also announce that the conference committee on the Medicare reform legislation has finished its work. That conference report will be filed in the House. We hope to consider and complete that measure just as soon as possible.

In addition, we have the Appropriations Committee which is completing its work on the appropriations process. And we will shortly consider that conference report as well.

Having said that, we will have rollcall votes tomorrow. A number of people have asked about the weekend schedule, and we have been very clear over the last week and a half that we will be in session this weekend. But the specifics of the weekend schedule, hopefully, we will be able to announce sometime midday tomorrow.

## ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator GRASSLEY and Senator DODD.

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

The Senator from Iowa.

## ENERGY POLICY ACT OF 2003

Mr. GRASSLEY. Mr. President, I am going to discuss the legislation before the Senate, the Energy bill. In order to secure our country's economic and national security, we need to have a balanced energy plan that protects the environment, supports the needs of our growing economy, and reduces our dependence on foreign sources of energy.

Balance has been my guiding light as I worked legislation through the Finance Committee, which I chair, for tax incentives for energy. I wanted to make sure we had a very balanced piece of legislation. By balanced, I mean balanced between fossil fuels, conservation, and renewable fuels.

We do have in the finance provisions of this Energy bill very balanced provisions for fossil fuels, for near-term energy needs, but we also legislate for the future as we have emphasis upon renewable fuels, wind energy, biomass, biodiesel, ethanol, and things of that nature. We have tax incentives for that.

Then we also have tax incentives for conservation. It is my belief that a well-balanced piece of energy legislation, with tax incentives for fossil fuels, for renewable fuels, and for conservation, is not only good for such policy, but I have come to the conclusion that is the sort of legislation we have to have to get the bipartisanship it takes to get a bill through the Senate.

Now, the other body, in writing similar legislation out of their finance committee—over there it is called the Ways and Means Committee—it seemed to me it was very tilted toward fossil fuels. It was my job, representing the Senate, to make sure from the conference with the House of Representatives we came out with a balance. I think we did come out with that balance.

I commend that balance to this body, to think about that as you vote on cloture tomorrow. Give us an opportunity to vote this bill up or down, and consider that my committee, in bringing this balance—for conservation, for renewable fuels, and for fossil fuels—tried to do what we could to get a majority vote in this body.

Now, of course, we need a supermajority vote, and that supermajority vote is to stop a Democrat filibuster against this bill. In a time like this, when the energy needs of our country are so great, and we are in a crisis situation, we should not tolerate a filibuster against this bill.

Every man, woman, and child in the United States is a stakeholder when it comes to developing a responsible, balanced, stable, and long-term energy policy.

The events of September 11 have made very clear to Americans how important it is to enhance our energy independence. We can no longer afford to allow our dangerous reliance on foreign sources of oil to continue.

But somehow we can wait; and we do wait. We should not wait, but we seem to wait in a way that causes that wait to make ''too good of an impact.'' It has been over 10 years since we passed energy legislation in this body. But if we wait until we get that perfect piece of legislation, we may be waiting forever. And by waiting forever, we will suffer the consequences of less supply and higher prices.

I do not know about folks in all parts of the country, but I know I was brought up in the State of Iowa just to have dependence upon our sources of energy. When you go to the gas pump, you put the hose in your car, you move the lever, you expect to get gasoline. When you flip the light switch, you expect the lights to come on.

In order for that to happen, and for the price to be stable, just a small percentage at the margins of supply is necessary in order for us to have that stability and that certainty.

Some people in this country believe that one way to change American lifestyle is to force down the supply of energy. I happen to believe that Americans ought to have a massive amount of choice; that we do not need a bunch of bureaucrats or interest groups in Washington dictating to us that somehow, through an energy policy, by cutting back on the amounts of energy, they are going to bring about their ''perfect'' society.

This bill is obviously not perfect. And to those who complain about various provisions, I just remind them, if they drafted a ''perfect'' bill—and there probably would never be one—it would not pass the House or the Senate.

Some say the process has not been perfect. But if the process had been perfect for some, it would not have been perfect in the view of others. And that is fairly common in any legislating process.

While we are talking about process, I would like to clarify the role the Senate Finance Committee, which I chair, played in this bill. We have heard a lot about Republicans shutting Democrats out of the conference process. Well, that is not the way I operate as chairman. That is not the way my Democrat counterpart, Senator BAUCUS, operated when he was chairman of this committee when the Democrats were in the majority in the last Congress.

With respect to the tax provisions of the bill, the process was open. Senator BAUCUS attended conference committee meetings. Finance Committee Democratic staff worked side by side with my Republican staff in the conference negotiations.

I might add, they were a key asset for us in the protracted negotiations with the House Ways and Means Committee. Conferee staff on both sides of the aisle was informed as the process moved forward.

If it is ''perfection'' you are insisting upon, then you are in the wrong business. Legislating is neither a perfect process nor does it produce perfect products.

The Energy Security Act of 1992—the last one that Congress passed—was not perfect. That quickly became clear.

In 1995, after extensive interagency review and analysis, under provisions of section 232 of the Trade Expansion Act of 1962, the Clinton administration concluded that oil imports threatened our national security.

Such a finding, under this law, gave him the authority to impose quotas and import fees on oil. But he chose to do nothing because he believed that import adjustments would be too harmful to the economy.

Within 3 years of passing what was called an Energy Security Act, the fact is, our national security only worsened. When national security is not in good shape, it is probably because our economic security has worsened.

So what do we do? Do we do nothing? Do we wait for a perfect piece of legislation? Do we wait for market forces to save us? We heard earlier today criticism of this Energy bill because it fails, in so many words, to allow the free market to work its magic. The bill is not perfect, it has been argued, because it favors one energy source over another. You can go on and on and on. I would like to talk about that favoritism, and I would like to talk about the marketplace.

During the debate on the 1992 Energy Security Act, the chairman of the Energy Committee at that time, former Senator Bennett Johnston of Louisiana, stated that each barrel of imported oil was subsidized by the taxpayers to the tune of $200 per barrel. That is outrageous. Anybody listening to that says I had to misquote something.

But again, let me explain from this leading Senate expert on energy, as Senator Johnston was, he is telling us that imported oil is subsidized $200 for each and every barrel. Is that favoritism, when we subsidize imported oil at $200 a barrel? Are we picking winners and losers? What does that tell us about the so-called free market system? How can our domestic energy producers compete with that? It makes a mockery of the argument that we must sit idly by and let the marketplace control our energy policy.

How absurd can we be? On one hand, we subsidize imported oil, and we do that through the military expense it takes to protect the trail of oil from the Middle East to our shore or what we are doing in the Middle East now to preserve peace over there, cutting down on terrorism as part of that. But on the one hand we subsidize imported oil, and then we wonder why we become dangerously dependent upon that foreign oil. The Government, through a massive interagency review, declares that our national security is at risk because of imported oil but then declines

to do anything about it because we might disrupt our domestic economy. So any way you look at it, we are in a box that we need not be in, if we can get this legislation passed.

The marketplace won't save us because we stacked the deck in favor of foreign oil. Again, I ask: What do we do in response to this imperfect world in which we find ourselves? Pass a bill that picks winners and losers? The answer is a definite yes. The winners we pick in this bill are all Americans, all of whom have a stake in reducing our dependence upon foreign sources of oil. We do this by favoring domestic producers over foreign producers. That is true of oil and natural gas, but it is also true of our supply of renewable fuels.

It is well past time that we get serious about implementing energy efficiency and conservation efforts, investing in alternative renewable fuels, and improving domestic production of traditional resources. I support a comprehensive energy policy consisting of conservation efforts on the one hand, the development of renewable and alternative energy sources on the other hand, and on the third hand, domestic production of traditional sources of energy.

As my colleagues well know, I have long been a supporter of alternative and renewable sources of energy as a way of protecting our environment, increasing our energy independence. That started with my work with former Senator Robert Dole on legislation for tax incentives for ethanol. It was my own work in 1992, developing the wind energy tax credit, that has increased our production of electricity by wind. My State of Iowa, for instance, is third of the 50 States in the production of wind energy, as an example. So obviously, you know I strongly support the production of renewable domestic fuels. I particularly emphasize, in addition to ethanol, biodiesel made from soybeans. As domestic renewable sources of energy, ethanol and biodiesel can increase fuel supplies, reduce our dependence upon foreign oil, and increase our national economic security.

For the first time we have a tax incentive in this legislation for production of virgin and recycled biodiesel. This is a new market for soybean farmers and yet another source of renewable energy. The renewable fuels standard, supported by a broad coalition, is good for America's farmers, obviously good for the environment, good for our consumers, good for creating jobs in our cities in the production of this fuel, and good for our national security, as we are less dependent upon foreign sources of oil.

A key reform in this Senate bill deals with the treatment of ethanol-blended fuels for highway trust fund purposes. Tax incentives for ethanol are unique in terms of their treatment in the Tax Code. Unlike incentives for other energy sources such as oil and gas, the revenue for ethanol incentives comes out of the highway trust fund because it simply is not paid into the trust fund in the first place. This bill makes it clear that those incentives will be treated like all other energy incentives: The revenue will be made up to the highway fund from the general fund.

We didn't get all of the Senate reform in this conference agreement. A gesture to the House was that we would defer repealing the partial tax exemption these fuels get until the next highway bill, which is early next year. The same is true with respect to the transfer of the 2.5 cents fuel tax that ethanol-blended fuels do pay. That highway bill will be before us early next year. The current highway trust fund spending authority runs out on February 29 next. So we have to get it passed early.

My friend Senator BAUCUS has made this highway trust fund reform a priority of his. Together, he and I will ensure that the highway trust fund is made whole for the gap between now and February 29. I have the assurance of the leadership of both bodies that our deferral will not prejudice the highway community.

As chairman of the Senate Finance Committee, I worked closely with ranking member Senator BAUCUS to develop a tax title that strikes a good balance between conventional energy sources, alternative and renewable energy, and conservation. Among other things, it includes provisions for the development of renewable sources of energy such as wind and biomass, incentives for energy-efficient appliances in homes, and incentives as well for the production of nonconventional sources of traditional oil and gas.

This bill reflects the broad diversity of energy resources in the United States. There are new benefits for clean coal technology. Our colleagues from the Rocky Mountains and the Ohio Valley produce and use this abundant source for the generation of electricity.

Burning coal for electricity can lead to environmental problems. This bill goes a long way toward remedying the pollution problems associated with coal use. In the heartland, agriculture is a key part of our economy. Agricultural activities result in food that our people in the cities eat. There is also waste that results from farming. New technology has given us a twofer in the farm community. I am talking about equipment and processes that convert animal waste to energy. This technology needs a bit of a lift to get off the ground, so we have tax benefits to get these new technologies started.

Now we have heard some big city folks and big city papers ridicule some of the tax benefits for this new technology. I guess I would ask these folks from the big cities just a couple questions: Do you think it is wise to address these environmental problems? Do you think it is wise to ignore a new source of energy?

I believe the Senate Finance Committee did a good job in addressing our Nation's energy security in a balanced and comprehensive way. I believe the Congress has finally gotten to the point of addressing an issue with such a direct impact on our national economic security. For the sake of our children and grandchildren, we must implement conservation efforts, invest in alternative and renewable energy, and improve the development and production of domestic oil and natural gas resources. We must do it now. That is what this legislation does.

Before we get to an up-or-down vote on this legislation, we have to face the issue of a Democrat filibuster against this legislation, and that filibuster is going to keep us from voting, if we don't get 60 votes tomorrow. We have to have those Senators of both parties that represent primarily the grain-growing regions of the country, from Ohio west to Nebraska, and from Arkansas north to the Canadian border, stick together tomorrow on what we call the cloture vote, to get 60 votes. We are going to lose six Republicans from the Northeast. We have to pick up about 15 Democrats to get this job done. I expect that we can, because most of the bulwark of support of the last 20 years for renewable fuels—meaning ethanol, biodiesel but also including wind energy, geothermal, things such as that—have come from people within the Democrat Party, but particularly from what I call the upper Midwest of the United States, the grain-producing regions of the country. If we all stick together, I think we can produce these votes.

There is tremendous leadership from that part of the country. Senate Democratic Leader TOM DASCHLE, from South Dakota, has always been a leader in the production of renewable fuels, and particularly ethanol. He can claim a lot of credit for what we have done in that area over the past. I know he is not supporting cloture, but I also know, as Democrat leader, he has an opportunity to use a lot of muscle in his efforts as leader to produce the votes we need.

We cannot afford to lose votes on this issue if we are going to get the job done. I think there are a lot of other people who ought to be concerned about it. Senators on the other side of the aisle are concerned about conservation of energy, and rightly so. I pointed out how I felt, that we need a balanced bill between fossil fuel, renewables, and conservation.

There are a lot of conservation provisions in the tax provisions of my legislation that ought to get support from the other side. There has been some talk, particularly from the other side, that some people have tried to twist the arms of our colleagues to be against cloture, which means to keep the bill from coming to a final vote, arguing that we can refer this back to conference and get certain provisions taken out. That is not going to work

under the Senate rules. This cannot be referred back to conference. Once it passed the other body, conference doesn't exist.

There has been some talk, when it comes to the important provisions I have talked about and have been a part of—I even complimented Senator DASCHLE for being a proponent of these for a long period of time—what we call the renewable portions of it, or this part of our legislation that makes up for the road fund. The money lost to the road fund can be made up from the general fund. That is all in this bill.

We have tax incentives for ethanol until the year 2010. We have an ethanol-like tax incentive for biodiesel. We have the renewable fuels standard, which mandates 5 billion gallons of ethanol to be used every year, phased in over a few years. That is 20 percent of our corn crop. Just think how that will benefit agriculture, cut down on taxpayers' subsidies to farmers over the long haul, and clean up the environment at the same time.

But all of these provisions are in this bill. It was not something that was easy for me to get through conference. If it had not been for the intervention of the Vice President in offering a compromise that the House of Representatives did not want to accept, we would not have such a perfect piece of legislation for renewable fuels in this bill.

As I started to say, there has been talk on the other side that somehow we can get this all done in a conference on transportation next year when the highway bill comes up. Well, all you have to do is sit in conference with members of the Ways and Means Committee and find out how they love fossil fuels. God only made so much fossil fuel; it is a finite quantity. But on the other side of this Capitol Building, the idea is there is no end to it. You don't need to worry about renewable fuels.

So they come to conference with heavy emphasis upon fossil fuels, not wanting to give tax credits to biodiesel, and to wind and ethanol, and they don't like the renewable fuels standard mandate of 5 billion gallons. Some people are being told it is just a simple process of getting this done next February, so you can vote against cloture and kill this bill.

If you knew how hard it is to negotiate this, this is the last train to leave town. If you want good provisions for biodiesel, good provisions for ethanol, good tax incentives for conservation, that is the wave of the future for energy. But if this bill is filibustered to death, don't count on me bringing back ideal provisions on renewables. I cannot guarantee that. Nobody else can guarantee it. We don't know what next January and February is going to be like.

When we have a bird in the hand, it is worth two in the bush. I hope my colleagues, particularly the Democrats who are filibustering this, and particularly anybody from the grain-producing parts of the United States, where they benefit from renewable fuels, will work hard to produce the votes and help us to get the 60 votes so we can pass this bill in an overwhelming way.

Don't tell me you are for ethanol, don't tell me you are for biodiesel, don't tell me you are for putting general fund money into the road fund to make up for lost revenue from ethanol—and this bill does that.

Don't tell me those things if you are not going to help us fight hard to get the 60 votes necessary to break the filibuster.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I know the hour is late, and I appreciate the indulgence of the staff on the floor of the Senate. It has been a long day for them in the Senate to listen to a lot of speeches predominantly about the Energy bill, although I gather there has been some discussion about the Medicare prescription drug bill as well. I apologize to those who have been around here a long time today to have to listen to yet one more Member of this institution express his views on the matter we will be voting on tomorrow morning at around 10:30 a.m.—and that is the Energy bill.

I listened with great interest to my good friend from Iowa, with whom I have served now in the institutions of the Senate and the House of Representatives for about 30 years. We have been through a lot of battles, both together and on opposite sides. I always find his remarks compelling, interesting, and admire him immensely. He has been a very effective Member of this body for a long time. I appreciate his work.

He has been through a lot in the last couple of years. He is chairman of the Finance Committee, and he has an awful lot of matters with which to deal. I appreciate his service. I regret on the matter before us we have a different point of view on the Energy bill. I care deeply about the subject matter. I know my colleague from Iowa does. Certainly, he raises some very significant issues as they pertain to renewable energy resources. Were this a bill about just that question, he would have my unyielding support.

Unfortunately, there is more to this bill—it is more than 1,100 pages. My Governor—a Republican Governor—of the State of Connecticut and most of the membership of the State legislature have taken a different view because of the adverse impacts on my State, just as it has positive impacts on the State of Iowa and the grain-producing States. That is a major reason many of our colleagues, both Democrats and Republicans, are opposed to the bill.

They must understand, for those of us who come from other parts of the country, we have to evaluate a bill such as this and take a look at what it does to our economy, our environment, our energy needs, as well as the health of our people. For those reasons, on a bipartisan basis in my State, there have been strong expressions of opposition to this bill. I wish to take a few minutes to outline those reasons.

Tomorrow morning at 10:30 o'clock, there will be bipartisan opposition to invoking cloture. This is not a question where, on many issues, Democrats and Republicans line up very neatly on one side of the aisle or the other. There will be Democrats who will oppose cloture; there will be Democrats who will support cloture; there will be Republicans who oppose cloture; there will be Republicans who support cloture. This is a matter of people looking at legislation that evolved in the conference committee.

My respect for the Senator from New Mexico, Mr. PETE DOMENICI, as he knows, is tremendous. I have great regard for him. I admire his leadership in the Senate. I have enjoyed working with him on numerous occasions. He has been a very fine Senator for many years. I know he put a lot of work into this bill. If I were to vote on this measure exclusively on the basis of friendship, I would be a strong supporter of this bill because I happen to like PETE DOMENICI a great deal. But I cannot, in all good conscience, vote for something that does such damage to my State, to my region, to my country.

This legislation would have been better crafted at the end of the 19th century and the beginning of the 20th century than the beginning of the 21st century. This is a 20th century Energy bill, not a 21st century Energy bill. It is important, with the few hours remaining between tonight and tomorrow morning, to know what this bill may do to the country and the people of this country might express to their elected representatives their strong feelings about what is in this bill.

Like any other legislation in my 24 years here, there are good pieces to this. I am not going to stand here and suggest everything in this bill is wrong. It is not. The Senator from Iowa has already mentioned the idea of using some of our natural resources to provide a renewable source of energy.

As a Senator from Connecticut, I tried to be very sympathetic and supportive of those kinds of issues. If this bill were exclusively about that, I would not have any real difficulties with it. But no Member ought to vote for a bill such as this for the simple reason that one provision of this bill is good for their State. You must take into consideration all the damage that can be done to the very people of that State if we adopt the measures included in this bill.

This is not, as I say, a 21st century energy policy. Let me quote the Orlando Sentinel of November 18. This is not a Connecticut newspaper, it is a Florida newspaper. Listen to what they say:

> Start Over: The Energy bill before Congress is worse than what exists.

They continue:

Two-thirds of the tax breaks would go to the oil, natural-gas and coal industries, helping to perpetuate the country's dependence on fossil fuels. Less than a quarter of the breaks would promote the use and development of renewable energy sources, and less than a tenth would reward energy efficiency or conservation.

Tonight there are literally thousands of young Americans who are stationed in a place called Iraq. I don't believe they are there exclusively, as some do, because of the oil issue, because of the dependency that this Nation and the Western alliance has on the Middle East for its energy supplies. I also don't think it is not a reason. It is certainly part of the reason. I know there are others who believe it is the whole reason. I don't subscribe to that. If I did, I would never have supported the authorization of use of force by the President to go into Iraq, for which I voted. I believe it is part of the reason. I believe we are over there trying to protect the economic and energy interests of the United States in part because of our dependency on that part of the world.

Why at a moment such as this, when our country is at such risk, particularly over its future economic policy, would we pass an Energy bill such as this? Now more than ever, this bill ought to be doing everything in its power to support energy resources that are truly renewable, such as the Senator from Iowa suggested, balanced with other resources that have been supported by other Members of this Chamber. And it certainly should do more on conservation and efficiency.

As the Orlando Sentinel pointed out, as I mentioned a moment ago, less than a tenth of this bill would reward energy efficiency or conservation—less than one-tenth of this bill. Here we are in 2003, with all of the problems we face in the Middle East and elsewhere, and one-tenth of this bill is dedicated to energy conservation and efficiencies, and only a quarter of the tax breaks would be to promote the use and development of renewable energy sources. On that basis alone, this bill ought to be reconsidered before we go forward.

The Governor of my State, John Rowland, has served as the president of the Republican Governors Association during his tenure as Governor. John Rowland and I have significant differences on a lot of issues. But on this issue, he has written to all members of our delegation in response to what is in this bill. I want to read into the RECORD some of the comments of the Republican Governor of Connecticut, shared, I might add, by many Governors all across this country.

This is a bipartisan notion of caution about what we are about to do. He mentions five or six reasons why this bill ought to be reconsidered. I ask unanimous consent that the full text of this letter be printed in the RECORD.

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

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
*Hartford, CT, November 18, 2003.*

Hon. CHRISTOPHER J. DODD,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

Hon. JOSEPH I. LIEBERMAN,
*U.S. Senate, Hart Office Building, Washington, DC.*

GENTLEMEN: Yesterday, the House and Senate energy conferees approved of a multibillion dollar omnibus energy bill. The energy bill passed the House just moments ago and, as such, the Senate may hold a vote on the bill as early as tomorrow.

While this office is presently engaged in reviewing the finer details of this legislation, a couple of noteworthy items have already come to light that are especially disconcerting.

First, this bill undermines the delicate balance of federal and state rights. It gives unprecedented authority and standards of review exclusively to the federal appeals court in the District of Columbia to review actions required for the construction of a natural gas pipeline. State environmental and siting laws would essentially be reduced to a process of rubber stamping Federal Energy Regulatory Commission (''FERC'') certificates of public convenience and necessity. In addition, any delay, however well founded it may be, such as considering ways to protect the state's natural resources, may be grounds for an appeal and federal override of a state's ruling. State courts would be stripped of jurisdiction over matters arising in the state that not only affect the state, but also relate to the interpretation of state statutes and regulations.

Second, this proposed legislation would codify a Department of Energy Order that resulted in the operation of the Cross Sound Cable that runs from New Haven to Brookhaven. You may recall that the Cross Sound Cable was not operational before the August 14, 2003, blackout because the cable failed to meet federal and state permitting requirements concerning its depth. Section 1441 of the bill states that ''Department of Energy Order No. 202–03–2, issued by the Secretary of Energy on August 28, 2003, shall remain in effect unless rescinded by Federal statute.'' This sets a bad precedent.

Third, the bill generally limits the time frame for development of Coastal Zone Management consistency appeal records, constraining the states and the Secretary of Commerce in making informed decisions. In the same vein, this legislation limits the record on consistency appeals addressing pipelines to the record developed by the FERC. Historically, FERC's record has been inadequate to evaluate and protect the state's natural resources. The legislation deprives Connecticut and other coastal states of the tools they need to manage their coastal resources.

Fourth, this legislation authorizes the postponement of ozone attainment standards across the country when the problems are shown to have originated outside the state. This not only hinders Connecticut's progress toward improving air quality, but also likely has significant health ramifications for Connecticut's residents. Contrary to general practice, this language was added behind closed doors, without meaningful opportunity for public debate.

Fifth, the bill contains language that would preempt a state's siting process in areas of interstate congestion, if the FERC were to find that the state delayed or denied a project. State siting authorities may very well be justified, however, in delaying approval or imposing condition for reasons such as public safety or environmental protection. It may also be that the more complex the project, the more time that may be needed to review its complexities. In addition, the applicant may need an extension of time in which to compile additional information for submittal to the siting authority or to negotiate with adverse parties. The existing language fails to take these reasons into account.

Finally, the proposed legislation provides immunity, retroactive to September 5, 2003, to MTBE producers from defective product liability arising from groundwater contamination by MTBE. It also provides $2 billion in transition assistance to producers, in preparation for an MTBE ban effective in 2014. It is precisely because of groundwater contamination caused by MTBE that Connecticut has banned its use as a gasoline additive effective January 1, 2004. MTBE has been proven to be especially harmful; we likely do not yet know how much damage it has done and perhaps will do. It may be premature at this time to provide such immunity.

While improvements are clearly needed to spur investment in energy-related projects to enhance reliability in the power grid, I would urge you to reject this proposed legislation and return it to the House and Senate energy conferees for further deliberation. I would be happy to assist Congress in any way possible to further address these items of particular concern. Thank you for your consideration.

Sincerely,

JOHN G. ROWLAND,
*Governor.*

Mr. DODD. I also ask unanimous consent that a letter from the attorney general of the State of Connecticut expressing other reasons to oppose this legislation also be printed in the RECORD.

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

STATE OF CONNECTICUT,
*Hartford, CT, November 18, 2003.*

Hon. CHRISTOPHER J. DODD,
*U.S. Senator, Russell Senate Office Bldg., Washington, DC.*

DEAR SENATOR DODD: Yesterday I wrote to you about some pressing concerns about outrageous provisions of the Administration's Energy Bill, and urged you to filibuster it. I write again today to inform you of another assault on well-accepted state powers to protect our citizens—a provision buried in this Bill, discovered during my review.

This provision, Subtitle D, new Section 1442, gives the Federal Energy Regulatory Commission dictatorial power to preempt and override all other federal agencies and all state laws and officials in approving natural gas pipelines. It would have the clear effect of forcing approval of construction of the disastrous Islander East gas pipeline project through the middle of the pristine Thimble Islands area of Long Island Sound.

The Islander East pipeline is, as I have said, the worst case in the worst possible place—an absolute environmental disaster. Every state and federal regulatory agency responsible for reviewing this proposal—the Connecticut Department of Environmental Protection (DEP), the United States Environmental Protection Agency (EPA), and the National Marine Fisheries Service—has found that this project will cause pervasive, enduring harm to the marine environment in this uniquely valuable part of the Sound. Even the Federal Energy Regulatory Commission's (FERC) own staff concluded that there was a clearly environmentally preferable alternative route, if any pipeline should be built across the Sound.

While FERC ignored the facts and voted to approve the proposal anyway, the facts arrayed against this proposal are so compelling that we are strongly positioned to stop it in court, because it is insupportable environmentally. Section 1442 is plainly intended to strangle our challenge to this project in court, no doubt because we were likely to succeed. Section 1442 drastically changes current law by providing that the courts must accept FERC's determination, although every other state and federal agency disapproves of the project.

The breathtaking sweep and far reaching ramifications of Section 1442 would extend well beyond Connecticut. This provision completely and permanently dismembers a carefully crafted system of state and federal checks and balances for all major gas pipeline projects. Under existing law, pipelines require not only the approval of FERC, but state approval for water quality issues, and for effects on the coastal zone environment. State disapprovals on these important environmental grounds are now generally sufficient to bar the proposals. Under this amendment, FERC approval of a project would effectively eliminate all state environmental oversight. One of the other projects that will apparently be rushed to final construction under this bill is the Millenium Pipeline project in Westchester County, New York, which is proposed to run through various minority neighborhoods and under a section of the Hudson River. Senators SCHUMER and CLINTON, among many other New York state officials, have expressed grave concerns about the millenium proposal.

This Bill contains many inexcusable giveaways to the energy industry. Even among those giveaways, this one is especially abhorrent, since it grants one federal agency supreme dictatorial power to preempt enforcement of environmental and consumer protection by all other state and federal authorities. It would cause wanton lasting destruction of Long Island Sound. If this Bill is passed, our environment will suffer severe permanent damage, which is absolutely and indisputably unnecessary to any legitimate public interest. Once again, I urge to take a stand against this injustice.

Very truly yours,

RICHARD BLUMENTHAL.

Mr. DODD. I will not get into the introduction of the letter and so forth, but I will quote from the Governor of a New England State. First, the Governor says the bill undermines the delicate balance of Federal and States rights. Under this legislation, this bill gives unprecedented authority and standards of review exclusively to the Federal appeals court in the District of Columbia to review actions required for the construction of a natural gas pipeline. State environmental and siting laws would essentially be reduced to a process of rubberstamping the Federal Energy Regulatory Commission certificates of public convenience and necessity.

The letter goes on:

In addition, any delay, however well founded it may be, such as considering ways to protect the State's natural resources, may be grounds for an appeal and Federal override of a State's ruling. State courts would be stripped of jurisdiction over matters arising in the State that not only affect the State, but also relate to the interpretation of State statutes and regulations.

Now, I have historically opposed a State's right to veto important national efforts, and I include energy as one of them. So I know there have been efforts in the past to say States ought to be able to veto matters that come before them affecting energy policy, but as strongly as I have felt that States ought not to have exclusive veto power, I do not think the Federal Government ought to also have veto power when it comes to States needs and necessities.

I do not care where one lives in America, but they should pay attention to this provision. This is an incredible overreaching by the Federal Government. To come in and strip a State's ability to protect its own citizens when it comes to natural resources and the energy needs they may have, or a variety of other issues, and to shove those matters up to an appeals court in the District of Columbia, whether one is from Georgia, Connecticut, or anywhere else, I think would be highly offensive to most people in this country.

That is not to say we have it all right. We do not. Lord knows our States can make very parochial decisions, particularly when it comes to energy policy, but the idea that the Federal Government could go into any State in this country, regardless of our needs, our concerns, our well-being, and say, I am sorry, you lose, you have no rights at all in these matters. My Governor is right on that issue alone. This bill ought to be sent back to the conference.

We are about to adopt something that overreaches beyond what I think most of my colleagues would support in any other area of law, and yet they are going to do it here. If a precedent is set here, it will happen in other areas as well?

My Governor goes on to explain that there are other reasons:

The bill generally limits the time frame for development of Coastal Zone Management consistency appeal records, constraining the States and the Secretary of Commerce in making informed decisions. In the same vein, this legislation limits the record on consistency appeals addressing pipelines to the record developed by the FERC. Historically, FERC's record has been inadequate to evaluate and protect the State's natural resources. The legislation deprives Connecticut and other coastal States of the tools they need to manage their coastal resources.

I mention this because the Presiding Officer—we share a lot of things in common, not the least of which we share is having an Atlantic coastline. All of the States on the eastern seaboard, the gulf, the west coast, if they care about coastal zone management—and I know how important that is all along the Atlantic coast—and wanting a say in determining how those very delicate and fragile resources will be managed, this bill makes it more difficult for our States to continue in that vein.

Reading from the letter:

The legislation authorizes the postponement of ozone attainment standards across the country when the problems are shown to have originated outside of the State. This not only hinders Connecticut's progress towards improving our air quality, but also likely has significant health ramifications for Connecticut's residents. Contrary to general practice, this language was added behind closed doors, without meaningful opportunity for public debate.

It would be one thing if this bill were just about energy policy. To be able to now postpone the ozone attainment requirements written in law, there are literally hundreds of thousands of people in this country who suffer from significant ailments affecting their respiratory functions. I know of what I speak. I have family members who suffer from asthma. To roll back the provisions of the ozone attainment standards in States such as mine and elsewhere is a major health setback for people.

I suspect that various health organizations around the country will have strong feelings about this. If no other provision to this bill moves one to reconsider whether or not we ought to be moving forward, the idea that we could do such great damage to the health of American citizens is enough. We know what causes these problems—and in my State of Connecticut we suffer because of the prevailing southwesterly winds for most of the year. So we get a lot of the poor air quality coming out of other States. So we have to live with the pollution that exists elsewhere. We are trying to stop that on a national level. This legislation will make it very difficult for that to happen in the future.

My Governor goes on and says:

The bill contains language that would permit a State's siting process in areas of interstate congestion, if the FERC were to find that the State delayed or denied a project. State siting authorities may very well be justified, however, in delaying approval or imposing condition for reasons such as public safety or environmental protection. It may also be that the more complex the project, the more time that may be needed to review its complexities. In addition, the applicant may need an extension of time in which to compile additional information for submittal to the siting authority or to negotiate with adverse parties. The existing language [in this bill] fails to take those reasons into account.

Again, this goes right back to the first point I made earlier, where one can come in and basically shove these matters up to the Federal appeals court in Washington. Again, I am not suggesting that States ought to have outright veto power. But the idea that this legislation would say, as categorically as it does, that the FERC could come in if they find that a State denied a project or delayed a project to gather more information, and just roll right over you.

Listen to this. The Governor goes on to say:

The proposed legislation provides immunity, retroactive to September 5, 2003, to the MTBE producers from defective product liability arising from groundwater contamination of MTBE. It also provides $2 billion in transition assistance to producers, in preparation for an MTBE ban effective in 2014. It

is precisely because of groundwater contamination caused by MTBE that Connecticut has banned its use as a gasoline additive effective January 1, 2004. MTBE has been proven to be especially harmful; we likely do not yet know how much damage it has done or perhaps will do [to people]. It may be premature at this time to provide such immunity.

There is a growing body of evidence that this gasoline additive could have caused great damage to people and now we are going to reach back to September 5 of this year and provide immunity to the producers of this product to the great detriment of maybe millions of people in this country. What is that doing in this bill? We talk about tort reform, and here we are providing immunity.

The idea in this bill that we would provide immunity from recovery for people who get sick and suffer as a result of being exposed to MTBE, I think is outrageous.

I am confident my colleague from New York, Senator SCHUMER, has spoken eloquently on this subject matter. I heard him address the matter the other day in a closed meeting of Senators, and I was moved by the evidence that he provided to us. I am confident he has or will lay it out again here. So I will not dwell on it.

It's bad enough we provide immunity, but now we are going to provide MTBE producers with $2 billion in assistance, in preparation for a ban effective 11 years from now.

Lastly, I mention a rather parochial matter and I don't want to make my opposition to this bill based on parochial issues. But my constituents are very concerned about a provision in this bill that was written into the bill in conference—never in the House bill, never in the Senate bill—and really tramples all over States rights. It would codify a Department of Energy order that resulted in the operation of the Cross Long Island Sound Cable that runs from New Haven, CT to Brookhaven.

This Cross Sound Cable was not operational before the August 14 blackout because the cable failed to meet the Federal and State permitting requirements concerning its depth. Section 1441 of the bill states:

The Department of Energy order No. 202–03–2, issued by the Secretary of Energy on August 28, shall remain in effect unless rescinded by Federal statute.

You may say, ''I am sorry that has happened to your State, Senator,'' but it could be yours next.

We didn't argue during the blackout about allowing that cable to be used, but its continued operation violates state and federal permitting requirements. But that emergency is over. Yet, written into statutory law, now it says, whether we like it or not, this temporary order is now permanent and it will require a Federal statute to overturn it. Not even FERC can overturn it. I have to pass a bill in the Senate to overturn it.

I grant you it is a local issue, but you ought to be worried about it. That is what happens around here: The precedent gets set.

These are several of the reasons why I believe this bill deserves to be sent back.

It is November. We have another session of Congress coming up. Why can't we go back and do some work on this? I have to believe that most Members think that this bill is just too tilted in one direction. It is not in the best interest of our country to be adopting this type of energy policy.

As I mentioned earlier, knowing how important it is for our economy, for our energy self-sufficiency, for our environment, and for health reasons, this legislation deserves reconsideration. It is not balanced.

So I hope when the hour arrives tomorrow morning, our colleagues respond. This is the kind of bill we will spend a good part of the next decade undoing. When people discover what is really in this bill, they will want to make changes. I think a wiser course of action would be to go back and correct the legislation now and have a bill that would enjoy broad bipartisan support. Instead, there will be broad bipartisan opposition to invoking cloture tomorrow.

These new provisions giving extraordinary power to the Federal Energy Regulatory Commission are really stunning in their scope and breadth. I am rather amazed that there has not been more outspoken opposition to this, in more predictable quarters, when States rights are involved.

I mentioned earlier the issue of health. I pointed out that dirty air from outside our State impacts our air quality. It is a major cause of asthma and may play a role in the development of that disease.

An estimated 86,000 of Connecticut children have asthma that's 10.4 percent of the children in my state. And 7.3 percent of the adult population, approximately 180,000, have it as well. I represent a small State, about 3.5 million people. These are significant numbers.

The fact that this bill rolls back the provisions on air quality is going to mean that people in Connecticut are going to suffer. If for no other reason, this bill ought to be sent back.

We are going to debate Medicare in a few days and talk about how to keep down costs. Asthma doesn't go away. In fact, there is nothing worse than an adult onset of asthma. I know because my wife has it and she didn't have it as a kid. It is crippling. Anybody who has it or has a family member with it knows what I am talking about.

There is time left to do this bill right. I hope this institution would take a moment to do so.

I yield the floor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands in adjournment until 9:30 a.m. tomorrow.

Whereupon, the Senate, at 9:38 p.m., adjourned until Friday, November 21, 2003, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate November 20, 2003:

### DEPARTMENT OF STATE

STUART W. HOLLIDAY, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

### DEPARTMENT OF EDUCATION

JONATHAN BARON, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS. (NEW POSITION)

ELIZABETH ANN BRYAN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS. (NEW POSITION)

JAMES R. DAVIS, OF MISSISSIPPI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS. (NEW POSITION)

ROBERT C. GRANGER, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS. (NEW POSITION)

FRANK PHILIP HANDY, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS. (NEW POSITION)

ERIC ALAN HANUSHEK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS. (NEW POSITION)

CAROLINE M. HOXBY, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS. (NEW POSITION)

GERALD LEE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS. (NEW POSITION)

ROBERTO IBARRA LOPEZ, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS. (NEW POSITION)

RICHARD JAMES MILGRAM, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS. (NEW POSITION)

SALLY EPSTEIN SHAYWITZ, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS. (NEW POSITION)

JOSEPH K. TORGESEN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF FOUR YEARS. (NEW POSITION)

HERBERT JOHN WALBERG, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF THREE YEARS. (NEW POSITION)

### NATIONAL LABOR RELATIONS BOARD

RONALD E. MEISBERG, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, VICE RENE ACOSTA, RESIGNED.

### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIGADIER GENERAL ROGER P LEMPKE, 0000
BRIGADIER GENERAL ALBERT P RICHARDS JR., 0000
BRIGADIER GENERAL ALBERT H WILKENING, 0000

*To be brigadier general*

COLONEL TERRY L BUTLER, 0000
COLONEL JOHN A CAPUTO, 0000
COLONEL RICHARD H CLEVENGER, 0000
COLONEL MICHAEL D DUBIE, 0000
COLONEL JERALD L ENGELMAN, 0000
COLONEL WILLIAM H ETTER, 0000
COLONEL EDWARD R FLORA, 0000
COLONEL RUFUS L FORREST JR., 0000
COLONEL RICHARD M GREEN, 0000
COLONEL TERRY P HEGGEMEIER, 0000
COLONEL ROBERT A KNAUFF, 0000
COLONEL VERGEL L LATTIMORE, 0000
COLONEL DUANE J LODRIGE, 0000
COLONEL MARIA A MORGAN, 0000
COLONEL JAMES K ROBINSON, 0000
COLONEL MICHAEL J SHIRA, 0000
COLONEL JAMES P TOSCANO, 0000
COLONEL JAMES T WILLIAMS, 0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE

OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. JAMES E. HEARON, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. GREGORY J. HUNT, 0000

*To be brigadier general*

COL. JOSE M. VALLEJO, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

JOHN R. ANGELLOZ JR., 0000
MICHAEL C. MCDANIEL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

*To be major*

JAMES R. WARD, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

*To be commander*

TAB E AUSTIN, 0000
DAVID J CROSBY, 0000
ROBERT J HALLMARK, 0000
THOMAS S ODONNELL, 0000
JAMES K RADIKE, 0000
DAVID K WEISS, 0000

*To be lieutenant commander*

BRIAN E BEHARRY, 0000
GINA K BLAKEMAN, 0000
DANIEL L BOWER, 0000
STEPHEN C BRAWLEY, 0000
KATHRYN A BUNTING, 0000
MARGARET CALLOWAY, 0000
PAUL T CAMARDELLA, 0000
DAVID R CLARK, 0000
JAMES E CLARK, 0000
SCOTT A COTA, 0000
STEVEN H DAVIS, 0000
MARK D ERHARDT, 0000
KAREN M ERNEST, 0000
MARK J FLYNN, 0000
BRADLEY R GARBER, 0000
MARK A GERSCHOFFER, 0000
WALTER M GREENHALGH, 0000
GEORGE P HAIG, 0000
LAURIE A HALE, 0000
SCOTT A HAMLIN, 0000
CHRISTOPHER M HENRY, 0000
BRIAN M HERSHEY, 0000
DERRICK HUTCHINSON, 0000
THOMAS L JACKSON, 0000
GREGORY W JONES, 0000
JEFFREY JONES, 0000
DANIEL F MAHER, 0000
MARIA MAHMOODI, 0000
ERLE MARION, 0000
MICHAEL B MCGINNIS, 0000
GEORGE F MIZE, 0000
VINCENT J MOORE, 0000
TIMOTHY F MOTT, 0000
SCOTT W PYNE, 0000
KENT E RUSHING, 0000
DOUGLAS J SIEMONSMA, 0000
JEFFREY A STUART, 0000
CHARLES A P TURNER, 0000
PETER G WOODSON, 0000

*To be lieutenant*

PAUL H ABBOTT, 0000
ALEXEY A ABRAHAMS, 0000
JACOB J ABRAMS, 0000
CHARLES J ACKERKNECHT, 0000
DAVID J ADAMS, 0000
JAMES G ADAMS, 0000
JEFFREY W ADAMS, 0000
SAMUEL L ADAMS II, 0000
THOMAS M ADAMS, 0000
EVERETT M ALCORN JR., 0000
ERIC J ALDERMAN, 0000
BRENTON J ALEXANDER, 0000
CHRISTOPHER N ALEXANDER, 0000
JONATHAN L ALEXANDER, 0000
MARK R ALEXANDER, 0000
MARTY J ALEXANDER, 0000
TIMOTHY J ALIM, 0000
TIMOTHY N ALLAR, 0000
HENRY J ALLEN, 0000
JARED R ALLEN, 0000
TIMOTHY E ALLEN, 0000
PAUL M ALLGEIER, 0000
WALTER H ALLMAN III, 0000
JOHNNY J ALSTON, 0000
MARIA D ALVAREZ, 0000
BEN P AMMERMAN, 0000
THOMAS J ANDERSEN JR., 0000
ROBERT J ANDERSON, 0000
TODD A ANDERSON, 0000
PETER D ANDREOLI III, 0000
GARLAND H ANDREWS, 0000
MARTIN J ANERINO, 0000
RYAN W ANGOLD, 0000
GABRIEL A ANSEEUW, 0000
MICHAEL F ANZALOTTI, 0000
MARC A ARAGON, 0000
JOHN W ARBUCKLE, 0000
MARK E ARCHER, 0000
PAUL W ARCHER II, 0000
RICHARD S ARDOLINO, 0000
MATTHEW W AREL, 0000
ROBERT C ARMANDI, 0000
JACOB ARMIJO, 0000
ALBERT E ARMSTRONG, 0000
ISAAC C ARMSTRONG IV, 0000
DAVID R ARNING, 0000
CHRISTOPHER S ARNOLD, 0000
DOUGLAS J ARNOLD, 0000
DANIEL ARREDONDO, 0000
KIMBERLEY A ARRINGTON, 0000
PENNY A ARRINGTON, 0000
ARTURO A ASEO, 0000
IMELDA F ASHMAN, 0000
RANDY E ASHMAN, 0000
KELVIN J ASKEW, 0000
LEO E ASMAN, 0000
BENJAMIN F ATON, 0000
VICTOR H AULD JR., 0000
DAVID C AUSIELLO, 0000
JULIA F AUSTIN, 0000
PAUL R AUSTIN, 0000
THOMAS B AYDT, 0000
KIRBY M BADGER, 0000
JAMES J BAE, 0000
CHRISTOPHER M BAHNER, 0000
TODD S BAIER, 0000
AARON W BAILEY, 0000
CHRISTOPHER E BAILEY, 0000
NATHANIEL A BAILEY, 0000
BRIAN P BAKER, 0000
CHRISTOPHER M BAKER, 0000
KELLY S BAKER, 0000
KIRBY R BAKER, 0000
SARAH C BAKER, 0000
JAMES A BALCIUS, 0000
FRANCISCO X BALDERAS, 0000
JOSEPH E BALDETTI, 0000
TRACY K BALDWIN, 0000
ROBERT S BALLARD, 0000
BRIAN M BALLER, 0000
DAVID R BALSIGER, 0000
MARK G BANKS, 0000
KEITH A BARAVIK, 0000
ALEXANDER Y BARBARA, 0000
ALONZO BARBER III, 0000
MAZIE J BARCUS, 0000
RICHARD L BARGAS, 0000
WILLIAM J BARICH, 0000
COREY B BARKER, 0000
ANDREW R BARLOW, 0000
DEWAINE M BARNES, 0000
RAYMOND F BARNES JR., 0000
STERLEN D BARNES, 0000
RAUL BARRAGAN, 0000
JEFFERY A BARRETT, 0000
OLIVER L BARRETT, 0000
WILLIAM P BARRIE IV, 0000
MICHAEL J BARRIERE, 0000
JOHN S BARSANO, 0000
BRIAN J BARTLETT, 0000
JACOB M BARTON, 0000
PATRICK T BARTON, 0000
BRIAN P BASS, 0000
CURTIS S BASSO, 0000
RYAN G BATCHELOR, 0000
ANDREW D BATES, 0000
KHARY A BATES, 0000
SHARON G BATTISTE, 0000
BRIAN F BATTLE, 0000
DAVID A BAUCOM, 0000
STEPHEN W BAUGH, 0000
THOMAS A BAUMSTARK, 0000
ANDREW M BAXTER, 0000
PATRICK T BAYER, 0000
KYLE R BEAHAN, 0000
PATRICK J BEAM, 0000
AARON J BEATTIE IV, 0000
RICHIA L BEAUFORT, 0000
KRISTIN N BECK, 0000
ZACHARY A BEEHNER, 0000
JUSTIN C BEELER, 0000
DAVID A BEHNKE, 0000
ROBERT C BELCHER, 0000
DAVID H BELEW, 0000
KIMBERLY L BELL, 0000
THOMAS A BELL, 0000
MATTHEW W BELVER, 0000
ERIKA B BENFIELD, 0000
DAVID A BENHAM, 0000
JOHN O BENNETT, 0000
JEFFERY W BENSON, 0000
ROBERT J BERG JR., 0000
WALLACE S BERG, 0000
EFREN T BERMUDO, 0000
JEFFREY S BERNHARD, 0000
THOMAS J BERRES II, 0000
DAVID S BERRO, 0000
GEOFFREY S BERRY, 0000
MICHAEL S BERRY, 0000
PAUL E BERRYMAN, 0000
KARIN H BERZINS, 0000
ROBERT T BIBEAU, 0000
STEPHEN R BIDWELL, 0000
JASON H BIEGELSON, 0000
ERIK M BIELIK, 0000
JAY A BIESZKE, 0000
JAMES E BIGGERS, 0000
RICHARD A BILLINGSLEY, 0000
STEPHEN G BIRD, 0000
JULIE P BISHOP, 0000
CHRISTOPHER D BIZZANO, 0000
LARS T BJORN, 0000
BRIAN J BLAIR, 0000
KATHLEEN M BLAKEY, 0000
HEATHER M BLANCH, 0000
CHERIE L BLANK, 0000
SUSANNE E BLANKENBAKER, 0000
BENJAMIN G BLAZADO, 0000
RYAN J BLAZEVICH, 0000
GORDON R BLIGHTON, 0000
JAMES B BOEHNKE, 0000
JAMES W BOERNER, 0000
HOWARD J BOGAC, 0000
CURTIS L BOGETTO, 0000
THEODORE A BOHL, 0000
KURT H BOHLKEN, 0000
EUGENE N BOLTON, 0000
WILLIAM W BONIFANT JR., 0000
DERRICK D BOOM, 0000
LAURA L BOOTH, 0000
SCOTT M BOOTHROYD, 0000
JENNIFER L BOSSLER, 0000
ERNEST S BOST, 0000
WILLIAM E BOUCEK, 0000
DAVID S BOUGH, 0000
KRISTEN D BOWDEN, 0000
GIDGET BOWERS, 0000
DONALD W BOWKER, 0000
RICHARD L BOWLES, 0000
GEOFFREY P BOWMAN, 0000
COLIN K BOYNTON, 0000
THOMAS BOZARTH, 0000
STEVEN P BRABEC, 0000
NATHAN E BRACE, 0000
ENID S BRACKETT, 0000
JOHN S BRADDOCK, 0000
JOHN F BRADFORD, 0000
DIVINA O BRADSHAW, 0000
COLLEEN N BRADY, 0000
FLINT J BRADY, 0000
RYAN K BRADY, 0000
JORI S BRAJER, 0000
JOHN S BRAMBLETT, 0000
JEFFREY D BRANCHEAU, 0000
BENJAMIN A BRANDT, 0000
MICHAEL D BRASSEUR, 0000
DAVID S BREEDING, 0000
DEREK D BREEDING, 0000
DANIEL J BRETON, 0000
KEVIN M BRINK, 0000
LUIS D BRIONES, 0000
JON D BRISAR, 0000
CARL W BROBST JR., 0000
GINALYN N BROCK, 0000
ERIC M BRONSON, 0000
KERTRECK V BROOKS, 0000
GREGG A BROUGH, 0000
BOBBY E BROWN JR., 0000
CALEB C BROWN, 0000
CHAWN T BROWN, 0000
CHRISTOPHER R BROWN, 0000
COREY W BROWN, 0000
DERECK C BROWN, 0000
DEREK R BROWN, 0000
GABRIEL N BROWN, 0000
GREGORY E BROWN, 0000
JANEL T BROWN, 0000
JASON R BROWN, 0000
MARK A BROWN, 0000
NATHANIEL H BROWN, 0000
SEIHO P BROWN, 0000
STEVEN B BROWN, 0000
WILLIAM F BROWN III, 0000
JOHN D BRUBAKER, 0000
ROBERT C BRUCE, 0000
TIMOTHY J BRUEHWILER, 0000
BARRY M BRUMMETT, 0000
JOSEPH R BRUNSON, 0000
BENJAMIN L BRYANT, 0000
HOWARD M BRYANT, 0000
KEVIN D BRYANT, 0000
ELAINE A BRYE, 0000
RYAN J BUCCHIANERI, 0000
SCOTT J BUCHAR, 0000
KURT A BUCKENDORF, 0000
JASON A BUCKLEY, 0000
JOSEPH M BUCZKOWSKI, 0000
DOUGLAS J BURFIELD, 0000
MAUREEN M BURGESS, 0000
MONICA BURGESS, 0000
ROBERT A BURGESS JR., 0000
GERALD F BURKE, 0000
SEAN K BURKE, 0000
CLARENCE A BURKETT JR., 0000
CHRISTOPHER M BURKHART, 0000
PAUL R BURKHART, 0000
CHRISTOPHER D BURKS, 0000
DAVID A BURMEISTER, 0000
KEVIN J BURNS, 0000
MARK C BURNS, 0000
BRIAN P BURROW, 0000
BRIAN J BURTON, 0000
CHARLES W BURTON, 0000
STEPHEN J BURY, 0000
BRIAN R BUSBY, 0000
JEFFREY P BUSCHMANN, 0000
JOHN B BUSHKELL, 0000
RAOUL J BUSTAMANTE, 0000

NATHAN R BUTIKOFER, 0000
DONALD S BUTLER, 0000
KATRINA M BUTLER, 0000
MAURICE D BUTLER, 0000
EDWARD K BYERS, 0000
MATTHEW C BYRNE, 0000
JEFFREY J CADMAN, 0000
KEVIN H CADY, 0000
MARCELO H CALERO, 0000
ALEXANDER J CALLAHAN III, 0000
CARLIN A CALLAWAY, 0000
DONALD L CAMPBELL, 0000
MARIE A CAMPBELL, 0000
MATTHEW M CAMPBELL, 0000
SCOTT I CAMPBELL, 0000
JACOB CANDELARIA, 0000
JAMES R CAPPELMANN, 0000
ROBERT L CAPRARO, 0000
RUSSELL A CARBONARA, 0000
MATTHEW W CAREY, 0000
JOHN W CARLS, 0000
KEVIN R CARLSON, 0000
CHRISTOPHER K CARLTON, 0000
BRIAN E CARMAN, 0000
MATTHEW R CARMONA, 0000
LENN E CARON, 0000
TROY D CARR, 0000
JASON P CARRANZA, 0000
JAMES M CARRASCO, 0000
JAMES N CARROLL, 0000
SCOTT G CARTER, 0000
JOSEPH J CASALE, 0000
RODOLFO CASALS III, 0000
CHARLES J CASE, 0000
BRICE D CASEY, 0000
JASON L CASHMAN, 0000
JUAN F CASIAS, 0000
DAVID M CASS, 0000
JASON T CASSELL, 0000
KELSEY D CASSELLIUS, 0000
ANTHONY J CASSINO, 0000
BENJAMIN M CAST, 0000
GLORY B CASTANEDA, 0000
JAMES L CASTLEBERRY, 0000
TIMOTHY L CASTRO, 0000
JEFFREY S CATHCART IV, 0000
MALLORY M CAWLFIELD, 0000
STEPHEN C CAZALAS, 0000
HECTOR A CERVANTES, 0000
GLEN M CESARI, 0000
DAWNE H CHAMBERS, 0000
BRIAN R CHAMPINE, 0000
BENJAMIN D CHANCE, 0000
BLAKE L CHANEY, 0000
ROLANDO J CHANG, 0000
JEFFREY C CHAPMAN, 0000
LEONARD W CHAPMAN II, 0000
RODNEY CHAPMAN, 0000
STEPHEN A CHAPMAN, 0000
MEGER D CHAPPELL, 0000
WILLIAM J CHARAMUT II, 0000
GARY M CHASE, 0000
SERGIO CHAVEZ, 0000
BOBBY W CHERRY, 0000
RAYMOND P CHESNEY, 0000
VICTOR V CHISTIAKOV, 0000
JAMES J H CHO, 0000
CHARLES M CHOATE III, 0000
KENNETH Y CHONG, 0000
ERIC J CHOWNING, 0000
CORY C CHRISTENSEN, 0000
JASEN P CHRISTENSEN, 0000
KENNETH A CHRISTIAN, 0000
WILLIAM H CHRISTIAN, 0000
KIRK A CHRISTOFFERSON, 0000
JASON L CHUDEREWICZ, 0000
DOUGLAS S CHUMNEY, 0000
JASON CHUNG, 0000
BRUCE J CICCONE JR., 0000
VICTOR J CINTRON, 0000
JAMES J CIRCLE, 0000
JACQUELINE CIVITARESE, 0000
BRYAN L CLAIRMONT, 0000
BENJAMIN T CLAMMER, 0000
NATHANIEL R CLARK, 0000
SEAN P CLARK, 0000
SHANNON M CLARK, 0000
WILLIAM CLARK, 0000
SANDRA Y CLARY, 0000
DOYNE D CLEM, 0000
JONATHAN W CLEMENS, 0000
JOHN J CLENDANIEL, 0000
PAUL D CLIFFORD, 0000
SKYLER T CLINKSCALES, 0000
ROBERT T CLOUD, 0000
CHRISTOPHER M COATS, 0000
DANIEL COBIAN, 0000
SCOTT D COCKRUM, 0000
MICHAEL J COEN, 0000
MATTHEW L COHN, 0000
HEATHER M COLLAZO, 0000
TRAVIS P COLLERAN, 0000
NICHLAS W COLLINGWOOD, 0000
JOHN P COLLINS V, 0000
JONATHAN S COLLINS, 0000
NOAH S COLLINS, 0000
RYAN D COLLINS, 0000
ANTOLINO J COLON, 0000
WILLIAM P COLSTON, 0000
JOHN D COMERFORD, 0000
MICHAEL CONCANNON, 0000
ALVIN C CONCEPCION, 0000
MATTHEW T CONERLY, 0000
CHAD J CONEWAY, 0000
BRIAN D CONNOLLY, 0000
SUSANNE M CONNOLLY, 0000
BRENDAN M CONROY, 0000
RITA CONTRERAS, 0000
SEAN P CONVOY, 0000
LORIE A T CONZA, 0000
WILLIAM W COOK, 0000
JOHN O COOKE, 0000
SAMUEL L COOPER, 0000
JESUS M CORDEROVILA, 0000
CHRISTOPHER B CORNWALL, 0000
JOHN D CORREA, 0000
ANDREW R CORSO, 0000
CHRISTOPHER F COSBY, 0000
TODD M COSKY, 0000
MATTHEW S COSNER, 0000
LOUIS A COSTA, 0000
JESUS M COTA, 0000
JASON P COURNOYER, 0000
OISIN P COURTNEY, 0000
RONALD M COUTURE, 0000
BRIAN COWELL, 0000
RYAN G COX, 0000
TIMOTHY A CRADDOCK, 0000
DOUGLAS M CRANE, 0000
PATRICK D CRONYN, 0000
DON B CROSS, 0000
JAMES P CROWE, 0000
MATTHEW J CRUM, 0000
RAYMOND D CRUMP, 0000
RANDY C CRUZ, 0000
JENNY M CULBERTSON, 0000
KENNETH L CULBREATH, 0000
TONY J CULIC, 0000
ANNA M CULPEPPER, 0000
ADAM R CUNNINGHAM, 0000
TIMOTHY J J CUNNINGHAM, 0000
KELLY A CURRAN, 0000
KENNETH M CURTIN, 0000
STEPHEN CUSSEN, 0000
DAVID J CUTHBERT, 0000
ERIK L CYRE, 0000
JOHN D CZOHARA, 0000
MICHAEL J DAIGLE JR., 0000
GLORIA E DALBEC, 0000
BRIAN M DALTON, 0000
TUAN Q DANG, 0000
WILLIAM A DANIELS, 0000
PAIGE J DANLUCK, 0000
KARSTEN F DAPONTE, 0000
ANTHONY J DAPP, 0000
MICHAEL J DARCY, 0000
SHAWN W DARK, 0000
PAUL J DATKA, 0000
JEFFREY M DAUDERT, 0000
WESLEY S DAUGHERTY, 0000
DANIEL A DAURORA, 0000
JOSEPH R DAVENPORT, 0000
MICHAEL B DAVES, 0000
BRADLEY D DAVIS, 0000
BRANDON W DAVIS, 0000
DAVID DAVIS, 0000
DERRICK L DAVIS, 0000
JERRY W DAVIS, 0000
JULIE A DAVIS, 0000
KEVIN J DAVIS, 0000
RAYMOND C DAVIS, 0000
RICHARD M DAVIS, 0000
SAMUEL J DAVIS, 0000
THERON C DAVIS, 0000
WILLIAM M DAVIS, 0000
DEREK B DAWSON, 0000
GRANT W DAWSON, 0000
MICHELE M DAY, 0000
KATHRYN A DECOURSEY, 0000
PAUL J DEE, 0000
TEENA M DEERING, 0000
DAVID S DEES, 0000
HANS D DEFOR, 0000
EDWARD N DEGUIA, 0000
BRYAN K DEHNER, 0000
GUY R DELAHOUSSAYE JR., 0000
JOHN C DELARODERIE, 0000
ROMADEL E DELASALAS, 0000
LIBERTY P DELEON, 0000
GERALD T DELONG, 0000
MARC A DEMANIGOLD, 0000
MICHAEL A DEMATTIA, 0000
PAUL W DEMEYER, 0000
NATHAN J DENMAN, 0000
LEROY P DENNIS III, 0000
MARK E DENNISON, 0000
BART L DENNY, 0000
DENNIS T DERLEY, 0000
JOSEPH L DESAMERO, 0000
SEAN C DESMOND, 0000
GREGG C DEWAELE, 0000
ALTHEA C DEWAR, 0000
CHRISTOPHER N DEWEESE, 0000
SHAWN T DEWEY, 0000
STANLEY G DICKERSON, 0000
MIGUEL DIEGUEZ, 0000
SHANE C DIETRICH, 0000
DARRIK J DINNEEN, 0000
WELDON R DISEKER, 0000
NATHANIEL J DISHMAN, 0000
JEFFREY S DIXON, 0000
RICHARD J DIXON JR., 0000
ALAN M DJOCK, 0000
STEVEN V DJUNAEDI, 0000
BRIAN D DOHERTY, 0000
GEORGE M DOLAN, 0000
CHRISTOPHER T DOLLARD, 0000
ALEX F DOMINO, 0000
ELIZABETH A DOMINO, 0000
BENJAMIN W DOMOTO, 0000
THOMAS J DONOHUE, 0000
GARY W DOSS, 0000
JOHN D DOTSON, 0000
GORDON M DOTY, 0000
CARL W DOUD, 0000
KEITH P DOUGLAS JR., 0000
MICHAEL S DOUMITT, 0000
SHANE G DOVER, 0000
JUSTIN A DOWD, 0000
JOSEPH E DOWDING, 0000
ERIK P DOYE, 0000
ERIC C DOYLE, 0000
MARC A DRAGE, 0000
JENNIFER L DRAKE, 0000
WADE A DRAWDY, 0000
JAMES P DREW, 0000
JODY A DREYER, 0000
NICOLE I DRISCOLL, 0000
FRANKIE S DUARTE, 0000
SUSAN M DUBENDORFER, 0000
MICHAEL R DUBUQUE, 0000
JARED J DUCKWORTH, 0000
MICHAEL G DUDAS, 0000
MOLLY J DUERKOP, 0000
GRADY G DUFFEY JR., 0000
LYDIA J DUFFEY, 0000
PATRICK J DUFFY, 0000
STEVEN P DUFFY, 0000
MARTIN J DUGAL, 0000
WILLIAM F DUKES JR., 0000
KATHARINE O DULL, 0000
MARK D DUNBAR, 0000
ROBERT A DUNCAN, 0000
MARC N DUNIVAN, 0000
HALLE D DUNN, 0000
ROBERT S DURKEE, 0000
DAVID P DURKIN, 0000
SHANNON H DURRETT, 0000
JASON T DUTCHER, 0000
ALEXANDER C DUTKO, 0000
ADAM M DWORKIN, 0000
MICHAEL D DYSART, 0000
GILBERT L DYSICO, 0000
VICTOR K DYSON, 0000
IRA S EADIE, 0000
DAVID T EARP, 0000
CHRISTOPHER S EASTERLING, 0000
PAUL N EASTERLING, 0000
CHARLES E EATON, 0000
JENNIFER L EATON, 0000
MATTHEW J EBERHARDT, 0000
CHARLES B ECKHART, 0000
HUGH B EDMONDSON, 0000
JENNIFER A EDMONDSON, 0000
MICHAEL A EDWARDS, 0000
MOTALE E EFIMBA, 0000
WILLIAM R EHRET JR., 0000
BLAKE D EIKENBERRY, 0000
MATTHEW G ELDER, 0000
LUIS R ELIZA, 0000
DAVID C ELLIS, 0000
TIMOTHY R ELMORE, 0000
HAROLD W EMPSON, 0000
JASON W ENDRESS, 0000
ADAM M ENGEL, 0000
SUSAN K ENGEL, 0000
BRIAN D ENGESSER, 0000
CHRISTOPHER S ENGLAND, 0000
JASON C ENGLISH, 0000
SANDRA M ENNOR, 0000
MICHAEL O ENRIQUEZ, 0000
EVERETTE T ENTZMINGER, 0000
TIMOTHY A ERICKSON, 0000
KEVIN L ERNEST, 0000
JOSEPH G ERTEL, 0000
BRENT A ESCOLA, 0000
RICKSON E EVANGELISTA, 0000
JASON T EVANS, 0000
JOHN E EVANS, 0000
WILLIAM M EVANS, 0000
ZACHARY J EVANS, 0000
KEITH E EVEN, 0000
STEPHEN A EVERAGE, 0000
THERESA P EVEREST, 0000
MICHAEL C EXUM, 0000
SCOTT EYSENBACH, 0000
RAFAEL C FACUNDO, 0000
LEMUEL D FAGAN, 0000
TRACY L FAHEY, 0000
BARRI D FARNES, 0000
CHRISTOPHER M FARRICKER, 0000
LISA L FARRIS, 0000
JUSTIN T FAUNTLEROY, 0000
BENJAMIN P FAY, 0000
REGINA T FAZIO, 0000
RICK A FEESE, 0000
PETER F FEHER, 0000
PAUL J FELINI, 0000
DANIEL X FELIZ, 0000
KEITH A FELKER, 0000
PAUL J FENECH, 0000
DANIEL E FENG, 0000
SHANE P FENTRESS, 0000
MARK A FERLEY, 0000
CONSTANCE R S FERNANDEZ, 0000
MARK N FERRARA, 0000
NICHOLAS P FERRATELLA JR., 0000
WILLIAM C FERRELL, 0000
ROBERT C FESSELE, 0000
RICHARD A FICARELLI, 0000
CHRISTOPHER S FICKE, 0000
DAVID C FIELDS, 0000
ABIGAIL FIGUEROA, 0000
JOSE O FIKES, 0000
JOSEPH M FIKSMAN, 0000
DAVID W FILANOWICZ, 0000
MITCHELL E FILDES, 0000
MICHAEL D FILES, 0000
JAMES B FILLIUS, 0000
DONALD S FINKLESTINE, 0000
BENJAMIN H FINNEY, 0000

JEREMY T FISCHER, 0000
JEB A FISHER, 0000
STANFORD E FISHER III, 0000
STEPHEN M FISHER, 0000
JOSEPH A FITZPATRICK, 0000
DEREK R FIX, 0000
WILLIAM A FLECK II, 0000
ERIK B FLEMING, 0000
JASON M FLEMISH, 0000
DAVID W FLEMMING, 0000
KELLY T FLETCHER, 0000
JOSE D FLORES, 0000
PAUL N FLORES, 0000
SIDNEY G FOOSHEE, 0000
PATRICK J FORD, 0000
RANCE N FORD, 0000
CINDY L FORDHAM, 0000
JACOB A FORET, 0000
LESTER R FORTNEY, 0000
JASON M FOSTER, 0000
TONI O FOSTER, 0000
MATTHEW W FOSTER, 0000
CHRISTOPHER A FOTOS, 0000
ERIK L FOX, 0000
TIMOTHY W FOX, 0000
JEFFREY M FOXX, 0000
MICHAEL D FRANCE, 0000
ANA I FRANCO, 0000
CRAIG S FRANGENTE, 0000
JOHN W FRANKLIN, 0000
JAMES D FRASER, 0000
MATTHEW T FRAUENZIMMER, 0000
DANIEL L FREEDMAN, 0000
CARLTON Q FREEMAN, 0000
DAVID B FREEMAN, 0000
DAVID P FRIEDLER, 0000
THOMAS E FRIES, 0000
STEPHEN M FROEHLICH, 0000
ERIC B FROSTAD, 0000
MARIA P FUENTEBELLA, 0000
DAVID E FULCHER, 0000
JEFFREY A FULLER, 0000
RUSSELL W FUSCO, 0000
MATTHEW T GABAY, 0000
SAMUEL D GAGE, 0000
JOHN J GAGLIANO, 0000
SETH C GAGLIARDI, 0000
MICHAEL T GAGNON, 0000
BRIE GALLAGHER, 0000
SHAWN G GALLAHER, 0000
KEVIN S GALLOWAY, 0000
JAMES R GALYEAN IV, 0000
ROBERT W GAMBLE, 0000
DAVID M GANDT, 0000
WILLIAM K GANTT JR., 0000
ROLANDO GARCES III, 0000
ALAIN R GARCIA, 0000
ISMAEL L GARCIA, 0000
BRETT M GARLAND, 0000
JASON M GARRETT, 0000
ROBERTA T GARVIN, 0000
JOSE L GARZA, 0000
ELIAS T GATES, 0000
BERNARDO GAUNA, 0000
JASON M GEDDES, 0000
PATRICK E GENDRON, 0000
RICHARD T GENGLER, 0000
DARREN R GENSTIL, 0000
MICHAEL H GENTNER, 0000
JASON C GERMAN, 0000
WILLIAM J GETCHIUS, 0000
TAREY M GETTYS, 0000
STEVEN F GIANNINI, 0000
JAMES E GIBB, 0000
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CHARLES P GILKISON, 0000
NICOLE L GILL, 0000
JOHN C GILLON, 0000
ANDREW P GLADIEUX, 0000
DEWEY C GLADNEY, 0000
JEFFREY A GLASER, 0000
DAVID M GLASSMAN, 0000
BOGOMIR T GLAVAN, 0000
KURT L GLENNON, 0000
TODD P GLIDDEN, 0000
TAMARA D GLOVER, 0000
HAROLD K GODWIN, 0000
FRANK T GOERTNER, 0000
CARLOS A GOMEZ JR., 0000
SONYA M GONNELLA, 0000
CESAR S GONZALEZ, 0000
JAVIER GONZALEZOCASIO, 0000
KATY K GOOD, 0000
NATALIE C GOOD, 0000
JOSHUA GORDON, 0000
GEOFFREY A GORMAN, 0000
ABIGAIL D GOSS, 0000
DANIEL B GOUGH, 0000
ANDREW P GRABUS, 0000
AMY L GRACZYK, 0000
WILLIAM E GRADY, 0000
KRISTOFOR E GRAF, 0000
AMY E GRAHAM, 0000
BRIAN D GRAHAM, 0000
MICHAEL J GRANDE, 0000
JENNY A GRASER, 0000
JOHN M GRAVER, 0000
MARY C GRAVES, 0000
IRVIN GRAY, 0000
JONATHAN GRAY, 0000
LAGENA K GRAY, 0000
CHARLES F GRAYSON III, 0000
JOHN F GREBETA, 0000
DARRYL E GREEN, 0000
MICHAEL S GREEN JR., 0000
RONA D GREEN, 0000
RAEFORD M GREENE, 0000
MICHAEL J GREGONIS, 0000
CURTIS J GREGORY, 0000
DALE M GREGORY JR., 0000
JEFFREY G GROMATZKY, 0000
LARRY B GROSSMAN, 0000
GARY C GROTHE JR., 0000
JASON P GROWER, 0000
SEAN T GRUNWELL, 0000
ERIC C GRYN, 0000
JASON J GUARNERI, 0000
ADAM A GUENTHER, 0000
KENNETH P GUERIN, 0000
BRIAN J GUERRIERI, 0000
DIANA GUGLIELMO, 0000
STEPHEN L GUIDRY, 0000
KEITH J GUILLORY, 0000
ROGER W GUNTER, 0000
MICHELLE A GUST, 0000
JUAN J GUTIERREZ, 0000
JOHN S HAAS, 0000
JON M HAGER, 0000
CLAYTON P HAHS, 0000
LESLIE C HAIR, 0000
DAVID A HALDANE, 0000
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EDWARD L HALMAN JR., 0000
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JAMES W HAMILTON III, 0000
PAUL M HAN, 0000
ADAM C HANCOCK, 0000
JEREMY R HANKINS, 0000
ERIC M HANKS, 0000
RICHARD T HANNA JR., 0000
THOMAS S HANRAHAN, 0000
KENNETH L HANSEN, 0000
MICHAEL H HANSEN, 0000
ROBERT D HARBISON, 0000
WILLIAM E HARGREAVES, 0000
KEITH J HARNETIAUX, 0000
KENNETH M HARPER, 0000
GREGG M HARRINGTON, 0000
ASHLEY M HARRIS, 0000
MARK R HARRIS, 0000
RICO R HARRIS, 0000
LAURA B HARTJEN, 0000
MATTHEW J HARTLEY, 0000
PAIGE E HARTRANFT, 0000
JUSTIN L HARTS, 0000
GEORGE N HARTWELL, 0000
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SEAN M HARZ, 0000
KEVIN G HAUG, 0000
JUSTIN T HAWKINS, 0000
IAN D HAWLEY, 0000
JOHN D HAYMORE, 0000
JOHN J HAYS III, 0000
THOMAS L HEAD, 0000
ASTOR H HEAVEN III, 0000
GABRIEL J HELMS, 0000
RICHARD M HEMENWAY, 0000
KERMIT F HEMMERT, 0000
JEFFREY HENDERSON, 0000
WILLIAM L HENDRICKS, 0000
MATTHEW S HENDRICKSON, 0000
JEREMY J HENRICH, 0000
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SCOTT A HENRIKSON, 0000
JIMMY J HENRY, 0000
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COREY A HENTON, 0000
THOMAS R HEPTIG, 0000
MICHAEL W HERMANSON, 0000
INDALECIO M HERNANDEZ, 0000
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MICHELE L HERNANDEZ, 0000
THOMAS C HERR, 0000
JOE D HERRE, 0000
BURKE A HERRON, 0000
MICHAEL W HERYFORD, 0000
BRIAN M HESS, 0000
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JOHN I HEUISLER, 0000
TRAVIS N HICKS, 0000
ROSS C HIERS, 0000
FREDERICK D HIGGS, 0000
GENAIA T HILL, 0000
JEFFREY W HILL, 0000
MARK W HILL, 0000
MARTIN J HILL III, 0000
ROBERT M HILL, 0000
YERO B A HILTS, 0000
KELLY A HINDERER, 0000
BRIAN E HINER, 0000
MICHAEL S HINGST, 0000
WILLIAM T HIPPS, 0000
JOSHUA A HIPSHER, 0000
LEONID L HMELEVSKY, 0000
ANDREW C HOBURG, 0000
KRISTIN R HODAPP, 0000
ARTHUR A HODGE, 0000
BRIDGET A HODGES, 0000
JUSTIN R HODGES, 0000
SIDNEY W HODGSON III, 0000
PETERJR HOEGEL, 0000
JAMES R HOFFMAN, 0000
BRAD E HOGAN, 0000
WILLIAM H HOGE III, 0000
TODD K HOLBECK, 0000
GERALDINE M HOLDEN, 0000
RUSSELL L HOLDERNESS, 0000
GARY C HOLLAND, 0000
MICHAEL C HOLLAND, 0000
MICHAEL P HOLLENBACH, 0000
WILLIAM J HOLLIS, 0000
BRIAN L HOLMES, 0000
GREGORY K HOLMES, 0000
KELLY J HOLMES, 0000
KERRY B HOLMES, 0000
PETER J HOLTON, 0000
CHAD R HOLZAPFEL, 0000
DONNA L HOOD, 0000
ALBERT L HORNYAK, 0000
KITJA HORPAYAK, 0000
CHRISTOPHER R HORTON, 0000
LONNIE S HOSEA, 0000
CHAD R HOULLIS, 0000
SHARON L HOUSE, 0000
DUANE W HOUSER, 0000
JOHN F HOUSER, 0000
JOYCE R HOUSTON, 0000
KIMBERLY K HOWARD, 0000
DAVID E HOWE, 0000
KEITH C HOWLAND, 0000
JUSTIN S HSU, 0000
RICHARD R HUBBARD, 0000
PAUL L HUDGENS, 0000
BRYAN L HUDSON, 0000
FRANK E HUDSON, 0000
NICHOLAS A HUDSON, 0000
PAVAO A HULDISCH, 0000
GARY HULING, 0000
MATTHEW G HUMPHREY, 0000
ANDREW R HUNT, 0000
DAVID C HUNT, 0000
CHRISTOPHER M HUNTER, 0000
TERESA A HURD, 0000
JASON P HURLEY, 0000
DEAN HUSTIC, 0000
MARIANGEL IBARRA, 0000
MIKE N IBRAHIM, 0000
ALAIN M ILIRIA, 0000
ERIC P ILLSTON, 0000
STEPHEN J ILTERIS, 0000
JOHN W INGERSOLL, 0000
PATRICK J INGMAN, 0000
CHRISTOPHER S IRWIN, 0000
CARY J ISAACSON, 0000
JAMES D ISON, 0000
BRIAN D IVESON, 0000
CHRISTOPHER A JABS, 0000
TODD D JACK, 0000
JOANNA C JACKOBY, 0000
ADAM M JACKSON, 0000
JONATHAN W JACKSON, 0000
SCOTT R JACKSON, 0000
SHIKINA M JACKSON, 0000
TIMOTHY S JACKSON, 0000
JARED T JACOBS, 0000
SANTIAGO A JAMBORA III, 0000
BRIAN E JAMERSON, 0000
CORY L JAMES, 0000
MICHAEL F JAMES, 0000
JASON A JAMISON, 0000
KENNETH D JANETSKY, 0000
JOSEPH P JANKOWSKI, 0000
JESSE W JANS, 0000
TAMMY K JANSEN, 0000
DAVID M JAYNE, 0000
ERIC A JENKINS, 0000
THOMAS D JENKINS, 0000
CHRISTIAN L JENSEN, 0000
BRIAN T JETER, 0000
CARL D JEWETT, 0000
AARON D JOHNSON, 0000
ALLEN P JOHNSON, 0000
ANDREW F JOHNSON, 0000
CHARLES E JOHNSON, 0000
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DALE F JOHNSON, 0000
DENNIS N JOHNSON, 0000
EDWARD D JOHNSON, 0000
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SUZANNE M JOHNSON, 0000
TEDDI M JOHNSON, 0000
WESLEY P JOHNSON, 0000
SEBRINA C JOHNSONPOWELL, 0000
COREY S JOHNSTON, 0000
NATHAN C JOHNSTON, 0000
BRYAN R JONES, 0000
ERIC D JONES, 0000
ERIC R JONES, 0000
SUMMER N JONESCHIOW, 0000
BRIAN S JORDAN, 0000
JESSICA J JORGENSON, 0000
JOHN G JOSEPH, 0000
SYLVESTERJR JOSEPH, 0000
JEFFREY JUERGENS, 0000
BARTOLOME R R JUMAOAS, 0000
KAMBRA R JUVE, 0000
WILLIAM H JUZWIAK, 0000
ELLEN M KAATZ, 0000
JOHN J KAELIN JR., 0000
DAVID I KANG, 0000
JEFFERY M KARGOL, 0000
SHAWN B KASE, 0000
GERALD M KASHUBA, 0000
KRISTIAN P KEARTON, 0000

THOMAS B KEEFER JR., 0000
JULIE A KEEGAN, 0000
KERRI L KEEHN, 0000
SCOTT D KEENAN, 0000
THOMAS M KEENAN, 0000
STEPHEN G KEENE, 0000
AARON B KEFFLER, 0000
AMY E KEILLER, 0000
CHRISTOPHER E KEITH, 0000
DARRELL L KELLER JR., 0000
THOMAS H KELLEY II, 0000
ROBERT M KELLNER, 0000
ANNETTE KELLY, 0000
ANTHONY S KELLY, 0000
DANIEL J KELLY, 0000
BRUCE D KENNEDY, 0000
CRAIG K KENNEDY, 0000
DOUGLAS E KENNEDY, 0000
MARC A KENNEDY, 0000
STEPHEN M KENNEY, 0000
ROBERT L KENT JR., 0000
KRISTEN S KERN, 0000
JOSEPH P KERNER, 0000
KRISTIN R KERSH, 0000
JASON T KETELSEN, 0000
IAN P KIBLER, 0000
DANIEL C KIDD, 0000
CHRISTOPHER W KIDNEY, 0000
JOHN C KIEFABER, 0000
ROBERT M KIHM, 0000
MICHAEL J KILLIAN, 0000
HAROLD M KIM, 0000
DANIEL W KIMBERLY, 0000
ANDREW M KING, 0000
BRIAN A KING, 0000
MICHELLE L KING, 0000
NATHAN J KING, 0000
SANDRA M KING, 0000
SHAUNA R KINGANDERSON, 0000
GEORGE P KINGSLEY V, 0000
BERTRAM Y KINZEY IV, 0000
CHRISTOPHER E KIRBY, 0000
KARL M KIRKEBY, 0000
SHAWN C KIRLIN, 0000
ANDREW T KLEEMAN, 0000
ARIEL S KLEIN, 0000
AMY S Y KLEINBERG, 0000
JEFFREY J KLINGER, 0000
BRADLEY C KLUEGEL, 0000
JASON S KNAPP, 0000
DAVID H KNIGHT, 0000
BRIAN C KNOLL, 0000
BRADLEY T KNOPE, 0000
MELVIN L KNOX III, 0000
JAY C KOCH, 0000
JOHN S KOCHIS, 0000
KENNETH S KOELBL, 0000
LEE M KOERNER, 0000
DANIEL R KOMAR, 0000
CORDELL R KOOPMAN, 0000
PETER M KOPROWSKI, 0000
DUSTIN K KORITKO, 0000
STEPHEN M KOSLOSKI JR., 0000
CHAD C KOSTER, 0000
CHRISTOS A KOUTSOGIANNAKIS, 0000
CHRISTOPHER T KOVACK, 0000
ANDREA K KOWAL, 0000
DAVID T KOZMINSKI, 0000
EUGENE T KRAMER, 0000
GREGORY M KRAUS, 0000
ADAM G KRAUSE, 0000
KATHRYN J KRAUSE, 0000
BRET J KREIZENBECK, 0000
ANDREW G KREMER, 0000
JEFFREY W KREMER II, 0000
TIMOTHY J KREPP, 0000
JUDD A KRIER, 0000
HENRY KRIGBAUM, 0000
DAVID KRITSCHGAU, 0000
JEFFREY D KRONE, 0000
NEIL A KRUEGER, 0000
ANTHONY E KUCIA, 0000
CHRISTA L KUEHLER, 0000
AMANDA K KUEHNE, 0000
ROBERT F KUFFEL, 0000
MARTY D KUHL, 0000
DAVID A KUMMINGS, 0000
DAVID E KUNSELMAN JR., 0000
DAWN A KUPSKI, 0000
WILLIAM E KUPSKI, 0000
MARK C KUTIS, 0000
LISA J KYMPTON, 0000
LAURA LABELLA, 0000
LISA S LABERMEYER, 0000
BRADLEY C LACOUR, 0000
HERBERT E LACY, 0000
MICHAEL J LAGARDE, 0000
MICHELLE V LAGUENS, 0000
TEAGUE R LAGUENS, 0000
ALEX C LAM, 0000
JOSEPH E LAMOUREUX JR., 0000
NATHAN G LAMPERT, 0000
JASON R LANE, 0000
ERIC E LANG, 0000
JOEL B LANG, 0000
SUSAN A LANG, 0000
DOUGLAS M LANGENBERG, 0000
MATTHEW S LANGLEY, 0000
LAUREN M LANIER, 0000
JODY P LAPHAM, 0000
CARA G LAPOINTE, 0000
MATTHEW E LAPOINTE, 0000
DAVID W LARK, 0000
GARY S LARSON, 0000
JOHN E LARSON JR., 0000
ERIC S LASER, 0000
MATTHEW P LASER, 0000
DAVID F LASPISA, 0000
MARK A LAUBACH, 0000
TODD J LAUBY, 0000
JOSEPH J LAUHON, 0000
LUIGI L LAZZARI, 0000
DAVID A LEAVITT, 0000
JAMES A LECOUNTE, 0000
AARON M LEE, 0000
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STEVEN W LEEHE, 0000
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BRYCE T LEHNA, 0000
MICHAEL C LEHRFELD, 0000
DANA M LEINBERGER, 0000
JASON B LEMLEY, 0000
JAMES J LEMMON, 0000
JAMES S LEO, 0000
PETER R LEO, 0000
DANIEL J LEONARD, 0000
JOHN A LEONAS, 0000
JOHN C LEPAK, 0000
JADE L LEPKE, 0000
CHRISTOPHER J LESUER, 0000
BRADY C LEVANDER, 0000
WALTER R LEVANTOVICH, 0000
JAMES F LEVINESS JR., 0000
ERICA J LEVITT, 0000
JASON A LEWANDOWSKI, 0000
ANDREW J LEWIS, 0000
CAMERON P LEWIS, 0000
JAMES C LEWIS, 0000
JASON T LEWIS, 0000
MARY J LEWIS, 0000
ROBERT C LEWIS, 0000
TANYA E LEWIS, 0000
MIGUEL A LEYVA, 0000
LORELEI J LICHAY, 0000
ALBERT S LICUP, 0000
KATHERINE E LICUP, 0000
KENNETH R LIEBERMAN, 0000
CHRISTOPHER J LIEDQUIST, 0000
MARK E LIERSCH, 0000
RYAN J LILLEY, 0000
JON R LINDSAY, 0000
RODRICK D LINDSEY, 0000
COREY J LITTEL, 0000
TOMMY L LIVEOAK, 0000
LAURENCE L LIVINGSTON, 0000
NILO M LLAGAS, 0000
DENNIS S LLOYD, 0000
KEVIN R LOCK, 0000
PRICE J LOCKARD, 0000
TOMMY F LOCKE JR., 0000
DALE F LOCKLAR, 0000
MICHAEL A LOEFFLER, 0000
MICHAEL P LOHAN, 0000
TERRY D LOHNES, 0000
ERIK B LOHRKE, 0000
ANGELENE M LOMAX, 0000
RICHARD T LOMBARDI JR., 0000
DANIEL J LOMBARDO, 0000
JUSTIN A LONG, 0000
LAURA H LONG, 0000
ERNEST J LONGAZEL, 0000
DANIEL LOPEZ, 0000
JOSHUA J LORDEN, 0000
DAVID M LOSHBAUGH, 0000
ALBERT C LOUI, 0000
DWAYNE M LOUIS, 0000
AARON M LOWE, 0000
KEVIN N LOWE, 0000
RAYMOND P LOWMAN III, 0000
BRET M LOWRY, 0000
KEVIN LUFT, 0000
MANUEL X LUGO, 0000
PHUONG M LUI, 0000
STEPHEN T LUMPKIN, 0000
DAVID C LUNDAHL JR., 0000
BRYAN C LUNDGREN, 0000
ROBERT D LUSK, 0000
RYAN M LUZAK, 0000
JAMES B LYNCH, 0000
MELONY A LYNCH, 0000
ROBERT M LYNCH, 0000
NOEL B LYNN, 0000
THOMAS J LYONS III, 0000
STEPHEN M LYTLE, 0000
ALEX T MABINI, 0000
JOHN W MABRY III, 0000
AMANDA A MACALPIN, 0000
THOMAS J MACK, 0000
JOSEPH R MACKAY, 0000
JASON A MACKEN, 0000
ADAM J MACKIE, 0000
NEIL A MACMILLAN, 0000
ROBERT J MACRI, 0000
KEVIN W MACY, 0000
RICO N MAGBANUA, 0000
EDWARD F MAGGIO, 0000
BRIAN A MAI, 0000
WALTER C MAINOR, 0000
KEITH L MAJOR, 0000
CHRISTOPHER S MALFANT, 0000
SUSAN E MALIONEK, 0000
CHRISTOPHER J MALLON, 0000
RONALDO M MANALANG, 0000
CHRISTOPHER J MANDERNACH, 0000
RONNIE P MANGSAT, 0000
JOHN M MANN, 0000
TRAVIS R MANN, 0000
MICAH D MANNINGHAM, 0000
JASON S MANSE, 0000
JAMES C MANSELL, 0000
NICOLAS V MANTALVANOS, 0000
RYAN C MAPESO, 0000
DAVID A MARCINSKI, 0000
CRISTINA S MARECZ, 0000
JEROD L MARKLEY, 0000
EARL A MARKS, 0000
CHRISTOPHER D MARRS, 0000
JOHN A MARSH, 0000
NICOLE D MARSHALL, 0000
RAYMOND S MARSHALL, 0000
SAMUEL I MARSHALL, 0000
ADAM P MARTIN, 0000
BENJAMIN P MARTIN, 0000
GREGORY S MARTIN, 0000
KEVIN J MARTIN, 0000
GREGORY T MARTY, 0000
ANANDA MASON, 0000
DENISE N MASON, 0000
TONY G MASSEY, 0000
JOSHUA J MASTERSON, 0000
KIRK J MASTERSON, 0000
JOSEPH S MATISON, 0000
PATRICK J MATTES, 0000
RICHARD E MATTHEWS JR., 0000
WALTER M MATTHEWS, 0000
MATTHEW M MATTHIAS, 0000
MATTHEW P MATTRO, 0000
CLEODIS MAY, 0000
THOMAS A MAYS, 0000
TRACEY M MAYS, 0000
ROBERT S MAZZARELLA, 0000
GEOFFREY P MCALWEE, 0000
JUSTIN J MCANEAR, 0000
SHAWN M MCBRIDE, 0000
WILLIAM J MCCABE, 0000
GINA L MCCAINE, 0000
MATTHEW MCCANN, 0000
CHRISTOPHER L MCCARTY, 0000
WILLIAM R MCCAULEY, 0000
MARISA L MCCLURE, 0000
JOHN B MCCOMBS, 0000
MICHAEL C MCCORMACK, 0000
PATRICK W MCCORMICK, 0000
JASON C MCCOY, 0000
JEFFREY E MCCOY, 0000
ANDREW C MCCRONE, 0000
JOANN M MCDOUGAL, 0000
STEVEN R MCDOWELL, 0000
ELIZABETH A MCGAULEY, 0000
CHARLES C MCGILL, 0000
SCOTT J MCGINNIS, 0000
KEVIN J MCGOWAN, 0000
MICHAEL M MCGREEVY JR., 0000
DENNIS M MCGUGAN, 0000
MATTHEW E MCGUIRE, 0000
KEVIN MCHUGH, 0000
STEPHEN R MCJESSY, 0000
SCOTT E MCKELLAR, 0000
CINDY L MCKENNA, 0000
PAMELA Y MCKENZIE, 0000
JENNIFER K MCKINNEY, 0000
SCOTT R MCLAIN, 0000
ANDREA J MCLEMORE, 0000
ERIC L MCMULLEN, 0000
CHRISTOPHER R MCNAMARA, 0000
BRADLEY S MCNARY, 0000
ZACHARY J MCNEILL, 0000
DAVID A MCNUTT, 0000
RALPH L MCQUEEN III, 0000
DANIEL P MCRAE, 0000
DANIEL S MCSEVENEY, 0000
MARK M MEADE, 0000
DOUGLAS K MEAGHER, 0000
MICHAEL B MEASON, 0000
KYLE A MEER, 0000
TERENCE N MEJOS, 0000
CYRIL T MELLET, 0000
JASON D MENARCHIK, 0000
GREGORY D MENDENHALL, 0000
JASON J MENDEZ, 0000
AMELIA A MENDONCA, 0000
MATTHEW D MENZA, 0000
MICHAEL W MERRILL, 0000
STEPHEN M MERRITT, 0000
BARBARA J MERTZ, 0000
FREDERICK A MESSING II, 0000
ROBERT D METCALF, 0000
ROBERT D MEYER JR., 0000
MEGHAN A MICHAEL, 0000
BLAKE K MICHAELSON, 0000
WILLIAM G MICHAU, 0000
RENEIL A MILEWSKI, 0000
BROCK A MILLER, 0000
CHRISTINE A MILLER, 0000
JASON A MILLER, 0000
JEFFREY M MILLER, 0000
ROBERT E MILLER III, 0000
ROBERT R MILLER, 0000
JOHN D MILLINOR, 0000
RONALD C MIMS, 0000
STEPHEN J MINIHANE, 0000
DANIEL M MIRELEZ, 0000
ETHAN D MITCHELL, 0000
REED C MITCHELL, 0000
JOEL T MLINAR, 0000
BENJAMIN S MOGLEN, 0000
TIMOTHY R MOHR, 0000
KEVIN O MOLLER, 0000
MICHAEL R MOLLINEAUX, 0000
MICHAEL J MONAHAN, 0000
TIMOTHY P MONAHAN JR., 0000
ANTHONY I MONELL, 0000
JEFFREY H MONTAGUE, 0000
GARY G MONTALVO JR., 0000
JOSE F MONTES, 0000
JEFFREY MONTGOMERY, 0000

EDNA E MOORE, 0000
JOSHUA P MOORE, 0000
NATHAN A MOORE, 0000
PETER W MOORE, 0000
ROBERT A MOORE, 0000
SHANNON L MOORE, 0000
TERRI F MORACA, 0000
OSCAR R MORENO, 0000
BRIAN C MORGAN, 0000
MATTHEW P MORGAN, 0000
JEFFREY V MORGANTHALER, 0000
MAUREEN A MORONEY, 0000
ESTHER G MORRIS, 0000
LISA M MORRIS, 0000
PAUL W MORRIS, 0000
DONALD L MORRISON JR., 0000
TROY C MORSE, 0000
KARALEE G MORTENSEN, 0000
PETER J MORTON, 0000
ZACHARY V MOSEDALE, 0000
DONALD L MOSELEY JR., 0000
SCOTT A MOSEMAN, 0000
THOMAS A MOSKO, 0000
AARON M MOSKOWITZ, 0000
JAMES P MOSMAN, 0000
KENNETH M MOTOLENICHSALAS, 0000
TIMOTHY F MOTSCH, 0000
STEPHEN E MOTTER, 0000
JEREMY B MOYA, 0000
SHAWN P MOYER, 0000
CHRISTOPHER L MOYLAN, 0000
BRIAN M MOYNIHAN, 0000
MICHAEL C MRSTIK, 0000
DANA M MUCHOW, 0000
JOHN K MUES, 0000
KATHLEEN A MULLEN, 0000
INGRID T MULLER, 0000
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DARRIN R MULLINS, 0000
PAUL B MULLINS JR., 0000
ANDREW J MURPHY, 0000
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LAURA G MURPHY, 0000
DAVID S MURRAY, 0000
KELLY J MURRAY, 0000
ERICA A MUSELER, 0000
THOMAS D MUTTY, 0000
ANTHONY M MYERS, 0000
LARRY A MYERS JR., 0000
PAUL S NAGY, 0000
MELVYN N NAIDAS, 0000
MICHELLE L NAKAMURA, 0000
DEREK F NALEWAJKO, 0000
MICHAEL D NASH, 0000
MICHAEL L NASON, 0000
FERNANDO NAVARRO, 0000
DUANE E NEAL, 0000
JASON A NEAL, 0000
TYLER Y NEKOMOTO, 0000
CAMERON R NELSON, 0000
DEREK A NELSON, 0000
ERIC G NELSON, 0000
LAURA J N NELSON, 0000
YOHANCE O NELSON, 0000
IAN R NESBITT, 0000
WOODROW M NESBITT JR., 0000
JON K NEUHALFEN, 0000
MARK P NEVITT, 0000
ANDREW T NEWSOME, 0000
MICAH D NEWTON, 0000
DAVID K NG, 0000
DAMIAN N NGO, 0000
DOROTHY H NGUYEN, 0000
TUAN NGUYEN, 0000
DANIEL A NICHOLS, 0000
DANA L NIEMELA, 0000
ROSLYN B NIEVES, 0000
JEREMY P NILES, 0000
SEAN P NILES, 0000
ROGER D NISBETT, 0000
DAVID W NOLAND, 0000
LUKE P NORRIS, 0000
AMY L NOYES, 0000
EDUARDO E NUNEZ, 0000
LUIS A NUNEZ JR., 0000
RICHARD A NYE, 0000
MICHAEL K OBEIRNE, 0000
SALEE J P OBOZA, 0000
BRENDAN T OBRIEN, 0000
PHILIP A OCAMPO, 0000
PAUL J ODEN, 0000
ERIK ODOM, 0000
KENNETH C ODONNELL, 0000
IKE OFODILE, 0000
IRENE R OGBURN, 0000
EDWARD J OGRADY III, 0000
ARTHUR J OKEEFE, 0000
JOHN P OLIVER II, 0000
SUSAN M OLIVER, 0000
KAZVIN I OLMEDA, 0000
BRIAN M OLSON, 0000
THOMAS P OMALLEY, 0000
THOMAS J ONEGLIA, 0000
JAMES F ONEIL, 0000
LANCE P ONEILL, 0000
TERRANCE D ONEILL, 0000
SEAN D OPITZ, 0000
JEFFERY R ORR, 0000
JAMES D OSBORNE, 0000
MATTHEW E OSBORNE, 0000
TIMOTHY A OSWALT, 0000
KANAN C OTT, 0000
MICHAEL V OWEN, 0000
JASON C OWENS, 0000
TRAVIS J OWENS, 0000
ALDRITH L OXENDINE, 0000
ERIC G PACHECO, 0000
IAN B PADDOCK, 0000
CESAR PADILLA, 0000
CARRINE N PALM, 0000
WILLIAM B PALMER II, 0000
ANTHONY D PAPP, 0000
JASON P PAPP, 0000
WILLIAM R PAQUETTE, 0000
RAJEEV V PAREKH, 0000
DAVID C PARKER, 0000
JAMIE C PARKER, 0000
SHERI B PARKER, 0000
WILLIAM F PARMENTIER, 0000
ERIC S PARTIN, 0000
DAVID R PARTRIDGE, 0000
KAMYAR PASHNEHTALA, 0000
NIRAV V PATEL, 0000
PAUL L PATILLO, 0000
JOHN P PATRIARCH, 0000
HADEN U PATRICK, 0000
DOUGLAS A PATTERSON, 0000
GEOFFRY W PATTERSON, 0000
JOSHUA T PATTON, 0000
DEREK M PAUL, 0000
MICHAEL J PAUL, 0000
ALEXEI M PAWLOWSKI, 0000
MARK J PEACE, 0000
ROBERT S PEARSON, 0000
AARON G PEASE, 0000
WALTER T PEASLEY, 0000
ANDREW M PENCE, 0000
JAMES M PENDERGAST, 0000
CLAYTON M PENDERGRASS, 0000
BARBARA E PENFOLD, 0000
DANIEL W PENROD, 0000
NIKKI N PEOPLES, 0000
MATTHEW J PERCY, 0000
PATRICK F PERDUE, 0000
WINFORD A PEREGRINO, 0000
DAVID A PERINE JR., 0000
FRANK H PERRY JR., 0000
MICHAEL PERRY, 0000
NOLAN K PERRY JR., 0000
DAVID C PERSON, 0000
JENNIFER A PETERS, 0000
RYAN D PETERSEN, 0000
THOMAS A PETERSEN, 0000
DOUGLAS M PETERSON, 0000
BRIAN L PETRY, 0000
JEFFREY M PFEIL, 0000
MATTHEW D PHANEUF, 0000
BENJAMIN A PHELPS, 0000
VANNAVONG PHETSOMPHOU, 0000
ISAAC A PHILIPS, 0000
MIKAL J PHILLIPS, 0000
RICHARD A PHILLIPS, 0000
TODD K PHILLIPS, 0000
WILLARD L PHILLIPS, 0000
MICHAEL A PICCIANO, 0000
SCOTT A PICHETTE, 0000
JAMES M PICKENS, 0000
DANIEL C PIERCE, 0000
GLENN D PIERCE, 0000
KENNETH L PIERCE, 0000
CLARENCE D PINCKNEY, 0000
THOMAS J PINER, 0000
JACQUELINE M PIOTROWSKI, 0000
JOEL P PITEL, 0000
RICHARD C PLEASANTS, 0000
MATTHEW J PLODINEC, 0000
STEVEN G PLONKA, 0000
MICHAEL J PODBERESKY, 0000
CHRISTOPHER J POLK, 0000
JOHN C POLK, 0000
MATTHEW V POLZIN, 0000
CHRISTOPHER J POMMERER, 0000
DENISE L PONTZER, 0000
RITA A POPE, 0000
STEPHEN B POPERNIK, 0000
HEATHER E POSEY, 0000
MICHAEL M POSEY, 0000
ROBERT W POSEY II, 0000
LEA G POTTS, 0000
DONNA POULIN, 0000
CHRISTOPHER W POULOS, 0000
CALEB POWELL JR., 0000
GLENN D POWELL, 0000
JOSHUA F POWELL, 0000
KEITH M POWELL, 0000
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GREGORY R POZUN, 0000
SEAN A PRADIA, 0000
JASON W PRATT, 0000
ANDREW L PRESBY, 0000
WILLIAM G PRESSLEY, 0000
MAEGEN G PRICE, 0000
SAMMIE PRINGLE II, 0000
COREY L PRITCHARD, 0000
JACK R PRITCHETT, 0000
ROBERT B PROPES, 0000
BERTRAM L PROSSER, 0000
GREGORY J PROVENCHER, 0000
PAUL W PRUDEN, 0000
EMMETT S PUGH IV, 0000
CHARLES J PUGLIA, 0000
KRISHNA C PULGAR, 0000
ERIC J PURVIS, 0000
CHARLOTTE K PUTTROFF, 0000
JAMES A QUARESIMO, 0000
JOHN Q QUARTEY II, 0000
JOSEPH QUAST, 0000
CHRISTOPHER V QUICK, 0000
BRYAN D QUINDT, 0000
DANIEL T QUINN, 0000
BRIAN N RACCIATO, 0000
ROBERT L RADAK JR., 0000
ROBERT J RADCLIFFE, 0000
JOSEPH P RADELL, 0000
JEREMY A RAILSBACK, 0000
IAN A RAINEY, 0000
RONALD A RALLS, 0000
ROBERT E RALPHS, 0000
KEVIN W RALSTON, 0000
MICHAEL RAMSEY, 0000
JAMES F RANKIN, 0000
WILLIAM M RANNEY, 0000
CLARK J RASCO, 0000
TARIQ M RASHID, 0000
TRAVIS M RAUCH, 0000
DAVID W RAUENHORST, 0000
RICHARD B RAY, 0000
CHRISTOPHER M READY, 0000
MATTHEW G REAMS, 0000
LAURENCE D REAY, 0000
CHARLES B REDMOND JR., 0000
BITHIAH R REED, 0000
KELAND T REGAN, 0000
RODNEY E REGISTER JR., 0000
CHRISTY J REICHARDT, 0000
TIMOTHY P REIDY JR., 0000
WILLIAM R REILEIN, 0000
DAVID S REILLY, 0000
PAUL B REINHARDT, 0000
JASON S RELLER, 0000
ALFREDO R RENDON, 0000
HENRY L RENDON, 0000
JOSEPH H RENIERS, 0000
JONATHAN R RETZKE, 0000
NATHANIEL A REUS, 0000
JOSEPH F RHEKER III, 0000
DANIEL B RHOADES, 0000
ERIC A RICE, 0000
KENNETH W RICE, 0000
BRIAN A RICH, 0000
JOSHUA A RICH, 0000
CHRISTOPHER A RICHARD, 0000
ANDREW P RICHARDS, 0000
JAMES M RICHARDS, 0000
ANTONY M RICHARDSON, 0000
DESIREE RICHARDSON, 0000
MARK W RICHARDSON, 0000
SCOTT T RICHERT, 0000
JEFFREY A RICHTER, 0000
DUSTIN B RIDER, 0000
STEPHEN L RIGGS, 0000
KYLE P RILEY, 0000
MICHAEL A RINALDI, 0000
ROBERT M RINAS, 0000
ANDREW H RING, 0000
RAUL RIOS, 0000
BRIAN D RIVERA, 0000
JULIE H RIVERA, 0000
RICKY RIVERA, 0000
BRYAN J ROACH, 0000
ROBERT P ROBBINS, 0000
AARON D ROBERTS, 0000
MEGAN E ROBERTSON, 0000
MARK A ROBINSON, 0000
MICHAEL L ROBINSON, 0000
DUNELEY A ROCHINO, 0000
NANCY B RODDA, 0000
DAVID L RODDY, 0000
ANNE E RODEHEAVER, 0000
STEVEN L RODENBAUGH, 0000
TONY M RODGERS, 0000
EDWARD A RODRIGUEZ, 0000
ERIC W ROE, 0000
JAMES M ROGERS, 0000
MARGARET R ROGERS, 0000
PATRICK V ROGERS, 0000
ROGER L ROGERS, 0000
KURT L ROHLMEIER, 0000
CHRISTOPHER F ROHRBACH, 0000
ROANNE U ROMERO, 0000
KENNETH R ROMO, 0000
SEAN RONGERS, 0000
COLIN J ROONEY, 0000
ARNOLD I ROPER, 0000
LANI H RORRER, 0000
BRIAN V ROSA, 0000
SCOTT D ROSE, 0000
BRIAN P ROSEMARK, 0000
MATTHEW B ROSS, 0000
DOUGLAS L ROUSH, 0000
ANDRE N ROWE, 0000
JON J ROWE, 0000
KEITH M ROXO, 0000
ROBERT A ROY, 0000
ERIC J ROZEK, 0000
JOHN G RUANE, 0000
PAUL S RUBEN, 0000
JOHN A RUBINO, 0000
KARL L RUBIS, 0000
DAVID J RUETER, 0000
MATTHEW S RUETTGERS, 0000
MELISSA L RUFF, 0000
LINDA K RUMBAUGH, 0000
ANDREW J RUMPEL, 0000
SETH D RUMSEY, 0000
CHRISTIE M RUSHING, 0000
DALE W RUSSELL, 0000
MARK S RUSSELL, 0000
MATTHEW D RUSSELL, 0000
MICHAEL A RUTH, 0000
MATTHEW F RUTHERFORD, 0000
WILLIAM S RUTHERFURD, 0000
JENNIFER M RYAN, 0000
WILLIAM J RYAN, 0000
PETER G RYBSKI JR., 0000
THOMAS A RYNO, 0000
VAN E RYPEL, 0000
LISA M SAAR, 0000

JEFFREY R SABADOS, 0000
JONATHAN P SAGASER, 0000
ZACHARY SALAS, 0000
STEVEN P SALATA, 0000
JARED T SALAZAR, 0000
ROMMEL J SALGADO, 0000
JASON A SALINAS, 0000
ROMAN P SALM III, 0000
RICHARD SALSBURY, 0000
RODRIGO A SALVADOR, 0000
ROLANDOJR SALVATIERRA, 0000
PAUL C SAMEIT, 0000
CHRISTOPHER SAMMARRO, 0000
SCOTT F SAMO, 0000
CHARLEESE R SAMPA, 0000
RICHARD P SAMPLES, 0000
CLAIRE O SAMPSON, 0000
JEFFERY D SAMPSON, 0000
ADAM M SAMUELS, 0000
XAVIER J E SAMUELS, 0000
RODNEY A SANCHEZ, 0000
RUSSEL B SANCHEZ, 0000
BRIAN J SANDBERG, 0000
WALTER G SANDELL, 0000
KARREY D SANDERS, 0000
BRETT E SANDMAN, 0000
DANIEL J SANTOS, 0000
KEVIN A SAPP, 0000
JEFFERSON P SARGENT, 0000
JUSTIN R SAUER, 0000
BOBBY B SAVANH, 0000
PATRICK C SAXTON, 0000
JENNIFER A SAYLES, 0000
MATTHEW O SCANLAN, 0000
KERRY L SCHABACKER, 0000
STEVEN W SCHABACKER, 0000
BRENDA K SCHEIBMEIR, 0000
CORY D SCHEMM, 0000
PATRICK K SCHENCK, 0000
PAUL S SCHIERMEIER, 0000
EDWARD C SCHILLO III, 0000
CRAIG J SCHLOTTKE, 0000
FREDERICK K SCHMIDT, 0000
TORSTEN SCHMIDT, 0000
JESSE A SCHMIDTMANN, 0000
ADRIA R SCHNECKSCOTT, 0000
WILLIAM M SCHOMER, 0000
SARAH A SCHOPP, 0000
DANIEL M SCHORMANN, 0000
ERICH J SCHUBERT, 0000
ADAM T SCHULTZ, 0000
MARK P SCHUMANN, 0000
JASON W SCHWARZKOPF, 0000
THOMAS B SCHWEERS, 0000
AUGUSTUS V SCIULLA, 0000
LEON B SCORATOW, 0000
SCOT W SCORTIA, 0000
BRANDON M SCOTT, 0000
JOSEPH R SCOTT, 0000
DEAN L SCRIVENER, 0000
GAIL M SEAMAN, 0000
ALBERT C SEEMAN, 0000
KURT M SELLERBERG, 0000
MICHAEL I SELLERS, 0000
REED G SELWYN, 0000
CHRISTOPHER C SEROW, 0000
ANDREW W SEVERSON, 0000
CHRISTOPHER J SEWADE, 0000
ANDREW J SEXTON, 0000
KEITH E SHADMAN, 0000
MATTHEW S SHAFFER, 0000
CHRISTIAN L SHALTERS, 0000
DOUGLAS K SHAMLIN, 0000
CHARLES E SHAMONSKY, 0000
KARL SHANK, 0000
RYAN P SHANN, 0000
JOHN D SHANNON, 0000
ISAAC SHAREEF, 0000
PETER J SHEEHY, 0000
MARK SHEFFIELD, 0000
JAMES P SHELL, 0000
SOJOURN D SHELTON, 0000
NATHAN S SHENCK, 0000
LAMAL D SHEPPARD, 0000
JASON J SHERMAN, 0000
JEFFREY W SHERWOOD, 0000
PATRICK H SHERWOOD III, 0000
RALPH B SHIELD, 0000
NATHAN D SHIFLETT, 0000
KEVIN R SHILLING, 0000
CHRISTOPHER K SHIPE, 0000
WILLIAM H SHIPP, 0000
JOHN R SHIRLEY, 0000
LISA M SHIROMA, 0000
DAMON W SHIVVERS, 0000
COLLEEN M SHOOK, 0000
GARRETT W SHOOK, 0000
BARRY J SHUEMAKER, 0000
PATRICK S SHUSTER, 0000
THOMAS P SICOLA, 0000
DAVID K SIDEWAND, 0000
DON C SIDWELL, 0000
PETER V SIEGEL, 0000
JENNY L SIGEL, 0000
MARK F SILBERNAGEL, 0000
LEWIS P SILVERMAN, 0000
CHRIS E SILVIA, 0000
MICHAEL S SIMMONS, 0000
ROBERT M SIMMS, 0000
THOMAS A SIMMS IV, 0000
JOSEPH F SIMONE, 0000
MICHAEL C SIMPSON, 0000
PHILLIP T SIMPSON, 0000
CODY S SINCLAIR, 0000
KELLY A SINGLETON, 0000
ERIC J SINIBALDI, 0000
ROBERT G SINRAM, 0000
JAMES R SISCO JR., 0000
PETER M SIWEK, 0000
BARRY C SKELTON, 0000
SHARN R SKELTON, 0000
JOSEPH S SLADE, 0000
KARLA M SLATER, 0000
KENDALL SLATTON, 0000
PAGE E SMALL, 0000
VALERIE L SMALL, 0000
ROBERT G SMALLWOOD III, 0000
ANTHONY F SMITH, 0000
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CHRISTOPHER H SMITH, 0000
CHRISTOPHER T SMITH, 0000
DAVID J SMITH, 0000
DIRKLAND T SMITH, 0000
DOROTHY M SMITH, 0000
GERALD N SMITH, 0000
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JEFFREY J SMITH JR., 0000
MATTHEW C SMITH, 0000
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MELVIN R SMITH JR., 0000
NATHAN I SMITH, 0000
ROBERT S SMITH, 0000
WILLIE J SMITH JR., 0000
JEFFREY A SNIDER, 0000
MATTHEW M SNIFFIN, 0000
MICHELLE SNYDER, 0000
WILLIAM S SNYDER JR., 0000
DARRYL B SOL, 0000
EDWARD V SON III, 0000
RONALD T SOROKA JR., 0000
VICTOR SORRENTINO, 0000
MICHELLE G SOUTHARD, 0000
JEFFREY D SOWERS, 0000
ASHLEY A SPALDING, 0000
JASON L SPARKS, 0000
ROBERT W SPATH, 0000
GEORGE A SPENCER, 0000
JON D SPIERS, 0000
BRIAN D SPRAGUE, 0000
KEVIN J SPROGE, 0000
LAWRENCE A SPROUL, 0000
JACOB V SPRUANCE, 0000
TIMOTHY K STACKS, 0000
JOHN W STAFFORD, 0000
CHARLES H STAHL IV, 0000
JASON R STAHL, 0000
KEIR D STAHLHUT, 0000
JONATHAN A STALEY, 0000
JULIETTE H STANCHFIELD, 0000
CHARLES T STANFORD, 0000
MATT T STANTON, 0000
JOHN B STAPLETON, 0000
CHRISTOPHER STARKWEATHER, 0000
JASON W STARMER, 0000
FRANCIS J STAVISH, 0000
MICHAEL W STEELE, 0000
BENJAMIN J STEFANO, 0000
GARY C STENSON, 0000
JONATHAN T STEPHENS, 0000
THOMAS S STEPHENS, 0000
HEATHER A STERNISHA, 0000
AARON M STETLER, 0000
MICHAEL E STEVENS JR., 0000
WILLIAM F STEVENS JR., 0000
JAMES W STEWART, 0000
BRETT A STGEORGE, 0000
JASON W STICHT, 0000
TONY L STILLINGS, 0000
MANSFIELD L STINSON, 0000
KELSEY P STLOUIS, 0000
ROBERT T STOCKTON JR., 0000
DANIEL A STOKES, 0000
GHISLAINE W STONAKER, 0000
KRISTOPHER W STONAKER, 0000
WENDY L STONE, 0000
GREGORY M STORCH, 0000
CHRISTOPHER J STOREY, 0000
RONALD L STOWE, 0000
JASON STRACQUALURSI, 0000
DONALD W STRASSER, 0000
THOMAS STRENGE, 0000
ANDRE J STRIDIRON III, 0000
SHANE P STROHL, 0000
MICHAEL R STRONG, 0000
MICHAEL E STUKER, 0000
JASON R STUMPF, 0000
JARROD W STUNDAHL, 0000
JEFFREY D STURM, 0000
LUKE C SUBER, 0000
RONALD J SUCHARSKI, 0000
BARBARA A SULFARO, 0000
JONATHAN B SULLIVAN, 0000
JAMES T SULTENFUSS, 0000
LUCIANA SUNG, 0000
STEVEN J SUSALLA, 0000
GREGORY E SUTTON, 0000
SCOTT A SWAGLER, 0000
THOMAS B SWAIM, 0000
MATTHEW R SWANSON, 0000
NED L SWANSON, 0000
JEREMIAH SWARTZLENDER, 0000
WILLIAM F SWINFORD, 0000
GLENN D SWITTS, 0000
CHRISTOPHER M SYLVESTER, 0000
ALEJANDRO C TAAG, 0000
SALEEM K TAFISH, 0000
OLAF O TALBERT, 0000
LEONARD A TALBOT, 0000
NANCY E TALBOT, 0000
SCOTT T TASIN, 0000
BRENT H TAWNEY, 0000
CORA C TAYLOR, 0000
JASON S TAYLOR, 0000
KELLY E TAYLOR, 0000
CARRIE A TEMPLE, 0000
RODOLFO N TERRAZAS, 0000
DANTE R TERRONEZ, 0000
KEVIN M TEST, 0000
MONTEY A THAMES JR., 0000
CARLA A THARRINGTON, 0000
ERIC J THEUS, 0000
REGINA I THIGPEN, 0000
GREGORY B THOMAS, 0000
JOHNETTA C THOMAS, 0000
MATTHEW C THOMAS, 0000
DARCY L THOMPSON, 0000
MARK D THOMPSON, 0000
SHEA S THOMPSON, 0000
SUSAN E THOMPSON, 0000
TIMOTHY M THOMPSON, 0000
JAMES T THORP, 0000
PETER THRIFT, 0000
LAURA P TILLINGHAST, 0000
ROLAND R TINK, 0000
TROY A TINKHAM, 0000
MARK I TIPTON, 0000
LYNDEN R TOLIVER JR., 0000
JASON L TOMASOVIC, 0000
JOHN J TOMON, 0000
BLAINE K TOMPKINS, 0000
SCOTT P TOMPKINS, 0000
NATHAN M TOOTHMAN, 0000
MICHAEL G TORIBIO, 0000
BRYAN A TOTH, 0000
DANIEL R TOVAR JR., 0000
LE B TRAN, 0000
NICOLE M TREEMAN, 0000
MICHAEL W TREST, 0000
JOSEPH C TREVINO, 0000
SHAWN M TRIGGS, 0000
JARA D TRIPIANO, 0000
MARK D TRIPIANO, 0000
SAM P TRONGKAMSATAYA, 0000
ALLAN C TUAZON, 0000
LOUIS B TUCKER, 0000
MATTHEW B TUCKER, 0000
DAVID L TULLISON, 0000
DANIEL W TURBEVILLE, 0000
DENNIS J TURNER, 0000
MICHAEL E TURNER, 0000
MICHAEL E TWAROG, 0000
ELIZABETH H UNANGST, 0000
DUDE L UNDERWOOD, 0000
CARLOS URBIZU, 0000
MEGAN H URFFER, 0000
MICHAEL R VAAS, 0000
ELISABETH A VAGNARELLI, 0000
STEPHEN M VAJDA, 0000
VIDAL VALENTIN, 0000
ELMER D VALLE JR., 0000
BRIAN D VANCE, 0000
ERIC J VANDYKE, 0000
JOEL W VANESSEN, 0000
JAMES K VANHAO, 0000
SHAWN T VANMETER, 0000
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DANIEL M VANTRUMP, 0000
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CHRISTOPHER W VELEZ, 0000
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ANDREW L WATTULA, 0000
LENORA B P WEATHERFORD, 0000
JOHN F WEBB, 0000
SKY R WEBB, 0000
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MICHELLE E WEDDLE, 0000
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JEFFREY M WIDENHOFER, 0000
BRIAN C WIECHOWSKI, 0000
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PAUL H WILT, 0000
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ROBERT A WINDOM, 0000
JEFEREY A WINSLOW, 0000
GARY WINTON, 0000
SUSAN M WISCH, 0000
MICHAEL P WISCHNEWSKI, 0000
ROBERT C WISE, 0000
GREGORY R WISEMAN, 0000
STEVEN T WISNOSKI, 0000
THADDEUS S WITHERS, 0000
RONALD L WITHROW, 0000
CHERYL WOEHR, 0000
KENNETH A WOFFORD, 0000
MICHAEL F WOLNER, 0000
DAVID P WOLYNSKI, 0000
DARREN J WOMACKS, 0000
JAMES Y WONG, 0000
ROBERT G WONG, 0000
SARAH C WOOD, 0000
SHANNON J WOOD, 0000
MILES A WOODARD, 0000
NORMAN B WOODCOCK, 0000
AMY E WOODS, 0000
CASEY L WOODS, 0000
DANIELLE M WOOTEN, 0000
SEAN P WOOTEN, 0000
MICHAEL W WOROSZ, 0000
CHRISTOPHER D WORRALL, 0000
CRAIG E WORTHAM, 0000
LAURENCE R WRATHALL, 0000
FELICIA B WRAY, 0000
GRAHAM L WRIGHT III, 0000
MARK E WRIGHT, 0000
HEATHER G WYCKOFF, 0000
ANDREW J WYLIE, 0000
ROY A WYLIE, 0000
COLLIN A WYNTER, 0000
JASON T YAUMAN, 0000
VINCENT E YEALDHALL, 0000
JAMES A YEATS, 0000
SEAN P YEMM, 0000
JOHN T YI, 0000
DIANA A YORTY, 0000
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HAROLD YU, 0000
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SAMUEL L ZAGER, 0000
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BENJAMIN D ZITTERE, 0000
REBECCA A ZUWALLACK, 0000

*To be lieutenant junior grade*

MICHAEL C ABERNATHY, 0000
DANIEL R ALCORN, 0000
VICTOR ALLENDE, 0000
LORA M ANDERSON, 0000
ANTHONY C ASP, 0000
JONATHAN M AVIS, 0000
ANDREW F BALL, 0000
ROGER L BARAJAS JR., 0000
SHARON D BARNES, 0000
JASON D BARTHOLOMEW, 0000
NELSON BATTLE, 0000
STEPHEN N BENSON, 0000
ANTHONY D BERMUDEZ, 0000
MATTHEW L BOLLS, 0000
JOSEPH A CACCIOLA, 0000
ROLANDO C CALVO, 0000
PETER P CHRAPKIEWICZ, 0000
CHRISTOPHER C COFFEY, 0000
BRENT E COWER, 0000
BAKARI P DALE, 0000
DANILO I DANTES, 0000
SCOTT E DANTZSCHER, 0000
GABRIEL T DENNIS, 0000
RORKE T DENVER, 0000
MICHAEL G DULONG, 0000
JEAN J DUPINDESAINTCYR, 0000
AMELIA EBHARDT, 0000
ROBERT R ELLISON III, 0000
KEITH B FAHLENKAMP, 0000
ANDREW D FLEISHER, 0000
JOHN A FLEMING, 0000
JONATHAN M FLOYD, 0000
SAMUEL V A FONTE, 0000
SCOTT M FRANCIS, 0000
WILLIAM D FRANCIS, 0000
JENNIFER H FRASER, 0000
CANDACE A GAINES, 0000
ALFONZO E GARCIA, 0000
MICHAEL A GIGLIO, 0000
ROBERT D GOAD, 0000
JASON GRABELLE, 0000
ANGELIN M GRAHAM, 0000
ELAINE A GRAHAM, 0000
DAVID A GUNN, 0000
BRIAN A HARDING, 0000
PAUL G HAVENS, 0000
AMY D HECK, 0000
MELISSA J HILER, 0000
WILLIAM G HODGE III, 0000
MICHAEL W HOSKINS, 0000
JEFFERY A HURLEY, 0000
TODD A JACOBS, 0000
BRIAN M JOHNSON, 0000
DOUGLAS M JOHNSON, 0000
JAMMAL L JONES, 0000
MARK C JONES, 0000
SEAN V JOSLIN, 0000
JAMIE L KARBACKA, 0000
DAWN A KETCHUM, 0000
CARL V KIRAR, 0000
RICK W LENTZ, 0000
BENJAMIN D LEPPARD, 0000
MATTHEW R MAASDAM, 0000
MIGUEL S MACIAS, 0000
JORGE A MALAVET, 0000
CLAYTON B MASSEY, 0000
SIMON R MCLAREN, 0000
RAFAEL A MIRANDA, 0000
CHRISTOPHER J MITCHELL, 0000
MICHAEL S MITCHELL, 0000
JOHNATHAN H MOEN, 0000
THOMAS P MOORE, 0000
JARROD L MOSLEY, 0000
JACQUELINE A NATTER, 0000
WILLIAM R PARRISH, 0000
DOUGLAS B PERKINS, 0000
BENJAMIN W RAYBURG, 0000
ELIZABETH A REGOLI, 0000
LAWRENCE M REPASS, 0000
TIMOTHY L RHATIGAN, 0000
SHANE D RICE, 0000
RYAN W ROBISON, 0000
LAURA J ROLLINS, 0000
WILLIAM M RUSHING, 0000
FRANCISCO P SANTOS, 0000
RYAN C SCHLEICHER, 0000
ERIC M SCHMIDT, 0000
MICHAEL J SCHORP, 0000
JODI E SEWELL, 0000
JEFFREY S SHULL, 0000
JOHN J SIMONSON III, 0000
ROBERT J SMITH, 0000
ROBERT S SMITH, 0000
MICHAEL A SNYDER, 0000
TRISHA N STANFORD, 0000
AARON C TAFF, 0000
OSMAY TORRES, 0000
CHAD E TREVETT, 0000
GERALD L TRITZ, 0000
JASON C TURSE, 0000
ZALDY M VALENZUELA, 0000
NOLASCO L VILLANUEVA, 0000
JARROD M WARREN, 0000
MATTHEW S WELLMAN, 0000
CHARLES E WESTERHAUS, 0000
KIERSTEN S WHITACRE, 0000
JUSTIN K WHITT, 0000
LINDA L WILLIAMS, 0000
JIMMIE I WISE, 0000

*To be ensign*

JIAN M MEI, 0000
SABRINA M STEDMAN, 0000

# EXTENSIONS OF REMARKS

## INTRODUCING THE LABOR RECRUITER ACCOUNTABILITY ACT OF 2003

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MILLER of California. Mr. Speaker, I rise today to introduce the ''Labor Recruiter Accountability Act of 2003.''

As has been well documented in the press, the abuse of recruited workers has become a very serious problem in many areas of our nation. Labor contractors lure workers to the U.S. by promising them a better life with decent wages and good jobs in exchange for thousands of dollars in fees. Instead, tens of thousands of workers arrive in the U.S. only to find that they were cruelly deceived. If they are paid at all, they earn unlivable wages for menial jobs to which they never agreed, with no insurance or health care. And in addition to earning little, they are bound deeply in debt to the recruiter for bringing them to their new home.

This is not employment opportunity: it is indentured servitude. It is modern slavery. Hard as it may seem to believe, this form of indentured servitude is the disturbing reality for thousands of workers, and it should not be occurring in the United States in 2003.

Today, I am introducing the ''Labor Recruiter Accountability Act of 2003'' to fight this cruel practice by providing for tighter accountability for foreign labor contractors and employers.

The ''Labor Recruiter Accountability Act of 2003'' holds recruiters and employers responsible for the promises they make to prospective employees, and discourages employers from using disreputable recruiters. The bill requires employers and foreign labor contractors to inform workers of the terms and conditions of their employment at the time they are recruited. It makes employers jointly liable for violations committed by recruiters in their employ. It imposes fines on employers and recruiters who do not live up to their promises and authorizes the Secretary of Labor to take additional legal action to enforce those commitments. Employers and recruiters are prohibited from requiring or requesting recruitment fees from workers and are required to pay the costs, including subsistence costs, of transporting the worker.

The bill discourages disreputable labor contractors by requiring the Secretary of Labor to maintain a public list of labor contractors who have been involved in violations of the Act and by providing additional penalties if employers use a contractor listed by the Secretary as having been involved in previous violations of this Act and that contractor contributes to a violation for which the employer may be liable. The remedies provided under the ''Labor Recruiter Accountability Act'' are not exclusive, but are in addition to any other remedies workers may have under law or contract.

Is it too much to ask that people who live on American soil, making products for American consumption, be treated like American workers? Even the most basic respect for human rights demands that we act now to protect these workers.

I am pleased that over 30 of our colleagues have joined me as original cosponsors of this bill. I am hopeful that all of our colleagues, on both sides of the aisle, will add their support to this critical legislation to end this kind of despicable exploitation of workers in the United States once and for all. This legislation is also supported by the AFL–CIO, the National Council of La Raza, and the Farmworker Justice Fund. Mr. Speaker, I urge Members of the House to join me and co-sponsor the ''Labor Recruiter Accountability Act of 2003.''

## RECOGNIZING THE 5TH ANNIVERSARY OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. HOYER. Mr. Speaker, I am pleased to rise in support of H. Res. 423, recognizing the 5th anniversary of the International Religious Freedom Act of 1998, legislation that established the Office of International Religious Freedom within the Department of State.

This office is most often associated with its Annual Report on International Religious Freedom, which describes the status of religious freedom in each foreign country, government policies violating religious belief and practices, and U.S. policies to promote religious freedom around the world.

This document serves as an important tool for both Congress and the administration in making policy decisions regarding our relations with, and support for, countries around the world.

But in addition to the report, and frankly just as importantly, the Office develops strategies to promote religious freedom, both to attack the root causes of persecution and as a means of promoting other fundamental U.S. interests, such as protecting other core human rights, and encouraging the development of mature democracies.

The importance of this work cannot be overstated—the promotion of religious freedom is intimately connected to the promotion of other fundamental human and civil rights, as well as to the growth of democracy.

A government that acknowledges and protects freedom of religion and conscience is one that understands the inherent and inviolable dignity of the human person, and is more likely to protect, the other rights fundamental to human dignity, such as freedom from arbitrary arrest or seizure, or freedom from torture and murder.

But our interest in promoting religious freedom runs deeper than our support for democracy and stability—it is, simply put, our most important core value, the very reason the 13 colonies were established. American support for religious freedom abroad certainly predates passage of this legislation in 1998. I am particularly proud of the role I played during my tenure as the Chairman and Ranking Member of the Helsinki Commission to raise awareness of religious persecution in Eastern Europe and the former Soviet Republics, and the work of the Commission to promote the protection of religious minorities in the Eastern Bloc and elsewhere around the world.

Religious freedom is the first of the freedoms enumerated in the Bill of Rights—a reflection of the founders' belief that freedom of religion and conscience is the cornerstone of liberty.

As Thomas Jefferson wrote in 1803, ''It behooves every man who values liberty of conscience for himself, to resist invasions of it in the case of others; or their case may, by change of circumstances, become his own.''

I was an active supporter of the original legislation, I am proud of the work done by the office since its creation, and am pleased to help commemorate this important anniversary.

## PAYING TRIBUTE TO CHERYL CHITTENDEN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, it is my honor to rise and pay tribute to a remarkable woman from my district. Cheryl Chittenden has dedicated her life to ending domestic violence and assisting victims of domestic abuse. For her service, Cheryl was recently recognized as Advocate of the Year and it is my honor to rise and pay tribute to her contributions before this body of Congress today.

Cheryl has been battling the terrors of domestic violence for fifteen years. In 1985, she became the Director of the Latimer House Domestic Violence Shelter. During that time, Cheryl acted as chairperson of the Domestic Violence Task Force, and was one of the founders of the Sexual Assault Nurse Examiner program.

Currently, Cheryl is a Victim Advocate in Mesa, Colorado. Each day, she goes beyond the call of duty for the betterment of domestic violence victims. Cheryl takes each victim's case to heart and treats him or her as though they were family. The Mesa community is truly a better place as the result of Cheryl's contributions.

Mr. Speaker, it is my honor to rise and pay tribute to Cheryl Chittenden before this body of Congress and this nation. Cheryl has dedicated her life to helping others while maintaining her devotion as a loving wife and caring mother. I am honored to join all of those Cheryl has helped in thanking her for her service.

## CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. UDALL of Colorado. Mr. Speaker, I cannot support this legislation.

We all know that this country is overly dependent on a single energy source—fossil fuels—to the detriment of our environment, our national security, and our economy. To lessen this dependence and to protect our environment, we must pass a bill that helps us balance our energy portfolio and increase the contributions of alternative energy sources to our energy mix.

Unfortunately, this bill doesn't provide that balance. And for the most part it not only falls short of meeting the challenges of our time, in many ways it can be described as an energy policy for the nineteenth century.

Of course just as no bill is perfect, even this bill is not totally bad.

For example, I am pleased that legislation I've initiated is being considered as part of this bill.

The bill includes the Federal Laboratory Educational Partners Act of 2003, legislation I introduced with my colleague Rep. BEAUPREZ that would permit the National Renewable Energy Laboratory and other Department of Energy laboratories to use revenue from their inventions to support science education activities in their communities.

The bill includes the Distributed Power Hybrid Energy Act, a bill I introduced to direct the Secretary of Energy to develop and implement a strategy for research, development, and demonstration of distributed power hybrid energy systems. It makes sense to focus our R&D priorities on distributed power hybrid systems that can both help improve power reliability and affordability and bring more efficiency and cleaner energy resources into the mix.

The bill includes my High Performance Schools Act, which would enable our school districts to build school buildings that take advantage of advanced energy conservation technologies, daylighting, and renewable energy to help the environment and help our children learn. As included in the conference report, my bill would be expanded to help state and local governments improve not only energy efficiency in schools, but also in public buildings in general.

I am also pleased that this bill includes the Clean School Buses Act, a bill that Chairman BOEHLERT and I drafted that authorizes grants to help school districts replace aging diesel vehicles with clean, alternative fuel buses.

But despite these bright spots, most of the bill is bad policy—bad for the environment, bad for the taxpayers, and bad for the country.

Like its predecessor in the last Congress, this bill puts all its eggs in one basket, the wrong basket. For every step the bill takes to move us away from our carbon-based economy, it takes two in the opposite direction.

The bill fails to take any steps whatsoever to require that the nation reduce its dependence on oil or improve the fuel economy of our cars, trucks, and SUVs. In fact, the bill makes it more difficult to update fuel economy standards by adding new requirements for redundant studies to the National Highway Traffic Safety Administration's CAFE standards-setting process.

By contrast, just today we learned that China is preparing to impose minimum fuel economy standards on new cars for the first time—rules that will be significantly more stringent than those in this country. This is great news for the world—but what an embarrassing proof that we won't even do as much for our own national security and the environment.

That contrast speaks volumes about this bill's priorities, which are the priorities of this Administration.

This bill not only does nothing to decrease our dependence on oil—it also does almost nothing to control demand. But increasing production while ignoring demand is a recipe for disaster.

The Administration boasts that this bill is a balanced approach because it would promote the development of renewable energy and energy efficiency technologies. But aside from a few provisions on electrical appliances and heating systems, the bill does little to promote energy conservation. And although there are some tax incentives for renewable fuels, they pale in comparison to the lavish tax breaks the bills gives the oil and gas industry.

And for all we hear from the Administration about the hydrogen provisions, the bill doesn't go far enough. It's all well and good to authorize billions of dollars to deploy hydrogen fuel cell vehicles, but the bill includes no production or deployment requirements or even goals to ensure that a meaningful number of hydrogen vehicles will be delivered to consumers.

As co-chair of the Renewable Energy and Energy Efficiency Caucus in the House, I define a balanced bill as one that gives more than a passing nod to the development of alternative sources of energy. The Senate version of this bill included sensible provisions to require large utilities to get modest amounts of their power from renewable sources. Although 13 states have already passed their own versions of such a Renewable Portfolio Standard, and although the energy bill conferees just yesterday voted to include the RPS in the conference report, the Republicans stripped it out late last night. If this were really about jobs, as the Republicans claim, they would have retained the RPS provision—which experts say could create millions of new jobs in this country.

I won't even get into some of the other egregious provisions, such as the incentives in the bill for new nuclear and coal development, and the repeal of the Public Utility Holding Company Act, the main law to protect consumers from market manipulation, fraud, and abuse in the electricity sector.

Nor will I complain in detail about process—the fact that Democrats were shut out of conference proceedings, that we don't even know the cost of this 1100-page bill that we were able to review in its entirety only last night, that Republican conferees have essentially been buying votes over the last week to ensure the bill's passage.

An example of this vote-buying is the bill's language to allow polluted areas to have more time to reduce smog pollution but without having to implement stronger air pollution controls, placing a significant burden on states and communities down-wind of these urban areas.

There are other provisions related to public health that should never have been included in this bill. The bill eliminates protections for underground drinking water supplies from potential damages caused by hydraulic fracturing. The bill also provides a special liability waiver for MTBE producer who face lawsuits from states and localities for polluting their water supplies, thereby shifting cleanup costs to taxpayers.

Bad for the country, the bill is particularly bad for the West.

Many of its provisions will directly and immediately affect Colorado and other western States. We have important resources of oil and gas, as well as great potential for solar energy and wind energy. I support energy development in appropriate places and in ways that balances that development with other uses and such other vital resources as water and the people, fish, and wildlife that depend on it. Unfortunately, here again this bill does not reflect the needed balance.

Instead, it combines big subsidies for energy development with lessening of the procedural and substantive requirement that have been established to protect our lands, water, and environment.

Overall, the oil and gas title of the bill is intended to stimulate increased production from both the Outer Continental Shelf and onshore lands. It combines a series of royalty reductions, so companies will pay the public less for the oil, gas, and other energy resources developed on publicly-owned lands.

It also would completely exempt oil and gas construction activities—including roads, drill pads, pipeline corridors, refineries, and other facilities—from the stormwater drainage requirements of the Clean Water Act.

It also has provisions designed to speed up establishing rights-of-way and corridors for oil and gas pipelines and electric transmission lines. Under section 350, within 2 years the federal agencies are to designate new corridors for oil and gas pipelines and electricity transmission and facilities on Federal land in the eleven contiguous Western States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. And it provides for a pilot project to speed up the processing of federal permits related to oil and gas development in several parts of the BLM lands. This includes the Glenwood Springs Resource Area in Colorado as well as areas in Montana, New Mexico, Utah, and Wyoming.

Nothing in the bill would increase the resources available to BLM or the other federal land managing agencies to carry out their other responsibilities in connection with management of the affected lands. As a result, this bill has the potential to essentially repeal multiple-use management and to make energy development the dominant use on the public lands.

Similarly, the bill includes a requirement for a study and report on opportunities to develop renewable energy on the public lands and National Forests as well as lands managed by the energy and defense departments—including units of the National Wilderness Preservation System and wilderness study areas, National Monuments, National Conservation Areas, and other environmentally-sensitive areas. At best, this is a prescription for controversy. At worst, it threatens to open the door for incompatible development on lands that should be left as they are.

These are big steps backward. So is the provision that would allow geothermal-energy leases to be in effect converted into claims under the Mining Law of 1872.

In conclusion, Mr. Speaker, we need a well-designed policy to meet the challenges of our time, not a policy that will diminish our energy security. With the Middle East—the world's main oil-producing region—in turmoil, we must question the predictability of future foreign oil supplies. Fully 30 percent of the world's oil supply comes from the volatile and politically unstable Persian Gulf region. Yet with only 3 percent of the world's known oil reserves, we are not in a position to solve our energy vulnerability by drilling at home.

This bill does nothing to tackle this fundamental problem. I only wish my colleagues in the House could understand that a vision of a clean energy future is not radical science fiction but is instead based on science and technology that exists today.

In much the same way that America set about unlocking the secrets of the atom with the ''Manhattan Project'' or placing a man on the moon with the Apollo program, we can surely put more public investment behind new energy sources that will free us from our dependence on oil.

This bill would continue our addiction to finite and politically unstable energy resources, while undermining public health, the environment, and ultimately our national security itself. It should be rejected.

## SUPPORT OF THE CONFERENCE AGREEMENT ON THE DEFENSE AUTHORIZATION ACT (H.R. 1588)

SPEECH OF

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 7, 2003*

Ms. MCCOLLUM. Mr. Speaker, I rise today in support of the Conference Agreement on the Defense Authorization Act (H.R. 1588), and in support of our armed forces and the service men and women who defend our great country, and their families.

Unlike the Iraq War Supplemental, which I opposed, the FY04 Defense Authorization bill is not a ''blank check'' for the Administration. Rather, this bill was carefully drafted to address many of our military's most pressing needs. This legislation provides a substantial pay raise for service members, boosts military special pay and extends enlisted and reenlistment bonuses. Additionally, this legislation extends the military's TRICARE health coverage to National Guard and Reservists and their families if such service members have been called to active duty. We need to assure our military that as we continue to support their readiness capabilities, we remember the personal well being of the men and women in uniform as well as their families.

The FY04 Defense Authorization bill also addresses the disabled veterans tax, or ''concurrent receipt'', by ensuring a significant number of disabled veterans will no longer be subjected to this unjust tax. As a cosponsor of H.R. 303, the Retired Pay and Restoration Act, I would have preferred the Defense Authorization bill include full concurrent receipt for all disabled veterans. However, this compromise is an important step forward and will allow the House to continue working toward the full elimination of the disabled veterans tax.

While I am supporting passage of this authorization, there are several provisions of this legislation that I oppose. The first regards civil service protections for civilian employees at the Department of Defense (DOD). H.R. 1588 gives the DOD broad authority to strip almost 700,000 civilian employees of fundamental rights relating to due process, appeal and collective bargaining rights. This means the DOD will be able to fire employees with no notice and no opportunity to respond, prevent discrimination actions from being heard by the Equal Employment Opportunity Commission, strip employees of their right to join a union and repeal the laws preventing nepotism. Civil service employees at DOD have defended our nation bravely and made enormous sacrifices to support the military effort in Iraq. DOD should not be given unlimited authority to trample on their basic rights.

H.R. 1588 also unnecessarily weakens long-standing environmental protections at our military facilities by lowering the accountability standard DOD must follow when recovering imperiled species under the Endangered Species Act. The new standard fails to ensure the DOD's conservation plans are actually effective in assisting the recovery of imperiled species. H.R. 1588 also creates a far less protective definition of 'harassment' of marine life by military activities under the Marine Mammal Protection Act. This new definition allows DOD to avoid ensuring its activities are conducted in a manner to minimize harm to marine life such as whales, dolphins, and sea lions.

Although I fully appreciate the importance of military training and readiness, the DOD has not made the case that exemptions to important and long-standing environmental laws are necessary or that training is greatly impaired because of those laws. Furthermore, the President already has the authority to waive environmental laws if he deems it a matter of national security, and not once has a waiver requested by the President been turned down. Until our national security is at stake, no government agency—including the DOD—should be above laws that preserve our air and water and sustain America's wildlife.

This measure also authorizes $9.1 billion for the unproven and untested National Missile Defense system. This costly program fails to address the rising threat of a chemical or biological weapons attack by terrorists and will divert precious resources away from the very real human investments needed to keep our military, intelligence agencies and domestic security agencies strong. I have voted time again to remove funding for the National Missile Defense system, but the Republican Majority defeated each attempt. It is a mistake to fund this unproven program while our citizens at home are without the appropriate resources they need to respond to a terrorist attack on American soil.

I have met with National Guard members, Reservists and regular military personnel who have chosen to put their lives on the line to protect our freedoms. They have sacrificed a tremendous amount, even when their service means putting their family's financial solvency at risk. We owe them our support and our gratitude.

As I stated above, this is not a ''blank check'' for the President. Rather, this legislation will go a long way toward helping our troops in their time of need.

## TRIBUTE TO COLONEL MICHAEL VACCA

### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MILLER of California. Mr. Speaker, I rise to pay tribute today to one of our Nation's finest young men who demonstrated exceptional courage and concern for our troops. Colonel Michael Vacca of the United States Marine Corps is to be commended for his actions, and I applaud him for his dedication to the American spirit.

On the morning of August 26, 2003, one of the many brave soldiers from my district, Private First Class Daniel Humphreys, was injured while riding in a two-vehicle convoy heading north to Baghdad. When an Improvised Explosive Device hit the rear vehicle of this mission, the vehicle's tires were blown out, the engine and steering systems were destroyed, and Private First Class Humphreys was severely wounded along with other Marines. Private First Class Humphreys and his fellow Marines were taken to hospitals in Germany and Iraq for treatment, and Colonel Michael Vacca showed a tremendous amount of support for his Corpsmen that extended beyond the call of duty.

Not only did Colonel Vacca make regular visits to the hospital, he also notified the wounded soldiers' loved ones and kept them informed of their progress. When a soldier was unable to send word home, Colonel Michael Vacca did so with hope, enthusiasm and pride.

The men and women of our armed forces have been away from their families and friends defending democracy and freedom. Colonel Michael Vacca has not only put his life on the line for his country, he has also brought the spirit of his fellow Marines back home to their families.

Mr. Speaker, Colonel Michael Vacca is a true American hero, and this Congress should celebrate his outstanding service and loyalty to the Marine Corps and the United States of America.

## CLEAN WATER ACT ROLLBACKS

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. SOLIS. Mr. Speaker, I rise today to bring attention to efforts by the Environmental Protection Agency (EPA) to rollback the Clean Water Act.

Several days ago, in the Los Angeles Times and other newspapers, an internal EPA memo was quoted saying that the EPA is preparing a rule that would eliminate Clean Water Act protections for, ''Streams that flow for less than six months a year . . .'' State and federal officials have estimated that up to 20 million acres of wetlands would be lost.

This preliminary rule would devastate the Southwest where many streams flow only seasonally or after rain or snowmelts. In Los Angeles County, our rivers are often only a trickle, since our community gets an average of 15 inches of rainfall a year. And we are not alone.

Interior Secretary Gale Norton notes that, ''The American West is facing a serious crisis. In the long run, we will not have enough water to meet the fast-growing needs of city residents, farmers, ranchers, Native Americans, and wildlife. The demand is increasing; the supply is not.'' Unfortunately, the EPA must have not gotten that memo because if our limited water supply is jeopardized, no one's needs will be met.

I encourage the Bush Administration to throw this rule draft away and start fresh with guidelines that will protect our water supplies so that our families are not left out to dry.

## CONDEMNING THE RISE OF HIGH-TECH ANTI-SEMITISM

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. PORTER. Mr. Speaker, I rise today to bring to the attention of the House an issue that this House bravely stood against earlier this year, the rise of anti-Semitism. While we understand the danger of anti-Semitism, I rise today to remind the House of the possible consequences of anti-Semitism in the developing world.

Last month the House unanimously passed House Resolution 409, condemning the anti-Semitic remarks of the former Prime Minister of Malaysia, Doctor Mahathir Mohamad. This House joined international condemnation of the hate-speech and stereotypes contained in Doctor Mahathir's speech. It seemed inconceivable that a man of such education and leadership could sink to so low a level.

Little noticed amid the well-earned condemnation of Dr. Mahathir's comments was the rest of his speech. It surprised many to see that the remainder of the speech was a call for advanced technical research, social and political modernization, and the development of first-rate communications in the Islamic world. These things are the very things that our country has been urging as a means of integrating these countries into the international community. How can Dr. Mahathir share the means and yet call for such a different end?

Since the end of the Second World War, anti-Semitism has not been seen as a disease that modern countries are susceptible to. Many have forgotten how scientifically advanced Hitler's Germany was, and how increases in knowledge were used to increase the murdering power of hate. Despite our hopes to the contrary, science proved to be values free, and the minds that could improve the lot of all mankind were put to the work of killing as many defenseless people as possible.

For 50 years after the end of the war, we kept close watch on the spread of technology, and trained scientists on how not to become a tool for evil. Science has brought the world closer together than ever, and technology has allowed the flowering of commerce and the arts. Yet the lesson remains, that this is because we make it so, not because of any moral value in technology itself.

While our Nation prides itself on the great advances being made in developing countries, and the ease with which technophobia around the world is dispelled, we cannot rest comfortably. Every invention, every improvement, can be used for evil when held by men with hate-filled minds. The periodic table and computer code do not contain hidden lessons on rooting out anti-Semitism and murder. New ministries and parliaments can be elected as fairly, and corrupted as easily, as the Reichstag that brought Hitler to power.

This Nation, and every nation of goodwill, must not be satisfied with spreading democracy and development. Without a commitment to fighting anti-Semitism, bringing murderers to justice, refusing to collaborate with evil, and speaking out for the truth, true peace and freedom in the Islamic world, and the rest of this planet, cannot be obtained.

## TRIBUTE TO DR. EDWARD ROZEK

### HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor a great American, Dr. Edward Rozek, for his years of dedicated service to the cause of freedom and democracy as a soldier, scholar, author, and college professor.

Edward Rozek was 18 years old when Adolf Hitler conquered Poland. He decided to join the Allied forces in the west and escaped through Slovakia to Hungary, where he was captured by the Nazis and spent several months in a slave labor camp.

Upon escaping from the Nazi camp, Rozek made his way to England, where he joined the First Polish Armored Division. He became a tank officer in the Armored Division's Reconnaissance Regiment and fought from Normandy through Belgium. Achieving the rank of Major, Rozek was wounded four times and received four Purple Hearts, three Crosses of Valor, as well as numerous other decorations.

In 1948 Dr. Rozek arrived in the United States without family, money, or profession. He was admitted to Harvard after earning money to pay tuition by working on a dairy farm and then at a gasoline station. In 7 years, he earned a Bachelor of Arts, Magna cum Laude and Phi Beta Kappa, Master of Arts, and his Doctorate of Philosophy.

After leaving Harvard, Dr. Rozek became a Professor of Comparative Governments at the University of Colorado. He was Director of Slavic Studies for 25 years and Deputy Editor for one of the most prestigious publications on Eastern Europe in the world, Journal of Central European Affairs. His best-known book is Allied Wartime Diplomacy, for which he received the National Foundation Book Award. The students at the University of Colorado selected him as Professor of the Year and Distinguished Faculty Member.

During the 1980 Presidential campaign, Rozek was a member of Ronald Reagan's Advisory Council on Defense and Foreign Policy and is currently a member of the Reagan Associates. He is an honorary member of Solidarity, and received Knighthood in the Venerable Order of St. John from Queen Elizabeth.

Presently, Dr. Rozek holds the Endowed Garnsey-Rozek Professorship in Economic and Political Freedom at the University of Northern Colorado. He will retire at the end of this year. Dr. Rozek is married to Elizabeth and has two sons and four grandchildren.

On behalf of the countless number of students, citizens, and legislators he has touched, I want to thank Dr. Rozek for his years of dedicated service to liberty through classical liberal education. As the famous philosopher Sidney Hook said of Dr. Rozek in the dedication to his book, Academic Freedom and Academic Anarchy, Ed is truly an ''embattled fighter for free men, free society, and a free university against fascism, communism, and totalitarian liberalism.''

May God bless Dr. Edward Rozek and his epic legacy of service to free people everywhere.

## EXPRESSING APPRECIATION TO THE ROMAN CATHOLIC CHURCH FOR ITS SUPPORT OF STRONG ANTI-DRUG POLICIES

### HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SOUDER. Mr. Speaker, I rise to express my deep thanks and appreciation to Pope John Paul II and the Roman Catholic Church for their unwavering support of a strong and balanced anti-drug strategy. Last month, at a European Union conference held in Dublin, Ireland, the Holy See submitted a statement outlining the Catholic Church's approach to drug policy. As chairman of the Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy and Human Resources, I have long supported a vigorous but multipronged approach to reducing the scourge of drug abuse, emphasizing tough law enforcement, effective prevention, and treatment that works. I am submitting the Holy See's statement for the RECORD, as I believe it provides an eloquent and timely defense of those policies.

As the Vatican's statement makes clear, the problem of drug abuse is deeply rooted in the spiritual crisis that has gripped much of modern society. We live in a culture that often finds itself incapable of educating our young people in the values that give them an alternative to drugs. ''One of the most important factors leading to drug abuse,'' warns the statement, ''is the lack of clear motivation, the absence of values, the conviction that life is not worth living.'' We must ensure that our children are raised with the knowledge both of their own self-worth and of their responsibility to work for a better world. That knowledge is the best bulwark against drug abuse and other self-destructive behavior, and prevention efforts in our schools and communities must be grounded in such an approach.

But we must also make sure that we don't send the wrong message to young people by suggesting that governments tolerate the use of drugs. I strongly agree with the Catholic Church in its rejection of drug legalization. Legalizing the use of even the so called ''lighter'' drugs will only lead to the greater use of stronger drugs. Nor can we afford to condone drug abuse in a misguided attempt at ''harm reduction.'' As the Vatican's statement notes, ''The State should not assist its more vulnerable citizens to alienate themselves from society and ruin their lives.''

Mr. Speaker, the problem of drug abuse is one of the most difficult facing lawmakers and

parents today. It is deeply rooted, and will require a great and continuing effort to keep it under control. But we must not give up—there is simply too much at stake. I thank the Catholic Church for its ongoing support of that effort.

INTERVENTION OF THE DELEGATION OF THE HOLY SEE AT THE MINISTERIAL CONFERENCE ON ''NEW CHALLENGES FOR DRUG POLICY IN EUROPE''

(Dublin, October 16–17, 2003)

MR. CHAIRMAN: The Holy See is pleased to participate in this Ministerial Conference sponsored by the Pompidou Group, for it sees this as a fitting and encouraging opportunity to discuss and analyze the strategies in the fight against the threat represented by drug abuse, as the Conference theme aptly suggests.

The data provided by the European Observatory for Drugs and Drug Addiction in the 2002 Annual Report on the Evolution of the Drug Phenomenon in the European Union and Norway continue to raise alarms and indicate that the situation, instead of improving, is growing worse.

Great concern is caused both by the constant increase in the use of synthetic drugs and by the ever decreasing age at which drug abuse is observed.

Pope John Paul II, already in 1984, noted that ''among the threats facing young people and all of society today, drug abuse is one of the greatest, since it is a danger that is as insidious as it is invisible, and one that is not yet properly recognized according to the extent of its seriousness''.

If politics is at the service of the human person and society, it must not fail to go to the root of problems. This means grappling with the anxiety, that is, the existential crisis or apprehensions, that in a consumerist and materialistic society finds rich soil for shattering the inner equilibrium in subjects who are particularly weak, fragile and sensitive. There is no doubt that the phenomenon of drug abuse is connected with a crisis of civilization and with great dejection. One of the most important factors leading to drug abuse is the lack of clear motivation, the absence of values, the conviction that life is not worth living.

Among the political measures to be adopted in the fight against this phenomenon, my Delegation would point out in the first place those aimed at combating illicit trafficking in drugs, controlled by powerful criminal organizations. This takes place in the larger context of arms trade, terrorism and trafficking in human beings. Such criminal activity goes beyond national borders and therefore requires a concerted policy of international cooperation.

Faced with the many suggestions and decisions made in different national contexts for the purpose of resolving the problem, the Holy See does not agree with the proposal to legalize the circulation and distribution of drugs, not even so-called light drugs. We must not fail to take into account the risk of moving from the use of light drugs to the use of those with more destructive effects. The State should not assist its more vulnerable citizens to alienate themselves from society and ruin their lives.

Rather, the Holy See encourages above all the promotion of preventive information and education, and the possibility of the proper treatment and reintegration into society of those who unfortunately fall prey to drug addiction.

More resources should be destined to the application of preventive and educational measures in the family, in schools, in sports clubs and in society in general. There is a need for placing renewed emphasis on the human values of love and life, the only values capable of giving meaning to human existence.

As far as treatment and reintegration into society are concerned, my Delegation places great importance on the work of assistance and recovery communities. This is a matter of helping drug addicts, in the midst of their inner suffering and their state of anxiety, to rediscover dignity, to take control of their lives once more and to reintegrate themselves into their families and into society.

An integrated system of services offered by local agencies, institutions and educational groups (family, school, community) should increase the ability to bring effective aid to the lives of young people who, once they are freed from drug addiction, will be able to avoid a relapse. Only the desire to be reborn and the ability to heal will ensure that ''recovered'' young people can return to a normal life after having passed through the frightening tunnel of drug addiction.

An adequate policy in this regard must also address the ethical questions involved, seeking to place the problem in a wider anthropological, ethical, social, political and economic context. Means and resources need to be set-aside for this purpose.

Mr Chairman, allow me to conclude by reaffirming the willingness of the Holy See and the Catholic Church—with their extensive networks of institutions and structures devoted to the education, assistance and rehabilitation of drug addicts—to work with European institutions in seeking together paths and means for a policy in the fight against drug abuse and addiction that will not only resist the criminal and subversive phenomenon but will also take into consideration the moral issue of drug addiction and of a society that promotes a culture of solidarity for life.

Thank you, Mr. Chairman.

## PAYING TRIBUTE TO GREAT SAND DUNES' OUTDOOR EDUCATION PROGRAM

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take a moment to honor the Great Sand Dunes National Park in Colorado for its award-winning Outdoor Education Program. Recently, the Colorado Alliance for Environmental Education awarded the Great Sand Dunes with the Governmental Environmental Education Award for Excellence for 2003. The Outdoor Education Program is an excellent source of information and entertainment for all who enjoy nature and have an interest in wildlife. I would like to join my colleagues here today in recognizing the tremendous service provided to the Colorado community by the Great Sand Dunes Outdoor Education Program.

The Great Sand Dunes have offered education programs for almost twenty years. Staff members and volunteers enthusiastically provide research and expertise for service-learning projects, field trips, outreach events and workshops that encourage environmental awareness in the community. The educational program works in conjunction with the U.S. Fish and Wildlife Service, the U.S. Forest Service and the Nature Conservancy, in order to provide students and instructors with the latest and most accurate information.

Mr. Speaker, the Great Sand Dunes Outdoor Education Program is an exciting and instructional educational tool for the Colorado community. This program has shown extraordinary dedication to teaching adults and children about the environment and conservation. It is my great honor today to recognize the devotion and commitment of those involved with the program. Congratulations on a well deserved award.

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

SPEECH OF

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill. But I do have reservations about a number of provisions included in it.

As co-chair of the Renewable Energy and Energy Efficiency Caucus in the House, I have worked for years to increase—or at a minimum, hold steady—funding for DOE's renewable energy and energy efficiency research and development programs. So I am disappointed that for yet another year, the bill shortchanges these important clean energy programs.

Given our finite supply of fossil fuels and increasing global demand, investing in clean energy is more important than ever. DOE's renewable energy programs are vital to our Nation's interests, helping provide strategies and tools to address the environmental challenges we will face in the coming decades. By reducing air pollution and other environmental impacts from energy production and use, they also constitute the single largest and most effective federal pollution prevention program.

Investments in sustainable energy technologies meet multiple other public policy objectives. Far from decreasing, U.S. dependence on imported oil has increased to record levels over the past 25 years. These programs are helping to reduce our reliance on oil imports, thereby strengthening our national security, and also creating hundreds of new domestic businesses, supporting thousands of American jobs, and opening new international markets for American goods and services.

While these technologies have become increasingly cost-competitive, the pace of their penetration into the market will be determined largely by government support for future research and development as well as by assistance in catalyzing public-private partnerships, leading to full commercialization.

For our investment in these technologies to pay off, our efforts must be sustained over the long term. This bill does not do that. This bill is fully $75 million less than last year's bill in the area of research energy research. Much of this reduction is used to fund a new Office of Electricity Transmission and Distribution. Cuts to renewable energy accounts are also used to boost hydrogen programs fully $38 million above last year's levels. Although I'm certainly supportive of both the electricity and hydrogen programs, I believe they should be additive to take advantage of the synergies they present with the other important and established programs at DOE. Instead, the bill cuts biomass/biofuels by $14.4 million, solar energy by $9.4 million, and geothermal by $3.8 million.

I believe that the reductions in funding levels for the core renewable energy programs are ill-advised at a time when the need for a secure, domestic energy supply is so crucial. Clean energy technologies have a critically important role to play in promoting public health and enhancing the energy security of the nation by promoting fuel diversity, harnessing safe and abundant domestic resources, and expanding the use of small-scale, dispersed technologies.

Overall, the bill provides necessary funding for some important Army Corps of Engineers projects and for DOE's Office of Science and non-proliferation programs. It also includes critical funding for defense environmental management programs—in particular, funding for Rocky Flats, the former weapons production site in Colorado. Funding in this bill keeps Rocky Flats on track for finishing cleanup and closure by the end of 2006.

So on balance, Mr. Speaker, I believe this bill contains more good than bad. Although I am not satisfied with the levels of funding in this bill for DOE's clean energy programs, I will continue to work to increase funding for these programs in years to come.

## RECOGNIZING THE SACRIFICE OF OUR VETERANS

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. McCOLLUM. Mr. Speaker, earlier this month our Nation took the time to honor and recognize the tremendous sacrifice our veterans have given to protecting our freedom and safeguarding democracy for us all. During this special time, it is important we remember all our veterans and thank them for their service.

Today, however, I would like to specifically recognize our Korean War Veterans and their service to the United States.

The Korean War resonates deeply with many Minnesota families. Through the duration of the conflict, close to 95,000 Minnesotans served their country with honor and courage, with 749 paying the ultimate sacrifice. Countless others lost their lives training for service in Korea. One hundred seventy remain missing. They were our fathers, mothers, brothers and sisters. Their service was integral in ensuring that the long arm of communism would stretch no farther than the 39th parallel and their sacrifices enabled countless numbers of Americans and Koreans to raise their families and live their lives in freedom.

As we reflect on their service, it is important to remember that the armistice ending military action in Korea signaled an end to the fighting, but not the war. Today, 37,000 U.S. military personnel remain in South Korea to supplement the 650,000-strong South Korean armed forces. These men and women serve to protect America's economic and political interests in the region, while ensuring our national security by providing a counter-balance to North Korea. The dangers our U.S. soldiers in South Korea face are very real and the merits of their courage is tested everyday.

In Minnesota, the Korean War veterans remain very active. They visit hospitals, are active in their local VFW and American Legion and participate in parades. Many take time to visit schools in their area, talking to students about the Korean War and answering questions about military service. Recently, a large group ascended on Washington, D.C. to participate in Veterans Day events and to mark the 50th anniversary of the end of the Korean War. In D.C., they participated in the wreath-laying ceremony at Arlington Cemetery and took a tour of the U.S. Capitol, among other things. I am inspired by their continued patriotism and commitment to their families, the United States, and each other.

As a former Minnesota State Legislator, I had the distinct privilege to help enable the creation of a memorial to Minnesota's Korean War veterans, that stands today at the Minnesota State Capitol. Near this grand memorial is a time capsule, to be opened 100 years after its burial. In it lie a U.S. flag, pictures and other memorabilia commemorating our war veterans and the important news of our day. The capsule also holds a letter to future generations of Americans. The letter asks those who read it to never forget the events of the past, and expresses hope that when the capsule is opened, our nation and the world will be at peace. I, like all Americans, share the optimism that when this letter is next read, the hope of its authors has become reality.

I ask all Americans to never forget those of the ''forgotten'' war in Korea. At a minimum, Congress should grant the Korean War Veterans Association a Federal Charter, allowing the Association to expand its mission and further its charitable and benevolent causes. Specifically, it will afford the Korean War Veterans Association the same status as other major veterans organizations and would allow it to participate as part of select committees with other Congressional chartered veterans and military groups. While they seek no recognition for what they have done, it is important their story is told and the debt of their service is remembered.

Thank you to all our Korean War Veterans. Your commitment to our country is greatly appreciated.

## TRIBUTE TO THE CITY OF LA HABRA HEIGHTS, CALIFORNIA

### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. GARY G. MILLER of California. Mr. Speaker, I rise to pay tribute today to the City of La Habra Heights, California, as their community celebrates 25 years of cityhood this year.

Since incorporating on December 4, 1978, La Habra Heights has succeeded in maintaining a quality environment for its residents by providing excellent municipal services and keeping a strong community spirit alive. The citizens of La Habra Heights continually demonstrate their enthusiasm for their City by actively participating in local government and future city planning. It is indeed my honor to represent the residents of this beautiful city, who have contributed much of their time towards the betterment of their community.

Mr. Speaker, on this very special year for the City of La Habra Heights, please join me in commemorating their twenty-fifth anniversary.

## THE PASSING OF REGINALD ARTHUR STONE

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. SOLIS. Mr. Speaker, I rise to pay tribute to Mr. Reginald Arthur Stone who passed away on November 12th at the age of 67. Mr. Stone was a loving husband to his wife Judy, the father of two and the grandfather of five. In addition to being a community leader, Mr. Stone was known as a person who could create compromise out of chaos.

Reginald ''Reg'' Stone was the longtime chairman of the Main San Gabriel Basin Water Master Board of Directors, where he was a key figure in negotiations that led to a $250 million cleanup agreement with industrial companies that polluted the area's groundwater. Because of his gentle, yet determined efforts, thousands of homes will have cleaner water and the health of working families will be improved.

In addition to serving on the Main San Gabriel Basin Water Master Board of Directors, he worked for 43 years at Suburban Water Systems. Starting off as a meter reader, Mr. Stone rose to senior Vice President at the time of his death. More importantly than his title, however, is that he is remembered as a person who was liked and appreciated by all and was able to bring even the most adversarial people together with the belief that you should start to negotiate from common ground.

Reg Stone will be missed by all who knew him and our prayers are with his family during this time of mourning.

## HONORING DON LAUGHLIN, FOUNDER OF LAUGHLIN, NEVADA

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. PORTER. Mr. Speaker, I rise today to honor the founder and namesake of one of the fastest growing, most dynamic communities in my district, Don Laughlin. On Friday the community of Laughlin will join together to celebrate the unveiling of a statue of Don that will greet visitors to the many gaming, entertainment, and recreational opportunities in the city along the Colorado River he created just a few decades ago. Don is a visionary leader, and I urge the House to join with the thousands of residents, and millions of visitors to Laughlin who celebrate his permanent contribution to the landscape and culture of Nevada and our country.

## TRIBUTE TO CONAGRA FOODS—LONGMONT FACILITY

### HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mrs. MUSGRAVE. Mr. Speaker, I rise today to recognize the outstanding achievement of

ConAgra Foods—Longmont Facility in Longmont, Colorado in the field of occupational safety and health. I also commend Ms. Stephanie Sparks, the Complex Safety & Health Manager for this facility, and her team for their continued excellence.

Recently, the Occupational Safety and Health Administration (OSHA) awarded this facility with the agency's approval as a Merit participant in the Voluntary Protection Program (VPP). This exceptional facility joins fewer than 850 worksites under Federal jurisdiction that have received this prestigious award.

To achieve important recognition, ConAgra has demonstrated an exemplary record of workplace safety and health, achieving injury and illness rates well below the industry average.

ConAgra continually exceeds industry performance records and sets extremely high standards for their competition. I am very proud to represent such a commendable Colorado facility. Congratulations to ConAgra for another job well done.

## THE IMPACT OF LEFT-WING SPECIAL INTEREST GROUPS ON THE JUDICIAL NOMINATION PROCESS

### HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SOUDER. Mr. Speaker, yesterday I introduced into the RECORD several memos written by Democratic Congressional staff illustrating how deeply politicized the process of appointing new judges to the Federal bench has become. Today I am introducing two more such memos—which were reported by the Wall Street Journal last week—which further reveal the damage that a handful of liberal special interest groups are inflicting on that process.

The memos show how much influence is being wielded by left-wing fringe groups like the so-called People for the American Way and the Alliance for Justice, and extreme pro-abortion groups like the National Abortion Rights Action League (NARAL). These groups apparently were called on to dig up dirt on President Bush's judicial nominees, and were allowed to dictate which nominees to oppose and when to schedule them. One nominee was only supported because another liberal special interest group, the trial lawyers' lobby, wanted to remove him from the trial bench to the appellate bench. Taken together, these memos show the unhealthy influence these groups are having on the federal judiciary—a judiciary that is supposed to serve all the American people, and not just a few special interests.

MEMORANDUM

JUNE 4, 2002.

To: Senator Kennedy.

Subject: Meeting with Groups on Judges—Wednesday, 11:50 a.m.

As you know, the meeting with the groups to discuss the strategy on judicial nominations is scheduled for tomorrow at 11:50. Both Senator Schumer and Senator Durbin will be able to attend. The six principals who will attend are: (1) Wade Henderson, (2) Ralph Neas, (3) Leslie Proll of the NAACP LDF, (4) Nancy Zirkin, (5) Nan Aron, and (6) Kate Michelman. It turns out that neither Marcia nor Judy can make it tomorrow—Marcia has a board meeting and Judy, a family emergency.

We expect that the agenda will include a discussion of: (1) delaying a hearing for Dennis Shedd, a nominee to the Fourth Circuit, who Sen. Leahy would like to schedule on June 27th; (2) which circuit court nominees should be scheduled prior to adjournment; and, (3) our next big fight.

SCHEDULE

At present, there is only one noncontroversial circuit court nominee (with a complete file and blue slips) who has not already been scheduled for a hearing. This nominee is John Rogers (6th Circuit), who Senator Leahy will likely schedule for a hearing on June 13th. In addition, there have been two recent nominees to the 2nd Circuit and to the Ninth Circuit, whose records are now being researched, and who may prove to be noncontroversial.

Senator Leahy would then like to schedule Dennis Shedd on June 27th, Judge Priscilla Owen after the July 4th recess, and Miguel Estrada in September.

The groups should be encouraged to propose some specific nominees who can be moved forward before adjournment. Clearly, there are few nominees who are noncontroversial, but the groups should be pushed on whether they would agree on a hearing for some controversial nominees such as Steele, Tymkovich, or Michael McConnell (for whom Leahy has already promised a hearing), on the theory that these nominees are less problematic than others.

SHEDD

Senator Leahy has told the groups that he would like to have a hearing on Dennis Shedd this month. Senator Hollings is supportive of Dennis Shedd's nomination and is, reportedly, pressuring Senator Leahy to move forward on a hearing. The groups have strong concerns about Shedd. He is quite bad on civil rights and federalism issues, and he has hundreds of unpublished opinions that have not yet been reviewed. The groups are opposed to having a hearing on him this month in part because they do not believe that they will be able to do an adequate review of his extensive record by June 27th, particularly given that they are gearing up to oppose Judge Owen.

We believe that you should hear the groups' concerns regarding Shedd, but that you should strongly encourage the groups to work with South Carolina groups and individuals to apply pressure on Senator Hollings. We know that some of the groups, including LCCR and the NAACP will meet with Sen. Hollings on Thursday regarding Shedd, but more pressure will likely need to be applied because Sen. Hollings is quite committed to moving Shedd this month.

Recommendation: Encourage groups to work with South Carolina groups to influence Sen. Hollings.

OUR NEXT BIG FIGHT

The current thinking from Senator Leahy is that Judge Owen will be our next big fight, after July 4th recess. We agree that she is the right choice—she has a bad record on labor, personal injury, and choice issues, and a broad range of national and local Texas groups are ready to oppose her. The groups seem to be in agreement with the decision to move Owen in July.

Recommendation: Move Owen in July.

MEMORANDUM

To: Senator Durbin.

From:

Date: June 5, 2002.

Re: Meeting with Civil Rights Leaders to Discuss Judicial Nominations Strategy Thursday, June 6, 5:30 p.m., Russell 317.

Senator Kennedy has invited you and Senator Schumer to attend a meeting with civil rights leaders to discuss their priorities as the Judiciary Committee considers judicial nominees in the coming months. This meeting was originally scheduled for late Wednesday morning.

This meeting is intended to follow-up your meetings in Senator Kennedy's office last fall. The guest list will be the same: Kate Michelman (NARAL), Nan Aron (Alliance for Justice), Wade Henderson (Leadership Conference on Civil Rights), Ralph Ncas (People For the American Way), Nancy Zirkin (American Association of University Women), Marcia Greenberger (National Women's Law Center), and Judy Lichtman (National Partnership).

The meeting is likely to touch upon the following topics:

—Their floor strategy for opposing D. Brooks Smith, who was voted out of Committee 12–7.

—Their concerns with Dennis Shedd, a controversial 4th Circuit nominee from South Carolina—Under pressure from Senator HOLLINGS—who apparently is backing SHEDD because the trial lawyers want him off the district court bench—Chairman Leahy is planning to hold a hearing in late June. The groups would like more time to read through SHEDD's many unpublished opinions, which were only recently provided to the Committee, and to request court transcripts. Based on a preliminary review, this nominee poses a number of problems: he has narrowly interpreted Congress's power under the 14th Amendment (in one instance, he was unanimously reversed by the Supreme Court); he has a long track record of dismissing civil rights claims; he once revoked indigent status for a litigant who used her mother's computer and fax machine to file pleadings; and he has made insensitive comments about the Confederate flag.

—The Judiciary Committee's schedule for the summer and fall. In spite of the White House's intransigence, the Committee continues to schedule hearings at a rapid pace—every two weeks through the end of the session. Bruce Cohen has outlined the following schedule:

June: Rogers (6th Circuit-KY); Shedd (4th Circuit-SC)

July: Owen (5th Circuit-TX); Raagi (2d Circuit-NY)

Sept: Estrada (DC Circuit); possibly Bybee (9th Circuit-NV) (backed by Reid)

Oct: McConnell (10th Circuit-UT)

Leahy has effectively promised that OWEN, ESTRADA, and MCCONNELL would get hearings this year. Like SHEDD, these three will generate significant opposition and controversy. The groups feel that OWEN is vulnerable to defeat, but ESTRADA and MCCONNELL will be hard to vote down in Committee.

—The White House's unwillingness to compromise. On NPR this week, White House Counsel Alberto Gonzalez said:

I'm not sure this [judges] is an area where there should be a great deal of compromise on principle. Regrettably, . . . we may have to be patient and wait to see what happens in the November election. And that may be viewed as a sort of crass political assessment but that is in fact true. One way to get this thing moving is to take back the Senate so that we can at least get our judges onto the full Senate floor.

At the moment, a number of Democrats—Edwards, Graham, Nelson (FL), Levin,

Stabenow—are in stalled negotiations with the White House over judges.

## HONORING SAMUEL FISHER FOR HIS HEROIC SERVICE IN WORLD WAR II

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. PORTER. Mr. Speaker, I rise today to honor my constituent, Samuel Fisher, for his heroic service in World War II. As a rifleman with Company B, 49th Armored Infantry Battalion, Eighth Armored Division he helped participate in the final drive of the American and Allied armies that drove the Nazis from France and ended Hitler's rule over Germany. He, and the other brave soldiers of the 49th Armored Infantry, were instrumental in capturing the Ruhr Valley, the center of the German armament industry. By capturing the Ruhr, they deprived the Nazis of the weapons they had used for so long to bring oppression and death across Europe. I am proud to represent Samuel Fisher, and so many other American heroes from the Second World War, and urge this House to join me in thanking Samuel Fisher and all World War II veterans for saving our country, and the world, from fascism.

## PAYING TRIBUTE TO NANCY RATZLAFF

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a talented artist from Craig, Colorado. Nancy Ratzlaff uses her creative gift to inspire people to think outside the box. Her enthusiasm spirals through the community as she passes her knowledge of art to her students. I would like to join my colleagues here today in recognizing Nancy's tremendous service to the Craig community.

At sixty-one years old, Nancy Ratzlaff has been painting for more than 4 decades. She is both a commissioned artist and a teacher of her trade. Three years ago, Nancy suffered a heart attack that caused her to lose her leg and spend 5 months in the hospital. However, despite cumbersome crutches and an artificial leg, she continues to find time to teach painting at Craig's Colorado Northwest Community College. Nancy encourages her students to learn from each other and let art open them up to new challenges. She maintains that everyone has a creative drive inside because anyone who can dream can create.

Mr. Speaker, Nancy Ratzlaff is a dedicated individual who uses her talent to enrich the lives of members of her Craig community. Nancy has demonstrated a love for art that resonates in her compassionate and selfless service to her town. Nancy's enthusiasm and commitment certainly deserve the recognition of this body of Congress.

## PERSONAL EXPLANATION

### HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. ISAKSON. Mr. Speaker, I was unavoidably detained yesterday and missed the votes. Had I been present I would have voted as follows: Rollcall number 620—''yes''; rollcall number 621—''yes''; rollcall number 622—''yes''; and rollcall number 623—''yes.''

## AMERICANS PUSH FOR RENEWED FIGHT AGAINST DRUNK DRIVING

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mrs. LOWEY. Mr. Speaker, Congress has made good progress over the past 20 years in combating drunk driving, culminating when we passed legislation creating a national .08 blood alcohol content level in 2000. I am pleased that New York recently passed .08, which will save 500–600 lives in the U.S. annually when it is adopted by all states. All but a handful of states have .08 laws on the books—a testament to the effectiveness of the sanction.

Despite this progress, a disturbing complacency about drunk driving seems to have settled upon the nation. In 2002, alcohol-related fatalities rose for the third year in a row, and now account for well over 40 percent of all traffic fatalities. Last year, drunk driving took nearly 18,000 lives. Public policy experts are now beginning to grasp the full economic costs of drunk driving. When one factors health care costs, lost work time, collision repairs, and insurance, the price tag exceeds $200 million annually.

Almost 6 years ago, a constituent, Burton Greene, was killed by a repeat offender with a .18 blood alcohol content. Mr. Greene's death inspired me to introduce legislation requiring tougher penalties for repeat offenders and high-BAC drivers.

About one-third of all drunk drivers are repeat offenders. Unfortunately, the lack of a national minimum standard for punishing repeat offenders and high-BAC drivers has created an easily exploitable, unwieldy patchwork of laws that varies from state to state. My legislation would require states to pass laws that employ a comprehensive approach to fighting drunk driving, including license restrictions, effective vehicle sanctions, treatment programs, ignition interlocks, fines, and imprisonment. This comprehensive system of penalties builds on the recommendations of numerous studies, as well as measures proven to be effective on the state and local level.

I am proud that Good Housekeeping magazine, which has always tackled the leading issues of the day, has become a partner in the effort to combat drunk driving. An article about Brigid Kelly, a young woman killed by an impaired driver with a suspended license, appeared in the July 2003 issue of the magazine. Brigid's senseless death, which has brought untold grief to her family and friends, is a wake up call to the nation and a powerful reminder of the stakes in the battle against drunk driving.

I was also touched by the response to the article. Over 6,000 readers took the time to write Good Housekeeping in support of national minimum standards for punishing repeat offenders. This outpouring leaves no doubt about where Americans stand on tougher penalties for chronic drunk drivers.

More than 40 people die daily from drunk driving. We should do all we can to prevent such tragedies. I encourage my colleagues to listen to the voices of Good Housekeeping's readers and support swift passage of the Burton Greene bill.

## CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

### HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Ms. BALDWIN. Mr. Speaker, yesterday, this House considered H.R. 6, the Energy Policy Act of 2003. Our country has been waiting almost three years for a sound and comprehensive energy bill, and I am sad to say that they will still be waiting if H.R. 6 is signed into law.

It was my hope that rolling blackouts in California three years ago, the terrorist attacks on September 11 two years ago, and the massive blackouts in the northeast this past August would have provided Congress with the will and fortitude to pass a truly comprehensive energy bill. This bill should have presented a clear vision of what our energy policies should be well into the 21st century; provided us with the tools and resources to reduce our dependence on foreign oil and improve the security of our nation; and made investments in alternative and renewable fuels to provide better answers to our energy needs than simply encouraging more drilling and more pollution. It is crystal clear that H.R. 6 fails on all these counts.

The Republican leadership crafted this 1,700-page bill in secret and sold out to special interests. For months, Republican leaders presided over meetings in which they were supposed to be laying the foundation for the nation's long-term energy priorities. Instead, they chose to negotiate the bill alone, refusing even to tell their Democratic colleagues where or when important sessions were being held. I believe that cowering under the cloak of darkness and cutting backroom deals are not the ways a bill of this magnitude should be debated, discussed, and crafted.

The Energy Policy Act makes a number of changes to our nation's electricity system. The blackouts that wreaked havoc across parts of the Midwest and Northeast four months ago prompted legislators to include much-needed electricity reliability standards in the final bill. I believe this is a good first step in improving the transmission and distribution of the electricity that powers our homes and businesses. Despite this sound provision, H.R. 6 is wrong to repeal the Public Utility Holding Company Act (PUHCA). PUHCA was designed to oversee mergers and prevent power companies from investing in unrelated businesses. PUHCA has been the linchpin in protecting investors and consumers from market fraud and abuse by utilities. By repealing PUHCA and not replacing it with a better alternative, the

risk of future Enron-type abuses increases exponentially and our constituents will be the victims.

I am pleased H.R. 6 does not include language that would allow drilling in the Arctic National Wildlife Refuge (ANWR) or allow for an inventory of oil reserves in our nation's Outer Continental Shelf—but, any benefits of this bill provides our environment stop there. The bill expedites the approval of permits for drilling and mining on federal lands. H.R. 6 also exempts oil and gas drilling activities from some of the major tenants of the Clean Water Act, such as exempting the industry from certain requirements when they inject diesel fuel and other harmful chemicals underground when drilling.

The most egregious provision of this bill grants the producers of MTBE, a gasoline additive that pollutes underground drinking water, a liability waiver. While the bill phases out the use of MTBE over the next decade, it makes taxpayers pick up the bill for cleaning up the mess. More incredulously, the bill provides the producers of MTBE $2 billion in subsidies to help them convert MTBE into other types of chemicals. I believe this is simply unacceptable. Polluters should be made to clean up and pay for their messes, not the American taxpayer.

Altogether, the energy proposal includes $23 billion in tax giveaways over 10 years and calls for tens of billions of dollars in additional spending. The Republican leadership rejected Senate provisions that would have partially paid for these costs, despite a deficit in the federal budget that could top $500 billion this year. Two-thirds of the tax breaks would go to the oil, natural gas and coal industries, helping to perpetuate the country's dependence on fossil fuels. Less than a quarter of the tax breaks would promote the use and development of renewable-energy sources, and less than a tenth would reward energy efficiency or conservation.

It makes no sense to lavish billions of dollars in subsidies to companies that consistently earn large profits every year. The bill does encourage the use of some alternative fuels such as ethanol—which I strongly support—and $2.5 billion to boost development of hydrogen-powered vehicles. However, the money allocated for renewable and alternative fuel development is a mere pittance of what is given to producers of traditional sources of energy.

This bill is equally bad for what it does not contain: the legislation does almost nothing to reduce the nation's dependence on foreign gas and oil and nothing to reduce global warming. For example, this bill does not increase the fuel efficiency standards for cars and trucks. The bill may even wind up lowering the current 27.5 miles per gallon average since it discourages tougher standards. It also scraps a Senate plan that would have required electric utilities to generate more of their power from renewable sources like wind and solar energy by 2015. Finally, outside of a few provisions on electrical appliances and heating systems, the bill does not significantly encourage energy conservation.

Instead of creating and carrying out a vision in this bill, lawmakers have put together a jigsaw puzzle with hundreds of unrelated pieces crammed together. A few initiatives are worthwhile, but most look more like a laundry list of special-interest subsidies. Together, they do not add up to a policy that I believe will come close to meeting our future energy needs. While it took three years to finish this energy bill, it is my fear that Congress will spend the next several decades fixing the problems this bill could eventually create.

## IN REMEMBRANCE OF LILLIAN KESSLER

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. STARK. Mr. Speaker, I rise to pay tribute to my longtime friend Lillian Kessler. It is with sadness that I announce Lillian's recent passing. She resided in my 13th congressional district and I was pleased and proud to have her support and friendship for many years.

As a truly committed political and community activist, Lillian spent years volunteering in the community and working tirelessly to elect individuals to public office. She was proud to call herself a Democrat for more than 50 years. Lillian and her husband Mike were the first two people to encourage me to seek my present office in Congress.

Lillian was an active member in the Hayward Demos Democratic Club. Her fellow club members describe her as ''a tower of strength for their club, the Democratic Party and progressives everywhere. She was a quintessential activist, organizing precinct walking, phone banks, fundraisers, all the necessary jobs to run and win grassroots campaigns.''

I shall remember with fondness and admiration Lillian's passion, strength and perseverance to make a difference. She believed that just one progressive idea or action, no matter how small, could strengthen each and every community for the better.

Lillian will be sorely missed by me and all who knew her. My thoughts and condolences are with her husband Mike and her children, Civia and Stuart.

## CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mrs. MALONEY. Mr. Speaker, I rise today in opposition to this conference report. H.R. 6 contains several harmful provisions including exempting the producers of MTBE from product liability claims and repealing the Public Utility Holding Company Act, which limits mergers between utilities companies. Additionally, the conference report does not prioritize the use of renewable resources by large utilities to generate power. H.R. 6 rolls back important safeguards in the Clean Water Act and the Safe Drinking Water Act which are critical in keeping the nation's waterways safe for people and wildlife. The country needs an energy policy that reduces pollution, protects consumers, and reduces the burden on the nation's electricity grid. This bill fails to meet those standards. I regret that we were not given the opportunity to vote on legislation that would reduce our dependence on foreign sources of oil.

## PERSONAL EXPLANATION

### HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. KING of Iowa. Mr. Speaker, I was absent during rollcall votes 620, 621, 622 and 623. Had I been present, I would have voted ''aye'' on 620, 621, 622 and 623.

## PAYING TRIBUTE TO MARILYN A. HALL

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to a remarkable woman from my district. Marilyn Hall of Cortez, Colorado is a dedicated public servant who has devoted many years to promoting safety and order in her community. Marilyn has a friendly soul and touches the heart of everyone she meets. I would like to join with my colleagues here today in recognizing Marilyn's tremendous service to the Cortez community.

Marilyn served the Cortez Police Department for 29 years. She began as a dispatcher and then moved to records before retiring. Marilyn was excellent at her job and was instrumental making the system of city and county record keeping significantly more efficient. In her retirement, Marilyn is an active community member who is a vigorous advocate for Mothers Against Drunk Drivers. In addition to volunteer work, Marilyn will spend her retirement with her many loving family members and friends.

Mr. Speaker, Marilyn Hall has shown incredible dedication in her service to the Cortez community. Marilyn's friendly assistance to others is a shining example of what it means to be a good citizen. It is my great honor today to recognize her excellent work ethic and selflessness before this body of Congress. Thanks Marilyn, you will be missed.

## H.R. 2205: NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE ACT

### HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MEEKS of New York. Mr. Speaker, I rise to express my unparalleled support for this bill. However, I do not feel that this bill is complete in its entirety. Provisions concerning a feasibility study for a future sister museum facility at the site of the African Burial Ground in New York City, which were present in the Lewis/Watts bipartisan piece of legislation in the last session, are not included in this current bill. The erection of the African Burial Ground International Memorial Museum and

Research Center in lower Manhattan is a goal that I intend to work feverishly on with my New York colleagues and others. Such a facility would pay homage to those souls who were brought to this country to help build it, while under enslavement. Such a facility would join the Statue of Liberty, Ellis Island, the Museum of the American Indian, the World Trade Center site, and other great New York City landmarks as a national and international symbol that tells America's full story of freedom, the quest for freedom, and the openness of our society. Most important, the study of African culture through the results of DNA testing on the African Burial Grounds will help to further educate and enlighten our citizens to a culture that is central to the building of this proud nation.

As the Lewis/Watts bill reflected in a Finding, the Secretary of the Smithsonian declared in 1998 that the African Burial Ground site provided the ''perfect'' opportunity to dissect the institution of slavery in this country—urban, rural, northern, and southern—including the aspects of the international trade. The Burial Grounds in New York are home to the remains of 20,000 enslaved Africans. These men and women were first generation African Americans, who had to endure inhumane conditions aboard slave ships, before they were forced into labor.

I attended the ceremonies of October 3rd and 4th at the African Burial Ground commemorating the reinterment of some 430 sets of remains that had been under study at Howard University for the last decade. Thousands of people were also in attendance for this event, signaling a clear indication of the powerful feelings of respect that lies with our citizens for an African sanctum in lower Manhattan.

I feel that, ultimately, the new national museum should follow the model of the National Museum of the American Indian, with facilities at both Washington and New York City. The facility in New York, in combination with the magnificent facility to be created here in Washington, would have an overall national and international impact of breathtaking scope and scale. As evident during the ceremonies, an African Burial Ground museum facility would also play a significant role in the revitalization of lower Manhattan in this post-9/11 world, with the hopes that it will become a major national and international visitor's mecca that would join with other New York sites in bringing millions of people, and with them, an economic boom to the entire area.

I whole-heartedly believe that the African Burial Ground is a true national treasure. It is unique in this nation and all the world as an archaeological site, and a site of unparalleled significance, symbolism, and power. A site and museum facility of this magnitude of importance must be part of any national museum, and it must be part of New York's African Burial Grounds.

I would like to thank John Lewis for his long fight to make the dream of a National Museum of African American History and Culture a reality. I would also like to thank my distinguished colleagues from Kansas and Connecticut, Senators BROWNBACK and DODD, for leading these efforts in the Senate.

## MOTION TO GO TO CONFERENCE, OBEY MOTION TO INSTRUCT

### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MATSUI. Mr. Speaker, yesterday's CONGRESSIONAL RECORD reflects my vote as ''yea'' on rollcall Vote 624, Representative OBEY's motion to instruct conferees on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2004. I would like to state for the RECORD that my vote should have been ''nay.''

I have long opposed the reimportation of prescription drugs because it creates a significant safety risk for consumers. A recent examination of several mail facilities by FDA and U.S. Customs reinforces these concerns. After six days in four cities, these examinations found drugs being reimported that have never been approved by the FDA, without labeling or instructions for safe use, and even some that the FDA has withdrawn from the U.S. market for safety reasons. In addition, expanding the importation of prescription drugs increases the likelihood that seniors will receive counterfeit drugs, a potentially very serious health hazard.

Finally, liberalizing the importation of prescription drugs does not address the underlying problem of high prescription drug costs. There are other legislative remedies that can decrease prescription drug costs without undermining consumer safety. For these reasons, I oppose the Obey motion to instruct conferees on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004.

## RECOGNIZING THE PUBLIC SERVICE OF DON MOCK

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Don Mock for his exemplary public service as a member of the Boulder City Council from 1996 through 2003. I would like to thank him on behalf of all Boulder's citizens for the depth and diversity of contributions he has made to ensure that our city remains a very special place to live.

Raised in Florida, Don received his BS and MS in Physics from the University of Florida, and his PhD in Atmospheric Sciences from the University of Washington. He has worked as a Research Assistant in the Department of Atmospheric Sciences at the University of Washington and as a Support Scientist for the Physical Oceanography Group of the NASA/Caltech Jet Propulsion Laboratory. In 1989, Don moved to Colorado to work as Systems Manager for the Cooperative Institute for Research in Environmental Sciences at the University of Colorado in Boulder. Since 1991 he has been a Systems Manager and later a Director of Computing and Network Services at the Climate Diagnostics Center of the National Oceanographic and Atmospheric Administration's Environmental Research Laboratories.

In 1996, Don was appointed to the Boulder City Council and elected a year later to another term. On the Council, he quickly earned the respect of his colleagues for his intelligence, sound judgment, and moderate approach to a wide range of issues. He provided thoughtful and skilled leadership in the areas of budget policy, taxes, transportation, affordable housing, school overcrowding and the environment. Don was actively engaged in resolving the status of the 9th and Canyon hotel site and was a strong proponent of the comprehensive rezoning project to address commercial growth issues.

He has served successfully in such diverse organizations as the Denver Regional Council of Governments, the Bureau of Conference Services and Cultural Affairs, the Boulder Community Celebrations, and the Dairy Center for the Arts. An important part of his focus on Council has been sensible growth management, sustainable use of resources, and a strong, stable economy.

Prior to his appointment to Council, Don was chair of the City's Parks and Recreation Advisory Board and served four years as a co-chair of the Whittier Neighborhood Association, as well as two years on the Steering Committee for the Pine Street/Whittier Traffic Mitigation Project. In 1995, he was especially effective in working with the Citizens for Parks and Recreation to successfully pass the Parks Ballot Issue which led to new acquisitions of park land in the city of Boulder. Over the years, Don has been unswerving in his commitment to policies that serve the environment, the education and health of people, and principles of integrity and fairness.

I ask my colleagues to join with me in expressing our gratitude to Councilman Mock for his years of public service and his contributions to the people of Boulder, Colorado. I wish him continued success in all his future endeavors.

## PERSONAL EXPLANATION

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. MCCOLLUM. Mr. Speaker, due to a scheduling conflict, I was unable to vote on rollcall votes 620 to 623. Had I been present, I would have voted the following:

On rollcall vote 620, S.J. Res. 22—Recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service, I would have voted ''aye''.

On rollcall vote 621, S.J. Res. 18—Commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years, I would have voted ''aye''.

On rollcall vote 622, H. Con. Res. 299—Honoring Mr. Sargent Shriver for his dedication and service to the United States of America, I would have voted ''aye''.

On rollcall vote 623, on hour of meeting, I would have voted ''aye''.

## ''FOR THOSE WHO HAVE FALLEN''—A NATIONAL TRIBUTE SONG

### HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. GREEN of Wisconsin. Mr. Speaker, today before this house I would like to recognize ''For Those Who Have Fallen,'' a national tribute song written by Tonia Barnes (Arpke) of Clyman, Wisconsin. At a time when our brave men and women in uniform are fighting to protect freedom and democracy in the Middle East, it is important for citizens across the country to support their efforts, and remember America's fallen heroes who have secured peace in battles past. This song is an eloquent tribute to all those who sacrificed for our nation, and it is with great honor that I submit the following lyrics for the RECORD.

Working in an office or on the beat
Looking from a window, from a city street
The heart of a stranger giving his all
Doing what he can when he got the call.

America hold your head up high
The Eagle is still the pride of the sky
She shed many tears today
And spread her wings as if to say.

For those who have fallen
I will never forget
The sacrifice you've given
When the face of God you met
For those who have fallen
I will never forget.

Searching through all the rubble
Knowing that lives are on the line
Hands that never get tired
Paws, though bloody, never whine.

A strong shoulder to lean on
An ear listening to the horrible tale
America will keep on living
And our pride will always prevail.

For those who have fallen
I will never forget
The sacrifice you've given
When the face of God you met
For those who have fallen
I will never forget.

For those who have fallen
I will never forget
The sacrifice you've given
When the face of God you met
For those who have fallen
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When the face of God you met
For those who have fallen
I will never forget.

For those who have fallen
I will never forget.

## THE TRANSPORTATION EQUITY ACT: LEGACY FOR USERS

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. OBERSTAR. Mr. Speaker, for most of the 20th Century, the primary focus of surface transportation policy was constructing a safe, efficient highway system, the Interstate and Defense Highway System, to connect our cities, farms, and defense bases. We invested more than $114 billion in constructing the 42,800–mile Interstate system and that investment has paid phenomenal returns in mobility, productivity, and economic growth. It is an unparalleled success: 1 percent of highway miles carry 24 percent of traffic. Today, the vision of that system is complete.

As the Interstate era came to a close, a new vision of transportation began to emerge—shifting from a focus on moving vehicles to providing transportation choices. The early framing of this vision was embodied in Congress' passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991. The ''highway bill'' became more than that as we focused new efforts (and funding) on transit, congestion mitigation, intelligent transportation systems, and transportation alternatives such as pedestrian and bike paths. The landmark achievement of ISTEA was its vision for transportation policy: moving beyond where highways now lead us, to where it is people want to go and how we can give them choices to get there.

In 1998, Congress built upon ISTEA by ensuring that we would begin to make the necessary infrastructure investment to achieve this vision. With passage of the Transportation Equity Act for the 21st Century (TEA 21), we authorized $218 billion for our highway, transit, and highway and motor carrier safety programs—the highest surface transportation funding levels in U.S. history and 44 percent more than ISTEA. However, we knew too well that increased ''authorization levels'' meant nothing if they did not become a reality. We unlocked the Highway Trust Fund and codified a principle: the highway user fees collected from the traveling public will be invested in our surface transportation infrastructure each and every year. That is the landmark achievement of TEA 21 and, over its life, we invested $214 billion in our Nation's surface transportation infrastructure—$100 million more in that 6-year period than in the 40 years of building the Interstate.

On the first anniversary of TEA 21, I joined our Committee Leadership (then-Chairman SHUSTER, Chairman PETRI, and Subcommittee Ranking Member RAHALL), then-Senator Chafee, Senator VOINOVICH, and Secretary of Transportation Rodney Slater and said: ''Although the legacy of the surface transportation system of the 21st Century is far off, we have begun the journey of writing that legacy here and now. ISTEA and TEA 21 have set the framework for the beginning of the new century. Nevertheless, we must continue to develop innovative solutions if we are to overcome our Nation's many transportation problems.''

The journey of writing that legacy continues here today. The ''Transportation Equity Act: A Legacy for Users'' bill builds upon the vision of ISTEA, maintains the guaranteed funding principle of TEA 21, and outlines its own landmark achievement: providing the investment levels necessary to maintain and begin to improve our Nation's highway and transit infrastructure. The bill provides a 72 percent increase in funding over TEA 21. We increase investment in highway and highway and motor carrier safety programs from $177 billion under TEA 21 to $306 billion under this bill. Similarly, for transit, we almost double the investment over 6 years: growing from $36.2 billion guaranteed under TEA 21 to $69.2 billion under the introduced bill.

Although these funding levels are significant increases over current levels, it is important to note that they are not our numbers, they are the Department of Transportation's own estimates of the Federal investment necessary to maintain and begin to improve our Nation's surface transportation system. These funding levels recognize what the Texas Transportation Institute has repeatedly told us: congestion is beginning to cripple our largest cities, the primary engines of our Nation's economic growth. In 75 large metropolitan areas alone, the cost of congestion is $69.5 billion—including 3.5 billion hours of delay and 5.7 billion gallons of excess fuel consumption. The average annual delay for every person in these cities has climbed to 26 hours. While these statistics are startling, the average American family does not need them recited—they are stuck in traffic on their way home from work, picking up the kids at daycare, or running the endless errands that seem a part of today's society, and they lose what precious little time they have together.

More importantly, our Nation's highways, bridges, and transit systems are not as safe as they need to be and the highway death toll is unacceptably high. Over the past 25 years, 1.2 million have died on our roads. Last year, 42,815 people died and 2.9 million more were injured on our highways. Highway fatalities remain the leading cause of death of our youth (people ages 4 to 33). In addition to the personal tragedy of each of these deaths and many of the injuries, the economic cost of these accidents is more than $230 billion per year.

Considering the congestion and highway safety impacts of insufficient investment in transportation alone, our economy is losing $300 billion per year because we are not investing the necessary resources to maintain and improve our Nation's transportation systems. We cannot afford to continue to shortchange our Nation's transportation systems. To effectively reduce congestion, to increase mobility, to truly improve highway safety, and to achieve continuing long-term increases in productivity and economic growth, we must invest in our Nation's transportation future. And we must do it now. That is why we join together today to introduce this bill to authorize $375 billion over 6 years.

The bill increases the minimum guarantee rate of return from 90.5 percent in FY2003 to 95 percent in FY2009. The bill also provides significant increases for the core highway programs. The National Highway System increases from $27.4 billion under TEA 21 to $39 billion under this bill. In addition, after a portion of the minimum guarantee funds are distributed to the core highway programs, NHS funding increases to $49.3 billion over the next 6 years. Similarly, the Bridge program grows from $19.3 billion under TEA 21 to $34.3 billion with the redistributed minimum guarantee funds. Finally, the CMAQ program almost doubles—growing from $7.9 billion to $13.9 over the next 6 years.

Moreover, the bill provides similar increases for transit. Guaranteed transit funding increases 92 percent to $69.2 billion. The core transit formula programs increase to $34 billion and the transit capital program (new starts, rail modernization, and bus capital invesment) increases to almost $30 billion over the 6 years of the bill.

Beyond building upon the success of ISTEA and TEA 21, as I said at the TEA 21 anniversary, we must continue to develop innovative solutions if we are to overcome our Nation's many transportation problems. Let me touch on a couple of new programs included in the bill that propose new and different way to address transportation issues.

As I have traveled the country over the last several years to review the condition of our Nation's infrastructure, I have noted that, despite the significant funding increases of TEA 21, current levels of surface transportation investment are insufficient to fund critical high-cost transportation infrastructure facilities that address critical economic and transportation needs. These projects, whether it is Alameda Corridor East or Chicago's CREATE, have national and regional benefits, including facilitating international trade, relieving congestion, and improving transportation safety by significantly improving freight and passenger movement in critical transportation bottlenecks. The bill creates a $17.6 billion Projects of National and Regional Significance program to enable the Secretary of Transportation to competitively select such projects of national significance (project cost of more than $500 million).

I also want to touch on a much smaller, but equally important, new program: Safe Routes to School. Several years ago, I began working with two communities, Marin County, California and Arlington, Massachusetts, to develop a program to enable and encourage children to walk or bike to school. These two pilot projects have been incredible successes. With this experience in hand, the bill creates a new $1.5 billion Safe Routes to School formula program to enable and encourage children to walk or bike to school; to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and to improve safety and reduce traffic, wasted fuel, and air pollution in school neighborhoods.

Finally, the Committee's proposal will provide badly needed economic stimulus. The Federal Highway Administration reports that every $1 billion of federal funds invested in highway infrastructure creates 47,500 jobs and $6.2 billion in economic activity. When enacted, the Committee's introduced bill will create and sustain up to 3.6 million family-wage construction jobs, including 1.7 million new jobs.

Moreover, a recent study found that the Committee's bipartisan proposal to invest $375 billion in surface transportation over the next 6 years would add $290 billion more to the Nation's Gross Domestic Product than the administration's proposal to invest only $247 billion. The Committee's proposal would also lead to an additional $129 billion of household disposable income and. an additional $98 billion in consumer spending—millions of new, good-paying jobs, billions of dollars of new consumer spending: now that's the way to get the economy growing again.

I join with Chairman YOUNG, Subcommittee Chairman PETRI, and Subcommittee Ranking Member LIPINSKI, and the Members of the Committee on Transportation and Infrastructure, in introducing this bipartisan bill today. We will continue to work together on the journey of writing the legacy of our surface transportation future.

## TRIBUTE TO PAUL SCANNELL

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished Californian, Paul Scannell, as he retires from his service as Assistant County Manager of the County of San Mateo, California.

Paul Scannell has served as Assistant County Manager since 1982. During that time he has represented the County in complex and sensitive negotiations with other governmental agencies, companies, and persons doing business with the County. He's also worked in cooperation with County department managers to recommend County programs and activities, and managed the County team responsible for public financing issues. He has served on a wide variety of committees, as well as advising and staffing the Charter Review Committee. He has also acted as the County Manager in the Manager's absence.

Paul Scannell prepared for his career by earning a Bachelor's degree in Economics from the University of San Francisco and a Master's of Public Administration from Golden Gate University. He also pursued graduate studies in Economics at the University of California, Berkeley. He held positions of increasing importance with the City and County of San Francisco between 1964 and 1982, including serving as Deputy Director of the Clean Water Program, Assistant to the Chief Administrative Officer and as Senior Departmental Personnel Officer at San Francisco General Hospital.

I had the honor to work with Paul Scannell for ten years as a Member of the Board of Supervisors, and I saw and experienced firsthand his professionalism, his integrity and his extraordinary knowledge of County government.

Mr. Speaker, I ask my colleagues to join me in honoring Paul Scannell for his superb service to our community and our country and wish him every blessing in the years ahead. He has established the gold standard for public service and we are grateful to him for it.

## PAYING TRIBUTE TO BOB GERLER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to pay tribute to an extraordinary public servant from Otero County, Colorado. Bob Gerler is a compassionate mental health advocate who has dedicated his life to improving the quality of care at Southeast Mental Health Services. I would like to join my colleagues here today in recognizing Bob's contributions to Otero County.

In recognition of his 24 years of service, Bob has been named the Colorado Behavioral Healthcare Council's 2003 Outstanding Board Member of the Year. Over time, Bob has been instrumental in implementing numerous programs for the betterment of patient's lives. His dedication, integrity and intelligence have truly made Bob a tremendous asset to the board.

In addition to his service to Southeast Mental Health Services, Bob has also served as a County Commissioner, a member of the South Sink Water Company Board of Directors, and chairman of Otero Junior College Council.

Mr. Speaker, Bob Gerler is a dedicated community leader who willingly devotes his time to improving the lives of those in need. Bob has been a reliable and innovative administrator over the course of his many years of public service and I am honored to pay tribute to him for his many contributions to the Colorado community. Congratulations on a well deserved award Bob.

## TRIBUTE TO SPENSER HAVLICK

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Spenser Havlick, who this month is retiring from membership on the Boulder, CO, City Council. Elected to the council in 1982, Spense has had 21 years of distinguished public service.

Born in Oak Park, IL and raised in Green Bay, WI, he received his B.A. Degree from Beloit College, his M.A. from the University of Colorado in limnology and his Ph.D. in environmental planning and water resource management from the University of Michigan.

He became the Assistant Dean and Director of the College of Environmental Design at the University of Colorado in Boulder in 1975. His research and teaching focused on natural hazard mitigation, the citizen's role in the planning process, and the impact of urbanization on the environment. He has written on ecology and design and is preparing another book on transportation management and traffic calming.

He has taught at the University of Michigan and Murdoch University in Western Australia, consulted for the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the National Science Foundation and the U.S. Information Agency.

With this outstanding academic background, Spense has been a champion of the values that embody the spirit of Boulder. His commitment to defending these values made him a distinctive member of the council.

A passionate environmentalist, Spense had a two-decade struggle with transportation problems and worked diligently to promote public transportation, rail service between Denver and Boulder, bicycle paths, city open space and pedestrian walkways.

In his role as professor of environmental design at the University of Colorado, Spense encouraged his students to adopt Boulder's environmental values. He urged students to give up their cars, get more exercise and walk, or use alternative transportation.

A top vote getter in all his elections, Spense promoted a strategy to find more affordable housing, worked on growth management, led the effort for the largest purchase of open space in the history of Boulder and worked to streamline the city's budget in tough economic times.

Spense's civic commitment is demonstrated through his service on the City Council Environmental and Transportation Committees, as an Eco-cycle block leader, and as a Commissioner for the Boulder Urban Renewal Authority.

The City Council of Boulder, CO, has been fortunate to have had Spenser Havlick as a member for the past 21 years. On behalf of Boulder's residents, I wish him well as he continues to pursue his commitment to a better community and State.

## PERSONAL EXPLANATION

### HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINTYRE. Mr. Speaker, on Thursday, November 6, 2003, I was unavoidably absent for rollcall vote 612, final passage of H.R. 1829, the Federal Prison Industries Competition in Contracting Act. Had I been present I would have voted ''yes'' on rollcall vote 612.

## HONORING JEROME HOLTZMAN

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. HYDE. Mr. Speaker, I rise today to recognize Jerome Holtzman, who on November 20 will receive the prestigious Chicago Athletic Association Ring Lardner Award. Jerome Holtzman has forgotten more about baseball than most will ever know and he is well deserving of the award. Chicago Sun-Times sports columnist Ron Rapoport honored Mr. Holtzman in his column on November 11—a column I am pleased to share with my colleagues:

FOR HIS SCOOPS AND SAVES, HOLTZMAN AWARDED HONOR

The major exhibit in Jerome Holtzman's baseball legacy always will be his invention of the save rule, but my favorite story about him is the time he scooped the judge.

Charlie Finley was suing baseball commissioner Bowie Kuhn, and Holtzman, who had covered every day of the trial for the Sun-Times, got the word that Finley had lost. Holtzman rushed the story into the last edition of the paper, which so infuriated people at the Tribune, they rousted the judge out of bed after midnight to demand some information.

''But I haven't even written the decision yet,'' the judge protested.

Holtzman, who receives the Chicago Athletic Association's Ring Lardner Award on November 20, and I tried to figure out Monday how many baseball games he has covered in his life. The best we could come up with was about 200 a year for 28 years and maybe 100 a year for the decade after that. So how many is that—7,000 or 8,000? A lot, anyway.

''We never had any days off,'' said Holtzman, who joined the old Chicago Times as a copy boy in 1943, before it merged with the Sun. ''Maybe if I didn't go to the All-Star Game, I'd have a two- or three-day break, but otherwise it was every game from spring training to the World Series.''

Holtzman was more than just a sportswriter, though. He became our trade's historian, with his classic book ''No Cheering in the Press Box'' and his beautifully bound reprints of sports books, such as ''Eight Men Out, The Boys of Summer and Babe.''

When Holtzman invented the save rule, he received a bonus of $100 or $200 from The Sporting News. The best closers soon became rich men because their performances came with numbers attached. Or as former Expos relief ace Jeff Reardon once said, ''Jerome Holtzman is a friend of mine.''

Mine, too.

The Lardner Awards dinner will be a star-studded affair, with David Halberstam presenting an award to Bob Costas, Ira Berkow giving Holtzman his plaque and Bill Jauss honoring former Chicago Daily News sports editor John Carmichael.

## HIV/AIDS EPIDEMIC IN DALLAS-FORT WORTH AREA

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to address the steady meteoric rise of the deadly epidemic of HIV/AIDS in the Dallas-Fort Worth area. The HIV/AIDS epidemic is proving to be one of the most devastating social conditions of our time.

In my home state of Texas, the numbers have been steadily rising since 1998 at a rate of about 7 percent per year. In fact, according to the Texas Department of Health, Dallas County reported the highest number of new HIV positive individuals in Texas, that's just ahead of Harris County (which includes Houston) which reported 1,212 new HIV cases.

So far in 2003, Dallas County has reported 609 new HIV cases and 355 new AIDS cases. Moreover, so much work needs to be done to inform the public about this disease's disproportionate impact on African Americans.

Dallas County Health and Human Services chief epidemiologist announced that there were 1,271 new HIV cases and 548 new AIDS cases reported in 2002. African Americans, comprise 20 percent of the Dallas County population, but 41 percent of the new HIV cases and 46 percent of the new AIDS cases in 2003.

As reported by the Centers for Disease Control and Prevention (CDC), although African Americans make up only about 12 percent on the U.S. population, cumulatively they have accounted for half of the new HIV infections reported in the United States in 2001.

African Americans have accounted for more than 320,000, or 38 percent, of the more than 833,000 estimated AIDS cases diagnosed since the beginning of the epidemic. In addition to experiencing historically higher rates of HIV infection, African Americans continue to face challenges in accessing health care, prevention services, and treatment. Race and ethnicity are not, themselves, risk factors for HIV infection. However, African Americans are more likely to face challenges associated with risk for HIV infection, including poverty, denial and discrimination, partners at risk, substance abuse, and sexually transmitted disease connection.

Globally more than 16 million people have died of AIDS and more than 16,000 people become newly infected each day.

It is imperative for us to take immediate steps to address these alarming statistics. As a former nurse and Chair of the Congressional Black Caucus, I supported funding increases for the Minority AIDS Initiative and the Housing Opportunities for Persons, which is the only federal housing program that provides comprehensive, community-based HIV-specific housing programs.

I have always supported the four main lines of action created by an International Partnership against AIDS: encouraging visible and sustained political support; helping to develop nationally negotiated joint plans of action; increasing financial resources; and strengthening national and regional technical capacity.

We must make an ongoing commitment toward working diligently to find a cure for this very fatal epidemic. We must strongly encourage more widespread support for those who are living with this horrifying disease.

## CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. CONYERS. Mr. Speaker, for the first time in history Congress has voted to protect known polluters from legal liability. H.R. 6, the ''Energy Policy Act of 2003'', not only implements a restructured energy system that would harm consumers and provide unaffordable subsidies to energy companies, but Title XV of the bill, the Ethanol and Motor Fuels title, would particularly immunize the producers of a toxic contaminant from liability for its effects on those people who have been harmed by it. These provisions were unilaterally inserted into the conference report without the benefit of a single committee hearing or markup.

MTBE (methyl tertiary butyl ether) has been classified by the EPA as a possible human carcinogen and can render water undrinkable in concentrations as low as two parts per billion. Due to the synthetic chemical properties of MTBE, when it leaks into water, it moves and dissolves through water rapidly, resists natural degradation, and causes water to take on the taste and smell of turpentine. According to the General Accounting Office, MTBE, a chemical which has been shown to cause liver damage, kidney damage, and even cancer in humans, has now been detected in the groundwater and drinking water in every state in the nation.

The Ethanol and Motor Fuels title in H.R. 6 contains an outright and retroactive liability waiver for MTBE producers that knowingly polluted the tap water of millions of Americans. Specifically, the title would:

Protect responsible parties from liability—The title would give MTBE producers a special liability waiver from strict product liability suits. Because these strict product liability suits have been the only effective measure of holding MTBE producers accountable for polluting public water supplies, denying water districts and city and county governments the right to bring defective product lawsuits against the MTBE polluters would effectively end their accountability.

Shift cleanup costs to taxpayers—The MTBE provisions in the bill would shift the burden of paying for the cleanup of the polluted water to the water consumers. An estimated $29 billion in clean up costs will fall squarely on states, cities, and their citizens. MTBE manufacturers and gasoline companies will

not have to pay for the contamination of the water supplies that they caused, nor will they have to pay to acquire new water sources for hundreds of thousands of customers.

Nullify pending litigation against MTBE producers, leaving hundreds of thousands of people without recourse—There are currently 130 communities and water suppliers across the nation that have litigation pending to reclaim damages for MTBE pollution of public drinking water sources. Because this bill is retroactive, taking effect for lawsuits pending on September 5, 2003, all of these lawsuits would be nullified.

The MTBE provisions contained in the Energy Policy Act of 2003 benefit the wrongdoers and have a number of harmful consequences for the victims of drinking water contamination. Any policy that has the effect of leaving hundreds of thousands of victims without any recourse against their wrongdoers is bad policy.

## NATIONAL DIABETES MONTH

### HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. OSE. Mr. Speaker, as a member of the Diabetes Caucus, I rise today in honor of National Diabetes Month. Diabetes is a growing concern in this country as each year increasing numbers of Americans are being diagnosed with the disease. The disease does not discriminate; children, adults and senior citizens alike are realizing the devastating impact of diabetes and its tragic effects have touched the lives of Americans across the country.

Diabetes itself is debilitating, but it can also lead to heart, kidney, nervous system or dental diseases, as well as blindness, high blood pressure, complications during pregnancy, strokes, and even death. Today, 17 million people live with diabetes and approximately 1 million new cases are diagnosed each year in people over the age of 20. It is the sixth leading cause of death in the United States, with 19 percent of Americans over the age of 25 losing their lives to diabetes each year. The statistic that 1 million children have been diagnosed with juvenile diabetes is particularly unnerving.

In my home state of California, every half-hour a life is lost due to causes directly or indirectly linked to diabetes. Currently, there are two million Californians who have been diagnosed with diabetes, putting California's average above the national rate. That number is expected to double by the year 2020.

Organizations such as the Juvenile Research Fund are vital to research efforts to find a cure for diabetes. In addition to conducting its own research, JDRF provides valuable outreach programs in schools and the community to educate the public on diabetes related issues.

This past June, the Sacramento chapter of JDRF sent two of my constituents, Juleah Cordi and Gianna Gallo, to the Children's Congress. At this conference, children afflicted with diabetes spoke with Members of Congress to raise awareness of this debilitating disease. As a congressional co-chair of this event, I would like to thank Juleah, Gianna and other Children's Congress participants for their help in bringing attention to this issue.

The cost of diabetes is rising, both in terms of the cost to treat the disease and the number of American lives lost resulting from complications relating to the disease. We must support the National Institute of Health's funding for diabetes research so that organizations like JDRF may continue to provide preventative education and help curb the spread of the disease. Education is a key component in preventative efforts, by encouraging individuals to make life-style changes that will reduce their risk of getting diabetes.

Mr. Speaker, we have made great strides over the years in diabetes research and outreach education. I applaud the many organizations that have contributed to this effort and I urge my colleagues to join me in honoring National Diabetes Month. Let's help give those Americans living with diabetes hope that one day soon, we will find a cure to diabetes.

## PAYING TRIBUTE TO RICHARD WREN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MCINNIS. Mr. Speaker, it is with great pride that I pay tribute today to Police Captain Richard Wren of La Junta, Colorado. Recently, Richard was honored by the La Junta City Council for two decades of honorable service. Richard has dedicated his life to serving and protecting the citizens of Colorado and it is my honor to call his many contributions to the attention of this body of Congress here today.

Richard was born in Denver, Colorado and moved to La Junta to attend Otero Junior College in 1980. Upon graduation, Richard attended the Law Enforcement Academy in Trinidad and in 1983 he became a patrolman for the La Junta Police Department. He rose quickly through the ranks to achieve his status as Captain.

Richard has achieved a great deal in his tenure with the La Junta Police Department. Richard is an expert in canine police work. During his career, he established the La Junta canine program and attended two national competitions for the United States Police Canine Association. In 2002, Richard furthered his law enforcement education by attending the National Federal Bureau of Investigation's Academy in Quantico, Virginia. In addition, Richard is an expert in firearms and patrol procedures, and he holds teaching certificates in both of those disciplines.

Mr. Speaker, it is my honor to rise and pay tribute to Captain Richard Wren before this body of Congress and this nation. Richard has managed to balance his tireless dedication to the citizens of La Junta, while gladly serving as a loving father and husband as well. The Citizens of La Junta Colorado are safer as the result of Richard's tireless dedication to their well-being and it is my honor to join them in thanking him for his service.

## H.R. 1588, DEFENSE AUTHORIZATION CONFERENCE REPORT

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. UDALL of Colorado. Mr. Speaker, when this House voted on H.R. 1588 in May, I voted against it. I didn't think the bill as it stood then was one I could endorse. The conference report that we are considering today is marginally better. Although I still have strong reservations, I will support the conference report.

We are 2 years into our war on terrorism and still engaged in military action in Iraq. There is no doubt that we must continue to focus on defending our homeland against terrorism, we must support our military personnel, and we must give our military the training, equipment, and weapons it needs to beat terrorism around the world.

That's why I'm in favor of provisions in the bill that support those men and women who have put their lives on the line in Afghanistan and Iraq. The bill provides an average 4.15 percent pay raise for service members, boosts military special pay and extends bonuses, and funds programs to improve living and working facilities on military installations.

I am pleased that the report includes provisions recognizing the importance of non-citizen soldiers and the many sacrifices and contributions they have made. The report eases the naturalization process for these soldiers and their families, reducing to one year the length of service requirement for naturalization during peacetime; allowing soldiers to apply and take oaths for citizenship overseas; and granting permanent resident status to the surviving family of U.S. citizen soldiers who are granted posthumous citizenship as a result of death incurred in combat.

I'm also pleased that this bill will allow approximately one-third of eligible disabled military retirees to receive both their retirement and disability benefits. I would have preferred that the bill extend this ''concurrent receipt'' to all disabled retirees, but this is a great improvement on the bill the House considered earlier this year—which included no such provisions. I am also pleased that the bill extends the military's TRICARE health coverage to National Guard and reservists and their families if servicemembers have been called to active duty. These are all necessary and important provisions that I support.

I do have a number of serious reservations about the bill.

I don't believe it addresses 21st century threats as well as it could. With the exception of the Crusader artillery system, the Administration and Congress have continued every major weapons system inherited from previous administrations. So although the bill brings overall defense spending to levels 13 percent higher than the average Cold War levels, it doesn't present a coherent vision of how to realign our defense priorities.

The bill still includes provisions that would exempt the Department of Defense from compliance with some requirements under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). There is broad-based support for existing environmental laws—as there should be—and these laws already allow case-by-case flexibility to

protect national security. The Pentagon has never sought to take advantage of this flexibility, so it strains belief that these laws are undermining our national security. Indeed, the General Accounting Office has found that training readiness remains high at military installations notwithstanding our environmental laws. I am not persuaded that the changes to these acts proposed by the military are justified.

The bill still includes worrisome provisions to overhaul DOD's personnel system. Although they are improved from the bill the House considered earlier this year, these provisions would still strip DOD's civilian employees of worker rights relating to due process, appeals, and collective bargaining.

Most disturbingly, the bill still includes provisions on nuclear weapons development. This bill provides funding to study the feasibility of developing nuclear earth-penetrating weapons and authorizes previously prohibited research on low-yield nuclear weapons. Low-yield nuclear weapons have an explosive yield of five kilotons or less—''only'' a third of the explosive yield of the bomb dropped on Hiroshima. Our obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) require the United States to work towards nuclear disarmament, rather than further increase the size and diversity of our arsenal. By continuing the development of new U.S. nuclear weapons at the same time that we are trying to convince other nations to forego obtaining such weapons, we undermine our credibility in the fight to stop nuclear proliferation.

Mr. Speaker, I am very disappointed that this conference report rolls back civil service protections, environmental protections, and our work in the area of nuclear nonproliferation. But some of these provisions were improved in conference, and the addition of concurrent receipt provisions for our nation's veterans is critical. In view of these changes to the bill, added to my belief in the importance of supporting our men and women in uniform, I will support the conference report today.

## TRIBUTE TO SAGINAW VALLEY STATE UNIVERSITY, SAGINAW, MICHIGAN

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to the Saginaw Valley State University in celebration of its 40th Anniversary.

Founded in 1963, Saginaw Valley State University has quickly become one of the fastest-growing universities in Michigan. The university's humble beginnings as a community college in the late 1950s have encouraged the rapid growth and expansion of the university as demonstrated by their recent additions. From holding early classes in the basement of Delta College, to its current situation on a 782-acre campus, Saginaw Valley State University has become an unrivaled success story in mid-Michigan.

I am honored today to recognize Saginaw Valley State University for its many accomplishments, and to thank the many staff, faculty, students, and families who have endeavored to support Saginaw Valley State University.

## VETERANS MEMORIAL AT THE KOOTENAI COUNTY ADMINISTRATION BUILDING

### HON. C.L. ''BUTCH'' OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. OTTER. Mr. Speaker, I rise today to bring to the attention of the House the creation of a Veterans Memorial at the Kootenai County Administration Building in Coeur d'Alene, Idaho. Former commissioner Ron Rankin has spearheaded the effort to pay tribute to Kootenai County's brave veterans with memorials honoring their sacrifice.

The first phase of the Veterans Memorial, dedicated on Veterans Day 1998, is a striking seven-by-five-foot, 8,000-pound black granite monument naming Kootenai County veterans killed in action from the Spanish American War through the Vietnam War. Their names are etched in large gold letters followed by their branch of service, and the war in which they served. ''In God We Trust'' is etched above all the names in three-inch gold letters. The monument is strategically placed at the main entrance of the new administration building to remind visitors of the heroes who gave their lives for our freedom.

On Memorial Day 1999, the county dedicated 13 unique murals for the outside of the new courthouse. The 39-by-42-inch granite plaques depict historically significant military events in the 20th century. They are reproductions of photographs and paintings that were laser-etched in color on polished granite slabs. The first two were completed at a cost of $2,000 each while the remaining 11 will have been added at a cost of $3,000 each. The scenes include: Pearl Harbor, the Bataan Death March, the Battle of Midway, the flag raising on Iwo Jima, Army rangers climbing a 100-foot Normandy cliff on ''D'' Day, troops assaulting the beach at Normandy, gun ships off the coast of Vietnam, and ''Dust Off' helicopters retrieving the wounded in Vietnam. When the entire project is completed, there will be pamphlets in the foyer of the new administration building describing each scene in detail. The foyer already includes interesting information, photos and paintings of our heroic armed forces from battle scenes of 20th century wars.

A Purple Heart Honor Roll now is in place in the courthouse foyer, and a wall of gold-framed certificates of veterans who were awarded medals of valor will complete the project. The display was dedicated at a ceremony on November 10, 2003. The event's keynote speaker was Idaho Supreme Court Justice Daniel Eismann, who earned two Purple Hearts and three Air Medals during the Vietnam War. I would like to submit the speech Justice Eismann delivered at the dedication for the RECORD.

HALL OF HEROES DEDICATION—KOOTENAI COUNTY

(Hon. Daniel T. Eismann, Nov. 10, 2003)

I first want to commend the citizens of Kootenai County for this impressive memorial to those who have served in the United States military. As a veteran, I thank you. I also commend Ron Rankin, who was the driving force behind this growing monument.

The words ''Keeping America Free'' on the murals outside summarize the primary mission of the United States military. The freedom we enjoy today did not come cheaply. It was purchased during the Revolutionary War with the blood of American soldiers; for over two hundred years it has been guarded and defended both here and abroad by the blood of American soldiers; and it will be preserved in the future by the blood of American soldiers. In the words of Daniel Webster, ''God grants liberty only to those who love it, and are always ready to guard it and defend it.''

It is because of our God-given freedom that we are the most prosperous and powerful nation on earth. It is the desire for that freedom that causes many from other countries to flock to our borders. It is envy of that freedom, and the prosperity and power it produces, that causes others to hate and want to destroy us.

With oceans to our east and west and good neighbors to our north and south, we have for many years felt secure in our freedom. We may even have taken it for granted. No nation on earth could be powerful enough to invade us. The tragic events of September 11, 2001, however, shattered that security. Although the enemies of freedom cannot take ours by force, they showed that they will try to destroy it by fear. Those tragic events confirmed that to preserve our freedom here, we will sometimes have to root out evil and tyranny in other parts of the world. We cannot be truly free unless people around the world are free. The enemies of freedom will always desire to extinguish the beacons of liberty shining around the world, and ours shines the brightest. The tragic events of September 11th also rekindled a deep appreciation and respect for those who have donned the uniform of the United States military.

We are here today to honor some of those who have helped to preserve our freedom. We have come together to dedicate the Hall of Heroes, to honor those from Kootenai County who have been awarded a medal for heroism while serving in our nation's military. By honoring them, we are not in any way minimizing the sacrifice and contribution of all others who have served in uniform. Any of you who saw the movie ''We Were Soldiers'' may remember the helicopter pilot in the movie whose nickname was ''Too Tall.'' The real ''Too Tall'' is a friend of mine named Ed Freeman who lives in Boise. The movie does not do justice to what Ed actually did during that battle.

On November 14, 1965, after LZ X–Ray had been closed to helicopters because of intense enemy fire, Ed flew fourteen missions into and out of that landing zone delivering ammunition, water, and medical supplies to the troops on the ground and evacuating 30 seriously wounded soldiers. For his actions, Ed was awarded the Congressional Medal of Honor, our nation's highest award for heroism. Ed's Medal of Honor was certainly well-deserved, but he could not have made the impact he did without the help of others. He could not have delivered the much-needed ammunition, water, and medical supplies to the men on the ground unless others had worked to have those items waiting at his base to be loaded on his helicopter. Few if any of the seriously wounded soldiers that he rescued would have survived had it not been for the medical personnel who were waiting to care for them.

The military is a team, with every person doing his or her part. Those of us who served in combat would not have lasted long without others who kept us supplied with needed materiel—weapons, munitions; equipment, fuel, medical supplies, and food—or who equipped and directed the planes, artillery, and ships that rained bombs, missiles, and shells on the enemy. Thus, by honoring those who have been awarded medals for heroism

we are in no way forgetting or diminishing the contribution made by all who have faithfully served our nation as members of its armed forces.

Because we are honoring those whose names will be in the Hall of Heroes, it seems fitting to ask, ''What is a hero?'' The first time someone called me a hero, my reaction was, ''I am no hero. I just did my duty.'' As I have thought about it, however, maybe that is part of what a hero is. It is someone who puts duty above self—someone who exhibits selfless dedication to a noble cause.

Another characteristic of a hero is courage. But, what is courage? British author C.K. Chesterton aptly described courage as follows:

''Courage is almost a contradiction in terms. It means a strong desire to live taking the form of a readiness to die. 'He that will lose his life, the same shall save it,' is not a piece of mysticism for saints and heroes. It might be printed in . . . a drill book. The paradox is the whole principle of courage. . . . A soldier surrounded by enemies, if he is to cut his way out, needs to combine a strong desire for living with a strange carelessness about dying. He must not merely cling to life, for then he will be a coward, and will not escape. He must not merely wait for death, for then he will be a suicide, and will not escape. He must seek his life in a spirit of furious indifference to it; he must desire life like water and yet drink death like wine.

In combat, you have no future. You have no past. You have only the present. To survive, you must consider yourself already dead, and then fight with all that is in you to stay alive, and to keep alive those who are fighting alongside you.

I first learned this truism not long after I started flying as a crew chief on a Huey gunship. As a crew chief, my job was to maintain the helicopter and to be a door gunner when we were flying. One afternoon, as we were returning from a mission, I moved from my normal position literally two seconds before a 51-caliber round tore through my helicopter. Had I not moved, it would have hit me right in the Adam's apple, and would have taken my head off. There was no reason for me to have moved, other than the intervention of God.

I pondered that event for a little while. Before then, being killed in combat had been an abstract possibility. I now realized that as long as I was flying in gunships, being killed was a distinct probability. Perhaps what was most disconcerting was that the bullet came without any warning. It was like a bolt out of the blue. We were not even in a place where we were expecting enemy fire. I realized that on any given day, I could be killed by one bullet coming without warning out of nowhere. I concluded that I could either worry about dying and get ulcers, or simply choose not to worry about it. I chose the latter course. From that day on, I simply considered myself already dead. Those who have accepted their death need not fear it.

Certainly, those who willingly risk their lives in combat while fighting for our country are heroes. The people we are honoring today, however, did more than merely risk their lives. The military does not award medals for valor simply for risking one's life. That is expected in combat. I was on a Huey gunship during most of my two years in Vietnam. Our job was to find the enemy and engage them. We did not have any high-tech equipment to help us locate the enemy. Our most sophisticated electronics were our two-way radios. To find the enemy, we simply tried to be an attractive target so that they would shoot at us. We would fly as low as we could, sometimes only a few feet above the ground, over or near places where the enemy may be hiding, trying to draw their fire. Once the enemy opened fire, we would know where they were and could take them on. Having the enemy shoot at us was simply part of our job; it was all in a day's work. That is the same for anyone who serves in combat.

Those we are honoring today did not merely risk their lives in combat. They went far above and beyond the call of duty, putting then lives at extraordinary risk. They may have done so to rescue wounded or trapped comrades, or to accomplish the mission. Firefights are decided, battles are won, and victory is gained because of soldiers like these—who put themselves at extraordinary risk to save others, to accomplish the mission, and to defeat the enemies of freedom.

One of God's blessings upon this nation has been that throughout her history, in times of great trials, ordinary people have come forward and done extraordinary deeds. Today, we are honoring some of those people. On behalf of my fellow Americans, I thank them and I salute them.

## TRIBUTE TO A GOOD FRIEND AND LOYAL PUBLIC SERVANT, JAMES J. MANCINI

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SAXTON. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to one of my greatest friends and one of Ocean County's finest, Ocean County Freeholder and Long Beach Township Mayor James J. Mancini.

Upon hearing of his passing, I was deeply saddened, given the tremendous impact he had on my life and those he served in Ocean County. To say that Jim will be missed is an understatement; he touched the lives of so many around him and spent every day of his life helping others.

A champion for seniors and veterans, Mayor Mancini's dedication to his community and his genuine interest in reaching out to others was unparalleled. As one of Ocean County's best advocates for seniors, his commitment to providing retirees with quality health care was unwavering. Every chance he had, Jim worked to make life better for every senior who lived in Ocean County.

Additionally, as a Veteran of World War II, Mayor Mancini made it his top priority to work on behalf of our local veterans. In fact, as a result of his efforts, services to tens of thousands of veterans were increased and improved.

Many of us from south Jersey remember the two ''nor'easter'' storms in the early 1990's that severely damaged the beaches of Long Beach Island. As a result of the threat to property and lives, Mayor Mancini made it his mission to guarantee these beaches would be rebuilt.

After ten years of work—including securing 3 million federal dollars, 8 years of study and design, and overcoming hurdles that prevented new beach replenishment projects from starting—just yesterday we found out that Jim's long-sought after funding to begin replenishing Long Beach Island's beaches came to fruition. This funding was included in the House-passed final version of the 2004 Energy and Water Appropriations Bill.

How ironic. After more than a decade, the project was approved by the House of Representatives on the same day as Mayor Mancini's passing. Without his persistence, it likely would not have happened.

Beginning from his election as Mayor of Long Beach Township in 1964 to his serving as a State Assemblyman in the 1970s to his becoming an Ocean County Freeholder in the 1980's, Mayor Mancini lived his life to serve and help others, and his legacy will live on for many years to come.

Throughout my life, I have met few people as compassionate and as selfless as Jim Mancini; it was an honor and privilege to be his friend. I extend my deepest sympathies to Madeline Mancini and the rest of their family, and know we will remember this caring friend, wonderful father and grandfather, admired leader, and dedicated public servant for the rest of our lives.

## PAYING TRIBUTE TO DON SCHNEIDER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I pay tribute to Retired Lieutenant Colonel Don Schneider from Grand Junction, Colorado. Don has dedicated his life to the betterment of his family, country and community, and I am proud to call his contributions to the attention of this body of Congress here today.

Don moved to Colorado Springs, Colorado in 1959. Between 1959 and 1964, he accomplished a great deal. He attended the Air Force Academy, completed Airborne Jump School, Officer Training School, and earned a degree from the University of Denver, eventually working with Martin-Marietta on the Titan II missile program. In addition, Don met and married his wife Judy and had three wonderful children during this period.

After his training, Don was transferred to Tennessee, where he served as a navigator and instructor at Stewart Air Force Base. While stationed in Tennessee, Don acquired 2000 hours of flying time on deployments worldwide. Between 1970 and 1971, Don flew 180 combat missions in the Vietnam conflict. In a time of war, Don's patriotism and valor shone through, proving him a true hero. At war's end, Don's honorable service had earned him numerous decorations, including the Distinguished Flying Cross and the Meritorious Service Medal.

Following the war, Don was stationed in Myrtle Beach, where he was a pilot, safety officer, and instructor who trained a number of National Guard units, including the Colorado Air Squadron stationed at Colorado's Buckley Air Force Base. Don completed his service to the United States Air Force in 1985. After entering the private sector for some time, Don and his family moved to Grand Junction in 1998. In Grand Junction, Don has continued his service to his country. He currently serves as the President of the Western Colorado Chapter of Military Officers, and is an active member of the Order of the Dandelions, the Red River Valley Fighter Pilots Association and the Aircraft Owners and Pilots Association.

Mr. Speaker, I am proud to pay tribute to Don Schneider's courageous service before this body of Congress and this nation. His selfless desire to protect the freedom of all Americans is a reflection of his unwavering love for our country and his continued service to his community is further illustration of a lifetime of devotion to our nation. Thank you, Don, for your service.

## CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

### HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. TAUZIN. I rise to elaborate on the colloquy I had with Mr. Norwood during consideration of the conference report for H.R. 6 regarding section 1242 (relating to participant funding). Section 1242 (''Voluntary transmission pricing plans'') adds a new section 219 to the Federal Power Act. Under this section, any transmission provider (''TP''), regardless of whether the TP is a member of an RTO or ISO, is eligible to submit a transmission pricing plan to the FERC. In the case of a participant funding (''PF'') plan, the Federal Energy Regulatory Commission (''FERC'') must approve the plan if it meets the requirements of the section, regardless of whether a TP is in an RTO or ISO, because the native load customers of the TP should not be penalized by being compelled to pay for unneeded generator interconnection transmission upgrades.

The provision requires the FERC to approve a PF plan if the plan is just and reasonable and meets other requirements relating to cost responsibility and allocation. The rates referenced means rates as they affect the TP's shareholders and native load customers. The rate must not be so low as to be confiscatory of the TP-shareholder's property. At the same time, the rate must not unjustly shift costs to the TP's native load customers. The just and reasonable requirement here operates in the context of a clear policy choice by Congress in favor of PF where an application meets the other requirements of this section. The requirements of (b)(2)(B) constitute a limitation or channelling of the FERC's discretion within the bounds of the just and reasonable standard, which the courts have held does not require a specific formula, method, or single numeric result in any given case. In determining the zone of reasonableness, the FERC is required to comply with the policy of allowing PF as provided in (b)(2)(B).

PF ensures just and reasonable rates in three ways. First, the TP fully recovers (in charges assessed to all transmission customers) the costs of any monetary credits it must grant to the party requesting the upgrade. Second, PF protects consumers from bearing costs for facilities they do not need, by ensuring that the party causing the upgrade costs is assigned those costs. Third, rates are kept at reasonable levels by ensuring that generation and transmission are sited in an economically efficient manner.

Subsection (b)(2)(B) provides that the upgrade costs are ''assigned in a fair manner.'' The costs ''assigned'' or ''paid'' here means the costs initially allocated at the time of the upgrade. If a cost is assigned to the TP, the TP rolls that cost into its embedded cost rate base and recovers the entire cost in a transmission charge assessed to all its own transmission customers. If a cost is assigned to, or paid by, the requesting party, the requesting party makes a lump-sum payment at the outset, financed by whatever means the requester arranges. Subsequently, the requesting party pays the same embedded cost transmission charge assessed to and paid by any transmission customer—this charge is not considered a ''payment'' in this context.

Subsection (b)(2)(B)(i) means that if, at the time of the request, the native load customers had no need for the upgrade, they do not have to pay for it. The phrase ''such transmission service related expansion or new generator interconnection'' refers to the specific upgrade requested. Thus, if the TP would not have built the same upgrade at the same time to serve its own customers, such customers should not have to pay for it. The phrase ''would not have required'' means that, at the time the upgrade is requested, the native load customers would not have needed the upgrade to reliably meet their load. Projected or hypothetical future ''needs'' or other ''benefits'' in no way qualify as upgrades required by these customers for the purposes of this provision.

Going forward, the requester would be charged the same embedded cost transmission service charge as any other transmission customer—a charge that includes the cost of any monetary credit (as it is used) or any other item in the embedded cost ratebase. This point is made clear in subsection (b)(2)(B)(iii)(I), which provides that a monetary credit would be ''against the transmission charges that the funding entity or its assignee is otherwise assessed [by the TP].''

Clause (ii) is a clarification of precisely what costs are assigned in the up-front allocation of the upgrade costs. Clause (ii)(I) references the requirement that the requesting party ''pay for'' the ''assigned'' cost of the upgrade as set forth in clause (i). This language means that the requesting party makes a lump sum payment at the time of the upgrade for the costs of constructing the upgrade and any costs associated with completing the upgrade. Clause (ii)(II) makes clear that the requester is not also assigned, as part of this initial, lump-sum payment, certain future costs, resulting from the upgrade, that are later' included in the TP's embedded cost rate base. The initial cost of the ''physical'' upgrade is not directly or immediately included in the embedded cost because the upgrade itself is paid for (assigned to) up front by the requesting party. The term ''embedded cost'' is a term of art typically defined as funds already expended for investment in plant and operating expenses, as shown on the utility's books.

The physical upgrade does not immediately qualify as a cost of ''plant'' because the TP has not been assigned the cost in the initial upgrade—such cost is paid for in the initial cost assignment by the requester, not by the TP. The ''cost of the requested upgrade'' does, however, enter the TP's embedded cost basis in the form of any monetary credit given to the requester as compensation for the requester's initial payment. Because this credit is a credit against the transmission charge assessed to the requester, it is revenue foregone by the TP that must be recovered in the TP's rolled-in transmission rate. This cost is included in the TP's embedded cost charge to all transmission customers each billing period in the form of the cost of the monetary credit. Every transmission customer's rate (including the requester's) includes the cost of such credit. The difference for the requester is that he gets a credit against the same embedded cost transmission rate as charged to all transmission customers. Clause (ii)(II) means that, in the initial cost assignment, the requester does not also pay up front for the future rolled-in cost of the monetary credit. In the initial cost assignment, the requester pays only once for the transmission upgrade—and, under a PF plan using the monetary credit approach of (iii)(1), he gets full compensation for that lump sum payment in the form of the monetary credit over a 30 year period. In this lump-sum, up-front cost allocation, the requester does not have to pay for the upgrade twice by paying in advance for the monetary credit cost of the upgrade. For clarity, subclause (II) is expressed as a formula. The ''difference'' between the embedded cost including the upgrade and the embedded cost absent the upgrade equals the total cost of credits associated with the upgrade. Subclause (ii), in other words, means that the requester does not, in the up-front cost allocation, need to pay for both the cost of building the upgrade and the future cost of the credits needed to compensate it for that payment.

Subsequent to the initial cost allocation, the requester, like any other transmission customer, is assessed a standard transmission service charge for accessing the transmission system. It is against this service charge that any monetary credit under (iii)(I) is applied. Nothing in the provision prevents the TP from rolling the cost of the monetary credit into the embedded cost transmission charge for the use of the system—a charge that all transmission customers must pay as they take service. Clause (ii)(II) does not say or imply that the requester should not have to pay a transmission charge for the use of the system. Such a misreading would result in an unjust and unreasonable confiscation of utility-shareholder property, as well as an absurd departure from the FERC policy requiring all transmission customers to pay an access charge derived from the embedded cost of the system, including the cost of any credits given as the requester is assessed transmission charges. In other words, the provision is not intended to give the requester a double credit or double compensation (i.e., a discounted transmission rate on top of a credit or other compensation).

Conversely, the fact that the requester is assessed this charge (including the portion of the charge attributable to the cost of the monetary credit) in no way means that the requester is having to ''pay twice'' for the upgrade, because the transmission service charge is entirely separate from the cost allocation provided for in clause (ii). The requester pays for the upgrade in advance, and in exchange receives the credit or rights. By contrast, the requester is assessed a transmission charge in exchange for accessing the transmission system. Thus, this is not so-called ''and'' pricing.

Clause (iii) provides that the requester over time shall receive a form of compensation for its up-front, lump-sum payment. This compensation may be in the form of a monetary

credit of equal value, or financial or physical transmission rights, or another form of compensation proposed by the TP. Under (iii)(I), the requirement that the crediting period be ''not more than 30 years'' means that, so long as the crediting period proposed in the plan is 30 years or less, the FERC has no discretion to require that the crediting period be different from the proposed period.

The term ''full compensation'' in clause (iii) generally means that the requester gets appropriate compensation in exchange for making the up-front payment for the upgrade. In the case of a monetary credit under (iii)(I), this compensation is specifically identified as being ''equal'' to the cost of the participant funded facilities (spread over 30 years). In the case of the ''financial or physical rights'' option under (iii)(II), the compensation need not be quantified in terms of an amount equal to the cost of the upgrade. For example, in the case of a market using locational marginal pricing (''LMP''), such amount need not (and cannot) be calculated in advance. Nevertheless, such property rights resulting from the expansion are of great benefit to the requester as a hedge against paying potential congestion charges in the future. Thus, they are appropriate compensation. Subclause (III) gives the TP the option of proposing a different form of compensation. It does not give FERC discretion to require a different form of compensation when the TP proposes a monetary credit under subclause (I) or appropriate rights under subclause (II).

To ensure that native load consumers are protected from paying for facilities they do not need, I urge my colleagues in the House and Senate to vote for the conference report.

## HONORING OUR FALLEN HEROES STAFF SGT. LINCOLN HOLLINSAID, CAPT. RYAN BEAUPRE AND PVT. SHAWN PAHNKE

### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. WELLER. Mr. Speaker, I rise today to commend the heroic actions of three service members from the 11th Congressional District of Illinois who gave the ultimate sacrifice of their life to the defense of our Nation. Army Staff Sgt. Lincoln Hollinsaid of Malden, Marine Capt. Ryan Beaupre of St. Anne and Army Pvt. Shawn Pahnke of Manhattan each served proudly and bravely.

Today, I am introducing legislation to honor their sacrifice by naming each of their hometown post offices in their name and I urge my colleagues to support these bills.

The Malden, Illinois post office would be named after Army Staff Sgt. Lincoln Hollinsaid, age 27. Staff Sgt. Hollinsaid was an engineer with the U.S. Army Third Infantry Division. He was killed April 7, 2003 while operating a crane to help clear a path allowing U.S. Army forces to penetrate the grounds of the Bagdad Airport and capture this key facility. Lincoln loved fishing, four-wheeling in his truck and was also a self taught guitar player.

The St. Anne, Illinois post office would be named after Marine Capt. Ryan Beaupre, age 30. Capt. Beaupre was a helicopter pilot with the U.S. First Marine Expeditionary Force. He was killed March 20, 2003 while piloting a CH–46 Sea Knight helicopter in Kuwait, nine miles from the border with Iraq. Ryan enjoyed competing in cross-country and track. He was also a volunteer at ''Home-Sweet-Home'' mission, a homeless shelter and transitional housing program.

The Manhattan, Illinois post office would be named after Army Pvt. Shawn Pahnke, age 25. Pvt. Pahnke was a main battle tank crewman with the U.S. Army First Armored Division's First Brigade. He was killed June 16, 2003 while patrolling Baghdad in a Humvee. Shawn enjoyed playing baseball. He was also a husband and a father of a new born son.

Naming the Malden, St. Anne and Manhattan post offices after these brave soldiers is a fitting tribute to remember each of their lives, their service and the sacrifices of their families and their communities.

When we lose a soldier, it is a terrible loss for their families and for our Nation. Hardships are also felt by every family of those who are abroad who not only miss their loved ones, but may be having a difficult time making ends meet. The members of the armed forces are giving greatly to defend and protect our Nation, and we owe them an enormous debt of gratitude.

America's soldiers serve our country with honor. I hope that you will join me in honoring these soldiers who gave so much to our country.

On a personal note, my heart and prayers go out to all those who have sacrificed for this ongoing war on terror, and I urge my colleagues to support these fitting bills.

## PERSONAL EXPLANATION

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 620, 621, 622, 623, had I been present, I would have voted ''yea.''

## CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. ETHERIDGE. Mr. Speaker, I rise today to vote against the conference report to H.R. 6, the Energy Policy Act of 2003.

It is a sad day in America for today Congress has passed up an historic opportunity to craft an energy policy for the 21st century. The legislation we are voting on could have been an honest, bipartisan effort to halt America's growing dependence on fossil fuels for energy. It could have been focused on new technologies, energy efficiency, renewable energy, and the research and development that could produce the breakthroughs that would power the world of tomorrow. Instead, this bill is stuck in the past. Modeled after the energy plan developed by Vice President CHENEY'S secret energy committee, H.R. 6 reflects the philosophy that there is no energy problem that cannot be solved with another oil well.

I have no objection with supporting some new or additional oil and gas exploration or production because, until we develop the energy alternatives of the future, we must continue to meet our oil and gas needs. However, it must be done responsibly. Sacrificing environmental protection for petroleum production is not responsible. Exposing our great natural treasures, especially the North Carolina coastline, to exploitation and possible degradation is not responsible. And placing the vast majority of economic incentives that H.R. 6 offers toward more fossil fuel production, instead of energy efficiency and research into new technologies, is not responsible.

H.R. 6 provides $23.5 billion in tax breaks over the next 10 years, the majority of that for oil and gas production. That's billions in tax breaks for energy companies paid for by our children and grandchildren. I could support some tax incentives for new sources of energy, but this Administration's economic record has already created a more than $400 billion budget deficit. I cannot support more debt for future generations to pay off. The Senate version of the energy bill offered ways to pay for these tax breaks, but the Republican leadership struck them. Why are the Republicans so opposed to fiscal responsibility?

Not all of the bill's provisions are bad. I am pleased with the provisions on ethanol. They will provide new markets for corn growers and help reduce harmful emissions. The ban on the fuel additive methyl tertiary butyl ether (MTBE) will also help ethanol users while keeping more MTBE from seeping into the Nation's water supply. But H.R. 6 provides liability protection for MTBE manufacturers. So when somebody gets sick because their products got into the water supply, these companies cannot be held accountable. That's just plain wrong.

Like the Vice President's energy plan, this bill was developed by Republican leaders behind closed doors without concern for the needs of consumers. Republicans are demanding that this House vote on a 1000+ page bill after having less than a day to review it. How many of our constituents would sign a 1000 page contract after having barely a day to read it? None. That's why organizations like the Carolina Utility Customers Association—composed of North Carolina companies like Bayer Corporation, GlaxoSmithKline, Lorillard Tobacco, and R.J. Reynolds Tobacco—oppose H.R. 6. To quote their letter, ''While H.R. 6 contains positive aspects, the fact remains that many questions need to be asked and adequately answered before this bill is passed. It is simply unwise to hastily pass a bill without fully understanding its impact.''

Unfortunately, the Republican congressional leadership wasted an opportunity to develop a prudent energy policy. I must oppose H.R. 6.

## PAYING TRIBUTE TO JAMES FUNK

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of James Funk who recently

passed away at the age of 85. Jim was a pillar of the Hayden, Colorado community, and as his family mourns their loss, I think it is appropriate that we remember Jim's life and celebrate his contributions to our nation today.

Jim, a native Coloradan, grew up in various towns in the mountains of the West. He lived in Steamboat Springs, Hayden, and McCoy. Following high school, Jim answered his country's call to duty and served in the United States Army for four years. In 1947, Jim married Avis Hooker, his wife of 56 years.

Throughout his life, Jim was active in numerous community groups, including the Farm Bureau, the Upper Yampa River Water Conservancy Board, the Hayden School Board, and the Routt County Planning Commission. He was a member and former Commander of the Hayden American Legion Post and a member of the Hayden Congregational Church. In addition, Jim was instrumental in organizing the West Routt Fire Protection District. Despite his busy schedule, Jim managed to be a loving father, husband and friend.

Mr. Speaker, James Funk's dedication and selflessness certainly deserve the recognition of this body of Congress. It is my privilege to pay tribute to him for his contributions to the community of Hayden and our nation. I would like to extend my thoughts and deepest sympathies to Jim's family and friends during this difficult time of bereavement.

## CONFERENCE REPORT ON H.R. 6, ENERGY POLICY ACT OF 2003

SPEECH OF

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. CAMP. Mr. Speaker, I rise in support of H.R. 6.

We have pushed for and promised a new national energy policy for a decade, and it is time we deliver on that promise; a promise that tells our families they won't be left out in the cold due to skyrocketing home-heating bills, a promise that tells the American worker that an unstable and unaffordable energy supply won't force employers to reduce benefits or eliminate jobs, and a promise that tells our children that they will be able to live and grow in a clean, healthy environment.

It is on that last point, encouraging the development of environmentally friendly energy, that I rise today. Transportation accounts for more than 75 percent of total oil consumption in the United States. Accelerating the use of fuel-efficient technologies and cleaner burning fuels by the auto industry will have a profound impact on safeguarding our health and our environment.

The high costs of new technologies, however, have stalled progress in the past. And, as California's experiment with electric engines quotas proved, top-down, government-driven reforms do not work. We cannot expect results if the expectations and demands of consumers are not met. This energy bill puts consumers in the driver's seat for developing technology, and will create a sustainable effort to improve fuel efficiency and reduce pollution.

By providing tax credits directly to consumers, this bill will help offset the thousands of dollars added to the ticket price of a hybrid or alternative fuel vehicle. Without these incentives, up to $3,400 for the purchase of a hybrid vehicle and up to $8,000 for a fuel cell vehicle, we will not change the status quo.

The energy bill compromise is not only fair and balanced; it is a major step forward for our country. By providing a more stable, affordable supply of energy, it will protect and create hundreds of thousands of jobs, save families money, and reduce pollution.

## PERSONAL EXPLANATION

### HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. COLLINS. Mr. Speaker, I was not present for rollcall vote 634, the Captive Wildlife Safety Act (H.R. 1006); rollcall vote 635, Expressing the sense of Congress regarding the importance of motorsports (H. Con. Res. 320); rollcall vote 636, National Museum of African-American History and Culture Act (H.R. 3491); rollcall 637, Berkley Motion to Instruct Conferees; rollcall 638, Mutual Fund Integrity and Fee Transparency Act (H.R. 2420); rollcall 640, Honoring the victims of the Cambodian genocide (H. Con. Res. 83); rollcall 641, Honoring the Seeds of Peace (H. Con. Res. 288); rollcall 642, Commending Afghan Women (H. Res. 393); rollcall 643, Recognizing the Fifth Anniversary of the signing of the International Religious Freedom Act (H. Res. 423); and rollcall 644, Fairness to Contact Lens Consumer Act (H.R. 3140).

Had I been present, I would have voted ''yea'' for rollcall votes 634, 635, 636, 638, 640, 641, 642, 643, and 644. I would also vote ''nay'' for rollcall vote 637.

## UNITED KINGDOM FREE TRADE AGREEMENT RESOLUTION

### HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SOUDER. Mr. Speaker, I rise today to introduce a resolution expressing the sense of Congress that the President of the United States should enter into a free trade agreement (FTA) with the United Kingdom of Great Britain and Northern Ireland.

The United States and the United Kingdom share one of the closest and most unique cultural, economic, strategic relationships of any two countries in history. Our nations are based on the rule of law. We share a common history, language, and love of freedom and liberty. Our military alliance liberated Europe from Adolf Hitler and removed Saddam Hussein from power in Iraq. The entrepreneurial spirit of Americans and Britons is evident in the economic power our countries have exerted for over two hundred years.

I believe that it is no accident that two of the most freedom-loving countries on earth have also been the most economically successful countries. The independence and liberties Americans and Britons enjoy politically have transferred themselves to an economic freedom to invent, innovate, and trade.

Unfortunately, that freedom to trade is often hindered by barriers and tariffs. Some barriers give unfair advantage to goods through artificially lower prices. Other barriers try to protect domestic industries, sometimes delaying much needed innovation.

Countries that open their domestic markets, remove barriers to foreign direct investment, and promote free enterprise improve the lives of their citizens. The US and the UK should encourage open markets because limiting the availability of goods or increasing the final price paid by consumers can directly inhibit consumer freedom and reduce consumer welfare.

As the largest economy in the world, the United States should lead the movement for free trade because free trade boosts our economy. An International Trade Commission report estimates that the elimination of tariffs between the United States and the United Kingdom would result in an 11 percent to 16 percent increase in American exports to the United Kingdom.

The economic relationship between the US and UK is one of the largest trading relationships in the world. Direct foreign investment flowing between our countries totals nearly $400 billion—the largest such relationship in the world. British investment in the United States helps to sustain over 1 million American jobs.

In my home state of Indiana, there are 141 British companies doing business, including Rolls Royce and Smith Industries. These companies provide 36,000 Hoosiers with jobs. Furthermore, major Indiana companies such as Eli Lilly, Great Lakes Chemical, Biomet, and Lincoln National Corporation have substantial interests in Great Britain.

In the past few years the United States negotiated or is negotiating FTAs with a number of countries. Yet, the United Kingdom is not one of those countries. Given the depth of our relationship and that exports could increase 11 percent to 16 percent, it seems natural for Americans to push for this FTA. Increasing trade will help workers in Indiana and throughout the United States.

Furthermore, as the European Union continues to tighten its control over member states, the days when the United Kingdom is free to set its own trade policy and negotiate its own trade agreements may be numbered. A proposed EU constitution will potentially put more power in the hands of bureaucrats in Brussels rather than London.

Also, given the recent anti-American sentiment running through much of continental Europe, it is highly probable that those in control of the EU will use the organization to stymie US economic interests. The United States must take this opportunity to protect its trade with Great Britain and to help Great Britain protect its right to trade with whomever it wants, however it wants.

In an amendment offered by Senator MITCH MCCONNELL of Kentucky to its Fiscal Year 2004 budget resolution, the United States Senate expressed its support for an FTA with the United Kingdom (S. Con. Res. 23). It is time the House of Representatives expresses its support too.

## PAYING TRIBUTE TO EDGAR STOPHER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay tribute to the life of Edgar Stopher who passed away recently at the age of 93. Edgar was a pillar of our Colorado community, and as his family mourns their loss, I think it is appropriate that we remember his life and celebrate his contributions to our nation today.

Edgar was born in Loveland, Colorado in 1909. After his graduation from high school in 1929, Edgar continued his education at the University of Colorado, where he earned a bachelors degree in 1932. During World War II, Edgar answered his country's call to duty and served in the United States Air Force. By war's end Edgar had achieved the rank of Major and was awarded numerous decorations.

Following the War, Edgar moved to Estes Park, where he became the General Manager of the Stanley Hotel. In 1970, he joined the Sheraton Corporation as General Manager of the French Lick Springs Hotel in Indiana. Edgar's position with the Sheraton ultimately led to his relocation to Steamboat Springs, where he became the manager of the Sheraton Hotel there. He retired from that position in 1985.

Edgar was active in volunteer work in every Colorado community in which he lived. He was a member of the Chamber of Commerce, President of the Board of Education and also gave his time to the Masonic Lodge.

Mr. Speaker, Edgar Stopher's dedication and selflessness certainly deserve the recognition of this body of Congress. It is my privilege to pay tribute to him for his contributions to the State of Colorado and our nation. I would like to extend my thoughts and deepest sympathies to Edgar's family and friends during this difficult time.

## TEXAS TROOPS IN IRAQ

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay tribute to the brave men and women of our Armed Forces and especially to honor those who have bravely fought and given their lives in Iraq.

Texans have a long history of serving in our military, and the same holds true today in Iraq.

There have been more men and women from Texas who have given their lives in Iraq, than from any other State other than California.

Since the U.S. launched its first airstrike in Iraq, 273 Americans have been killed in hostile action; 158 of those deaths coming after the President declared major combat to be over on March 1.

As of Friday, the Defense Department knew of 34 Texans who had been killed serving their country in Iraq.

Our hearts go out to the family members of these individuals who have made the ultimate sacrifice for their country:

Sgt. Edward Anguiano, 24, of Los Fresnos, was killed in action on March 23;

Chief Warrant Officer Andrew Arnold, 30, of Spring, was killed in action on March 22;

Spc. Richard Arriaga, 20, of Ganado, was killed in an action on September 18;

Sgt. Michael Barrera, 26, of Von Ormy, was killed in action on October 28;

Staff Sgt. Gary Collins, 32, of Hardin, was killed in action on November 8;

Capt. Eric Das, 30, of Amarillo, was killed in action on April 7;

Pvt. Ruben Estrella-Soto, 18, of El Paso, was killed in action on March 23;

Master Sgt. George Fernandez, 36, of El Paso, was killed in action on April 2;

Pvt. Robert Frantz, 19, of San Antonio, was killed in action on June 17;

Spc. Rodrigo Gonzalez-Garza, 26, of Texas, was killed in action on February 25;

Pfc. Analaura Esparza-Gutierrez, 21, of Houston, was killed in action on October 1;

Chief Warrant Officer Second Class Scott Jamar, 32, of Granbury, was killed in action on April 2;

Staff Sgt. Phillip Jordan, 42, of Brazoria, was killed in action on March 23;

Cpl. Brian Kennedy, 25, of Houston, was killed in action on March 21;

Spc. James Kiehl, 22, of Comfort, was killed in action on March 23;

Chief Warrant Officer Johnny Mata, 35, of Amarillo, was killed in action on March 23;

Cpl. Jesus Medellin, 21, of Fort Worth, was killed in action on April 7;

Sgt. Daniel Methvin, 22, of Belton, was killed in action on July 26;

Pfc. Anthony Miller, 19, of San Antonio, was killed in action on April 7;

Sgt. Keelan Moss, 23, of Houston, was killed in action on November 2;

Spc. Joseph Norquist, 26, of San Antonio, was killed in action on October 9;

Staff Sgt. Hector Perez, 40, of Corpus Christi, was killed in action on July 24;

Second Lt. Jonathan Rozier, 25, of Katy, was killed in action on July 19;

Cpl. Tomas Sotelo, Jr., 20, of Houston, was killed in action on June 27;

Spc. James Wright, 27, of Morgan, was killed in action on September 18;

Pfc. Stephen Wyatt, 19, of Kilgore, was killed in action on October 13;

Pfc. Chad Bales, 20, of Coahoma, died on April 3.

Spc. Zeferino Colunga, 20, of Bellville, died on August 6.

1st Sgt. Joe Garza, 43, of Robstown, died on April 28.

Spc. John Johnson, 24, of Houston, died on October 22.

Spc. Christian Schulz, 20, of Colleyville, died on July 11.

Spc. Joseph Suell, 24, of Lufkin, died on June 16.

Sgt. Melissa Valles, 26, of Eagle Pass, died on July 9.

Sgt. Henry Ybarra, 32, of Austin, died on September 11.

These men and women gave their lives defending their country and fighting to liberate a country that has never experienced freedom.

Our thoughts and prayers go out to the family and friends of these individuals.

They served their country bravely, and they will forever be remembered as heroes.

## INTRODUCTION OF THE WILSON-TOWNS HEPATITIS C EPIDEMIC CONTROL AND PREVENTION ACT

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. TOWNS. Mr. Speaker, I rise today to urge my colleagues to join me in support of the Wilson-Towns Hepatitis C Epidemic Control and Prevention Act, which I have introduced today with Representative WILSON of New Mexico.

The virus which causes Hepatitis C was first identified in 1989. Currently, about 4 million people in the United States are believed to have the Hepatitis C virus. However, exact figures are not available because of the stealthy nature of this virus. Often called the ''silent epidemic,'' people infected with the Hepatitis C virus can be virtually symptom-free for decades before realizing that life-threatening damage has occurred. Unfortunately, to date, there is no vaccine to prevent this disease.

When this virus first appeared, it was believed that only intravenous drug users were at risk. However, today we know that this disease is no respecter of persons. People from all walks of life have become victims of this virus. Our young people are particularly at risk because tattoos and body piercings have become the fastest growing mode of transmission for Hepatitis C. Many young people are unwittingly putting themselves at risk for contracting this disease. We must provide them with information which will enable them to make informed decisions about this risk.

Mr. Speaker, this bipartisan effort, which is modeled after a bill introduced on the Senate side by Senators KAY BAILEY HUTCHISON of Texas and EDWARD KENNEDY of Massachusetts, will direct the Secretary of Health and Human Services to establish, promote and support a comprehensive prevention, research and medical management referral program for persons suffering from the Hepatitis C virus. If passed, this bill will represent the first federal effort to provide a strategic approach to combat this disease.

Mr. Speaker, this disease has affected almost 2 percent of the population of this country. We must take concrete action now before many more are needlessly subjected to this virus. Let us not miss this opportunity to avert this potential public health threat. I urge my colleagues to support this bill.

## CONGRATULATIONS, DR. ANDREW BELSER

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Dr. Andrew Belser of Juniata College on receiving the prestigious Pennsylvania Professor of the Year award and to thank him for the dedication and guidance with which he has provided his students.

Since 1981, the United States Professors of the Year program has rewarded outstanding professors for their invaluable work. It is the only national program to recognize college and university professors for their teaching skills, and thus, this award is a testament to Dr. Belser's commitment to his students and the dedication to teaching upon which he prides himself.

Since 1997, Dr. Belser has inspired and directed Juniata College students to study and perform to the best of their abilities. He teaches the importance of maintaining tremendous discipline, technique and skill while making theater, which is a valuable lesson that will influence and guide these students in every endeavor. An experience in the arts, such as the

one that Dr. Belser provides, contributes greatly to one's personal growth as well as the growth of the community.

Dr. Belser commands a very influential and central role in the construction of the Regional Performing Arts Center, the new theater complex at Juniata College. He has used his expertise not only to teach and enliven his students, but to entertain and educate the surrounding community as well. Dr. Belser's dedication and loyalty to the arts is uncommon in the technologically focused world we live in today, but without such invigorating mentors people would lose the rich culture that influences every action and inspires every thought.

I congratulate Dr. Andrew Belser on this great honor and hope that he continues to spread his wisdom and passion for many years to come.

## PERSONAL EXPLANATION

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. GUTIERREZ. Mr. Speaker, I was also unavoidably absent from this Chamber on June 3, 2003. I would like the RECORD to show that, had I been present, I would have voted ''yea'' on rollcall vote 232. On June 9, 2003, I was absent from this chamber and I would like the RECORD to show that, had I been present, I would have voted ''yea'' on rollcall votes 249, 250, and 251. I was also absent from this Chamber on June 11, 16 and 19, 2003, and would like the RECORD to show that, had I been present, I would have voted ''nay'' on rollcall vote 257 and ''yea ''on rollcall votes 258, 259, 260, 261, 276, 277, 278, and 294.

On June 24, 2003, I was also absent from this Chamber and would like the RECORD to show that, had I been present, I would have voted ''nay'' on rollcall vote 305.

## PERSONAL EXPLANATION

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. ORTIZ. Mr. Speaker, due to inclement weather and travel delays from my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 624: ''yes''; rollcall No. 625: ''yes''; rollcall No. 626: ''yes''; rollcall No. 627 ''yes.''

## PAYING TRIBUTE TO SAM MAYNES

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. MCINNIS. Mr. Speaker, it is my honor to rise and pay tribute to my friend Sam Maynes. Sam has dedicated his life to advocating for the empowerment of those less fortunate. He is a tremendous attorney, husband, father, and friend. As Sams's 70th birthday approaches, I would like to call attention to his many contributions to the Colorado community.

Sam is the senior partner of the Durango law firm of Maynes, Bradford, Shipps and Sheftel. Formed in 1961, Sam's firm is general counsel for the Ute Indian Tribe, and special counsel for the Ute Mountain Tribe. Sam is also one of the foremost experts in water law in the United States. He is general counsel for the Southwestern Water Conservation District in Colorado and was instrumental in working to reach a compromise to make the Animas La Plata water project possible. As an attorney, Sam redefines the phrase 'zealous advocacy.' He is renowned for fighting ferociously for what he believes in. Sam is a man of conviction, and principle, when his morals dictate a position for one of his clients; he is willing to go to the ends of the earth to assure that justice prevails.

Sam's ferocious advocacy has earned him many accolades. He is the recipient of the United States Bureau of Reclamation Citizen Award, the Wayne N. Aspinall Water Leader of the Year Award, the Distinguished Achievement Award from the University of Colorado Law School, and the Citizen of the Year Award from the Durango Area Chamber Resort Association. In addition, Sam was named an Honorary Order of the Coif by the University of Colorado School of Law. Sam's many recognitions are a testament to his talent, conviction and integrity. The State of Colorado is truly a better place as the result of Sam's contributions.

The year since Sam's last birthday has been a trying one. Last winter, Sam lost his wonderful wife Jacqueline to multiple sclerosis. Jacqueline was Sam's ''angel'' and the mother of his four tremendous children. However, even after her death, Sam approaches each day with the knowledge that Jacqueline is there with him as he fights for those who need his help. Despite these tribulations, Sam still displays a playful zest for life each day. Those who visit Sam in his office are often treated to a piece of Sam's famous homemade apricot brandy pound cake while they are amused by Sam's charm, humor and contentment. Sam is truly a magnificent person.

Mr. Speaker, it is my privilege to come before Congress to pay tribute to a man who has dedicated his life to the ''under dog.'' Sam's life is the embodiment of all that makes this country great and I consider it an honor to be his friend. Happy Birthday, Sam.

## NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE ACT

SPEECH OF

### HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. KINGSTON. Mr. Speaker, I rise in support of this bill and encourage all of my colleagues to support this long overdue museum.

I would like to thank Chairman NEY, Mr. LARSON, Chairman LATOURETTE, Ms. HOLMES-NORTON for their diligence in improving this bill and bringing it before us today. It has been a pleasure working with each of you and your staffs.

I would especially like to thank my colleague from Georgia, Mr. LEWIS, for his tireless efforts over the years to ensure that a National Museum of African American History and Culture will be added soon to our Smithsonian Institution. This project would not be as close as we are today without him, and I am proud to be a part of it.

Mr. LEWIS, thank you for your steadfast commitment and leadership on this issue and for allowing me to work with you on it.

Mr. Speaker, the time has come for a dedicated, national museum to celebrate African American culture, experience, and history.

The history and culture of African Americans is our history and culture. When we learn that history—the good and the bad, the tragic and the inspiring—we learn about ourselves. By understanding our common past we can begin to envision a brighter future.

Bringing this museum into our national memory at the Smithsonian Institution is the right thing to do. And bringing this museum to a prominent and fitting home in our Nation's Capital is also the right thing to do.

There are many issues surrounding this museum which I believe have been fairly addressed by this bill. We have tried to closely follow the model recently adopted for the Native American Museum currently under construction. Issues regarding museum governance and cost sharing, for example, follow this model.

We ensure this is a true partnership with the private sector and the public at-large by capping Federal contributions at 50 percent.

We ensure the historical integrity of the project by fully integrating this museum into the Smithsonian system.

We ensure the project fits into our Nation's Capital by preserving the consultative role of the National Capital Planning Commission.

The one point that has been made many times throughout this process was that a specific site for this museum should be decided now. The Presidential Commission, authorized by the Congress, recommended five sites within the District of Columbia, four of which are included as options in this bill. Each of these sites has significant benefits as well as drawbacks. I strongly believe that is critical to the timely success of this project that a final, achievable and suitable site is agreed upon as soon as possible.

To that end, all the members who have worked so hard on this bill agreed to drop consideration of a site on the Capitol grounds which would have likely resulted in many years of further delay with no promise that the site could ever be made compatible with Capitol security and overall development plans.

This bill and this museum can serve a valuable purpose in furthering our national dialogue on race. I know that it is the intention of everyone associated with this bill to see this project move forward in a spirit reconciliation and not recrimination. I know we all believe this effort is about seeking the truth of our common history without malice. I am confident we all share the view that this museum must be a place to bring all Americans closer together and that it not be allowed to become a taxpayer subsidized headquarters for angry activists or the domain of politically correct historical revisionists. I hope that all of us here today, and those of us who will be here in the future, will remain committed to this museum in the spirit of truth, reconciliation, and respect with which we take this action here today.

Mr. Speaker, expanding our national treasure, the Smithsonian Institution, to include the National Museum of African American History and Culture is a tremendous opportunity to remember our past while looking forward our common future. I encourage all my colleagues to vote in favor of this bill.

## URGING THE PRESIDENT TO PRESENT THE PRESIDENTIAL MEDAL OF FREEDOM TO HIS HOLINESS, POPE JOHN PAUL II

SPEECH OF

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mr. STUPAK. Mr. Speaker, I rise to honor His Holiness Pope John Paul II as Roman Catholics throughout the world celebrate his Silver Jubilee anniversary this year.

The resolution before us, H. Con. Res. 313, recognizes the Pope for his enduring and historic contributions to human dignity and peace and urges President Bush to present him with the Presidential Medal of Freedom.

I can think of no more fitting a tribute to Pope John Paul II, our first ever non-Italian pope, in honoring his 25th year as Bishop of Rome and Supreme Pastor of the Catholic Church. His service began on October 22, 1978.

As the spiritual leader of more than one billion Catholic Christians worldwide, including 66 million in the United States alone, the resolution memorializes the gratitude of many. During his tenure he has visited more than 125 countries and traveled more than 750,000 miles making unprecedented contributions to the freedom of the world community.

The Holy Father's remarkable work has been globally reaching—from his diplomatic leadership toward the peaceful liberation of his Polish homeland and demise of the Soviet empire, to his promotion of human rights in rogue nations, to his efforts to heal historic divisions between the Catholic Church and other worldwide religions.

Mr. Speaker, whether you are Catholic or not, no one can deny the significant impact Pope John Paul II has made on world peace and freedom. His efforts have improved the lives of Christians and non-Christians alike.

I urge my colleagues to support this special resolution for the honored accomplishments of His Holiness Pope John Paul II—a positive inspiration to Catholics and all humankind.

## ESTABLISHING NATIONAL AVIATION HERITAGE AREA

SPEECH OF

### HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 280, legislation to create the National Aviation Heritage Area and urge my colleagues to support its passage. H.R. 280 includes as one of its sections, my bill, H.R. 1594, to provide for a suitability and feasibility study of establishing a St. Croix National Heritage Area in the United States Virgin Islands.

The island of St. Croix has a long, distinguished, and varied history, including being the site where Christopher Columbus first stepped onto what is now American soil. There is significant interest in preserving and enhancing the natural, historical and cultural resources of the island on a cooperative basis and such a study would provide guidance on how we can best achieve those purposes.

National Heritage areas are places where natural, cultural, historical and recreational resources combine to form a nationally distinctive landscape arising from patterns of human activity shaped by geography.

While each island can make a good case for designation, the island of St. Croix with its two historic towns—Christiansted built in 1734 and Frederiksted built in 1752—is richly blessed with all of the attributes that would justify this designation.

The town's historic architecture matured over a 100-year period. The town of Christiansted is one of the finest examples of Danish architectural designs in this hemisphere. Its history can be traced back some 4,000 years to 2500 BC.

In 1493 Columbus arrived at what is now the Salt River National Historic Park and Ecological Preserve, making it the only site under the American flag where his men went ashore, as well as the first recorded hostile encounter between Europeans and Native Americans.

Frederiksted has the distinction of having been the first jurisdiction to have raised its flag in salute of the new republic of the United States of America, and indeed the first designed flag was done by a resident of that island.

Among the many strong ties of great national significance between St. Croix and the United States, perhaps the most significant one is that this island was the boyhood home of Alexander Hamilton, and where he began to develop the skills employed as the first Secretary of the Treasury of this country.

I want to thank Full Committee Chairman POMBO, Ranking Member RAHALL as well as Subcommittee Chairman RADANOVICH for their support is getting H.R. 1594 and H.R. 280 to the floor of the House today.

My colleagues, H.R. 1549 is a good bill, which could serve as a catalyst for reinvigorating the lagging tourism sector on St. Croix. I urge its adoption.

## INCREASING THE WAIVER REQUIREMENT FOR CERTAIN LOCAL MATCHING REQUIREMENTS TO AMERICAN SAMOA, GUAM, THE VIRGIN ISLANDS, OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

SPEECH OF

### HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 18, 2003*

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 1189, to increase the waiver requirement for certain local matching requirements for grants to American Samoa, Guam, the Virgin Islands or the Commonwealth of the Northern Mariana Islands. I want to commend my colleagues ENI FALEOMAVAEGA and MADELEINE BORDALLO for introducing the bill, which would increase the matching waiver requirement for the first time in twenty years.

Last year the Resources Committee unanimously passed a similar bill jointly sponsored by our former colleague from Guam Robert Underwood, ENI FALEOMAVAEGA and myself and I'm pleased that we are once again taking this action.

Mr. Speaker, as I indicated, it has been nearly twenty years since this law has been revisited. While territorial economies have improved each government, particularly my own, the government of the U.S. Virgin Islands continues to be challenged with rising unemployment, decreased government revenues, and attracting new capital for diversification. H.R. 1189 will help broaden U.S. territories' access to Federal grants by increasing the amount Federal agencies shall waive to $500,000.

The bill also seeks to end the inconsistent manner in which 48 U.S.C. section 1469(a) is applied by clarifying that the matching waiver applies to all federal agencies and departments making grants to the U.S. territories, not just the Department of Interior (DOI). The bill also requires DOI to provide a report to Congress on the effect of the updated waiver requirement.

It is my hope also Mr. Speaker, that Federal agencies will apply the waiver not just to grants awarded to the territorial governments, but also to non-profit organizations and other eligible non-governmental entities in the territories. Non-profit organizations in the territories fulfill a significant role in our communities. Groups such as Lutheran Social Services, the St. Croix Community Foundation and the V.I. Resource Center help meet the needs of the homeless, the disadvantaged, and those whose lives are buffeted by tough economic times. Their work is often supported by federal grants. Without such Federal assistance, the non-profit organizations in the territories would struggle to meet their missions and most would not be able to maintain the current level of assistance to our communities.

In conclusion, Mr. Speaker, I want to thank Chairman POMBO and Ranking Member RAHALL for their willingness to support and shepherd this bill through the legislative process. I also want to particularly thank our former colleague Bob Underwood, who for most of his tenure in the House, made increasing the matching waiver for the territories one of his highest priorities. I urge my colleagues to support passage of this bill.

## A TRIBUTE TO A.C. LYLES

### HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 19, 2003*

Mr. SMITH of Michigan. Mr. Speaker, recently I had the privilege of visiting with a great American by the name of A.C. Lyles, who has befriended many celebrities over the years. Throughout the decades that he has worked at Paramount Pictures, A.C. Lyles has become loved by studio staff, by stars, and by Presidents. He has made countless contributions to the motion picture industry and become a legendary producer, writer and partners in numerous theatrical features and television shows.

A.C. Lyles was born May 17, 1918 in Jacksonville, Florida. Even as a young boy, he

dreamed of Hollywood. Following his high school graduation, A.C. was hired by Paramount to work in the mail room. It was not long before he was promoted to a director of publicity at the tender age of 19, and eventually became a producer in 1954. Among the variety of successful features and television shows that he produced over the years, A.C. was perhaps best known for the western movies that became a Paramount trademark.

As the Hollywood liaison to Presidents, A.C. brought the culture of art to the White House. During the administration of his close friend, Ronald Reagan, and throughout the Bush Administration, he brought celebrities to entertain at presidential functions. He also served on the Presidential Board of Advisors on Private Sector Initiatives and regularly attended meetings at the White House and on Capitol Hill.

A.C. has been recognized countless times over the years for his work at Paramount. These awards include the famed Golden Spurs award, the George Washington Award of the Freedoms Foundation, and a star on the Hollywood Walk of Fame. On behalf of the United States Congress, and his good friends the Hon. DAVID DREIER and the Hon. MARY BONO, I am pleased to recognize his extraordinary career once again in admiration of his unyielding dedication and unparalleled achievement.

# *Daily Digest*

## HIGHLIGHTS

**Senate and House passed H.J. Res. 78, Continuing Appropriations.**

**The House agreed to the conference report on H.R. 2417, Intelligence Authorization Act for FY 2004.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S15211–15323***

**Measures Introduced:** Fifteen bills and two resolutions were introduced, as follows: S. 1897–S. 1911, and S. Res. 269–270. **Pages S15286–87**

**Measures Reported:**

S. 1741, to provide a site for the National Women's History Museum in the District of Columbia. (S. Rept. No. 108–204)

S. 1425, to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program, with an amendment. (S. Rept. No. 108–205)

S. 1567, to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, with an amendment in the nature of a substitute. **Page S15286**

**Measures Passed:**

***Hugh Gregg Post Office Building:*** Senate passed H.R. 3185, to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the ''Hugh Gregg Post Office Building'', clearing the measure for the President. **Page S15303**

***John G. Dow Post Office Building:*** Senate passed H.R. 3166, to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the ''John G. Dow Post Office Building'', clearing the measure for the President. **Page S15303**

***Health Care Safety Net Amendments Technical Corrections Act:*** Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H.R. 3038, to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002, and the bill was then passed, clearing the measure for the President. **Page S15303**

***Polio Threat:*** Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 266, expressing the sense of the Senate with respect to polio, and the resolution was then agreed to. **Page S15303**

***National Museum of African American History and Culture:*** Senate passed H.R. 3491, to establish within the Smithsonian Institution the National Museum of African American History and Culture, clearing the measure for the President. **Pages S15303–06**

***Congratulating John Gagliardi:*** Senate agreed to S. Res. 270, congratulating John Gagliardi, football coach of St. John's University, on the occasion of his becoming the all-time winningest coach in collegiate history. **Page S15306**

***Motorsports:*** Senate agreed to S. Res. 253, to recognize the evolution and importance of motorsports. **Pages S15306–07**

***Motorsports:*** Senate agreed to H. Con. Res. 320, expressing the sense of the Congress regarding the importance of motorsports. **Page S15307**

***U.S. Fire Administration Authorization:*** Senate passed S. 1152, to reauthorize the United States Fire Administration, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S15307–10**

Frist (for McCain) Amendment No. 2207, in the nature of a substitute. **Page S15310**

***D.C. Superior Court Judgeships:*** Senate passed S. 1561, to preserve existing judgeships on the Superior Court of the District of Columbia. **Page S15310**

***Fairness to Contact Lens Consumer Act:*** Senate passed H.R. 3140, to provide for availability of contact lens prescriptions to patients, clearing the measure for the President. **Page S15310**

***Continuing Appropriations:*** Senate passed H.J. Res. 78, making further continuing appropriations for the fiscal year 2004, after agreeing to the following amendment proposed thereto: **Page S15310**

Frist Amendment No. 2208, to make a technical correction. **Page S15310**

**Energy Policy Act—Conference Report:** Senate continued consideration of the conference report to accompany 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. **Pages S15212–52, S15255–72**

A unanimous-consent agreement was reached providing for further consideration of the conference report at 9:30 a.m., on Friday, November 21, 2003, with 60 minutes of debate prior to the vote on the motion to close further debate thereon. **Page S15252**

**Healthy Forests Restoration Act:** Senate insisted on its amendments to H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and agreed to the House request for a conference on the disagreeing votes of the two Houses thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Cochran, McConnell, Crapo, Domenici, Harkin, Leahy, and Daschle. **Page S15217**

**Nominations Received:** Senate received the following nominations:

Stuart W. Holliday, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations.

Jonathan Baron, of Maryland, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years. (New Position)

Elizabeth Ann Bryan, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years. (New Position)

James R. Davis, of Mississippi, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

Robert C. Granger, of New Jersey, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years. (New Position)

Frank Philip Handy, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years. (New Position)

Eric Alan Hanushek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

Caroline M. Hoxby, of Massachusetts, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years. (New Position)

Gerald Lee, of Pennsylvania, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years. (New Position)

Roberto Ibarra Lopez, of Texas, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of two years. (New Position)

Richard James Milgram, of New Mexico, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years. (New Position)

Sally Epstein Shaywitz, of Connecticut, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years. (New Position)

Joseph K. Torgesen, of Florida, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of four years. (New Position)

Herbert John Walberg, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term of three years. (New Position)

Ronald E. Meisberg, of Virginia, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2008.

22 Air Force nominations in the rank of general.

2 Army nominations in the rank of general.

Routine lists in the Army, Navy. **Pages S15316–23**

**Messages From the House:** **Pages S15281–82**

**Measures Referred:** **Page S15282**

**Enrolled Bills Signed:** **Page S15282**

**Enrolled Bills Presented:** **Page S15282**

**Executive Communications:** Page S15282

**Petitions and Memorials:** Pages S15283–86

**Additional Cosponsors:** Pages S15287–88

**Statements on Introduced Bills/Resolutions:** Pages S15288–S15301

**Additional Statements:** Pages S15279–81

**Amendments Submitted:** Pages S15301–02

**Authority for Committees to Meet:** Page S15302

**Adjournment:** Senate met at 9:30 a.m. and adjourned at 9:38 p.m. until 9:30 a.m. on Friday, November 21, 2003. (For Senate's Program, see the remarks of the Majority Leader in today's Record on page S15316).

# *Committee Meetings*

*(Committees not listed did not meet)*

## IRAQ

*Committee on Armed Services:* Committee met in closed session to receive a briefing on an assessment of the current situation in Iraq from Vice Admiral Lowell E. Jacoby, USN, Director, and Jami Miscik, Deputy Director for Intelligence, Central Intelligence Agency.

## NEW YORK STOCK EXCHANGE

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine improving the corporate governance of the New York Stock Exchange (NYSE), focusing on broker-dealer self-regulation, and regulatory autonomy with market sensitivity, after receiving testimony from William H. Donaldson, Chairman, Securities and Exchange Commission; and John S. Reed, New York Stock Exchange, New York, New York.

## MUTUAL FUND INDUSTRY

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on the Securities and Exchange Commission's examination authority, disclosure, recent enforcement efforts and Rule 2830, cash and non-cash compensation practices and arrangements, breakpoint discounts, late trading and market timing, and investor education, after receiving testimony from Stephen M. Cutler, Director, Division of Enforcement, Securities and Exchange Commission; Robert R. Glauber, National Association of Securities Dealers, New York, New York; and New York State Attorney General Eliot Spitzer, Albany.

## PRESCRIPTION DRUG REIMPORTATION

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine prescription drug importation, focusing on public health threats posed by the importation of unapproved, adulterated and misbranded drugs, as well as counterfeit drugs from foreign and domestic sources that pose a threat to the health and safety of U.S. consumers, after receiving testimony from Senators Santorum and Stabenow; Representatives Gutknecht and Sanders; former Representative David Funderburk, on behalf of TREA Senior Citizens League, Alexandria, Virginia; Minnesota Governor Tim Pawlenty, St. Paul; John M. Taylor III, Associate Commissioner for Regulatory Affairs, Food and Drug Administration, Department of Health and Human Services; Carmen A. Catizone, National Association of Boards of Pharmacy, Park Ridge, Illinois; Lewis Lubka, Fargo, North Dakota, on behalf of the Alliance for Retired Americans; and Donald MacArthur, European Association of Euro-Pharmaceutical Companies, Essex, England.

## NORTHEAST BLACKOUT

*Committee on Governmental Affairs:* Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, concluded a hearing to examine the August 2003 Northeast blackouts and the Federal role in managing the Nation's electricity, focusing on events, actions, failures, and conditions that led to the blackout and caused it to effect such a large region, as well as questions relating to nuclear power operations and security of the grid control system, after receiving testimony from Pat Wood III, Chairman, Federal Energy Regulatory Commission; James W. Glotfelty, Director, Office of Electric Transmission and Distribution, Department of Energy; and Michehl R. Gent, North American Electric Reliability Council, Princeton, New Jersey.

## U.S. TAX SHELTER INDUSTRY

*Committee on Governmental Affairs:* Permanent Subcommittee on Investigations concluded a hearing to examine the role of professional organizations like accounting firms, law firms, and financial institutions in developing, marketing and implementing tax shelters, after receiving testimony from Mark Everson, Commissioner, Internal Revenue Service, Department of the Treasury; Richard Spillenkothen, Director, Banking Supervision and Regulation, Federal Reserve System; William J. McDonough, Public Company Accounting Oversight Board, Washington, D.C.; N. Jerold Cohen, Sutherland, Asbill, and Brennan, Atlanta, Georgia; John Larson, Presidio Advisory Services, San Francisco, California; Jeffrey

Greenstein, Quellos Group, LLC, Seattle, Washington; Raymond J. Ruble, and Thomas R. Smith, Jr., Sidley, Austin, Brown, and Wood, LLP, William Boyle, Deutsch Bank AG, Domenick DeGiorgio, HVB America, Inc., all of New York, New York.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 28 public bills, H.R. 3540–3567; and 6 resolutions, H. Con. Res. 332–335, and H. Res. 460–461, were introduced.

**Pages H11700–02**

**Additional Cosponsors:** **Pages H11702–03**

**Reports Filed:** Reports were filed as follows today:

H.R. 2408, to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, amended (H. Rept. 108–385);

Conference report on H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape (H. Rept. 108–386);

H. Res. 456, providing for consideration of motions to suspend the rules (H. Rept. 108–387);

H. Res. 457, waiving points of order against the conference report to accompany H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape (H. Rept. 108–388);

H. Res. 458, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–389); and

H. Res. 459, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–390).

Conference report on H.R. 1, to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes, (H. Rept. 108–391).

**Page H11686–98 (continued next issue)**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Bass to act as Speaker pro tempore for today. **Page H11657**

**Chaplain:** The prayer was offered today by Rev. Msgr. Barry Knestout of the Archdiocese of Washington, DC. **Page H11657**

**Consideration of measures under suspension of the rules:** The House agreed to H. Res. 449, providing for consideration of motions to suspend the rules by a voice vote. **Pages H11660–61**

**Intelligence Authorization Act—Conference Report:** The House agreed to the conference report on H.R. 2417, to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by a yea-and-nay vote of 264 yeas to 163 nays, Roll No. 649. **Pages H11661–63, H11667–78**

Agreed to H. Res. 451, the rule providing for consideration of the conference report by a voice vote. **Pages H11661–63**

**Continuing Appropriations for fiscal year 2004:** The House passed H.J. Res. 78, making further continuing appropriations for fiscal year 2004, by a yea-and-nay vote of 410 yeas to 10 nays, Roll No. 648. **Pages H11667–73, H11677**

Agreed to H. Res. 450, the rule providing for consideration of the measure by a yea-and-nay vote of 406 yeas to 2 nays, Roll No. 645. **Pages H11663–65**

**Recess:** The House recessed at 1 p.m. and reconvened at 1:35 p.m. **Page H11677**

**Medicare Prescription Drug and Modernization Act of 2003—Motion to Instruct Conferees:** The House rejected the Hooley 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 201 yeas to 222 nays, Roll No. 650. **Pages H11678–79**

Later the House debated the Inslee motion to instruct conferees on the bill. Further proceedings on the motion were postponed. **(See next issue.)**

**Labor/HHS Appropriations—Motion to Instruct Conferees:** The House agreed to the Kildee motion to instruct conferees on H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, by a yea-and-nay vote of 360 yeas to 64 nays, Roll No. 651. **Pages H11679–80**

Later Representative Markey announced his intention to offer a motion to instruct conferees on the bill and Representative Pomeroy announced his intention to offer a motion to instruct conferees on the bill. **(See next issue.)**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Birth Defects and Developmental Disabilities Prevention Act of 2003:*** Debated on Wednesday, November 19, S. 286, to revise and extend the Birth Defects Prevention Act of 1998, by a ⅔ yea-and-nay vote of 415 yeas to 1 nay, Roll No. 646—clearing the measure for the President; **Pages H11665–66**

***Poison Control Center Enhancement and Awareness Act Amendments of 2003:*** Debated on Wednesday, November 19, S. 686, amended, to provide assistance for poison prevention and to stabilize the funding of regional poison control centers, by a ⅔ yea-and-nay vote of 420 yeas to 1 nay, Roll No. 647; **Pages H11666–67**

***21st Century Nanotechnology Research and Development Act:*** S. 189, to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research; **Pages H11680–85**

***Veterans Benefits Act of 2003:*** Agreed to the Senate amendment to H.R. 2297, to amend title 38, United States Code, to improve benefits under laws administered by the Secretary of Veterans Affairs—clearing the measure for the President; **(See next issue.)**

***Compact of Free Association Amendments Act of 2003:*** Agreed to the Senate amendments to H.J. Res. 63, to approve the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia, and the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands, and to appropriate funds to carry out the amended Compacts, by a ⅔ yea-and-nay vote of 417 yeas to 2 nays, Roll No. 652—clearing the measure for the President; **(See next issue.)**

***Commending the signing of the United States-Adriatic Charter:*** Agreed to the Senate amendments to H. Con. Res. 209, commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and The Former Yugoslav Republic of Macedonia, by a ⅔ yea-and-nay vote of 416 yeas to 1 nay, Roll No. 653—clearing the measure for the President; **(See next issue.)**

***Syria Accountability and Lebanese Sovereignty Restoration Act of 2003:*** Agreed to the Senate amendments to H.R. 1828, to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil and illegal shipments of weapons and other military items to Iraq, and by so doing hold Syria accountable for the serious international security problems it has caused in the Middle East, by a ⅔ yea-and-nay vote of 408 yeas to 8 nays, with one voting ''present'', Roll No. 654—clearing the measure for the President; **(See next issue.)**

***Tax Relief Extension Act of 2003:*** H.R. 3521, amended, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions; and **(See next issue.)**

***Two Floods and You Are Out of the Taxpayers' Pocket Act of 2003:*** H.R. 253, amended, to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made, by a ⅔ yea-and-nay vote of 352 yeas to 67 nays, Roll No. 655. **(See next issue.)**

**Extending the Programs on the Small Business Act and the Small Business Investment Act:** The House agreed by unanimous consent to pass S. 1895, to temporarily extend the programs under the Small Business Act and the Small Business Investment Act of 1958 through March 15, 2004—clearing the measure for the President. **(See next issue.)**

**Transportation and Treasury Appropriations—Motion to Instruct Conferees:** The House agreed to the Hastings of Florida motion to instruct conferees on H.R. 2989, making appropriations for the Departments of Transportation and Treasury, and

independent agencies for the fiscal year ending September 30, 2004 by voice vote. **(See next issue.)**

**Senate Messages:** Messages received from the Senate today appear on pages H11658 and H11677.

**Senate Referral:** S. 1895 was ordered held at the desk. **Page H11658**

**Quorum Calls—Votes:** 11 yea-and-nay votes developed during the proceedings of the House today and appear on pages H11665, H11665–66, H11666–67, H11677, H11678, H11678–79, H11679–80 (continued next issue). There were no recorded votes or quorum calls.

**Adjournment:** The House met at 10 a.m. and at 12 midnight stands in recess subject to the call of the chair; the House reconvened at 1:17 a.m. and adjourned at 1:18 a.m.

# *Committee Meetings*

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION EFFICIENCY ACT; REPORTS

*Committee on Government Reform:* Ordered reported H.R. 3478, National Archives and Records Administration Efficiency Act of 2003.

The Committee also approved the following: a report "Efforts to Rightsize the U.S. Presence Abroad Lack Urgency and Momentum;" and a draft report entitled "Everything Secret Degenerates: The FBI's Use of Murderers as Informants."

## PASSENGER SCREENER TRAINING REVIEW

*Committee on Government Reform:* Held a hearing on Knives, Box Cutters and Bleach: A Review of Passenger Screener Training, Testing and Supervision. Testimony was heard from Stephen McHale, Deputy Administrator, Transportation Security Administration, Department of Homeland Security; Cathleen A. Berrick, Director, Homeland Security and Justice Issues, GAO; and public witnesses.

## AUTISM—FUTURE CHALLENGES

*Committee on Government Reform:* Subcommittee on Human Rights and Wellness held a hearing entitled "The Future Challenges of Autism: A Survey of the Ongoing Initiatives in the Federal Government to Address the Epidemic." Testimony was heard from Peter Van Dyck, Associate Administrator, Office of Maternal and Child Health Bureau, Health Resources and Services Administration, Department of Health and Human Services; and public witnesses.

## AUTHORIZE AND ISSUE SUBPOENAS RELATED TO INVESTIGATION OF 527 ORGANIZATIONS

*Committee on House Administration:* Adopted a resolution delegating to the Chairman the power to authorize and issue subpoenas related to an investigation of 527 Organizations.

## HUMAN RIGHTS VIOLATIONS UNDER SADDAM HUSSEIN VICTIMS SPEAK OUT

*Committee on International Relations:* Subcommittee on the Middle East and Central Asia held a hearing on Human Rights Violations Under Saddam Hussein: Victims Speak Out. Testimony was heard from Representatives Pryce of Ohio and Hooley of Oregon; Maj. Alvin Schmidt, USMC, Deputy Force Protection Officer, First Marine Expeditionary Force, USMC, Department of Defense; and public witnesses.

## OVERSIGHT—HOMELAND SECURITY

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism, and Homeland Security, and Homeland Security held an 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. Testimony was heard from C. Suzanne Mencer, Director, Office of Domestic Preparedness, Department of Homeland Security; William Bishop, Director, Bureau of Homeland Security, State of Idaho; and Raymond W. Kelly, Police Commissioner, City of New York.

## OVERSIGHT—JOHN F. CHAFEE COASTAL BARRIER RESOURCES SYSTEM

*Committee on Resources:* Subcommittee on Fisheries Conservation, Wildlife and Oceans held an oversight hearing on the John H. Chafee Coastal Barrier Resources System. Testimony was heard from Benjamin N. Tuggle, Chief, Division of Federal Program Activities, U.S. Fish and Wildlife Service, Department of the Interior; Anthony S. Lowe, Director, Mitigation Division and Federal Insurance Administrator, FEMA, Department of Homeland Security; and a public witness.

## MAKING IN ORDER SUSPENSION AUTHORITY

*Committee on Rules:* Reported, by voice vote, a resolution providing that suspensions will be in order at any time on the legislative day of Friday, November 21, 2003. The resolution provides that the Speaker

or his designee will consult with the Minority Leader or her designee on any suspension considered under the rule.

## CONFERENCE REPORT—HEALTHY FORESTS RESTORATION ACT OF 2003

*Committee on Rules:* Granted, by voice vote, a rule waiving all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Goodlatte and Representative Walden of Oregon.

## SAME DAY CONSIDERATION OF RESOLUTION REPORTED BY THE RULES COMMITTEE RELATING TO APPROPRIATIONS BILLS

*Committee on Rules:* Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of November 21, 2003, providing for consideration or disposition of any of the following: (A) A bill or joint resolution making further continuing appropriations for the fiscal year 2004, or any amendment thereto; or (B) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 2004, any amendment thereto, or any conference report thereon.

## SAME DAY CONSIDERATION OF RESOLUTION REPORTED BY THE RULES COMMITTEE RELATING TO THE CONFERENCE REPORT TO ACCOMPANY H.R. 1—MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

*Committee on Rules:* Granted, by a vote of 7 to 3, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any special rule reported on the legislative day of November 21, 2003, providing for consideration or disposition of a conference report to accompany H.R. 1, the Medicare Prescription Drug Modernization Act of 2003.

## CONFERENCE REPORT—INTELLIGENCE AUTHORIZATION ACT

*Committee on Rules:* On November 19, the Committee granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 2417, Intelligence Authorization Act for Fiscal Year 2004, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Goss and Representative Harman.

## FURTHER CONTINUING APPROPRIATIONS FISCAL YEAR 2004

*Committee on Rules:* On November 19, the Committee granted, by voice vote, a closed rule providing 1 hour of debate in the House on H.J. Res. 78, making further continuing appropriations for the fiscal year 2004, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. Finally, the rule provides one motion to recommit.

## MAKING IN ORDER SUSPENSION AUTHORITY

*Committee on Rules:* On November 19, the Committee reported, by voice vote, a resolution providing that suspensions will be in order at any time on the legislative day of Thursday, November 20, 2003. The resolution provides that the Speaker or his designee will consult with the Minority Leader or her designee on any suspension considered under the resolution.

## LOWERING BUSINESS COSTS IN U.S.—KEEP OUR COMPANIES HERE

*Committee on Small Business:* Held a hearing entitled "Lowering the Cost of Doing Business in the United States: How to Keep Our Companies Here." Testimony was heard from public witnesses.

## OVERSIGHT—FINANCING PORT INFRASTRUCTURE

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held an oversight hearing on Financing Port Infrastructure—Who Should Pay? Testimony was heard from Representatives Rohrabacher and Ose; and public witnesses.

## NON-PROFIT CREDIT COUNSELING ORGANIZATIONS

*Committee on Ways and Means:* Subcommittee on Oversight held a hearing on Non-Profit Credit Counseling Organizations. Testimony was heard from Mark Everson, Commissioner, IRS, Department of the Treasury; J. Howard Beales III, Director, Bureau of Consumer Protection, FTC; and public witnesses.

## BRIEFING—GLOBAL INTELLIGENCE UPDATE

*Permanent Select Committee on Intelligence:* Subcommittee on Intelligence Policy and National Security met in executive session to receive a briefing on

Global Intelligence Update. The Subcommittee was briefed by departmental witnesses.

## FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT

*Select Committee on Homeland Security:* Subcommittee on Emergency Preparedness and Response approved for full Committee action, as amended, H.R. 3266, Faster and Smarter Funding for First Responders Act of 2003.

## COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 21, 2003

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Foreign Relations:* to hold hearings to examine the nominations of James C. Oberwetter, of Texas, to be Ambassador to the Kingdom of Saudi Arabia, and David C. Mulford, of Illinois, to be Ambassador to India, 9 a.m., SD–419.

*Committee on Governmental Affairs:* business meeting to consider the nominations of James M. Loy, of Virginia, to be Deputy Secretary of Homeland Security, and Scott J. Bloch, of Kansas, to be Special Counsel, Office of Special Counsel, Time to be announced, S–214, Capitol.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine the nomination of Steven J. Law, of the District of Columbia, to be Deputy Secretary of Labor, 10 a.m., SD–430.

*Committee on Veterans' Affairs:* business meeting to consider pending nominations, time to be announced, room to be announced.

### House

*Committee on Rules,* to consider the conference report to accompany H.R. 1 to amend Title XVIII, the Social Security Act, to provide for a voluntary program for prescription drug coverage under the Medicare Program to modernize the Medicare Program, 10 a.m., H–313 Capitol.

*Permanent Select Committee on Intelligence,* executive, briefing on Intelligence Update on Iraq, 9 a.m., H–405 Capitol.

*Next Meeting of the* SENATE

9:30 a.m., Friday, November 21

Senate Chamber

**Program for Friday:** Senate will continue consideration of the conference report to accompany H.R. 6, Energy Policy Act, with a vote on the motion to close further debate on the conference report to occur at approximately 10:30 a.m.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

9 a.m., Friday, November 21

House Chamber

**Program for Friday:** To be announced.

## Extensions of Remarks, as inserted in this issue

HOUSE

Baldwin, Tammy, Wisc., E2348
Camp, Dave, Mich., E2355, E2359
Christensen, Donna M., The Virgin Islands, E2362, E2362
Collins, Mac, Ga., E2359
Conyers, John, Jr., N.Y., E2353
Eshoo, Anna G., Calif., E2352
Etheridge, Bob, N.C., E2358
Gonzalez, Charles A., Tex., E2358
Green, Gene, Tex., E2360
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