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Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, October 7, 2002.

I hereby appoint the Honorable Brian D. Kerbs to act as Speaker pro tempore on this day.

J. Dennis Hastert,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m. today.

Accordingly (at 9 o’clock and 32 minutes a.m.), the House stood in recess until 11 a.m.

☐ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Upton) at 11 a.m.

PRAYER

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

Lord, God, You guide all creation with providential care and establish an order that governs all the ages.

Hear our prayer and enlighten the Members of the 107th Congress of these United States throughout this week in their deliberations and decisions.

Make them strong in their convictions of human rights and in protecting this Nation.

Overall lead them by Your grace to be responsive to Your inspiration, and take responsible action in the cause of justice and truth.

May those who are at peace with one another hold fast to the good will that unites them;

May those who are enemies forget hatred and be healed; that the fruits of Your kingdom may fall upon the earth and take root in human hearts around the world, until there is true and lasting peace.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

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

Mr. BLUMENAUER 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. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5063, An act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services.

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

S. 1219. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1806. An act to amend the Public Health Service Act with respect to health professionals programs regarding the practice of pharmacy.

S. 2064. An act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

S. Con. Res. 139. Concurrent resolution expressing the sense of Congress that there should be established a National Minority Health and Health Disparities Month, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore. Pursuant to the order of the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, October 4, 2002.

Dear Mr. Speaker:

Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 4, 2002 at 10:18 a.m.

☐ This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.
That the Senate passed without amendment H. Con. Res. 388.
With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE
The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:
OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.
Dear Mr. Speaker: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 3, 2002 at 5:40 p.m.
That the Senate passed without amendment H. Con. Res. 112.
That the Senate agreed to conference report H.R. 2215.
With best wishes, I am
Sincerely,
JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, October 3, 2002:
H.J. Res. 112, making further continuing appropriations for the fiscal year 2003, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.
Record votes on motions to suspend the rules ordered prior to 6:30 p.m. today may be taken today. RECORD votes on remaining motions to suspend the rules will be taken tomorrow.

WASTEWATER TREATMENT WORKS SECURITY ACT OF 2002
Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5169) to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.
The Clerk read as follows:
H.R. 5169
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 “Wastewater Treatment Works Security Act of 2002”.

SEC. 2. WASTEWATER TREATMENT WORKS SECURITY.
Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:
"SEC. 222. WASTEWATER TREATMENT WORKS SECURITY.
"(a) Grants for Vulnerability Assessment and Security Enhancements—The Administrator may make grants to a State, municipality, or intermunicipal or inter- state agency—
"(1) to conduct a vulnerability assessment of a publicly owned treatment works;
"(2) to implement security enhancements listed in subsection (c)(1) to reduce vulnerabilities identified in a vulnerability assessment; and
"(3) to implement additional security enhancements to reduce vulnerabilities identified in a vulnerability assessment.
"(b) Vulnerability Assessments.—
"(1) Definition.—In this section, the term ‘vulnerability assessment’ means an assessment of the vulnerability of a treatment works to actions intended to—
"(A) substantially disrupt the ability of the treatment works to safely and reliably operate;
"(B) have a substantial adverse effect on critical infrastructure, public health or safety, or the environment.
"(2) Identification of Methods to Reduce Vulnerabilities.—A vulnerability assessment includes identification of procedures, countermeasures, and equipment that the treatment works can implement or utilize to reduce the identified vulnerabilities.
"(3) Review.—A vulnerability assessment shall include a review of the vulnerability of the treatment works—
"(A) facilities, systems, and devices used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes;
"(B) intercepting sewers, outfall sewers, sewage collection systems, and other constructed conveyances;
"(C) electronic, computer, and other automated systems;
"(D) pumping, power, and other equipment;
"(E) use, storage, and handling of various chemicals; and
"(F) operation and maintenance procedures.
"(c) Grants for Security Enhancements.—
"(1) Preapproved Security Enhancements.—Upon certification by an applicant that the applicant has completed a vulnerability assessment of a treatment works and that the security enhancement for which assistance is sought is to reduce vulnerabilities of the treatment works identified in the assessment, the Administrator may make grants to the applicant under subsection (a)(2) for 1 or more of the following—
"(A) Purchase and installation of equipment for access control, intrusion prevention and delay, and detection of intruders and hazardous or dangerous substances, including—
"(i) barriers, fencing, and gates;
"(ii) security lighting and cameras;
"(iii) metal grates, wire mesh, and outward entry barriers;
"(iv) security of manhole covers and fill and vent pipes;
"(v) installation and re-keying of doors and locks; and
"(vi) smoke, chemical, and explosive mixture detection systems.
"(B) Security improvements to electronic, computer, or other automated systems and remote control and monitoring systems, including controlling access to such systems, intrusion detection and prevention, and system backup.
"(c) Participation in training programs and the purchase of training manuals and guidance materials relating to security.
"(D) Security screening of employees or contractors.
"(2) Additional Security Enhancements.—
"(A) Grants.—The Administrator may make grants under subsection (a)(3) to an applicant for additional security enhancements not listed in paragraph (1).
"(B) Eligibility.—To be eligible for a grant under this paragraph, an applicant must submit an application to the Administrator containing such information as the Administrator may request.
"(C) Limitations.—
"(1) Use of Funds.—Grants under subsections (a)(2) and (a)(3) may not be used for personnel costs or operation or maintenance of facilities, equipment, or systems.
"(2) Disclosure of Vulnerability Assessment.—As a condition of applying for or receiving a grant under this section, the Administrator may not require an applicant to provide the Administrator with a copy of a vulnerability assessment.

"(d) Grant Amounts.—
"(1) Federal Share.—The Federal share of the cost of activities funded by a grant under subsection (a) may not exceed 75 percent.
"(2) Maximum Amount.—The total amount of grants made under subsections (a)(1) and (a)(2) for one publicly owned treatment works shall not exceed $150,000.
"(e) Technical Assistance for Small Publicly Owned Treatment Works.—
"(1) Security Assessment and Planning Assistance.—The Administrator, in coordination with the States, may provide technical guidance and assistance to small publicly owned treatment works on conducting a vulnerability assessment and implementation of security enhancements to reduce vulnerabilities identified in a vulnerability assessment. Such assistance may include technical assistance programs, training, and preliminary engineering evaluations.
"(2) Participation by Nonprofit Organizations.—The Administrator may make grants to nonprofit organizations to assist in accomplishing the purposes of this subsection.

SEC. 3. REFINEMENT OF VULNERABILITY ASSESSMENT METHODOLOGY FOR PUBLICLY OWNED TREATMENT WORKS.
(a) Grants.—The Administrator of the Environmental Protection Agency may make grants to a nonprofit organization for the improvement of vulnerability self-assessment methodologies and tools for publicly owned treatment works, including publicly owned treatment works that are part of a combined public wastewater treatment and water supply system.
(b) Eligible Activities.—Grants provided under this section may be used for developing and distributing vulnerability self-assessment methodology upgrades, improving and enhancing critical technical and user support functions, expanding libraries of information addressing both threats and countermeasures, and implementing user training initiatives. Such services shall be provided at no cost to recipients.
Mr. Speaker, in the wake of September 11, we have learned that the Nation’s wastewater treatment plants are particularly vulnerable to terrorist activities. Many plants have treatment redundancies, but, often, they have single points of failure. These plants, in addition to the possibility of disruption and environmental catastrophe, often use hazardous materials in the treatment process. Things certainly also need to be safeguarded.

In order to alleviate these concerns, under H.R. 5169 the EPA would be authorized to provide grants for three purposes: conduct vulnerability assessments to publicly-owned treatment works; to implement certain pre-approved security enhancements that have been identified in a vulnerability assessment; and, three, to implement any other security enhancement measures identified in a vulnerability assessment.

This legislation would also authorize $15 million to provide technical assistance to small communities, those serving fewer than 20,000 individuals, and $1 million to support development and dissemination of computer software, data and vulnerability assessment.

Finally, Mr. Speaker, the funding provides for vulnerability assessments and security enhancements contained in this legislation have been drafted as an amendment to the Clean Water Act with the intent of ensuring that the Davis-Bacon Act would apply to any federally funded work that meets the definition of construction. This approach has been confirmed through staff conversations with representatives of the Environmental Protection Agency, and I certainly would urge my colleagues to support this legislation.

Mr. Speaker, we had also hoped to bring up under regular order other legislation which would go to the water infrastructure and economic security particularly of our Nation, the Water Resources Development Act of 2002. The bill itself is in pretty good form in terms of projects. Many Members have vital infrastructure projects included in that bill.

The bill did not, because of some controversy and concern on the committee, include any amendments to the current authority of the Corps of Engineers to conduct these projects and did not go to concerns a number of Members have regarding the need for independent review of projects and better cost benefit analyses. That bill was scheduled to come up just prior to this legislation under suspension of the rules which would have been opposed on this side by the minority, and I am pleased to see that the bill has been pulled, but hopefully, it has only been pulled to be brought up later in the week during regular order with amendments allowed from Members on this side of the aisle who have expressed concerns regarding, again, the peer review and independent analysis of projects.

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

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

Mr. DEFAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate my fellow Oregonian’s courtesy in allowing me to speak on this; and I would rise first to express my appreciation for the leadership of our subcommittee, the gentleman from Tennessee (Mr. DUNCAN), the chairman, for the gentleman from Oregon (Mr. DEFAZIO), for work that has been done on our subcommittee this session.

This is important work. Mr. Speaker, dealing with the water resources of this country. The bill we have before us today, H.R. 5169, is an example of where we have been able to hone in on a problem to be able to deal with meaningful solutions, advance them in a bipartisan and expeditious fashion. I plan on supporting it today.

I would like to add my voice here publicly on the floor to what I have said before our full committee and before the subcommittee, where I have expressed my appreciation for the way in which the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Oregon (Mr. DEFAZIO) have been able to bring together the disparate voices dealing with water resources. These are areas that are not without controversy. They are complex, they are expensive, and they touch the lives and livelihoods of virtually every family and every business in America. I think because of my colleagues’ good work it has been given more of the attention that it deserves, not just in the aftermath of some horrendous tropical storm where maybe we dodged a bullet or in the course of some sad scandal that appears in a newspaper where the process has broken down and it brings disrepute on our system here, and my colleagues have focused the attention of the subcommittee on how to fix the problem.

I am here today not just to support the bill and to thank them but to hope that the leadership of the full committee and of the House is mindful of what they have done, is mindful of the legislation that is in, if my colleagues will pardon the expression, the pipeline from the Subcommittee on Water Resources and Environment.
Mr. Speaker, I am absolutely convinced that as a result of the record that the chairman and ranking member have compiled before our subcommittee, as a result of the hard work that has been done throughout the Congress and frankly in the outside world we now have a responsible approach in the environmental community. I have had these conversations with General Flowers since soon after his appointment, he too wants to change the way that business is done; he wants to make sure that we are responsible in the six dollar and of the environmental concerns to bring forward a new era of water resources activities with the Corps of Engineers and with the Federal Government. But in order for that to happen, we have got to bring these issues to the floor, and we need to re-align what Congress is doing.

I reject the notion that problems with water resources lie solely at the feet of the Corps of Engineers. There is over a century of that agency performing admirably. There have been problems. Some of the problems on the floor we are dealing with. Again we did this with our committee last session, dealing with the problems in the Everglades. But frankly we are putting $5.5 billion in the Everglades as a down payment to change some of what we did to it in the first place. We need to have this discussion. We need to bring the product of our subcommittee to the floor and be able to deal with these issues honestly and respectfully.

It is time for Congress to get its act together, because frankly some of what people feel in some instances are scandals and problems with the Corps of Engineers I think are a result of past circumstances they face. In no small measure it is pressure from individual Members of Congress. We need to have this discussion here; we need to help the Corps of Engineers; we need to be part of the solution, not continuing to be part of the problem.

I conclude, Mr. Speaker, by expressing again my appreciation to the subcommittee chair and ranking member. I pledge my efforts to continue to work with them, with a group of Members of Congress who have organized the Corps Reform Caucus, to be able to make sure that this Congress does not adjourn without considering the fruits of their hard work. It is time to allow that on the floor. I look forward to working with them so that we can have other successes like we have here with H.R. 5169.

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

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

To conclude this, let me first of all just say that I would like to thank the gentleman from Oregon for his kind comments in regard to this legislation and the WRDA bill. Most of his concerns relate to the WRDA bill, the Water Resources Development Act, which was pulled; and it is still my hope that we can reach some type of consensus agreement on that bill before this session ends. There are very serious and heartfelt concerns that Chairman Young has concerning that bill and ranking member if those can be addressed. But certainly the gentleman from Oregon has been one of the most hardworking and dedicated members of our subcommittee, and I appreciate that very much.

Also, I want to thank Chairman Young, Mr. OBSTSTAR, and also the gentleman from Oregon (Mr. DEFAZIO) for their work on this legislation. This is an example of the bipartisan legislation of which our full committee is so proud. We have worked together to produce a very good bill, a very necessary bill that will help wastewater treatment facilities and municipalities and local governments all over this country. I think this is legislation that all of us can support.

Mr. Speaker, I urge the passage of this bill.

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

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

Mr. ROYCE. Mr. Speaker, I have no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Texas (Mr. BENTSEN) each will control 20 minutes.

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

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5169.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 5169.

The question was taken; and (two-thirds having voted in favor thereof) the Speaker pro tempore declared the motion taken and adopted, and ordered the bill to be passed.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise extraneous materials into the record on this legislation.

Mr. Speaker, I yield back the balance of my time.
of 12 cosponsors, eight Democrats and four Republicans, and has been approved for consideration under the suspension of the rules by both the chairman and the ranking member of the Committee on Financial Services.

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

Mr. Speaker, I rise today in strong support of H.R. 163, the Mortgage Servicing Clarification Act of 2002. As an original sponsor of the bill, along with the gentleman from California (Mr. ROYCE), I want to personally thank both the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LaFALCE), chair and ranking member of the Committee on Financial Services, for their support and help in bringing this bill before the House on an expedited basis. I believe that this technical bill is necessary in order to protect both consumers and mortgage servicers.

The Fair Debt Collection Practices Act of 1977 is a consumer protection statute which was established in order to protect consumers from deceptive and abusive practices by third-party debt collectors. Under the Fair Debt Collection Practices Act, debt collectors are required to give certain notices to debtors regarding the nature and amount of the delinquent debt. The original intent of this notice was to ensure that the debtor understood why the collector was calling and what was owed.

While I believe that both consumers and debt collectors have benefited from this law, it has proven cumbersome for mortgage servicers who do not necessarily seek to call the note or debt. Under the act, collection activities by the original creditors were generally exempt from the FDCPA; however, these third parties such as debt collectors were generally considered to be covered and are required to provide such written or oral communications to consumers. These notifications are generally referred to as Miranda warnings to the consumers.

The reason for the bill before the House is to determine whether mortgage servicers would be considered as third parties.

In the mortgage market, mortgages are bought and sold on a regular basis in order to provide liquidity for lending and better rates for borrowers. In some cases originators will keep loans on their books but will decide to sell the servicing rights to other parties.

This legislation was developed in response to a growing concern that some mortgage servicers were unclear as to whether these transfers were covered by the FDCPA and what the appropriate communication should be between the mortgage servicer and the consumer. Under current law when a mortgage servicer acquires the right to service a loan, the servicer is generally exempt from complying with the FDCPA because the act extends the creditor’s exemption to the new servicer. However, in a typical loan-servicing transfer, a certain percentage of loans will be delinquent or in default and thus the servicer is in good due diligence by the mortgage servicer there is always a possibility that a person will be in default with
Third, the notice hurts customer relationships for the remaining term of the mortgage. The mini Miranda is required in all subsequent contacts with the borrower even after customers have brought their loans current and maintained them that way for years. A simple suggestion that what this committee heard is, many times, a person's mortgage servicer would change. That mortgage would be assigned and that person would get a telephone call from someone who had to identify themselves as a debt collector. The mortgage might be up, it may be current. They would have to warn the person that they were trying to collect a debt and that they were a debt collector. In fact, what they were and, in fact, in reality they are, is they were the person's mortgage servicer, and as opposed to avoiding them, what you ought to be doing is talking with them, letting them answer questions and establishing a new relationship.

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

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

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extended to mortgage originators and those loans that are current at the time they are acquired by a new servicer. This legislation simply recognizes that the relationship between a mortgage servicer and a customer more closely resembles the relationship between a mortgage originator and a consumer than the relationship between a consumer and a third-party debt collector.

So, Mr. Speaker, I urge all of my colleagues to stand up for consumers and help improve the efficiency of the mortgage servicing industry by supporting this commonsense and bipartisan legislation.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 163, as amended.

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

A motion to reconsider was laid on the table.

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5507) to amend the Truth in Lending Act to adjust the exempt transactions amount for inflation.

The Clerk read as follows:

H.R. 5507

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 “Truth in Lending Inflation Adjustment Act”.

SEC. 2. AMOUNTS OF EXEMPT TRANSACTIONS ADJUSTED FOR INFLATION.

(a) CREDIT TRANSACTIONS OTHER THAN MORTGAGES.—Section 104(3) of the Truth in Lending Act (15 U.S.C. 1607(3)) is amended by striking “$25,000” and inserting “$75,000”.

(b) CONSUMER LEASES.—Section 181(1) of the Truth in Lending Act (15 U.S.C. 1667(1)) is amended by striking “$25,000” and inserting “$75,000”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlemen from Alabama (Mr. BACHUS) and the gentleman from Texas (Mr. BENTSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD on this legislation.

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

There was no objection.

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

I rise in strong support of H.R. 5507, the Truth in Lending Inflation Adjustment Act. This bill makes a very modest change in the Truth in Lending Act.

This legislation adjusts for inflation the dollar threshold for transactions that are exempt from the Truth in Lending Act. The Truth in Lending Act offers great protection to consumers and, under the current law, merchants need not comply with the Truth in Lending Act for credit and leasing transactions when the amount financed exceeds $25,000. Congress set this dollar amount at $25,000 in 1968, and in the last 34 years inflation has eroded the effectiveness of the Truth in Lending Act. This bill corrects that problem and ensures that the Truth in Lending Act will once again apply to most consumer credit and leasing transactions by raising that to $75,000.

This bill will not result in significant new costs to financial institutions and merchants will voluntarily comply with the requirements of the Truth in Lending Act even for transactions above the current threshold of $25,000.

Let me commend the gentleman from New York (Mr. LAFAULCE), Member of the other party, for his sponsorship of this legislation.

I do want to again commend, as with the previous legislation, these two consumer protection items or pieces of legislation will, once again, just a demonstration of what this Congress can do when it puts aside its differences and works together in a bipartisan way.

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

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

Mr. Speaker, let me say at the outset that I am standing in for the gentleman from New York (Mr. LAFAULCE), who is traveling in his district and could not get back here in time this morning for this bill. I have a statement that I will put into the RECORD that actually is a statement he would have made had he been here at this time.

Mr. Speaker, I rise in support of H.R. 5507, a bill to update and enhance an important consumer protection. In 1968, Congress enacted the Truth in Lending Act to ensure that consumers receive accurate and meaningful disclosure of the cost of consumer credit. Such disclosures enable American consumers to compare credit terms and make informed credit decisions.

Prior to 1968, consumers had no easy way to determine the true cost of their credit transactions, nor did they have a basis for comparing the various creditors in the marketplace. TILA adjusted the Truth in Lending Act to provide an annual percentage rate, or APR, and by requiring creditors to provide clear and accurate disclosures of all credit terms and costs. Over the past 30 years, however, key statutory protections and remedies stated in 1968 dollars have not been updated to reflect inflation and to provide comparable protections in today’s dollars.

The bill we are considering today, H.R. 5507, though modest in scope, provides the first update of an important section of TILA in 34 years. This is clearly an overdue change in the law.

TILA protections apply to all credit transactions secured by home equity and other non-business consumer loans or leases under $25,000. In 1968, this $25,000 limit on unsecured credit and lease transactions was considered more than adequate to ensure that most automobile, credit card, and personal loan transactions would be covered.

This is clearly not the case today. It is now quite common for many non-mortgage credit transactions to exceed $25,000. H.R. 5507 ensures that TILA protections apply to most consumer credit and lease transactions by raising the statutory exemption from $25,000 to $75,000. By doing so, we are providing updated protections to consumers that will ensure that a broad range of transactions are covered by TILA.

Though I welcome the overdue change provided for in H.R. 5507, I would have preferred that the agreement we reached with my Republican colleagues on the Committee on Financial Services to schedule this bill would have also included other provisions from the broader TILA modernization bill, H.R. 1054, introduced by our colleague, the gentleman from New York (Mr. LAFAULCE), the ranking member of the committee.

This comprehensive bill, which I introduced at the outset of the 107th Congress and is known as the Truth in Lending Modernization Act of 2001, among other TILA reforms would restore consumer protections that have been weakened by inflation. It also ensures that consumers benefit from advances in accounting technology and strengthens TILA’s civil liability and rescission remedies.

But I am, nonetheless, very pleased that we were able to agree on bringing up H.R. 5507 to the House today, along with H.R. 163, a bill to amend the Fair Debt Collection Practices Act, and H.R. 4065, to make the District of Columbia and the U.S. Territories part of the ongoing commemorative quarters program.

Mr. Speaker, I urge support for this long overdue legislation.

Mr. Speaker, I yield back the balance of my time.
would be hard placed to buy that for $50,000 or even $57,000. In the District of Columbia and the Territories Territories Circulation Quarter Dollar Program Act, which will extend the circulation of quarters to the District of Columbia and the Territories. I urge my colleagues to support this legislation. It is part of a package of three bills that will move through the House today: this bill; the Mortgage Servicing Clarification Act, which the gentleman from California (Mr. Royce) sponsored and we have just disposed of; and H.R. 4005, the District of Columbia and United States Territories Circulation Quarter Dollar Program Act, which will extend the program to the District of Columbia and the Territories.

On behalf of the gentleman from Ohio (Mr. Oxley) and myself, I urge my colleagues to support all three of these bills. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Upton). The question is on the motion offered by the gentleman from Alabama (Mr. Bachus) that the House suspend the rules and pass the bill, H.R. 5507.

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

A motion to reconsider was laid on the table.

RECESS

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

Accordingly (at 11 o'clock and 50 minutes a.m.), the House stood in recess subject to the call of the Chair.


AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Aderholt) at 1 o'clock and 5 minutes p.m.

REAFFIRMING REFERENCE TO ONE NATION UNDER GOD IN PLEDGE OF ALLEGIANCE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass Senate bill (S. 2690) to reaffirm the reference to one Nation under God in the Pledge of Allegiance, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,......
The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER),

**General Leave**

Mr. SENSENBRENNER. 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. 2690, the Senate bill currently under consideration.

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

There was none. Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate 2690 would amend section 4 of title 4 of the United States Code to reaffirm the text of the Pledge of Allegiance, including the phrase, “one Nation under God,” and section 302 of title 36 to reaffirm the text of the national motto, “In God we trust.”

It is an accepted legal principle that government acknowledgment of the religious heritage of the United States is consistent with the meaning of the establishment clause of the first amendment. The U.S. Supreme Court has repeatedly affirmed this principle in its rulings.

Yet, on June 26, 2002, a three-member panel of the United States Court of Appeals for the Ninth Circuit held unconstitutional, in Newdow v. U.S. Congress, a California school district’s policy and practice of teacher-led voluntary recitation of the Pledge of Allegiance was unconstitutional.

2.2.3. National motto.

(a) REAFFIRMATION.—Section 4 of title 4, United States Code, is amended to read as follows:

“§ 4. Pledge of allegiance to the flag; manner of delivery. The Pledge of Allegiance to the Flag: ‘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,’ should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform, the hand shall be carried with the right hand over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.”

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Counsel shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Pledge for decades.

3. REAFFIRMING THAT GOD REMAINS IN OUR MOTTO.

(a) REAFFIRMATION.—Section 302 of title 36, United States Code, is amended to read as follows:

“§ 302. National motto

‘In God we trust’ is the national motto.”

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Counsel shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Motto for decades.

The SPEAKER pro tempore. Pursuant to the direction of the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

I urge Members to support this legislation.

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

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

Mr. Speaker, I come from a State that has a long tradition in supporting religious freedom. In fact, it was Thomas Jefferson of Virginia who wrote the Virginia Statute for Religious Freedom which precedes the first amendment of the Constitution.

Today’s exercise is totally gratuitous, as nothing we do here will change the underlying law. This is because we are dealing with constitutional issues that cannot be altered by statute. If the Judicial branch ultimately finds the Pledge or the national motto to be unconstitutional, then nothing needs to be done. If, on the other hand, the courts ultimately find either to be unconstitutional, no law that we pass will change that.

Although I tend to agree with the dissent in the Newdow case regarding the Pledge of Allegiance, I believe the rationale of the majority opinion in that case was sound. In that case the Supreme Court applied three different tests that have been applied in the last 50 years in evaluating the establishment clause cases.

One test was whether the phrase “under God” in the Pledge constitutes an endorsement of religion. The majority opinion says it was an endorsement of one view of religion, monotheism and, therefore, was an unconstitutional endorsement.

Another test was whether the individuals were coerced into being exposed to the religious message, and the majority opinion concluded that the Pledge was unconstitutional because young children “may not be placed in the dilemma of either participating in a religious ceremony or protesting.”

Finally, the court applied the Lemon test, part of which holds that a law violates the establishment clause if it has no secular or nonreligious purpose. For example, cases involving a moment of silence in public schools, some of those laws have been upheld if the law allows silent prayer as one of the many activities that can be done in silence. But courts have stricken laws in which a moment of silent prayer is added to existing moments of silence because that law has no secular purpose.

The court concluded that the 1954 law which added “under God” to the existing Pledge had no secular purpose and, therefore, was unconstitutional.

Mr. Speaker, I indicated that I tended to agree with the dissent in the Newdow case. The operative language in the dissent which persuaded me was, “Legal world abstractions and ruminations aside, when all is said and done, the danger that ‘under God’ in our Pledge of Allegiance will tend to bring about a theocracy or suppress someone’s belief or beliefs is minimal.

The danger that phrase represents to our first amendment’s freedoms is picayune at best.”
Mr. Speaker, unfortunately, our actions today may cause the courts to review the sentiments behind “one Nation under God” or “In God We Trust” because if the courts look at the importance that we apparently affix to “one Nation under God” or “In God We Trust,” then it diminishes the argument that the phrase has de minimis meaning and increases the constitutional vulnerability of the use of that phrase in the Pledge.

Pursuant to the court may look at the legislation under the Lemon test and find that this exercise has no secular purpose and is, therefore, unconstitutional. The section of bill referring to “In God We Trust” as the national motto appears to be vulnerable to the same constitutional attack as the phrase “under God” in the Pledge. Those attacks gain validity because of our actions today.

Mr. Speaker, let me just close with a quote from an editorial that appeared in the Christian Century, a non-denominational Protestant weekly, which a good friend was kind enough to forward to me. It reads, “To the extent ‘under God’ has religious meaning, then it is unconstitutional. The phrase is constitutional to the extent that it is religiously innocuous. Given that choice, we side with the Ninth Circuit. We see no need, especially for Christians, to defend hollow references to an innocuous God.” For those reasons, I urge Members to oppose this legislation.

Mr. SHOWS. Mr. Speaker, in 1776 the great American patriot Thomas Paine wrote, “These are the times that try men’s souls.”

But right now we are living in times that try men’s souls. These are times when our faith is being tested as never before.

Even as we contend with the aftermath of the September 11th attacks, three judges in California decide that our Pledge of Allegiance is unconstitutional because it includes the words, “Under God.”

The values we teach at home and church are universal and should not be left outside the schoolhouse door, or outside of where we work and play every day.

“One Nation Under God” is the foundation of our Pledge of Allegiance. “In God We Trust” is our national motto and should be engrained in our national conscience. I am not afraid to say, “In God We Trust” whatever and whenever I want. All Americans should have that right.

My father, Clifford Shows, was one of those captured as a Prisoner of War at the Battle of the Bulge in World War II. He stands tall whenever our Flag is displayed. There is nothing more un-American than denying our children the right to honor the symbol of the very freedom we all enjoy today.

The California court ruling flies in the face of every building, just like it is in my own office, right next to the Ten Commandments.

I wrote this bipartisan resolution with the direct assistance of the Reverend Donald Wildmon of the American Family Association. And I re-introduced it as H. Res. 15 on the first day of the 107th Congress.

This issue is too important to let partisan politics get in the way, and I am happy that we are today considering a measure that reiterates the importance of our National Motto, and the presence of God in our lives.

Let’s adopt an “In God We Trust” resolution today—for our families and for our nation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 2690, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. The Speaker pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, all pending motions in this Mr. Speaker. I move to suspend the rules and pass the bill (H.R. 4561) to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

The Clerk read as follows:

H.R. 4561

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

SECTION 1. SHORT TITLE

This Act may be cited as the “Federal Agency Protection of Privacy Act”.

SEC. 2. REQUIREMENT THAT AGENCY RULE-MAKING TAKE INTO CONSIDERATION IMPACT ON INDIVIDUAL PRIVACY.

(a) In general.—Title 5, United States Code, is amended by adding after section 553 the following new section:

553a. Privacy impact analysis in rulemaking

(a) Initial privacy impact analysis.

(i) In general.—Whenever an agency is required by section 553 of this title, or any other law, to publish a general notice of proposed rulemaking for any proposed rule, or publishes such proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial privacy impact analysis. Such analysis shall describe the impact of the proposed rule on the privacy of individuals. The initial privacy impact analysis shall be submitted to the sponsoring agency official with primary responsibility for privacy policy and be published in the Federal Register at the time of the publication of a general notice of proposed rulemaking for the rule.

(b) Final privacy impact analysis.

(i) In general.—Whenever an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States, the agency shall prepare a final privacy impact analysis, signed by the senior agency official with primary responsibility for privacy policy.

(c) Contents.—Each final privacy impact analysis required under this subsection shall contain the following:

(A) A description and assessment of the extent to which the final rule will impact the privacy interests of individuals, including the extent to which the proposed rule—

(1) provides notice of the collection of personally identifiable information, and specifies what personally identifiable information is to be collected and how it is to be collected, maintained, used, and disclosed;

(2) allows access to such information by the person to whom personally identifiable information pertains and provides an opportunity to correct inaccuracies;

(3) prevents such information, which is collected for one purpose, from being used for another purpose; and

(4) provides security for such information.

(B) A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statute and which minimize any significant privacy impact of the proposed rule on individuals.

(C) A description of the steps the agency takes to minimize the privacy impact on individuals consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affected the privacy interests of individuals was rejected.

(D) Availability to public.—The agency shall make copies of the final privacy impact analysis available to the public and shall publish in the Federal Register such analysis or a summary thereof.
subsection. The agency may amend such published as the final rule and, thereafter, mulgated by the agency not later than 10 view under this subsection of each rule pro-
ister. Each such plan shall provide for the re-
paragraph (1) in accordance with a plan pub-
carry out the periodic review required by 
low year. The list shall include a brief de-
cept ownership and local governmental rules.
duplicates, or conflicts with other Federal 
plexity of participation in the rulemaking by 
procedural rules to reduce the cost or com-
ments over computer networks; and 
compliance likely to be obtained by 
reporting the rule through techniques such as 
and legal basis of such rule and shall invite 
compliance with section 553. However, in no event may the period exceed 15 years.
Agency compliance with subsection (d) shall be judicially reviewable in connection with judicial review of subsection (b).
(3) LIMITATIONS.
(A) An individual may seek such review during the period beginning on the date of final agency action and ending 1 year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, such lesser period shall apply to an action for judicial review under this sub-
section.
(B) In the case where an agency delays the issuance of a final privacy impact analysis pursuant to subsection (c), an action for judicial review under this section shall be filed not later than:
(1) 1 year after the date the analysis is made available to the public; or 
(2) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of 1 year, such lesser period shall apply to an action for judicial review under this sub-
section.
(4) RELIEF. In granting any relief in an action under this subsection, the court shall order the agency to take corrective action consistent with this section and chapter 7, including, but not limited to:
(1) amending the rule to the agency; and
(2) determining that continued enforcement of the rule against individuals, unless the court finds that continued enforcement of the rule is in the public interest.
(5) RULE OF CONSTRUCTION. Nothing in this subsection shall be construed to limit the authority of any court to stay the effectual date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the require-
ments of this subsection.
(6) RECORD OF AGENCY ACTION. In an ac-
tion for the judicial review of a rule, the pri-
vacy impact analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (4), shall constitute part of the entire record of agency action in connection with such review. 
(7) EXCLUSIVITY. Compliance or non-
compliance by an agency with the provisions of this subsection shall be subject to judicial re-
view only in accordance with this sub-
section.
(8) SAVINGS CLAUSE. Nothing in this sub-
section bars judicial review of any other im-
 pact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.
(8) DEFINITION. For purposes of this sec-
tion, the term 'personally identifiable infor-
mation' shall mean information that is used or intended to be used to identify an individual, including such in-
dividual's name, address, telephone number, photograph, social security number or other identifying information. It includes information about such individual's medical or fi-
nancial condition.‘

PERIODIC REVIEW TRANSITION PROVI-
SIONS.—
(1) INITIAL PLAN. For each agency, the plan required by subsection (e) of section 553a(a) of United States Code, as added by subsection (a), shall be published not later than 180 days after the date of the en-
actment of this Act.
(2) In the case of a rule promulgated by an agency before the date of the enactment of this Act, such plan shall provide for the per-
odic review of such rule before the expiration of the 1-year period following the date of the enactment of this Act. For any such rule, the head of the agency may provide for a 1-
year extension of such period if the head of the agency, certifies in a statement published in the Federal Register that reviewing such rule before the expiration of the period is not feasible. The head of the agency may provide for additional 1-year extensions of the period pursuant to the preceding sentence, but in no event may the period exceed 15 years.

CONGRESSIONAL RECORD—Section 801a(a)(1)(B) of title 5, United States Code, is amended—
(1) by redesignating clauses (ii) and (iv) as clauses (iv) and (v), respectively; and
(2) by inserting after clause (ii) the fol-
lowing new clause:
(iii) the agency’s actions relevant to sec-
tion 553a;

CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 5, United States Code, is amended by adding after the item relating to section 550 the fol-
lowing new item:
“550a. Privacy impact analysis in rule-
-making.”

THE SPEAKER pro tempore (Mr. ABSOLOM). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.
The Chair recognizes the gentleman from Wisconsin (Mr. SENSBRENNER).

Mr. SENSBRENNER. 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 mate-
rial on the bill currently under consider-
ation, before the expiration of the pe-
period.

THE SPEAKER pro tempore. Is there objection to the request of the gent-
leman from Wisconsin?
There was no objection.

Mr. SENSBRENNER. Mr. Speaker, I yield myself such time as I may con-
sume.
Mr. Speaker, I rise in support of H.R. 4561, the Federal Agency Protection of Privacy Act. Throughout my tenure as chairman of the Committee on the Ju-
diciary, I have worked on proposals to prop-
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THE SPEAKER pro tempore. Is there objection to the request of the gent-
leman from Wisconsin?
There was no objection.
privacy impact assessment which explains how the proposed rule will affect personal privacy. The issuing agency would then receive public views on the privacy impact of the proposed rule and issue a final privacy impact analysis which explains how the Federal agency will obtain, utilize, and safeguard personally identifiable information.

Importantly, the bill contains a judicial review provision to ensure that Federal agencies adhere to its requirements. At this respect H.R. 4561 mirrors regulatory enhancements to the Regulatory Flexibility Act, which require Federal agencies to consider the potential impact of proposed legislation and regulations on small businesses. Furthermore, unlike existing Federal statutes which protect against the unauthorized disclosure of personal information obtained by the Federal Government, the Federal Agency Protection of Privacy Act prospectively ensures agencies consider the privacy impact of proposed rules before they become binding Federal regulations.

This bill reflects a spirit of commitment to privacy rights by providing the American public a mechanism which simply requires an agency to give advanced notice and opportunity to comment on how rules issued by Federal agencies will affect their personal privacy. As such, it reaffirms our fidelity to the fundamental civil liberties cherished by all Americans.

Mr. Speaker, this measure enjoys broad bipartisan support on the Committee on the Judiciary and is endorsed by as diverse a group of organizations ranging from the American Civil Liberties Union to the National Rifle Association. I urge my colleagues to support the bill.

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

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

I rise in support of H.R. 4561, the Federal Agency Protection of Privacy Act. I believe this legislation will improve the regulatory process and protect Americans from unjustified or unintended invasions of privacy. Individuals are required to provide detailed personal information while conducting a variety of everyday activities including credit card purchases, Internet usage, financial transactions, and the delivery of basic government services. Public transmission of this information further heightens the potential of identity fraud, a growing problem which impacted more than 700,000 Americans last year.

While the Identity Theft and Assumption Deterrence Act of 1988 was enacted to address this problem, the FBI stated that identity theft remains America’s fastest-growing white collar crime. Under this legislation, Federal agencies must consider the impact of proposed regulations on individual privacy. They will be required to include an initial privacy impact analysis with proposed regulations that are circulated for public notice and final privacy impact analysis that describes the steps that were taken to minimize the significant privacy impact of proposed regulations and justifies any alternative with respect to privacy that was chosen. In addition, the bill provides judicial review of the adequacy of an agency’s final privacy impact, similar to that provided by the Regulatory Flexibility Act for small businesses. Essentially, the bill requires agencies to take responsibility for privacy concerns of individual citizens. At a time when identity theft and misuse of personal information is rampant, increasing this bill will go a long way in protecting the American citizens from victimization.

That is why it is supported by broad bipartisan, diverse political and philosophical organizations, such as the ones the chairman mentioned. I support the chairman strongly urge my colleagues to support it.

Mr. BARR of Georgia. Mr. Speaker, on April 21, 2002, I introduced H.R. 4561, the “Federal Agency Protection of Privacy Act.” I was pleased to be joined by several cosponsors on the bill, including the House Financial Services Committee Chair F. James Sensenbrenner Jr., Ranking Member John Conyers, and several other distinguished members of Congress.

It is clear that this bill’s many cosponsors do not agree on every issue. In fact, many observers have been particularly impressed by the political diversity of its legislative sponsors. The same can be said of the bill’s non-congressional supporters, which include groups ranging from the National Rifle Association to the Electronic Privacy Information Center—from the American Civil Liberties Union to the National Rifle Association.

Supporters share a commitment to protecting the privacy cherished by American citizens—a value increasingly imperiled in an information age in which personal information is captured and compiled, manipulated and misused, bought and sold in ways unimaginable just a few years ago. The sphere of privacy, which Justice Brandeis eloquently described as the “right to be let alone,” is not only rapidly diminishing, it is increasingly penetrable. Special care is necessary to ensure that personal information remains personal, absent a sound reason to treat it otherwise.

This value is neither Republican or Democratic; liberal or conservative, it is an American value.

The Federal Agency Protection of Privacy Act takes the first—necessary—step toward protecting the privacy of information collected by the federal government, by requiring that rules noticed for public comment by federal agencies be accompanied by an assessment of the rule’s impact on personal privacy interests, including the extent to which the proposed rule provides notice of the collection of personally identifiable information, what information will be obtained, and how this information will be collected, protected, maintained, used and disclosed.

H.R. 4561 further provides that final rules be accompanied by a final privacy impact analysis, which indicates how the issuing agency considered and responded to privacy concerns raised by the public, and strengthens the agency could have taken an approach less burdensome to personal privacy.

Unlike existing laws protecting against the disclosure of information already obtained by the federal government, the Agency Protection of Privacy Act provides prospective notice of a proposed rule’s effect on privacy before it becomes a binding regulation.

While some have decried the loss of personal privacy by private companies, it must be emphasized government alone has the authority to compel the disclosure of personal information; and unlike a private commercial gatherer of personal data, the government can put you in jail based on what it uncovers. For this reason, the government has an obligation to exercise greater responsibility when enacting policies which undermine privacy rights. An earlier version of this measure was introduced last Congress by Representative CHABOT, a fellow member of the Committee on the Judiciary, and a strong defender of privacy rights.

Finally, H.R. 4561 permits individuals adversely affected by an agency’s failure to follow its provisions to seek judicial review pursuant to the provisions of the Administrative Procedure Act.

In this respect, the bill tracks amendments to the Regulatory Flexibility Act championed by Representative GEKAS, which provide for judicial review of rules issued without regard to their impact on small businesses. Mr. Speaker, I can say, without hesitation, privacy is an issue important to Americans more than regulatory burdens are to American businesses, and this measure reflects this recognition.

Earlier in the Congress, the Judiciary Committee played a central role in House consideration of the Department of Homeland Security. Several pro-privacy provisions which I authorized, including the creation of a Privacy Officer at the new Department, and a prohibition against the creation of national identification cards were reported by the Judiciary Committee and adopted by the Select Committee on Homeland Security. While I continue to support the creation of a federal department dedicated to homeland security, we must continue to ensure the privacy rights of all Americans are not needlessly compromised by the government, and the Federal Agency Protection of Privacy Act helps maintain this vigilance.

Finally, I want to emphasize H.R. 4561 will not unduly burden regulators nor will it hinder law enforcement. The Federal Agency Protection of Privacy Act will apply the best anti-septic—sunshine—to the federal rulemaking process by securing the public’s right to know about how rules will affect their personal privacy. It also ensure that citizens have the opportunity not only to comment on a rule, but to do so with an understanding of the reasoning and justification upon which the rule was predicated by the federal government.

Mr. Speaker, recent polls reflect growing public unease about the diminishing sphere of privacy brought about by rapid technological and social change. The Federal Agency Protection of Privacy Act helps address these
concerns by providing the American public with a modest, although necessary mechanism which requires federal agencies to give advance notice, and an opportunity to comment, on how rules issued by federal agencies will affect their personal privacy.

Mr. Speaker, throughout my tenure in Congress, I have always been the one to have personal property to protect and preserve the Constitution of the United States. This precious document, which secures our fundamental rights and liberties, will endure as a charter of freedom only as long as there are those who choose to live by it and the courage to defend it. Of the several philosophical foundations which undergird the Bill of Rights, the right to privacy provides a central, organizing principle which gives content to the substantive protections contained in our Founding document.

I believe I have done my part to uphold this body’s sacred obligation to preserve the sanctity of our Constitution, and urge my colleagues to do the same by supporting the Federal Agency Protection of Privacy Act.

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

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

The SPEAKER pro tempore. The question was on the motion offered by Mr. SCOTT. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4561.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed without amendment.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL COMMUNITY ROLE MODELS WEEK

Mr. DAN MILLER of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 409) supporting the goals and ideals of National Community Role Models Week, and for other purposes.

The Clerk read as follows:

H. Con. Res. 409

Whereas individuals who are motivated every day by traditional American values such as selflessness, compassion, dedication, courage, and integrity have a positive effect on society by encouraging others to act in a similar manner;

Whereas individuals in local communities located throughout the United States embody these values in their daily work, communities, and homes;

Whereas children and adults would benefit from learning about individuals in their community who embody these values and about what motivates them;

Whereas because children learn and act by examples, they experience on a daily basis, they need role models from their local community with whom they can realistically relate;

Whereas inspiring stories about an individual that a child knows or might meet in the community can make a difference in that child’s decisions and life;

Whereas the National Blue Ribbon award program for the spouses of terminally ill employees, and a principal of an elementary school located in a poverty-stricken and drug-impacted neighborhood who led the school to achieve the National Blue Ribbon award.

Children need heroes today more than ever. A role model from a child’s family or community can make a great difference in a child’s life. Although we often hear inspiring stories about famous individuals, we seldom publicly recognize exceptional people in our communities who can better relate to kids. There are many working individuals in our local communities who are motivated every day by values such as selflessness, compassion, dedication, courage, and integrity. Although these people could be a wonderful role model for children in their communities, their efforts are seldom publicly recognized; and as a result, people in the community cannot benefit from not knowing about them. As children learn by examples they experience on a daily basis, they need role models from their local community.

More than rock stars or sports figures, these individuals can better inspire children to think about their personal heroes and reflect upon their dreams and aspirations. It is essential that we validate and promote at a local level the exceptional values possessed by many individuals within our communities. Establishing an annual week that publicly recognizes local individuals will remind us how each individual, no matter his or her profession, plays a vital role in the greatness of this Nation. I commend the RARE Foundation for establishing a program to recognize community role models, and I encourage other communities to establish similar programs. I ask my colleagues to support this resolution.

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

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

Mr. Speaker, I am pleased to join with the gentleman from Florida (Mr. DAN MILLER) in considering Con. Res. 409, supporting the goals and ideals of National Community Role Models Week, and for other purposes.

Mr. Speaker, H. Con. Res. 409 supports the goals of National Community Role Models Week and the Recognizing Achievement-Rewarding Excellence Foundation, the RARE Foundation.

While today’s athletes and entertainers have inspiring stories of perseverance, virtue, and hard work to tell, these people are indeed noteworthy individuals; they are often far removed from the lives that young people live. However, parents, teachers, nurses, crossing guards, the so-called working stiff, ordinary everyday people are the people that interact and touch the lives of young people on a daily basis. People that go to work every day to earn an honest living that provide a service and...
do so in a professional manner; these are the individuals that often are overlooked, but fortunately not during National Community Role Models Week. These individuals are motivated every day by traditional American values such as selflessness, compassion, dedication, integrity and honesty. They embody these values in their daily work, in their communities, and in their homes.

Not only should these individuals, the neighbor, dentist, baker, shopkeeper, school teacher, scout leader, the lady down the block who teaches children, young girls how to bake, how to cook, how to sew, all of these individuals should be honored during National Community Role Models Week but every day they touch the lives of children in a very positive and enduring way. The “working stiff” as they are often called, the average person, is indeed a national treasure and should be treated as such. There are thousands of individuals throughout our country who give of themselves on a daily basis in such a way as to empower, enlighten and enrich the lives of others and especially of children. And when they do so, we must recognize that they are role models and should be treated as such. So I am pleased to join in support of this resolution and urge its passage.

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

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

I urge adoption of House Concurrent Resolution 409. This legislation supports the goals and ideals of the National Community Role Models Week. It also commends those unsung heroes, community role models who make a difference in the lives of children and inspire all of us. I thank the RARE Foundation of Troy, Michigan, for recognizing role models.

Mr. KOLLENBERG. Mr. Speaker, more than anything else, the tragic events of September 11 helped our Nation realize that it is blessed with so many wonderful heroes—not only the firefighters and other emergency personnel that were on the scene but countless others all over the Nation in our communities who demonstrate daily remarkable deeds of character, integrity and bravery.

I have introduced this legislation because I believe children must learn to recognize the strong role models that live in their local communities. Children need to understand that they are important and can make a difference no matter their occupation. Although we often hear inspiring stories about famous celebrities, sports figures, and civil leaders, we seldom publicly recognize exceptional people right in our own neighborhoods and communities with whom children can more readily relate.

The legislation before us today encourages communities to adopt programs that recognize local heroes and educate children about them, and supports the goals and ideals of a National Community Role Models Week. Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the greatness of this Nation.

There are many working individuals in our local communities who are motivated every day by values such as selflessness, compassion, dedication, courage, and integrity. Although they do not have role models for children in their communities, their efforts are seldom publicly recognized and, as a result, people in the community cannot benefit from knowing about them.

As children learn and act by examples they experience every day, they need role models from their local community with whom they can realistically relate. More than rock stars or sports figures, these individuals can better inspire children to think about their personal heroes and reflect upon their own dreams and aspirations.

An organization in Troy, Michigan, the RARE (Recognizing Achievement—Rewarding Excellence) Foundation, has established a program to recognize outstanding community residents and teach children about their work ethic, values and accomplishments. The Foundation helps children develop a sense of purpose and hope for their future by providing inspirational examples of ordinary people with traditional jobs who make extraordinary contributions.

Since its inception, the RARE Foundation has identified hundreds of unsung, silent heroes in the Detroit Metropolitan area. Some award winners include: an entrepreneur who built a successful company that teaches moderately handicapped people to live on their own; an apartment maintenance supervisor who risked his life to save tenants from a fire; a receptionist who created a care program for the spouses of terminally ill employees; detectives who worked for years during evenings and weekends to solve a murder; a principal of an elementary school located in a poverty-stricken and drug impacted neighborhood who led the school to achieve the national Blue Ribbon award. These individuals hold ordinary jobs but distinguish themselves with their extraordinary dedication, persistence and commitment.

Earlier this year, RARE Foundation teamed up with the Detroit News and sent brochures to 19,000 classrooms throughout the State of Michigan asking students to write essays nominating the person who is their hero. The News received 600 essays in response and selected winners. During the week of September 11, the Detroit News sent a 20-page supplement to schools that contained the winning essays, articles about RARE Award Winners and a teacher’s guide for teaching the qualities and characteristics of heroes.

Heroes in the eyes of 4th through 8th graders included elementary school principals, local philanthropists, challenging and supportive teachers, school secretaries, venerable coaches, youth pastors, dentists, nurses, doctors, judges, veterans, and family members.

H. Con. Res. 409 encourages communities to adopt similar programs that recognize local heroes and educate children about them.

Children need role models today more than ever in our history, and the role model in the family or next-door is immeasurably more important than the famous. It is essential that we validate and promote at a local level the exceptional values possessed by many individuals within our communities. Ideally, a national role models week would surround September 11 each year to memorialize the remarkable heroism and compassion displayed by so many after the terrible attack on our country. Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the progress of this nation.

I encourage my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. DAN MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 409.

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

A motion to reconsider was laid on the table.

AUGUSTUS F. HAWKINS POST OFFICE BUILDING

Mr. DAN MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2578) to redesignate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the “Augustus F. Hawkins Post Office Building.”

The Clerk read as follows:

H.R. 2578

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

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, shall be known and redesignated as the “Augustus F. Hawkins Post Office Building”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the “Augustus F. Hawkins Post Office Building”.

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

The Chair recognizes the gentleman from Florida (Mr. DAN MILLER).

Mr. DAN MILLER of Florida, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2578.

The SPEAKER pro tempore. (Mr. ABHITT.) Is there objection to the request of the gentleman from Florida? There was no objection.

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

Mr. Speaker, I am pleased to have the House consider H.R. 2578, introduced by our distinguished colleague,
the gentlewoman from California (Ms. WATERS), that designates the facility of the United States Postal Service located in Los Angeles as the Augustus F. Hawkins Post Office Building. Members of the entire House delegation from the State of California are co-sponsors of this legislation.

This legislation honors a former Member of the House who preceded our colleague, the gentlewoman from California (Ms. WATERS), in what was the 29th Congressional District of California.

Congressman Augustus Hawkins was elected to 14 consecutive terms to this House on behalf of the people of South Central Los Angeles. He rose through the ranks of this body and ultimately chaired the Committee on Education and Labor in the 1980s. Prior to his term in the House of Representatives, he served 28 years in the California State Assembly, a body in which he was the only black member for the entirety of his tenure.

Mr. Speaker, this legislation honors a man who devoted more than five decades of public service to the people of California. For that reason, I urge all Members to support the adoption of H.R. 2578.

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

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

Mr. Speaker, as a member of the Committee on Government Reform, I am indeed pleased to join my colleagues in considering H.R. 2578, which names a post office in Los Angeles, California, after former Representative Augustus Hawkins. H.R. 2578 was introduced by the distinguished gentlewoman from California (Ms. WATERS) on July 19, 2001, and enjoys the support and cosponsorship of the entire California delegation.

Augustus Freeman Hawkins was born in Shreveport, Louisiana, in 1907 and moved with his parents to Los Angeles in 1918. He received a public school education and graduated from the University of California at Los Angeles and the University of Southern California.

From 1935 to 1962, Mr. Hawkins served as a member of the California State Assembly. He served on the important Committee on Rules during most of his tenure in the Assembly and began his focus on education, labor and employment issues.

In 1963, Augustus Hawkins was elected to Congress as a Democrat representing the 29th Congressional District in California. In 1971, he joined 12 other African American Members of Congress and formally established the Congressional Black Caucus, a coalition of African American Members of the House dedicated to achieving greater equality for persons of African descent.

During his tenure in Congress, Gus Hawkins served as chairman of the Committee on House Administration and the Committee on Education and Labor. The 1990 Almanac of American Politics describes Chairman Hawkins' mindset: "His convictions are that government programs can help and have helped the poor and middle class; that aid to education has strengthened the nation; that Federal job programs have made the difference between a productive life and an idle one; and that the government has a responsibility to give jobs to those who cannot find employment in the private sector." To that end, Chairman Hawkins co-authored the Humphrey-Hawkins Full Employment and Balanced Growth Act of 1978, legislation designed to promote genuine and sustainable recovery and a full employment society.

Representative Hawkins also served as Chairman of the Joint Committee on Printing and Joint Committee on the Library. He retired at the end of the 101st Congress.

Mr. Speaker, I commend my good friend, the gentlewoman from California (Ms. WATERS), for seeking to honor Chairman Augustus Freeman Hawkins by naming a post office after him in Los Angeles, California.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. I thank the gentleman from Illinois (Mr. DAVIS) for yielding me time.

Mr. Speaker, I am pleased that this bill is being considered today. As it has been stated, it would rename the post office at 8200 South Vermont Avenue, which is California's 35th Congressional District, after Representative Augustus Hawkins. Representative Augustus Hawkins represented this district for nearly 30 years.

Mr. Speaker, this is a small gesture to a truly great man. Congressman Hawkins was a distinguished Member of this House. He worked hard, and he carried the respect of all those who worked with him.

Again, he was first elected to the California State Assembly in 1935. He served in the Assembly for nearly 40 years. In 1962, he was elected to the U.S. House of Representatives and was California's first African American Member of Congress. He served a total of 13 terms.

Throughout his career, Gus focused on education, labor and employment issues. He served as chairman of the Committee on House Administration for 4 years and sat on the House Education and Labor Committee. However, it is for his work on monetary and economic policies that he is often talked about. He teamed up with Senator Humphrey to sponsor the Full Employment and Balanced Growth Act of 1978. One aspect of the bill, which has become known as the Humphrey-Hawkins Report, required the Chairman of the Federal Reserve to report to the House and Senate Banking Committees on the economy and monetary policies twice a year. This report has become one of the most important speeches given by the Federal Reserve Chairman.

While the statute has officially expired, the report is still provided to Congress and remains a benchmark for evaluating the economy.

In 1971, though already in office for nearly a decade, Congressman Hawkins joined 12 other African American Members of Congress to establish the Congressional Black Caucus. Today, only the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CONTE) of the pioneering group remain in the leadership group.

Over the past 31 years, the CBC has grown in influence and in size. Today, we have 38 Members from all over the country. The CBC owes much of its success to Gus Hawkins and the other founding members.

In 1991, after 14 terms in Congress, Congressman Hawkins decided to retire. I was fortunate enough to be elected to serve in the district that he had represented so well for so many years.

Recently, Congressman Hawkins partnered with Dr. Vinetta C. Jones, the Dean of Howard University School of Education, to form the Black Education and Leadership Summit. The group is comprised of education, civil rights, nonprofit, business and community groups that seek to remove the public education debate beyond rhetoric-based theory. The ultimate goal of the group is to develop and enhance the education of all African American students.

I certainly appreciate the work of Congressman Augustus Hawkins, and I am very pleased and proud to represent the 35th Congressional District, that area which he served so admirably for so long.

I would like to just close by giving my very fond thoughts about the length of time that I had known Congressman Hawkins. The conversations that we have had over the years helped me to understand that not only do I have a responsibility to come to this body and represent my constituents in the absolutely best way that I possibly can, but Congressman Hawkins taught me to "trace the money."

He came home often, and he always went to city hall to find out what they were doing with the Federal funds that we were sending down there. I learned to pay attention to that. Because of Gus Hawkins, even today I am tracing the dollars from the CDBG Grants, Section 108 loan guarantees and other areas of government where we appropriate money that goes into the local government to be disbursed.

It was because of Gus Hawkins that I think our city began to do a better job of making sure, as Gus said, that all of the money was not going downtown, that the money got out into the communities and out to the district that he represented, and certainly to the district that I now represent.

Again, I am pleased and proud to be a part of the efforts here today to name this Post Office after a most deserving gentleman, Congressman Augustus Hawkins.
Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I rise in strong support of H.R. 5340—

(a) DESIGNATION.—The facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, shall be known and designated as the “Francis Dayle Chick Hearn Post Office.”

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Francis Dayle “Chick” Hearn Post Office.

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

A motion to reconsider was laid on the table.

FRANCIS DAYLE “CHICK” HEARN POST OFFICE

Mr. DAN MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5340) to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the “Francis Dayle Chick Hearn Post Office.”

The Clerk read as follows:

H.R. 5340

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

SECTION 1. FRANCIS DAYLE “CHICK” HEARN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, shall be known and designated as the “Francis Dayle Chick Hearn Post Office.”

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Francis Dayle “Chick” Hearn Post Office.

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

The Chair recognizes the gentleman from Florida (Mr. DAN MILLER).

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

Mr. Speaker, I would just close by indicating that Representative Hawkins was indeed and is indeed a legend. Between the time that he spent in the California Assembly and the time that he spent here in the halls of Congress, he must have spent much more than half of his life in representative positions. I think that that is indeed rare, and it is my pleasure to urge passage of this resolution.
The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. DAN MILLER of Florida. Mr. Speaker, I yield myself such time as I may have in my discretion.

Mr. Speaker, I am pleased to have the House consider H.R. 5340, introduced by our esteemed colleague, the gentleman from California (Mr. SHERMAN), that designates the facility of the United States Postal Service located in Encino, California, as the Francis Dayle “Chick” Hearn Post Office Building.

Mr. Speaker, all Americans were saddened to hear that Chick Hearn, the renowned play-by-play announcer of the National Basketball Association’s Los Angeles Lakers passed away on August 5 of this year. He was unquestionably one of the most adored and distinctive sports broadcasters in American history.

“Chick”: Hearn’s record of broadcasting longevity is astonishing. Since the 1960s, he called over 3,300 Lakers games, plus numerous University of Nevada at Las Vegas basketball games, many college and professional football games, and even the first Muhammad Ali–Joe Frazier boxing match. His continued excellence earned him the nickname the “Golden Throat.”

It was remarkable that, despite leaving the Lakers’ announcing booth last December because he had to undergo heart surgery, he valiantly returned to call the Lakers playoff games all the way through to their third consecutive NBA championship this past summer.

While his longevity in the broadcasting booth is well known, many outside of California may not realize that scores of basketball phrases were in fact invented by the colorful Chick Hearn. He made famous terms that are now pervasive in basketball vernacular such as “air ball,” “finger roll,” “give and go,” and even “slam dunk.”

Mr. Speaker, naming a Post Office after Francis Dayle “Chick” Hearn is a fitting tribute to a man who was as beloved and appreciated as Chick Hearn was. Therefore, I urge all Members to adopt H.R. 5340.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. SHERMAN), the sponsor of this legislation.

Mr. SHERMAN. Mr. Speaker, I thank the gentlewoman from California (Ms. WATSON), the House floor in record time.

We consume too honor a man who epitomized the spirit, the unity, and the joy of life, of living in southern California, a man who was the best reason to buy a transistor radio, perhaps the best reason to live in southern California, and perhaps the best reason to be an NBA fan. We knew how much he meant to us, but we did not fully know until he died last August 5. He had broadcast 3,336 consecutive games between December 1960 and December 2001. Not only did he broadcast those consecutive games, but his total number of games called reached 3,362.

In addition to broadcasting those Lakers games, he also broadcast NCAA basketball games, NFL football games, UNLV basketball, and the first All-Frazier fight. He won two Emmy awards, three Golden Mike awards, two National Sportscaster of the Year awards, seven California Sportscaster of the Year awards, and a star on Hollywood Boulevard’s Walk of Fame. He was also inducted into the basketball Hall of Fame and the American sportscasters Hall of Fame.

No one in this country I think influenced the football to the extent of Chick Hearn. He invented or popularized the terms we all are familiar with: slam dunk, air ball, finger roll, give and go, and one other phrase that I will use at the conclusion of my remarks.

Francis Dayle Hearn was born in Buda, Illinois, on November 27, 1916. He was a talented athlete, but a car accident ended his semi-pro basketball career in the 1930s. While playing in Aurora, Illinois, his affable response to a practical joker’s placing of a dead chicken in his locker won him the nickname Chick, the name that we all in Los Angeles came to know him by.

In the heat of the Pacific during World War II and after the war became a sportscaster in Aurora and Peoria, Illinois. In 1956 he moved to Los Angeles to cover college football and basketball for CBS radio and NBC television. He joined the Lakers in their first season in Los Angeles and became the voice of basketball for southern California.

Chick is survived by his wife, Marge, a granddaughter and a great granddaughter. Chick and Marge were residents for many decades in the San Fernando Valley and have lived in Encino for well over 20 years. This bill will rename their local post office the “Francis Dayle ‘Chick’ Hearn Post Office.”

Mr. Speaker, this legislation, of course, enjoys the support of not only the Lakers organization, but the entire California delegation. I asked Chick earlier today and she asked me, What are the chances that this bill will pass this House today? And I said, Marge, “it’s in the refrigerator. The door’s closed, the light’s out, the eggs are cooling, the chicken is getting hard, and the Jello’s jiggling.”

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I come to support two champions who will have post offices named after them.

First I would like to support H.R. 5349 and sportscaster legend Chick Hearn. I represented the Lakers for many a year in Inglewood while Chick Hearn was at his finest, and I feel very close to that voice even in death, because he was the voice representing the real sportsman’s spirit; and he was able to educate, train, and mentor almost everyone who heard him in sportsmanship.

As the gentleman from California (Mr. SHERMAN) expressed, he coined many phrases that are used today. Our younger people will grow up parroting those phrases and appreciating good sportsmanship and good women in sports as well. Our women’s basketball team played in that same sports arena while I represented that area; and I am so very, very proud of what he was able to put forth to them in the line of sportsmanship and in the line of broadcasting. California sports, all about.

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

As a member of the House Committee on Government Reform, I am pleased to join with my colleagues in consideration of H.R. 5340, which names a Post Office in Encino, California after the late Francis Dayle “Chick” Hearn. Mr. Speaker, H.R. 5349, which enjoys the support and co-sponsorship of the entire California delegation, was indeed introduced by the gentleman from California (Mr. SHERMAN) on September 5, 2002.

Francis Hearn was born in the great State of Illinois in the city of Aurora. He attended Bradley University and was given the nickname “Chick” when, as an AAU basketball player, he found a chicken inside a box of sneakers.

Chick Hearn began his career in Los Angeles broadcasting the University of Southern California football and basketball games. He went on to do night and radio sports, winning Emmy awards along the way. In 1961, Chick announced a game for the Los Angeles Lakers, a job he held for over 30 years. During his Lakers career, Chick Hearn became one of the most recognizable voices in the industry and the greatest basketball announcer of all time. His great announcing gave birth to “Chickisms,” as it was called. These were comments Chick made while broadcasting the games. Some of his greatest comments were: “The mustard’s off the hot dog,” “I put the popcorn machine,” “slam dunk,” “air ball,” “This game’s in the fridge.”

A man of much commentary, Chick Hearn earned a Cable ACE Award, Best Sports Play-By-Play in 1968, and a star on the Los Angeles Walk of Fame. He was the recipient of a Golden Mike award, six California Sportscaster of the Year awards, and three Southern California Sports Broadcasters Association awards. His greatest honor came when he was inducted into the basketball Hall of Fame in 1991. Sadly, he passed away on August 5, 2002, from injuries suffered in a fall.

October 7, 2002
CONGRESSIONAL RECORD — HOUSE
Mr. Speaker, I commend the gentleman from California (Mr. SHERMAN) for seeking to honor Chick Hearn by naming a post office after him in Encino, California, and I urge the swift passage of this bill.

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

Mr. DAN MILLER of Florida. Mr. Speaker, I urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from Florida (Mr. DAN MILLER) that the House suspend the rules and pass the bill, H.R. 5380.

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

A motion to reconsider was laid on the table.

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 569) expressing support for the President’s 2002 National Drug Control Strategy to reduce illegal drug use in the United States.

The Clerk read as follows:

H. RES. 569

Whereas nearly 20,000 Americans, many of them children, die of drug-induced deaths, more than 62,000 Americans die from drug-related causes, and more than 600,000 Americans visit hospital emergency rooms for drug-related episodes every year;

Whereas the United States has for years been one of the largest consumers of illegal drugs in the world;

Whereas more than 50 percent of high school seniors have experimented with an illegal drug at least once prior to graduation, 2,800,000 Americans are considered to be drug abusers, and an additional 1,500,000 are in the less severe “abuser” category;

Whereas the societal costs, including lost productivity, of the illegal drug problem in America have reached a staggering $160,000,000 per year;

Whereas the United States is experiencing a dramatic increase in the potency of marijuana and sharply escalating use of drugs such as methamphetamine, “club drugs” such as MDMA (“ecstasy”) and abuse of legally prescribed drugs such as OxyContin;

Whereas the Office of National Drug Control Policy within the Executive Office of the President was established by the National Narcotics Leadership Act of 1988 to coordinate the Nation’s overall counter-narcotics efforts;

Whereas the United States has consistently and firmly supported a “balanced” approach in the war on drugs, and the National Drug Control Strategy for 2002 calls for stopping drug use before it starts through education and community action, healing America’s drug users by getting treatment sources where they are needed, and disrupting the market by attacking the economic base of drug trafficking;

Whereas more than 5,000 community anti-drug coalitions across America have been created to bring together parents, teachers, coaches, mentors, business leaders, faith-based organizations, and Federal, State, and local governments to reduce drug use through effective public support;

Whereas the President of the United States has directed the Secretary of Health and Human Services and the Attorney General to bet on the co-called “treatment gap” in America through increased and more effective drug treatment facilities across America and by convincing nearly two-thirds of our adolescents, particularly adolescents, that they in fact need help;

Whereas the National Youth Anti-Drug Media Campaign plays an important role in reducing drug use and social disapproval of drug use;

Whereas there is a well-established link between the profits from the illegal drug trade and the financing of many of the world’s leading terrorist organizations, including the Talibán, al-Qaeda, and the Fuerzas Armadas Revolucionarias de Colombia (FARC), and the illegal narcotics trade has contributed directly to social and political instability and loss of respect for democratic nations in the Andean region and around the world;

Whereas the United States Government and the House of Representatives are working closely with allied nations to stop the international production and transit of illegal drugs and promote alternative development and means of economic growth;

Whereas the capabilities of the United States Coast Guard, the United States Customs Service, and the United States Border Patrol are critical to our Nation’s drug interdiction efforts and must be maintained at no less than their current levels;

Whereas Federal, State, and local law enforcement agencies are working diligently to enforce laws prohibiting the use of illegal drugs and to interdict illegal drug traffic to the United States;

Whereas the Supreme Court of the United States decisively reaffirmed that the Controlled Substances Act is binding national law in United States v. Oakland Cannabis Buyers’ Collective, 532 U.S. 483 (2001); and

Whereas the use of illegal drugs has been decisively rejected by the American people as inconsistent with the general welfare of the United States and individual dignity.

Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for the President of the United States and the Office of National Drug Control Policy in the goal to reduce drug use in America by 10 percent during the next 2 years and 25 percent during the next 5 years;

(2) calls on all Americans to join in the effort to prevent, reduce, and reject illegal drug use in America by talking to children about the dangers and consequences of illegal drug use and urging other responsible adults to do the same in their families and communities;

(3) calls on the President, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Transportation, the Director of the Office of National Drug Control Policy, and the heads of subsidiary agencies (including the Drug Enforcement Administration, the United States Customs Service, the United States Coast Guard, and the Substance Abuse and Mental Health Administration) to work together to effectively implement the 2002 National Drug Control Strategy to improve and protect American youth through effective community, family, and school-based prevention efforts to improve the coordination among Federal, State, and local governments, nonprofit organizations, corporations, foreign governments, and private citizens to reduce the demand for international supply of illegal drugs in the United States;

(4) reiterates its sense that narcotics control is an integral part of homeland security and should be a priority mission for any new Department of Homeland Security;

(5) commends all Federal, State, and local government personnel working to combat illegal drug use in the United States, as well as community leaders who seek to make a difference across the United States; and

(6) reaffirms the sense of the House of Representatives against any use of narcotic and other drugs in a manner inconsistent with the Controlled Substances Act.

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

There was no objection.

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

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

There was no objection.

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

This resolution expresses the support of the House for the President’s National Drug Control Strategy as well as for the work of the many individuals across America, in the government and in the private sector, who dedicate themselves to controlling and preventing drug abuse and helping drug abusers.

I introduced this resolution in my capacity as chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, joined by, as original cosponsor, the ranking member, the gentleman from Maryland (Mr. Cummings), and I want to appreciate his bipartisan support for this resolution and on so many other issues during this Congress.

I would also like to recognize the continued work of my co-chairs on the Speaker’s Task Force for a Drug-Free America, the gentleman from Ohio (Mr. PORTMAN), the gentleman from Florida (Mr. Mica), as well as the gentleman from Illinois (Mr. Davis), who has been a great member and asset to our efforts.

I believe it is also appropriate to take a moment to recognize the lifelong work on drug control of the vice-chairman of the subcommittee, the gentleman from New York (Mr. Gilman), the former chairman of the Committee on International Relations. He has tirelessly advocated vigorous efforts to stop drug abuse and trafficking and protect American youth throughout his distinguished career, and his unwavering leadership in this House will be sorely missed, especially on this issue.

As the resolution details, drug abuse continues to be a serious problem in...
America today. The death of nearly 20,000 Americans this year will be caused directly by illegal drugs. Fifty-two thousand Americans will die of drug-related causes, and more than 600,000 Americans visit hospital emergency rooms for drug-related episodes every year.

In the past year, we have redirected the focus of the vast apparatus of the Federal Government to the threat of catastrophic terrorism. I want to remind everyone, however, that day-to-day and town-by-town, the slow, deadly, painful, and disruptive toll of illegal drug use continues unabated. Today, in addition to the continued tremendous challenge of holding the line on traditional drugs like cocaine and heroin, we also face emerging threats such as high potency marijuana, which many know as “BC Bud,” the growth of methamphetamine use, the so-called “club drugs” like Ecstasy, and increased abuse of the prescription drug Oxycontin.

Earlier this year, President Bush and Director Walters of the Office of National Drug Control Policy released the National Drug Control Strategy to detail the administration’s approach to reducing drug use in America. It is a balanced strategy that calls for stopping drug use before it starts through education and community action, healing America’s drug users by getting treatment resources where they are needed, and disrupting the market by attacking the economic basis of the drug trade through interdiction and vigorous law enforcement.

As part of the strategy, the President has set the aggressive goal of reducing drug use in America by 10 percent during the next 2 years and 25 percent during the next 5 years. This resolution expresses the support of the House for the balanced strategy set forth, as well as the goal of a measurable reduction of illegal drug use in America. I believe that meeting these specific goals will be a challenge but that the House should strongly support the effort to restore accountability and performance measurement to the Nation’s drug control programs.

I also believe that the House should express its support for the tireless and often thankless work which so many Americans do every day to combat illegal drug traffic and abuse within our country and around the world.

Whether it be a drug counselor who helps the addicted, the DEA agent who risks his or her own life to fight the often violent drug cartels, the community coalition leader who tries to keep kids from starting drug use, the Customs, Immigration, or Border Patrol officer on the front line at the border, the doctor or nurse who offers the medical help, the Coastie on the water in the transit zone, the local cop, the Foreign Service officer in a source country, or her who sat overlooking the suspicious activity on her block, these and countless other Americans work every hour of every day to fight illegal drugs. We ought to recognize and thank them. This resolution does that.

The resolution also expresses the sense of the House that narcotics control should continue to be a priority mission for the new Department of Homeland Security. Our continued opposition to any use of narcotics not permitted by the Controlled Substances Act, the basic Federal law prohibiting use of illegal drugs.

Finally, I want to note that this resolution calls on all Americans to join in a united effort to fight drug use in our communities. This is especially true of our parents, who we want to urge to talk to their children about the dangers and consequences of illegal drug use and encourage others to do so in their families and communities.

We have seen how increased vigilance to threats to our society and way of life can help make us safer as a Nation, and I hope that families and communities can do the same with respect to parenting and drug use.

I urge my colleagues to support the resolution.

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

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

Mr. Speaker, I am very pleased to join with the gentleman from Indiana (Chairman SOUDER) in consideration of House Resolution 569, a bill expressing support for the President’s 2002 National Drug Control Strategy to reduce illegal drug use in the United States.

I also want to commend the gentleman from Indiana for his outstanding leadership on this issue and especially for the convening of a field hearing in Chicago, where I live. I have appreciated the work that the gentleman has done; and, as I have indicated, I am pleased to join with him in consideration of this legislation.

Mr. Speaker, I include for the Record the statement of the gentleman from Maryland (Mr. CUMMINGS), who is the ranking member, and for whom I am actually filling in, in the presentation of this matter.

The statement referred to is as follows:

Mr. CUMMINGS. Mr. Speaker, I rise in favor of H. Res. 569, expressing support for the President’s 2002 National Drug Control Strategy. As the Ranking Minority Member of the drug policy subcommittee, I am happy to join with my chairman, the gentleman from Indiana, as an original cosponsor of this resolution.

As the War on Terror, homeland security, possible war with Iraq, and other issues dominate our American people, we in Congress, and the various state, federal and local agencies involved in the War on Drugs remain vigilant with regard to illegal drug control. Illegal drugs still claim many more American lives than terrorist attacks and they are responsible for much of the economic and human suffering underpinning the stability and safety of communities across the country, including my own city of Baltimore.

The increasing linkage between illegal drug trafficking and the financing of terrorist activities makes it all the more imperative that we keep our eye on the ball and not let the war on drugs slip as a national priority. Chairman SOUDER and I share this concern and worked together on the Global Anti-Terrorism Commissions Act, which included in the homeland security bill a provision at high-level position within the new department that will be responsible and accountable for coordination of drug control functions within and outside the new department. A similar provision has been included in the current proposals by the President and I would urge our colleagues in the other body to preserve it.

Mr. Speaker, the President deserves credit for making drug control a high priority in his administration. The national drug control strategy unveiled in February by the President and Office of National Drug Control Policy Director John Walters reflects a balanced and thoughtful approach to combating the drug problem. It recognizes that U.S. demand for drugs is the root of our domestic drug problem, identifying U.S. demand-reduction as a “central focus.” Consistent with this recognition, the strategy boldly states the goal of reducing domestic drug use by ten percent over two years, and by 25 percent over 5 years.

The strategy further reflects a recognition of the essential role that treatment plays in reducing drug-demand. The President’s proposed drug control budget includes a $1.6 billion increase in drug treatment funding over 5 years, in addition to a solid commitment to the Drug Free Communities Program, the National Youth Anti-Drug Campaign, drug courts, and other vital demand-reduction programs.

In the areas of treatment and domestic law enforcement, the President’s strategy reflects an emerging pragmatic consensus around the concept that drug treatment and law enforcement are most effective when approached as complementary rather than competing objectives. The criminal justice system must work in concert with treatment of delinquents in order to achieve positive long-term outcomes for users, addicts, and communities afflicted with drugs and drug-related crime.

This is the approach vindicated by a recent, groundbreaking drug-treatment study, focusing on Baltimore, entitled “Steps to Success.” Commissioned by Baltimore’s Substance Abuse Systems, Inc., and conducted by a blue-ribbon panel of experts from Johns Hopkins University, the University of Maryland, and Morgan State University, the study showed that a substantial increase in funding for drug treatment resulted not only in dramatic decrease in addiction and abuse, but also in equally dramatic reductions in emergency-room deaths, HIV/AIDS transmission, and both violent and property crimes. “Steps to Success” is the most thoroughly researched study of its kind and should put to rest the notion that treatment dollars are not dollars well spent. This is a lesson that communities nationwide can benefit from.

Mr. Speaker, I want to thank the gentleman from Indiana, Mr. SOUDER, for his constructive leadership on the drug policy subcommittee and in bringing this resolution to the floor. I look forward to continuing to work together, and with Director Walters, in maintaining our government’s focus on the critical goal of reducing illegal drug use.
Mr. DAVIS of Illinois. Mr. Speaker, last year the Chicago Defender published an article entitled “Cook County Drug Offenders Lose Out in Drug Treatment Revival.”

Though the article focused on Cook County in Illinois, it brought to the forefront a national trend towards treatment for drug offenders. Troubled by the devastating impact of drugs on the criminal justice system, the courts are diverting more drug offenders away from prisons, mandating instead that they enter substance abuse rehabilitations.

Keevin Irons, for example, a 41-year-old native of suburban Chicago Heights, had been hooked on drugs for 20 years when a Cook County circuit judge gave him 4 years’ probation on a drug possession charge and ordered him to 28 days in a residential treatment center.

Mr. Irons said of the treatment that was aimed at getting him to recognize the problems in his life and to quote, “Treatment has brought me a long way to learn about my disease and what made me do the things that I did. I see my life differently now. I can go out to society and be a productive citizen.”

Mr. Speaker, recovery is a beautiful thing, which is why I am pleased to see that President Bush’s 2002 National Drug Control Strategy includes over $850 million for various drug prevention programs and an additional $1.6 billion over the next 5 years for drug treatment programs.

This money, and more, is sorely needed to address the devastating impact of drugs on the criminal justice system. More and more addicts are streaming into the system than it can help. The problem is particularly acute in Cook County, where the drug case-load has exceeded those of other Illinois counties. Cook County drug offenders are less likely to receive drug treatment as part of their probation than those in Illinois’ other 101 counties, shown by an investigation by the Chicago Reporter.

According to the Illinois Department of Corrections, the number of prison sentences for drug crimes increased more than 12-fold from 1983 to 1999, when 13,766 drug offenders were sentenced to prison. Once discharged, about 40 percent of them will end up back in prison within 3 years.

Purchasing drugs are among the most active perpetrators of other crimes. Nearly two-thirds of those charged with a drug offense are convicted of a violent crime.

In response to this, as the Chicago Defender reported, States are moving away from incarceration to initiatives such as drug courts. Drug courts divert offenders to treatment, but they also impose penalties for misbehavior. The drug courts program uses the coercive power of the court to force abstinence and alter behavior through a combination of escalating sanctions, mandatory drug testing, treatment, and strong aftercare programs.

The 2002 drug strategy provides an additional $1.6 billion for drug court programs, bringing the total to $52 billion for fiscal year 2003. According to the 1997 National Treatment Improvement Evaluation Study by the U.S. Department of Health and Human Services, such treatment programs cut illicit drug use and reduce arrest rates by 64 percent. These programs help stabilize communities by making them safer and making productive citizens out of drug offenders.

I support the President’s drug prevention and treatment strategy and its continued funding. Recovery is a beautiful thing; and, Mr. Speaker, I urge the adoption of this resolution.

Once again, Mr. Speaker, I want to commend my colleagues, the gentleman from Illinois (Mr. Cummings), the ranking member, the gentleman from Maryland (Mr. Souder), and the outstanding leadership of Mr. Speaker.

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

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

Mr. Speaker, in closing, this is a very important resolution, and I acknowledge that, even under this time when we are under a terrorist attack, that we are under chemical attack as well.

In my hometown of Fort Wayne, Indiana, we have seen in the past month a very gruesome murder that occurred to cover up another murder, where kids were high on drugs and alcohol. In fact, they not only beat up and then shot, but then burned two of their acquaintances in a field.

This past week we saw another group murder. It appears to be gang-related. It appears to be related to narcotic sales in the City of Fort Wayne.

The principal of South Side High School had to have teachers and police at the football game. He has been actively reaching out and looking for prevention programs and trying to reach the kids, whether it is through community churches, community organizations and the classroom, to try to show the true impact it takes on the community and the evil of gang warfare that often is closely related.

We may or may not ever see terrorist attacks in Fort Wayne and we may or may not see terrorist attacks around the United States, but we are certainly going to see drug abuse. For the people in the field, those working in the programs and prevention in the schools and prevention in the communities, those who work with treatment, it is often divorce.

A lot of people ask me, as chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, why can you not just eliminate this problem? But let me remind the Members that, at core, there are a couple of different things. One is that we will never eliminate evil from the world. We try to control it as much as possible. This is true of rape, it is true of child abuse, house abuse, it is true of child abandonment. They have been with us for a long time.

As leaders in this country, we cannot say, oh, it is not working; therefore, we are going to abandon it. We have to re-double their efforts.

Furthermore, in the area of narcotics, we see every day new people who heretofore we thought were invulnerable to a narcotics attack, whether it is young kids who now are being exposed for the first time in elementary school, the first time at a party in junior high, or at a club scene as a high school who had never been exposed to narcotics before.

We have to be there in prevention, be there when they are first exposed, be there for treatment, and also be there to intercept the drugs as they are coming into this country, so we keep the prices from going so cheap and the purity so high that, when they have that exposure, they die on simple impact.

This is a combined strategy that never gives up, that understands that we are battling all the time to try to change these families, people who have lost work, people who have gone into divorce, it is true of child abuse, it is true of spouse abuse, it is true of child abandonment.

As leaders in this country, we cannot say, oh, it is not working; therefore, we are going to abandon it. We have to re-double their efforts.

Mr. Speaker, I commend this resolution to the House and hope that it passes unanimously.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H. Res. 569, a resolution expressing support for the president’s 2002 National Drug Control Strategy. I urge my colleagues to lend it their wholehearted support.

This resolution expresses the support of the Congress for President Bush’s 2002 National Drug Control Strategy to reduce illegal drug use in the United States. It recognizes the alarming rate of drug abuse in our country, the criminal activities it takes on, the devastating impact it has on the communities in the form of damaged or destroyed lives, and the financial support which drug traffic provides for terrorist and other criminal enterprises. Finally, it expresses the support of the House for the balanced approach to the Nation’s war on drugs, focusing effective, intelligence-based programs.

Drug abuse is a widespread problem effecting more than 9 million individuals. Recent years have shown disturbing trends in the use of heroin, various club drugs, and methamphetamine, especially among our younger population. Moreover, the drugs on the streets today are cheaper, purer and easier to acquire than at any previous point in our Nation’s history.
All told, it is estimated that 85 percent of all crime committed in the United States is somehow related to either drug or alcohol addiction. Furthermore, U.S. taxpayers spend an average of $150 billion per year in drug-related criminal and health care costs. Moreover, since the early 1980s we have learned of the insidious link between the drug trade and international terrorism.

Equally troubling is the long term impact on the families, and especially the children, of alcoholics and drug abusers. Far too many children grow up in homes where one or both parents consume are more likely to suffer abuse or neglect from their parents, and have a higher risk of becoming alcoholics or addicts themselves. We have made enormous progress in improving drug and alcohol awareness. Thanks to the tireless efforts of groups like mothers against drunk driving, alcohol-related traffic fatalities have decreased considerably from thirty years ago. Yet we have far to go. Far too many people do not view alcohol as a drug, and an alarming number of Americans do not realize that various alcoholic beverages contain different amounts of alcohol.

We must also face off on the drug front as well. Recent years have seen a proliferation of efforts to create back doors to legalization, best shown by the medical marijuana argument. However, anti-drug efforts are seeing signs of finally working after years of neglect. A return to a balanced approach that attacks both the supply and demand side of the problem has made a difference.

Drug treatment is an important component of demand reduction that has proven itself to work, but it requires enormous commitment on the part of both doctor and patient. This is especially true for those addicted to opiates, narcotics and alcohol.

H. Res. 569 supports the President’s argument that the current time is ideal to reinvigorate the American people public in the war on drugs, we need to implement this strategy, we should apply the recent lessons learned to formulate a balanced approach that attacks both demand and supply of illicit drugs.

The President has outlined a bold strategy that is designed to: Stop drug use before it starts, provide appropriate treatment for America’s drug users, and disrupt the current illicit drug market.

I have spent the last thirty years in the Congress fighting the scourge of illegal drugs. I am pleased to see an administration that is strongly committed to this goal, and recognizes the dangers posed by this illicit trade, both in lives affected, wasted talent, and the turmoil caused by drug-financed terrorism.

Success in our drug war requires the commitment of every American. This resolution is a good step, and I therefore urge its adoption.

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentlewoman from Indiana (Ms. SCHAKOWSKY), that the House suspend the rules and agree to the resolution, H. Res. 569.

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

A motion to reconsider was laid on the table.

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4685) to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements, as amended.

The Clerk read as follows:

H.R. 4685

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “Accountability of Tax Dollars Act of 2002.”

SEC. 2. AMENDMENTS RELATING TO AUDITING REQUIREMENT FOR FEDERAL AGENCY FINANCIAL STATEMENTS.

(a) In General.—Section 3315 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Not later” and inserting “Except as provided in subsection (e), not later”;

(B) by striking ‘‘section 901(b) of this title’’ and inserting ‘‘each covered executive agency’’; and

(C) by striking ‘‘1997’’ and inserting ‘‘2003’’;

(2) in subsection (b) by striking “an executive agency and inserting “a covered executive agency’’;

(3) in subsection (c) and (d) by striking “executive agencies” each place it appears and inserting “covered executive agencies’’; and

(4) by adding at the end the following:

“(e) The Director of the Office of Management and Budget may exempt a covered executive agency, except an agency described in section 901(b), from the requirements of this section with respect to a fiscal year if—

“(A) the total amount of budget authority available to the agency for the fiscal year does not exceed $25,000,000; and

“(B) the Director determines that requiring an annual audited financial statement for the agency with respect to the fiscal year is not warranted due to the absence of risks associated with the agency’s operations, the agency’s demonstrated performance, or other factors that the Director considers relevant.

“(2) The Director shall annually notify the Committees on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate of each agency the Director has exempted under this subsection and the reasons for each exemption.

“(f) The term ‘covered executive agency’—

“(1) means an executive agency that is not required by another provision of Federal law to prepare an audited financial statement for the fiscal year, covering all accounts and associated activities of each office, bureau, and activity of the agency; and

“(2) does not include a corporation, agency, or instrumentality subject to chapter 91 of title 31.

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 20 minutes.

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

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4685.

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

There was no objection.

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

Mr. HORN. Mr. Speaker, the Proposed Accountability of Tax Dollars Act of 2002, was introduced on May 8 by the distinguished gentleman from Pennsylvania (Mr. Toomey). This bill would expand the number of Federal agencies that are required to prepare audited financial statements each year. At present, only 24 Departments and agencies are covered by the Chief Financial Officers Act of 1990, as amended. They now must meet this requirement.

This bill would require that most executive branch agencies produce annual audited financial statements. However, the Office of Management and Budget could exempt agencies with annual budgets of less than $25 million a year. However, to do so it must determine that those agencies do not present risk factors that warrant audit.

I expect this waiver authority to be used rarely, if ever. The bill would also permit the Office of Management and Budget to phase in the financial statement requirement over a 2-year period. This provision would give agencies additional time to prepare if they need it.

The Enron debacle and similar events underscored the need for honest and accurate financial reporting in the private sector. I can assure you, Mr. Speaker, that this need is just as critical in the Federal Government. The Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, which I chair, has held countless hearings on the pervasive financial management problems that confront most Federal agencies. Requiring annual audited financial statements will not solve all of those problems; however, it will bring more agencies closer to providing reliable financial information and holding them accountable to the American taxpayer.

We should bring behavior sanctions to Federal financial officers, who misuse fiscal management...
Many agencies that are not currently required to provide audited financial statements recognize their value. A recent survey conducted by the General Accounting Office found that 12 such agencies were voluntarily producing audited financial statements.

During our subcommittee’s May 14 hearing on H.R. 4685, witnesses from four or more of those agencies testified to the importance of audited financial statements in achieving greater accountability.

H.R. 4685 is a bipartisan and commonsense bill. It has the strong support of the General Accounting Office headed by the Comptroller General of the United States and the Office of Management and Budget headed by the director that reports to the President.

Enactment of this bill will help ensure greater accountability over the billions of tax dollars the Federal Government spends each year. I urge all of my colleagues to support this important legislation.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. Toomey), who has done really an excellent job. He has been in and over every line of the bill quite a few hours and weeks on this legislation.

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

Mr. Speaker, I rise today to urge my colleagues to support H.R. 4685, the Accountability for Tax Dollars Act.

Mr. Speaker, I first introduced this bill actually in the 106th Congress as a good government measure to combat waste, fraud, and abuse at Federal agencies. I reintroduced this legislation in this Congress with bipartisan support.

The Subcommittee on Government Efficiency, Financial Management and Intergovernmental Affairs of the Committee on Government Reform then held a markup of the bill before reporting it out favorably. And I want to thank very much the subcommittee chairman, the gentleman from California (Mr. Horn), not only for his support for this legislation, without his help we would not have this bill on the floor today, but in addition to that help, I want to thank him for his career-long commitment to improving the operations of government, improving the management and effectiveness, as well as the accountability, of government. The gentleman from California deserves to be recognized for that commitment.

Mr. Speaker, I decided to introduce this legislation when I discovered, much to my surprise, that actually a majority of Federal agencies are not required by law to prepare audited financial statements even though, of course, we mandate that publicly traded private enterprises do in fact perform such audited financial statements. The GAO study was very interesting. It found out that, first of all, the surveyed agencies reported they either achieved significant benefits or anticipated achieving significant benefits from auditing their financial statements. Twenty-one of the 26 largest agencies that are not required to audit their financial statements thought that the Federal agencies in fact should be required to audit these financial statements.

All of the surveyed agencies that have voluntarily adopted a standard of auditing their statements reported significant benefits, including enhanced accountability, greater ability to identify inefficiencies and weaknesses, improved internal controls, compliance with statutory requirements, and better monitoring of assets and liabilities.

Mr. Speaker, I urge my colleagues to support this important good government legislation.

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

Mr. Speaker, I rise in support of H.R. 4685. It is a bill to improve the financial accountability of the executive branch agencies.

The bill before us today extends the requirements for audited financial
statements to nearly all executive branch agencies. Unfortunately, this bill provides no funds to pay for those audits. The result is that the money spent to pay for these audits would otherwise be used by the Inspectors General to investigate waste, fraud and abuse. Therefore, it is my belief that Congress should fund what it authorizes.

Mr. Speaker, I have been pleased to work with the gentleman from California (Mr. HORN) on this and other financial management activities in the Committee on Government Reform. We share a belief that sound financial management gives us greater freedom to fund the many programs designed to help the public and that shoddy financial management directly impacts every taxpayer in this country and particularly harms the most vulnerable of our citizens.

Bad financial management is a double crime. First, it is wrong to disregard the value of taxpayer funds by wasting them through mismanagement. Second, it denies taxpayers the services for which they have paid their taxes. Unfortunately, the bill we have on the floor today is not the bill we have passed out of our subcommittee. The bill we have passed included a provision that required the agencies covered under this bill to conform to the accounting standards set out in the Federal Financial Management Improvement Act of 1996. The administration insisted that those provisions be stripped from the bill, or it would block the bill from coming before the House today. I find this turn of events disappointing.

I am disappointed because we are passing a weaker bill than should be passed and because we are acquiescing to an unreasonable demand by the Bush administration. Our actions send a signal to the public that Congress is not serious enough about accounting standards. If there is any time in our history that we should be demanding greater accountability from government agencies, it is today.

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Requiring agencies to follow the standards of the Federal Financial Management Improvement Act is not new. In fact, every year, as part of its financial review of the executive branch, the General Accounting Office reports to Congress on whether each agency is conforming within the provisions of this Act. The Act requires agencies to put in place policies and systems that lead to sound financial management on a day-to-day basis. Frankly, I ask that the Bush administration opposes this kind of sound financial management.

This administration talks a lot about its management initiatives and improving accountability in the government. However, it is very careful to make sure that the Office of Management and Budget that sets the rules by which agencies are graded. I am afraid that the administration’s opposition to the accounting standards that were in this bill is just one more attempt to make sure that OMB, and not Congress, sets the standards by which agencies are judged. It is very easy to claim success when you define what success is.

The bill before us today is not just about accounting standards. The title is the Accountability for Tax Dollars Act, and I would like to speak to that topic.

The chart in the well shows the Federal deficit in surpluses for the years 1980 to 2001 and projections of the deficit through 2010. As my colleagues can see, after a few years of surplus at the end of the Clinton administration, we are back to the deficit spending of the Reagan and Bush, Senior, administrations.

I believe that it is important for the American public to understand just who is accountable in this situation. The administration would like the public to believe that the Clinton deficits and the terrorist attacks of last September are responsible for these deficits, but that is not true.

The second chart, based on data from the Congressional Budget Office, shows that the primary cause of the deficits in this year and into the future is the Bush tax cut.

When President Clinton signaled to the world that he was serious about balancing the budget, it had an important effect. Investment began to flow into the U.S. economy and was one of the engines of the expansion of the 1990s. These deficits will have the opposite effect, holding back the economy and taking a toll on everyone.

We have already seen that happening. Last week, the Department of Commerce announced that the poverty rate was up and household income was down. The last time we saw poverty go up and income go down was during the recession in 1991.

Mr. Speaker, I support the bill before us today. However, it is unfortunate that we are not also considering a bill that I introduced, the First Things First Act. My bill truly addresses the problem of accountability for tax dollars by preventing further implementation of the Bush tax cuts, provisions that overwhelmingly benefit the rich and are fueling the Bush recession.

My bill that would prevent implementation of the tax cuts for the top bracket on hold until we can pay for the needs created by the terrorist attack last year, until we can ensure the solvency of Social Security and Medicare trust funds, and until we can provide a comprehensive prescription drug benefit under Medicare, until we can ensure Federal funding for school modernization and hiring 100,000 teachers, and until we reduce the number of people who face homelessness and substandard housing.

Mr. Speaker, I ask that my colleagues pass the bill before us today, and I ask my colleagues to be truly accountable to the American public for their tax dollars. It is our patriotic duty to ensure that every tax dollar is accounted for and that agencies like the Department of Defense, which cannot account for over $1 trillion in transactions, clean up their books and their acts.

I would like to take a personal note, Mr. Speaker, to just thank the Chairman of the Subcommittee of Government Efficiency, Financial Management and Intergovernmental Relations. I want to commend him and thank the gentleman not only for the many courtesies that he has shown to me, as the ranking Democrat on that committee, and not only for the many, many things I learned from him on how to carry out the role of chairman with integrity and fairness, but I want to thank him for his service to the American people.

He has been relentless in his pursuit of government efficiency and financial management. He has had over a dozen hearings around the country on our capacity to deal with some of the threats of the terrorist attacks, and this decent and dedicated leader of our country will be deeply missed as he retires. He deserves all of our thanks.

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

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

I thank the fine speech of the gentleman from Illinois (Ms. SHAKOWSKY). She has worked in our committee on government matters; and, of course, she comes from Chicago, so she knows where there needs a little work up there, but I thank her.

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 469, as amended.

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

A motion to reconsider was laid on the table.

SMALL WEBCASTER AMENDMENTS ACT OF 2002

Mr. SENSENIBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5469) to suspend for a period of 6 months the determination of the Librarian of Congress of July 8, 2002, relating to rates and terms for the digital performance of sound recordings and ephemeral recordings, as amended.

The Clerk read as follows:

H.R. 5469

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 “Small Webcaster Amendments Act of 2002”;

October 7, 2002 CONGRESSIONAL RECORD — HOUSE H7043
SEC. 2. EPHEMERAL ROYALTY RATES FOR ELIGIBLE SMALL WEBCASTERS.

Section 112(e) of title 17, United States Code, is amended—

(1) in paragraph (4), by inserting immediately before the period at the end of the first sentence the following: ‘‘, except that the royalty payable under this section for any phonorecord made during the period beginning on October 28, 1998, and ending on December 31, 2004, and used solely by an eligible small webcaster to facilitate transmissions for which it pays royalties as and when provided in section 114(f)(2)(D) shall be deemed to be included within such royalty payments’’; and

(2) by adding at the end the following: ‘‘Notwithstanding the preceding provisions of this paragraph, the royalty payable under this section for any reproduction of a phonorecord made during the period beginning on October 28, 1998, and ending on December 31, 2004, and used solely by an eligible small webcaster to facilitate transmissions for which it pays royalties as and when provided in section 114(f)(2)(D) shall be deemed to be included within such royalty payments.’’

SEC. 3. ROYALTY RATES AND NOTICE AND RECORDKEEPING FOR ELIGIBLE SMALL WEBCASTERS.

(a) PROVISION FOR CERTAIN RATES.—Section 114(f)(2)(D) of title 17, United States Code, is amended—

(1) in subparagraph (B), by inserting immediately before the period at the end of the first sentence the following: ‘‘, except that the royalty rates for certain public performances of sound recordings shall be as provided in subparagraph (D)’’;

(2) in subparagraph (C), by adding after clause (ii) the following: ‘‘iv) Notwithstanding the preceding provisions of this subparagraph, the royalty rates and total public performances of sound recordings by certain entities shall be as provided in subparagraph (D).’’;

(b) RATES FOR ELIGIBLE SMALL WEBCASTERS.—Section 114(f)(2)(D) of title 17, United States Code, is amended by adding after subparagraph (C) the following:

(D)(i) Subject to clause (ii) and paragraph (3), the royalty rate shall be (I) 3 percent of the gross revenues of an eligible small webcaster during the period beginning on October 28, 1998, and ending on December 31, 2002, or (II) 5 percent or more of the outstanding owing or non-voting stock.

(ii) For eligible nonsubscription transmissions made by an eligible small webcaster, the royalty rate shall be 10 percent of the eligible small webcaster’s first $250,000 in gross revenues and 12 percent of any gross revenues in excess of $250,000 during the applicable year or 7 percent of the webcaster’s expenses during the applicable year, whichever is greater.

(iii) Notwithstanding paragraph (4)(C), payment of royalties specified in clause (i) shall be made as follows:

(I) Except as provided in clause (ii), the nonsubscription rates provided in subparagraph (D)(i) for eligible nonsubscription transmissions made by an eligible small webcaster during the period beginning on October 28, 1998, and ending on December 31, 2004, shall be paid in three equal installments, with the first due by November 30, 2002, the second due by May 31, 2003, and the third due by October 31, 2003.

(II) The amounts specified in clause (i) for eligible nonsubscription transmissions made by an eligible small webcaster during October 2002 or any month thereafter shall be paid on or before the 10th day of the month next succeeding such month.

(iv) If the gross revenues, plus the third party participation revenues and expenses (as defined in section 114(f)(3)) from the operation of new subscription services, of a transmitting entity and its affiliates have not exceeded $1,250,000 in any year, and the transmitting entity expects to be an eligible small webcaster under division (b) in any year of not more than $50,000, the third party participation revenues and revenues or expenses, as the case may be, for the year through the end of the applicable month, less any amounts previously paid for such year.

(v) If a transmitting entity has made payments under clause (i)(II) for 2003 or 2004 based on the assumption that it will qualify as an eligible small webcaster under division (b) in such a way that the eligible small webcaster cannot readily be identified.

(vi) For eligible nonsubscription transmissions made by an eligible small webcaster during the period beginning on October 28, 1998, and ending on December 31, 1999, the minimum fee for the year shall be $500.

(vii) For eligible nonsubscription transmissions made by an eligible small webcaster in any part of calendar years 2000 through 2002, the minimum fee for each year in which such transmissions are made shall be $2,000.

(viii) For eligible nonsubscription transmissions made by an eligible small webcaster in any part of calendar years 2003 and 2004, the minimum fee for each year in which such transmissions are made shall be $5,000 if the eligible small webcaster had gross revenues during the immediately preceding year of not more than $50,000 and expected to have gross revenues during the applicable year of not more than $50,000.

(ix) For eligible nonsubscription transmissions made by an eligible small webcaster in any part of calendar years 2003 and 2004, the minimum fee for each year in which such transmissions are made shall be $5,000 if the eligible small webcaster had gross revenues during the immediately preceding year of not more than $50,000 and expected to have gross revenues during the applicable year of not more than $50,000.

(x) The minimum fees specified in subparagraphs (vii), (viii), and (ix) shall be paid within 30 days after the date of the enactment of the Small Webcaster Amendments Act of 2002, except in the case of an eligible small webcaster with gross revenues during the period beginning on October 28, 1998, and ending on December 31, 2002, of not more than $100,000, which may pay such minimum fees in two equal installments at the times specified in clause (ii)(A). The minimum fees specified in subparagraphs (vii), (viii), and (ix) shall be paid in two equal installments, with the first due by January 31 of the applicable year and the second due by June 30 of the applicable year.
(VI) Payments of all amounts specified in this clause shall be made to the entity designated by the Copyright Office to receive royalty payments under this section and shall be made by the method of payment and at the time specified in such clause.

(VII) All amounts paid under this clause shall be fully creditable toward amounts due under clauses (i) and (ii) for the same year.

(iv) Subject to subclause (i), an ‘eligible small webcaster’ is a webcaster (as defined in section 261.2 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002). Such royalties shall be payable at the times specified in clause (i)(I) and (II). Noncommercial, non-FCC webcasters shall pay a minimum fee, for any part of calendar years 1998 through 2004, of $500 for each year in which such performances are made. Such minimum fee shall be fully creditable toward royalties due for the same year. For performances made during the period October 28, 2003, and ending on December 31, 2003, such minimum fee shall be paid within 30 days after the date of the enactment of the Small Webcaster Amendments of 2002. The minimum fee for a subsequent year shall be paid by January 31 of that year. All payments specified in this clause shall be made to the entity designated by the Copyright Office to receive royalty payments under this section and shall be made at or before the time specified in such clause.

(v) The rates and terms set forth in this subparagraph shall not constitute evidence of rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller or that meet the objectives set forth in section 801(b)(1).

(ii) An ‘eligible small webcaster’ means all costs incurred (whether actual or deemed) for eligible small webcasters, except that capital costs shall be treated as expenses allocable to a period only to the extent of charges for amortization or depreciation of such costs during such period as are properly allocated to such period in accordance with United States generally accepted accounting principles (GAAP);

(iii) The marketing label of the commercially available album or other product on which the sound recording is fixed—

(iv) The term ‘gross receipts’—

(V) The International Standard Recording Code (ISRC) embedded in the sound recording;

(VI) The sound recording title.

(VII) The title of the retail album or other product (or, in the case of compilation albums created for commercial purposes, the name of the retail album identified by the eligible small webcaster for purchase of the sound recording).

(VIII) The marketing label of the commercially available album or other product on which the sound recording is fixed—

(II) A ‘beneficial owner’ of a security or other ownership interest is any person or entity who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise, has or shares voting power with respect to such security or other ownership interest.

(iii) The term ‘control’ means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract or otherwise.

(IV) ‘Voting interest’ means the possession, direct or indirect, of the power with respect to such security or other ownership interest, or otherwise, has or shares voting power with respect to such security or other ownership interest.

(V) ‘Royalty free market value’ means the fair market value of goods, services, or other non-cash consideration (including real, personal, tangible, and intangible property) provided by an eligible small webcaster to any third party in lieu of a cash payment and the fair market value of any goods or services purchased for or provided to an eligible small webcaster by an affiliate of such webcaster; and

(VI) ‘FCC webcaster’ includes, with respect to a webcaster that is engaged in a media or entertainment business that primarily operates an Internet or wireless service; and

(VII) In determining qualification under subclause (i)(I) and (II), a transmitting entity shall—


(IX) (bb) the fair market value of goods, services, or other non-cash consideration (including real, personal, tangible, and intangible property) provided by an eligible small webcaster to any third party in lieu of a cash payment and the fair market value of any goods or services purchased for or provided to an eligible small webcaster by an affiliate of such webcaster; and

(X) (aa) such transmitting entity; or

(XI) (bb) a person or entity beneficially owning securities representing more than 50 percent of the voting interests of such entity.

(XII) (aa) beneficial owners of securities or other ownership interests representing more than 50 percent of the voting interests of the transmitting entity or

(XIII) otherwise controls, is controlled by, or is under common control with the transmitting entity.

(XX) (aa) such transmitting entity; or

(XXI) (bb) a person or entity beneficially owning securities representing more than 50 percent of the voting interests of the transmitting entity; and

(XXII) (aa) beneficial owners of securities or other ownership interests representing more than 50 percent of the voting interests of the transmitting entity; or

(XXIII) otherwise controls, is controlled by, or is under common control with the transmitting entity.

(XIV) (aa) such transmitting entity; or

(XV) (bb) a person or entity beneficially owning securities representing more than 50 percent of the voting interests of the transmitting entity; and

(XVI) otherwise controls, is controlled by, or is under common control with the transmitting entity.

(XXV) (aa) such transmitting entity; or

(XXVI) (bb) a person or entity beneficially owning securities representing more than 50 percent of the voting interests of the transmitting entity; and

(XXVII) otherwise controls, is controlled by, or is under common control with the transmitting entity.

(XXVIII) (aa) the imputed value of personal services rendered by up to 5 natural persons who are employees of the transmitting entity, or from the sale of capital assets, or from the sale of capital assets; and

(XXIX) such item paid in accordance with provisions of this section other than this subparagraph; and

(XXXX) revenue from the sale of assets in connection with the sale of all or substantially all of the assets of the business, or from the sale of capital assets; and

(XXXI) includes—

(XXXXI) (aa) the imputed value of occupancy of residential property for which no Federal income tax deduction is claimed as a business expense; or

(XXXXII) (aa) any item paid in accordance with provisions of this section other than this subparagraph; and

(XXXXIII) the fair market value of goods, services, or other non-cash consideration (including real, personal, tangible, and intangible property) provided by an eligible small webcaster to any third party in lieu of a cash payment and the fair market value of any goods or services purchased for or provided to an eligible small webcaster by an affiliate of such webcaster; and

(XXXXIV) otherwise controls, is controlled by, or is under common control with the transmitting entity.

(XXXXV) (aa) such transmitting entity; or

(XXXXVI) (bb) a person or entity beneficially owning securities representing more than 50 percent of the voting interests of the transmitting entity; and

(XXXXVII) otherwise controls, is controlled by, or is under common control with the transmitting entity.

(XXXXVIII) (aa) such transmitting entity; or

(XXXXIX) (bb) a person or entity beneficially owning securities representing more than 50 percent of the voting interests of the transmitting entity; and

(XXXXX) otherwise controls, is controlled by, or is under common control with the transmitting entity.

(XXXXXI) (aa) such transmitting entity; or

(XXXXXII) (bb) a person or entity beneficially owning securities representing more than 50 percent of the voting interests of the transmitting entity; and

(XXXXXIII) otherwise controls, is controlled by, or is under common control with the transmitting entity.

(XXXXXIV) (aa) such transmitting entity; or

(XXXXXV) (bb) a person or entity beneficially owning securities representing more than 50 percent of the voting interests of the transmitting entity; and

(XXXXXVI) otherwise controls, is controlled by, or is under common control with the transmitting entity.

(XXXXXVII) (aa) such transmitting entity; or

(XXXXXVIII) (bb) a person or entity beneficially owning securities representing more than 50 percent of the voting interests of the transmitting entity; and

(XXXXXIX) otherwise controls, is controlled by, or is under common control with the transmitting entity.

(XXXXXI) (aa) such transmitting entity; or

(XXXXXII) (bb) a person or entity beneficially owning securities representing more than 50 percent of the voting interests of the transmitting entity; and

(XXXXXIII) otherwise controls, is controlled by, or is under common control with the transmitting entity.
“(bb) in the case of albums or other products commercially released before 2003, for 50 percent of an eligible small webcaster’s digital audio transmissions of such pre-2003 releases during 2004, to the extent that such information concerning such pre-2003 releases commercially released by a recognized industry ratings service or as computed by the eligible small webcaster from its server logs. For the purpose of this subsection, the aggregate tuning hours has the meaning given that term in section 261.2 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002;”

“(VIII) The channel for each transmission of each sound recording.

“(IX) The start date and time of each transmission of each sound recording.

“(iii) Reports of use described in clause (ii) shall be provided, at the same time royalty payments are due under paragraph (2)(D)(ii)(II), to the entity designated by the Librarian of Congress, and the fact that all of the matters identified in clause (ii) shall be as provided in regulations issued by the Librarian of Congress were inconsistent with the matters identified in clause (i).”

“(bb) in the case of albums or other products commercially released before 2002; and

“(aa) for all albums or other products commercially released after 2002; and

“(bb) in the case of albums or other products commercially released before 2003, for 50 percent of an eligible small webcaster’s digital audio transmissions of such pre-2003 releases during 2004, to the extent that such information concerning such pre-2003 releases commercially provided using commercially reasonable efforts.

“(VII) The aggregate tuning hours, on a monthly basis, for each channel provided by the eligible small webcaster as computed by a recognized industry ratings service or as computed by the eligible small webcaster from its server logs. For the purpose of this subsection, the aggregate tuning hours has the meaning given that term in section 261.2 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002.

“(VIII) The channel for each transmission of each sound recording.

“(IX) The start date and time of each transmission of each sound recording.

“(iii) Reports of use described in clause (ii) shall be provided, at the same time royalty payments are due under paragraph (2)(D)(ii)(II), to the entity designated by the Copyright Office to distribute royalty payments under this section.

“(iv) For calendar years 2003 and 2004, details of the means by which copyright owners may receive notice of the use of their sound recordings, and details of the requirements under which reports of use concerning the making of digital audio transmissions of such sound recordings are furnished to the Librarian of Congress under clause (I).”

“SEC. 4. DEDUCTIBILITY OF COSTS AND EXPENSES OF AGENTS AND DIRECT PAYMENT TO ARTISTS OF ROYALTIES FOR DIGITAL PERFORMANCES OF SOUND RECOR DiNGS.

(a) FINDINGS.—The Congress finds that—

(1) in the case of royalty payments from the licensing of digital transmissions of sound recordings under subsection (f) of section 114 of title 17, United States Code, the parties have voluntarily negotiated arrangements under which payments shall be made directly to featured recording artists and the administrators of the accounts provided in subsection (e) of this section;

(2) such voluntarily-negotiated payment arrangements have been codified in regulations issued by the Librarian of Congress, currently found at 37 C.F.R. § 361.4 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002;

(3) other regulations issued by the Librarian of Congress, currently found at 37 C.F.R. § 201.9 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002;

(4) in light of the special circumstances described in this subsection, the uncertainty created by the regulations issued by the Librarian of Congress, and the fact that all of the matters identified in clause (i) of subparagraph (B) of paragraph (4) of section 114(f)(2)(E) of title 17, United States Code, is amended by adding after paragraph (5) the following:

“(b) DEDUCTIBILITY.—Section 114(g) of title 17, United States Code, is amended by adding after paragraph (2) the following:

“(3) A nonprofit agent designated to distribute receipts from the licensing of transmissions in accordance with subsection (f) may deduct from any of its receipts, prior to the distribution of any portion of such receipts, for any purpose, including those incurred in participating in negotiations or proceedings under section 112 and this section.

“(b) REPORT TO CONGRESS.—By not later than June 1, 2004, the Register of Copyrights and the Comptroller General of the United States shall prepare and submit to the Comptroller General of the United States and the Committees on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a joint report concerning—

(1) the economic arrangements among eligible small webcasters and third parties and their consequences for the ability of record owners and sound recording copyright owners to be compensated appropriately on a percentage of revenue basis; and

(2) the economic incentives that percentage revenue arrangements may have for structuring economic arrangements among eligible small webcasters and third parties that may be to the detriment of recording artists and sound recording copyright owners.

(c) DEFINITION.—In this section, the term ‘eligible small webcaster’ has the meaning given that term in section 114(f)(2)(E) of title 17, United States Code, as added by section 3 of this Act.

SEC. 5. EFFECTIVE DATE.

This Act shall be effective on the date of enactment of this Act. (b) R EPORT TO CONGRESS.

(b) REPORT TO CONGRESS.—By not later than June 1, 2004, the Register of Copyrights and the Comptroller General of the United States shall prepare and submit to the Comptroller General of the United States and the Committees on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a joint report concerning—

(1) the economic arrangements among eligible small webcasters and third parties and their consequences for the ability of record owners and sound recording copyright owners to be compensated appropriately on a percentage of revenue basis; and

(2) the economic incentives that percentage revenue arrangements may have for structuring economic arrangements among eligible small webcasters and third parties that may be to the detriment of recording artists and sound recording copyright owners.

(c) DEFINITION.—In this section, the term ‘eligible small webcaster’ has the meaning given that term in section 114(f)(2)(E) of title 17, United States Code, as added by section 3 of this Act.

SEC. 6. EFFECTIVE DATE.

This Act shall be effective on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. WITTMAN) and the gentleman from California (Mr. BERNAS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5499, the bill currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin? There was no objection.

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

Mr. Speaker, the 1995 Digital Performance Right and Sound Recording Act created a compulsory license for use in sound recordings for digital transmissions that did not specifically address the issue of webcasting or Internet radio broadcasts. As a result, the 1998 Digital Millennium Copyright Act contains provisions that authorize eligible webcasters to accept a compulsory license, thereby enabling them to operate over the Internet without negotiating licenses in the marketplace. A compulsory license essential allows an individual or entity to use copyrighted works like music and movies at an industry-negotiated or government-mandated rate.

Because webcasters and members of the recording industry could not agree to the recording industry thought that the rate was too low, and the webcasters thought that the rate was too high.
Pursuant to his authority under the Copyright Act, the Librarian of Congress, based upon a recommendation by the Register of Copyrights, decided on June 8 to reject the suggestions of the webcasting CARP. On June 20, he issued a final opinion which lowered the rate further. Some webcasters believe that the rate is still excessive. The copyright holders maintain that this lower rate is even less reflective of a fair market standard. That decision is now on appeal to the United States Court of Appeals for the District of Columbia circuit.

Although a resolution to this dispute is legally in play, implementation of the decision by the Librarian takes effect on October 20 and is retroactive to 1998. Unless Congress acts, some webcasters will shut down. This explains the point of H.R. 5469 as originally drafted: to suspend the implementation of the Librarian’s decision for 6 months, effective October 20. This delay would ensure that all parties would receive all of the judicial process to which they are entitled under the law before the rate took effect.

I am happy to report that introduction of this bill placed a Burr under the saddle of its expenses and the small webcasters to conclude negotiations on these matters that began last summer. Since last week, the parties have negotiated around the clock. They have now arrived at a deal that sets new rates and payment terms that would eliminate the need for legal and administrative intervention. The manager’s amendment simply codifies the terms of that deal.

Mr. Speaker, this solution is fair to both sides, the small webcasters as well as the copyright holders. It dovetails with the purpose of the Copyright Act in these cases, that is, to encourage parties to develop their own agreements governing rates and terms. I am happy to report that the parties have agreed to the recommendation made by the manager’s amendment. I urge my colleagues to support the bill.

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

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the manager’s amendment to H.R. 5469.

Last week, the Chairman introduced a bill which was scheduled for the suspension calendar. I shall return to the theme on which I reacted five weeks ago, which I reacted for the purpose of demonstrating to the small webcasters, recording artists, and the backup musicians and vocalists to wait at least another 6 months before they receive the royalties they were entitled to under the performance right we legislated in 1995, as amended by the compulsory license in the Digital Millennium Copyright Act.

I was wrong. The Chairman had a method to that ham-handedness, and the result of his legislative effort was to pull the parties together, the webcasters, recording industry and the other affected parties, and put together an excellent proposal which, as adjusted by a few matters just today, I think builds a broad base of support for this proposal. The chairman’s amendment will greatly benefit small webcasters. Under the legislation, small webcasters will receive a huge discount on the webcasting royalties they are required to pay pursuant to a July decision by the Librarian of Congress.

From the small webcasters’ perspective, this legislation is particularly beneficial because it allows them to pay royalties as a percentage of revenue. Small webcasters vehemently objected to the Librarian’s decision because it required them to pay royalties on a per song per listener basis.

The terms of the deal are somewhat complicated, but the basic provisions are this. Small webcasters pay webcasting royalties that equal 8 percent of their gross revenues for the years 1998 through 2002, or a statutory minimum, whichever is greater. In 2003 and 2004, small webcasters will pay the greater of 10 percent of their gross revenues under $250,000 and 12 percent of their gross revenues over $250,000, or 7 percent of expenses.

The criteria for eligibility as a small webcaster are reasonable and allow such webcasters to grow and yet still obtain the royalty discount provided by the legislation. A webcaster will be eligible for the discounted royalty rate for the past 4 years if it had less than $1 million in gross revenues over those four years. A webcaster will be eligible in the year 2003 if it has gross revenues under $500,000 for that calendar year and in 2004 if it has gross revenues under $1.25 million.

While it drastically cuts the royalties to be paid copyright owners and artists, this legislation has the support of the recording industry. The legislation also requires that artists get direct payments of webcasting royalties and that it gives them something that they stated was necessary to garner their support; and it is a result of that that the American Federation of Radio and Television Artists, the American Federation of Musicians, the Screen Actor’s Guild and the AFL-CIO are supportive of this legislation.

The recording industry and small webcasters are to be commended for working so hard to agree on terms, and the Chairman is to be commended for driving them to this agreement.

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

Mr. BERMAN. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, section 4 of this bill requires that agents directed by the copyright office to distribute webcasting royalties must make direct payment of those royalties to copyright owners and small webcasters. Section 4 also allows such agents to deduct their administrative and other reasonable expenses from the royalties they distribute. These provisions are somewhat unusual, so I want to confirm my understanding of their import with the distinguished chairman. It is my understanding that both provisions simply codify what is the current practice in the marketplace. Copyright office regulations require direct payment of royalties for webcasting after the years 1998 to 2002, and the only distributing agent currently designated by the copyright office has contracted to make direct payments. Further, royalty recipients have agreed to allow that distributing agent to direct payments. Is it the chairman’s understanding that these provisions simply codify those current practices?

Mr. SENSENBRENNER. Yes, that is my understanding.

Mr. BERMAN. Mr. Speaker, I would like to make one other point. It is my understanding that these two provisions in no way interfere with the longstanding U.S. legal doctrine that parties can voluntarily assign, transfer, or allocate through contracts and other marketplace arrangements the rights provided them under U.S. copyright law.

Mr. SENSENBRENNER. If the gentleman will yield further, that is also my understanding.

Mr. BERMAN. I thank the gentleman for confirming my understanding.

Mr. CONYERS. Mr. Speaker, I rise in support of the manager’s amendment to H.R. 5469. This legislation reflects a compromise between vocalists, recording artists, background musicians, record labels, and small webcasters.

This bill has several provisions that will make it easier for music to be performed online and for the creators to be compensated. For example, it codifies a compromise between webcasters, recording artists, and record companies to determine royalty payments for Internet broadcasts from 1998 through 2004.

I am especially pleased that the final legislation includes a statutory direct payment provision. This provision ensures the musicians, vocalists, and artists receive their royalties from digital music directly from the collection agent instead of through other intermediaries.

Ms. MCDONOUGH. Mr. Speaker, I rise in support of H.R. 5469, the Small Webcaster Amendment of 2002. This bill codifies a compromise between webcasters, recording artists, and record companies to determine royalty payments for Internet radio broadcasts. I opposed the bill in its original version because I was concerned that the provisions failed to include provisions to ensure artists and musicians who make direct payments to artists and musicians. I was also concerned that the provisions failed to include provisions to ensure that artists and musicians receive their royalties from the collection agent directly, instead of through other intermediaries.

I also supported the amendments to this bill that were offered by Mr. BERMAN. I am pleased that the amendments were adopted and that the bill will now go to conference committee to resolve the differences and allow for a final vote.

Mr. Speaker, I would like to make one other point. It is my understanding that these two provisions in no way interfere with the longstanding U.S. legal doctrine that parties can voluntarily assign, transfer, or allocate through contracts and other marketplace arrangements the rights provided them under U.S. copyright law.

Mr. SENSENBRENNER. If the gentleman will yield further, that is also my understanding.

Mr. BERMAN. I thank the gentleman for confirming my understanding.

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form last week when it delayed the payments to copyright holders for six months. The measure allows webcasters to broadcast diverse programming to consumers, artists will be paid the royalty fees they need to continue creating and performing the music we want to hear, and record companies will deduct the administrative fees for royalty collection. This compromise bill benefits all parties involved. After deductions, record companies will receive 50 percent of the royalty, artists will receive 45 percent of the direct royalty payments, and the rest is distributed to non-featured musicians and vocalists. This is a vast improvement from past versions of this bill which left the recording artists out of the equation. Even though webcasters have not begun to make payments, future royalty rights are protected in H.R. 5469. Small webcasters benefit from a reduced royalty fee, which will keep many webcasters from declaring bankruptcy due to excessively high costs. This lower payment schedule will ensure that Internet radio continues to offer consumers a nearly endless number of listening choices including Latin music and even native African music that may not be available over terrestrial stations. In addition, record companies can deduct the administrative costs associated with royalty collection for digital recordings so that their past and future expenses are reimbursed.

Paying copyright owners for the use of their creative work is not a new concept. In 1909, Congress passed a law to ensure that manufacturers of piano rolls had to pay for the songs they were reproducing. The license protects the composer’s right to control reproductions of their work, but permits the recording of a song by a third party on “mechanical” media like a piano roll or record. This statute was later expanded to protect digital media, and thus it applies to Internet radio. The Copyright Arbitration Panel (CARP) first met in 1998 to determine royalty fees, but they were unable to come to an agreement between the interested parties. The last piece of the puzzle came in the form of the Librarian of Congress implementing rates for the statutory license on June 20, 2002, with the assumption that Internet radio would begin paying royalties on October 20, 2002. The private sector compromise codifies the Librarian’s recommendations, and webcasters now have a defined schedule to pay artists for the use of copyrighted works.

I thank my colleagues for their support of H.R. 5469. I am very grateful to the organizers whose negotiations helped craft this important legislation. Due to this agreement, consumers will benefit from a myriad of choices for their listening pleasure.

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

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5469, as amended.

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

The title of the bill was amended so as to read: “A bill to amend title 17, United States Code, with respect to the statutory license for webcasting, and for other purposes.”

A motion to reconsider was laid on the table.

CHILD ABDUCTION PREVENTION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5422) to prevent child abduction, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5422

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 “Child Abduction Prevention Act”.

TITLE I—SANCTIONS AND OFFENSES

SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3883 of title 18, United States Code, is amended by adding at the end the following:

“(k) SUPERVISED RELEASE TERMS FOR SEX OFFENDERS.—Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1291 involving a victim who has not attained the age of 18 years, and for any offense under chapter 109A, 110, 117, or section 1591 is any term of years or life.”

SEC. 102. FIRST DEGREE MURDER FOR CHILD ABUSE AND CHILD TORTURE MURDERS.

Section 1111 of title 18, United States Code, is amended—

(1) in subsection (a),—

(A) by inserting “child abuse,” after “sexual abuse,”; and

(B) by inserting “or perpetrated as part of a pattern or practice of assault or torture against a child or children,” after “robbery,”; and

(2) by inserting at the end the following:

“(c) For purposes of this section—

“(1) the term ‘assault’ has the same meaning as given that term in section 113;

“(2) the term ‘person who has not attained the age of 18 years and is—

“(A) under the perpetrator’s care or control; or

“(B) at least six years younger than the perpetrator;

“(3) the term ‘child abuse’ means intentionally, knowingly, or recklessly causing death or serious bodily injury to a child; and

“(4) the term ‘pattern or practice of assault or torture’ means assault or torture engaged in on at least two occasions;“

(2) the term ‘recklessly’ with respect to causing death or serious bodily injury—

“(A) means causing death or serious bodily injury under circumstances in which the perpetrator is aware of and disregards a grave risk of death or serious bodily injury; and

“(B) such recklessness can be inferred from the character, manner, and circumstances of the perpetrator’s conduct;“

(3) the term ‘serious bodily injury’ has the meaning set forth in section 1365; and

(4) the term ‘torture’ means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2241(c).”

SEC. 103. SEXUAL ABUSE PENALTIES.

(a) MAXIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking “20” and inserting “30”; and

(ii) by striking “30” the first place it appears and inserting “50”;

(B) in section 2252(b)(1)—

(i) by striking “15” and inserting “20”; and

(ii) by striking “90” and inserting “40”;

(C) in section 2252(b)(2)—

(i) by striking “5” and inserting “10”; and

(ii) by striking “10” and inserting “20”;

(D) in section 2252A(b)(1)—

(i) by striking “15” and inserting “20”; and

(ii) by striking “30” and inserting “40”; and

(E) in section 2252A(b)(2)—

(i) by striking “8” and inserting “10”; and

(ii) by striking “10” and inserting “20”.

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2412(a), by striking “10” and inserting “20”;

(B) in section 2412(b), by striking “15” and inserting “30”; and

(C) in section 2412(a), by striking “15” and inserting “30”.

(3) Section 1591(b)(2) of title 18, United States Code, is amended by striking “20” and inserting “30.”

(b) MINIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking “or imprisoned not less than 10 years” and inserting “and imprisoned not less than 15 years”;

(ii) by striking “and both”;

(iii) by striking “15” and inserting “25”;

and

(iv) by striking “30” the second place it appears and inserting “35”;

(B) in section 2251(a) and (b), by striking “20” and inserting “30”;

(C) in section 2251(b)—

(i) by striking “or imprisoned” and inserting “and imprisoned not less than 10 years and”;

(ii) by striking “or both”; and

(iii) by striking “5” and inserting “15”;

(D) in section 2252(b)(2)—

(i) by striking “or imprisoned” and inserting “and imprisoned not less than 5 years and”;

(ii) by striking “or both”; and

(iii) by striking “2” and inserting “10”;

(E) in section 2252A(b)(1)—

(i) by striking “or imprisoned” and inserting “and imprisoned not less than 10 years and”;

(ii) by striking “or both”;

(iii) by striking “5” and inserting “15”; and

(F) in section 2252A(b)(2)—

(i) by striking “or imprisoned” and inserting “and imprisoned not less than 5 years and”;

(ii) by striking “or both”;

(iii) by striking “2” and inserting “10”.

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a)—

(i) by striking “or imprisoned” and inserting “and imprisoned not less than 2 years and”;

and

(ii) by striking “, or both”; and

(B) in section 2422(b)—

(i) by striking “, imprisoned” and inserting “and imprisoned not less than 5 years and”;

and

(ii) by striking “, or both”; and

(C) in section 2422(a)—

(i) by striking “, imprisoned” and inserting “and imprisoned not less than 5 years and”;

and

(ii) by striking “, or both.”
SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.

(a) Sentencing Guidelines.—Notwithstanding any other provision of law regarding the Sentencing Guidelines, the United States Sentencing Commission, in its discretion, may treat an individual as an accomplice under subsection (d) if, in the immediate vicinity of the commission of the act of violence involved in the commission of the underlying offense, the individual has not attained the age of 18 years.

(b) Lesser Penalties.—Notwithstanding subsection (a), any United States citizen or an alien subject to the jurisdiction of the United States, who travels in foreign commerce, and who engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 15 years.

(c) Minors.—Whoever engages in any illicit sexual conduct with another person in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sex conduct with another person shall be fined under this title or imprisoned not more than 15 years, or both.

(d) Minor.—Whoever engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 15 years, or both.

(e) Attempt and Conspiracy.—Whoever attempts or conspires to violate subsection (a), shall be punished by the same manner as a complete violation of that subsection.

(f) Age.—As used in this section, the term ‘illicit sexual conduct’ means (1) a sexual act (as defined in section 2246) with a person who would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person who has not attained the age of 18 years.

(g) Consideration.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.

(b) Conforming Amendment.—Section 2423(a) of title 18, United States Code, is amended by striking ‘‘or attempts to do so,’’.

SEC. 106. TWO STRIKES YOU’RE OUT.

(a) In General.—Section 3599 of title 18, United States Code, is amended by adding at the end the following new subsection:

‘‘(e) In General.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex offense conviction in which a minor is the victim, unless the sentence of death is imposed.

(2) Definitions.—For the purposes of this subsection—

‘‘(A) the term ‘Federal sex offense’ means—

‘‘(i) an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2246(a) (relating to sexual abuse of a minor), 2245 (relating to abusive sexual contact), 2246(b) (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children); or

‘‘(ii) an offense under section 2260 (relating to transportation of minors) involving prostitution or sexual activity constituting a State sex offense;

‘‘(B) the term ‘State sex offense’ means an offense under State law that consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title—

‘‘(i) the offense involved interstate or foreign commerce, or the use of the mails; or

‘‘(ii) the conduct occurred in any commonwealth, district, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151).

‘‘(C) the term ‘minor sex conviction’ means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, or Federal and white-collar sex offense or a State sex offense;

‘‘(D) the term ‘minor’ means an individual who has not attained the age of 17 years; and

‘‘(E) the term ‘violence’ means the meaning given that term in subsection (c)(2).

(b) Conforming Amendment.—Sections 2257(a) and 2266(a) of title 18, United States Code, are each amended by inserting ‘‘, unless section 3599(e) applies’’ before the final period.

TITIE II.—INVESTIGATIONS AND PROSECUTIONS

Subtitle A—Law Enforcement Tools To Protect Children

SEC. 201. LAW ENFORCEMENT TOOLS TO PROTECT CHILDREN.

(a) In General.—Section 2516(1) of title 18, United States Code, is amended—

(1) in subparagraph (a), by inserting after ‘‘chapter (relating to espionage),’’ the following: ‘‘chapter 55 (relating to kidnapping);’’ and

(2) in subparagraph (b)–

(A) by striking ‘‘2251 and 2252’’ and inserting ‘‘2251, 2251A, 2252, and 2252A’’; and

(B) by inserting ‘‘section 2423(b) (relating to traveling with intent to engage in a sexual act with a juvenile)’’ after ‘‘motor vehicle parts’’.

(b) Transportation for Illegal Sexual Activity.—Section 2516(1) of title 18, United States Code, as amended by subsection (a), is amended by—

(1) by striking ‘‘or ‘at’’ at the end of paragraph (q);

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

‘‘(r) a violation of section 2242 (relating to coercion and enticement) and section 2423(a) (relating to transportation of minors) of this title, if, at the time of that violation, the intended sexual activity would constitute a felony violation of chapter 109A or 110, including a felony violation of chapter 109A if the sexual activity occurred, or was intended to occur, within the special maritime and territorial jurisdiction of the United States, regardless of where it actually occurred or was intended to occur; or’’; and

(3) by redesignating paragraph (r) as paragraph (s).

SEC. 202. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIME.

(a) In General.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

‘‘§ 3296. Child abduction and sex offenses

‘‘Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 2201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.’’

(2) The table of sections at the beginning of each chapter is amended by adding at the end the following new item:

‘‘§ 3296. Child abduction and sex offenses.’’

(b) Application.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

Subtitle B—No Pretrial Release for Those Who Rape or Kidnap Children

SEC. 221. NO PRETRIAL RELEASE FOR THOSE WHO RAPE OR KIDNAP CHILDREN.

Section 3142(e) of title 18, United States Code, is amended—

(1) by inserting ‘‘2201 (if the victim has not attained the age of 18 years), 1591 (if the victim has not attained the age of 18 years),’’ before ‘‘or 2321(b);’’ and

(2) by striking ‘‘of title 18 of the United States Code’’ and inserting ‘‘or a felony offense under chapter 109A, 110, or 117 where a victim has not attained the age of 18 years’’.

Subtitle C—No Waiting Period To Report Missing Children “Suzanne’s Law”

SEC. 241. AMENDMENT.

Section 1701(a) of the Crime Control Act of 1990 (42 U.S.C. 5776(a)) is amended by striking ‘‘age of 18’’ and inserting ‘‘age of 21’’.

Subtitle D—Recordkeeping to Demonstrate Minors Were Not Used in Production of Pornography

SEC. 261. RECORDKEEPING TO DEMONSTRATE MINORS WERE NOT USED IN PRODUCTION OF PORNOGRAPHY.

Not later than 1 year after the enactment of this Act, the Attorney General shall submit to Congress a report detailing the number of times since January 1993 that the Department of Justice has inspected the records of any producer of materials regulated pursuant to section 2257 of title 18, United States Code, and section 75 of title 28 of the Code of Federal Regulations. The Attorney General shall indicate the number of violations prosecuted as a result of those inspections.

TITLE III—PUBLIC OUTREACH

SEC. 301. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) Coordination Within Department of Justice.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) Duties.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel; technology that exists with States to encourage the development of additional elements (known as local AMBER plans) in the network;
(3) work with States to ensure appropriate regional coordination of various elements of the network; and
(4) act as the nationwide point of contact for—
(A) the development of the network; and
(B) regional coordination of alerts on abducted children through the network.

(c) WITH FEDERAL BUREAU OF INVESTIGATION.—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) COOPERATION.—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

SEC. 302. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—
(1) the issuance of alerts through the AMBER Alert communications network and
(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(3) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) COOPERATION.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) PROGRAM REQUIRED.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—
(1) the development or enhancement of electronic message boards along highways and the placement of additional signage along highways; and
(2) the development or enhancement of other means of disseminating along highways alerts and other information for the recovery of abducted children.

(c) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Secretary shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(d) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(e) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the Department of Transportation $20,000,000 for fiscal year 2003 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 304. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) PROGRAM REQUIRED.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—
(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;
(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans; and
(3) such other activities as the Secretary considers appropriate for supporting the AMBER Alert communications program.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the Department of Justice $5,000,000 for fiscal year 2003 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 305. INCREASED SUPPORT.

Section 404(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5773(b)(2)) is amended by striking “2002 and 2003” and inserting “and 2002 and $20,000,000 for each of fiscal years 2001 and 2004”.

SEC. 306. SEX OFFENDER APPREHENSION PROGRAM.

Section 1701(d) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796(d)) is amended—
(1) by redesignating paragraphs (10) and (11) as (11) and (12), respectively; and
(2) by inserting after paragraph (9) the following:
(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with the appropriate law enforcement agency and be subject to criminal prosecu-

TITL E IV—MISCELLANEOUS

SEC. 401. FORENSIC AND INVESTIGATIVE SUP-
PORT OF MISSING AND EXPLOITED CHILDREN.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:
(1) Under the direction of the Secretary of the Treasury, officers of the Secret Service are authorized, at the request of any State or local law enforcement agency, or at the request of the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 5422, currently under consideration.

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

There was no objection.

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

Mr. Speaker, children today are more at risk than ever to falling prey to sexual predators. Sexual exploitation of children, a prime motive for kidnapping, is on the rise. When it comes to abduction, rape and murder of children, the United States must have a zero tolerance policy. Our children are not statistics, and no level of abductions is acceptable.

H.R. 5422, the Child Abduction Prevention Act of 2002, will send a clear message that child abductors will not escape justice. This legislation strengthens penalties against kidnapping, subjects those who abduct and sexually exploit children to the possibility of lifetime supervision, aids law enforcement to effectively prevent, investigate and prosecute crimes against children, and provides families and communities with immediate and effective assistance to recover a missing child.

An abducted child is a parent’s worst nightmare. We must ensure that law enforcement has every possible tool necessary to try and recover a missing child quickly and safely. Prompt public alerts of an abducted child could be the difference between life and death for that innocent victim. To accomplish this, H.R. 5422 establishes a national AMBER Alert program to expand the child abduction communications warning network throughout the United States.

For those individuals that would harm a child, we must ensure that punishment is severe and that sexual predators are not allowed to slip through
the cracks of the system to harm other children. To this end, the legislation provides a 20-year mandatory minimum sentence of imprisonment for nonfamilial abductions of a child under the age of 18, lifetime supervision for sex offenders, and mandatory life imprisonment for second-time offenders.

Furthermore, H.R. 5422 removes any statute of limitations and opportunity for pretrial release for crimes of child abduction and sex offenses.

Those who abduct children are often serial criminals and have actually been convicted of similar offenses. Sex offenders and child molesters are four times more likely than any other violent criminals to recommit their crimes. This number demands attention, especially in light of the fact that a single child molester on average destroys the lives of over 100 children. In response, H.R. 5422 provides judges with the discretion to impose mandatory life sentences for sex offenders, and mandatory life sentences for second-time offenders.

The bill also fights against an industry supporting one of the fastest growing areas of international criminal activity. The sex tourism industry obtains its victims through kidnapping and trafficking of women and children. These children are then forced into prostitution. The bill addresses this problem.

Many of the provisions of H.R. 5422 previously passed the House in separate bills with tremendous bipartisan support. This legislation deserves the same support.

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

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

Mr. Speaker, I rise in opposition to H.R. 5422. I would like to be able to support the AMBER Alert portion of this bill; but that bipartisan, non-controversial part of the bill has been buried in a highly controversial soundbite-based provisions which may do more harm than good if passed. The AMBER Alert portion of the bill, which is the only justification for being here today, would provide grants and assistance to States and localities to establish a national system of communications and alerts to assist with locating and returning missing and abducted children. The system has proven itself at the State level and could help save lives and additional heartache at the local level.

An AMBER Alert bill has already passed the Senate unanimously and could easily pass the House. America On-Line has already implemented an AMBER Alert system over its Internet systems and the President, through the first White House council on missing, exploited, and runaway children which was held last week, has directed Federal agencies to assist. If we had before us either the bill introduced by the gentlewoman from Texas (Mr. FROST) and the gentlewoman from Washington (Ms. DUNN), called the Amber Alert bill, or the companion Senate bill which has already passed the House a few weeks ago, I would be speaking in favor of that bill and urging its passage. Instead, we have additional death penalty provisions and more mandatory minimum penalties, as if we do not already have too many of both.

We all know the problems we have with implementing the death penalty in this country. Over 100 individuals on death row have been exonerated in the last 30 years. The Innocence Protection Act to shield against more innocent individuals being sentenced to death, we should not be passing more death penalty provisions, especially the mandatory minimums included in this bill.

The bill also includes mandatory minimum penalties. Mandatory minimums have been studied and been found to distort the sentencing process, discriminate against minorities, and waste taxpayer dollars. Even Chief Justice Rehnquist, who is no flaming liberal when it comes to crime issues, has decried the effects of mandatory minimum sentences on a rational sentencing process and states that mandatory minimums are frequently the result of floor amendments to demonstrate emphatically that legislators want to be “tough on crime.” Just as frequently, they do not involve any careful consideration of the effect they may have on sentencing guidelines as a whole.

One of the worst examples of mandatory minimums included in the bill is the “two strikes and you’re out” bill that comes before us today, which mandates a life term without eligibility for parole for offenses, including consensual sexual activity between a 19-year-old and a 15-year-old, including those that may even be engaged to be married. Such a bill will do nothing to reduce crimes against children and may even endanger them. A professor from the University of California Law School at Berkeley in his testimony at an earlier version of “two strikes and you’re out” bills made relatively light offenses such as consensual sex crimes with the same penalty reserved for the highest grade of murder, a child sex offender would have nothing further to lose, if not an incentive, to elude the system who is the most important witness against him.

Furthermore, because the “two strikes” bill applies to cases brought in Federal jurisdiction, 75 percent of those cases will involve Native Americans on reservations. This means that two offenders sentenced for the same crime in the same State with the same prior criminal record could receive such varied results as probation for one and the longest term for the other, depending on whether the crime was committed on one side of the reservation line or the other. It is grossly unfair to subject one group of people to such a vastly disparate impact of law as a consequence of where they live.

In addition to the “two strikes and you’re out,” there is a lifetime supervision provision, sex crimes wiretapping, sex tourism, all parts of this bill, all have passed the House and are awaiting Senate action. If the Senate has not seen fit to take any of them up because they do not have sufficient merit, now or in the last three Congresses, why would we think the Senate would see more merit in them with more new death penalties and additional mandatory minimums? And why should we jeopardize children by tying up a clearly meritorious, bipartisan, non-controversial bill that could help them and get that into a legislative quagmire just for the purposes of having individuals have their little bills passed one more time?

Mr. Speaker, I would hope that we will put aside the politics of divisive, repetitive soundbite legislation, defeat this bill and take up a bill which would be the AMBER Alert bill that has already passed the Senate or the House version of that bill.

Mr. Speaker, I hope that we would defeat the motion to suspend the rules and defeat this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, just because the other body has not taken up a bill that has similarly passed the Senate, there is no reason why we should turn our back on trying to get it through in another method. I believe that all of the provisions of this bill are very meritorious. I intend to ask for a rollcall, and I think that most of the Members of this body will agree.

Mr. SMITH of Texas. Mr. Speaker, this legislation is good policy. It has the potential to protect and save lives, the lives of the most innocent among us. H.R. 5422 is divided into three titles: Sanctions and offenses, investigations and prosecution, and public outreach. This legislation ensures that our Nation’s laws protect our children from those that would prey on them.
Title I, “Sanctions and Offenses,” strengthens the penalties against kidnapping by providing for a 20-year mandatory minimum sentence of imprisonment for non-family abductions of a child under the age of 18. The section includes Representative George Gekas’ bill, H.R. 2146, that requires lifetime supervision for sex offenders. Also included is Representative Mark Green’s bill, H.R. 2146, that requires mandatory life imprisonment for second time offenders. Chairman Jim Sensenbrenner’s bill, H.R. 4477, strengthens the laws related to travel to foreign countries for sex with minors, and is a part of this legislation.

In addition, this title directs the U.S. Sentencing Commission to increase offense levels for crimes for kidnapping, expands the crime of sexual abuse murder, and adds child abuse that results in murder as a predicate for first degree murder.

Title II, “Effective Investigation and Prosecution,” includes Representative Nancy Johnson’s bill, H.R. 1877, which adds for new wire-tap predicates that relate to sexual exploitation crimes.

It also provides that child abductions and felony sex offenses can be prosecuted without limitation of time and provides a rebuttable presumption that child rapists and kidnappers should not get pre-trial release.

Title III, “the AMBER Alert,” establishes a national AMBER Alert program based on Representative Jennifer Dunn’s and Representative Martin Frost’s bill to expand the child abduction communications warning network throughout the United States.

The AMBER program is a voluntary partnership between law-enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child-abduction cases.

This title also increases support for the National Center for Missing and Exploited Children by doubling its authorization to $20 million. Further, the title authorizes COPS funding for local law enforcement agencies to establish sex offender apprehension programs within their states.

Mr. Speaker, the recent wave of high profile child abductions illustrates the tremendous need for legislation in this area. These criminals breach the security of our homes to kidnap, molest, rape, and kill our children. Immediate action is necessary. I urge my colleagues to support this legislation.

Ms. Jackson-Lee of Texas. Mr. Speaker, I rise today to remind us that, as America is considering war with Iraq, we have threats to our children’s security that we have yet to carefully consider.

Child abduction is one of many threats to our children’s security that must be addressed thoughtfully and comprehensively. I am disappointed with the majority’s approach dealing with the very serious problem of child abduction and protecting our children.

Just last week at the White House Conference on Missing and Exploited Runaway Children, the President said he supports the AMBER Plan legislation passed by the Senate. When discussing the AMBER Plan he also said, “the House hasn’t acted yet.” Sadly, our children are still in danger because of House inaction. We had the opportunity to act, but we did not. The bipartisan legislation to create a national AMBER Alert System quickly passed the Senate and it should have passed the House and been sent to the President. Instead what we have is a bill that has AMBER Alert provisions and as well as a host of unrelated provisions that will undoubtedly make it difficult to pass this legislation in the Senate.

I support the underlying purpose of the Child Abduction Prevention Act (H.R. 5422), but I am concerned that putting together legislation to confront issues that need to be addressed in more comprehensive and meaningful ways. I know, for example, that H.R. 5422 includes provisions from the National AMBER Network Act. But the AMBER provisions of the Omnibus Child Protection Act are not the same as having a stand-alone bipartisan bill to comprehensively facilitate the implementation of State and local AMBER Alert Plans.

Around the country we have seen a rash of children being abducted. Many of these children are never found or returned alive. The stories of child abductions have become all too common. Over 2,000 children are abducted or missing everyday. Studies indicated that 74 percent of children who were kidnapped and later found murdered were killed in the first 24 hours after being taken.

We know that when a child is abducted it is important to mobilize the entire community quickly. The AMBER Alert Plan was instituted in 1996, when 9-year old Amber Hagerman was kidnapped and murdered in Arlington, Texas. The AMBER Alert Plan was a successful collaboration of local radio and television stations interrupting programming to broadcast information about the abducted child.

By mobilizing thousands of people to safely recover an abducted child, we know that our children are more likely to be recovered. The AMBER Plan works. To date the AMBER Alert has been credited with recovering 31 children. Still, the vast majority of America’s communities have not established an AMBER Plan to protect our children. That is why it is critical that Congress moves to build on the success of the AMBER Plan. The National AMBER Alert Networks Act (H.R. 5326) aimed to build a seamless network of local AMBER Plans.

The Child Abduction Prevention Act of 2002 delays the passage of legislation that could save thousands of children. In the AMBER Plan, it does not address all the issues that are relevant to protecting our children. More comprehensive legislation would include provisions to treat children who have experienced the trauma of abduction. We must not forget that once our children are rescued they need medical attention and treatment to help them cope with the psychological effects of such a horrifying experience.

I am sorry that we have reached a point where we are in more of rush to put legislation together rather than being interested in looking at all the tools that are available to help our children. I hope that in a better climate we can look at legislation that will extensively facilitate the protection of children from violent crimes. One such bill is the Save Our Children: Stop the Predator and Other Child Abductors Act (H.R. 5422).

We know that DNA is a critical tool if we are going to capture violent offenders who have preyed on our children. Yet, only 22 State Sex Offender Registries collect and maintain DNA samples as a part of registration.

The DNA Act of 2002 directs the Attorney General to establish and maintain a database solely for collecting DNA information with respect to violent predators against children.

This bill also authorizes Federal, State and local agencies to submit DNA information for the database, and to compare DNA information with the DNA database.

There is nothing that devastates parents, friends, and a community more than a reported child abduction. What do we say to those families who are watching day-by-day as more stories of abductions are reported but we have yet to act?

In my own district these tragic acts of violence have hit home. Laura Ayala, a 13-year-old girl from Houston was reported missing when leaving her apartment building to buy a newspaper at a nearby gas station. Only her shoes were found.

We know that 5-year-old Rilyna Wilson was staying with her grandmother in January 2001 when someone showed up saying they were with the Department of Children and Families and took her away. Tragically, she is still unaccounted for. There are too many similar cases of our children being abducted and all too often harmed.

Mr. Speaker, a murder is the only major cause of child death that has increased in the past three decades. Something must be done to reverse this reality. I am dismayed that we are stalling progress with legislation that does not include all the tools to help protect our children and includes provisions we know will prevent it from passing.

Mr. Frost. Mr. Speaker, each year, over 58,000 children in America are abducted by predators. Although the vast majority of such children are safely returned to their parents—too many children are not. As a parent and a grandfather, I cannot imagine anything more devastating than having a child snatched away.

AMBER Alerts are one of the most effective tools available to keep our children safe. We have all seen how successful AMBER Alerts can be. To date, they have been credited with the recovery of 32 children. And thanks to the work of the National Center for Missing and Exploited Children and other organizations, there are now 66 AMBER Plans, including 24 statewide plans. Still, the vast majority of America’s communities have not established an AMBER Plan to protect their children.

Last week, I met with the parents of Elizabeth Smart, good people who have had to endure every parent’s worst nightmare. They were on Capitol Hill to urge the House to pass the National AMBER Alert Network Act, which I’ve introduced with my Republican colleague Jennifer Dunn. Our bill mirrors the AMBER Alert legislation that has already passed the Senate. Also last week, President Bush called on the House to pass our bill so we could establish a national child abduction alert system this year.

We’ve been working with Chairman Sensenbrenner, Ranking Member Conyers and other members of the Judiciary Committee to pass a national AMBER Alert and I want to thank them for including our bill’s key provisions in H.R. 5422, the Omnibus Child Abduction Prevention Act.

Our bill provides $25 million in needed funding to create a seamless network of local AMBER Plans across America. President Bush called this funding crucial to implementing an AMBER Alert network to protect every American child.

I am very pleased that Chairman Sensenbrenner recognized the importance of the
AMBER Alert by including our bill in this child protection package, but frankly, I would have preferred it if our bill had been brought up for a vote in the form that has already passed the Senate. That bill would go straight to the President’s desk and we could immediately begin setting up a national AMBER network.

I am very proud to pass this bill today, but this is a large package with some controversial provisions that may not pass the Senate this year. If the Senate does not act on this larger bill, I will implore the House Republican leadership not to play politics on this issue and request that we vote on the National AMBER Alert Network Act that has already passed that Chamber.

The AMBER Alert has proven its effectiveness and every child deserves its protections.

There is no excuse for not pasning a national AMBER Alert network into law this year.

Mr. ROYCE. Mr. Speaker, I rise in strong support of H.R. 5422, the Child Abduction Prevention Act. I am pleased to be an original co-sponsor of the AMBER Alert legislation contained in this bill. As we witnessed this past summer, Amber Plans have worked to bring children home safely. An AMBER Alert was sent out to a number of States to search for 10-year old Nicole Timmons of Riverside, California. The alert was not only delivered throughout California but also in neighboring States, and Nicole was found in Nevada. What if Nicole’s abductor went to an area that wasn’t covered by the AMBER Alert System?

Currently, there is no national coordination. In fact, only 18 states have statewide plans and when an AMBER Alert is activated, all areas of the country are not covered. Instead, the alert is targeted more locally, regionally, or statewide when trying to rescue an abducted child. Speed is essential when trying to rescue an abducted child.

An AMBER Alert was delivered to a number of States to search for 10-year old Nicole Timmons of Riverside, California. The alert was not only delivered throughout California but also in neighboring States, and Nicole was found in Nevada. What if Nicole’s abductor went to an area that wasn’t covered by the AMBER Alert System?

Currently, there is no national coordination. In fact, only 18 states have statewide plans and when an AMBER Alert is activated, all areas of the country are not covered. Instead, the alert is targeted more locally, regionally, or statewide. With the recent expansion of the AMBER Alert Program, a system is needed to ensure that neighboring states and communities will be able to honor each other’s alerts when an abductor is traveling with the child to other parts of the country. This bill helps coordinate AMBER Alerts nationally. We need a coordinated nation-wide effort so that abductors may not fall through the cracks. Speed is essential when trying to rescue an abducted child.

Seventy-four percent of children who are murdered by their abductors are killed within 3 hours of being taken. That’s why it is imperative that law enforcement and the media react quickly and get the word back to the community.

The AMBER Alert Plan does just that by sending an emergency alert to the public when a child has been abducted. Several high profile child abductions and recoveries have recently demonstrated how successful the AMBER Alert Plan can be—up to date, the AMBER Alert has been credited with recovering about 30 children.

In addition, the bill would provide grants on a 50–50 matching basis to update provide training and technology to law enforcement, and the purpose of disseminating alerts. The Senate has passed similar legislation and President George Bush has also announced his strong support for a national AMBER Alert Network. I urge Congress to pass this important bill today. The AMBER Alert System will be here for all of our Nation’s children.

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5422, as amended.

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

Mr. SENSENBRENNER. Mr. Speaker, that I demand the yeas and nays. The yea and nay count is ordered, further proceedings on this motion will be postponed.

DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4005) to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

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

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The Speaker pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5422, as amended.

The question was taken. The Speaker pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, that I demand the yeas and nays. The yea and nay count is ordered, further proceedings on this motion will be postponed.

【H.R. 5422 (110th Congress)】

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 “District of Columbia and United States Territories Circulating Quarter Dollar Program Act.”

SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS COMMEMORATING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

“(d) Redesign and Issuance of Circulating Quarter Dollar Commemorating the District of Columbia and Each of the Territories.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

“(d) Redesign and Issuance of Circulating Quarter Dollar Commemorating the District of Columbia and Each of the Territories.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

“(1) Redesign in 2009.

“(A) In general.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (d)(3), the Secretary may select a design for quarter dollars issued during 2009, shall have designs on the reverse side selected in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

“(B) Selection and Approval Process.—The Secretary may include participation by District or territorial officials, artists from the District of Colombia or the territory, engravers of the United States Mint, and members of the general public.

“(C) Participation.—The Secretary may include participation by District or territorial officials, artists from the District of Colombia or the territory, engravers of the United States Mint, and members of the general public.

“(D) Standards.—Because it is important that the Nation’s coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

“(E) Prohibition on Certain Representations.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

“(F) Treatment as Numismatic Items.—For purposes of sections 5114 and 5116, all coins minted under this subsection shall be considered to be numismatic items.

“(G) Issuance.—(1) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

“(2) Silver Coins.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

“(3) Sources of Bullion.—The Secretary shall obtain silver for minting coins under subparagraph (b) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

“(4) Timing and Order of Issuance.—Coins minted under this subsection commemorating the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

“(5) OTHER PROVISIONS.—(A) Application in Event of Admission as a State.—If the District of Columbia or any other territory becomes a State before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.

“(B) Application in Event of Independence.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.
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Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 4005.

Mr. Speaker, I rise in support of H.R. 4005, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act sponsored by the gentleman from New York (Mr. King).

As Members are aware, the 50-State quarter program that began in 1999 has been a truly successful effort. I had the privilege of serving as the Chairman of the then-Domestic and International Monetary Policy Subcommittee at the time the 50-State Quarter bill was signed into law. The program calls for the production over 10 years of quarter dollar coins with the reverse, or back, of the coins depicting scenes representing each of the 50 States. Five are produced each year.

The program has been wildly successful. It is not uncommon for people to stop and examine the change in their pocket before making a transaction, perhaps saving a new quarter out of a pocketful. The result has been as much as a five-fold increase in the demand for quarters. But the bottom line is that every time someone looks at the back of a quarter, they learn something about the State represented.

At the time the bill was moving through Congress, not everyone was convinced it would be a great success. This skepticism kept us from including the District of Columbia, Puerto Rico and the territories in the program. Because the program has been a wild success, it is appropriate for us to create a similar program for the District of Columbia, Puerto Rico and the territories.

The District of Columbia, Puerto Rico and the territories are not States, but they are certainly part of the United States’ history. In the case of the territories particularly, I know we could all stand to learn a little more about them. Therefore, I think it is self-evident that this program is a good idea. It creates an entirely separate program from the State quarters program, so there is no confusion that inclusion somehow confers statehood.

The gentleman from the District of Columbia (Ms. Norton) may have different thoughts about that, but that is the way it had to be done. The program would run for 1 year when the other program finished, issuing all six quarters in that year, 2009. And if the history of the State quarters program is any guide, the D.C. and territories’ quarters taken out of circulation permanently by collectors would total as much as $1 billion which would accrue to the U.S. Treasury in the form of money deposited into the general fund.

Mr. Speaker, this is a good program. It is identical to H.R. 5010, sponsored in the 106th Congress by the gentleman from Alabama (Mr. BACHUS) and passed by the House 377-6 after a convincing heart felt appeal from colleagues representing each of the 50 States already have, namely the District of Columbia and the territories.

For purposes of oversight. With the passage of this bill, the D.C. and territories will certainly appreciate all of the consideration that has been given to the District for a coin, a bill that matters a great deal to the people who live there.

Mr. Speaker, today I rise in strong support of H.R. 4005, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act, a bill that I supported the District of Columbia and the territories privilege the 50 States already have, namely the ability to choose a design for the reverse side of the quarter coin in order to commemorate our history as part of the United States.

Mr. Speaker, we have traveled a long road to get to this moment today with the generous assistance of each chair and ranking member of the committee and the subcommittee. The absence of the District of Columbia territories drew our attention when the original 50 States Commemorative Coin Program Act came to the House floor in the 106th Congress. I am grateful to the initiative of the gentleman from Delaware (Mr. CASTLE) immediately agreed to cosponsor a bill with the other delegates and with me to allow the District and the four insular areas to participate in the program.

With the gentleman’s support, I then introduced a bill to include the District and the territories. During the 106th Congress, I again introduced the bill; and the new chairman of the subcommittee, the gentleman from Alabama (Mr. BACHUS), agreed to lend his support, sponsored the bill and took it to the House floor, where it passed overwhelmingly by a vote of 377-6 on September 18, 2000.

Unfortunately, because the bill was not passed in the session, the Senate did not act on the bill. That brings us to the current Congress and a new chairman of the subcommittee, the gentleman from New York (Mr. King). I want to thank the gentleman from New York (Mr. King) and for his leadership in bringing the bill to the floor today.

Also, I want to thank the ranking member of the subcommittee, the gentleman from New York (Mr. Maloney), for cosponsoring the bill and for his diligent work; and I thank the chairman and ranking member of the full committee, the gentleman from Ohio (Mr. Olver), and the gentleman from New York (Mr. LaFalce), for their great cooperation in helping us with this effort today. Without their leadership, this day would not have been possible.

Mr. Speaker, I want to reserve my particular gratitude for my colleagues, the delegates from the insular areas, who are all cosponsors of this bill and who have remained committed to this effort from the beginning.

I must also say to the gentleman is that I have heard of back-door legislation, but I am sure this shows how to keep the district from becoming a State through the back door. Nevertheless, I certainly appreciate all of the consideration that has been given to the District for a coin, a bill that matters a great deal to the people who live there.

Mr. Speaker, today I rise in strong support of H.R. 4005, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act, a bill that I supported the District of Columbia and the territories privilege the 50 States already have, namely the ability to choose a design for the reverse side of the quarter coin in order to commemorate our history as part of the United States.

Mr. Speaker, we have traveled a long road to get to this moment today with the generous assistance of each chair and ranking member of the committee and the subcommittee. The absence of the District of Columbia territories drew our attention when the original 50 States Commemorative Coin Program Act came to the House floor in the 106th Congress. I am grateful to the initiative of the gentleman from Delaware (Mr. CASTLE) immediately agreed to cosponsor a bill with the other delegates and with me to allow the District and the four insular areas to participate in the program.
Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself the remainder of my time.

I thank the gentlewoman for her kind comments, and she can speed this through the Senate as well.

Mr. UNDERWOOD. Mr. Speaker, I would like to take this opportunity to commend the leadership of Representatives PETER KING and CAROLYN MALONEY for their instrumental work in moving this legislation out of the Subcommittee on Domestic Monetary Policy, Technology and Economic Growth and onto the floor today. I would also like to recognize the leadership of my colleagues Representative MIKE CASTLE and Delegates NORTON, FALEOMAVAEGA, CHRISTENSEN, and ACEVEDO-VILÁ, who have worked steadily to achieve the same recognition given to the 50 states when the Commemorative Coin Program Act was passed in 1997.

Though it has taken five years to recognize these jurisdictions, I am very pleased that the passage of this legislation would extend this program and acknowledge the participation of the District of Columbia and the U.S. territories of Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa and Puerto Rico in this great event in our history. Americans living in these jurisdictions have served in the armed forces, but in numbers disproportionately higher than in the states. Both the District and the territories have cultivated generations of scholars, athletes, entertainers, and artists, and have added to the rich history and diversity of this nation. It may not mean much for the average citizen to have a commemorative quarter, but it means a great deal to these jurisdictions.

Since 1996, the United States Treasury has issued five specially designed quarters to commemorate each state in order of their ratification of the Constitution and admission into the Union. To date, there are 19 state quarters in circulation, which signify particular characteristics, achievement, and history of each state.

It was hoped that the Commemorative Coin Program would lead the American public to appreciate the history of U.S. coinage and generate a collective pride among Americans, not only in their home states, but also the nation as a whole. It has always been my hope that Congress would not forget the history of these jurisdictions. I am proud to note that today we can realize the full and rich history of the District of Columbia, of my district of Guan, and four other territories of the United States.

Not very many Americans know that my district of Guan, an island approximately 3,500 miles southwest of Hawaii, was also attacked on December 7, 1941, the date which marked the entrance into World War II. From the time of the attack to the liberation of the island on July 21, 1944, Guam has the distinction of being the only civilian U.S. jurisdiction to be occupied by the Japanese during the war.

In 1998, Guam marked its 100th anniversary with a grand celebration in honor of its relationship with the United States which resulted from the Spanish-American War. In 1999, we commemorated the 50th anniversary of the enactment of the Organic Act of Guam, which
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granted civilian government and U.S. citizenship to the people of Guam. We are the west-ernmost territory of the United States on the opposite side of the International Date Line and have the distinction of being the place “where America’s day begins.” The passage of this legislation today will not only give ac-knowledgment and recognition to the unique circumstances and histories of these U.S. jurisdictions, it also pays tribute to Americans living in these places who take great pride and provide service to the nation but often feel marginalized or left behind because they are unable to take part in programs which most other Americans enjoy.

As an original co-sponsor of this legislation and of its predecessor, H.R. 5010, I urge my colleagues to unanimously support this very important legislation and urge its expeditious passage and enactment.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 4005, a bill to provide for a circulating quarter dollar coin program to commemorate American Samoa, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and the Northern Mariana Islands.

In general, this legislation would amend the popular 50 States Commemorative Coin Program Act to include 6 new designs emblematic of the District of Columbia, American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Northern Mariana Islands.

It should come as no surprise that I am a strong supporter of this bill. My colleagues and I have worked for some time to move this legislation forward. All five delegations are and were original co-sponsors of this bi-partisan measure. This measure was first introduced in the 106th Congress and passed overwhelm-ingly in the House by a vote of 377-6. Unfortunately, the 106th Congress ended before the Senate was able to consider our bill.

I am now pleased that H.R. 4005 has once again made it to the House floor for consider-ation. I want to thank Congresswoman ELEA-NOR HOLMES NOR ton for her leadership and I also want to thank the order Delegates who have also worked tirelessly to ensure that this legislation is considered.

Speaking on behalf of American Samoa, I believe it is only fitting for Congress to ac-knowledge our relationship with the United States with the issuance of a commemorative coin. American Samoa has a long and proud history of supporting the United States. The traditional leaders of the island of Tutuila ceded our islands to the United States in 1900.

Tutuila’s harbor is the deepest in the South Pacific and the port village of Pago Pago was used as a coaling station for U.S. naval ships in the early part of the century and as a support base for U.S. soldiers during WWII. To this day, American Samoa serves as a refueling point for U.S. naval ships and military air-craft.

American Samoa also has a per capita en-listment rate in the U.S. military which is as high as any State or U.S. Territory. Our sons and daughters have served in every campaign in every era of American involvement in the U.S. military’s engagement from WWII to present operations in our war against terror-ists. We have stood by the United States in good times and bad and I believe this relationship should be acknowledged with the issuance of a commemorative coin. H.R. 4005 afford us an opportunity to recog-nize the special contributions that the District of Columbia, American samoa, Guam, Puerto Rico, and the Northern Marianas have made to the history of our Nation. I urge my col- leagues to vote in favor of this legislation.

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion by the gentleman from Delaware (Mr. CASTLE) that the House sus-pend the rules and pass the bill, H.R. 4005.

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

A motion to reconsider was laid on the table.

ALLOWING CERTAIN CATCH-UP CONTRIBUTIONS TO THRIFT-SAVINGS PLAN

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3340) to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift-Savings Plan to be made by participants age 50 or over, as amended.

The Clerk read as follows:

H.R. 3340

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

SECTION 1. THRIFT SAVINGS PLAN CATCH-UP CONTRIBUTIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

Paragraph (2) of section 8331(b) of title 5, United States Code, is amended by adding at the end the following:

“(c) Notwithstanding any limitation under this paragraph, an eligible participant (as defined under section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and reg-u-lations of the Executive Director consistent therewith.”.

(b) FEDERAL EMPLOYEES’ RETIREMENT SYST-EM.—

(1) PROVISION APPLICABLE TO EMPLOYEES GENERALLY.—Subsection (a) of section 8432 of title 5, United States Code, is amended by adding at the end the following:

“(3) Notwithstanding any limitation under this subsection, an eligible participant (as defined by section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and reg-u-lations of the Executive Director consistent therewith.”.

(2) PROVISION APPLICABLE TO OTHER INDIVIDUALS.—Section 8440f of title 5, United States Code, is amended—

(A) by striking “The maximum” and in-serting “(a) The maximum”;

and

(b) by adding at the end the following:

“(b) Notwithstanding any limitation under this subsection, an eligible participant (as defined by section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and reg-u-lations of the Executive Director consistent therewith.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the earliest practicable date, as determined by the Executive Director (appointed under section 9474(a) of title 5, United States Code) in regulations.

SEC. 2. REAUTHORIZATION OF MERIT SYSTEM PROTECTION BOARD AND OFFICE OF SPECIAL COUNSEL.

(a) MERIT SYSTEMS PROTECTION BOARD.—

Section 8(a)(1) of the Whistleblower Protec-tion Act of 1989 (5 U.S.C. 5512 note) is amended—


(b) OFFICE OF SPECIAL COUNSEL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5512 note) is amended—


(c) EFFECTIVE DATE.—The amendments shall be effective as of October 1, 2002.

SEC. 3. DISCLOSURE OF VIOLATIONS OF LAW; RE-TURN OF DOCUMENTS.

Section 9 of title 5, United States Code, is amended—

(1) in paragraph (1), by striking the last sentence; and

(2) by striking paragraph (3) and inserting the following:

“(3) If the Special Counsel does not trans-mit the information to the head of the agen-cy under paragraph (1), the Special Counsel shall inform the individual of—

“(A) the reasons why the disclosure may not be further acted on under this chapter; and

“(B) other offices available for receiving disclosures, should the individual wish to pursue the matter further.”.

SEC. 4. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS EN-ROLLED IN A PLAN ADMINISTERED BY THE OVERSEAS PRIVATE INVEST-MENT CORPORATION.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan admin-istered by the Overseas Private Invest-ment Corporation before the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—

(1) IN GENERAL.—Any individual who, as of the enrollment eligibility date, is covered by a health benefits plan administered by the Overseas Private Investment Corporation may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, an-nuant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after such date.

(2) INDIVIDUALS CURRENTLY UNDER CONTINUED COVERAGE.—Any individual who, as of the enrollment eligibility date, is entitled to continued coverage under a health benefits plan admin-istered by the Overseas Private Investment Corporation—

(A) shall be deemed to be entitled to continued coverage under section 8903a of title 5, United States Code, for the same period that would have been permitted under the plan admin-istered by the Overseas Private Invest-ment Corporation; and

(B) may enroll in an approved health bene-fits plan described under section 8903 or 8903a of title 5, United States Code in accordance with section 8906a of such title for coverage effective on and after such date.

(3) UNMARRIED DEPENDENT CHILDREN.—An individual who, as of the enrollment eligi-bility date, is covered as an unmarried de-pendent child under a health benefits plan...
Due to the new law, an individual age 50 or older could put an additional $1,000 next year into a pension plan in addition to regular contributions allowed by law. The following year the extra contribution would be $2,000. It would increase every year until the extra contribution level was $5,000. Each year thereafter the investor could put in an additional $5,000 on top of the regular contribution in a pension plan. However, employees are not automatically entitled to make catch-up contributions. Private employers must amend their plan documents to permit catch-up contributions. And, likewise, Congress must amend title 5 of the U.S. Code to allow Federal employees to make catch-up contributions. H.R. 3340 makes the necessary changes to title 5 to permit Federal employees to take advantage of this important opportunity to improve their retirement security. It is particularly justifiable for the Federal plan since the TSP was not created by law until 1986. The catch-up contributions will allow workers to make up for years when they were not employed, did not contribute to their plan, or otherwise were unable to save. It is also particularly beneficial for women who have returned to the workforce after taking time away to raise families.

It is essential that we in Congress do as much as we can to foster improved savings by enhancing private and public sector pension plans. America has one of the lowest national savings rates among industrialized countries. It has fallen over the last 25 years, seriously jeopardizing Americans’ security during what is supposed to be their golden years. And even though Americans realize that they should be saving more, half of all family households possess less than $10,000 in net financial assets. With the retirement of America’s baby boomers approaching, Congress must help to encourage Americans to save more.

So, Mr. Speaker, H.R. 3340 furthers our goal of helping Americans increase their savings so they can provide a better retirement for themselves and their families. In addition, H.R. 3340, as amended, reauthorizes the U.S. Merit Systems Protection Board and the Office of Special Counsel; and it would allow employees, retirees, and near retirees of the Overseas Private Investment Corporation to enroll in the Federal Employees Health Benefits Plan. The Merit Systems Protection Board is an independent quasi-judicial agency in the executive branch that adjudicates Federal employees’ appeals from certain serious disciplinary actions, including whistleblower Office of Personnel Management retirement decisions. The Board also adjudicates cases brought by the Office of Special Counsel to enforce the Hatch Act and laws against prohibited personnel practices, including reprisal for whistleblowing, the Merit Systems Protection Board.

And, finally, Mr. Speaker, the amendment contains language that would allow certain retirees and near retirees who are currently covered by a health plan administered by OPIC to participate fully in what is the Federal Employee Health Benefit Plan. OPIC established a separate health insurance plan outside the FEHBP in 1982. However, since 1995 OPIC discontinued offering its separate plan due to a number of problems in maintaining a separate health care plan. This language resolves technical problems involving eligibility of retirees and near retirees for coverage under FEHBP, and the administration supports this legislation. I urge my colleagues to do the same. It sounds complicated and not so exciting, but it is very critical for those employees who would be involved in it and would be administered under it.

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

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

Mr. Speaker, H.R. 3340, as amended, will enhance the retirement and health benefits of Federal employees and ensure the continued operation of two agencies that serve as guardians of the Federal merit systems.

The Economic Growth and Tax Relief Act, which became law last year, made it possible for enrollees 50 years of age or older to contribute an additional $1,000 a year to their private sector 401(k) plans. After 5 years with annual increases of $1,000, private sector employees will be able to make an additional $5,000 a year to their 401(k) plans. These changes did not apply to the Federal Government’s equivalent plan, the Thrift Savings Plan, or the TSP. This simply is not fair.

H.R. 3340 would amend the Federal Employee Retirement System Act to allow Federal employees, like their private sector counterparts, to make additional contributions to their TSP. Federal employees who were previously unable to contribute to their TSP would be able to catch up by making additional contributions to their TSP.

Another provision of the bill authorizes the Overseas Private Investment Corporation, OPIC. In the 1980’s a number of Federal banking agencies, including OPIC, established separate health insurance plans outside of the Federal Employees Health Benefits System. As health care costs have increased, it has become too costly for OPIC to maintain a separate health insurance plan. Under H.R. 3340, as
amended, the approximately 70 employees enrolled in OPIC’s health insurance plan would be allowed to transfer to the FEHB. OPIC will bear the costs associated with transfer.

Finally, this legislation would reauthorize systems Protection Board, MSPB, and the Office of Special Counsel, OSC. Established in 1978 by the Civil Service Reform Act, MSPB’s mission is to ensure that Federal employees are protected against abuses by Federal agency management, that executives and agencies make employment decisions in accordance with merit systems principles, and that Federal merit systems are kept free of prohibited personnel practices such as discrimination and coercion.

OSC is an independent Federal investigative prosecutorial agency. It safeguards the merit system by protecting Federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. OSC also serves as a safe and secure channel for Federal workers who wish to disclose violations of laws, gross mismanagement or waste of funds, and abuse of authority. This legislation will provide a variety of benefits for Federal employees, and I urge its adoption.

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

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

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

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

At the time that we began work on this bill, the markets had not imploded. This bill has assumed far greater importance since, and I just want to spell out something of what it means. We are now living in a country where people of all ages have lost their shirts. The catastrophic effects of the market on baby boomers and older people is pouring out now in stories, in the newspapers about people going back to work, about people selling their homes, and the rest of it. Do not think that this does not apply as well to Federal employees.

Allowing us, those of us who work in the Federal Government, to catch up, as it were, with what is already the case in the private sector could come at a more opportune time. In the first place, one does not have to put their money into the traditional stock market. The TSP is very conservative. They could put all of their money into bonds. They could in fact decide that this may be an important way to make up for some of the losses almost all of us have incurred in the market over the past year, 18 months.

And what this means is very important. In the first year, in addition to what someone already contributes, they can put in an additional $1,000. The next year they can put in an additional $2,000, until of course they reach $5,000 and then they will be able to contribute, as private employees do, an additional $5,000 a year to the TSP.

The reason that this is important, it seems to me, for everybody but especially for the employees to whom this is directed, employees 50 or older, is that there is almost no way to even begin to make up for the kinds of losses people have had, and people have got to begin thinking through how do we do that. We do not want to say to what has become an investment public, stop doing anything, they could have happen to them what has now happened to people in all ages and backgrounds. They could lose it all. There are safe investments. We are very fortunate that the TSP allows us to spread our investments, encourages us to do so, and I believe that for those who are very numerous, and I am sure are included among them are many government employees who want to begin to reinvest, this opportunity to reinvest in more conservative investments will be a very welcome opportunity.

At the very least, it would be unconscionable to leave those in the public sector, the Federal sector behind what we ourselves have already granted to those in the private sector. So I appreciate that the gentlewoman has brought this bill forward, a bill we worked very hard on and, fortunately, a bill which I think will be appreciated more than when the bill was originally in committee.

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

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

Mr. Speaker, as I said earlier, H.R. 3340 with the amendment accomplishes many goals, including catch-up contributions for the Thrift Savings Plan contributors, reauthorization of the OSC and the Marriage System Protections Board.

Finally, H.R. 3340 would allow employees, retirees and near-retirees of the Overseas Private Investment Corporation to enroll in the Federal Employees Health Benefit Plan.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. Speaker, I also want to say that I introduced the bill because it was very important. It took a lot of time, and we had the approval of the chairman of the committee, the gentleman from Indiana (Mr. BINKLEY); the ranking member, the gentleman from California (Mr. WAXMAN); the chairman of the subcommittee, the gentleman from Florida (Mr. WELDON); the ranking member of the Subcommittee on Civil Service, the gentleman from Illinois (Mr. DAVIS); some great sponsors and some great staff that helped to move this bill forward.

Mr. Speaker, I urge an affirmative vote.

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

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

Mr. Speaker, I want to congratulate the gentlewoman from Maryland for the introduction and processing and passage of this legislation.

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

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3340, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o’clock and 33 minutes p.m.), the House stood in recess until approximately 4 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 4 o’clock and 3 minutes p.m.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2002

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5385) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, as amended.

The Clerk read as follows: ]

H.R. 5385

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the “Miscellaneous Trade and Technical Corrections Act of 2002”.

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

Sec. 1. Short title; table of contents

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Miscellaneous Duty Suspensions and Reductions

Chapter 1—New Duty Suspensions and Reductions

Sec. 1101. Bitolylene diisocyanate (TODI).
Sec. 1103. Hydroxylamine free base.

Sec. 1374. Certain rayon filament yarn.

Sec. 1392. Alkylketone.

Sec. 1381. Agrumex (o-t-Butyl cyclohexanol).

Sec. 1384. Mycobutanol.

Sec. 1386. Dichlorobenzidine dihydrochloride.

Sec. 1389. Kresoxy-methyl.

Sec. 1390. MKH 6862 isocyanate.

Sec. 1392. Benzenepropan, 4-(1,1-dimethylthyl)-alpha-methyl.

Sec. 1393. 3,7-dichloro-8-quinoline carbonylic acid.

Sec. 1400. 4,4'-diphenyltetrahydroxycarbonylic dihydroxyde, oda, odpa, pmda, and 1,3-bis(4-aminoophenyl)benzene

Sec. 1404. Certain automotive sensor magnets.

Sec. 1501. Certain tramway cars.

Sec. 1502. Liberty bell replica.

Sec. 1503. Certain entries of cotton gloves.

Sec. 1504. Certain entries of posters.

Sec. 1505. Certain other entries of posters.

Sec. 1506. Certain entries of 13 inch televisions.

Sec. 1507. Entries of certain apparel articles.

Sec. 1508. Certain entries prematurely liquidated in error.

Sec. 1601. Hair clippers.

Sec. 1602. Tractor body parts.

Sec. 1603. Flexible magnets and composite goods containing flexible magnets.

Sec. 1604. Vessel repair duties.

Sec. 1605. Duty-free treatment for hand-knotted or hand-woven carpets.

Sec. 1606. Duty drawback for certain articles.

Sec. 1701. Effective date.

Subchapter II of chapter 99 is amended by striking the following headings:

9902.29.06 9902.30.65 9902.33.07
9902.29.09 9902.30.90 9902.33.08
9902.29.11 9902.30.91 9902.33.09
9902.29.12 9902.30.92 9902.33.10
9902.29.15 9902.31.12 9902.33.11
9902.29.18 9902.31.13 9902.33.12
9902.29.19 9902.31.14 9902.33.13
9902.29.20 9902.31.21 9902.33.19
9902.29.21 9902.32.01 9902.33.66
9902.29.24 9902.32.11 9902.34.02
9902.29.25 9902.32.12 9902.34.06
9902.29.26 9902.32.13 9902.34.08
9902.29.28 9902.32.14 9902.34.11
9902.29.32 9902.32.16 9902.38.12
9902.29.36 9902.32.29 9902.38.25
9902.29.37 9902.32.30 9902.38.26
9902.29.41 9902.32.34 9902.38.28
9902.29.45 9902.32.33 9902.38.38
9902.29.47 9902.32.32 9902.38.39
9902.29.50 9902.32.31 9902.38.46
9902.29.51 9902.32.36 9902.64.04
9902.29.52 9902.32.37 9902.64.11
9902.29.53 9902.32.38 9902.84.10
9902.29.54 9902.32.39 9902.84.12
9902.29.57 9902.32.40 9902.84.20
9902.29.60 9902.32.41 9902.84.43
9902.29.64 9902.32.42 9902.94.46
9902.29.65 9902.32.43 9902.94.46
9902.29.68 9902.32.45 9902.94.76
9902.29.69 9902.32.46 9902.94.77
9902.29.67 9902.32.48 9902.94.85
9902.29.72 9902.32.51 9902.94.81
9902.29.71 9902.32.54 9902.94.83
9902.30.09 9902.32.56 9902.94.85
9902.30.10 9902.32.57 9902.94.88
9902.30.12 9902.32.59 9902.94.89
9902.30.13 9902.32.95 9902.94.91
9902.30.18 9902.33.33 9902.38.30
9902.30.19 9902.33.34 9902.38.35
9902.30.16 9902.33.35 9902.38.45
9902.30.20 9902.33.36 9902.62.45
9902.30.22 9902.33.33 9902.66.03
9902.30.23 9902.33.34 9902.66.09
9902.30.25 9902.33.35 9902.66.10
9902.30.26 9902.33.36 9902.66.05
9902.30.27 9902.33.06 9902.66.08

(2) ADDITIONAL PROVISIONS.—Subchapter II of chapter 99 is amended—

(A) by striking the second heading 9902.29.06 (relating to racemic di-methyl (intermediate (E) for use in producing menthol);

(B) by striking the first heading 9902.29.35 (relating to gamma acid); 9902.32.41 (relating to carboxamide sulfate)

Title A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. BITOLYLENE DIISOCYANATE (TODI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.01.01 Bitolylene diisocyanate (TODI) (CAS No. 91-97-4) (provided for in subheading 2930.10.20) Free No change No change On or before 12/31/2005

SEC. 1102. 2-METHYL IMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.01.02 2-methyl imidazole (CAS No. 99-98-1) (provided for in subheading 2933.29.90) Free No change No change On or before 12/31/2005

SEC. 1103. HYDROXYLAMINE FREE BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading: 
<table>
<thead>
<tr>
<th>Section</th>
<th>Compound Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1104</td>
<td>3-methyl-2-buten-1-ol</td>
</tr>
<tr>
<td>1105</td>
<td>1-methylimidazole</td>
</tr>
<tr>
<td>1106</td>
<td>Formamide</td>
</tr>
<tr>
<td>1107</td>
<td>Michler's ethyl ketone</td>
</tr>
<tr>
<td>1108</td>
<td>Vinyl imidazole</td>
</tr>
<tr>
<td>1109</td>
<td>Disperse Blue 27</td>
</tr>
<tr>
<td>1110</td>
<td>Acid Black 244</td>
</tr>
<tr>
<td>1111</td>
<td>Reactive Orange 132</td>
</tr>
<tr>
<td>1112</td>
<td>Mixture of 2-Naphthalenesulfonic acid, 6-amino-5-[2-[[Cyclohexylmethyl amino]sulfonyl]phenyl]azo]-4-hydroxy, monosodium salt, and 2-Naphthalenesulfonic acid, 6-amino-4-hydroxy-5-[[2-(trifluoromethyl) phenyl]azo]- monosodium salt.</td>
</tr>
</tbody>
</table>
SEC. 1116. 5-ETHYLPIRIDINE DICARBOXYLIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1116.5 5-ethylpyridine dicarboxylic acid (CAS No. 102299-15-5) (provided for in subheading 2933.39.61) ......................................................... 1.8% No change No change On or before 12/31/2005

SEC. 1117. (E)-o,o-DIMETHOXYPHENYL METHYL-3-METHOXY-IMINO-N-METHYLPHENYLACETAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1117.60 (E)-o,2,5-dimethoxyphenyl methyl-3-methoxyimino-N-methylphenylacetamide (Dimoxystrobin) (CAS No. 145451-07-6) (provided for in subheading 2933.39.61) ......................................................... Free No change No change On or before 12/31/2005

SEC. 1118. 2-CHLORO-N-(4 CHLOROBIPHENYL-2-YL) NICOTINAMIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1118.5 2-chloro-N-(4-chlorobiphenyl-2-yl) nicotinamide (CAS No. 188425-85-6) (Nicobifen) (provided for in subheading 2933.39.21) ......................... 4.4% No change No change On or before 12/31/2005

SEC. 1119. VINCLLOZOLIN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1119.5 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidine-dione (Vinclozolin) (CAS No. 30471-44-8) (provided for in subheading 2934.99.12) ......................... Free No change No change On or before 12/31/2005

SEC. 1120. DAZOMET.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1120.5 Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione (CAS No. 533-74-4) (Dazomet) (provided for in subheading 2934.99.90) ......................... Free No change No change On or before 12/31/2005

SEC. 1121. PYRACLOSTROBIN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1121.5 1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester sodium salt (CAS No. 3965-55-7) (Pyraclostrobin) (CAS No. 157013-18-0) (provided for in subheading 2933.19.23) ......................... Free No change No change On or before 12/31/2005

SEC. 1122. 1,3-BENZENEDICARBOXYLIC ACID, 5-SULFO-1,3-DIMETHYL ESTER SODIUM SALT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1122.5 1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester sodium salt (CAS No. 3965-55-7) (provided for in subheading 2933.19.90) ......................... Free No change No change On or before 12/31/2005

SEC. 1123. SACCHAROSE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1123.5 Saccharose to be used other than in food for human consumption and not for nutritional purposes (provided for in subheading 2933.19.90) ......................... Free No change No change On or before 12/31/2005

SEC. 1124. BUCTRIL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1124.5 Buctril bromoxynil octanoate (CAS No. 1689-99-2) plus application adjuvants (provided for in subheading 2934.99.15) ......................... Free Free No change On or before 12/31/2005

SEC. 1125. (2-BENZOOTHIAZOLYLTHIO) BUTANEDIOLIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1125.5 (2-benzothiazolylthio) butanediol (CAS No. 96154-01-1) (provided for in subheading 2934.20.40) ......................... Free No change No change On or before 12/31/2005

SEC. 1126. 60-70 PERCENT AMINE SALT OF 2-BENZO-THIAZOLOTHIO SUCCINIC ACID IN SOLVENT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1126.5 60-70% amine salt of 2-benzothiazolothio succinic acid in solvent (provided for in subheading 3824.90.28) ......................... Free No change No change On or before 12/31/2005

SEC. 1127. 4-METHYL-G-OXO-BENZENEBUTANIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1127.5 4-Methyl-g-oxo-benzenebutanic acid compounded with ethylmorpholine (2:1) (CAS No. 171069-49-0) (provided for in subheading 2934.20.40) ......................... Free No change No change On or before 12/31/2005

SEC. 1128. MIXTURES OF N- (4, 6- DIMETHOXYPRIMIDIN- 2- YL) AMINOCARBONYL-3- (ETHYLSULFONYL)- 2- PYRIDINE- SULFONAMIDE; 2- (1(1)- (4, 6- DIMETHOXYPRIMIDIN- 2- YL) AMINOCARBONYL)- AMINOSULFONYL)- N,N-DIMETHYL- 3- PYRIDINECARBOXAMIDE, AND APPLICATION ADJU- VANTS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

1128.5 Mixture of N-(4,6-dimethoxyprimidin-2-yl)aminocarbonyl-(1-(4,6-dimethoxyprimidin-2-yl)aminocarbonyl)-aminosulfonyl)n,n-dimethyl-3-pyridinecarboxamide and application adjuvants (provided for in subheading 2933.39.61) ......................... Free No change No change On or before 12/31/2005
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1129</td>
<td>Mixtures of Methyl 3-[(4-Methoxy-6-methyl-1,3,5-triazin-2-yl) amino] carbonyl]-3-(ethylsulfonyl)-2-thiophenecarboxylate and application adjuvants.</td>
</tr>
<tr>
<td>1130</td>
<td>Mixtures of Methyl 3-[(4-Methoxy-6-methyl-1,3,5-triazin-2-yl) amino] carbonyl]-3-(ethylsulfonyl)-2-thiophenecarboxylate and application adjuvants.</td>
</tr>
<tr>
<td>1131</td>
<td>Mixtures of Methyl 2-[(4-Methoxy-6-methyl-1,3,5-triazin-2-yl) amino] carbonyl]-3-(ethylsulfonyl)-2-thiophenecarboxylate and application adjuvants.</td>
</tr>
<tr>
<td>1132</td>
<td>Mixtures of N-[(4,6-Dimethoxypyrimidin-2-yl) amino]carbonyl]-3-(ethylsulfonyl)-2-thiophenecarboxylate and application adjuvants.</td>
</tr>
<tr>
<td>1133</td>
<td>Vat Black 25.</td>
</tr>
<tr>
<td>1134</td>
<td>Allyl 3-Cyclohexylpropanoate (Cyclohexane-propanoic acid, 2-propenyl ester).</td>
</tr>
<tr>
<td>1135</td>
<td>Neoheliopan Hydro (2-Phenylbenzimidazole-5-sulfonic acid).</td>
</tr>
<tr>
<td>1136</td>
<td>Sodium Methylate Powder (Na Methylate Powder).</td>
</tr>
<tr>
<td>1137</td>
<td>Globanone (Cyclohexadec-8-en-1-one) (CHD).</td>
</tr>
<tr>
<td>1138</td>
<td>Methyl Acetophenone-para (Melilot).</td>
</tr>
<tr>
<td>1139</td>
<td>Majantol (2,2-Dimethyl-3-[3-Methylphenyl]propanol).</td>
</tr>
<tr>
<td>Section Number</td>
<td>Chemical Name</td>
</tr>
<tr>
<td>----------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>1140</td>
<td>Neoheliopan MA (Menthyl Anthranilate)</td>
</tr>
<tr>
<td>1141</td>
<td>Allyl Isosulfocyanate</td>
</tr>
<tr>
<td>1142</td>
<td>Frescolat (5-Methyl-2-(1-Methylethyl)cyclohexyl-2-hydroxypropionate, Lactic Acid Menthyl Ester)</td>
</tr>
<tr>
<td>1143</td>
<td>Thymol (Alpha-Cymophenol)</td>
</tr>
<tr>
<td>1144</td>
<td>Benzyl Carbazate</td>
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<tr>
<td>1145</td>
<td>Esfenvalerate Technical</td>
</tr>
<tr>
<td>1146</td>
<td>Avuant and Steward</td>
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<tr>
<td>1147</td>
<td>Helium</td>
</tr>
<tr>
<td>1148</td>
<td>Ethyl Pyruvate</td>
</tr>
<tr>
<td>1149</td>
<td>Deltamethrin (1R,3R)-3-[2,2-Dibromovinyl]-2,2-Dimethylcyclopropane Carboxilic Acid (8)-Alpha-Cyano-3-Phenoxybenzyl Ester</td>
</tr>
<tr>
<td>1150</td>
<td>Asulam Sodium Salt</td>
</tr>
<tr>
<td>1151</td>
<td>Tralomethrin (1R,3S)(1R,S)-1',2',2'-Tetrabromoethyl)-2,2-Dimethylcyclopropane Carboxilic Acid (8)-Alpha-Cyano-3-Phenoxybenzyl Ester</td>
</tr>
<tr>
<td>1152</td>
<td>N-Phenyl-N-(1,2,3-Thiadiazol-5-Yl)-Urea</td>
</tr>
</tbody>
</table>
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1153. BENZENEPROPANOIC ACID, ALPHA-2, DICHLORO-5-(4 DIFLUOROMETHYL)-4,5-DIHYDO-3-METHYL-5-OXO-1H,2,4-TRIAZOL-1-YL)-4-FURO-ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1154. (Z)-(1RS, 3RS)-3-CHLORO-3,3,3 TRIFLUORO-1-PROPENYL)-2,2-DIMETHYL-CYCLOPROPANE CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1155. Z-CHLOROBENZYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1156. (8)-ALPHA-HYDROXY-3-PHENOXYBENZENACETONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1157. 4-PENTENOIC ACID, 3,3-DIMETHYL- METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1158. TERRAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1159. 2-MERCAPTOETHANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1160. BIFENAZATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1161. A CERTAIN POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1162. PARA ETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1163. EZETIMIBE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1164. P-CRESIDINE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1165. 2,4 DISULFOBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 1166. M-HYDROXYBENZALDEHYDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.70</td>
<td>M-hydroxybenzaldehyde (CAS No. 1314-36-9 and 1308-96-7) (provided for in subheading 2846.90.80)</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1167. N-ETHYL- N-(3-SULFOBENZYL)ANILINE, BENZENESULFONIC ACID, 3(Ethylphenylamino)methyl.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.71</td>
<td>N-Ethyl-N-(3-sulfobenzyl)aniline, Benzenesulfonic acid, 3-(ethylphenylamino)methyl (CAS No. 101-11-1) (provided for in subheading 2921.42.90)</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1168. ACRYLIC FIBER TOW.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.72</td>
<td>Acrylic fiber tow (polyacrylonitrile tow) consisting of 6 sub-bundles crimped together, each containing 45,000 filaments and 2.8 percent water, such acrylic fiber containing a minimum of 92 percent acrylonitrile, not more than 9.1 percent zinc and average filament denier of either 1.35 denier (plus or minus 0.08) or 1.2 denier (plus or minus .08) (provided for in subheading 5001.30.00)</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1169. YTTRIUM OXIDES AND EUROPIUM OXIDES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.73</td>
<td>Yttrium oxides and europium oxides, both having a purity of at least 9999 (CAS Nos. 1314-36-9 and 1308-96-7) (provided for in subheading 2846.90.80)</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1170. HEXANEDIOIC ACID, POLYMER WITH 1,3-BENZENEDIMETHANAMINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.74</td>
<td>Hexanedioic acid, polymer with 1,3-benzenedimethanamine (CAS No. 25718-79-1) (provided for in subheading 3908.10.00)</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1171. N1-[(6-CHLORO-3-PYRIDYL)-METHYL]-N2-CYANO-N1-METHYLACETAMIDINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.75</td>
<td>N1-[(6-chloro-3-pyridyl)-methyl]-N2-cyano-N1-methylacetamidine (CAS No. 135410-30-7) (provided for in subheadings 3933.39.27 and 3808.10.25)</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1172. ALUMINUM TRIS (O-ETHYL PHOSPHONATE).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.76</td>
<td>Aluminum tris (O-ethyl phosphonate) (CAS No. 39148-24-4) (provided for in subheading 2828.10.50)</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1173. MIXTURE OF DISPERSE BLUE 77 AND DISPERSE BLUE 56
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.77</td>
<td>A mixture of Disperse Blue 77 and Disperse Blue 56 (CAS Nos. 3921-76-3 and 12217-79-7) (provided for in subheading 3204.11.35)</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1174. ACID BLACK 194.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.78</td>
<td>Acid Black 194 (CAS No. 57693-19-1) (provided for in subheading 3204.12.20)</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1175. MIXTURE OF 9,10-ANTHRACENEDIONE, 1,5-DIHYDROXY-4-NITRO-8-(PHENYLAMINO)-AND 9,10-ANTHRACENEDIONE, 1,8-DIHYDROXY-4-NITRO-5-(PHENYLAMINO).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.79</td>
<td>A mixture of 9,10-Anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)- and 9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino) (CAS Nos. 9903-47-8 and 2921-76-3) (provided for in subheading 3204.11.35)</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1176. CASES FOR CERTAIN TOYS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.80</td>
<td>Cases or containers (provided for in subheading 2802.92.90) specifically designed or fitted for goods of headings 9902-9004, inclusive</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1177. BAGS FOR CERTAIN TOYS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Status</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.01.81</td>
<td>Bags (provided for in subheading 2802.92.45) for transporting, storing, or protecting goods of headings 9902-9004, inclusive, imported and sold with such articles therein</td>
<td>Free No change On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 1178. CERTAIN CHILDREN'S PRODUCTS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 1179. CERTAIN OPTICAL INSTRUMENTS USED IN CHILDREN'S PRODUCTS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.01.89** Optical instruments designed for the viewing of circular mounted sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter (provided for in subheading 9013.80.90) ........................................................................................................ Free No change No change On or before 12/31/2005

SEC. 1180. CASES FOR CERTAIN CHILDREN'S PRODUCTS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.01.81** Cases or containers (provided for in subheading 4202.92.90) specifically designed or fitted for circular mounts for sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter imported and sold with such articles therein ........................................................................ Free No change No change On or before 12/31/2005

SEC. 1181. 2,4-DICHLOROANILINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.01.82** 2,4-dichloroaniline (CAS No. 554-80-7) ........................................................................ Free Free No change On or before 12/31/2005

SEC. 1182. ETHOPROP.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.01.83** O-Ethyl S,S-Dipropyl Phosphorodithioate (CAS No. 13934-48-4) ........................................................................ Free Free No change On or before 12/31/2005

SEC. 1183. FORAMSULFURON.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.01.84** N,N-dimethyl-2-[3-(4,6-dimethoxypyrimidin-2-yl)ureidosulfonyl]-4-formylaminobenzamide (CAS No. 175159-97-4) ........................................................................ Free Free No change On or before 12/31/2005

SEC. 1184. CERTAIN EPOXY MOLDING COMPOUNDS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.01.85** Epoxy mold compounds, of a kind used for encapsulating integrated circuits (provided for in subheading 3807.30.00) ........................................................................ Free No change No change On or before 12/31/2005

SEC. 1185. DIMETHYLDICYAN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.01.86** Dimethylidicyan (2,2'-Dimethyl-4,4'-methylenbis-(cyclohexylamine) (CAS No. 6864-37-5) ........................................................................ Free Free No change On or before 12/31/2005

SEC. 1186. TRIACETONE DIAMINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.01.87** Triacetone diamine (CAS No. 36768-62-4) ........................................................................ Free Free No change On or before 12/31/2005

SEC. 1187. TRIETHYLENE GLYCOL BIS[3-(3-TERT-BUTYL-4-HYDROXY-5-METHYLPHENYL) PROPIONATE].
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

- **9902.01.88** Triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl) propionate] propionate (CAS No. 36443-68-2) ........................................................................ Free No change No change On or before 12/31/2005

SEC. 1188. CERTAIN POWER WEAVING TEXTILE MACHINERY.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.01.89** Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 5402.51.00) ........................................................................ Free No change No change On or before 12/31/2005

SEC. 1189. CERTAIN FILAMENT YARNS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **9902.01.90** Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, of decitex sizes of 23 to 850, with between 4 and 68 filaments, with a twist of 100 to 300 turns/m, of nylon or other polyamides, containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.51.00) ........................................................................ Free Free No change On or before 12/31/2005

SEC. 1190. CERTAIN OTHER FILAMENT YARNS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

**SEC. 1192. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

- **SEC. 1192. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1191. CERTAIN INK-JET TEXTILE PRINTING MACHINERY.**
- **SEC. 1190. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1189. D-MANNOSE.**
- **SEC. 1188. PACLOBUTRAZOLE TECHNICAL.**
- **SEC. 1187. PYRIDINE,4-[[1-(METHYLETHYL)ETHENYL]-1H-MIDAZOL-1-YL] METHYL-ETHANEDIIOATE (1:2).**
- **SEC. 1186. DISULFIDE,BIS(3,5-DICHLOROPHENYL)(9CI).**
- **SEC. 1185. 1(2H)-QUINOLINECARBOXYLIC ACID, 4-[[3,5- BIS(TRIFLUOROMETHYL)PHENYL] METHYL(METHOXY CARBONYL)AMINO]-2-ETHYL- 3,4-DIHYDRO- 6-(TRIFLUOROMETHYL)-, ETHYL ESTER, (2R,4S)-(9CI).**
- **SEC. 1184. BENZAMIDE,N-METHYL-2-[[3-[(1E)-2-(2-PYRIDINYL) ETHENYL]-1H-INDAZOL-6-YL]THIO].**
- **SEC. 1183. D-MANNOSE.**
- **SEC. 1182. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1181. CERTAIN TEXTILE PRINTING MACHINERY.**
- **SEC. 1180. METHIDATHION TECHNICAL.**
- **SEC. 1179. PACLOBUTRAZOLE 28C.**
- **SEC. 1178. PACLOBUTRAZOLE TECHNICAL.**
- **SEC. 1177. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1176. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1175. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1174. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1173. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1172. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1171. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1170. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1169. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1168. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1167. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1166. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1165. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1164. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1163. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1162. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1161. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1160. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1159. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1158. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1157. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1156. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1155. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1154. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1153. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1152. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1151. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1150. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1149. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1148. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1147. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1146. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1145. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1144. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1143. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1142. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1141. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1140. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1139. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1138. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1137. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1136. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1135. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1134. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1133. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1132. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1131. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1130. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1129. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1128. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1127. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1126. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1125. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1124. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1123. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1122. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1121. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1120. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1119. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1118. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1117. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1116. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1115. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1114. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1113. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1112. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. 1111. CERTAIN OTHER TEXTILE PRINTING MACHINERY.**
- **SEC. H7069.**
Wakil XL, a seed treatment end use formulated product containing the following active ingredients: Metalaxyl-M - D-alanine, N-(2,6-dimethylphenyl)-N-methoxymethyl)-, methyl ester (CAS No. 70630–17–0); Finoximil - I-H-pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl) (CAS No. 131341–86–1); Cymoxanil - acetamide, 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino) (CAS No. 57966–95–7) (provided in subheading 3808.20.15) …… Free No change No change On or before 12/31/2005

SEC. 1203. MUCOCHLORIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.04 2-Butenoic acid, 2,3-dichloro-4-oxo-, (2Z) (CAS No. 87–56–9) (provided for in subheading 2918.30.90) …… Free No change No change On or before 12/31/2005

SEC. 1204. AZOXYSTROBIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.05 Benzeneacetic acid, 2-[6-(2-cyanophenoxy)-4-pyrimidinyl]oxy]-alpha-(methoxymethylene)-, methyl ester, (alpha E-) (CAS No. 131860–33–8) (provided for in subheading 2933.59.15) …… Free No change No change On or before 12/31/2005

SEC. 1205. FLUMETRALIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.06 2-chloro-N-[2,6-dinitro-4-(tri-fluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine (CAS No. 62924–70–3) (provided for in subheading 2921.49.45) …… Free No change No change On or before 12/31/2005

SEC. 1206. CYPRODINIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.07 2-pyrimidinamine, 4-cyclopropyl-6-methyl-yl-N-phenyl- (CAS No. 121552–61–2) (provided for in subheading 2933.59.15) …… Free No change No change On or before 12/31/2005

SEC. 1207. MIXTURES OF LAMBDA-CYHALOTHIRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.08 Cyclopropanecarboxylic acid, 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethyl-,cyano(3-phenoxyphenyl)methyl ester, [1.alpha. (S*),3.alpha. (Z)]-(+-.)- (CAS No. 91465–08–6) (provided for in subheading 3808.10.25) …… Free No change No change On or before 12/31/2005

SEC. 1208. PRIMISULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.10 Benzoic acid, 2[[4,6-bis(difluoromethoxy)-2-pyrimidinyl] amino]carbonyl]-amino)sulfonyl]-, methyl ester (CAS No. 86209–51–0) (provided for in subheading 2935.00.75) …… Free No change No change On or before 12/31/2005

SEC. 1209. 1,2 CYCLOHEXANEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.11 1,2 Cyclohexanedione (CAS No. 765–87–7) (provided for in subheading 2914.29.50) …… Free Free No change On or before 12/31/2005

SEC. 1210. DIFENOCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.12 1H-1,2,4-triazole, 1-[2--[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl-1,3-dioxolan-2-yl)methyl]- (CAS No. 119446–68–9) (provided for in subheading 2934.99.12) …… Free No change No change On or before 12/31/2005

SEC. 1211. CERTAIN REFRACTING AND REFLECTING TELESCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.13 Refracting telescopes with 50 mm or smaller lenses and reflecting telescopes with 76 mm or smaller lenses (provided for in subheading 9005.80.40) …… Free Free No change On or before 12/31/2005

SEC. 1212. PHENYLISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.14 Phenylisocyanate (CAS No. 103–71–9) (provided for in subheading 2929.10.80) …… Free No change No change On or before 12/31/2005
SEC. 1213. BAYOWET FT-248.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty</th>
<th>Modification</th>
<th>Modification</th>
<th>Date Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.15</td>
<td>Tetrachloroammonium perfluorocacetanilide (CAS No. 5673-42-3) (provided for in subheading 2922.90.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1214. P-PHENYLPHENOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty</th>
<th>Modification</th>
<th>Modification</th>
<th>Date Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.16</td>
<td>Biphenyl-4-ol (CAS No. 92-69-3) (provided for in subheading 2907.19.80)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1215. CERTAIN RUBBER RIDING BOOTS.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty</th>
<th>Modification</th>
<th>Modification</th>
<th>Date Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.17</td>
<td>Horseback riding boots with soles and uppers of rubber that extend above the ankle and below the knee, and have a spur rest on the heel counter (provided for in subheading 6401.92)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1216. CHEMICAL RH WATER-BASED.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty</th>
<th>Modification</th>
<th>Modification</th>
<th>Date Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.18</td>
<td>Chemical RH water-based (iron toluene sulfonate) (comprised of 75% water, 25% p-Toluenesulfonic acid (CAS No. 6192-52-5) and 5% feric oxide (CAS No. 1309-37-1) (provided for in subheading 2904.10.10)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1217. CHEMICAL NR ETHANOL-BASED.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty</th>
<th>Modification</th>
<th>Modification</th>
<th>Date Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.19</td>
<td>Chemical NR Ethanol-based (iron toluene sulfonate) (60% ethanol (CAS NO. 63-17-5), 33% p-Toluenesulfonic acid (CAS No. 6192-52-5), and 7% feric oxide (CAS No. 1309-37-1) (provided for in subheading 2912.12.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1218. TANTALUM CAPACITOR INK.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty</th>
<th>Modification</th>
<th>Modification</th>
<th>Date Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.20</td>
<td>Tantalum capacitor ink: Graphite Ink P7300 of 85% butyl acetate, 8% graphite, and the remaining balance of non-hazardous resin; and Graphite Paste P5900 of 92-96% water, 1-3% graphite (CAS No. 7782-42-5), 0.5%-2% ammonia (CAS No. 7664-41-7), and less than 1% acrylic resin (CAS No. 9003-32-1) (provided for in subheading 3207.30.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1219. EUROPIUM OXIDES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty</th>
<th>Modification</th>
<th>Modification</th>
<th>Date Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.22</td>
<td>Europium oxides having a purity of at least 99.99 percent (CAS No. 1309-96-7) (provided for in subheading 2846.90.80)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1219A. CERTAIN SAWING MACHINES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty</th>
<th>Modification</th>
<th>Modification</th>
<th>Date Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.84.91</td>
<td>Sawing machines certified for use in production of radial tires, designed for off-the-highway use, and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or 8466.92.50)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1220. CERTAIN SECTOR MOLD PRESS MANUFACTURING EQUIPMENT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Duty</th>
<th>Modification</th>
<th>Modification</th>
<th>Date Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.84.89</td>
<td>Sector mold press machines to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>
SEC. 1221. CERTAIN MANUFACTURING EQUIPMENT USED FOR MOLDING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Description</th>
<th>Tariff Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Machinery for molding retreading, or otherwise forming uncured, unvulcanized rubber to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1222. CERTAIN EXTRUDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Description</th>
<th>Tariff Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extruders to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1223. CERTAIN SHEARING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Description</th>
<th>Tariff Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shearing machines used to cut metallic tissue certified for use in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or 8466.94.85)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1224. THERMAL RELEASE PLASTIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Description</th>
<th>Tariff Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thermal release plastic film (provided for in subheading 3919.10.20)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1225. CERTAIN SILVER PAINTS AND PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Description</th>
<th>Tariff Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>P6100-52 percent silver Ag Paint; P7400-52.8 percent silver Ag Paste; and P7500-52.8 percent silver Ag Paint (provided for in subheading 2909.41.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1226. POLYMER MASKING MATERIAL FOR ALUMINUM CAPACITORS (UPICOAT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Description</th>
<th>Tariff Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polymer masking material for aluminum capacitors (UPICOAT of 40 percent solute denatured polyamide and 60 percent solvent dichthylenylglycol dimethylethers (CAS No. 111-96-6)) (provided for in subheading 2809.41.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1227. OBPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Description</th>
<th>Tariff Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>19′19′ Oxybisphenoxarsine (CAS No. 58-36-6) (provided for in subheading 2904.99.18)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1228. MACROPOROUS ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Description</th>
<th>Tariff Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Macroporous ion-exchange resin comprising a copolymer of styrene crosslinked with divinyllbenzene, thiol functionalized (CAS No. 11384-91-6) (provided for in subheading 3914.00.60)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

SEC. 1229. COPPER 8-QUINOLINOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Description</th>
<th>Tariff Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date of Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Copper 8-Quinolinolate (CAS No. 10380-28-6) (provided for in subheading 2933.49.30)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>CAS Number</td>
<td>Tariff Treatment</td>
<td>Effective Date</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>------------</td>
<td>-----------------</td>
<td>---------------</td>
</tr>
<tr>
<td>1230</td>
<td>Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, iminodiacetic acid, sodium form (CAS No. 244203-30-3) (provided for in subheading 3914.00.60)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>1231</td>
<td>Ion-exchange resin comprising a copolymer of styrene crosslinked with ethenylbenzene, aminophosphonic acid, sodium form (CAS No. 125935-42-4) (provided for in subheading 3914.00.60)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>1232</td>
<td>Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, sulphonic acid, sodium form (CAS No. 63182-08-1) (provided for in subheading 3914.00.60)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>1233</td>
<td>3-(4 Amino-3-Methoxyphenyl) Azo]-benzene sulfonic acid (CAS No. 138-28-3) (provided for in subheading 2927.00.50)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>1234</td>
<td>2-Methyl-5-Nitrobenzenesulfonic acid (CAS No. 121-03-9) (provided for in subheading 2904.90.20)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>1235</td>
<td>2 Amino 6 Nitro Phenol 4 sulfonic acid (CAS No. 96-93-5) (provided for in subheading 2922.29.60)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>1236</td>
<td>2 Amino 5 sulfobenzoic acid (CAS No. 2491-71-6) (provided for in subheading 2922.49.30)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>1237</td>
<td>2,5 bis [(1,3 Dioxobutyl) Amino] benzene sulfonic acid (CAS No. 70185-87-4) (provided for in subheading 2924.29.71)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>1238</td>
<td>p-Aminoazobenzene 4 sulfonic acid, monosodium salt (CAS No. 2491-71-6) (provided for in subheading 2922.29.60)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>1239</td>
<td>p-Aminoazobenzene 4 sulfonic acid, monosodium salt (CAS No. 2927.00.50)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>1240</td>
<td>3-(4 Amino-3-Methoxyphenyl) Azo]-benzene sulfonic acid, monosodium salt (CAS No. 6300-07-4) (provided for in subheading 2927.00.50)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
<tr>
<td>1241</td>
<td>ET-743 (ECTEINASCIDIN)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

**SEC. 1242. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[4-CHLORO-6-[2-[4-FLUORO-6-[5-HYDROXY-2-[4-METHOXY-2-SULFOPHENYL]AZO]-7-SULFO-2-AMINO]-1-METHYLTHYL]AMINO]-1,3,5-TRIAZIN-2-YL]AMINO)3-[4-[4-

| 2-AMINO-4-[[(2,5-DICHLOROPHENYL)AMINO] CARBONYL]-, METHYL ESTER. |
| 4-HYDROXY-, SODIUM SALT. |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:


Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

**SEC. 1244. 7,7-[1,3-PROPANEDYLBIS[MINO]-6-FLUORO-1,3,5-TRIAZINE-4,2-DIYL]MINO]-2-[AMINOCARBONYL]AMINO)-4,1-PHENYLENE]AZO]]BIS, SODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:


Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:


| ETHENYLsULFONYL] PHENYL]AZO], 4-HYDROXY-, SODIUM SALT. |

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

**SEC. 1247. PTFMBA.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

**SEC. 1248. BENZOIC ACID, 2-AMINO-4-[[2,5-DICHLOROPHENYL]AMINO] ARBONYL], METHYL ESTER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

**SEC. 1249. IMIDACLOPRID PESTICIDES.**
SEC. 1250. BETA-CYFLUTHRIN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.02.54 Beta-cyfluthrin (CAS No. 68359–37–5) (provided for in subheading 2926.90.30) .............. 4.3% No change No change On or before 12/31/2005
```

SEC. 1251. IMIDACLOPRID TECHNICAL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.02.55 Imidacloprid 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine (CAS No. 138261-41-3) (provided for in subheading 2933.39.27) ........ Free No change No change On or before 12/31/2005
```

SEC. 1252. BAYLETON TECHNICAL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.02.56 Triadimefon 1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-butanone (CAS No. 43121-43-3) (provided for in subheading 2933.99.22) ...................................... Free No change No change On or before 12/31/2005
```

SEC. 1253. PROPOXUR TECHNICAL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.02.57 Propoxur 2-(1-methylethoxy)phenol methylcarbamate (CAS No. 114-26-1) (provided for in subheading 2924.29.47) .............. Free No change No change On or before 12/31/2005
```

SEC. 1254. MKH 6561 ISOCYANATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.02.58 A mixture of 30% 2-(Carboxymethoxy)benzenesulfonyl isocyanate (CAS No. 13330-20-7) and 70% Xylenes (provided for in subheading 3824.90.28) ............................. Free No change No change On or before 12/31/2005
```

SEC. 1255. PROPOXY METHYL TRIAZOLONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.02.59 A mixture of 20% Propoxy Methyl Triazolone (3H-1,2,4-Triazol-3-one, 2, 4-dihydro-4-methyl-5-propoxy) (CAS No. 1330-2-7) and Triazolone (3H-1,2,4-Triazol-3-one, 2, 4-dihydro-4-methyl-5-propoxy) (CAS No. 1330-2-7) (provided for in subheading 2933.99.97) .................................................... Free No change No change On or before 12/31/2005
```

SEC. 1256. NEMACUR VL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.02.60 Fenamiphos ethyl 4-(methylthio)-m-tolyl isospropylphosphoramidate (CAS No. 22224-92-6) (provided for in subheading 2930.90.10) .................................................... Free No change No change On or before 12/31/2005
```

SEC. 1257. METHOXY METHYL TRIAZOLONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.02.61 2,4-dihydro-5-methoxy-4-methyl-3H-1,2,4-Triazol-3-one (CAS No. 13303-13-5) (provided for in subheading 2931.99.97) .................................................... Free No change No change On or before 12/31/2005
```

SEC. 1258. LEVAFIX GOLDEN YELLOW E-G.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

```
9902.02.62 1H-Pyrazole-3-carboxylic acid, 4-[[4-[(2,3-dichloro-6-quinoloxinyl) carbonyl] amino]-2-sulphonyl]azo-4,5-dihydro-5-oxo-1-(4-sulphonyl)azo, triodium salt (CAS No. 70199-00-7) (provided for in subheading 3204.16.20) .................................................... Free No change No change On or before 12/31/2005
```

SEC. 1259. LEVAFIX BLUE CAREMAZOL BLUE CA.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 1260. REMAZOL YELLOW RR GRAN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1261. INDANTHREN BLUE CLF.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1262. INDANTHREN YELLOW F3GC.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1263. ACETYL CHLORIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1264. 4-METHOXY-PHENACYCHLORIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1265. 3-METHOXY-THIOPHENOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1266. LEVAFIX BRILLIANT RED E-6BA.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1267. REMAZOL BR. BLUE BB 133%.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1268. FAST NAVY SALT RA.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

SEC. 1269. LEVAFIX ROYAL BLUE E-FR.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 1270. P-CHLORO ANILINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:


SEC. 1271. ESTERS AND SODIUM ESTERS OF PARAHYDROXYBENZOIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.75 Esters and sodium esters of Parahydroxybenzoic Acid (CAS Nos. 99–76–3, 94–23–3, 120–47–8, 94–26–8, 94–18–8, 5026–62–0, 35285–69–9, 35285–68–8, 36457–20–5) (provided for in subheadings 2918.29.75 and 2918.29.65) .................................................... Free No change No change On or before 12/31/2005.

SEC. 1272. SANTOLINK EP 560.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.76 Phenol-Formaldehyde Polymer Butylated (CAS No. 96446–41–2) (provided for in subheading 3909.40.00) ...................................... Free No change No change On or before 12/31/2005.

SEC. 1273. PHENODUR VPW 1942.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.77 Polymer of phenol, 4,4′-(1-methylethylidene)bis-, polymer with (chloromethyl)oxirane and phenol polymer with formaldehyde modified with chloro acetic acid (provided for in subheading 2909.40.00) .......................................................... Free No change No change On or before 12/31/2005.

SEC. 1274. PHENODUR PR 612.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.78 Formaldehyde, polymer with 2-methylphenol, butylated (CAS No. 118685–25–9) (provided for in subheading 3909.40.00) ........ Free No change No change On or before 12/31/2005.

SEC. 1275. PHENODUR PR 683.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.79 Phenol, polymer with formaldehyde, Bu iso-Bu ether and urea, polymer with formaldehyde, isobutylated (CAS Nos. 126191–57–9 and 88024–18–6) (provided for in subheading 2909.40.00) .......................................................... Free No change No change On or before 12/31/2005.

SEC. 1276. MACRYNAL SM 510 AND 516.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.80 Neodecanoic acid, oxiranylmethyl ester, polymer with ethynylbenzene, 2-hydroxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate and 2-propenoic acid (CAS No. 98613–75–5) (provided for in subheading 3909.50.50) .......................................................... Free No change No change On or before 12/31/2005.

SEC. 1277. ALFTALAT AN 725.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.81 1,3-Benzenedicarboxylic acid, polymer with 1,4-benzenedicarboxylic acid and 2,2-dimethyl-1,3-propanediol (CAS No. 25214–38–4) (provided for in subheading 3809.99.00) .......................................................... Free No change No change On or before 12/31/2005.

SEC. 1278. RWJ 241947.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.02.82 (+)-5-[6-[2-fluorophenyl] methoxy]-2-naphthalenylmethyl]-2,4-thiazolidinedione (CAS No. 161600–01–7) (provided for in subheading 2934.10.10) .......................................................... Free No change No change On or before 12/31/2005.

SEC. 1279. RWJ 394718.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
### CONGRESSIONAL RECORD — HOUSE

**October 7, 2002**

#### SEC. 1280. RWJ 394720.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Free</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.83</td>
<td>1-Propanone, 3-(5-benzofuranyl)-1-([2-hydroxy-6-[[6-O-(methoxycarbonyl)-β-D-glucopyranosyl] oxy]-4-methylphenyl] (9CI) (CAS No. 209746-59-8) (provided for in subheading 2932.99.61)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

#### SEC. 1281. 3,4-DCBN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Free</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.85</td>
<td>3,4-Dichlorobenzonitrile (CAS No. 6574-99-8) (provided for in subheading 2926.90.12)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

#### SEC. 1282. CYHALOFOP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Free</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.86</td>
<td>Propanoic acid,2-[4-(cyano-2-fluorophenoxy)phenoxy]-butyl ester(2R) (CAS No. 122008-85-9) (provided for in subheading 2926.90.25)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

#### SEC. 1283. ASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Free</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.87</td>
<td>Asulox carbamic acid,[(4-aminophenyl)sulfonyl]-, methyl ester, monosodium salt (9CI) (CAS No. 2302-17-2) Asulam sodium salt imported in bulk form (provided for in subheading 2935.00.75), or imported in forms or packings for retail sale or mixed with application adjuvants (provided for in subheading 3808.30.15)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

#### SEC. 1284. FLORASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Free</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.88</td>
<td>Triazoloc[1,5-c] pyrimidine-2-sulfonamide, N-(2,6-difluorophenyl)-8-flouro-5-methoxy (CAS No. 145701-23-1) (provided for in subheading 3808.30.15)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

#### SEC. 1285. PROPANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Free</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.89</td>
<td>Propanamide, N-(3,4-dichlorophenyl) (CAS No. 709-98-8) (provided for in subheading 2924.29.47)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

#### SEC. 1286. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Free</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.90</td>
<td>Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (Halofenozide) (CAS No. 112226-61-6) (provided for in subheading 2928.00.25)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

#### SEC. 1287. ORTHO-PHTHALALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Free</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.92</td>
<td>1,2-benzenedicarboxaldehyde (CAS No. 643-79-8) (provided for in subheading 2912.29.60)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

#### SEC. 1288. TRANS 1,3-DICHLOROPROPENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Free</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.93</td>
<td>Trans 1,3-dichloropropene (CAS No. 10061-02-6) (provided for in subheading 2903.29.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

#### SEC. 1289. METHACRYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Description</th>
<th>Free</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.02.94</td>
<td>Methacrylamide (CAS No. 79-39-0) (provided for in subheading 2924.19.10)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

#### SEC. 1290. CATION EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 1291. GALLERY.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.02.95 & Divinylbenzene, acrylic acid polymer (CAS No. 9002-43-3) (provided for in subheading 3904.00.60) & Free & No change \\
\hline
\end{array}
\]

SEC. 1292. NECKS USED IN CATHODE RAY TUBES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.02.97 & Necks used in cathode ray tubes (provided for in subheading 7011.20.80) & Free & No change \\
\hline
\end{array}
\]

SEC. 1293. POLYTETRAMETHYLENE ETHER GLYCOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.02.98 & Polytetramethylene ether glycol (CAS No. 38640-26-5) (provided for in subheading 3907.20.00) & Free & No change \\
\hline
\end{array}
\]

SEC. 1294. LEAF ALCOHOL.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.02.99 & Cis-3-Hexen-1-ol (CAS No. 928-96-1) (provided for in subheading 2905.29.90) & Free & No change \\
\hline
\end{array}
\]

SEC. 1295. COMBED CASHMERE AND CAMEL HAIR YARN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.03.01 & Yarn of combed cashmere or yarn of camel hair (provided for in subheading 5108.20.90) & Free & No change \\
\hline
\end{array}
\]

SEC. 1296. CERTAIN CARDED CASHMERE YARN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.03.02 & Yarn of carded cashmere of 6 run or finer (equivalent to 19.35 metric yarn system) (provided for in subheading 5108.10.60) & Free & No change \\
\hline
\end{array}
\]

SEC. 1297. SULFUR BLACK 1.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.03.03 & Sulfur Black 1 (CAS No. 1326-82-5) (provided for in subheading 3204.19.30) & Free & No change \\
\hline
\end{array}
\]

SEC. 1298. REDUCED VAT BLUE 43.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.03.04 & Reduced Vat Blue 43 (CAS No. 85737-02-6) (provided for in subheading 3204.15.40) & Free & No change \\
\hline
\end{array}
\]

SEC. 1299. FLUOROBENZENE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.03.05 & Fluorobenzene (CAS No. 462-06-6) (provided for in subheading 2903.69.70) & Free & No change \\
\hline
\end{array}
\]

SEC. 1300. CERTAIN RAYON FILAMENT YARN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.03.06 & High tenacity multiple (folded) or cabled yarn of viscose rayon (provided for in subheading 5003.18.60) & Free & No change \\
\hline
\end{array}
\]

SEC. 1301. CERTAIN TIRE CORD FABRIC.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.03.07 & Tire cord fabric of high tenacity yarn of viscose rayon (provided for in subheading 5902.90.60) & Free & No change \\
\hline
\end{array}
\]

SEC. 1302. DIRECT BLACK 184.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

\[
\begin{array}{|c|c|c|c|}
\hline
9902.03.08 & Direct black 184 (provided for in subheading 3204.14.30) & Free & No change \\
\hline
\end{array}
\]

SEC. 1303. BLACK 263 STAGE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
### SEC. 1304. MAGENTA 364.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Percentage</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.10</td>
<td>Magenta 364, 5-[4-(4,5-dimethyl-2-sulfophthalocyaninato)pyridinamine] (CAS No. 79622-24-3) sodium salt (provided for in subheading 2934.10.90)</td>
<td>2.6%</td>
<td>On or before 01/01/2003</td>
</tr>
</tbody>
</table>

### SEC. 1305. THIAMETHOXAM TECHNICAL.

(a) **Calendar Year 2003.**—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Percentage</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.11</td>
<td>Thiamethoxam (3-(2-chloro-5-thiazolyl)-4-methyl-1,3,5-oxadiazin-4-imine) (CAS No. 153719-23-4) (provided for in subheading 2934.14.30)</td>
<td>2.6%</td>
<td>On or before 01/01/2003</td>
</tr>
</tbody>
</table>

(b) **Calendar Year 2004.**—

(1) **In General.**—Heading 9902.03.11, as added by subsection (a), is amended—

(A) by striking “2.5%” and inserting “2.54%”; and

(B) by striking “On or before 12/31/2003” and inserting “On or before 12/31/2004”.

(2) **Effective Date.**—The amendments made by paragraph (1) shall take effect on January 1, 2004.

(c) **Calendar Year 2005.**—

(1) **In General.**—Heading 9902.03.11, as added by subsection (a) and amended by this section, is further amended—

(A) by striking “2.54%” and inserting “3.2%”; and

(B) by striking “On or before 12/31/2004” and inserting “On or before 12/31/2005”.

(2) **Effective Date.**—The amendments made by paragraph (1) shall take effect on January 1, 2005.

### SEC. 1306. CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
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<tr>
<th>Section</th>
<th>Description</th>
<th>Percentage</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.12</td>
<td>Cyan 485 Stage, [(Hydroxyethylsulfamoyl)sulfophthalocyaninato] copper (II), mixed isomers (provided for in subheading 2921.59.80)</td>
<td>Free</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

### SEC. 1307. DIRECT BLUE 307.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.14</td>
<td>Direct blue 307 (provided for in subheading 2921.59.80)</td>
<td>Free</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

### SEC. 1308. DIRECT VIOLET 107.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
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<th>Description</th>
<th>Percentage</th>
<th>Effective Date</th>
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</thead>
<tbody>
<tr>
<td>9902.03.16</td>
<td>Direct violet 107 (provided for in subheading 2921.59.80)</td>
<td>Free</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

### SEC. 1309. FAST BLACK 286 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
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<tr>
<th>Section</th>
<th>Description</th>
<th>Percentage</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.17</td>
<td>1,3-benzenedicarboxylic acid, 5-[(4-(7-amino-1-hydroxy-3-sulfo-naphthalen-2-ylazo)-2,5-bis(2-hydroxy-ethoxy)-phenylazo)-isophthalic acid, sodium salt (provided for in subheading 2921.59.80)</td>
<td>Free</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

### SEC. 1310. MIXTURES OF FLUAZINAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
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<tr>
<th>Section</th>
<th>Description</th>
<th>Percentage</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.18</td>
<td>Mixtures of fluzinam (3-chloro-N-(3-chloro-2,5-dimatro-4-(trifluoromethyl)phenyl-5-(trifluoromethyl)-2-pyridylamine) (CAS No. 79622-59-6) and application adjuvants (provided for in subheading 2808.20.15)</td>
<td>Free</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>

### SEC. 1311. PRODIAMINE TECHNICAL.

(a) **Calendar Year 2003.**—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
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<tr>
<th>Section</th>
<th>Description</th>
<th>Percentage</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.19</td>
<td>Prodiamine (2,6-dimetro-N,N-dipropyl)-4-(trifluoromethyl)-1,3-benzen-diamine (CAS No. 26091-21-2) (provided for in subheading 2921.59.80)</td>
<td>0.53%</td>
<td>On or before 12/31/2003</td>
</tr>
</tbody>
</table>

(b) **Calendar Years 2004 and 2005.**—

(1) **In General.**—Heading 9902.03.19, as added by subsection (a), is amended—

(A) by striking “0.53%” and inserting “Free”; and

(B) by striking “On or before 12/31/2003” and inserting “On or before 12/31/2005”. 

### SEC. 1315. 12-HYDROXYOCTADECANOIC ACID, REACTION PRODUCT WITH N,N-DIMETHYL, 1,3-PROPANEDIAMINE, DIMETHYL SULFATE, QUATERNIZED, 60 PERCENT SOLUTION IN TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.21</td>
<td>12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1,3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879-66-2) (provided for in subheading 3824.90.28)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2006</td>
</tr>
</tbody>
</table>

### SEC. 1316. POLYMER ACID SALT/POLYMER AMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.24</td>
<td>Polymer acid salt/polymer amide (provided for in subheading 3824.90.91)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2006</td>
</tr>
</tbody>
</table>

### SEC. 1317. 50 PERCENT AMINE NEUTRALIZED PHOSPHATED POLYESTER POLYMER, 50 PERCENT SOLVESSO 100.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.25</td>
<td>50 percent Amine neutralized phosphated polyester polymer, 50 percent Solvesso 100 (CAS Nos. 3879-63-9, 98-62-8, and 1330-20-7) (provided for in subheading 3807.99.00)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2006</td>
</tr>
</tbody>
</table>

### SEC. 1318. 1-OCTADECAMINUM, N,N-DIMETHYL-N-OCTADECYL-, (SP-4-2)(29H,31H-PHTHALOCYANINE-2-SULFONATO(3-)-.KAPPA.N29,.KAPPA.N30,.KAPPAN31,.KAPPA.N32)CUPRATE(1-).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
</table>

### SEC. 1319. CHROMATE(1-),BIS[1-(5-CHLORO-2-HYDROXYPHENYL)AZO]-2-NAPTHYL ENOLATO(2-),HYDROGEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.27</td>
<td>Chromate(1-),bis[1-(5-chloro-2-hydroxy-phenyl)azo]-2-naphthalenolato(2-)−.hydrogen (CAS No. 3714-55-3) (provided for in subheading 2942.90.10)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2006</td>
</tr>
</tbody>
</table>

### SEC. 1320. BROMONATED ADVANCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.29</td>
<td>Bromoxynil octanoate (provided for in subheading 3008.30.15)</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2006</td>
</tr>
</tbody>
</table>

### SEC. 1321. N-CYCLOHEXYLTHIOPHTHALIMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.30</td>
<td>N-Cyclohexylthiophthalimide (CAS No. 17796-82-6) (provided for in subheading 2809.90.34)</td>
<td>3%</td>
<td>No change</td>
<td>On or before 12/31/2006</td>
</tr>
</tbody>
</table>

### SEC. 1322. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Tariff</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
</table>

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Rate</th>
<th>Change</th>
<th>Change</th>
<th>Date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1321.</td>
<td>BIO-SET INJECTION RCC.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>1322.</td>
<td>PENTA AMINO ACETO NITRATE COBALT III (COFLAKE 2).</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>1323.</td>
<td>OXASULFURON TECHNICAL.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>1324.</td>
<td>CERTAIN MANUFACTURING EQUIPMENT.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>1325.</td>
<td>P-AMINO BENZAMIDE.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>1326.</td>
<td>FOE HYDROY.</td>
<td>5.2%</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>1327.</td>
<td>MAGENTA 364 LIQUID FEED.</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>1328.</td>
<td>TETRAKIS.</td>
<td>Free</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>1329.</td>
<td>PALMITIC ACID.</td>
<td>Free</td>
<td>Free</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>1330.</td>
<td>PHYTOL.</td>
<td>3.7.11.15-Tetramethylhexadec-2-en-1-ol</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
</tr>
</tbody>
</table>
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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<table>
<thead>
<tr>
<th>Section</th>
<th>Substance Description</th>
<th>Tariff</th>
<th>Description</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.43</td>
<td>5-amino-4-chloro-2-phenyl-3-(2H)-pyridazinone (CAS No. 1698-68-8) (provided for in subheading 3204.30.15)</td>
<td>Free</td>
<td>Free</td>
<td>No change</td>
</tr>
<tr>
<td>9902.03.45</td>
<td>Propanenitrile, 3-[2-(acetyloxy)-ethyl]-(4-(2,6-dichloro-4-nitro-phenyl)amino)- (Disperse Orange 30) (CAS No. 5261-31-4) (provided for in subheading 3204.11.50)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.03.46</td>
<td>Acetamide, N-[3-[4-(2-aminoethylamino)-6-dinitrophenyl]azo]-4-methoxyphenyl]- (Disperse Blue 79:1) (CAS No. 5125-72-2)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.03.47</td>
<td>Acetamide, N-[3-[4-(2-aminoethylamino)-6-dinitrophenyl]azo]-4-methoxyphenyl]- (Disperse Blue 79:1) (CAS No. 5125-72-2)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
<tr>
<td>9902.03.48</td>
<td>1H-Indene-1,3(2H)-dione, 2-(4-bromo-3-hydroxy-2-quinolinyl)- (Disperse Yellow 64) (CAS No. 10018-14-9) (provided for in subheading 3204.11.50)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
</tr>
</tbody>
</table>
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Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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\text{Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:}
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\text{Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:}
\]
### SEC. 1346. CERTAIN TEXTILE MACHINERY.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Heading</th>
<th>Rate</th>
<th>Description</th>
<th>Temporary Change</th>
<th>Final Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.87 12V lead-acid storage batteries, of a kind used for the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8511.90.00 (provided for in subheading 8507.20.80)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1347. CERTAIN PREPARED OR PRESERVED ARTICHOKES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Heading</th>
<th>Rate</th>
<th>Description</th>
<th>Temporary Change</th>
<th>Final Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.88 Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 8446.30.50)</td>
<td>2.7%</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1348. CERTAIN OTHER PREPARED OR PRESERVED ARTICHOKES.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Heading</th>
<th>Rate</th>
<th>Description</th>
<th>Temporary Change</th>
<th>Final Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.89 Artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.90.80)</td>
<td>13.8%</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1349. ETHYLENE/TETRAFLUOROETHYLENE COPOLYMER (ETFE).
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Heading</th>
<th>Rate</th>
<th>Description</th>
<th>Temporary Change</th>
<th>Final Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.90 Artichokes, prepared or preserved by vinegar or acetic acid (provided for in subheading 2001.90.25)</td>
<td>7.3%</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1350. ACETAMIPRID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

<table>
<thead>
<tr>
<th>Heading</th>
<th>Rate</th>
<th>Description</th>
<th>Temporary Change</th>
<th>Final Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.84.94 Extruders, screw type, suitable for processing polyester thermoplastics in a cast film production line (provided for in subheading 8477.20.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>9902.84.95 Casting machinery suitable for processing polyester thermoplastics into a sheet in a cast film production line (provided for in subheading 8477.80.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>9902.84.96 Transverse direction orientation tenter machinery, suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>9902.84.97 Winder machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
<tr>
<td>9902.84.98 Slitting machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1351. CERTAIN MANUFACTURING EQUIPMENT.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

<table>
<thead>
<tr>
<th>Heading</th>
<th>Rate</th>
<th>Description</th>
<th>Temporary Change</th>
<th>Final Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.91 Ethylene/tetrafluoroethylene copolymer (ETFE) (provided for in subheading 3904.69.50)</td>
<td>4.9%</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1352. TRITICONAZOLE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Heading</th>
<th>Rate</th>
<th>Description</th>
<th>Temporary Change</th>
<th>Final Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.03.99 E-5-[(6-chloro-3-pyridyl) methyl]-N2-cyano-N1-(1H-1,2,4-triazol-1-ylmethyl)cyclopentanol. (CAS No.131983–72–7) (provided for in subheading 2933.39.27)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1353. 3-SULFINOBENZOIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

<table>
<thead>
<tr>
<th>Heading</th>
<th>Rate</th>
<th>Description</th>
<th>Temporary Change</th>
<th>Final Change</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.04.01 3-Sulfinobenzoic acid (CAS No. 15451–00–0) (provided for in subheading 2934.39.18)</td>
<td>Free</td>
<td>No change</td>
<td>No change</td>
<td>On or before 12/31/2005</td>
<td></td>
</tr>
</tbody>
</table>

### SEC. 1354. POLYDIMETHYLSILOXANE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
SEC. 1355. BAYSILONE FLUID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.04.04 Polydimethylsiloxane (CAS No. 63148–62–9) (provided for in subheading 3910.00.00) ........................................................... Free No change No change On or before 12/31/2005

SEC. 1356. ETHANEDIAMIDE, N- (2-ETHOXYPHENYL)-N' (4-ISODECYLPHENYL)-
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.04.05 Ethanediamide, N- (2-ethoxyphenyl)-N'- (4-isodecylphenyl)- (CAS No. 82493–14–9) (provided for in subheading 3912.30.60) Free Free No change On or before 12/31/2005

SEC. 1357. 1-ACETYL-4-(3-DODECYL-2, 5-DIOXO-1-PYRROLIDINYL)-2,2,6,6-TETRAMETHYL-PIPERIDINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.04.06 1-Acetyl-4-(3-dodecyl-2, 5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethyl-piperidine (CAS No.106917–31–1) (provided for in subheading 2933.39.61) ...................................................... Free Free No change On or before 12/31/2005

SEC. 1358. ARYL PHOSPHONITE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.04.07 Aryl phosphonite (CAS No. 119345–01–6) (provided for in subheading 2931.00.10) ........................................................... Free Free No change On or before 12/31/2005

SEC. 1359. MONO OCTYL MALONATE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.04.08 Mono octyl malonate (CAS No. 7423–42–9) (provided for in subheading 2917.19.20) ........................................................... Free No change No change On or before 12/31/2005

SEC. 1360. 3,6,9-TRIOXAUNDECANEDIOIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.04.09 3,6,9-Trioxaundecanedioic acid (CAS No. 13887–98–4) (provided for in subheading 2918.90.50) ....................................... Free No change No change On or before 12/31/2005

SEC. 1361. CROTONIC ACID.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.04.10 Crotonic acid (CAS No. 107–93–7) (provided for in subheading 2916.19.30) ........................................................... Free No change No change On or before 12/31/2005

SEC. 1362. 1,3-BENZENEDICARBOXAMIDE, N, N'-BIS (2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)-
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.04.11 1,3-Benzenedicarboxamide, N, N'-bis (2,2,6,6-tetramethyl-4-piperidinyl)- (CAS No. 42774-15-2) (provided for in subheading 2918.90.50) ....................................... Free No change No change On or before 12/31/2005

SEC. 1363. 3-DODECYL-1-(2,2,6,6-TEtramethyl-4-piperidinyl)-2,5-PYRROLIDINEDIONE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.04.12 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione (CAS No. 79720–19–7) (provided for in subheading 2933.39.61) ........................................ Free No change No change On or before 12/31/2005

SEC. 1364. OXALIC ANILIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.04.13 Oxalic anilide (CAS No. 13857–98–5) (provided for in subheading 2921.19.10) ........................................................... Free No change No change On or before 12/31/2005

SEC. 1365. N-METHYL DIISOPROPANOLAMINE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.04.14 N-Methyl diisopropanamine (CAS No. 4402–30–6) (provided for in subheading 2922.19.95) ........................................................... Free No change No change On or before 12/31/2005
<table>
<thead>
<tr>
<th>Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:</th>
</tr>
</thead>
<tbody>
<tr>
<td>9902.04.15 50 Percent homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50 percent polycrinoic acid (provided for in subheading 3824.30.40.90) Free No change No change On or before 12/31/2005</td>
</tr>
<tr>
<td>9902.04.16 Black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[(4-[4-[(2 or 4-amino-4 or 2-hydroxyphenyl)azo]-phenyl)amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt (CAS No. 80631-88-5) (provided for in subheading 3204.14.30) Free No change No change On or before 12/31/2005</td>
</tr>
<tr>
<td>9902.04.17 Fast black 287 NA paste, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-trisodium salt (provided for in subheading 3204.14.30) Free No change No change On or before 12/31/2005</td>
</tr>
<tr>
<td>9902.04.18 Fast black 287 NA liquid feed, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-trisodium salt (provided for in subheading 3204.14.30) Free No change No change On or before 12/31/2005</td>
</tr>
<tr>
<td>9902.04.19 Fast yellow 2 stage, 1,3-benzenedicarboxylic acid, 5,5'-[[6-[(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis, ammonium/sodium/hydrogen salt (provided for in subheading 3215.19.00.60) Free No change No change On or before 12/31/2005</td>
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<td>9902.04.20 Cyan 1 stage, copper, [29H,31H- phthalocyaninato(2-)][N₂9,N₃₀,N₃₁,N₃₂], aminosulfonl sulfo derivatives. Tetra methyl ammonium salts (provided for in subheading 3215.19.00.60) Free No change No change On or before 12/31/2005</td>
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<td>9902.04.21 Yellow 1 stage, 1,5-naphthalenedisulfonic acid, 3,3'-[[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis(imino-2-methyl-4,1-phenyleneazo)]bis, tetrasodium salt (CAS No. 59252-42-3 (confidential TSCA listing)) (provided for in subheading 3204.14.30) Free No change No change On or before 12/31/2005</td>
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<tr>
<td>9902.04.22 Yellow 746 stage, 1,3-bipyrfdridium, 3-carboxy-5-[(2-carboxy-4-sulfophenyl)azo]-1,2, dihydro-6'-hydroxy-4'-methyl-2'-oxo-, inner salt, lithium/sodium salt (CAS No. not available) (provided for in subheading 3204.14.30) Free No change No change On or before 12/31/2005</td>
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<td>9902.04.23 Black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[(4-2 or 4-amino-4 or 2-hydroxyphenyl)azo]phenyl]amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo) - trisodium salt (provided for in subheading 3204.14.30) Free No change No change On or before 12/31/2005</td>
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</table>
SEC. 1382. TRIMETHYL CYCLO HEXANOL (1-METHYL-3,3-DIMETHYLCYCLOHEXANOL-5).

SEC. 1381. AGRUMEX (O-T-BUTYL CYCLOHEXANOL).

SEC. 1380. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

SEC. 1379. STOPPERS, LIDS, AND OTHER CLOSURES.

SEC. 1378. LOW EXPANSION LABORATORY GLASS.

SEC. 1377. CYAN 485/4 STAGE, COPPER, [28H,31H-PHTHALOCYANINATO (2-) \(xN_{29},xN_{30},xN_{31},xN_{32}\)-AMINOSYLfonyl \((2\text{-HYDROXYETHYL})AMINO\) SULFONYL SULFO DERIVATIVES, SODIUM SALT.

SEC. 1376. YELLOW 577 STAGE, 5-{4-[4-{4-(4,8-disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3,5]triazin-2-yl}]amino]-5-sulphobenzoic acid, sodium/lithium salts (CAS No. 12237-00-2) (provided for in subheading 3204.16.30) ……………………………… Free No change No change On or before 12/31/2005

SEC. 1375. MAGENTA 3B-OA STAGE, 2-[4-(CHLORO-6)-8-HYDROXY-3,6-DISULPHONATE-7-[4-(1-SULPHO-2-NAPHTHALENYL) AZO]-1-NAPHTHALENYL] AMINO]-1,3,5-TRIAZIN-2-YLAMINO)PHENYLISOPTHALIC ACID/SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

**1. IN GENERAL.**

**b. CALENDAR YEAR 2005.**

(1) IN GENERAL.—Heading 9902.05.01, as added by subsection (a), is amended—

(A) by striking “1%” and inserting “Free”;

and (B) by striking “On or before 12/31/2004” and inserting “On or before 12/31/2005”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

**SEC. 1381. AGRUMEX (O-T-BUTYL CYCLOHEXANOL).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

**1. IN GENERAL.**

**b. CALENDAR YEAR 2005.**

(1) IN GENERAL.—Heading 9902.05.01, as added by subsection (a), is amended—

(A) by striking “1%” and inserting “Free”;

and (B) by striking “On or before 12/31/2004” and inserting “On or before 12/31/2005”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

**SEC. 1382. TRIMETHYL CYCLO HEXANOL (1-METHYL-3,3-DIMETHYLCYCLOHEXANOL-5).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

**1. IN GENERAL.**

**b. CALENDAR YEAR 2005.**

(1) IN GENERAL.—Heading 9902.05.01, as added by subsection (a), is amended—

(A) by striking “1%” and inserting “Free”;

and (B) by striking “On or before 12/31/2004” and inserting “On or before 12/31/2005”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.05.89 Trimethyl Cyclo Hexanol (1-Methyl-3,3-dimethylcyclohexanol-5) (CAS No. 116-02-9) (provided for in subheading 2906.19.50) Free No change No change On or before 12/31/2005

9902.05.90 1-(4-Chlorophenyl)-4,4-dimethyl-3-petanone (CAS No. 66346-01-8) (provided for in subheading 2914.70.40) 3.5% No change No change On or before 12/31/2005

9902.05.91 Iprodione 3-(3-5, dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide (CAS No. 36734-19-7) (provided for in subheading 2916.39.20) 4.1% No change No change On or before 12/31/2005

9902.05.92 Methyl Cinnamate (methyl-3-phenylpropenoate) (CAS No. 88671-89-0) 6.3% + 0.2 cents/kg No change No change On or before 12/31/2005

9902.05.93 Trimethyl Cyclohexanol-5) (CAS No. 116-02-9) (provided for in subheading 2921.59.80) Free No change No change On or before 12/31/2005

9902.05.94 3,3′-Dichlorobenzidine Dihydrochloride (CAS No. 612-83-9) (provided for in subheading 2925.20.60) 3.3% No change Free On or before 12/31/2003

9902.05.95 3,3′-Dichlorobenzidine Dihydrochloride (CAS No. 612-83-9) (provided for in subheading 2925.20.60) 3.3% No change Free On or before 12/31/2003

9902.05.96 2-(Trifluoromethoxy) benzene sulfonyl isocyanate (CAS No. 99322-41-3) (provided for in subheading 2926.19.30) 0.7% No change No change On or before 12/31/2005

9902.05.97 High tenacity single yarn of viscose rayon (provided for in subheading 5401.10.30) with a decitex equal to or greater than 1.000 Free No change No change On or before 12/31/2005

9902.05.98 Certain rayon filament yarn. Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.05.99 Myclobutanol. Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.06.00 MKH 6562 Isocyanate. Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.06.01 Chlorinated hydrocarbon. Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.06.02 Iprodione 3-(3-5, dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidine/carboxamide. Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.06.03 Acetanisole (Anisyl Methyl Ketone) (CAS No. 100-58-0) (provided for in subheading 2930.90.29) 0.7% No change No change On or before 12/31/2005

9902.06.04 3-(3-5, dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidine/carboxamide. Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.06.05 Acetanisole (Anisyl Methyl Ketone) (CAS No. 100-58-0) (provided for in subheading 2934.50.30) Free No change No change On or before 12/31/2005

9902.06.06 Iprodione 3-(3-5, dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidine/carboxamide. Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.06.07 Iprodione 3-(3-5, dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidine/carboxamide. Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

9902.06.08 Acetanisole (Anisyl Methyl Ketone) (CAS No. 100-58-0) (provided for in subheading 2936.19.50) Free No change No change On or before 12/31/2005

9902.06.09 Iprodione 3-(3-5, dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidine/carboxamide. Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

(b) Calendar Years 2004 and 2005.—
(1) IN GENERAL.—Heading 9902.05.09, as added by subsection (a), is amended—
(A) by striking “3.9%” and inserting “2.6%”; and
(B) by striking “On or before 12/31/2005” and inserting “On or before 12/31/2003”.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1393. 3,7-DICHLORO-8-QUINOLINE CARBOXYLIC ACID.
(a) Calendar Year 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

(b) Calendar Years 2004 and 2005.—
(1) IN GENERAL.—Heading 9902.05.10, as added by subsection (a), is amended—
(A) by striking “1.8%” and inserting “1.7%”; and
(B) by striking “On or before 12/31/2005” and inserting “On or before 12/31/2003”.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1394. 3-(1-METHYLTERT-HH-2,1,3-BENZOTHIAZIN-4(3H)-ONE 2,2 DIOXIDE, SODIUM SALT.
(a) Calendar Year 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

(b) Calendar Years 2004 and 2005.—
(1) IN GENERAL.—Heading 9902.05.11, as added by subsection (a), is amended—
(A) by striking “3.9%” and inserting “1%”; and
(B) by striking “On or before 12/31/2005” and inserting “On or before 12/31/2003”.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1395. 3,3′,4,4′-BIPHENYLTETRACARBOXYLIC DIANHYDRIDE, ODA, ODPA, PMDA, AND 1,3-BIS(4-AMINOPHENOX)BENZENE
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

(b) Calendar Years 2004 and 2005.—
(1) IN GENERAL.—Heading 9902.05.12, as added by subsection (a), is amended—
(A) by striking “1.5%” and inserting “1.5%”; and
(B) by striking “On or before 12/31/2003” and inserting “On or before 12/31/2005”.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1396. ORYZALIN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

(b) Calendar Years 2004 and 2005.—
(1) IN GENERAL.—Heading 9902.05.13, as added by subsection (a), is amended—
(A) by striking “1.5%” and inserting “1.7%”; and
(B) by striking “On or before 12/31/2003” and inserting “On or before 12/31/2005”.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1397. TEBUFENZOXIDE.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

(b) Calendar Years 2004 and 2005.—
(1) IN GENERAL.—Heading 9902.05.14, as added by subsection (a), is amended—
(A) by striking “1.5%” and inserting “1.7%”; and
(B) by striking “On or before 12/31/2003” and inserting “On or before 12/31/2005”.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1398. ENDOSULFAN.
Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

(b) Calendar Years 2004 and 2005.—
(1) IN GENERAL.—Heading 9902.05.15, as added by subsection (a), is amended—
(A) by striking “1.5%” and inserting “1.7%”; and
(B) by striking “On or before 12/31/2003” and inserting “On or before 12/31/2005”.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.
CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1451. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS.

(a) Existing Duty Suspensions.—Each of the following headings is amended by striking out the date in the effective period column and inserting “12/31/2005”:

(1) Heading 9902.30.90 (relating to 3-amino-2'-(sulfato-ethyl sulfonyl) ethyl benzamide).
(2) Heading 9902.32.91 (relating to MUB 738 INT).
(3) Heading 9902.30.31 (relating to 5-amino-N-(2-hydroxyethyl)-2,3-xylene sulfonylamide).
(4) Heading 9902.29.46 (relating to 2-amino-5-nitrothiophene).
(5) Heading 9902.32.14 (relating to 2Methyl-4,6-bis(octylthio)methyl)phenol).
(6) Heading 9902.32.30 (relating to 4-{[4,6-bis(octylthio)-1,3,5-triazin-2-yl]amino}-2,4-bis(1,1-dimethylthyl)phenol).
(7) Heading 9902.32.18 (relating to calcium bis(monoethyl-3,5-di-tert-butyl-4-hydroxybenzyl)phosphonate)).
(8) Heading 9902.38.69 (relating to nicosulfuron formulated product (“Accept”)).
(9) Heading 9902.33.63 (relating to DPX-E9260).
(10) Heading 9902.33.59 (relating to DPX-E9798).
(11) Heading 9902.33.61 (relating to carbamic acid (U-9069)).
(12) Heading 9902.29.35 (relating to IN-52597).
(13) Heading 9902.30.01 (relating to ultraviolet dye).
(14) Heading 9902.32.07 (relating to certain organic pigments and dyes).
(15) Heading 9902.29.07 (relating to 4-hexyresorcino).
(16) Heading 9902.29.07 (relating to certain sensitizing dyes).
(17) Heading 9902.35.42 (relating to certain cathode-ray tubes).
(18) Heading 9902.30.14 (relating to a fluorinated compound).
(19) Heading 9902.29.55 (relating to certain light absorbing photo dye).
(20) Heading 9902.32.55 (relating to methyl thioglycolate).
(21) Heading 9902.29.62 (relating to chloro amino toulene).
(22) Heading 9902.28.08, 9902.28.09, and 9902.28.10 (relating to bromine-containing compounds).
(23) Heading 9902.32.62 (relating to filter blue green photo dye).
(24) Heading 9902.32.99 (relating to 5-(3,5-dichlorophenyl)-thio-4-(1-methylthyl-1)-4-pyridin imethyl)-1H-imidazole-2-methanol carmate).
(25) Heading 9902.32.97 (relating to (2E,4S)-4-((2R,5S)-2-(4-fluorophenyl)-methyl)-6-methyl-5-(5-methyl-3-isoxazolyl)-carbonyl ynamino)-1,4-dioxoheptyl)-amino)-5-(3S)-2-oxo-3- pyrrolidinyl)-2-potencnic acid, ethyl ester).
(26) Heading 9902.32.87 (relating to Baytron M).
(27) Heading 9902.39.15 (relating to Baytron P).
(28) Heading 9902.39.30 (relating to certain ion-exchange resins).
(29) Heading 9902.28.01 (relating to thionyl chloride).
(30) Heading 9902.32.12 (relating to DEMENT).
(31) Heading 9902.29.03 (relating to PHSA (p-hydroxybenzoic acid)).
(32) Heading 9902.29.83 and 9902.38.10 (relating to iminodisuccinate).
(33) Heading 9902.38.14 (relating to mesamolin).
(34) Heading 9902.38.15 (relating to Baytron C-R).
(35) Heading 9902.29.25 (relating to orthophenylphenol (OPP)).
(36) Heading 9902.38.31 (relating to Vulkalent EC).
(37) Heading 9902.31.14 (relating to desmedipham).
(38) Heading 9902.31.13 (relating to phemzopham).
(39) Heading 9902.30.16 (relating to diclofop methyl).
(40) Heading 9902.33.40 (relating to R11577).
(41) Heading 9902.29.19 (relating to imazalil).
(42) Heading 9902.29.22 (relating to Norbloc 7966).
(43) Heading 9902.38.09 (relating to Puncafor 500 EC).
(44) Heading 9902.32.73 (relating to Solvent Blue 124).
(45) Heading 9902.29.73 (relating to 4-amino-2,5-dimethoxy-N-phenylbenzene sulphonamide).
(46) Heading 9902.32.72 (relating to Solvent Blue 194).
(47) Heading 9902.31.01 (relating to sodium petroleu sulfonate).
(48) Heading 9902.29.71 (relating to isobornyl acetate).
(49) Heading 9902.29.70 (relating to certain TACD chemicals).
(50) Heading 9902.29.58 (relating to dietyl phosphorochlothioate).
(51) Heading 9902.29.17 (relating to 2,6-dichloroaniline).
(52) Heading 9902.29.59 (relating to benfluralin).
(53) Heading 9902.29.26 (relating to 1,3-diethyl-2-imidazolidinone).
(54) Heading 9902.29.06 (relating to diphenyl sulfide).
(55) Heading 9902.32.93 (relating to methoxyfenzoide).
(56) Heading 9902.32.89 (relating to triazamid).
(57) Heading 9902.29.80 (relating to propiconazole).
(58) Heading 9902.32.92 (relating to B-Bromo-β-nitrostyrrene).
Section 1502. Liberty Bell Replica. The Secretary of the Treasury shall admit free of duty a replica of the Liberty Bell imported from the Whitechapel Bell Foundry of London, England, by the Liberty Memorial Association of Green Bay and Brown County, Wisconsin, for use in the city of Green Bay, Wisconsin, and Brown County, Wisconsin.

Section 1503. Certain Entries of Cotton Gloves. (a) In General. — Notwithstanding section 514 of the Tariff Act of 1990 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 90 days after the date of the enactment of this Act, the Customs Service shall liquidate or reliquidate the entry described in subsection (c) as free of duty. (b) Refund of Amounts Owed. — Any amounts owed by the United States pursuant to a request for the liquidation or reliquidation of an entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

Section 1504. Certain Entries of Posters. (a) In General. — Notwithstanding section 514 of the Tariff Act of 1990 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 90 days after the date of the enactment of this Act, the Customs Service shall liquidate or reliquidate the entry described in subsection (c) as free of duty. (b) Refund of Amounts Owed. — Any amounts owed by the United States pursuant to a request for the liquidation or reliquidation of an entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

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October 7, 2002

H7092

Congressional Record — House
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.

(b) Requests.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act, and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) Affected Entries.—The entries referred to in subsection (a), are as follows:

Entry number Date of entry Date of liquidation

110-17017538 11/03/98 09/17/99
110-17019314 11/23/98 10/06/99
110-17019322 11/23/98 10/06/99
110-17261984 12/31/98 11/12/99
110-20748125 04/20/99 03/03/99
110-20748126 04/20/99 03/03/99
110-20841554 05/12/99 03/11/99
110-20841569 05/18/99 03/11/99
110-20849516 05/30/99 03/11/99
110-20853453 06/22/99 05/15/00
110-20897705 06/22/99 05/05/00
110-63822017 06/22/99 05/05/00
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110-68757610 07/11/97 05/22/98
110-15091613 10/05/98 06/20/99
110-15175051 10/17/99 06/20/99
110-17091132 11/07/98 09/21/99
110-17127365 12/08/98 10/15/99
110-20762764 03/03/99 12/18/99
110-63822025 06/08/97 12/28/98
110-75485118 06/08/97 12/28/98
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110-75485653 02/09/99 12/28/98
110-75494953 07/02/98 12/18/99
110-60901491 07/09/98 12/18/99
110-33326985 07/07/97 05/25/98
110-63019333 07/11/99 05/25/98
110-63821923 07/21/99 05/25/98
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110-66001084 07/16/97 05/01/98
110-66003380 06/20/97 05/01/98
110-66025641 07/07/97 05/02/98

SEC. 1506. CERTAIN ENTRIES OF CERTAIN APPAREL ARTICLES PURSUANT TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT OR THE AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall liquidate or reliquidate as free of duty and free of any quantitative restrictions, limitations, or consultation levels entries of apparel described in subsection (d) made on or after October 1, 2000.

(b) Requests.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) Payment of Amounts Owed.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of any entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) Entries.—The entries referred to in subsection (a) are:

(1) entries of apparel articles (other than socks provided for in heading 6115 of the Harmonized Tariff Schedule of the United States) that meet the requirements of section 231(b)(2)(A) of the Caribbean Basin Economic Recovery Act (as amended by section 310(a) of the Trade Act of 2002 and section 201(c) of this Act); and

(2) entries of apparel articles that meet the requirements of section 112(b) of the African Growth and Opportunity Act (as amended by section 310(b) of the Trade Act of 2002 and section 201(b) of this Act).
Trade Administration of the Department of Commerce, and the final results of the administrative reviews, for entries made on or after December 1, 1993 and before April 1, 2001.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a), are as follows:

<table>
<thead>
<tr>
<th>Entry number</th>
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<th>Date of liquidation</th>
</tr>
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</table>

**8510.30**

| 8510.30.10 | Hair clippers to be used for agricultural or horticultural purposes | 4% | Free (A, CA, E, IL, J, MX) |
| 8510.30.90 | Other | 4% | Free (A, CA, E, IL, J, MX) |

and (2) by striking subheading 8510.90.30 and inserting the following subheadings and superior text thereto, with such superior text having the same degree of indentation as the article description for subheading 8510.90.55:

| 8510.90.30 | Parts of hair clippers: Parts of hair clippers to be used for agricultural or horticultural purposes | 4% | Free (A, CA, E, IL, J, MX) |
| 8510.90.40 | Other parts of hair clippers | 4% | Free (A, CA, E, IL, J, MX) |

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles entered, or withdrawn from ware-house for consumption, on or after the 15th day after the date of enactment of this Act.

SEC. 1602. TRACTOR BODY PARTS.

(a) CERTAIN TRACTOR PARTS.—Heading 8708 is amended by striking subheading 8708.29.20 and inserting the following new subheadings, with the superior heading for subheadings 8708.29.21 and 8708.29.25 having the same degree of indentation as the article description for subheading 8708.29.15:

| 8708.29.21 | Body stampings: For tractors suitable for agricultural use | Free (A, B, CA, E, IL, J, JO, MX) |
| 8708.29.25 | Other | Free (A, B, CA, E, IL, J, JO, MX) |

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty set forth in the Harmonized Tariff Schedule of the United States, applies to the corresponding rate of duty set forth in subheading 8708.29.25 of such Schedule (as added by subsection (a)).

SEC. 1603. FLEXIBLE MAGNETS AND COMPOSITE GOODS CONTAINING FLEXIBLE MAGNETS.

Heading 8505 of chapter 85 is amended—

| 8505.19.10 | Flexible magnet | 4.9% | Free (A, CA, E, IL, J, MX) |
| 8505.19.20 | Composite goods containing flexible magnet | 4.9% | Free (A, CA, E, IL, J, MX) |
SEC. 1604. VESSEL REPAIR DUTIES.

(a) Exemption.—Section 466(h) of the Tariff Act of 1930 (19 U.S.C. 1466(h)) is amended—

(1) by striking the comma at the end and inserting a semicolon;

(2) in paragraph (2), by striking ‘‘or’’ at the end and inserting a semicolon;

(3) by striking the period at the end and inserting ‘‘; or’’; and

(4) by adding at the end the following:

‘‘(d) the cost of equipment, repair parts, and materials that are installed on a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, if the installation is done by members of the regular crew of such vessel while the vessel is on the high seas.

Declaration and entry shall not be required with respect to the installation, equipment, parts, and materials described in paragraph (d).’’.

(b) Amendment to HTS.—Subchapter XVIII of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by striking ‘‘U.S. Note’’ and inserting ‘‘U.S. Notes’’ and by adding after U.S. note 1, the following new note:

Notes

(19 U.S.C. 2463(b)) is amended by adding at the end of the following new paragraph:

‘‘(1) In paragraph (1), by striking ‘‘because of’’ and inserting ‘‘upon’’ entry of; and

(2) in paragraph (A), in the matter preceding subparagraph (A), by striking ‘‘because of’’ and inserting ‘‘upon’’ entry of; and

(3) in subparagraph (B) (Col. II), (i) by striking ‘‘then upon’’ and inserting ‘‘then, notwithstanding any other provision of law, upon’’; and

(ii) by striking ‘‘shall be refunded as drawback’’ and inserting ‘‘shall be refunded as drawback hereunder’’.’’.

(b) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply to any drawback claim filed on or after that date if the liquidation of the entry is not final before that date if the liquidation of the entry is not final before that date

SEC. 1605. DUTY-FREE TREATMENT FOR HAND-KNOTTED OR HAND-WOVEN CARPETS.

(a) Amendment of the Trade Act of 1974.—Section 506(b) of the Act of 1974 (19 U.S.C. 2463(b)) is amended by adding at the end the following new paragraph:

‘‘(4) Hand-knotted or hand-woven carpets.—Notwithstanding paragraph (1)(A), the President may designate as an eligible article or articles under subsection (a) carpets of the hand-loomed, hand-knotted, or hand-knotted, and classifiable under subheadings 5701.10.16, 5701.10.40, 5701.90.10, 5701.90.30, 5702.10.90, 5702.10.10, 5702.42.20, 5702.49.10, 5702.51.20, 5702.90.30, 5702.90.90, 5703.90.10, 5703.90.20, 5703.90.30, 5703.90.40, 5703.90.90, of the Harmonized Tariff Schedule of the United States.’’

(b) Effective Date.—The amendments made by this section apply to vessel equipment, repair parts, and materials installed on or after April 25, 2002.

SEC. 1606. DUTY FREE TREATMENT FOR BASSIN CUBAN PHARMACEUTICAL RESEARCH ACT.

Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended as follows:

(1) In paragraph (1)(B), to read as follows:

‘‘(B) footwear provided for in any subheadings 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.00, 6402.10.20, 6402.20.90, 6402.30.50, 6402.90.10, 6402.91.90, 6402.92.90, 6402.99.50, 6403.10.60, 6403.30.90, 6403.59.60, 6403.91.30, 6403.99.60, 6403.99.90, 6404.11.90, and 6404.19.20 of the HTS that were not designated at the time of the effective date of this act as eligible articles for the purpose of the generalized system of preferences under title V of the Act of 1974.’’.

(2) Paragraph (2) shall be constituted as follows:

‘‘(2) In paragraph (2), to read as follows:

‘‘(B) footware provided for in any subheadings 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.00, 6402.10.20, 6402.20.90, 6402.30.50, 6402.90.10, 6402.91.90, 6402.92.90, 6402.99.50, 6403.10.60, 6403.30.90, 6403.59.60, 6403.91.30, 6403.99.60, 6403.99.90, 6404.11.90, and 6404.19.20 of the HTS of the United States that were not designated at the time of the effective date of this act as eligible articles for the purpose of the generalized system of preference under title V of the Act of 1974.’’.

SEC. 1609. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) In General.—Section 1455(a) of the Tariff Act of 1930 (19 U.S.C. 2455(a)) is amended by striking ‘‘2-year period’’ and inserting ‘‘4-year period’’.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on November 9, 2002.

SEC. 1610. AUTHORITY FOR THE ESTABLISHMENT OF INTEGRATED BORDER INSPECTION AREAS IN THE UNITED STATES-CANADA BORDER.

(a) Findings.—Congress makes the following findings:

(1) The increased security and safety concerns that developed in the aftermath of the terrorist attacks in the United States on September 11, 2001, need to be addressed.

(2) One concern that has come to light is the inoperability of the international bridges and tunnels along the United States borders.

(3) It is necessary to ensure that potentially dangerous vehicles are inspected prior to entering these bridges and tunnels; however, currently these vehicles are not inspected until after they have crossed into the United States.

(b) Creation of Integrated Border Inspection Areas (IBIAs) — The Commissioner of the United States Customs Service shall create and operate Integrated Border Inspection Areas (IBIAs) as areas on either side of the United States-Canada border, in which United States Customs officers can inspect vehicles entering the United States from Canada before they enter the United States, or Canadian Customs officers can inspect vehicles entering Canada from the United States before they enter Canada.

(c) Additional Requirement — The Commissioner of Customs, in consultation with the Administrator of the General Services Administration when appropriate, shall seek to carry out paragraph (a) in a manner that minimizes adverse impacts on the surrounding community.

SEC. 1611. DESIGNATION OF FOREIGN LAW ENFORCEMENT OFFICERS.

(a) Miscellaneous Provisions.—Section 466(i) of the Tariff Act of 1930 (19 U.S.C. 2466(i)) is amended by striking ‘‘foreign law enforcement officers’’, after ‘‘or other person’’.
(b) INSPECTIONS AND PRECLARANCE IN FOREIGN COUNTRIES.—Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended—

(1) in subsection (a), by inserting ‘‘, or subsequent exportation or withdrawal of the entry’’ after ‘‘prior to their arrival in’’;

(2) in subsection (c)—

(A) by inserting ‘‘or exportation’’ after ‘‘relates to the’’; and

(B) by inserting ‘‘or exit’’ after ‘‘port of entry’’;

(3) in subsection (e), to read as follows:

‘‘(e) STATIONING OF CUSTOMS AND AGRICULTURE INSPECTION OFFICERS IN THE UNITED STATES.—The Secretary of State, in coordination with the Secretary of the Treasury, may order the stationing of the United States customs and agriculture inspectors of that country (if similar privileges are extended by that country to United States officials) for the purpose of insuring that persons and merchandise going directly to that country from the United States, or that have gone directly from that country to the United States, comply with the customs and other laws of that country governing the importation or exportation of merchandise. Any foreign customs or agriculture inspection officials of the United States under this subsection may exercise such functions, perform such duties, and enjoy such privileges and immunities as United States officials may be authorized to perform or are afforded in that foreign country by treaty, agreement or law.’’;

(4) in the heading following such subsection, to read as follows—

‘‘(g) PRIVILEGES AND IMMUNITIES.—Persons designated to perform the duties of an officer of the Customs Service pursuant to section 1401(b) of this title shall be entitled to privileges and immunities equal to those granted to officers of the United States by the certificate holder. Such persons shall be entitled to be accompanied, within the United States by the certificate holder. Not more than 5 percent of such refunds may be retained as a reimbursement to the Customs Service for administrative costs of making the refunds.’’;

SEC. 1612. AMENDMENTS TO UNITED STATES IMPORTED GOODS ACT.

(a) PRODUCTION CERTIFICATES.—Additional U.S. Note 5(h) to chapter 91 is amended—

(1) by amending subparagraphs (i) and (ii) to read as follows:

‘‘(i) In each calendar year 2003 through 2015, the Secretaries jointly, shall—

(A) verify—

(1) that the手表es paid by each producer to permanent residents of the insular possessions during the preceding calendar year (including the value of usual and customary health insurance, life insurance, and pension benefits); and

(2) the total quantity and value of watches and watch movements produced in the insular possessions by that producer and imported free of duty into the customs territory of the United States; and

(B) issue to each producer (not later than 60 days after the end of the preceding calendar year) a certificate for the applicable amount.

(ii) For purposes of subparagraph (i), except as paragraphs (i)(1)(B) and (iv), the term ‘‘applicable amount’’ means an amount equal to the sum of—

(A) 90 percent of the producer’s creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of the first 300,000 units; and

(B) the applicable graduated declining percentage (determined each year by the Secretaries) of the producer’s creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of units in excess of 300,000;

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

‘‘(b) JEWELRY.—Additional U.S. Note 3 to chapter 71 is amended—

(1) by redesigning subparagraphs (b), (c), (d), and (e) as paragraphs (c), (d), (e), and (f), respectively;

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

‘‘(b) Notwithstanding additional U.S. Note 5(h)(II)(B) to chapter 91, articles of jewelry subject to this note shall be subject to a limitation of 10,000 per year.

(3) by striking paragraph (f), as so redesignated, and inserting the following:

‘‘(d) Notwithstanding any other provision of law, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa by a jewelry manufacturer may assemble a product that commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa after August 9, 2001, shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule if such article is sold or delivered to the ultimate consumer after such jewelry manufacturer or jewelry assembler commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa.’’;

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods imported into the customs territory of the United States on or after January 1, 2003.

SEC. 1613. MODIFICATION OF PROVISIONS RELEVANT TO DRAWBACK CLAIMS.

(a) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—Section 313(c) of the Tariff Act of 1930 (19 U.S.C. 1313(c)), is amended to read as follows:

‘‘(c) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—

(1) CONDITIONS FOR DRAWBACK.—Upon the exportation or destruction under the supervision of the Customs Service of articles of merchandise—

(A) upon which the duties have been paid, or

(B) which has been entered or withdrawn for consumption,

‘‘(C) which is—

(i) not conforming to sample or specifications, as agreed to by the consignee, or determined to be defective as of the time of importation, or

(ii) ultimately sold at retail by the importer and thus not returned to the merchant from the importer under a certificate of delivery, and for any reason returned to and accepted by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and

(D) which, within 5 years after the date of importation, or whichever is earlier, has been exported or destroyed under the supervision of the Customs Service, the full amount of the duties paid upon such merchandise, less 1 percent, shall be refunded as drawback.

(2) DESIGNATION OF IMPORT ENTRIES.—For purposes of paragraph (1)(c)(ii), drawback may be claimed by designating an entry of merchandise that was imported within 1 year before the date of exportation or destruction of the merchandise described in paragraph (1)(c)(ii), as in effect under section 313(b) of the Tariff Act of 1930 and any other law, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa by a jewelry manufacturer may assemble a product that commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa after August 9, 2001, shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule if such article is sold or delivered to the ultimate consumer after such jewelry manufacturer or jewelry assembler commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa.’’;

(b) TIME LIMITATION ON EXPORTATION OR DESTRUCTION.—Section 313(i) of the Tariff Act of 1930 (19 U.S.C. 1313(i)), is amended—

(1) by striking ‘‘No’’ and inserting ‘‘Unless otherwise provided for in this section, no’’;

and

(2) by inserting ‘‘, or destroyed under the supervision of the Customs Service,’’ after ‘‘exported’’;

(c) USE OF DOMESTIC MERCHANDISE ACQUIRED IN EXCHANGE FOR IMPORTED MERCHANDISE.—Section 313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)), is amended—

(1) by striking ‘‘(k)’’ and inserting ‘‘(k)(1)’’;

and

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

‘‘(2) For purposes of subsections (a) and (b), the use of any domestic merchandise acquired in exchange for a drawback product of the same kind and quality shall be treated as the use of such drawback product if no certificate of delivery, delivery of substituted merchandise, or delivery pertaining to such drawback product is issued, other than that which documents the product’s manufacture or Assembly. As used in this section, the term ‘drawback product’ means any domestically produced product, manufactured with imported merchandise or any other merchandise (whether imported or domestic) of the same kind and quality, that is subject to drawback.’’.

(d) PACKAGING MATERIAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)), is amended to read as follows:

‘‘(q) PACKAGING MATERIAL.

(1) CONDITIONS FOR DRAWBACK.—(A) The term ‘packaging material’ means any domestic product, manufactured with imported merchandise or any other merchandise (whether imported or domestic) of the same kind and quality, that is subject to drawback.

(B) Packaging material, whether imported and duty paid, and claimed for drawback under either subsection (c) or (j), or imported and duty paid, or substituted, and claimed for drawback under subsection (j)(2), shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on such imported material.

(C) Packaging material under subsections (a) and (b).—Packaging material that is manufactured or produced under subsection (a) or (b) shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on the imported or substituted merchandise used to manufacture or produce such material.
"(3) Contents.—Packaging material described in paragraphs (1) and (2) shall be eligible for drawback whether or not they contain articles or merchandise, and whether or not any articles or merchandise they contain are eligible for drawback.

"(4) Employing Packaging Material for its Intended Purpose Prior to Exportation.—Packaging material asserted for its intended purpose prior to exportation shall not be treated as a use of such material prior to exportation for purposes of applying subsections (a), (b), (c), (d), and (e) of paragraph (1) or (2) of subsection (j)."

"(e) Limitation on Liquidation.—Section 594 of the Tariff Act of 1930 (19 U.S.C. 1594) is amended—

"(1) by striking subsections (a) and (b) and inserting the following:

"(1) Limitation.

"(1) Entries for Consumption.—Unless an entry of merchandise for consumption is extended under subsection (b) of this section or suspended as required by statute or court order, except as provided in section 751(e) or (f), an entry of merchandise for consumption not liquidated within 1 year from—

"(A) the date of entry of such merchandise;

"(B) the date of the final withdrawal of all such merchandise covered by a warehouse entry;

"(C) the date of the final withdrawal of all such merchandise covered by a warehouse entry if, pursuant to regulations issued under section 594 of the Tariff Act of 1930 (19 U.S.C. 1594), the filing of any entry or withdrawal from warehouse, or

"(D) a reconciliation is filed, or should have been filed, the date under section 484 or the date the reconciliation should have been filed, shall be deemed liquidated at the rate of value, quantity, and amount of duties asserted at the time of entry by the importer of record.

"Notwithstanding section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

"(2) Entries or Claims for Drawback.—

"(A) in general.—Except as provided in subparagraph (B) or (C), unless an entry or claim for drawback is extended under subsection (b) or suspended as required by statute or court order, an entry for drawback not liquidated within 1 year from the date of entry by the claimant shall be deemed liquidated at the drawback amount asserted by the claimant at the time of entry or claim for drawback filed under section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

"(B) Unliquidated Imports.—An entry or claim for drawback, whose designated or identified import entries have not been liquidated and become final within the 1-year period described in subparagraph (A), or within the 1-year period described in subparagraph (C), shall be deemed liquidated upon the deposit of estimated duties on the unliquidated imported merchandise, and upon the claimant making a request to the Customs Service of a written request for the liquidation of the drawback entry or claim. Such a request must include a waiver of any right to payment under other provisions of law. The Secretary of the Treasury shall prescribe any necessary regulations for the purpose of administering this provision.

"(C) Expiration Date.—The Secretary of the Treasury shall prescribe any necessary regulations for the purpose of administering this provision.

"(D) Payments or Refunds.—Payment or refund of duties owed pursuant to paragraph (1) or (2) shall be made to the importer of record or drawback claimant, as the case may be, not later than 90 days after liquidation.

"(2) Extension.—The Secretary may extend the period in which to liquidate an entry if—

"(A) the information needed for the proper application of the provisions of section 594 of the Tariff Act of 1930 (19 U.S.C. 1594) is not available; or

"(B) the importer of record or drawback claimant, as the case may be, requests such extension and shows good cause therefor.

"The Secretary shall give notice of an extension under this section to the importer of record or drawback claimant, as the case may be, and the surety of such importer of record or drawback claimant. Notice shall be in such form and manner (which may include electronic transmission) as the Secretary shall by regulation prescribe. Any entry the liquidation of which is extended under this subsection shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted at the time of entry by the importer of record, or the drawback claimant, as the case may be, and the surety of such importer of record or drawback claimant. Notice shall be in such form and manner (which may include electronic transmission) as the Secretary shall by regulation prescribe. Any entry the liquidation of which is extended under this subsection shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted at the time of entry by the importer of record, or the drawback claimant, as the case may be, and the surety of such importer of record or drawback claimant.

"(f) Penalty for False Drawback Claims.—Section 594(a) of the Tariff Act of 1930 (19 U.S.C. 1594(a)) is amended by striking "subsection (g)" and inserting "subsection (c) and (g)".

"(g) Effective Date.—

"(1) in general.—The amendments made by this subsection to section 594(a) of the Tariff Act of 1930 (19 U.S.C. 1594(a)) are effective on the date of enactment of this Act.

"(2) in subsection (g)—

"(A) in general.—The amendments made by subsection (g) shall take effect on the date of enactment of the Act.

"(B) in subsection (c) and (g)—

"(i) by inserting "or drawback claimant, as the case may be," after "to the importer of record" and

"(ii) by inserting "or drawback claimant" after "of such importer of record" and

"(3) in subsection (d), by striking the period at the end and inserting "in the case of a drawback entry or claim" and at the drawback amount asserted at the time of entry by the drawback claimant.

"(f) Penalty for False Drawback Claims.—Section 594(a) of the Tariff Act of 1930 (19 U.S.C. 1594(a)) is amended by striking "subsection (g)" and inserting "subsection (c) and (g)".

"(g) Effective Date.—

"(1) in general.—The amendments made by this subsection to section 594(a) of the Tariff Act of 1930 (19 U.S.C. 1594(a)) are effective on the date of enactment of the Act.

"(2) in subsection (g) and

"(3) Any other article that the President determines to be import-sensitive.


"(a) in General.—Subsection (a) of section 5382 of the Internal Revenue Code of 1986 (relating to cellar treatment of natural wine) is amended to read as follows:

"(A) Proper Cellar Treatment.—

"(1) in General.—Proper cellar treatment of natural wine consists of—

"(A) subject to paragraph (2), those practices and procedures in the United States, whether historical or newly developed, of traditional methods and materials to stabilize the wine, or the fruit juice from which it is made, so as to produce a finished product acceptable in good commercial practice in accordance with regulations prescribed by the Secretary; and

"(B) subject to paragraph (3), in the case of wine produced and imported subject to an international agreement or treaty, those practices and procedures acceptable to the United States under such agreement or treaty.

"(2) Recognition of Continuing Treatment.—For purposes of paragraph (1)(A), where a particular treatment has been used in customary commercial practice in the United States, it shall continue to be recognized as a proper cellar treatment in the absence of regulations prescribed by the Secretary finding such treatment not to be proper cellar treatment within the meaning of this subsection.

"(3) Certification of Practices and Procedures for Imported Wine.—In the case of imported wine which is not subject to an international agreement or treaty under paragraph (1)(B),
the Secretary shall accept the practices and procedures used to produce such wine, if, at the time of importation—

(i) the importer provides the Secretary with certification from the government of the producing country, accompanied by an affirmed laboratory analysis, that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1)(A), or

(ii) in the case of an importer that owns or controls or that has an affiliate that owns or controls a winery operating under a basic permit issued by the Secretary, the importer certifies that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1)(A), or

(‘‘B AFFILIATE DEFINED.—For purposes of this paragraph, the term ‘affiliate’ has the meaning given such term by section 117(a)(4) of the Federal Alcohol Administration Act (27 U.S.C. 211a(4)) and includes a winery’s parent or subsidiary or any other entity in which the winery’s parent or subsidiary has an ownership interest.’’)

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2006.

SEC. 2004. ARTICLES ELIGIBLE FOR PREFERENCE TREATMENT UNDER THE ANDANE TRADE PREFERENCE ACT.

(1) The rate of duty applicable on the day before the date of the enactment of the Trade Act of 2002 to any article described in section 294(b)(1)(D) of the Andean Trade Preference Act (9 U.S.C. 294(b)(1)(D)) is amended by moving the matter preceding subparagraph (A) and subparagraphs (A) and (B) through (K) 2 ems to the right.

(2) Section 371(b) of the Trade Act of 2002 is amended by striking ‘‘1930(e)(2)’’ and inserting ‘‘1930(e)’’.

(3) Section 336 of the Trade Act of 2002 is amended to read as follows:

‘‘SEC. 336. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 1330(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (26 U.S.C. 99) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

Notwithstanding any other provision of law, the report or its contents may only be disclosed by the Comptroller General to any committee or Member of Congress and the Customs Service and shall not be disclosed to the public.’’.

(4) Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended by moving the paragraph 2 ems to the left.

(5) Section 202(c) of the Trade Act of 2002 is amended—

(A) in paragraph (4), by striking ‘‘this Act’’ and inserting ‘‘this Act and the regulations promulgated pursuant to this Act’’; and

(B) in paragraph (12), by striking ‘‘government engaged’’ and inserting ‘‘government engaged or government assistance’’.

(6) Section 203 of the Trade Act of 2002 is amended—

(A) in subsection (a)(1)(A), by striking ‘‘June 1’’ each place it appears and inserting ‘‘July 1’’; and

(B) in subsection (b)(1)(C), by striking ‘‘June 1’’ each place it appears and inserting ‘‘July 1’’ and

(C) in subsection (c)—

(i) in paragraph (1)(B)(ii), by striking ‘‘June 1’’ and inserting ‘‘July 1’’;

(ii) in paragraph (2), by striking ‘‘March 1’’ and inserting ‘‘April 1’’; and

(iii) in paragraph (3), by striking ‘‘May 1’’ each place it appears and inserting ‘‘June 1’’.

(7) Section 2105(c) of the Trade Act of 2002 is amended by striking ‘‘aand’’ and inserting ‘‘and’’.

(8) Section 2113 of the Trade Act of 2002 is amended—

(A) in the first paragraph designated ‘‘(2)’’, by striking ‘‘101(d)(12)’’ and ‘‘3511(d)(13)’’ and inserting ‘‘101(d)(13)’’ and ‘‘3511(d)(13)’’, respectively; and

(B) in the second paragraph designated ‘‘(2)’’, by redesigning such paragraph as paragraph (3); and

(ii) by striking ‘‘101(d)(13)’’ and ‘‘3511(d)(13)’’ and inserting ‘‘101(d)(12)’’ and ‘‘3511(d)(12)’’, respectively.

(9) Section 211(b)(1) of the Trade Act of 2002 is amended—

(A) in the matter preceding subparagraph (A), by striking ‘‘(a)’’ and inserting ‘‘entry of any article—’’; and

(B) in subparagraph (A), by striking ‘‘of any article’’.

(10) U.S. Note 15 to subchapter II of chapter 99 is amended by striking the comma after ‘‘9902.51.11’’.

(11) Section 345(a)(3)(L) of the Trade Act of 2002 is amended by striking ‘‘15’’.

(12) Section 141(b) of the Trade Act of 2002 is amended by striking ‘‘title’’ and inserting ‘‘subtitle’’.

(13) Section 1330(b)(9) of the Consolidated Omnibus Budget Reconciliation Act (19 U.S.C. 99(b)(9)) is amended by moving the margins for clause (ii) 4 ems to the left; and

(B) by moving the margins for subparagraphs (A) and (B) through (K) 4 ems to the right.

(14) Apparel articles under African Growth and Opportunity Act.—(1) Section 112(b)(1) of the African Growth and Opportunity Act (19 U.S.C. 2395(b)(1)) is amended by striking ‘‘(incuding)’’ and inserting ‘‘or both (including)’’.

(2) Section 112(b)(3) of the African Growth and Opportunity Act (19 United States Code 2395(b)(3)) is amended to read as follows:

‘‘(A) in subparagraph (A), by moving the margins for clause (ii) 4 ems to the left; and

(B) by moving the margins for subparagraphs (A) and (B) through (K) 4 ems to the right.

(15) Section 3511(d)(12) of the Trade Act of 2002 is amended by adding at the end of the section—

‘‘(B) (1) by amending the last two sentences to read as follows—’’.

(16) Sections 112(b)(5)(A) of the African Growth and Opportunity Act (19 United States Code 2395(b)(5)(A)) is amended to read as follows:

‘‘(A) in general.—Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 to the NAFTA.’’

(c) APPAREL ARTICLES UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—(1) Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended—

(A) in clause (1), by striking ‘‘including’’ and inserting ‘‘or both (including)’’; and

(B) in clause (v), by striking ‘‘, from fabrics or yarn that is not formed in the United States or in one or more CBTPA beneficiary countries’’.

(2) Section 3107(a)(1)(B) of the Trade Act of 2002 is amended by striking ‘‘B’’ by adding at the end of the section—

(B) by amending the last two sentences to read as follows—’’.
(d) **TARIFF ACT OF 1930.**—Section 505(a) of the Tariff Act of 1930 is amended—

(1) in the first sentence—

(A) by inserting “referred to in this subsection” after “the payment”; and

(B) by striking “10 working days” and inserting “12 working days”;

(2) in the second sentence, by striking a part and inserting “the following:

“the Secretary shall promulgate regulations permitting a participating importer of record, at its option, to deposit estimated duties and fees for entries of merchandise, other than merchandise entered for warehouse, transportation, or under bond, no later than the first day of the month following the month in which the merchandise is entered or released.”

(3) in paragraph (4) (as added by section 124 of Pub. L. No. 106-250), the following:

(4) **MULTIPLE CONTAINERS.**—If a single vessel is comprised of multiple containers, the 48-hour period described in paragraph (1) shall begin to run from the time the last container of the shipment is delivered to the marine terminal operator. It shall be the responsibility of the person tendering the cargo to inform the carrier that the shipment consists of multiple containers that will be delivered to the marine terminal operator at different times as part of a single shipment.”

(b) **MANDATORY ADVANCED ELECTRONIC INFORMATION.**—Section 364(a) of the Trade Act of 2002 (Pub. L. No. 107-210), as amended by section 144(b)(3) of Pub. L. No. 106-113, is amended—

(1) in the matter preceding clause (i)—

(A) by striking “2003” and inserting “2005”;

(B) in clause (ii), by inserting “2003” after “2001”;

(C) in clause (iii), by striking “October 1, 2003” and inserting “October 1, 2005”;

(d) **INFORMATION REQUIRED.**—Sections 1730 of the Tariff Act of 1930 are hereby repealed.

(e) **CONSULTATION.**—Sections 2001 and 2003 of chapter 99 of title 19, United States Code, are hereby repealed.

(f) **REPORTING OF UNDOCUMENTED CARGO.**—Sections 2003 and 2005 of chapter XVII of chapter 98 of title 19, United States Code, are hereby repealed.

(g) **CERTAIN INFORMATION TO THE CUSTOMS SERVICE.**—(1) The second and third U.S. Notes 6 to subchapter XVII of chapter 98 (as added by sections 133(b) and 1506 of the Tariff Suspension and Trade Act of 2000, respectively) are redesignated as United States Notes 7 and 8 to subchapter XVIII of chapter 98, respectively.

(2) U.S. Notes 4 and 12 to subchapter II of chapter 98 are redesignated as United States Notes 5 and 6 to subchapter XVIII of chapter 98, respectively.

(h) **ADDITIONAL TECHNICAL AMENDMENTS.**—(1) The second and third U.S. Notes 6 to subchapter XVII of chapter 98 (as added by section 133(b) of the Tariff Suspension and Trade Act of 2000, respectively) are redesignated as U.S. Notes 7 and 8 to subchapter XVIII of chapter 98, respectively.

(2) **SEC. 211. TECHNICAL AMENDMENTS.**—The following:

(3) **IN GENERAL.**—(A) by striking “2003” and inserting “2005”;

(B) by striking “2003” and inserting “2005”;

(C) in subparagraph (G), by striking “2003” and inserting “2005”;

(D) in subparagraph (H), by striking “2003” and inserting “2005”.

(4) **MULTIPLE CONTAINERS.**—If a single vessel is comprised of multiple containers, the 48-hour period described in paragraph (1) shall begin to run from the time the last container of the shipment is delivered to the marine terminal operator. It shall be the responsibility of the person tendering the cargo to inform the carrier that the shipment consists of multiple containers that will be delivered to the marine terminal operator at different times as part of a single shipment.”

The Speaker. Mr. Speaker, I yield myself, and Mr. Thomas and Mr. Levin, to the Chair.”

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

Mr. Thomas. Mr. Speaker, I yield myself, and Mr. Levin, to the Speaker. Mr. Speaker, the so-called Miscellaneous Trade and Technical Corrections Act is something that is done virtually every Congress, frankly because there are a lot of technical corrections that need to be made in the area of tariffs and duties. Oftentimes, decisions that are made that in fact were in error need to be corrected, a misunderstanding has taken place, a company has overpaid its duties if there are decisions and changes made, and that normally is the function of the miscellaneous trade bill.

To that end, there tend to be requirements to be eligible to be placed on this bill, and that is in the hearing, and probably most importantly, that any measure that is placed in this package is noncontroversial. Sometimes when we examine that, it is in the eye of the beholder; but most often there is an objective way to determine “noncontroversial”.

The reason this bill is being amended is because principally the delay in publishing this bill was wait to determine what specific measures from the other body might be reasonably added to this bill, given the time remaining, the possibility of the other body taking this from the desk and voting on it without intervening action or committee decisions.

I do need to note, though, that there are two specific provisions on this measure that, had I not said that no measure can be go on this bill if it is not noncontroversial, perhaps would have raised some eyebrows. One is a qualifying industrial zone provision for Turkey, and the other is providing a better instrument for the President to determine whether normal trade relations would be resumed with Yugoslavia.

I believe, and I believe the gentleman from Michigan (Mr. Levin) will confirm, that, notwithstanding the potential difficulties with these two provisions in the bill, that there has been extensive consultation, and no element of language to present two very useful, in fact I might say needed, provisions to provide the administration with the ability to make decisions in these areas, and that they are in fact noncontroversial, and my assumption is that attestations to that effect will be made.

Mr. Speaker, I am pleased to call up H.R. 5385, the Miscellaneous Trade and Technical Corrections Act of 2002, which is a compendium of trade provisions drawn largely from legislation introduced and debated in this Chamber during this Congress. This bill has more than 350 such provisions and enjoys broad bipartisan support.

The bill contains provisions involving the temporary suspension of duties on narrowly defined products, miscellaneous trade-related items, and technical corrections to the Trade and Development Act of 2002.

There are several miscellaneous trade provisions in this bill that are noteworthy. The bill would provide trade benefits to Turkey and to trade agreements in the Generalized System of Preferences. On the Turkey provision, I am aware of concerns expressed by businesses and farm groups regarding potential

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competition from Turkey as a result of extending the Qualifying Industrial Zone (QIZ) law to cover zones in Turkey and Israel. I believe that there are sufficient protections within the legislation and the QIZ process to allay these concerns. First, the bill does not automatically grant duty-free status to any product. The bill does not extend automatic suspension of any US duties will be removed by law. Second, qualifying for duty-free treatment under the bill would require at least 35 percent of the product’s value to be derived from a combination of operations performed in both Turkey and Israel. Only in rare instances would such provisions apply to steel, but I think there is a potential for them to apply to American producers, so I think it would clearly meet the standard or the criterion of being technical and non-controversial.

The chairman mentioned some other items, one of which was the QIZ. I want to spend just a couple of minutes on this, because in a sense its impact would be, I think, de minimis, but it does raise some broader issues that we need to pay attention to, or which will be needed to be addressed in the future. One was that I think referred to or inferred by the chairman. That relates to Turkey’s relationship or its inappropriate relationship with Armenia. We had long discussions about that. I believe we have addressed it as effectively as we can under these circumstances.

As we know, there is presently an economic blockade of Armenia by Turkey. That has had some major impacts on Armenia and we were very concerned about this. The administration has now made clear its efforts to take steps to end the blockade of Armenia by Turkey, to strengthen the Armenian economy, and to otherwise improve the relationship between our two countries.

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

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

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

The gentleman is correct, and I did not mention that because there is no measure in the bill that addresses that. But, clearly, part of the discussion was the production of a letter from the administration specifically containing the substance the gentleman mentioned.

I thank the gentleman for allowing me to intervene. I just wanted to indicate that I support wholly the content of the letter, and the fact that we are moving forward on this should in no way signify that the problems that are presently there are not being looked at and hopefully addressed in a comprehensive and bipartisan way.

Mr. LEVIN. I thank the gentleman. I think, therefore, Mr. Speaker, both of us are making it clear that we expect the administration to follow through on the commitments and on the protections that we have been seeking in the bill. It is a very serious matter, indeed. Also, I wanted to mention, regarding the QIZ program, another aspect. That is, the lack of conditions within it. The QIZ is unlikely to have a major economic impact. It does also, though, involve relations between Israel and Turkey. Those are important ones.

So we are not talking, and I hope everyone understands this, about a likely major instrumentality in terms of trade in the near future. Because of our important strategic relationship with Turkey, on balance it made sense to let this proceed and allow the implementation of a QIZ program. However, I am very hopeful if that occurs and as it occurs that our government will pay attention to the issue of criteria.

In the GSP statute, we have criteria. Here we do not, for example, as to protection of U.S. investors, as to protection of intellectual property, as to core labor standards, as to environmental issues. If the QIZ were going to become a significant factor in our relationship economically, it would be important for our government to work on this and to make sure that criteria, and appropriate ones, were incorporated in any further understanding with the Turkish government.

The same applies potentially to steel. It is unlikely that the QIZ, this qualified industrial zone provision, would apply to steel, but I think there is a concern that it might, and our government needs to be sensitive to it. So, on balance, I think it is wise for this to proceed with the caveats that I have outlined.

Secondly, let me just make a brief reference to Yugoslavia that the chair has discussed.

The gentleman from Maryland (Mr. CARDIN) had an amendment, and there now has been, I think, fruitful further discussion with the administration; and it has been withdrawn from this bill because of the assurances that have come from the administration to the proponents. I think these are important assurances. We need to make sure as Yugoslavia proceeds economically, as Yugoslavia obtains again normal trade relations, that it follows through on what has become so essential in our relationship, and that is the pursuit of the war crimes tribunal proceedings.

So with that I will conclude my remarks. I hope that we will pass this with the understandings that I have outlined.

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

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the
gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade.

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

Mr. Speaker, I rise in strong support of H.R. 5385, the Miscellaneous Trade and Technical Corrections Act of 2002. Every 2 years, Congress takes up this legislation that includes hundreds of trade provisions. Needless to say, this is an enormous task. However, this undertaking is a set of common-sense guidelines for addressing miscellaneous trade proposals. The duty suspensions have been publicly vetted, cost less than $500,000 a piece, and are administrable. This legislation does three very important things: one, it enables U.S. companies to more efficiently produce goods which allows them to be more competitive and function more cost efficiently. Two, it helps create jobs for American workers; and, three, it reduces costs for U.S. consumers.

For example, one bill in our package would benefit businesses such as one in Evanston, Wyoming, called Carbon Fiber Technology that employs 46 people and manufactures acrylic fiber used in the production of carbon fiber. Carbon Fiber Technology has been paying duty on foreign inputs, acrylic precursor used to make its carbon fiber. Carbon Fiber Technology has been pay-duty free while its competitors in many cities as the products including the shafts of golf clubs. Since 1999, finished carbon fiber has entered the U.S. duty-free while Carbon Fiber Technology has been paying a duty rate of 8 percent on the acrylic precursor used to make its carbon fiber. It makes no sense for an American company to pay duty on foreign inputs that go into products that compete with foreign products that enter duty-free. The current structure penalizes that American company for no reason. Suspending this duty will allow Carbon Fiber Technology to remain competitive and win back business from overseas competitors.

There are also other provision dealing with GSP benefits for certain hand-made rugs. The bill extends GSP benefits for certain hand-made rugs from GSP beneficiary countries. The primary beneficiary is Pakistan. Other countries that would benefit from the bill include Turkey, Nepal, Egypt, and Morocco. The bill would significantly increase Pakistan’s benefits under GSP and provide a much-needed benefit to an important ally in the war on terrorism.

In addition to the various duty suspensions, the bill contains a key provision to create a qualified industrial zone for certain products coming from Turkey. Turkey has been a key ally to the United States in the war on terrorism. These provisions will stimulate economic development in Turkey and continue to show the rest of the world that those who stand with us in this struggle will be rewarded.

Finally, Mr. Speaker, I want to thank my staff who worked tirelessly for several months in producing this bill. They are Angela Ellard, Meredith Broadbent, David Kavanaugh, Stephanie Lester, and our Fellow, Michael Walsh.

Mr. Speaker, I strongly urge my colleagues to vote “aye” on this bill.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I consume.

Mr. Speaker, I thank my colleague. And the case study he cited is a perfect example of why we have a miscellaneous trade and tariff bill dealing with these peculiarities in multiple products we have.

Mr. Speaker, I would place in the RECORD the letter that has been discussed viz a viz the administration’s understanding on the Turkey-Armenia border issue.

The Deputy Secretary of State, Washington, DC.

Hon. William M. Thomas, Chairman, Committee on Ways and Means, House of Representatives.

Dear Mr. Chairman: Our staffs recently discussed the Turkey-Armenia border issue. To follow-up on the questions raised in those discussions, I want to let you know our views.

The Administration is pressing Turkey to restore full economic and cultural links with Armenia, and is encouraging Turkey to open its border with Armenia. We believe that such action would promote the economic development of Turkey and Armenia. We are aware of the economic impact that this border closure has on Armenia. The Department of State, in coordination with the U.S. Trade Representative, will provide to Congress by March 31, 2003, a report on the economic impact of the border closure on Armenia and Turkey, and on diplomatic contacts with both parties on this issue.

In addition, as you know, the United States has largely completed its negotiations with Armenia with respect to accession talks with the World Trade Organization (WTO) and is now prepared to make Armenia’s accession to the WTO an Administration priority. To that end, we are working with other WTO members to complete, by the end of this year, negotiations with Armenia for its accession to the WTO.

We look forward to working with you on these important issues.

Sincerely,

Richard L. Armitage.

Mr. LINDER. Mr. Speaker, I rise today in support of this bill, which makes a number of desirable changes to the duty rates on certain imported goods and makes technical corrections to the Trade and Development Act of 2002. I appreciate the diligent efforts of Subcommittee Chairman CRANE and other members of the Trade Subcommittee in bringing this important bill to the floor.

H.R. 5385, the “Miscellaneous Trade and Technical Corrections Act of 2002,” includes several measures I introduced as freestanding bills to help manufacturing businesses in Georgia’s 11th District remain competitive and save jobs. Passage of this bill will protect jobs in Georgia and across the nation, in addition to promoting the U.S. economy.

In particular, certain provisions of H.R. 5385 will eliminate the tariffs on high tenacity rayon filament yarn, which is imported for use in tires and industrial hoses. Although this industrial yarn is not produced domestically, it currently faces high tariffs. The elimination of this unnecessary tariff will promote lower-cost goods and protect jobs across the United States.

Another noteworthy provision of H.R. 5285 will correct a premature liquidation by the U.S. Customs Service on the importation of aramid fibers. This error resulted in the assessment of costly antidumping duties on aramid fibers imported for use in ballistics, tires, friction, mechanical rubber goods, and optical fiber cables. I am pleased that this fair measure has also been included in H.R. 5385.

Closing, this comprehensive bill will help American businesses to stay competitive with foreign companies, thereby providing lower-cost goods to American consumers, protecting jobs for American workers, and, ultimately, making the American economy more prosperous and dynamic. Given the recent events in both sides of the aisle to join me in supporting this bill.

Mr. BLUMENTAER. Mr. Speaker, H.R. 5383, debated and passed today, includes language that allows two streetcars manufactured in the Czech Republic to enter the United States duty free. These streetcars are additions to the recently opened and highly successful Portland, Oregon streetcar line. I would like to take this opportunity to thank the Ways and Means Committee Members and staff for working with me to address the problem that would have led to unnecessary tariffs on these two streetcars. The work that they have done is important not only for Portland as it addresses its transportation needs, but hopefully can be developed as a model that can someday help other communities in their regions greater transportation choices.

This past weekend, as a participant in the 2002 Rail-Volution conference held in Washington, D.C., I heard from local officials, land-use planners, transit employees, citizen advocates, and developers from more than 200 communities nationwide that are working to address transportation needs and options. Creating a trade import model that helps communities explore transportation alternatives that improve the livability of our cities is a worthwhile endeavor of Congress.

Mr. MANZULLO. Mr. Speaker, I rise in support of H.R. 5385, the Miscellaneous Trade and Technical Corrections Act of 2002. I am pleased that two of the provisions in this legislation will help enhance the competitiveness of a constituent company in my northern Illinois district. I am proud to represent.

These two provisions, one would suspend the duty on certain types of magnets used in automotive sensor applications. Although no one in the United States presently manufactures the same magnets, this provision had been objected to in its earlier form when H.R. 5385 was considered in the Committee on Ways and Means in September. The objection was based on the concerns of a handful of constituent firms located in the district. My colleagues, TED STRICKLAND and BOB NEY. Specifically, these firms, who manufacture other types of magnets domestically, were concerned that the earlier language did not clearly enough specify the types of magnets to which the suspension of duty would apply. Understandably, these companies just wanted to be sure that my legislation was going to extend benefits only to those magnets intended to be covered and not to imported versions of the types of magnets that these firms produce in the United States.

The primary objective in introducing duty suspension legislation was to help, not inadvertently hurt, U.S. industry. I instructed my staff to work closely with staff from the offices...
of Representatives STRICKLAND and NEY to try to find a mutually acceptable compromise. Based on these efforts between our respective offices and our constituents, and with strong and critical support from Ways and Means Committee Staff Dave Kavanaugh, Michael Walsh and Viji Rangaswami, as well as representatives of the Administration, we were able to find just such a compromise. This mutually acceptable language is now included in H.R. 5383 as it appears before the full House today.

I thank all those associated with tirelessly working out the compromise provision. I also thank Chairman THOMAS and Representatives RANGEL, CRANE and LEVIN for their leadership in moving legislation that has so measurable an impact back in our home districts, especially during such uncertain economic times.

The Deputy Secretary of State,Hon. JOE KNOLLENBERG, House of Representatives

Dear Mr. Knollenberg:

Our staffs have recently discussed the Turkey-Armenia border issue. To follow-up on the questions raised in those discussions, I want to let you know my views.

The Administration is pressing Turkey to restore economic, political and cultural links with Armenia, and is encouraging Turkey to normalize relations with Armenia. We believe that such action would promote the economic development of both Turkey and Armenia. We are aware of the economic impact that this border closure has on Armenia. The Department of State, in coordination with the U.S. Trade Representative, will provide to Congress by March 31, 2003, a report on the economic impact of the border closure on Armenia and Turkey, and on diplomatic contacts with both parties on this issue.

In addition, as you know, the United States has largely completed its negotiations with Armenia with respect to accession talks with the World Trade Organization (WTO) and is now prepared to make Armenia’s accession to the WTO an Administration priority. To that end, we are working with Armenian officials to complete, by the end of this year, negotiations with Armenia for its accession to the WTO.

We look forward to working with you on these and other issues.

Sincerely,

Richard L. Armitage.

Mr. Knollenberg. Mr. Speaker, I rise in support of this legislation, but I want to use my time to address one item in the bill, the Turkey Qualifying Industrial Zone provision.

I, along with the gentleman from New Jersey, Mr. Pallone, serve as Co-Chairs of the Congressional Caucus on Armenian Issues. We had grave concerns about adding this provision to the bill given Turkey’s continuing illegal blockade of Armenia in solidarity with Azerbaijan.

In order to achieve the stated U.S. policy goals of regional cooperation and economic integration in the Caucasus region, Turkey must restore economic, political and cultural links between Armenia and Turkey. Turkey and Armenia directly benefit from the efforts of the Bush Administration, led by President Bush, to bring about a historic breakthrough in relations between Armenia and Turkey. We support the efforts of President Bush to achieve normalization relations between Armenia and Turkey.

I had dismissed this issue at great length with the White House, State Department and USTR. I feel that many of our concerns on this point have been addressed and that there appears to be a willingness on the part of the Administration to devote increased energy to lifting the blockade and helping to offset its impact on Armenia.

I am going to submit for the record a letter sent to me by Deputy Secretary of State Richard Armitage explaining these commitments. An identical letter was sent to Congressman Pallone.

I feel that this is an important step forward and I await with interest the report on the economic impact of the blockade. I will, of course, carefully monitor commitments in this letter, and will continue working through every legislative means at our disposal to make progress toward bringing an end to Turkey’s blockade of Armenia.

While we have many outstanding issues to resolve, I feel that the Turkey trade provisions included in H.R. 5385 is not in, and of itself, sufficient reason to vote against this legislation. I urge Members not to oppose this bill because of this issue.

Mrs. Christensen. Mr. Speaker, I rise in support of H.R. 5385, the Miscellaneous Trade and Technical Corrections Act and urge my colleagues to support its adoption.

H.R. 5385 includes two bills I introduced earlier this year, H.R. 3395 and H.R. 4179, to bolster the economy of my district, the U.S. Virgin Islands, especially the island of St. Croix.

Mr. Speaker, I introduced H.R. 3395 to fix an anomaly in existing law which permits duty rebates on products imported into the United States and then shipped to foreign countries, but which does not allow for such drawback for products imported into the United States and then shipped to our insular areas. This form of “Catch-22” exists because under the current legal interpretation, U.S. insular areas are outside the Customs territory of the United States, but at the same time are not deemed to be foreign countries. This means that companies that want to import goods to the United States for subsequent distribution in the Virgin Islands for example, are unable to receive a rebate of the duty paid, even though the goods ultimately are not sold within the United States customs territory. This actually hurts employment in the United States and has a negative impact on the ability of merchants to move to move in and out of our insular areas.

My second bill. H.R. 4179, make a series of technical and/or non-controversial adjustments to the Production Incentive Certificate (“PIC”) program for watch and jewelry produced in the U.S. Virgin Islands — producers that provide a critical source of employment for the Territory. Over the longer term, this legislation would protect the PIC program and related duty incentives from the effects of any future reduction or elimination of watch tariffs.

Mr. Speaker, even though a company recently announced the closure of its facility on St. Croix and consolidate their operations in the U.S. Virgin Islands — producers that provide a critical source of employment for the Territory. Over the longer term, this legislation would protect the PIC program and related duty incentives from the effects of any future reduction or elimination of watch tariffs.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5385.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 5385, as amended, was passed.

A motion to reconsider was laid on the table.

General Leave

Mr. Thomas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5385.

The Speaker pro tempore (Mr. Petri). The question is on the motion offered by the gentleman from California (Mr. Thomas) that the House suspend the rules and pass the bill, H.R. 5385, as amended.

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

A motion to reconsider was laid on the table.

Sudan Peace Act

Mr. Smith of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5531) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, as amended.

The Clerk read as follows:

H.R. 5531

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 “Sudan Peace Act”.

The various technical adjustments set forth in this legislation would enhance the ability of insular watch and jewelry producers to utilize the PIC program while, at the same time, retaining overall PIC program unit and dollar value limits. Additionally, the legislation would establish a standby mechanism to mitigate the potential for any future reduction or elimination of watch duties on a worldwide basis through trade negotiations and congressional action. This mechanism—which has broad support among the insular and domestic watch manufacturing and distribution sectors—would ensure that any future reduction in watch duties does not disturb the relative value of current duty incentives and PIC program benefits for the insular watch industry. Importantly, this standby mechanism would have no effect on current watch duties or PIC program limits.

In conclusion, I want to thank my cosponsors of H.R. 5179, the gentlelevy from Connecticut, Representative Nancy Johnson and the gentleman from New York, Representative Mike McNulty for their strong support, I also want to express my gratitude to the Chairman of the Ways and Means Committee, Bill Thomas and the Ranking Democrat Charles Rangel for their decision to include both of my bills in the Miscellaneous Trade bill today.

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

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

The Speaker pro tempore (Mr. Petri). The question is on the motion offered by the gentleman from California (Mr. Thomas) that the House suspend the rules and pass the bill, H.R. 5385, as amended.

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

A motion to reconsider was laid on the table.
The Congress makes the following findings:

(1) The Government of Sudan has intensified its prosecution of the war against areas outside of its control, which has already cost more than 100,000 lives and has displaced more than 4,000,000 people.

(2) A viable, comprehensive, and internationally sponsored peace process, protected by outside intervention, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening and reform of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process. It is critical that credible civil authority and institutions play an important role in the reconstruction of post-war Sudan.

(6) The resolution of traditional rivalries among peoples in areas outside of its full control, the Government of Sudan has used divide-and-conquer techniques effectively to subjugate its population. However, internationally sponsored reconciliation efforts have played a critical role in reducing human suffering and the effectiveness of this tactic.

(7) The Government of Sudan utilizes and organizes militias, Popular Defense Forces, and other irregular units for raiding and enslaving parties in areas outside of the control of the Government of Sudan in an effort to disrupt severely the ability of the populations in those areas to sustain themselves. The tactic helps minimize the Government of Sudan’s accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside of its control.

(9) Continuing air transport relief flights by the United Nations relief operation OLS, the Government of Sudan has been able to manipulate the receipt of food aid by slaving parties outside of the control of Sudan and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to starve targeted areas of Sudan outside of the Government’s control.


(11) The efforts of the United States and other nations in supporting international relief and stabilization efforts through means outside of OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan’s ability to manipulate the receipt of food donations to advantage against the civil war in Sudan.

(12) While the immediate needs of selected areas in Sudan facing starvation have been addressed through OLS, the populations in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(13) The Nuba Mountains and many areas in Bahr al Ghazal and the Upper Nile and the Blue Nile regions have been excluded completely from the population relief distribution by OLS, consequently placing their populations at increased risk of famine.

(14) At a cost which has sometimes exceeded $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief effort is not sustainable nor desirable in the long term.

(15) The ability of populations to defend themselves against attack in areas outside of the control of Sudan has been severely compromised by the disengagement of the front-line states of Ethiopia, Eritrea, and Uganda, fostering the belief among officials of the Government of Sudan that success on the battlefield can be achieved.

(16) The United States should use all means available to facilitate a comprehensive solution to the war in Sudan, including—

(A) the multilateralization of economic and political relations with Sudan to compel the Government of Sudan to enter into a good faith peace process;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside of government control;

(C) continued active support of people-to-people reconciliation movements and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas; and

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends.

SEC. 2. FINDINGS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) GOVERNMENT OF SUDAN.—The term “Government of Sudan” means the Government of the Republic of Sudan.

(3) OLS.—The term “OLS” means the United Nations relief operation conducted by UNICERF, the World Food Program, and participating relief organizations known as “Operation Lifeline Sudan”.

SEC. 3. DOMESTIC AND FOREIGN POLICIES TO END SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND TACTICS OF THE GOVERNMENT OF SUDAN.

The Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan’s overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting the societies, cultures, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 4. CONGRESSIONAL DETERMINATION;

HUMAN RIGHTS ABUSES, AND TACTICS OF THE GOVERNMENT OF SUDAN.

The Congress hereby—

(1) in consideration of:

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan’s overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting the societies, cultures, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

(2) directs the President to:

(A) take the actions set forth in subsection (b) of this section;

(B) report to the appropriate congressional committees that the Government of Sudan has engaged in good faith negotiations to achieve a permanent, just, and equitable peace agreement that has been unanimously endorsed by the Sudanese people and their international sponsors.

SEC. 5. ASSISTANCE FOR PEACE AND DEMOCRATIC GOVERNANCE.

(a) ASSISTANCE TO SUDAN.—The President is authorized to provide increased assistance to the areas of Sudan that are not controlled by the Government of Sudan to prepare the population for peace and democratic government, including support for education, infrastructure, communications infrastructure, education, health, and agriculture.

(b) AUTHORIZATION OF APPROPRIATION.—

(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out the activities described in subsection (a) of this section $100,000,000 for each of the fiscal years 2003, 2004, and 2005.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations for fiscal year 2003 are available until expended.
in compliance with a peace agreement, then paragraph (2) shall not apply to the Government of Sudan.

(2) MEASURES IN SUPPORT OF THE PEACE PROCESS.—(a) Subject to the provisions of paragraph (1), the President—

(A) shall, through the Secretary of the Treasury, instruct the United States executive directors of international financial institutions to continue to vote against and actively oppose any extension by the respective institution of any loan, credit, or guarantee to the Government of Sudan;

(B) should consider downgrading or suspending diplomatic relations between the United States and the Government of Sudan; and

(C) submit to the appropriate congressional committees a detailed report describing the steps taken by the United States or United States and the Government of Sudan; and

(D) shall seek a United Nations Security Council Resolution to impose an arms embargo on the Government of Sudan.

(c) REPORT ON THE STATUS OF NEGOTIATIONS.—Not later than 90 days after the President has made a certification under subsection (b)(1)(A), the Government of Sudan continues negotiations with the Sudan People’s Liberation Movement for a 14-day period, then the President shall submit a quarterly report to the appropriate congressional committees on the status of the peace process until negotiations resume.

(d) REPORT ON UNITED STATES OPPOSITION TO FINANCING BY INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall submit a semiannual report to the appropriate congressional committees describing the steps taken by the United States to oppose the extension of a loan, credit, or guarantee to the Government of Sudan given after the Secretary of the Treasury gives the instructions described in subsection (b)(2)(A), such financing is extended.

(e) REPORT ON EFFORTS TO DENY OIL REVENUES.—Not later than 45 days after the President takes an action under subsection (b)(2)(C), the President shall submit to the appropriate congressional committees a comprehensive plan for implementing the actions described in such subsection.

(f) In this section, the term “international financial institution” means the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, the African Development Bank, and the African Development Fund.

SEC. 7. MULTILATERAL PRESSURE ON COMBATANTS.

It is the sense of Congress that—

(1) the United Nations should help facilitate peace and recovery in Sudan;

(2) the President, acting through the United States Permanent Representative to the United Nations, should seek to end the veto power of the Government of Sudan over the peace process for Sudan on all non-Sudan issues, and by doing so, to end the manipulation of the delivery of relief supplies to the advantage of the Government of Sudan on the battlefield;

(3) the President should take appropriate measures, including the implementation of recommendations of the International Eminent Persons Commission contained in the report issued on May 22, 2002, to end slavery and aerial bombardment of civilians by the Government of Sudan.

SEC. 8. REPORTING REQUIREMENT.

Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall prepare and submit to the appropriate congressional committees a report regarding the conflict in Sudan. Such report shall include—

(1) a description of the sources and current status of Sudan’s financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located, and the ability of the Government of Sudan to finance the war in Sudan with the proceeds of the oil exploitation;

(2) a description of the extent to which that financing was secured in the United States or with involvement of United States citizens;

(3) the best estimates of the extent of aerial bombardment by the Government of Sudan, including targets, frequency, and best estimates of damage; and

(4) a description of the extent to which humanitarian relief has been obstructed or manipulated by the Government of Sudan or other forces.

SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the President should continue to use the services of non-OLS agencies in the distribution of relief supplies to Sudan.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a detailed report describing the progress made toward carrying out subsection (a).

(c) REQUIREMENT FOR RELIEF EFFORTS.—(1) PLAN.—The President shall develop a contingency plan to provide, outside the auspices of the United Nations if necessary, the greatest possible amount of United States Government support to all affected areas in Sudan, including the Nuba Mountains and the Upper Nile and the Blue Nile regions, in the event that the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(2) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations for the purposes of the plan.

SEC. 11. INVESTIGATION OF WAR CRIMES.

(a) IN GENERAL.—The Secretary of State shall conduct an investigation into incidents which may constitute crimes against humanity, genocide, war crimes, and other violations of international humanitarian law by all parties to the conflict, including slavery, rape, and aerial bombardment of civilian targets.

(b) REPORT.—Not later than 6 months after the date of the request of the appropriate congressional committees, and annually thereafter, the Secretary of State shall prepare and submit to the appropriate congressional committees a detailed report on the information that the Secretary of State has collected under subsection (a) and any findings or determinations made by the President on the basis of that information. The report under this subsection shall be submitted in classified or unclassified form and shall be made available to all Members of Congress. All other provisions of section 4 shall apply to the report submitted under this section.

(c) CONSULTATIONS WITH OTHER DEPARTMENTS.—In the course of the investigation required by this section, the Secretary of State shall consult and coordinate with all other Government officials who have information necessary to carry out the investigation. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests.

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

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

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5531.

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

There was no objection.

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

Mr. Speaker, I rise in very strong support of the Sudan Peace Act, and I want to especially thank the gentleman from Colorado (Mr. Tredrey) for introducing this very worthwhile legislation.

This bill represents an important cause with strong bipartisan backing. I am particularly grateful to the original cosponsors that include the gentleman from Illinois (Mr. Hyde), the gentleman from California (Mr. Royce), the gentleman from New Jersey (Mr. Payne), the gentleman from Alabama (Mr. Bachus), the gentleman from California (Mr. Lantos), the gentleman from Illinois (Mr. Pence), the gentlewoman from Florida (Ms. Ros-Lehtinen), who chairs the Subcommittee on International Operations and Human Rights, the gentlewoman from California (Ms. Lee), the gentleman from Pennsylvania (Mr. Fattah), the gentleman from Texas (Mr. Armey), and I myself am one of cosponsors as well.

Mr. Speaker, the nation of Sudan is located in the far eastern corner of Africa. The National Islamic Front is the governing party, albeit a brutal dictatorship, in Sudan’s capital city of Khartoum.

In November of 2001, President Bush renewed U.S. bilateral sanctions on the government of Sudan. According to the State Department, the Government of Sudan remains a designated state-sponsor of terrorism. Currently, there are almost 100 American citizens that are held by the Government of Sudan. The government controls about 70 percent of the oil in the country, which has been sold at depressed prices to pay for the war in Sudan.

The war in Sudan appears to be a proxy war fought by Sudan against the Islamic extremist government that has recently occupied and taken power in Iraq.

The war has been fought since October 1983. It is estimated that 2 million people have died in this war. The war, which has been fought in the states of Blue Nile and Upper Nile, is centered in the Blue Nile River valley. This is an area located in the far eastern corner of Africa.

In this section, the term “international financial institution” means the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, the African Development Bank, and the African Development Fund.
among the countless individuals and organizations across this country who give this cause the profile and attention that it deserves.

Sudan civil war, Mr. Speaker, has been waged in the south for more than 4 decades, and as the New York Times estimated, 2 million people have been killed, men, women, and children, to war-related causes and to famine. Four million people have been forced from their homes into temporary shelters. The conflict is Africa’s oldest and one of the most difficult to resolve. It is not a result of religious conflict, but rather is a real war, a war of people against one another. It is a war of survival, a war of displacement, and it is a war of retribution.

Religion is a major factor because of the Islamic fundamentalist regimes that have taken power in the Sudan and threaten to overwhelm the non-Muslim communities in the south. Christian and animist leaders are particularly vulnerable. In many communities, the presence of Muslims is not tolerated. The government has imposed flight bans on emergency humanitarian aid to starving civilians. In other words, to the extent that Sudan continues to be a major player in the peace process since 1994, the Sudanese government has worked with IDAG countries to mediate the peace agreement with the opposition. The Sudanese president has lifted bans on humanitarian aid in the past few weeks. The road to peace in Sudan is a very tough one. Just a month ago, the Sudanese government walked away from the Machakos peace negotiations in Kenya. It also resumed bombings of civilian targets and imposed a ban on all flights carrying humanitarian assistance to southern Sudan and its estimated 5 million people.

Mr. Speaker, this bill supports the Machakos peace process and authorizes $3 million per year for 3 years to help create institutions of peace and democratic governance in the areas of civil society, human rights, and development. This bill will increase pressure on the government of Sudan to end its 19-year war against civilians in the south and west of that country.

The Sudan Peace Act will give the administration some guidance in the peace efforts while leaving enough flexibility to lead the foreign affairs of the nation.

Mr. Speaker, the manager’s amendment contains a few modifications, including an emphasis in the findings that credible civil authority institutions play an important role in the reconstruction of postwar Sudan and a few other minor changes in the text of the bill.

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

Ms. WATSON of California. Mr. Speaker, I yield myself as much time as I may consume, and I rise in strong support of this bill.

Mr. Speaker, I would first like to thank the Chairman and the ranking Democratic Member of the Committee on International Relations for this important piece of legislation. This bill will increase pressure on the government of Sudan to end its 19-year war against civilians in the south and west of that country.

The Sudan Peace Act condemns the violation of human rights on both sides of the Sudan and authorizes $3 million per year for 3 years to help create institutions of peace and democratic governance in the areas of civil society, human rights, and development.

Mr. Speaker, this bill supports the Machakos peace process and authorizes $3 million per year for 3 years to help create institutions of peace and democratic governance in the areas of civil society, human rights, and development. This includes support for civil administration, communications infrastructure, education, health and agriculture.
The bill also requires that the President certify within 6 months of the passage of this bill and every 6 months afterwards that the parties are negotiating in good faith towards a durable and lasting peace.

Mr. Speaker, this bill sends a clear message to the world and Sudan that the United States stands on the side of peace in Sudan. It also underscores our commitment to ending the human suffering by securing a just and peaceful resolution to the ongoing conflict. I strongly urge my colleagues to support this bill.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. ROYCE), who chairs the Subcommittee on Africa of the Committee on International Relations.

Mr. ROYCE. Mr. Speaker, I thank the vice chairman for yielding me some time; and I rise also in support of this legislation. As has been mentioned, this bill differs from the one that the House of Representatives acted upon last year; and while this Sudan Peace Act is maybe not as muscular as the version that the House sent to the other body, it should still manage to encourage the end of a horrific war that has taken close to two million lives and has ruined countless others for 20 years.

The Sudan Peace Act most certainly deserves our support, and I would just like to mention that many of the Members here have seen firsthand, I think the gentleman from New Jersey (Mr. PAYNE) will be joining us; I know the gentleman from Virginia (Mr. WOLF); I know that our vice chair, the gentleman from New Jersey (Mr. SMITH) of this committee, have seen the consequences of this war.

In my constituency is a pastor who has adopted two young girls whose mother was shot in their presence. One of those girls has a bullet wound in her leg as a consequence of the terror that has been perpetuated on the people of southern Sudan, and I think this legislation rightly targets the Sudanese government’s horrendous acts.

The regime in Khartoum has continued its practice of using females as a weapon. It has sustained a bombing campaign against civilian targets, even international aid sites in southern Sudan; and many of us have seen the photographs from constituents of ours who have gone over to try to help and have taken pictures of the sites of international aid camps, of towns, of villages that have been hit by helicopter gunships, that have been shelled; they have been burned.

This is a government in the past that has supported slavery, and I think the Sudan Peace Act rightly condemns the government of Sudan for its abysmal human rights record, while recognizing that human rights violations occur on all sides to this conflict.

It threatens punitive measures against the Sudanese government unless that government is constructively engaged in the ongoing peace process, and this legislation also takes the step of calling on the Secretary of State to collect information about incidences that may constitute crimes against humanity, genocide, war crimes, and other such violations of international law.

I would like to note that in the previous session of Congress the House had passed a resolution labeling the Khartoum’s government’s acts as genocide. It is important to build the record.

This Act commends the efforts also of Senator John Danforth, the special presidential envoy to Sudan, to end this long-running conflict. It recognizes that the U.S. must play a critical role in promoting peace in Sudan, a reality I believe that this administration understands.

This legislation makes a resource commitment to build civil institutions and assist suffering people in the south of Sudan; and, in these ways, the Sudan Peace Act is Congress’ way of bolstering the administration’s peace push in Sudan. That is why I urge passage.

Ms. WATSON of California. Mr. Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from California for yielding me the time and for working on this bill and certainly the gentleman from New Jersey for his continuous work on this bill.

I come to the floor to support the bill but with the deepest of reservations. My reservations, of course, flow from the fact that the engine that drove the peace process for Sudan is the money the United States Congress in the period is clear where we stand, the closer we will get to some meaningful action.

I am very concerned about all I hear about the continuing suffering of people in Sudan, but then is told the people of Sudan, and I think this legislation rightly targets the Sudanese government’s horrendous acts.

The regime in Khartoum has continued its practice of using females as a weapon. It has sustained a bombing campaign against civilian targets, even international aid sites in southern Sudan; and many of us have seen the photographs from constituents of ours who have gone over to try to help and have taken pictures of the sites of international aid camps, of towns, of villages that have been hit by helicopter gunships, that have been shelled; they have been burned.

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This legislation makes a resource commitment to build civil institutions and assist suffering people in the south of Sudan; and, in these ways, the Sudan Peace Act is Congress’ way of bolstering the administration’s peace push in Sudan. That is why I urge passage.

Mr. ROYCE. Mr. Speaker, I thank the gentlewoman from the District of Columbia for yielding me the time and for working on this bill and certainly the gentleman from New Jersey for his continuous work on this bill.

I come to the floor to support the bill but with the deepest of reservations. My reservations, of course, flow from the fact that the engine that drove the peace process for Sudan is the money the United States Congress in the period is clear where we stand, the closer we will get to some meaningful action.

I am very concerned about all I hear about the continuing suffering of people in Sudan, but then is told the people of Sudan, and I think this legislation rightly targets the Sudanese government’s horrendous acts.

The regime in Khartoum has continued its practice of using females as a weapon. It has sustained a bombing campaign against civilian targets, even international aid sites in southern Sudan; and many of us have seen the photographs from constituents of ours who have gone over to try to help and have taken pictures of the sites of international aid camps, of towns, of villages that have been hit by helicopter gunships, that have been shelled; they have been burned.

This is a government in the past that has supported slavery, and I think the Sudan Peace Act rightly condemns the government of Sudan for its abysmal human rights record, while recognizing that human rights violations occur on all sides to this conflict.

It threatens punitive measures against the Sudanese government unless that government is constructively engaged in the ongoing peace process, and this legislation also takes the step of calling on the Secretary of State to collect information about incidences that may constitute crimes against humanity, genocide, war crimes, and other such violations of international law.

I would like to note that in the previous session of Congress the House had passed a resolution labeling the Khartoum’s government’s acts as genocide. It is important to build the record.

This Act commends the efforts also of Senator John Danforth, the special presidential envoy to Sudan, to end this long-running conflict. It recognizes that the U.S. must play a critical role in promoting peace in Sudan, a reality I believe that this administration understands.

This legislation makes a resource commitment to build civil institutions and assist suffering people in the south of Sudan; and, in these ways, the Sudan Peace Act is Congress’ way of bolstering the administration’s peace push in Sudan. That is why I urge passage.

Ms. WATSON of California. Mr. Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from California for yielding me the time and for working on this bill and certainly the gentleman from New Jersey for his continuous work on this bill.

I come to the floor to support the bill but with the deepest of reservations. My reservations, of course, flow from the fact that the engine that drove the peace process for Sudan is the money the United States Congress in the period is clear where we stand, the closer we will get to some meaningful action.

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This legislation makes a resource commitment to build civil institutions and assist suffering people in the south of Sudan; and, in these ways, the Sudan Peace Act is Congress’ way of bolstering the administration’s peace push in Sudan. That is why I urge passage.

Mr. PAYNE. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for his continuous work on this bill.

I come to the floor just because they do not succeed that the United States Government would break our diplomatic ties, and we would attempt to cut off, World Bank money. There is a little bit of irony in that. We cannot cut off the capital markets, but we can cut off the money that goes presumably to the people at the bottom.

They do not get any of that money I do not think, but, obviously, the bill is trying to do something to indicate just how displeased the United States Government is with all of this, $100 million over 3 years, the State Department investigation of war crimes in Sudan. The more we are on the record, the more this Congress and the administration is clear where we stand, the closer we will get to some meaningful action.

I am very concerned about all I hear about the continuing suffering of people in Sudan, that the so many of these southern Sudanese have now moved to the north, and if they cannot live in the south anymore. I want to quote from one southerner, “We either live in the south where there is fighting or starvation or we live in the north where there is discrimination and displacement camps. There is no good choice for peace.”

That is no choice at all, of course, and yet 40 percent of Khartoum consists now of southerners, southern Sudanese who, of course, work in the jobs that are at the bottom. This is not the worst of it, by any means. Working in a job at all, I am sure, given what these people have gone through, is all to the good.
The relief camps to which the southern Sudanese have been forced do not get any services from the government. I do not know what we would do without the nongovernmental organizations. I am very pleased that the President did send an envoy, former Senator Danforth, friend of mine, a former law school classmate, an Episcopal priest, a man who means it.

Of course, these talks are under way. They get under way and they get under way. We have had 19 years of civil war. I think Senator Danforth’s efforts should be credited with having had something to do with these new talks that are under way. We have a so-called cessation of hostilities that comes on and then goes off. That is because it is not a cease-fire. A permanent cease-fire is what is on the agenda now. A permanent cease-fire is when you have some verification when one side or the other breaks the cease-fire.

The bill is not what those of us, including those who voted for this bill, the great majority of the Members, wished. It is all we can get. I can with great disappointment support this bill only if with all of the partners, with the Sudanese, we pledge to keep pressing to find a real way to keep Sudanese human rights issues, has been to Sudan four times, and a great believer and champion in the causes of freedom and democracy.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the appropriations Subcommittee on Commerce, Justice, State and Judiciary, a leader on Sudanese human rights issues, has been to Sudan four times, and a great believer and champion in the causes of freedom and democracy.

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

Mr. WOLF. Mr. Speaker, also keep in mind that Osama bin Laden, the source of terrorism, lived in Sudan from 1991 to 1996. I rise in strong support of H.R. 5531, the Sudan Peace Act, that will be helpful in promoting a just peace in war-ravaged Sudan. The war in Sudan has been monumental. Over 2 million people, mainly Christians, but some Muslims, have been killed during the last 20 years. The people of southern Sudan have borne the brunt of the pain, death and destruction of the war while frankly the rest of the world stood by and watched. The southerners have been the victims of the Government of Sudan’s intentional and indiscriminate aerial bombing attacks. Government planes have repeatedly dropped bombs on southern civilian population centers, hospitals and international humanitarians. Innocent women and children have been blown apart for no reason except that they live in southern Sudan.

The Khartoum regime, which welcomed Osama bin Laden, has routinely used food aid as a weapon in its war with the southern-led opposition, repeatedly denying much-needed humanitarian and medical assistance to millions of its own countrymen. The Khartoum regime, again, just a couple of days ago, shut down the primary and largest international humanitarian effort in Sudan, Operation Lifeline Sudan, cutting off Sudan’s airspace of virtually all flights into the South. This shutdown has resulted in the denial of much-needed food and medical assistance to millions of the suffering and needy.

Oil, as the gentleman from New Jersey said, in southern Sudan is being exploited by the Sudanese Government resulting in a scorched Earth, death and destruction. Attacks occur on sleeping villages by Russian-built, government-flown attack helicopter gunships that ride along the route of the pipelines and literally just gun the people down. There are hundreds of women and the children. Posses come in and raid and kill the men, rape the women, and take the children away.

The government has also used army soldiers on foot to attack sleeping villages early, early in the morning. A humanitarian-aid worker interviewed several survivors of these attacks reporting on one attack on three villages where more than 6,000 Christian farmers live, located on the border between the Southern Blue Nile and Eastern Upper Nile in Sudan:

“The government set up the attack overnight so that the inhabitants were killed at dawn as the village awakened. The soldiers reportedly used 50 caliber machine guns, assault rifles and other heavy caliber automatic weapons. Children were gunned down as they ran away, and many wives last saw their husbands attacking the machine gun placements with machetes and hoes in order to buy time for their wives to escape. Those women who made it to freedom then walked more than 10 days through the bush, with only trees to eat, in order to reach the safety of a friendly village compound. They were severely malnourished, so much so that they could not provide their infants with any breast milk. There were no SPLA soldiers stationed in the three villages.” So they were bombing and killing civilians.

This legislation rightly condemns the Government of Sudan for condoning slavery. There is slavery in Sudan; and the world, other than the United States and a few others, has just sat by and done absolutely positively nothing.

In closing, in summary, I want to thank a number of the Members that have really been involved: the gentleman from Colorado (Mr. TANCREDO); the gentleman from New Jersey (Mr. PAYNE); the gentleman from Illinois (Mr. HYDE); the gentleman from California (Mr. LANTOS); the gentleman from New Jersey (Mr. SMITH), a champion of this bill working on human rights; the gentleman from Alabama (Mr. BACHUS), who took this issue on, who had a better bill than this bill but has pursued and pushed this; Senator BROWNBACK; the gentleman from California (Mr. ROYCE), chairman of the Foreign Relations Committee; Senator FRIST; the gentlewoman from the District of Columbia (Ms. NORTON); and others who have been so active. I also want to thank, if it is not a violation of the rules, President Bush for taking personal interest in this and in appointing the envoy, former Senator Danforth. I want to thank Secretary Powell and the people in the State Department that are working on this.

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

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the time be extended by 6 minutes, equally divided between myself and the gentlewoman from California (Ms. WATSON).

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit, who likewise has been indefatigable in promoting human rights and democracy in Sudan.

Mr. BACHUS. Mr. Speaker, today in Sudan people are given a simple choice. They are either told to embrace the state-sponsored faith or die. That is the choice. Many of them are dying. You have heard the numbers. Several Members have had them there. They can identify with what is going on. They have seen it firsthand.

Can the American people identify with the tragedy that we know as September 11? Yes, they can. It is the same kind of hatred we were directed at them on September 11 when 3,000 of our fellow Americans were killed by this same radical Islamic movement that basically said, If you don’t agree with us, you’re an infidel; and if you’re an infidel, we’ll kill you. That is what happened here on September 11. That is what is happening every day in Sudan.

I think Chuck Colson probably summarized it better on how Americans can imagine what is going on in Sudan:

Now, imagine September 11 happened 666 times. Imagine 2 million Americans being killed by radical Islam. Then you will have an idea of what the citizens of southern Sudan have endured at the hands of the government in Khartoum.

That is right, 666 times. If September 11 happened another 666 times, we would have the number of innocent people that have been killed in Sudan; thousands of innocent Sudanese have been raped, murdered, put in slavery. Yet it goes on and on.

Mr. Speaker, I commend the House. We offered a very strong bill which
would have helped put an end to this slaughter in Sudan. But I commend this bill; and I urge Members to vote for this bill, because we have to be practical. We cannot let the perfect be the enemy of the practical. This bill has a wonderful chance of passing today; it will go over to the Senate. I believe it will be passed in the Senate, and the President will sign it. And for the first time, there will be a link made officially between the genocide and the slaughter in Sudan and oil money. And what this legislation says, it gives President Bush in 6 months, if the vote is not proceeding, there is not a moving towards resolution, he can intervene to cut off the flow of money. The Sudanese Government has gone to Ukraine, they have bought helicopters, they have bought all sorts of weapons from Iran. We will cut off that oil money.

The tie between the genocide and oil is well established. The Washington Post, The New York Times, the Weekly Standard, the Birmingham News in my own home State, the Financial Times of London, they all say cut off the oil and you will help cut off the slaughter. This bill is the first step in doing that.

I would like to commend the gentleman from New Jersey (Mr. SMITH). I would like to commend the gentleman from California (Ms. WATSON); ranking member, the gentleman from New York (Mr. PAYNE). I would like to commend the gentleman from Colorado (Mr. TANCREDO), who is not here with us today. I would like to commend Senator BROWNBACK and Senator FRIST in the Senate for working on this. I too would like to commend President Bush. He recognized soon after he became President that we needed to end this slaughter in Sudan. He appointed Senator Danforth, and we are working our way towards that.

I will close simply by saying that the U.S. Holocaust Museum here in Washington, the first time the U.S. government recognized the Holocaust 60 years ago, recognized Sudan and what is going on there as genocide and named Sudan as a country of conscience and said it must be ended. And it must. No wonder that Osama bin Laden found refuge in Sudan. It is because he and the government in Khartoum share the same twisted logic. With a vote for this bill today, we will begin to do what we can here today to end that slaughter.

Mr. LANTOS. Mr. Speaker, I rise in support of H.R. 5531—the Sudan Peace Act. I do so with some disappointment. The bill we consider today transmitted from the other body was stripped of its most potent provisions—full disclosure requirement and potential capital market sanctions for corporations doing business in Sudan and thereby contributing to the suffering of the people of southern Sudan.

The United States delegation in Khartoum, ably led by former Senator John Danforth, has made tremendous strides in settling this conflict in recent months, even bringing the warring parties to the negotiating table in Machakos, Kenya. But as diplomats talk, the assaults on civilians in the rich oil-producing areas continue. This is appalling. The National Islamic Front leaders in Khartoum have mastered the art of putting a good face on bad faith negotiations—and the removal of capital market sanctions provisions from this bill allows them to continue this deadly ruse with impunity. Had the other body approved the House version of the Sudan Peace Act and preserved these punitive provisions, I believe this could have dealt a major blow to Khartoum’s ambitions to dominate and impose sharia religious law on the people of the South.

Sudan is suffering through the longest running civil war in the world, contributing to the displacement, deprivation and death of millions of Sudanese. It is estimated that more than two million Sudanese have died from war-related causes since 1983. An estimated four million Sudanese are internally displaced, with two million living in squatter areas of Khartoum. More than three million Sudanese will require emergency food aid this year, according to the World Food Program. Famine is a constant.

Despite recent peace efforts, the devastating attacks on southern civilians have continued. Aid agencies in southern Sudan reported that, in September 2001, the SPLA/IGAD (Intergovernmental Authority for Development)-sponsored Machakos negotiations in Kenya after accusing the Sudanese People’s Liberation Army (SPLA) of engaging in offensive military activity. Indeed, in retaliation to government bombings and ground offensives in Western Upper Nile, the SPLA captured Torit, the capital of Eastern Equatoria.

Despite its shortcomings, the Sudan Peace Act does contain a number of helpful provisions. A new bill authorizes $3 million per year over three years to help build civil institutions in non-government controlled areas and community services in health and education. It also includes a certification program whereby the President is obliged to certify in six months that Sudan is negotiating in good faith. If the President certifies that Sudan is negotiating in good faith, the President is obliged to certify in six months, after the enactment of this Act, whether the NIF government is negotiating in good faith. If the President certifies that the Government is NOT negotiating in good faith, the President shall impose a series of sanctions, including: Downgrading of diplomatic relations, an arms embargo resolution at the United Nations Security Council, and Measures to deny use of oil revenues.

Mr. Speaker, let me be very clear. The intent of Congress and this legislation is to put pressure on the government of Sudan to negotiate in good faith and conclude a just peace within six months. The Congress expects that if there is no peace agreement within six months of this Act and that the SPLM is not negotiating in bad faith, we expect the President to impose the sanctions outlined in this legislation. It is not our intent to simply
become recipients of incomplete, inconsistent, and vague certification by the President.

Mr. Speaker, for almost four decades, Sudan has been the scene of intermittent conflict. Of course, many have heard by now the number of people killed in the Sudan conflict. But how many people have really paid careful attention to these numbers. An estimated two million people died from war-related causes and famine in southern Sudan, and four million have been displaced.

Why these many people have to die? Could we have done something to prevent the mass loss of life in Sudan. Indeed, the answer is a resounding yes. But we chose to ignore it or engage marginally. We are the largest provider of humanitarian assistance in Sudan, yet many continue to die. In 1998 alone, an estimated 100,000 people died due to government refusal to allow United Nations relief aid from going into the country.

Indeed, Mr. Speaker, some have written and others have talked about this tragedy as either a religious conflict or tribal conflict. The Sudanese conflict, Africa’s longest-running civil war, is deeper and more complicated than the claims of political leaders and some observers. Religion, indeed, is a major factor because of the Islamic fundamentalist agenda of the current government, dominated by the northern-based National Islamic Front (NIF) government. Southerners, who are Christian and animist, reject the Islamization of the country and favor a secular arrangement. Social and economic disparities are also major contributing factors to the Sudanese conflict.

But this regime is not merely opposed by Christians or southerners. The NIF regime is a minority government led by extremist clique in Khartoum. Muslim leaders have also been victims of the NIF over the years and are clearly opposed by the majority of northerners inside and outside the country. The National Democratic Alliance, a coalition of northern and southern opposition groups, has been actively challenging NIF’s hold to power since it ousted the democratically elected civilian government in June 1989. In fact, the NIF came to power precisely to abort a peace agreement between the Sudan People’s Liberation Movement (SPLM) and the major northern parties in 1989.

Mr. Speaker, it is unfortunate, but a sad reality that Slavery has reemerged with a vengeance in Sudan, and this inhuman practice is directly tied to the civil war in Southern Sudan that has raged intermittently for over forty years. The enslavement of innocent Southern Sudanese civilians has intensified since the National Islamic Front usurped power in 1989. It is now being condoned, if not orchestrated, by the NIF government and perpetrated by its Arab militia allies. The international community has done little, if anything, to prevent this abhorrent practice.

Mr. Speaker, the war in Sudan is certainly a major factor contributing to the increase in slavery in Sudan. The war is essentially one of Southern resistance against domination and assimilation by the National Islamic Front government. With religion as an aggravating factor, the war has become a genocidal zero-sum conflict. At the core of this problem is a conflict of identities in which the assimilation or elimination of the non-Arab and non-Muslim population has increasingly become the objective of the Government.

The prevalence of slavery in Sudan constitutes a serious challenge not only to the Sudanese themselves, but also to the international community.

LET US REMEMBER THE VICTIMS

The innocent civilians are the victims in this war. Just the other day, the NIF government declared a jihad, intensifying its aerial bombardment of the south. Those who are being bombed, of course, the children and the helpless. According to the report by U.S. Committee for Refugees, the government bombed civilian targets 167 times in 2000 alone.

Mr. Speaker, we are well aware of the number of people killed, maimed, displaced, and enslaved. Yet, we, as members of the international community have failed to do the right thing: End the suffering.

Over the years, I have visited Sudan a number of times. In all these visits, I, like many others, promised to do all I can to end their suffering. I must say with all sincerity that I can no longer see these innocent civilians and promise to end their suffering. I must admit, despite all our efforts, we failed the people of Sudan as we did when a million people got massacred in Rwanda in 1994.

We cannot say we did not know. As I speak here before you, more people will die, dozens will be forcefully displaced, and many others will be enslaved. Just imagine, waking up one morning and you lose everything you have—your property, dignity, family, and most important—your freedom.

Mr. Speaker, we cannot afford to wait any longer. The people of southern Sudan have become an endangered species—a few years from now, there will be one left except the barren land. In the past several weeks, government forces burned, looted, and destroyed a number of villages, displacing tens of thousands of civilians.

Those who beat the drum of reconciliation must remember the sacrifices paid by the millions of Sudanese. There can be no peace if it is not a just and lasting peace. Indeed, ending the war must be a priority. But we must address the root causes of the war if we are to achieve a lasting peace. H.R. 5531 is a token measure to address these problems. I urge my colleagues to support this legislation.

Mr. Speaker, I rise today in support of H.R. 5531, while not perfect, represents an important step forward on the road to peace. H.R. 5531 is a token measure to address these problems. I urge my colleagues to support this legislation.

RUSSIAN DEMOCRACY ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill, H.R. 5531, as amended.

The question was taken. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.
SECTION 1. SHORT TITLE.
This Act may be cited as the “Russian Democracy Act of 2002”.

SEC. 2. FINDINGS AND PURPOSES.
(a) FINDINGS.—Congress makes the following findings:
(1) Since the dissolution of the Soviet Union, the leadership of the Russian Federation has publicly committed itself to building—
(A) democratic political institutions and practices, the observance of universally recognized standards of human rights, and religious and press freedom; and
(B) a market economy based on internationally accepted principles of transparency, accountability, and the rule of law.
(2) To facilitate this transition, the international community has provided multilateral and bilateral technical assistance, and the United States’ contribution to these efforts has played an important role in developing new institutions built on democratic and liberal economic foundations and the rule of law.
(3)(A) Since 1992, United States Government Democratic reform programs and public diplomacy programs, including training, and small grants have provided access to and training in the use of the Internet, brought nearly 40,000 Russian citizens to the United States, and have helped create institutions and infrastructure for a market economy. Approximately two-thirds of Russia’s gross domestic product is now generated by the private sector, and the United States recognized Russia as a market economy on June 7, 2002.
(B) There are now more than 900,000 small businesses in the Russian Federation, producing 12 to 15 percent, depending on the estimate, of the gross domestic product of the Russian Federation.
(C) United States-funded programs have contributed to fighting corruption and financial crime, such as money laundering, by helping to—
(i) establish a commercial legal infrastructure;
(ii) develop an independent judiciary;
(iii) support the drafting of a new criminal code, civil code, and bankruptcy law;
(iv) develop a legal and regulatory framework for the Russian Federation’s equivalent of the United States Securities and Exchange Commission;
(v) support Russian law schools;
(vi) create legal aid clinics; and
(vii) organize and fund activities of non-governmental organizations.
(4) The United States has fostered grassroots entrepreneurship in the Russian Federation by focusing United States economic assistance on small- and medium-sized businesses and by providing training, consulting services, and small loans to more than 250,000 Russian entrepreneurs.
(5) The United States has assisted Russian efforts to replace its centrally planned, state-controlled economy with a market economy and helped create institutions and infrastructure for a market economy. Approximately two-thirds of the Russian Federation’s gross domestic product is now generated by the private sector, and the United States recognized Russia as a market economy on June 7, 2002.
(B) There are now more than 900,000 small businesses in the Russian Federation, producing 12 to 15 percent, depending on the estimate, of the gross domestic product of the Russian Federation.
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(i) establish a commercial legal infrastructure;
(ii) develop an independent judiciary;
(iii) support the drafting of a new criminal code, civil code, and bankruptcy law;
(iv) develop a legal and regulatory framework for the Russian Federation’s equivalent of the United States Securities and Exchange Commission;
(v) support Russian law schools;
(vi) create legal aid clinics; and
(vii) organize and fund activities of non-governmental organizations.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States—
(1) to facilitate Russia’s integration into the Western community of nations, including supporting the establishment of a stable democracy and a market economy within the framework of the rule of law and respect for individual rights, including Russia’s membership in the appropriate international institutions;
(2) to engage the Government of the Russian Federation and Russian society in order to strengthen democratic reform and institutions, including to promote good governance in all aspects of society, including fair and honest business practices, accessible and open legal systems, freedom of religion, and respect for human rights;
(3) to advance a dialogue among United States Government officials, private sector individuals, and representatives of the Government of the Russian Federation that will support Russia’s transition to a fully functioning market economy and membership in the World Trade Organization;
(4) to promote the Government of the Russian Federation’s commitment to human rights and to uphold its commitments made to the Organization for Security and Cooperation in Europe (OSCE) at the November 1999 Istanbul Conference, and to conduct a genuine good neighbor policy toward the citizens of the independent states of the former Soviet Union in the spirit of internationally accepted principles of regional cooperation;
(5) to support the G-8 partners and international financial institutions, including the World Bank, the International Monetary Fund, and the European Bank for Reconstruction and Development, to develop financial safeguards and transparency practices in lending to the Russian Federation.

SEC. 4. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.
(a) IN GENERAL.—
(1) DEMOCRACY AND RULE OF LAW.—Section 498D of the Foreign Assistance Act of 1961 (22 U.S.C. 2290d) is amended—
(A) in the paragraph heading, by striking “DEMOCRACY” and inserting “DEMOCRACY AND RULE OF LAW”;
(B) by striking subparagraphs (E) and (G);
(C) by redesignating subparagraph (F) as subparagraph (I);
(D) by inserting after subparagraph (D) the following:
(”(E) international assistance, including technical assistance, economic assistance, and other forms of cooperation and assistance, to implement, in accordance with section 498B(e), including—
(i) support for nongovernmental organizations, civic organizations, and political parties that promote a strong and independent judiciary;
(ii) support for local organizations that work with judges and law enforcement officials in efforts to achieve a reduction in the number of pretrial detentions; and
(iii) support for the creation of legal associations or groups that provide training in human rights and advocacy, public education with respect to the rule of law, legal aid, and other legal services, and development of civil society organizations promoting human rights;”;
(E) by adding at the end the following:
(”(2) strengthened administration of justice through training programs aimed at helping courts and law enforcement agencies to promote greater judicial independence; and
(3) to consult with the Government of the Russian Federation, the United States Congress, and leaders in the Russian Federation and the United States about, and to sign, legislation, and legal assistance to persons subject to improper government interference.”;
(2) INDEPENDENT MEDIA.—Section 499 of the Foreign Assistance Act of 1961 (22 U.S.C. 2295) is amended—
(A) by redesigning paragraphs (3) through (7) as paragraphs (4) through (14), respectively; and
(B) by inserting after paragraph (2) the following:
(”(14) providing special support for, and unrestricted public access to, nongovernmental Internet-based sources of information, dissemination and public outreach, including web sites and other support for web radio services, providing computers and other necessary resources
(15) providing assistance to small and medium-sized media organizations and publications that promulgate and report information in Russia and in other regions of Russia, including assistance for investigative reporting and the development of new media organizations.”;
(3) by adding a new section 498A to the Act, which is titled “Russia:]
for Internet connectivity and training new Internet users in nongovernmental civic organizations on methods and uses of Internet-based media; and

“(C) training in journalism, including investigative journalism techniques that educate the public on the costs of corruption and act as a deterrent against corrupt officials.”

(b) AMENDMENT.—Section 498B(e) of such Act is amended by striking “paragraph (2)(G)” and inserting “paragraph (2)(J)”.

SEC. 5. ACTIVITIES TO SUPPORT THE RUSSIAN FEDERATION.

(a) ASSISTANCE PROGRAMS.—In providing assistance to the Russian Federation under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.), the President is authorized to—

(1) work with the Government of the Russian Federation, the Duma, and representatives of the Russian Federation judiciary to help implement a revised and improved code of criminal procedure and other laws;

(2) establish civic education programs relating to democracy, public policy, the rule of law, and the importance of independent media, including the establishment of “American Centers” and public forums at Russian universities and encourage cooperative programs with universities in the United States to offer courses through Internet-based off-site learning centers at Russian universities;

(3) support the Regional Initiatives (RI) program, which provides targeted assistance in those regions of the Russian Federation that have demonstrated a commitment to reform, democracy, and the rule of law, and which promotes the concept of such programs as a model for all regions of the Russian Federation.

(b) RFE/RL, Incorporated, and the Voice of America should use new and innovative techniques, in cooperation with local and independent media sources and using local languages as appropriate and as possible, to disseminate throughout the Russian Federation in innovative techniques that educate the Internet users in nongovernmental civic organizations on methods and uses of Internet-based media.

(c) The President is authorized to—

(1) work with the Government of the Russian Federation, the Duma, and the independent media sources and using local languages as appropriate and as possible, to disseminate throughout the Russian Federation in innovative techniques that educate the Internet users in nongovernmental civic organizations on methods and uses of Internet-based media.

(d) The President is authorized to—

(1) work with the Government of the Russian Federation, the Duma, and the independent media sources and using local languages as appropriate and as possible, to disseminate throughout the Russian Federation in innovative techniques that educate the Internet users in nongovernmental civic organizations on methods and uses of Internet-based media.

SEC. 6. AUTHORIZATION OF ASSISTANCE FOR DEMOCRACY, INDEPENDENT MEDIA, AND THE RULE OF LAW.

Of the amounts made available to carry out the provisions of section 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.), of the amounts made available to carry out section 498 of the Foreign Assistance Act of 1961, as amended by section 4(a) of this Act for fiscal year 2003, $50,000,000 is authorized to be available for the activities authorized by paragraphs (2) and (3) of section 498 of the Foreign Assistance Act of 1961, as amended by section 4(a) of this Act.

SEC. 7. PRESERVING THE ARCHIVES OF HUMAN RIGHTS ACTIVIST AND NOBEL PEACE PRIZE WINNER ANDREI SAKHAROV.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President determines to be appropriate, to make a grant to Brandeis University for an endowment to the Andrew Sakharov Archives and Human Rights Center for the purpose of collecting and preserving documents related to the life of Andrei Sakharov and the administration of such Center.

(b) FUNDING.—There is authorized to be appropriated to the President to carry out subsection (a) $1,500,000.

SEC. 8. EXTENSION OF LAW.

The provisions of section 108(c) of H.R. 3427, as enacted by section 100(a)(7) of Public Law 106–113, shall apply to United States contributions for fiscal year 2003 to the organization described in section 108(c) of H.R. 3427.

Amend the title so as to read: “An Act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. Smith) and the gentleman from Massachusetts (Mr. Watson) each will control 20 minutes.

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

GENRAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members be excused for 3½ days in which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

This bill, the Russian Democracy Act, requires that American assistance will continue to be available to help strengthen and consolidate democracy in the Russian Federation. While this seems to be a routine measure, we should take a few minutes to note what this bill represents. The mere fact that we can talk of democracy in Russia as a reality in the present and not some dim prospect in the hazy future is one of the many wonders of the past decade that have grown familiar and now is largely taken for granted. Its existence, however, is a testament to the deep commitment to fundamental values shared by peoples all over the world.

Mr. Speaker, this bill before us represents an important part of the effort to continue that democratization. It focuses our attention and assistance on many of the prerequisites of a free and a prosperous society, including the creation of a resilient civil society, the strengthening of an independent press, and the establishment of the rule of law.

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

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation. I would like to acknowledge the fine work of the ranking member, the gentleman from California (Mr. Lantos), the author of the legislation, who unfortunately cannot be on the House floor today for this debate. Appreciation also goes to our colleagues in the West. This bill will support such activities as access to the Internet and the use of modern technologies to improve media outreach throughout Russia.

The Russian NGO sector also needs our support. Russia does not yet have a culture of corporate philanthropy and private donations to make these NGOs self-sustaining. On the other hand, the abundance of NGOs that have sprung up in Russia since 1991 provides an important democratic component to that society.

So the bill before the House today, H.R. 2121, can promote this process and enhance the U.S.-Russia bilateral relationship by focusing U.S. assistance on the development of a civil society in Russia and a free and independent media.

I also pleased the bill includes an important provision to provide for an endowment to preserve the Andrew Sakharov archives. Without Mr. Sakharov’s contributions to peace, human rights and democracy, the unprecedented change that took place in Russia in the last decade of the previous century would never have happened.

Given the importance of these documents to the study of the transition from tyranny to democracy in Russia and, by extension, to other countries around the world, the gentleman from California (Mr. Lantos) and I believe it would be inappropriate for funds from the Foreign Assistance Act to be used for this noble undertaking.

The bill also contains an important provision on Burma human rights to make sure that the UNDP assistance to Burma is properly utilized. By funding the development of civil society in Russia and a free and independent media, H.R. 2121 can play an effective role in developing the U.S.-Russia bilateral relationship. Let us not squander this unprecedented opportunity to bring Russia closer to the West. I urge Members to support H.R. 2121.
Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, first of all, I thank the gentlewoman for her fine remarks and leadership on this issue and the efforts of the gentleman from Illinois (Mr. HYDE) and especially to the gentleman from California (Mr. LANTOS), the ranking member, for crafting this important bipartisan legislation.

The creation of democracy in Russia must be counted as one of the great achievements of the past century. Yet for all of its accomplishments, that democracy is not yet firmly established. The civil society on which all democracies ultimately rest remains precariously weak. Much of the legacy inherited from Russia's authoritarian past is still to be overcome. The institutions of democracy remain fragile in many areas. The values of freedom have not yet become universal.

Given these and other concerns, the government's stated goal of creating a guided democracy where the parameters of permitted dissent are significantly more rigorous, is only a step in the right direction, as are the patterns of clear, gross and uncorrected human rights violations associated with the continuing conflict in Chechnya.

Mr. Speaker, you juxtapose these problems along with the trafficking problem, which remains a very significant problem where young Russian women are trafficked into forced prostitution and are abused in the United States and countries of the West as well as in Russia itself, which we need to do more. This bill advances the ball and will be an aid to the democratic forces in Russia. It is a good bill and deserves the support of our colleagues.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 2121, the Russia Democracy Act, and thank the co-sponsors of this bill for their support. In drafting this legislation, I sought to enhance United States democracy, good governance and anti-corruption efforts in order to strengthen civil society and independent media in Russia. Cultivating civil society in Russia and knitting together its patchwork democracy is not only a goal of U.S. policy—it is an imperative. Unless we double our efforts to strengthen democratic reform in Russia—as this bill seeks to do—our former adversary may yet return to authoritarianism and ultimately compromise our national security.

The Russia Democracy Act expands upon U.S. initiatives that have proven successful in Russia. Among other things, it provides further support for local democratic governments through the Regional Initiative; expands training for Russian journalists in investigative techniques designed to ferret out corruption; and it broadens successful U.S.-Russia cultural exchanges, such as those sponsored by the Library of Congress.

As Russia becomes more democratic and our foreign policies become more closely aligned in the war against international terrorism, it is important that the U.S. seize upon the opportunity to facilitate Russia's integration into the West. The Russia Democracy Act is designed to achieve this goal. This bill launches a number of initiatives to take advantage of new developments in Russian society over the past decade, and harnesses new information technologies to provide Internet access to independent media and NGOs. And it empowers the growing network of local, independent media outlets to spread democratic principles working in partnership with such stalwarts of democracy as Radio Liberty and Voice of America.

Deepening our engagement with Russia's civil society is critical to its survival. At the same time we must stand ready to defend against Moscow's attempts to undermine it. Following September 11th, President Putin made a courageous decision to make common cause with the Western democracies in defeating terrorism. But recent decisions by Putin to embrace Iraq, Iran and North Korea, and his continued attempt to intimidate free media in Russia, threatens to jeopardize our new partnership.

Just last week, President Putin revoked a decree issued by his predecessor that allowed Radio Liberty to establish a bureau in Russia and provided the broadcaster with certain privileges. Radio Liberty, which is supported in part by the U.S. government, may now be subject to Russia's restrictive media laws. The right of Radio Liberty to broadcast in Pht of the Far East of Russia is no longer guaranteed. Although some in Russia argue that this was done to level the playing field for all broadcasters, the Putin Administration has been known to apply the law selectively, and in cases—NTV and Ekho Moskvy make clear—I condemn this decision, and urge my colleagues to join me in ensuring Radio Liberty does not suffer the fate of Russia's other independent news organizations.

Having lived under both fascist and communist rule, I am painfully aware of the importance of this legislation. As a teenager living in Hungary during the Second World War, I recall fondly the inspirational and liberating broadcasts of the Voice of America, and can testify personally to the dramatic effect these radio programs had in providing hope to a nation subjected to occupation, to track forward westward integration, surrogate broadcasting such as Radio Liberty is critical.

I am also pleased that the bill includes an important provision to provide for an endowment to preserve the Andrei Sakharov archives. Without Mr. Sakharov's contribution to peace, human rights, and democracy, the unprecedented change that took place in Russia in the last decade of the previous century would never have happened. These documents are important not only to study the transition from tyranny to democracy in Russia, but will also help activists and scholars from countries around the world understand how a society moves from bondage to freedom. Therefore, I welcome this provision, which authorizes a grant to Brandeis University for an endowment to support the archives and the related human rights center. I realize it is extraordinary for U.S. appropriated funds to be used to fund an endowment, where such funds can use interest earned from U.S. funds to support the program. However, because of the importance of these archives and this center, I believe this is necessary in this case. Finally, because of the wide-ranging importance of these documents, I believe it would be appropriate for funds from the Foreign Assistance Act to be used for this noble undertaking.

I also note that the bill also contains a very important provision on Burma human rights that ensures that UNDP assistance to Burma is properly utilized, fully coordinated with the Burmese opposition and carried out only with NGO's.

I would also like to acknowledge the exceptional work of my staffer, Tanya Mazin, on this important legislation. Tanya's deep and personal knowledge of Russia and its people was critical to the success of Congressional consideration of the Russia Democracy Act.

Mr. Speaker, as a member of the U.S. Congress, I believe our interests and values demand that we cultivate civil society in Russia. It will not happen over night, but over time—with strong support from the United States and our democratic allies—I am confident it will. Passage of the Russia Democracy Act is a step in this direction, and a step I urge my colleagues to take.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2121. The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TRANSATLANTIC SECURITY AND NATO ENHANCEMENT RESOLUTION OF 2002

Mr. GALLEGELY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 468) affirming the importance of the North Atlantic Treaty Organization (NATO), supporting continued United States participation in NATO, ensuring that the enlargement of NATO proceeds in a manner consistent with United States interests, and for other purposes, as amended.

The Clerk read as follows:

H. Res. 468

Resolved, that:

SECTION 1. SHORT TITLE.

This resolution may be cited as the "Transatlantic Security and NATO Enhancement Resolution of 2002".

SEC. 2. FINDINGS.

The House of Representatives makes the following findings:

(1) Since 1949 the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO, founded on the principles of democracy, individual liberty, and the rule of law, has proved to be an indispensable instrument for forging a trans-Atlantic community of nations working together to safeguard the freedom and common heritage of its peoples and promoting stability in the North Atlantic area.

(3) NATO is the only institution that promotes a uniquely transatlantic perspective
and approach to issues concerning the security of North America and Europe and remains the only multilateral security organization demonstrably capable of conducting effective military operations and preserving security and stability of the Euro-Atlantic region.

(4) The security, freedom, and prosperity of the United States are linked to the security of the countries of Europe.

(5) NATO remains the most visible and significant embodiment of United States engagements in Europe and therefore membership in NATO remains a vital national security interest of the United States.

(6) NATO enhances the security of the United States and its allies by providing an integrated military structure and a framework for consultations on political and security concerns of members which could impact the Alliance.

(7) The security of NATO member countries is inseparably linked to that of the whole of Europe, and the consolidation and strengthening of democratic and free societies on the entire continent is of direct and material importance to the NATO Alliance and its partners.

(8) The sustained commitment of the member countries of NATO to a mutual defense has been a contributing factor in the democratic transformation of Central and Eastern Europe.

(9) Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold War era and in creating the stable environment needed for Central and Eastern Europe to successfully complete political and economic transformation.

(10) NATO should remain the core security organization in the evolving Euro-Atlantic architecture in which all countries enjoy the same freedom, cooperation, and security.

(11) NATO's military force structure, defense planning, command structures, and force goals must be sufficient for the collective self-defense of its members, and should be capable of projecting power when the security of a NATO member is threatened, and provide a basis for ad hoc coalitions of willing partners among NATO members to defend common values and interests.

(12) The governments of all member countries must be committed to preventing new post-Cold War risks emerging from outside the treaty area in the interests of preserving peace and security in the Euro-Atlantic area, including:

(A) risks from rogue states and non-state actors possessing nuclear, biological, or chemical weapons and their means of delivery;

(B) transnational terrorism and disruption of the flow of vital resources; and

(C) conflicts outside the treaty area stemming from domestic and historical disputes.

(13) NATO members should commit to improving their respective defense capabilities so that NATO can project power decisively and sustain operations over distance and time.

(14) The requirements to provide collective defense, to project power, and to sustain operations dictate that European NATO members possess sufficient military capabilities to quickly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high-intensity conflict.

(15) NATO’s Defense Capabilities Initiative, which is intended to improve the defense capabilities of the European Allies, particularly in the areas of interoperability, mobility, sustainability, and interoperability of Alliance forces, must continue to be pursued by all members of the Alliance in order to develop balanced capabilities.

(16) With a few exceptions, European members of NATO have been deficient in maintaining military capabilities and providing defense spending at levels adequate to meet these capability shortfalls. Failure of the European NATO members to continue their efforts through the Defense Capabilities Initiative could weaken support for the Alliance in the United States and over the long run.

(17) Members of the Alliance must also recognize that the campaign against new and emerging threats to the security of the Alliance requires non-military capabilities and efforts to be effective. Thus, the need to enhance intelligence-sharing and cooperation, both bilaterally between Alliance members and with third parties, the Alliance collectively, the facilitation of enhanced coordination among Alliance members’ law enforcement agencies, and improved police and judicial cooperation and information exchanges are critical to the overall effort.

(18) NATO has embarked upon an historic mission to share its benefits and patterns of cooperation with other nations in the Euro-Atlantic area through both enlargement and active partnership.

(19) NATO has enlarged its membership on four different occasions.

(20) The NATO summit meeting to be held in the fall of 2002 in Prague will provide an historic opportunity to chart a course for NATO in the new millennium by reaffirming the importance of NATO to the collective security of the Euro-Atlantic region, by addressing new threats, developing new capabilities, and by extending invitations to additional countries of Europe to become members of the Alliance.

(21) The governments of NATO member countries have stated that enlargement of the Alliance is a further step toward the Alliance’s basic goal of enhancing security and extending stability throughout the Euro-Atlantic region.

(22) The enlargement process of NATO helps to avert conflict, because the very prospect of membership serves as an incentive for aspiring members to resolve disputes with their neighbors and to push ahead with reforms and democratizations.

(23) The Partnership for Peace, created in 1994 under United States leadership, has fostered cooperation between NATO and the countries of Central and Eastern Europe, and offers a path to future membership in the Alliance.

(24) At the Washington Summit of the NATO Alliance in April 1999, the NATO heads of state and government issued a communique declaring ‘‘[w]e pledge that NATO will continue to welcome new members in a process leading up to and beyond the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area’’. (25) In 1999 NATO launched a Membership Action Plan designed to help interested Partnership for Peace countries prepare for membership by offering advice and assistance on programs and membership-related issues.

(26) The Membership Action Plan establishes certain political, economic, social, and military-related goals that aspiring candidate nations are expected to meet, including the peaceful resolution of territorial disputes, respect for democratic procedures and institutions, a respect for the rule of law, human rights, democratic control of the military and other military reforms, and a commitment to stability and well-being through economic liberty and social justice.

(27) In May 2000 in Vilnius, Lithuania, nine nations of Europe issued a statement (later joined by a tenth) declaring that their countries will cooperate in jointly seeking NATO membership in the next round of NATO enlargement and since then have taken concrete steps to demonstrate this commitment, including their participation in Partnership for Peace activities and their commitment to the concept of the Membership Action Plan.

(28) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated ‘‘[a]ll of Europe’s new democracies, from the Baltic to the Black Sea and all that lie between should have the chance to demand security and freedom—and the same chance to join the institutions of Europe’’.

(29) The enlargement of the NATO Alliance to include as full and equal partners these additional democracies in Europe will serve to reinforce stability and security in Europe by fostering their integration into the structure of democracy and as members who have created and sustained peace in Europe since 1945.

(30) As new members of NATO assume the responsibilities of Alliance membership, the costs associated with these responsibilities will be shared more widely. The concurrent assumption of greater responsibility and development of greater capabilities by new members of NATO will further reinforce burdensharing.

(31) The membership of the Czech Republic, Hungary, and Poland, due to their similar recent history, have bolstered NATO’s capability to integrate former communist nations into a community of democracies and have served as models for other countries that aspire to join NATO.

(32) In supporting NATO enlargement all candidate countries must be fully aware of their responsibilities of membership, including the obligation set forth in Article X of the North Atlantic Treaty that new members be able to contribute to the security of the North Atlantic area, and further to ensure that all countries admitted to NATO are capable of assuming those costs and responsibilities.

(33) For those candidate countries that receive an invitation to join NATO at the Prague Summit, the process of joining NATO does not end with the invitation but rather with meeting the full responsibilities of a NATO member, including the completion of issues identified by the Membership Action Plan, which will continue beyond Prague.

(34) For those candidate countries that receive an invitation to join NATO at the Prague Summit, the process of joining NATO does not end with the invitation but rather with meeting the full responsibilities of a NATO member, including the completion of issues identified by the Membership Action Plan, which will continue beyond Prague.

(35) In considering the enlargement of NATO at Prague and in its invitations to the candidate countries who have made significant progress toward achieving their objectives in the Membership Action Plan, established by NATO, there is a recognition that each country invited to join NATO should adhere to a common date but before the date on which the announcement of the date of admission of the candidate country

(36) The countries that are invited to begin accession negotiations with NATO at the NATO summit in Prague should not be the last such countries invited to join NATO and there should be a continuing process and progress toward the admission of additional democracies in Europe beyond 2002 depend upon national degree to which countries meet the criteria set forth in NATO’s Member-
The House of Representatives makes the following recommendations:

(1) The admission into the North Atlantic Treaty Organization (NATO) of new members from countries in Eastern and Central Europe, such as the Czech Republic, Hungary, and Poland, will not threaten any other country.

(2) Since the end of the Cold War, NATO has assumed additional importance to the development of constructive and cooperative relations with the Russian Federation in order to overcome remaining vestiges of confrontation and competition in order to strengthen mutual trust and cooperation between NATO and the Russian Federation.

(3) In 1994, building on previous efforts at cooperation, Russia joined the Partnership Program, further enhancing the emerging NATO-Russian dialogue.


(5) On March 18, 1998, the Russian Federation formally established its mission to NATO and appointed a senior military representative to cooperate with the military and defense-related cooperation between NATO and the Russian Federation.

(6) Since 1998, NATO and the Russian Federation have cooperated, for example, in the Balkans and elsewhere setting the stage for the ability of an enlarged NATO to continue the cooperative spirit embodied in the Founding Act.

(7) On May 28, 2002, in an historic step toward the Alliance’s long-standing goal of building a secure, cooperative, and democratic Euro-Atlantic area, the heads of state and government of NATO and the Russian Federation have agreed to utilize the Membership Action Plan until accession, and the Secretary of Defense should fully use their offices to encourage the NATO allies to commit the resources necessary to upgrade their capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts, thus making such NATO allies more effective partners.

(8) The member states of NATO should commit to enhanced intelligence-sharing, law enforcement, police, and judicial cooperation; and facilitate information exchanges within and among Alliance members in order to meet the challenges of new and emerging threats.

SECTION 3. COOPERATION BETWEEN NATO AND THE RUSSIAN FEDERATION.

The House of Representatives declares the following to be the policy of the United States:

(1) The North Atlantic Treaty Organization (NATO) should remain the primary institution through which European and North American allies address security issues of transatlantic concern.

(2) The member states of NATO should reaffirm, at the Prague Summit in the fall of 2002, the importance of NATO, renew their commitment to strengthen the transatlantic partnership, reinforce unity within NATO, maintain a vigorous capability to carry out collective defense, and harmonize security policies and strategies for transatlantic affairs.

(3) At the Prague Summit, the Alliance, while maintaining collective defense as its core function, should as a fundamental Alliance task, continue to strengthen national and collective capacities to respond to new threats wherever such threats occur, including from abroad.

(4) The Alliance, in addition to the strategic concept adopted by the Allies at the summit, must develop coherent policies to meet the threats posed by the proliferation of weapons of mass destruction and terrorism by intensifying consultations among political and military leaders, and by developing a series of coordinated cooperative strategies to counter these threats to the international community.

(5) The Alliance should make clear commitments to remedy shortfalls in areas such as rapid airlift, command and control, modern strike capabilities, adequate shared intelligence, and the other requirements identified by NATO’s Defense Capabilities Initiative as necessary for the ability to carry out the full range of NATO’s missions.

(6) The Alliance must ensure a more equitable distribution of the burdens of defense and the commitment to contribute to the Alliance’s common budgets and to overall national defense expenditures and capability-building.

(7) The President, as the Secretary of State, and the Secretary of Defense should fully use their offices to encourage the NATO allies to commit the resources necessary to upgrade their capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts, thus making such NATO allies more effective partners.

SECTION 4. UNITED STATES POLICY TOWARD NATO.

The House of Representatives declares the following to be the policy of the United States:

(1) The North Atlantic Treaty Organization (NATO) should remain the primary institution through which European and North American allies address security issues of transatlantic concern.

(2) The member states of NATO should reaffirm, at the Prague Summit in the fall of 2002, the importance of NATO, renew their commitment to strengthen the transatlantic partnership, reinforce unity within NATO, maintain a vigorous capability to carry out collective defense, and harmonize security policies and strategies for transatlantic affairs.

(3) At the Prague Summit, the Alliance, while maintaining collective defense as its core function, should as a fundamental Alliance task, continue to strengthen national and collective capacities to respond to new threats wherever such threats occur, including from abroad.

(4) The Alliance, in addition to the strategic concept adopted by the Allies at the summit, must develop coherent policies to meet the threats posed by the proliferation of weapons of mass destruction and terrorism by intensifying consultations among political and military leaders, and by developing a series of coordinated cooperative strategies to counter these threats to the international community.

(5) The Alliance should make clear commitments to remedy shortfalls in areas such as rapid airlift, command and control, modern strike capabilities, adequate shared intelligence, and the other requirements identified by NATO’s Defense Capabilities Initiative as necessary for the ability to carry out the full range of NATO’s missions.

(6) The Alliance must ensure a more equitable distribution of the burdens of defense and the commitment to contribute to the Alliance’s common budgets and to overall national defense expenditures and capability-building.

(7) The President, as the Secretary of State, and the Secretary of Defense should fully use their offices to encourage the NATO allies to commit the resources necessary to upgrade their capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts, thus making such NATO allies more effective partners.

SECTION 5. POLICY WITH RESPECT TO THE RUSSIAN FEDERATION.

It is the sense of the House of Representatives that—

(1) while maintaining its essential and inherent right to make its own decisions, the North Atlantic Treaty Organization (NATO) should seek to strengthen its relations with the Russian Federation; and

(2) while retaining its primary commitment to collective defense, NATO enlargement should be carried out in such a manner as to underscore to the Russian Federation that NATO enlargement will enhance the security of all countries in Europe, including the Russian Federation; and

(3) in seeking to demonstrate NATO’s defensive and security-enhancing intentions to the Russian Federation, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized.

SECTION 6. POLICY WITH RESPECT TO NATO ENLARGEMENT AND DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO.

It is the sense of the House of Representatives that—

(1) at the Summit to be held in Prague in the fall of 2002, the North Atlantic Treaty Organization (NATO) should extend invitations to accession negotiations to any appropriate candidate country that meets the objectives and targets for NATO membership as outlined in the Membership Action Plan process established by NATO in 1999, including—

(A) a commitment to the basic principles and values set out in the Washington Treaty;

(B) the capability to contribute to collective defense and the Alliance’s full range of missions; and

(C) a firm commitment to contribute to stability and security, especially in regions of crisis and conflict, and to be willing and able to assume the responsibilities of NATO membership;

(2) the candidate countries of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Romania, Slovakia, and Slovenia should be commended on the significant progress such countries have made thus far in political and military reforms, and it is essential that NATO allies make a substantial commitment toward furthering the goals of NATO should it become a NATO member country;

(3) in seeking to demonstrate NATO’s defensive and security-enhancing intentions to the Russian Federation, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized.

(4) the process of NATO enlargement should continue beyond the inclusion of such candidate countries invited to join NATO at Prague, to include those candidate countries not so invited at Prague as well as other democratic European countries which may express interest in joining and which agree to utilize the Membership Action Plan to facilitate such NATO enlargement.

The Speaker pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

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

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

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

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

Mr. Speaker, on November 21 and 22, the heads of state and government of the 19 members of the North Atlantic Treaty Organization are scheduled to gather in Prague in what will arguably be the most important meeting of the alliance in a decade.
At Prague, the future of the alliance will thoroughly be debated. That debate will include the critical issue of whether the alliance can agree on what threats the alliance is likely to face in the future and whether the alliance members will make a serious and credible commitment to the development of the military capabilities necessary to meet those threats.

In addition, the summit will affirm the new relationship with Russia and will make history by likely issuing invitations to the largest number of new members ever in the history of the alliance.

Last November, when the House voted on the Solomon Freedom Consolidation Act, we were entering the beginning of a debate within the Congress, the Bush administration, the media, and among our NATO partners over the future of the alliance and what kind of alliance we would be inviting new members to join.

As chairman of the Subcommittee on Europe of the Committee on International Relations, I felt it would take some time to address several of the questions being asked regarding the alliance. Some of those questions included: was this yet another wave of Euro-Atlantic security? Were the alliance’s roles and missions in need of new definition? What was the ability of the alliance to carry out those missions? What was the rationale for adding new members, and what could those new members provide the alliance? Finally, what would be the impact of an enlarged NATO on a West-leaning but still somewhat skeptical Russia be?

To attempt to find those answers, I laid out a comprehensive plan to gather the necessary information to make an informed judgment to present to the House. The subcommittee held several hearings on the future of NATO and enlargement. I met with numerous foreign affairs alliance members and candidates alike. I traveled to three of the candidate states to review the commitments they are making to becoming responsible members of the alliance.

Subcommittee staff attended countless meetings, analyzed much of the information available on the alliance and the candidate countries, and twice traveled to NATO headquarters in Brussels. All this was designed to ensure that the subcommittee, and subsequently the whole House, would feel comfortable supporting the NATO alliance and endorsing new countries wishing to join the alliance.

H. Res. 468 is the work product of the Subcommittee on Europe’s efforts to address the importance of the event which will take place in Prague. H. Res. 468 reaffirms the need for our commitment to the NATO alliance. This is also the view held by President Bush and Secretary Powell.

H. Res. 468 underscores the urgent need for upgrading NATO’s military capabilities in order to meet today’s changing threat environment. It agrees with the need for a strong NATO-Russia cooperative partnership. Finally, it affirms that the further enlargement of the alliance will further the stability of Europe, add to the security of the alliance, and is appropriate and welcomed.

During consideration of H. Res. 468 in the subcommittee, I offered an amendment regarding enlargement which was unanimously adopted. That amendment endorsed the candidates of seven countries, including Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. This endorsement was determined after reviewing an extensive report prepared by our staff. The report addressed the progress the candidates had made in accordance with NATO’s member action plan or MAP. The analysis focused on political, economic, and social development with each candidate. It looked at their ability, commitment to the alliance, as we saw capable of providing for the overall security of the alliance, and it reviewed the commitment to provide the resources necessary to ensure that the reforms continued and that required military capability would be developed.

The analysis was by no means exhaustive, but it was intended to provide the Members an overview of what issues are important to NATO in making an informed assessment of each candidate. Overall, all 10 candidates should be congratulated for the efforts they have made thus far to meet the criteria for becoming a member of NATO.

Progress in the candidate countries, ranging from political and military reform, resources commitment, to ensuring the support of the population, has been very impressive. Each has displayed a level of enthusiasm and commitment to the alliance as we saw demonstrated when the ambassadors of all 10 of the candidate countries testified before our subcommittee. Each has already displayed their willingness to be a fully participating member of the alliance and contributions and contributions in the Balkans and with respect to the campaign against terrorism. Each candidate brings with it its own individual strengths. Each is a viable democracy which shares a pro-Euro-Atlantic view. Each is committed to market economies, all have embraced military reform, and each provides a unique geopolitical perspective or geostrategic location. These attributes make them all desirable members of NATO.

On the other hand, each candidate has its weaknesses. Not all have mature political systems or strong institutions. Some have weak economies that need further reform of their militaries and more modern equipment. Of course, all need to spend more money.

Nevertheless, it is our judgment that each of the seven countries listed in the amendment thus far meet the MAP criteria in a satisfactory way.

And each has been judged to be a potential net contributor to the alliance security. Does this mean they have nothing left to do? Far from it, Mr. Speaker. Each has plenty more to be done, and that work must continue in Prague, whether they receive an invitation to join or they do not.

To conclude, Mr. Speaker, given the continued importance of NATO to the United States and the importance of the upcoming Prague summit, I believe the House of Representatives should play an active role in expressing our views on NATO and its future. I believe we should also provide our input on which countries should be admitted to the alliance as guidance for the administration, which will play a key role in determining who ultimately will be invited; and we offer our advice to our colleagues in the other body who, as called on by the gentleman from Illinois, Mr. HYDE, will be called on to ratify those selections.

I believe H. Res. 468 provides a mechanism for such expression of the will of the House, and I urge its adoption.

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

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand in strong support of this resolution. I would first like to commend my colleague from California (Mr. GALLEGLY) for introducing this important resolution and the gentleman from Illinois (Mr. HYDE) for allowing it to move quickly to the House floor.

The resolution before the House today endorses the expansion of NATO and specifically supports the NATO candidacy of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovenia, and Slovakia. The resolution also reaffirms that NATO is the primary institution through which Europe and North American allies address security issues and calls on NATO to strengthen national military capabilities to respond to new threats.

Mr. Speaker, the U.S. Congress has consistently led the way in supporting NATO enlargement and a strong and robust role for NATO in Europe. NATO is the longest surviving alliance of our time, and it has endured because it is an alliance of free democratic nations. There can be no better endorsement of NATO’s success and continuing importance than the newly emerging Central and East European democracies to join this alliance. Whether all seven of these aspiring NATO members are invited to join the alliance at the Prague summit next month or not, there must be opportunities in the future for all European states who accept the conditions of membership to join NATO.

Mr. Speaker, the post–September 11 era has brought us new realities and one of them is the crucial role that NATO can play in the fight against terrorism. The countries which have applied to NATO have already joined the...
United States by participating directly in the war on terrorism and by other means such as sharing intelligence and cutting off terrorist financing. While the record of accomplishments and contributions by the aspirant countries, working with their membership actions, is impressive, non-governmental actors will still need to afford to become complacent now. The process of reforming the NATO aspirant nations will not and cannot end with Prague.

The process of reform must continue after membership, including dealing with the problem of corruption, the treatment of minorities, relations between the governments and opposition, and Holocaust-era issues. I would also like to emphasize the need for continued strong cooperation with the Russian Federation under the new NATO-Russia Council. I welcome President Putin’s new attitude towards NATO enlargement. This represents an important change in the Russian perception of the Alliance and is a sentiment that we should continue to strongly encourage. I strongly urge my colleagues to support this legislation.

Mr. LANTOS. Mr. Speaker, I join my colleagues in urging adoption of House Resolution 468, which endorses the support of the U.S. House for the enlargement of NATO that is planned for the Prague Summit later this fall. Millions of Americans of Central and East European descent share that view, as they demonstrated since the NATO expansion of 1999, when Poland, Hungary, and the Czech Republic were invited to become members of the North Atlantic Alliance. They—and most other Americans—recognize that a vital U.S. foreign policy interest will be served by continuing to expand the zone of democracy and stability in Europe.

I have been and remain a strong proponent of NATO enlargement to include those countries that have demonstrated their commitment to democratic reforms, including full protection of minority rights of the diverse ethnic communities that live in those countries of Central and Eastern Europe.

Mr. Speaker, I want to mention a particular interest and concern regarding minority rights of two large historic Hungarian communities—the 1.5 million Hungarians in Romania and the 520,000 in Slovakia. The major unresolved issue affecting the minority communities of both countries is the continued postponement of the implementation of laws for restitution and/or compensation for communal property confiscated from Hungarian religious and educational communities by both the Soviet Union and the post-Soviet Russian Federation. Both Romania and Slovakia have taken important steps to address this critical question of property restitution, progress has been both slow and disappointingly limited.

Mr. Speaker, I urge both countries to pursue restitution even more vigorously in the coming months, until fair and complete restitution is implemented according to the rule of law. Only by the safeguarding of religious and minority rights and freedoms will the NATO zone of stability be extended to nations that share a demonstrated commitment to democracy and a respect for diversity of values. I urge the governments of Romania and Slovakia to work to resolve these important issues, and I urge all of the countries who seek admission to the North Atlantic Alliance to remember that we in the United States consider treatment of ethnic minorities as an important measure of a democratic society.

Mr. BERÉUTER. Mr. Speaker, this Member would like to express his very strong support for H. Res. 468, the Transatlantic Security and NATO Enhancement Resolution, which is an important and historic resolution before the House today. Additionally, this Member would like to express his appreciation to the Chair of the International Relations Subcommittee, the distinguished gentleman from California (Mr. GALLEGLY) for his efforts as we worked together to draft this resolution, consider this resolution in the Europe Subcommittee, and bring this resolution to the Floor. Furthermore, this Member would like to thank the Chairman of the International Relations Committee, the distinguished gentleman from Illinois (Mr. HYDE); and the Ranking Member of the International Relations Committee, the distinguished gentleman from California (Mr. LANTOS) for agreeing to waive the full Committee’s jurisdiction over H. Res. 468 so that the House can debate and vote on this measure before Congress adjourns.

Indeed, as an original co-sponsor of this resolution and as a strong supporter of NATO and NATO enlargement, this Member is pleased that H. Res. 468 enjoys bipartisan co-sponsorship support from the House Leadership and from the full International Relations Committee.

The disintegration of the Soviet Union and the end of the Cold War, with dramatic changes in Russia, have necessitated the evolution of the process of change that is accelerating. Among three of the most notable changes are—Alliance enlargement, a new focus on terrorism and the proliferation of weapons of mass destruction, and the creation of the NATO-Russia Council. The first post-Cold War legislation endorsing NATO enlargement was the NATO Participation Act of 1994, which the House of Representatives approved on October 7, 1994. The Senate, which has responsibility for ratifying the necessary changes to the NATO Treaty to effect NATO enlargement, the NATO Madrid Summit of 1997, the Alliance began the process of expanding its membership from the lineup of eager former Warsaw Pact nations. The Czech Republic, Hungary, and Poland became full members in March of 1999. Overall, this expansion has been very positive for NATO and for these three countries.

The Alliance is headed for a second enlargement round, with accession decisions expected at the Prague Summit in November. There are formally ten aspirant countries: all of the new members of the former Soviet Union, the Baltic States, the Former Yugoslav Republic of Macedonia and Croatia. (Because it did not begin the formal accession process until May 2002, Croatia will not be eligible to receive an invitation to join NATO this year.) America’s European and Caucasian NATO Alliance as evidenced in the upcoming Summit the U.S. assessments of the readiness of the aspirant countries will be crucial. The consensus emerging in the Alliance is that seven new members will be invited to formally begin the accession process in Prague. On November 7, 2001, the House passed the Gerald J. Solomon Freedom Consolidation Act, which this Member introduced and was named for our esteemed, departed colleague, a committed and active supporter of NATO. The Act, which had strong bipartisan support from House leadership, expressed congressional support for a robust second expansion round at Prague. It also authorized U.S. foreign military financing for seven aspirant countries: Bulgaria, Estonia, Latvia, Lithuania, Poland, Romania, and Slovakia. After an appeal from President Bush, the other body’s limited but influential opposition to a second expansion round relented, and the other body approved the House bill by a vote of 85–5 on May 17, 2002.

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An expanded NATO provides the stable environment needed by its new member nations and aspirant countries in Central and Eastern Europe to successfully complete the political and economic transformation for integration into Europe and the community of Western democracies. NATO membership requirements have been absolutely crucial in moving aspirant nations to civilian control of their military forces with NATO, resolution of internal ethnic conflicts, economic reform, respect for human rights, reduced governmental and business corruption, judicial reform, market-oriented economies, and functioning parliamentary democracies.

The Alliance's military force structure, with its enhanced levels of interoperability, joint defense planning, command/control/communications/intelligence systems, and common force goals and doctrine, provides the crucial basis for forming ad hoc coalitions of willing NATO countries to take on combat, peacekeeping, or humanitarian—suffering populations—supplemented by PIP participants, as in Bosnia and in Kosovo.

NATO membership motivates member states generally to sustain their commitment to collective security; in particular, to meet the goals of NATO's Defense Capabilities Initiative (DCI). Thus, our allies improve their militarily capabilities and are less dependent on American forces.

The Alliance has accepted a new role in the war against terrorism and the proliferation of weapons of mass destruction and their delivery systems among rogue states and non-state actors. Success will require more than the capability for a rapid and effective military response. It also will require: an enhanced level of intelligence-sharing; coordination among NATO members' law enforcement agencies; improved police, judicial and financial agency cooperation; and information exchanges.

Russian civilian leadership is gradually recognizing that NATO is not a threat but rather a forum where Russia can most effectively communicate with her western neighbors. Additionally, Russian civilian leadership in the NATO-Russia Council and the confidence-building and cooperative steps that follow from the new council can lead to the economic prosperity and security of the community of Euro-Atlantic democracies.

At a time when overt threats from Russia to its neighbors immediately to the west have declined or disappeared, and when intense opposition to NATO expansion by the civilian Russian leadership has noticeably declined, there should be less reticence among NATO members to accept Baltic nation members and to willingly bear the mutual defense costs and concessions related to these prospective NATO members.

With the careful redirection of some of NATO's focus away from meeting a massive Soviet/Russia strike against NATO Europe, and toward new tasks of peacekeeping, responding rapidly to out-of-area military or terrorist actions, and fighting the war on terrorism in NATO countries, the aspirant countries, with fewer resources and generally, smaller populations than most NATO members, can bring specialized military capabilities to the table for use in these new NATO missions.

Mr. Speaker, Congress must recognize that NATO is adapting to meet the threats to its member nations and to its collective interest. With the implementation of the Combined Joint Task Force (CJTF) concept for the assemblage of effective coalitions of the willing, NATO now has far more flexibility to address a range of new and very different threats. When the United States, once again, is not on the horizon, the burden of a more vital organization in an eastern Euro-Atlantic neighborhood. These countries have been striving to meet NATO membership qualifications and to finally join the ranks of the prosperous, peaceful, democratic nations of the Euro-Atlantic region. How, morally, can we deny them this tremendous step toward these worthy goals—some 57 years after the end of World War II?

Mr. Speaker, this Member urges his colleagues to vote "aye" on this resolution.

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

Mr. GALLEGLY. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question was taken.

The yeas and nays were ordered.

The yeas and nays were ordered.

The yeas and nays were ordered.

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

Mr. GALLEGLY. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

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

RECOMMENDING INTEGRATION OF LITHUANIA, LATVIA, AND ESTONIA INTO NORTH ATLANTIC TREATY ORGANIZATION (NATO)

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 116) recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO).

The Clerk read as follows:

H. CON. RES. 116

Whereas the Baltic countries of Lithuania, Latvia, and Estonia are undergoing a historic process of democratic and free market transformation after emerging from decades of brutal Soviet occupation; whereas each of these Baltic countries has conducted peaceful transfers of political power—in Lithuania since 1990 and in Latvia and Estonia since 1991; whereas each of these Baltic countries has been exemplary and consistent in its respect for human rights and civil liberties; whereas the governments of these Baltic countries have made consistent progress toward establishing civilian control of their militaries through active participation in Partnership for Peace program and North Atlantic Treaty Organization (NATO) peace support operations; whereas Lithuania, Latvia, and Estonia are participating in the NATO-led multinational military force in the Republic of Bosnia and Herzegovina and Kosovo; whereas Lithuania, Estonia, and Latvia are consistently increasing their defense budget allocations and have adopted laws providing that such allocations for defense will be at least 2 percent of their gross domestic product (GDP) in 2002 for Lithuania and Estonia and by 2003 for Latvia; whereas each of these Baltic countries has clearly demonstrated its ability to operate with the military forces of NATO nations and under NATO standards; whereas former Secretary of Defense Perry stipulated five generalized standards for entrance into NATO: support for democracy, including tolerance of ethnic diversity and respect for human rights; building a free market economy; civilian control of the military; promotion of good government; and development of military interoperability with NATO; whereas each of these Baltic countries has satisfied those standards for entrance into NATO; and whereas NATO will consider at its 2002 summit meeting in Prague the further enlargement of its alliance. Now, therefore, be it

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

(1) Lithuania, Latvia, and Estonia are to be commended for their progress toward political and economic liberalization and in meeting the guidelines and criteria for membership of the North Atlantic Treaty Organization (NATO) as set out in chapter 5 of the September 1995 Study on NATO Enlargement;

(2) Lithuania, Latvia, and Estonia would make an outstanding contribution toward the furthering of the goals of NATO should they become members;

(3) enlargement of full NATO membership to these Baltic countries would contribute to stability, freedom, and peace in the Baltic region and Europe as a whole; and

(4) with complete satisfaction of NATO guidelines and criteria for membership, Lithuania, Latvia, and Estonia should be invited in 2002 to become full members of NATO.

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

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

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

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

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished chairman for yielding me this time.
Mr. Speaker, I urge my colleagues to vote in support of H. Con. Res. 116, recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization. I believe that these three nations have demonstrated commitment to democracy, human rights, and the rule of law around the world. These are the foundations, of course, for peace and prosperity; and they will be and are even now major players.

Mr. Speaker, 11 years ago with the collapse of the Soviet Union, Estonia, Latvia and Lithuania threw off the yoke of Soviet domination and regained their independence. Between World War I and World War II, they had been sovereign nations and respected members of the international community. In 1939, however, they were illegally partitioned between Hitler and Stalin as part of the infamous Molotov-Ribbentrop agreement. Based on this agreement, Hitler gave Stalin the green light to seize the Baltic states.

I am proud to state and to note that the illegal incorporation of Estonia, Latvia, and Lithuania into the Soviet Union was never recognized by the United States Government. Now Estonia, Latvia, and Lithuania are again sovereign nations, respected members of the international community, desirous of joining and contributing to the most successful defensive alliance Europe has ever known. They are working individually and among themselves to improve their defense posture and coordination. All three Baltic states are major contributing forces to the stabilization force in Bosnia. In Afghanistan, an Estonia mine-detecting team is working with our forces near the Baghram air base. They are working resolutely towards membership in the European Union and play a significant role in the deliberations of the Organization for Security and Cooperation in Europe, which I chair.

In the early 1990’s, there were OSCE missions to Estonia and Latvia to assist in the resolution of the problem of integrating the non-nation states. These missions, I am very happy to say, have now been withdrawn as the challenge receded further and further into history.

I would be remiss, however, if I did not mention a rule of law concern that is relevant to this discussion. During and after World War II, millions of people fled Eastern and central Europe to escape Nazi and Communist persecution. Most of them lost everything they and their families had earned and built up over generations including homes, businesses, and artwork. Since the early 1990’s these people or their descenedents have tried to obtain through legal means the property that were confiscated. The Helsinki Commission, again a commission that seeks to implement the Helsinki Final Act, has monitored the property restitution efforts being made by post-Communist governments, and this past July we held our third hearing on that subject. Among the NATO candidate countries, the issue of property restitution has been particularly problematic in Lithuania, Croatia, and Romania.

Central and East European governments have been divided regarding property restitution; and indeed they have done some very good things, many of these countries. However, there needs to be done more in this area, and we would call upon them again as we encourage them to join NATO and are looking forward to this partnership which strengthens and deters against aggression that this issue needs to be resolved, and it needs to be resolved as quickly as humanly possible.

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution, and I commend the gentleman from Iowa for introducing this important resolution. Mr. Speaker, throughout the grim decades of the Cold War, the U.S. Congress consistently fought to ensure that the international community never acknowledged the incorporation of the Baltic states, Estonia, Latvia, and Lithuania, into the Soviet Union. Since these countries earned their independence in 1991, Congress has consistently supported their historic transformation into democratic and free market societies. From the first day of independence, all three Baltic countries made NATO membership a cornerstone of their foreign policy regardless of which political party controlled the government. California. Mr. Speaker, I yield myself such time as I may consume.

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In light of the action taken by the Subcommittee on Europe and just now by the House, which endorsed the Baltic States for membership in NATO, I believe this resolution is complimentary to H. Res. 468 and should be adopted.

The resolution endorses the candidacies of Estonia, Latvia and Lithuania for NATO membership and discusses in detail why the three Baltic nations deserve to be invited into the alliance.

Mr. Speaker, last year, the Baltic nations celebrated the 10th anniversary of the resumption of their independence after a long period of Soviet dominance. The changes which have taken place in those countries has been amazing in every aspect. The total political, economic and social transformation they have gone through in preparation for NATO and EU membership has been impressive, and they deserve to be recognized or their accomplishments by being invited to join the alliance.

The author of this legislation, the gentleman from Illinois (Mr. SHIMKUS), has long been a supporter and spokesmen for the Baltics, serving as the chairman of the Baltic Caucus in the House and tirelessly promoting these countries and their accomplishments. Passage of this resolution is as much about his dedication as it is about theirs.

Mr. Speaker, I do not believe there could be any better additions to the NATO alliance than these three nations, and I urge the adoption of the resolution.

Mr. TERRY. Mr. Speaker, I rise today in strong support of H. Con. Res. 116 to recommend the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO).

Since its inception in 1949, NATO has served as a vehicle for peace and stability throughout Europe. While the imminent threat of the Warsaw Pact has passed, one would look far to see the continued utility of NATO. Far from becoming a defunct organization when the Berlin wall fell 13 years ago, NATO has adapted to the changing security dynamics of the post-cold war era and has continued to be a means through which we can achieve peace in Europe.

One of the most measurable successes of NATO is the eagerness of former Warsaw Pact countries and former republics of the Soviet Union to join the western alliance. Three Baltic republics, so officially welcomed Poland, Hungary, and the Czech Republic. At the Prague Summit in November the alliance will once again consider expanding its membership. We should recognize the tremendous gains the states of Lithuania, Latvia, and Estonia have made by accepting them into the NATO fold.

Lithuania, Latvia, and Estonia have all individually made extraordinary advances toward democracy and free market principles. Each has successfully thrown off the yoke of Soviet oppression and has instituted government structures that assure freedom and rule of law for their citizens. Each has demonstrated a respect for human rights and a desire to be oriented toward the freedom-loving states of the West. Each has actively worked to achieve the standards necessary for accession into NATO, and each has succeeded in this endeavor.

Membership in NATO will help cement the progress the Baltic states have made since achieving independence in 1991. More importantly, NATO membership will assure Lithuania, Latvia and Estonia have made and urge my colleagues to join me in supporting this resolution.

Mr. SHIMKUS. Mr. Speaker, as an American of Lithuanian decent, and cochairman of the House Baltic Caucus, it is with great pride that I rise today in support of H. Con. Res. 116. This resolution supports the integration of Lithuania, Latvia and Estonia into NATO.

In the aftermath of September 11, 2001, I believe it is even more important than ever to secure Europe through NATO enlargement. This past year there has been a fundamental shift in the argument over NATO membership. We are no longer questioning "if" NATO will expand, we are asking "who" will be invited to join in 2002. In a major foreign policy address at Warsaw University on June 15, 2001, President George W. Bush spoke decisively for enlarging NATO to include the Baltic nations when he said, "All the new democracies, from the Baltic to the Black Sea, should have the same chance for security and freedom to join the institutions of Europe." Now, even the NATO defense ministers are pressing the press that the decision has already been made to invite the Baltic countries to join at the Prague Summit next month.

When considering H. Con. Res. 116, it is important to remember the Baltic's history. Lithuania, Latvia and Estonia lost their independence in 1940 after the signing of the Molotov-Ribbentrop Pact that placed the Baltic States in the Soviet sphere of influence. The United States never recognized the legitimacy of the Soviet occupation. For over 50 years the people of the Baltic States lived under the horrors under Stalin's totalitarian regime. With incredible tenacity and bravery, they resisted occupation. In 1991 they reasserted their independence, causing the domino effect that led to the collapse of the Soviet Union.

Lithuania, Latvia, and Estonia are among the greatest success stories of post-communist Europe. Against all odds, in the decade since they regained independence, the Baltic countries have established stable democratic governments, free market economic systems, and comprehensive human rights and civil liberties. With reoccupation a possible long-term threat, they have turned their efforts toward security which can only be achieved by joining NATO.

Submitting their applications for NATO membership in 1994, the Baltics have already been contributing as if they were members of the alliance. Lithuania, Latvia and Estonia have all sent troops to assist the European peacekeeping efforts under NATO, the United Nations, the Organization for Security and Co-operation in Europe, as well as essential linguists and experts to generate support against terrorism. Despite their modest budgets and tremendous social needs, each country has committed itself to spending 2 percent of its GDP on military preparations in compliance with the membership action plan (MAP). This is remarkable because in comparison, many NATO members, including Germany, do not currently spend 2 percent of their GDP on defense. H. Con. Res. 116 backs Baltic member states' strong commitment to the membership action plan (MAP) requirements, which they have been vigorously pursuing.

There are some who argue that Baltic membership in NATO will cause a dangerous tension with Russia. I respectfully disagree. Exclusion from the umbrella of protection that the Baltics will never pose a threat to Russia. Instead it will enhance stability to Moscow's west, which is to Russia's advantage. In the recent past, Russia raised the same complaints about Poland's candidacy, and now that Poland has received the invitation, these two countries have a better relationship than ever before. Baltic inclusion into NATO will have the same effect. Baltic membership might temporarily wound Russian pride, but it will be beneficial in the long term, forcing Russia to focus on its own economy, not its geopolitical position.

Moreover, in light of the terrorist attacks, Russia seems to be accepting Baltic membership. On October 3, 2001 Russian President Vladimir Putin stated in Brussels that he is prepared to reconsider Russia's opposition to NATO enlargement. Putin stated in September 11th has brought relations between Russian and the West to a "new level."

While relations between the United States and the Baltic countries are very strong, the Baltics feel like the West abandoned them in exchange for peace with Moscow after World War II. If we fail to extend NATO membership to the Baltics in this round of enlargement, they will believe that we have sacrificed them once again. It would stall the reform movement which is fueled by hope for NATO membership and could cause instability in the region.

I introduced H. Con. Res. 116 because it is very important for the House of Representatives to send a message to NATO leaders before the 2002 summit that the United States stands firmly behind the Baltics' candidacy. Only NATO membership will enhance security in Europe. Until they are invited to join, the Baltic region will remain ripe for crises that could continue to undermine the United States-Russian relationship and threaten European security. For these reasons, I ask you to vote for H. Con. Res. 116.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.
Whereas Slovakia has demonstrated its commitment to improved relations with national minorities, and has reconfirmed its ability to address issues of the past, including the recent decision of its Government to compensate the Holocaust victims, and whereas Slovakia has continued to work to retain civilian control of its military through active participation with North Atlantic Treaty Organization (NATO) forces, and the security and stability of the North Atlantic community have cooperated closely with the military of Slovakia in its reform; whereas Slovakia has demonstrated its ability to operate with the military forces of NATO members within activities of the Partnership for Peace program and participated in missions in Bosnia and Herzegovina and Kosovo; whereas Slovakia sent its troops to Afghanistan in support of the war against terrorism and Operation Enduring Freedom; whereas Slovakia, geographically located in a strategically significant position, contributed within the framework of Visegrad Four together with its neighbors, the Czech Republic, Hungary, and Poland—all members of NATO since 1999—to regional security and stability; and whereas NATO will consider at its 2002 summit meeting in Prague extension of invitations to new democracies of Central and Eastern Europe to join the Alliance: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Slovak Republic should be commended for progressing toward political and economic liberty and for its efforts to meet the guidelines for prospective North Atlantic Treaty Organization (NATO) members set out in Chapter 5 of the September 1995 Study on NATO Enlargement;

(2) Slovakia would make significant contributions to furthering the goals of the North Atlantic Treaty Organization; (3) extension of the North Atlantic Treaty Organization to include Slovakia would significantly contribute to security and peace of Europe and the region as a whole; and (4) Slovakia should be invited to be a full member of the North Atlantic Treaty Organization alliance at the NATO 2002 summit in Prague.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

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

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 253, recommending the integration of Slovakia into the North Atlantic Treaty Organization.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH) and 3 minutes to the gentleman from New Jersey (Mr. SMITH of New Jersey). Mr. Speaker, I thank my good friend, the gentleman from California (Chairman GALLEGLY), for yielding me time.

Mr. Speaker, I rise in support of H. Res. 253, recommending the integration of Slovakia into the North Atlantic Treaty Organization.

In my years of service with the Commission on Security and Cooperation in Europe, I have observed the sometimes difficult transition to democracy of this Central European country. It has been very difficult for them. It was because of Slovakia’s own authoritarian leaders, most notably Vladimir Meciar, that Slovakia was rightly excluded from the process of political transition in 1997. Today, it is thanks to a new generation of bright and enlightened Slovak leaders that that situation has dramatically been reversed.

To the credit of the Dzurinda government, many important changes have already been undertaken. The support of the U.S. Congress for Slovakia’s admission to NATO reflects the deep respect my colleagues and all of us have for these remarkable achievements. Let me just say to my colleagues that the reform process in Slovakia should not end with the Prague-NATO summit. On the contrary, the long-term well-being of Slovakia requires that this process continue and indeed intensify after the event.

In this regard, there are three areas that I believe deserve particular attention.

First, the most recent elections clearly demonstrate Slovakia’s ability to elect pro-democracy, pro-western governments that respect the sacredness and sanctity of human life. The results of the 1998 elections were not a fluke but an illustration of real and meaningful democratic transition that will forceful and respect the security and integrity, then in the government itself. The question now is whether that maturity will also be found in a loyal opposition in the parliament, one that by definition has policy differences from time to time from the ruling coalition, but whose ultimate interest is in serving the Slovak people.

Second, the Slovak government must make headway in fighting corrupt. Unless and until that happens, the rule of law will remain weak, economic development will go to other countries, and justice will be elusive.

Finally, Slovak leaders must address in earnest the scourge of racism against the Roma. This problem, as we all know, is not unique to Slovakia. While other countries in the region have moved to counter the most alarming manifestations of hatred and intolerance, violent attacks, Slovakia has failed to protect its Roma from violence. The NATO Participation Act of 1994, I would remind my colleagues, which all of us supported, made clear that “participants in the Partnership for Peace should be invited to become full NATO Members if they remain committed to protect their citizens.” So we make a strong appeal to the Slovak leadership, please, undertake aggressive efforts to protect the Roma.

Mr. Speaker, I want to thank again my good friend for his leadership on this issue.

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I first would like to commend my good friend and colleague the gentleman from Michigan (Mr. STUPAK), for introducing this important resolution.

Mr. Speaker, just a few minutes ago we considered H. Res. 468, which endorses membership in NATO for the Slovak Republic, along with six other applicants. This resolution before us highlights the political, economic and foreign policy accomplishments of the Slovak Republic since its “velvet” divorce from the Czech Republic in 1993 and specifically endorses its NATO membership.

Slovakia did not have an easy beginning as an independent country. Its first post-independence government stalled on political and economic reforms, in stark contrast to its neighbors to the north, west and south. But the people of Slovakia elected a reform-minded government in 1998, which quickly moved to anchor Slovakia in the West, made NATO membership a cornerstone of its foreign policy and joined the Czech Republic, Hungary and Poland in a regional, political and economic grouping.

The Slovak Republic has not only shown progress in the area of free market economy, but it also began to address different issues of the past, such as Jewish property restitution and compensation to the victims of the Holocaust. Relations with the ethnic Hungarian minority have also improved, and the previous government included three ethnic Hungarians as ministers. Although much more remains to be done in this area, I believe that membership in NATO will reinforce the message that the just treatment of national minorities is a key aspect of membership.

The Slovak government has already demonstrated that it is interested in the ability to join NATO, first by participating in the SFOR and the KFOR operations, and by sending its troops to Afghanistan.
Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. STUPAK), the sponsor of this resolution.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me time for this opportunity to speak in support of expansion of the North Atlantic Treaty Organization.

Mr. Speaker, I introduced H. Res. 253 to commend the Slovak Republic for its progress towards political and economic liberty and efforts to meet the guidelines of prospective NATO member states. A free and democratic state that modernizes and democratizes once an authoritarian regime, embraced a pro-western government in 1989 and freed its citizens from international isolation.

On September 21, 2002, the Slovak government successfully held the third free and fair elections since its independence. Over 70 percent of the eligible voters turned out to express their new-found democratic right.

The Slovak Republic now stands ready to play an integral part in defense of freedom. As a member of NATO, Slovakia would contribute to protection of member states and significantly benefit the security and peace of Europe and the region as a whole. Slovakia’s leaders value the prosperity and progress in our military alliance, while its citizens align themselves with NATO’s common values and democratic mission.

The NATO summit to discuss enlargement is scheduled for November 23, 2002, in Prague. That is why this resolution is so timely.

I thank the chairman, the gentleman from Illinois (Mr. HYDE); the ranking member, the gentleman from California (Mr. LANTOS); the subcommittee chairman, the gentleman from California (Mr. GALLEGLY); and the ranking member, the gentleman from Alabama (Mr. HILLIARD) for moving this resolution forward, because this resolution demonstrates that, among the other European candidate countries aspiring for membership, Slovakia boasts the highest gross domestic product and a key geographical advantage, surrounded by other NATO member states.

Let us send a clear message that Slovakia would make an excellent partner and deserves to be counted among the newest members of NATO.

On a personal note, my ancestors are from Slovakia, so I am proud to present this resolution to the House for its consideration today.

So I ask all Members to support H. Res. 253 and urge our international community to give Slovakia’s bid for NATO membership new consideration.

Mr. GALLEGLY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H. Res. 253 was introduced by our previous speaker, the gentleman from Michigan (Mr. STUPAK), and endorses the candidacy of Slovakia for NATO membership. In light of the action about to be taken by the House, I believe this resolution is complementary to H. Res. 468 and elaborates the reasons why Slovakia should be included in NATO.

Five years ago, Slovakia was seriously under consideration for NATO membership, but was denied due to the government in power at the time. That government was subsequently replaced, but it threatened to return to power this year, again calling into question Slovakia’s candidacy. However, Slovakia just recently held a very important national election and the current government has been returned to office. The outcome of the elections were one of the keys to the status of Slovakia as a NATO. The election results did come out to everyone’s satisfaction, and that has lessened the apprehensions about Slovakia’s commitment to NATO.

Mr. Speaker, I want to congratulate the people of Slovakia for their strong showing in the election. Over 70 percent of the voting population actually voted. I also want to commend the work of our ambassador, Ron Weiser, and his entire embassy staff for their efforts to encourage a strong voter turnout.

Mr. Speaker, I urge the adoption of this resolution.

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

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

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman emeritus of the Committee on International Relations.

Mr. GILMAN asked and was given permission to revise and extend his remarks.

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

Mr. Speaker, I would like to thank our distinguished Committee on International Relations subcommittee chairman, the gentleman from California (Mr. GALLEGLY), for his diligent work in bringing H. Res. 486, the Transatlantic Security and NATO Enlargement Act, before us for consideration today. As a cosponsor of that resolution, it is my firm belief that NATO enlargement will not only affirm the importance of the North Atlantic Treaty Organization Act, but it will contribute to the stability and security of Europe and preserve and enhance its ability to effectively combat the scourge of terrorism.

Today, the case for NATO enlargement is stronger than ever before. The September 11 attacks have reminded us of the common interests we share with our European allies. Thus, not only will NATO enlargement contribute to the process of integration that has helped us stabilize Europe over the past 50 years, but it will also help promote the development of strong new allies in our war on terrorism.

Far from backing away from NATO enlargement, we should welcome all of those European democracies whose political stability, military contributions, and commitment to NATO’s solidarity would be assets to the alliance. Each of the candidate countries have made remarkable progress in transitioning to Western-style democracies and free market economies. While each nation is different, they share a common thread: the desire to adopt a pluralistic form of democracy that respects human and civil rights, practices tolerance for ethnic and religious diversity, and dem-
The title of the resolution was amended so as to read: “Resolution recommending the integration of the Slovak Republic into the North Atlantic Treaty Organization (NATO).”

A motion to reconsider was laid on the table.

VETERANS’ COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4085) to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Compensation Cost-Of-Living Adjustment Act of 2002”.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2002, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the percentage determined under subsection (b).

(b) PERCENTAGE TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115 of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1126 of such title.

(4) DEDUCTION.—The dollar amount in effect under paragraphs (1) and (2) of section 1111(a) of such title.

(5) DEDUCTION.—Each of the dollar amounts in effect under section 1111(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—Each of the dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1311(a) and 1311(b) of such title.

(9) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect November 30, 2002.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts are increased under section II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2002, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(4) SPECIAL RULE.—The Secretary shall adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2003, the Secretary shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

Amend the title so as to read: “An Act to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.”

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

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

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

Mr. Speaker, H.R. 4085, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2002, will provide a cost of living adjustment to disabled veterans and surviving spouses. The amount of the increase will be calculated using the same percentage applicable to Social Security benefits to the amount on October 1, 2002.

Upon enactment of this vital legislation, all veterans or qualified survivors of veterans who receive disability compensation payments will receive the COLA effective December 1 of this year.

Mr. Speaker, the House originally passed this COLA legislation back in May with a number of other very important provisions. On September 26, however, the Senate struck out those other provisions and sent us back the bill that is before us today. While I am urging my colleagues to support H.R. 4085, as amended, I want to assure them that we are continuing to work with our colleagues in the other body to reach agreement on these other vital provisions.

Specifically, those provisions would authorize dependency and indemnity compensation benefits for the surviving spouse of a veteran who remarries after attaining the age of 65. These surviving spouses would also be eligible for supplemental VA-sponsored health coverage, education, and housing loan benefits to the same extent as if they had not remarried. The Secretary of Veterans Affairs shall, effective on December 1, 2002, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)), increase each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

We also saw a provision stripped out by the Senate that reduced the home loan fee that reservists who die in the line of duty would be charged active duty veterans.

We also saw a provision stripped out by the Senate that reduced the home loan fee that reservists who die in the line of duty would be charged active duty veterans.

Mr. Speaker, this session draws to a close. I am hopeful that we will see action completed on these and a number of other important veterans measures that the House has passed, but that have not been acted on by the other body. Among the House bills still pending in the other body are:

Number one, H.R. 3253, the Department of Veterans Affairs Emergency Preparedness Act, which would authorize a memorial marker in Arlington National Cemetery honoring those who lost their lives fighting for homeland security, creating new research centers to counter biological, chemical, and radiological terrorism.

H.R. 3253 originally passed the House on May 20, and was only amended and approved by the Senate on August 1. After intensive negotiations with our colleagues in the Senate, a compromise agreement was reached by both sides, and the House passed the legislation on September 17. We are now awaiting action by the Senate on this legislation.

Number two, H.R. 3645, the Veterans Health Care and Procurement Improvement Act of 2002 passed the House on July 22, which would reform VA health care procurement practices, expand access to VA health care services to Filipino veterans, World War II veterans, and provide additional dental services to former POWs.

Number three, H.R. 4015, the Jobs for Veterans Act, passed the House on May 21 and would reform veterans job training and placement programs in the Department of Labor through a new system of incentives and accountability.

Number four, H.R. 3423 would reform eligibility for burial at Arlington National Cemetery and was passed by the House on December 20 of last year. This legislation makes a couple of commonsense changes to recognize that reservists who die in the line of duty will be given burial at Arlington National Cemetery, but for their age at death, deserve the honor of an Arlington burial should they and their families so choose.

Number five, H.R. 4940, the Arlington National Cemetery Burial Eligibility Act, is pending in the Senate Committee on Armed Services. This is the third time that the House has approved a comprehensive review and overhaul of Arlington’s rules, and we will continue to work with our colleagues in the other body on this major legislation.

Number six, H.R. 5055, legislation to authorize a memorial marker in Arlington National Cemetery honoring...
veterans who fought in the Battle of the Bulge. That passed on July 22 as well. We have a preliminary agreement with our Senate colleagues on this and look forward to working with them and taking final action on that before this session closes.

Number seven, H.R. 811, the Veterans Hospital Emergency Repair Act, which passed the House on March 27, 2001, and H.R. 4514, the Veterans Major Medical Facilities Construction Act of 2002, which passed the House on March 28, both extremely important pieces of legislation designed to protect and preserve the invaluable infrastructure of the Veterans Health Administration.

For the past several years, VA’s construction programs have been seriously underfunded. It is imperative that we take action, prompt action, to ensure that hospitals, clinics, research centers, and other VA medical centers are properly maintained and modernized when they are desperately needed.

Mr. Speaker, there is still much more important work that we hope to accomplish in the waning days of the 107th Congress. There is already much that has been accomplished. Major new laws were enacted to substantially improve the GI Bill, reinvigorate our Nation’s efforts to end homelessness among veterans, to better compensate service-connected veterans and their survivors, as well as dramatically increase funding for veterans health care services. This has indeed been a highly-productive year for veterans legislation in the House, and I salute all of my colleagues on both sides of the aisle for their efforts and their cooperation and for working as a team on behalf of our Nation’s veterans.

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

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

Mr. Speaker, I rise in strong support of H.R. 4085. This measure provides a cost-of-living increase for our Nation’s veterans. It will assure our Nation’s veterans of the value of their benefits will not be reduced due to cost-of-living increases. I want to start out by thanking the gentleman from New Jersey (Mr. SMITH) for his leadership on this bill, as well as many other bills during the session that he alluded to.

I also want to thank the gentleman from Idaho (Mr. SIMPSON), the chairman of the Subcommittee on Benefits, and the gentleman from Texas (Mr. REY刷卡), the ranking Democratic member of the subcommittee, for their support of this legislation. This bill deserves the support of every Member of this body, and I urge my colleagues to vote for this legislation.

Mr. Speaker, I also rise today to publicly thank a member of the committee’s Democratic staff for her exceptional service to our Nation’s veterans. Beth Kilker, executive assistant to the Subcommittee on Benefits, will be retiring this December after almost 25 years of outstanding service to the House Committee on Veterans’ Affairs and our Nation’s veterans.

Beth began her career working for the FBI. After working for the FBI and the House Select Committee on Assassinations, Beth joined the committee staff in March of 1978 as a staff assistant. She has been a dedicated and effective advocate for our veterans and their families, as expected by veterans’ service organizations as well as employees of the Departments of Veterans Affairs, Labor and Defense. Everybody Beth has worked for has become her friend. Committee members will miss her smile, her wit, and her sense of humor as well. Our Nation’s veterans will be hurt by losing her presence and the diligent efforts she has made to resolve problems and bring problems to the attention of VA officials. I want to thank her for her years of great service and her many acts of kindness. Beth, we will miss you deeply and sorrowfully, and we thank you for the years of service you have given to this country.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

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

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

Mr. Speaker, I want to commend our chairman of the Committee on Veterans’ Affairs, the gentleman from New Jersey (Mr. SMITH), for his wonderful, diligent work on behalf of our veterans throughout our Nation. They have had a great deal of reduction of benefits, of health care, and our chairman has been continually keeping a lookout for whatever he can do to be of assistance to our veterans. He deserves the adulation of all of us.

Mr. Speaker, I am pleased to rise in support of H.R. 4085. It provides effective cost-of-living adjustments for the rates of our disability compensation for veterans with service-connected disabilities and to the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans. That percentage amount is going to be equal to the increase for benefits provided under the Social Security Act, something that has long been overdue. It certainly will provide the kind of assistance that is sorely needed by veterans throughout our Nation.

I want to thank our chairman once again for watching over our veterans in his committee and for doing whatever is needed.

Mr. EVANS. Mr. Speaker, I yield 3 1⁄2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I see the gentleman from New York (Mr. GILMAN) leaving. He has thanked all the members of the Committee on Veterans’ Affairs.

The gentleman from New York has been basically a de facto member of this committee for so long. He has been here for every piece of legislation and has supported our veterans. Not only is he the Committee on International Relations going to miss him, but we are going to miss him very much when he retires.

I thank the gentleman very much on behalf of the Nation’s veterans.

Mr. GILMAN, Mr. Speaker, will you yield to Mr. FILNER?

Mr. FILNER. Mr. Speaker, I thank the gentleman for his kind remarks.

Mr. GILMAN. Mr. Speaker, I thank the chairman also for his leadership of the committee and thank the ranking member, the gentleman from Illinois, Mr. EVANS.

As we have listed all the bills we have passed and the Senate has not, it is disheartening. We all need to march over there as a group. Anyway, whatever support the chairperson needs for getting some action, I am sure all of us on both sides of the aisle would be willing to join him, because he has led us through the whole year in a very incredibly effective way. We need to finish this year with some positive legislation, so please call on us if we can help in any way.

Mr. Speaker, clearly the Veterans’ Compensation Cost-of-Living Adjustment Act is a very important piece of legislation. It is to make sure that our veterans who are receiving service-connected compensation benefits and their survivors who are receiving dependency and indemnity compensation do not fall further behind in their compensation. It will have the same percentage as the increase in benefits paid to Social Security beneficiaries.

Mr. Speaker, we know that ever since September 11 we have been especially grateful to our veterans and our public safety officers for their contributions to this Nation, contributions that make it possible for us to live and work in our democracy; but certainly this is something that we have to follow through on, not only just as we recall September 11. When they have become disabled in their service to our Nation, it is our obligation to provide for these men and women when they have fulfilled their military duty.

It is important that we continue to provide incentives for new recruits to our Armed Forces. We must let young men and women know that they, too, will be noticed, their dedication will be provided for, and a grateful Nation will not forget them.

The cost of housing, food, health care, all the basics of living are increasing, so an annual cost-of-living increase for our veterans is critically needed and one important way we can demonstrate our support and our thanks is to call on the Senate to pass H.R. 4085.

Mr. Speaker, I would like to add my thanks to the thanks of the gentleman from Illinois (Mr. EVANS) to Beth, Beth, Beth...
Mr. REYES. Mr. Speaker, I rise today in support of H.R. 4085, the Veterans’ and Survivors’ Benefits Expansion Act of 2002, of which I am an original cosponsor. This bill increases the rates, through a cost-of-living adjustment (COLA), of veterans’ disability compensation for dependents, the clothing allowance of certain children, and dependency and indemnity compensation (DIC) for surviving spouses and children. This bill would rightly allow veterans and survivors to receive the same percentage increase in benefits as are paid to Social Security beneficiaries.

I would like to thank the distinguished Chairwoman of our Committee, Ms. CHRISTOPHER SMITH, as well as the distinguished Ranking Member, Mr. LANE EVANS, for their hard work in bringing this bill to the floor.

Mr. Speaker, I would also like to take this opportunity to recognize the service of Ms. Beth Kilker. Beth has been a hardworking member of the House Veterans’ Affairs Committee staff for over 20 years. I would like to wish her the best on her retirement and congratulate her for all of her outstanding contributions to the Committee.

Mr. GILMAN. Mr. Speaker, I would like to congratulate our colleague the distinguished Chairman of our Veterans’ Committee, the gentleman from New Jersey Representative SMITH, for his outstanding work he has done in our Veterans Committee. This bill provides a cost-of-living adjustment to the rates of disability compensation for veterans with service-connected disabilities and to the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans. The percentage amount will be equal to the increase for benefits provided under the Social Security Act, which is calculated based upon changes in the Consumer Price Index.

The Secretary of Veterans Affairs shall increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary. This bill allows additional compensation for dependents of certain disabled adult children. Indemnity and Compensation (DIC) rates for surviving spouses with minor children, additional DIC for disability and for dependent children. The Secretary is required to adjust administratively, consistent with the increases made, the rates of disability compensation payable to persons who are not in receipt of compensation payable pursuant to chapter 11. Our Veterans Committee is commended for recognizing this need for benefits for our veterans and their dependents.

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

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

Mr. Speaker, I want to join my colleagues, the gentleman from Illinois (Mr. EVANS) and the gentleman from California (Mr. FILNER), and really the thank Ms. Kilker for her service. I have heard the words “dedicated” and “effective,” and I think that summarizes it. She has worked for veterans in the years that she has been with our committee. All the veterans of our Nation can join in thanking her for her effective service. I thank Beth Kilker.

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

Mr. Speaker, I want to join my colleagues, the gentleman from Illinois, the gentleman from California, and really the entire committee on both sides of the aisle, in praising the long and distinguished service of Beth Kilker, Elizabeth Kilker.

Elizabeth Kilker has served with the committee for almost 25 years. I have been on the committee for 22 years, Mr. Speaker. I have known her. I have admired her. She is always a positive force. She has worked with chairmen and ranking members from Texas, Mississippi, Arizona, Arkansas, Illinois, and now New Jersey.

Throughout these years she has been extraordinarily helpful, effective, and always positive, perhaps something she learned at Immaculate Heart Academy in Girardville, Pennsylvania. But she certainly has brought a real sense of class, distinction and is, as I said, a very, very effective person.

The committee has not just been blessed, but the veterans themselves have been blessed. They have been enriched by her service, they will miss her, and may God bless everything that she does going forward.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of the passage of H.R. 4085, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2002. I am proud to be a co-sponsor of this very important legislation.

Throughout the history of our great nation, the members of the U.S. Armed Forces have risen to the challenge of defending our democracy and freedom. However, in retirement and in periods of disability, these brave men, women, or their surviving spouses, frequently face a new challenge—the monthly struggle to make ends meet.

H.R. 4085 will help alleviate these monetary concerns through a cost of living increase in all veterans’ benefits, and will provide a greater sense of financial security to spouses that survive the veteran into their older years.

I believe that we must continue to show our well-deserved respect and gratitude to the retired and disabled members of our Armed Forces and appropriately compensate them and their loved ones for their sacrifices. Accordingly, I would like to reiterate my support for the passage of this important bill.
and to protect the integrity of VA education programs. These are the agencies that determine which schools, courses, and training programs qualify as eligible for veterans seeking to use their GI Bill benefits. SAs have a vital role in occupational licensing and credentialing for veterans and in employer outreach.

On May 21 of this year, Mr. Speaker, the House passed H.R. 4065, as amended, which included an increase from $14 million available to State approving agencies in fiscal year 2002 to $18 million for fiscal years 2003, 2004, and 2005. The Senate passed a similar measure as part of S. 2237 on September 26, but the bodies have not yet reached final agreement to a compromise on the larger bill containing this provision.

Without this legislation, Mr. Speaker, the SAA funding would decrease from the current funding level of $14 million to the $13 million levels on October 1 of this year. This is a stopgap measure for fiscal year 2003 only. My proposal simply puts SAA annual funding back at last year’s level of $14 million and $18 million in order to provide the SAs with the resources necessary to fulfill their responsibilities.

Mr. Speaker, I join the ranking member, the gentleman from Illinois (Mr. EVANS), in urging every Member of the House to support this stopgap bill while we work on the other legislation. I thank my good friend, the gentleman from Illinois (Mr. EVANS), for his cooperation on this legislation. We have worked together on so many bills, and this is another one, while we work out some of the details with the Senate, hopefully to significantly boost the amount of money for the State-approving agencies.

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

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

Mr. Speaker, I join in strong support of H.R. 3731. I again want to thank the gentleman from New Jersey (Chairman SMITH) and the leaders of our subcommittee, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Texas (Mr. REYES), for their effective leadership on this important issue.

As an original cosponsor, I urge all Members to support this bill. The purpose of this legislation is straightforward. It provides that the funding authorized for State approving agencies for fiscal year 2003 is not less than the amount provided in fiscal year 2002.

Mr. Speaker, the State approving agencies play a vitally important role in the delivery of educational benefits under the GI Bill. These are benefits our veterans and service members have earned. We must respect that. If Congress fails to move this legislation, SAA funding will be reduced. This would be harmful to veterans’ educations.

Congress has recently added responsibilities and duties to the State approving agencies at a time when State budgets are being drastically cut. Congress must make sure that these agencies have adequate resources to do their job.

Mr. Speaker, I support the passage of this legislation, and I urge Members to do the same.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 3731, a bill of which I am an original sponsor, to maintain funding levels for State Approving Agencies that approve the Department of Veterans Affairs’ educational programs as well as conduct outreach concerning education benefits. The passage of this bill will prevent a $1 million decrease in funding for this program in Fiscal Year 2003. This decrease would likely result in the loss of State jobs and the degradation of this important program. We have a responsibility to our veterans to provide the services promised to them when they committed to serve our country.

Mr. Speaker, as you know, I have dedicated my service in Congress to improving the quality of life of our veterans. I remain committed to the responsibilities I have to our veterans. I would like to thank the distinguished Chairman of our Committee, Mr. SMITH, as well as the distinguished Ranking Member and friend, Mr. LANE EVANS, for their hard work in bringing this bill to the floor.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 3731, to increase funding for State Approving Agencies (SAs). I am a cosponsor of this important legislation and I urge my colleagues to support its passage.

SAA’s promote and safeguard quality education and training programs for all veterans and for other eligible persons. They protect the GI Bill resources available for those programs, programs proving beneficial to veterans in a wide variety of ways. They assure greater educational opportunities and more opportunities to meet the changing needs of our veterans.

The need to increase funding for SAA’s primarily reflects the new SAA duties in occupational licensing and credentialing and veteran, servicemember and employer outreach in each State. In recent years, Congress has increased SAA responsibilities, most recently through enactment of P.L. 107-103, the Veterans Education and Benefits Expansion Act of 2001. This landmark legislation increased the basic GI Bill benefit by 19 percent in January 2002 and will further increase the benefit by 30 percent in October 2003 and 39 percent in October 2004.

However, SAA funding was capped at $13 million without any annual increase from FY95 to FY2000. Congress did increase SAA funding to $14 million, but only for FY01 and 02. If Congress does not act to increase funding for FY03, the SAA budget reverts back to the $13 million level, which, when combined with the funds provided for SAA’s under new laws, leaves the SAA’s lacking the necessary resources to fulfill their responsibilities. H.R. 3731 increases SAA annual funding from $14 million to $18 million, with a three percent increase the following two years. Furthermore, under H.R. 3731, New Mexico’s funding levels for SAA’s is estimated to rise to a level of $17,612, an increase of $5,677.

If action is not taken on this bill, funding for this program will decrease by one million dollars nationwide, which will result in a loss of jobs nationwide. If we do not act, veterans will lose important services. Therefore I urge my colleagues to vote yes on H.R. 3731. You will be supporting veterans’ educational rights; service members who will be returning to civilian life ready to contribute to this great nation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3731, as amended.

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

The title of the bill was amended so as to read: “To amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and other programs of education administered by the Department of Veterans Affairs, and for other purposes.”

A motion to reconsider was laid on the table.

RECOGNIZING EXPLOITS OF OFFICERS AND CREW OF THE S.S. HENRY BACON SUNK ON FEBRUARY 23, 1945

Mr. McHugh. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 411) recognizing the exploits of the officers and crew of the S.S. Henry Bacon, a United States Liberty Ship that was sunk on February 23, 1945, in the waning days of World War II, as amended.

The Clerk read as follows:

H. CON. RES. 411

Whereas during World War II the United States Liberty ship S.S. HENRY BACON was assigned the task of conveying war materials and supplies to the Soviet Union via the dangerous Arctic Ocean passage (referred to as the MurmanSK Run) from Iceland or Scotland to Murmansk in northern Russia and faithfully fulfilled her mission;

Whereas in early 1945 the British navy, having rescued a number of Norwegian civilians from occupied Norway and transported them to Murmansk, distributed among the HENRY BACON and certain other merchant ships for transportation to England,
with 19 of such refugees being assigned to the HENRY BACON.

Whereas a convoy carrying those refugees, designated as Convoy RA 64 and consisting of 35 ships, departed Murmansk on February 17, 1945, amid one of the worst storms ever registered in the Arctic Ocean.

Whereas the HENRY BACON, with a full crew and refugees on board, sailing as part of that convoy, suffered damage from the force of the storms and from internal mechanical problems.

Whereas the HENRY BACON, while suffering from a loss of steering capacity, lost her pilots and became unable to communicate with the convoy and required to maintain radio silence.

Whereas the HENRY BACON was left to her own devices and was in such dire straits that engine room workers used a sledgehammer and wedge to physically turn the ship.

Whereas on February 23, 1945, the HENRY BACON, alone in the freezing sea some 50 miles from the convoy, came under attack by 23 Junker JU 88 torpedo bombers of the German Luftwaffe.

Whereas armed with only the small but formidable antiaircraft battery with which such merchantmen were equipped, the United States Navy Armed Guard on board the ship and the ship’s merchant sailors fought gallantly against the oncoming torpedo bombers.

Whereas although mortally wounded after a German pilot succeeded in scoring a hit with a torpedo to the ship, the HENRY BACON fought back, shooting down a confirmed three enemy planes and crippling at least two more.

Whereas when the HENRY BACON began to sink, her captain ensured that all 19 Norwegian refugees on board received a place in one of the undamaged lifeboats.

Whereas when the lifeboat supply was exhausted, crewmen made rough rafts from the railroad ties that had been used to secure locomotives delivered to Russia.

Whereas the HENRY BACON went down in the freezing sea some 50 miles from the convoy, under attack by 23 Junker JU 88 torpedo bombers of the German Luftwaffe.

The Henry Bacon was in such dire straits that engine room workers used a sledgehammer and wedge to physically turn the ship.

The House Concurrent Resolution 411, introduced by my colleague, the gentleman from Virginia (Mr. GOODLATTE), the author of this legislation, is a small way to convey the thanks of a grateful Nation.

The Henry Bacon was one of over 2,700 Liberty ships mass produced in our country. Assembled from large prefabricated sections, this pioneering method of production allowed the Henry Bacon to be built in 6 weeks and commissioned on November 11, 1942. During the war, Liberty ships were called ugly ducklings. However, these ships were the work horses of the Second World War, the largest class of civilian made war ships ever built. The crews consisted of over 44 Merchant Mariners and 12 to 25 Naval Armed Guards.

The Henry Bacon was part of a convoy of 35 ships and Naval escorts that departed Murmansk, Russia, on February 17, 1945, on a rescue operation to
save 502 Norwegian children and adults who were left behind to starve when Nazi troops began to fall back.

Nineteen Norwegian refugees were aboard the Henry Bacon when a severe 2-day gale separated the ship from the convoy.

Damaged from this storm and 60 miles away from the support and protection of the convoy, the Henry Bacon was attacked by German torpedo planes. The ship’s crew valiantly fought the attacking planes, damaging several and exploding a number of torpedoes, but a torpedo slipped through and struck the ship on the starboard side. As the ship began to sink, only two undamaged lifeboats were safely launched. The crew ensured that all the Norwegians were on board the lifeboats. Some crew even gave up their places to the Norwegians. According to one crew member, “The men just waited until all 19 refugees found seats. None had to be asked or ordered to give up his seat to another.”

British destroyers rescued the survivors several hours later. Sadly, Captain Alfred Carini and Chief Engineer Donald Haviland and 27 crew members went down with the ship.

Herein, the House Concurrent Resolution 411 recognizes the heroic and valiant deeds of the officers and crew of the S.S. Henry Bacon. I urge my colleagues to join me in recognizing the deeds and sacrifices of that crew.

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

Let me say a few words, if I might. First of all, my thanks, as I mentioned earlier, to the gentleman from Virginia (Mr. GOODLATTE). The saga of liberty ships in World War II is particularly a remarkable one. Indeed, I was at a function this past weekend in my district in Oswego, New York, where they were commemorating an opening of a safe haven museum, a museum that commemorates, a shelter in that community, the only place provided in World War II for Jewish refugees, something that that community understandably is very, very proud of.

We had a number of refugees from that period speak during the ceremony, and they mentioned their experience on a liberty ship, a ship called the Henry Gibbons, a ship that brought them and nearly a thousand souls from Italy. So on that basis alone, this is a very worthy resolution.

As my two colleagues who have spoken previously so eloquently underscored, the exploits and heroism of those displayed on the Henry Bacon were particularly extraordinary, that stood them apart from the accomplishments of other extraordinary American and women and liberty ships. As is the case with most stories with heroism, the crew members of the Henry Bacon were from all walks of life, were ordinary men who met extraordinary challenges with noble courage. And it is, I think, Mr. Speaker, particularly important to remember the heroes of past conflicts because in their stories we find examples of courage and sacrifice that perhaps few times in our Nation’s history are more needed than they are now to sustain us as we go forward in the war against terrorism around the globe.

Perhaps some of the more eloquent and simple statements about the brave men aboard the Henry Bacon was spoken by a historian of that era whose writing shortly after that event wrote, “There is no finer instance of a merchant ship defense in the history of the North Russian convoys than the Henry Bacon.”

Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODLATTE). Most of all, my thanks to the brave men of the Henry Bacon and all that they did at that time. Mr. Speaker, I ask our colleagues to support this very, very worthy enactment.

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion to recommit the bill to the Committee on Armed Services, as amended.

The Motion was taken: and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, H. Con. Res. 411, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: “Concurrent resolution recognizing the exploits of the officers and crew of the S.S. Henry Bacon, a United States Liberty ship that was sunk on February 23, 1945.”

A motion to reconsider was laid on the table.

RECOGNIZING COMMODORE JOHN BARRY AS THE FIRST FLAG OFFICER OF THE UNITED STATES NAVY

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 411.

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

There was no objection.

WHEREAS the quality and effectiveness of Captain John Barry’s service to the American war effort was recognized not only by George Washington but also by the enemies of the new Nation;

WHEREAS Captain John Barry rejected British General Lord Howe’s flattering offer to desert Washington and the patriot cause, stating “Not the value of the whole British fleet can lure me from the cause of my country.”;

WHEREAS Captain John Barry, while in command of the Frigate Alliance, successfully transported French gold to America to help finance the American War for Independence;

WHEREAS when the First Congress, acting under the new Constitution of the United States, authorized the raising and construction of the United States Navy, it was to Captain John Barry that President George Washington turned to build and lead the new Nation’s infant Navy, the successor to the Continental Navy of the War for Independence;

WHEREAS Captain John Barry supervised the building of his flagship, the U.S.S. United States;

WHEREAS on February 22, 1797, President Washington personally conferred upon Captain John Barry, by and with the advice and consent of the Senate, the rank of Captain, with “Commission No. 1”, United States Navy, dated June 7, 1794;

WHEREAS John Barry served as the senior officer of the United States naval squadron under the Constitution of the United States, which included the U.S.S. Constitution (“Old Ironsides”), John Paul Jones was a Commodore, with the right to fly a broad pendant, which made him a flag officer; and

WHEREAS in this sense it can be said that Commodore John Barry was the first flag officer of the United States Navy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Commodore John Barry is recognized, and is hereby honored, as the first flag officer of the United States Navy.

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

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

Whereas Captain John Barry supervised the building of his flagship, the U.S.S. United States;

WHEREAS when the First Congress, acting under the new Constitution of the United States, authorized the raising and construction of the United States Navy, it was to Captain John Barry that President George Washington turned to build and lead the new Nation’s infant Navy, the successor to the Continental Navy of the War for Independence;

WHEREAS Captain John Barry supervised the building of his flagship, the U.S.S. United States;

WHEREAS on February 22, 1797, President Washington personally conferred upon Captain John Barry, by and with the advice and consent of the Senate, the rank of Captain, with “Commission No. 1”, United States Navy, dated June 7, 1794;

WHEREAS John Barry served as the senior officer of the United States naval squadron under the Constitution of the United States, which included the U.S.S. Constitution (“Old Ironsides”), John Paul Jones was a Commodore, with the right to fly a broad pendant, which made him a flag officer; and

WHEREAS in this sense it can be said that Commodore John Barry was the first flag officer of the United States Navy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Commodore John Barry is recognized, and is hereby honored, as the first flag officer of the United States Navy.

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

The Chair recognizes the gentleman from New York (Mr. MCHUGH).
President Washington. John Barry’s contributions during the Revolutionary War were unparalleled. He was the first captain to capture a British vessel on the high seas. And while in command of his favorite ship, the frigate Alliance, he captured two British ships after being severely wounded during a fierce sea battle. He captured over 20 ships and fought the last sea battle of the war at the helm of the frigate Alliance in 1783.

Earlier in the war while waiting for a war ship to be built, he also fought on the land at the Battles of Trenton and Princeton. Later as the head of the Navy, he was so highly regarded as a teacher and visionary that his contemporaries labeled him “the Father of the American Navy.” His legacy was soon confirmed when many officers that he had mentored became the heroes of the war of 1812.

Mr. Speaker, commenting as both an Irish-American and as someone whose mother’s maiden name was Barry, I cannot think of an American hero past or present that is a better example of a man that embodies the spirit of this great country, an immigrant who was totally committed to his adopted Nation.

Today, with this resolution, we honor Commodore John Barry as the first Navy officer authorized to fly his own pennant. But the story of John Barry is much more. He is an Irish-American hero and patriot who is a living example of the Members of this House and all the Americans who treasure freedom and liberty.

Mr. Speaker, I particularly want to thank my friend, my House colleague and a fellow representative who is, as I am sure most Members of the House recognize, a long supporter of Irish causes in the House of Representatives, for working so diligently and laboriously to ensure that this resolution was brought before this House today.

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

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

Mr. Speaker, I rise in support of House Joint Resolution 6, introduced by my colleague from New York (Mr. KING), who is, as I am sure most Members of this House recognize, a long supporter of Irish causes in the House of Representatives, for working so diligently on this particular resolution, and laboriously to ensure that it was brought before this House today.

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

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 465) recognizing commodore John Barry as the first flag officer of the United States Navy. Commodore Barry served as commodore of the United States Navy under three Presidents, Washington, Adams and Jefferson.

Commodore Barry led the navy until his death in September, 1803, in Philadelphia. He played a vital role in establishing the foundation of the navy: faithful devotion to duty, honoring the flag and vigilant protection of the rights of the sovereign United States.

House Joint Resolution 6 recognizes Commodore John Barry for his outstanding contributions to the Continental Navy through the American War for Independence and his extraordinary accomplishments as the Nation’s first flag officer of the United States Navy. Commodore Barry also recognized by many colleagues to adopt this resolution.

Mr. KING. Mr. Speaker, I rise today to urge the House of Representatives to pass H.J. Res. 6, a resolution which honors and recognizes Commodore John Barry as the first flag officer of the U.S. Navy.

In recognition of his historic role and his achievements, it is fitting that Commodore Barry be properly honored as the first flag officer of the U.S. Navy.

As commander of the first naval squadron, Commodore Barry was entitled to fly a broad pendant, which made him, in essence, the Nation’s first flag officer of the United States Navy. Captain Barry served as commodore of the United States Navy under three Presidents, Washington, Adams and Jefferson.

As commander of the United States Navy, Captain Barry served as commodore of the United States Navy under three Presidents, Washington, Adams and Jefferson.

Whereas the Army Aviation Heritage Foundation, a nonprofit organization incorporated in Georgia in 1997, is an all-volunteer organization of veterans, their families, and civilian supporters acting in concert to connect the American soldier to the American public through the living history programs of the Army Aviation Heritage Foundation; and Whereas Army Aviation Heritage Foundation volunteers devote a significant amount of their personal time and resources to present the story of our Nation’s military stories to the American people through extensive and elaborate living history programs presented at major public venues, such as air show events, and at numerous smaller community outreach initiatives.

Whereas the story of the Army Aviation Heritage Foundation is one of service and sacrifice in defense of the United States and the people it represents.

Whereas the Army Aviation Heritage Foundation is not a part of the United States Army and receives no Federal funding; and Whereas funds for the activities of the Army Aviation Heritage Foundation come entirely from donations made by private individuals and corporations;

Whereas Army Aviation Heritage Foundation volunteers devote a significant amount of their personal time and resources to present the story of our Nation’s military stories to the American people through extensive and elaborate living history programs presented at major public venues, such as air show events, and at numerous smaller community outreach initiatives.

Whereas these living history programs are designed and presented to honor the Armed Forces and its veterans while inspiring the public that ultimately supports the Armed Forces and giving the public a glimpse of military life, service, and devotion; and Whereas the Army Aviation Heritage Foundation has devoted over 150,000 volunteer hours and over $3,300,000 in donated funds, aircraft, and equipment in organizing, developing, and conducting over 33 public presentations that have helped to foster patriotism and present our Nation’s military stories to
an audience of more than 5,500,000 people; and

Whereas the Army Aviation Heritage Foundation is acting to provide America’s warriors a venue to tell their story and the tools with which to share with the American public their legacy of service and devotion: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes, applauds, and supports the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to pursue the following four primary purposes:

1. To educate the American public regarding the heritage of the United States through the story of United States Army Aviation’s soldiers and machines.

2. To connect the American serviceman and servicewoman to the American public as an active and admired member of the American family.

3. To inspire patriotism and motivate Americans everywhere toward service to their community and country by involving them in our Nation’s larger military legacy.

4. To preserve authentic examples of Army Aviation aircraft and utilize them in educational living history demonstrations and presentations so that the symbols of America’s military legacy may always remain our gift for future generations.

The SPEAKER pro tempore, Pursuant to the rule, the gentleman from New York (Mr. McHugh) and the gentleman from Missouri (Mr. Skelton) each will control 20 minutes.

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

Mr. McHugh. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 465.

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

There was no objection.

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

The Chair recognizes the gentleman from Missouri (Mr. Skelton),

Mr. Skelton. Mr. Speaker, I yield to the gentleman from New York.

Mr. Speaker, I want to highlight another aspect of the significant contributions of the Army Aviation Heritage Foundation. Earlier this year, the Army Aviation Heritage Foundation was selected as the Army’s nominee to the Department of Defense Multi-department Selection Panel for the 2001 Zachary and Elisabeth Fisher Distinguished Citizen Humanitarian Award. This distinguished award recognizes efforts to improve the quality of life for members of the Armed Forces and their families.

In a letter to the Foundation, Secretary of the Army, the Honorable Thomas E. White, offered the following commentary: “The Foundation’s dedication, patriotism, and numerous contributions have left a lasting imprint on the quality of life for the service members and their families.”

I urge my colleagues to join in passing this resolution.

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

Mr. Speaker, I rise in strong support of House Concurrent Resolution 465 introduced by my colleague, the gentleman from Georgia (Mr. Collins).

It has already been noted that the Army Aviation Heritage Foundation performs a valuable role in educating the American public on military affairs and making the vital connection between the men and women who serve our Nation in uniform and the people they defend as a noble endeavor. We all understand that a Nation can only take pride in the past when the citizenry understands the challenges and sacrifices of those who passed this way before. To that end, the Army Aviation Heritage Foundation brings history to life for the citizenry.

Mr. Speaker, I want to highlight another aspect of the significant contributions of the Army Aviation Heritage Foundation. Earlier this year, the Army Aviation Heritage Foundation was selected as the Army’s nominee to the Department of Defense Multi-department Selection Panel for the 2001 Zachary and Elisabeth Fisher Distinguished Citizen Humanitarian Award. This distinguished award recognizes efforts to improve the quality of life for members of the Armed Forces and their families.

In a letter to the Foundation, Secretary of the Army, the Honorable Thomas E. White, offered the following commentary: “The Foundation’s dedication, patriotism, and numerous contributions have left a lasting imprint on the quality of life for the service members and their families.”

I urge my colleagues to join in passing this resolution.

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

(3) To inspire patriotism and motivate Americans everywhere toward service to their community and country by involving them in our Nation’s larger military legacy.

(4) To preserve authentic examples of Army Aviation aircraft and utilize them in educational living history demonstrations and presentations so that the symbols of America’s military legacy may always remain our gift for future generations.

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

There was no objection.

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

Mr. Speaker, I rise in support of this resolution recognizing the Army Aviation Heritage Foundation.

Based in Hampton, Georgia, it is a nonprofit organization to display military aircraft from World War II, the Korean conflict, and Vietnam. There are no U.S. taxpayer dollars that go into this program. It is all, as I say, volunteer and civilians and veterans who have pooled their funds and support this organization just to have a living history of an Army aviation to display in different air shows around the country.

They were founded in 1997. Since then, they have devoted over 150,000 volunteer hours and $3.5 million in donated funds and aircraft and equipment, and they actually participated in 35 air shows, viewed by some 5½ million people.

They have four primary purposes. Mr. Speaker, one is to educate the American public to their military heritage through the story of the U.S. Army Aviation’s soldiers and machines; two, to connect the American soldier to the American people as an active and admired member of the American family; to inspire patriotism and motivate Americans everywhere towards service to the community and country by involving them in our Nation’s larger military legacy; and to preserve the authentic examples of Army aviation and utilize them in educational living history demonstrations and presentations so that the symbols of America’s military legacy may always remain in the skies for future generations.

I appreciate the gentleman from the Commonwealth of Virginia (Mr. Otter) for joining me in supporting this resolution. I yield back my time.

The SPEAKER pro tempore (Mr. Otter). The question is on the motion offered by the gentleman from New York (Mr. McHugh) that the House suspend the rules and agree to the concurrent resolution. H. Con. Res. 465, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, H. Con. Res. 465, as amended, was agreed to.

A motion to reconsider was laid on the table.
The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3340, by the yeas and nays; H.R. 5531, by the yeas and nays; H.R. 468, by the yeas and nays.

Votes on S. 2690 and H.R. 5422 will be taken tomorrow.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ALLOWING CERTAIN CATCH-UP CONTRIBUTIONS TO THRIFT SAVINGS PLAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3340, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3340, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 0, not voting 59, as follows:

(ROLL NO. 442)

YEAS—372

Mr. BILIRAKIS. Mr. Speaker, due to the death of a close family friend, I was in Florida on October 7, 2002, and unable to vote on H.R. 3340. Had I been present, I would have voted ‘yea’ on rollcall vote No. 442.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, due to the death of a close family friend, I was in Florida on October 7, 2002, and unable to vote on H.R. 3340. Had I been present, I would have voted “yea” on rollcall vote No. 442.

Ms. SOLIS. Mr. Speaker, during roll call vote No. 442 on H.R. 3340, I was unavoidably delayed. Had I been present, I would have voted “yea.”
Mr. DUNCAN changed his vote from "yea" to "nay." So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over; to reauthorize the Merit Systems Protection Board and the Office of Special Counsel; and for other purposes."

A motion to reconsider was laid on the table.

Stated for:
Mr. BLIRIKAS. Mr. Speaker, due to the death of a close family friend, I was in Florida on October 7, 2002, and unable to vote on H.R. 5531, the Sudan Peace Act. Had I been present, I would have voted "yea" on rollcall vote No. 443.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 443 on H.R. 5531 I was unavoidably detained. Had I been present, I would have voted "yea."
Mr. BLUMENAUER. Mr. Speaker, during rollcall vote No. 444 on H. Res. 468 I was unavoidably detained. Had I been present, I would have voted yea.

Mr. ROGERS of Michigan. Mr. Speaker, this is a very simple bill that has already been designated and made available by the Clerk. The purpose of this legislation is to offer substantial economic development tax incentives to areas which are characterized by pervasive poverty, unemployment, and general distress. The program works solely through tax incentives designed by the participants age 50 or over (rollcall No. 442); H.R. 5531, The Sudan Peace Act (rollcall No. 443); and H. Res. 468, The Transatlantic Security and NATO Enhancement Resolution of 2002 (rollcall No. 444).

REPORT OF RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 114, AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 107-724) on the resolution (H. Res. 574) providing for consideration of the joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 5400, AGREEMENT BETWEEN UNITED STATES AND MEXICO CONCERNING ESTABLISHMENT OF BORDER ENVIRONMENT COOPERATION COMMISSION AND NORTH AMERICAN DEVELOPMENT BANK

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be permitted to file a supplemental report on the bill, H.R. 5400, agreement between United States and Mexico concerning establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

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

There was no objection.

AMENDING INTERNAL REVENUE CODE OF 1986 BASED ON 2000 CENSUS DATA

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent that the Speaker’s table the bill (H.R. 3100) to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data, and for its immediate consideration in the House.

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

There was no objection.
Mr. LAFLALCE. I yield to the gentleman from New York.

Mr. QUINN. Mr. Speaker, I thank my neighbor, colleague and friend for yielding.

Mr. Speaker, let me just say for the record, to be quick here, I want to associate myself with the remarks of the gentleman from New York (Mr. LAFLALCE), the gentleman from New York (Mr. REYNOLDS) and the gentleman from New York (Mr. HOUGHTON). The four of us worked on this.

This is a question today about fairness, about using current information. We know that Renewal Communities work. This legislation this evening makes it fair for everybody to become involved. I am pleased to associate myself with the hard work that has been done by the committeestaff, as well as both the gentlemen from New York and our friend and colleague, the gentleman from New York (Mr. REYNOLDS).

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

Mr. LAFLALCE. I yield to the gentleman from New York.

Mr. REYNOLDS. Mr. Speaker, I thank the gentleman.

I want to salute my two colleagues from Erie County and representing the Niagara frontier, as well as the distinguished gentleman managing the rule from the Southern Tier.

This piece of legislation does a great deal to help the western New York area. I just want to salute the leadership of the gentleman from New York (Mr. LAFLALCE) and the gentleman from New York (Mr. QUINN) for their efforts of making this a reality today as it comes through the House; and, hopefully, we will see that support in the Senate. It will greatly help our area recover.

Mr. LAFLALCE. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for his assistance with the Republican leadership.

Mr. QUINN. Mr. Speaker, I rise today in support of H.R. 3100.

H.R. 3100 will allow Renewal Communities to amend their boundaries by adding census tracts meeting the program’s criteria based on 2000 census data. The 40 Renewal Communities designated by HUD were required to use 1990 census data.

The objective of the Community Renewal Tax Reform Act of 2000, CRTRA, is to stabilize and invigorate distressed communities by providing special targeted incentives directly to businesses. These incentives are designed to expand jobs and business investment by making it more beneficial to stay or relocate in areas that have been experiencing job/population loss.

It would seem logical that those areas that have continued to deteriorate should be eligible to use the most current data available—2000 census—to expand their boundaries.

It is my hope that no existing Renewal Community will be adversely affected. Only those communities that have increased poverty levels and continued to lose businesses and jobs would apply to HUD to amend their boundaries. The same qualifying criteria will apply to adding new census tracts. No Renewal Communities will be able to include more than 200,000 in population. All tracts must be contiguous.

The economic expansion for most of the United States during the decade of the ‘90s was not experienced in Upstate New York. If NYC is taken out of the equation, New York ranks 49th out of the 50 States in job creation and business expansion during the ‘90s. The Buffalo/Niagara Falls SMA lost more jobs and population than any city in the country during that time. The August median sales prices for homes sold in the Buffalo area last month was only $85,000, an indicator of the economic conditions.

Finally, there should be no budget impact, as the parameters of the program will remain unchanged. Thank you Mr. Speaker for scheduling H.R. 3100 on the floor of the House of Representatives today. I urge all of my colleagues on both sides of the aisle to support this bipartisan, commonsense legislation.

Mr. LAFLALCE. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3100

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

SECTION 1. EXPANSION OF DESIGNATED RENEWAL COMMUNITY AREA BASED ON 2000 CENSUS DATA.

(a) IN GENERAL.—Section 1602 of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by adding at the end the following new subsection:

"(g) EXPANSION OF DESIGNATED AREA BASED ON 2000 CENSUS.—At the request of the nominating entity with respect to a renewal community, the Secretary of Housing and Urban Development may expand the area of such community to include any census tract—
"(1) which, at the time such community was nominated, met the requirements of this section for inclusion in such community but for the failure of such tract to meet 1 or more of the population and poverty rate requirements of this section using 1990 census data, and
"(2) which meets all failed population and poverty rate requirements of this section using 2000 census data.

Any such expansion shall take effect as provided in subsection (b).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect—

(1) which, at the time such community was nominated, met the requirements of this section for inclusion in such community but for the failure of such tract to meet 1 or more of the population and poverty rate requirements of this section using 1990 census data, and

(2) which meets all failed population and poverty rate requirements of this section using 2000 census data.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3100, the bill just passed.

The Speaker pro tempore. Is there objection to the request of the gentleman from New York? There was no objection.

RECOGNIZING THE IMPORTANCE OF SURFACE TRANSPORTATION INFRASTRUCTURE TO INTERSTATE AND INTERNATIONAL COMMERCE AND THE TRAVELLING PUBLIC AND THE CONTRIBUTIONS OF THE TRUCKING, RAIL, AND PASSENGER TRANSIT INDUSTRIES TO THE ECONOMIC WELL BEING OF THE UNITED STATES

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 567) recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, and passenger transit industries to the economic well being of the United States, as amended.

The Clerk read as follows:

H. RES. 567

Whereas prior to 1990, the United States lacked a holistic, intermodal surface transportation system that linked rural towns and farmland to urban areas and cities for the purposes of travel and interstate commerce;

Whereas the emergence of the automobile and truck after 1900 created a public demand and economic need for improved roads, highways, and byways;

Whereas the United States transportation construction industry has built 3,900,000 miles of roads, 200,000 miles of freight and passenger railroad track, and 5,800 miles of mass transit track with more than 2,900 stations;

Whereas the construction of roads and highways requires the skills of numerous occupations, including those in the contracting, engineering, planning and design, materials supply, manufacturing, distribution, and safety industries;

Whereas by 2020 the number of registered vehicles in the United States is expected to grow from 225,000,000 to about 275,000,000, requiring improvements to roads and highways;

Whereas the industries which design, construct, maintain roads and highways generate $200,000,000,000 for the economy annually and sustain about 2,200,000 jobs;

Whereas the advent of the truck, and technological advances expanding its cargo capacity, dramatically increased the ability of the United States to transport goods more quickly and efficiently;

Whereas the trucking industry had $606,000,000,000 in gross freight revenues, representing 87.5 percent of the Nation's freight bill in 2000;

Whereas intercity trucks logged 1,093,000,000 ton-miles in 1999, representing almost 30 percent of the total domestic intercity ton-miles logged by all modes;

Whereas commercial trucks consumed more than 44,000,000,000 gallons of fuel and paid $35,500,000,000 in Federal and State highway-user taxes in 1999;

Whereas by 2013 the total number of commercial trucks will increase by a third, from 6,000,000 to 8,000,000;

Whereas there were 3,090,000 truck drivers in 1999, more than 44,000,000,000 gallons of fuel and paid $35,500,000,000 in Federal and State highway-user taxes in 1999;
Whereas trucks transported more than 83 percent of the value of trade between the United States and Mexico and more than 73 percent between the United States and Canada in 1995;

Whereas prior to the development of a national system of roads and highways for automobiles and trucks, the railway system served as a primary mode of intercity travel for the American public and facilitated goods movement throughout the United States;

Whereas America’s freight railroads carry more than 40 percent of the Nation’s intercity freight, including approximately 70 percent of all intermodal trailers and containers, and had a freight volume of 1,530,000,000 tons-miles in 2000;

Whereas on average it costs 29 percent less to move freight by rail in 2000 than it did in 1961 and 59 percent less in inflation-adjusted dollars;

Whereas from 1980 to 2001 Class I freight railroads invested more than $290,000,000,000 to maintain and improve infrastructure and equipment and reduced the number of train accidents per million train-miles by 64 percent;

Whereas the railroad industry employed more than 230,000 workers in 2001, including engineers, conductors, clerks, executives, and maintenance workers;

Whereas railroads and railroads move people and commodities in an efficient way and contribute more than $30,000,000,000 to the economy through wages, fringe benefits, purchases, and taxes;

Whereas intercity buses provided passenger and package express service to over 4,000 communities nationwide, most of which have no other form of public intercity transportation;

Whereas intercity buses carry over 770,000,000 passengers annually and provide a variety of services, including fixed-route, charter and tour, airport express, and long-haul commutes;

Whereas intercity buses provide an integral link in the intermodal network serving airports, train stations, and transit hubs throughout the Nation;

Whereas the public transportation system in the United States includes buses, trolleybuses, vanspools, jitneys, heavy railways, light railways, commuter railways, cable cars, monorails, aerial trams, and ferryboats;

Whereas Americans used public transportation a record 9,500,000,000 times in 2001 and transit ridership has grown 23 percent since 1995;

Whereas public expenditures to operate, maintain, and invest in public transportation systems in America amount to about $32.5 billion in 2001;

Whereas there are more than 360,000 transit employees who work to operate, maintain, and manage America’s public transportation system;

Whereas public transit helps to reduce vehicular traffic congestion on roads and highways and leads to cleaner air;

Whereas public transit continues to be one of the safest modes of travel and helps conserve energy and reduce America’s dependency on foreign oil; and

Whereas public transit has provided the elderly and millions of Americans with disabilities expanded mobility and freedom to travel throughout America, therefore, be it

Resolved, That the House of Representatives recognizes the transportation construction, trucking, railroad, intercity bus, and passenger transit industries, and those professionals who design, operate, build, and maintain the rights of way along which trucks, freight trains, buses, and commuter trains travel—

(1) for the immense contribution they make to the economy by facilitating international and domestic commerce and the traveling public and the traveling public which uses roads, highways, and railways for the purposes of business and leisure; and

(2) for their contribution to the freedom of the traveling public which uses roads, highways, and railways for the purposes of business and leisure; and

(3) for their conscientious effort to improve safety, increase efficiency, and better the environment in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LA TOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LA TOURETTE).

GENERAL LEAVE

Mr. LA TOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 567, as amended.

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

There was no objection.

Mr. LA TOURETTE. Mr. Speaker, I ask unanimous consent that all time allotted to me be allotted to the gentleman from California (Mr. GARY G. MILLER), and I further ask unanimous consent that I be permitted to yield time from that time.

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

There was no objection.

Mr. LA TOURETTE. Mr. Speaker, I ask unanimous consent that all time allotted to me be allotted to the gentleman from California (Mr. GARY G. MILLER), and I further ask unanimous consent that I be permitted to yield time from that time.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Res. 567, “Recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the transportation construction, trucking, rail, intercity bus and passenger industries to the economic well being of the United States.”

On October 1, I introduced this bill, along with 11 of my colleagues, to show the Congress’s gratitude to the men and women who continue to provide America with an efficient and reliable transportation system.

Mr. Speaker, this bill recognizes the vital role the transportation construction, trucking, rail, intercity bus and passenger transit industries play in the United States’ economic well-being.

The trucking industry alone has transported more than 83 percent of the volume traded between the U.S. and Mexico, and more than 73 percent between the U.S. and Canada in 1999.

There are now 6 million commercial trucks, and that number will increase to 8 million by 2013. Between the growing number of trucks and the fact that the registered vehicles are expected to increase from 225 million to 275 million by 2020, we are fortunate to have such an efficient and reliable transportation construction industry.

The transportation construction industry sustains 2.2 million jobs and has provided us with a network of roadway. America’s freight railroads are responsible for carrying 70 percent of the vehicles from domestic manufacturers. America’s freight railroads also carry more than 40 percent of the Nation’s intercity freight. The rail industry has met the growing economic demand, it has also lowered the cost of moving freight by 29 percent since 1981. Public train ridership has also grown by 23 percent since 1995.

Public transit also plays a significant role in providing added convenience to Americans’ lives. Public transit as a whole helps to reduce vehicular traffic congestion on roads and highways and leads to cleaner air. Intercity buses carry over 770,000,000 passengers a year.

In 2000, the total public expenditures to operate, maintain, and invest in public transportation systems reached $23.5 billion.

Mr. Speaker, I would like to commend the surface transportation infrastructure community for the immense contributions they have made at both an economic and societal level. The surface transportation community has continually bettered the transport of goods and services and facilitated transit for the traveling public.

I would like to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and their staffs for the hard work they have given on this measure. I know I speak on behalf of Congress when I commend the hard-working men and women in the surface transportation industry who are continually giving their services to provide America with a reliable transportation network.

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

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

I rise in support of H. Res. 567, as amended, that recognizes the significance of the surface transportation infrastructure to interstate and international commerce and the traveling public and recognizes the contributions of the trucking, rail, intercity bus and passenger transit industries to the economic well-being of the United States.

As the Nation moves toward a more competitive global economy, the state of our surface transportation infrastructure increases in importance. The investments made in the Nation’s transportation infrastructure also provide good family wage-paying jobs and contributes significantly to the Nation’s health.

Throughout the 107th Congress, the Committee on Transportation and Infrastructure has worked diligently to advocate adequate funding for transportation programs.

Mr. Speaker, I cannot stand here in praise of surface transportation without drawing to the attention of the...
House a genuine surface transportation emergency. As we praise surface transportation, we are aiding and abetting the decline and worsening of a major indispensable component of that system. We saw this emergency arise just weeks ago, and we abetted it then. It was clear that Amtrak could not continue to go forward without first emergency funding and then an appropriation that would guarantee the rail service in the United States of America would continue. In fact, the administration came forward with $100 million in loan-guarantee funding, pending congressional consideration of the Amtrak appropriation.

Mr. Speaker, the emergency is now upon us, and it is upon us hot and heavy. The Committee on Appropriations has just denied Amtrak’s request for $1.2 billion that is necessary to keep the full system running. Instead, they appropriated $762 million. Now, this amount, and here I am bringing to the floor what the Department of Transportation Inspector General says, is not enough to continue current operations, which he sets at $1.2 billion. This amount will go down on a straight party line vote.

Now, understand what we have done. These folks say they must have $1.2 billion to continue the intercity railway transportation of the United States, which criss-crosses this country. We have heard it before, I have heard it before. I take my time to indicate what that one-third means and what districts in this House are going to wake up without railway transportation if we leave it that way.

This amount is less than one-half of the funding for the entire national network of passenger rail transportation that is now in place. What it means, I say to my colleagues, is this: that in order to get down to this $150 million, which is all that would be allowed to be spent in 2003, 13 of the 18 long-distance trains would have to go. That means 2.3 million riders. Let me be more specific, because I want to find out, well, how does that break out when we get down to brass tacks. How it breaks out is this, listen for our cities, because these are the cities that are going to be without national intercity passenger rail travel: Dallas, Denver, New Orleans, San Antonio, Salt Lake City, Tucson, Atlanta, Little Rock, Pittsburgh, and Houston. They would lose all passenger service. I am here to sound the alarm, I have not named Washington, D.C., but I believe I must bring to the attention of my colleagues the rolcall I just went through who is in fact in danger.

The administration, despite its study after study, has come forward with absolutely no Federal plan. Instead, it sends us to two sources, one is the private sector. Are we kidding? Do we know why there is an Amtrak? Because the private sector went broke and said to the Federal Government, if you do not take over passenger service, there is not going to be any. There would not be any Amtrak if the private sector could do it unsubsidized. Okay, said the administration, then go to the States. That is even more outrageous, more distressing. Every State in the Union is facing a horrific deficit, every State is running the worst deficits in a generation, and that is because of the sad state of the national economy, not because of anything the States have done. So we are sending them to the States.

The Dow Jones was down at a 5-year low today. What does that tell us about the national economy? What does that tell us about going to the States to save Amtrak? The States will tell us, at the very least, I gave at the office, because the States have already contributed $1 billion. Where is our contribution of $1 billion?

The administration came forward with something called the Amtrak Reform Council. Oh, how misnamed can an entity be. They have indeed studied it. They have indeed studied it. We are sending it again and they are still studying it. No plan, still. That is a bankrupt strategy; and, I say to my colleagues, if we go home with a third of the amount Amtrak needs cut, we will have a bankrupt railroad system when we return. I ask you today, I say to my colleagues, that this means to the economies of certain sections of the country, like the Mid-Atlantic States, the Northeast, and certainly the Midwest States that are going to lose all service.

We subsidize every major form of transportation I sit on the Subcommittee on Aviation. We just came forward with another subcommittee bill to help aviation out just last week. Thank goodness we give millions to buses and Metro, to roads. That is in our tradition, and I am glad of it. Do they really expect to provide passenger service in the 21st century in our country completely unsubsidized? If so, we would be the only self-supporting rail system in the world. We are not nearly that good, nor is any other society.

Mr. Speaker, we may be the only one in the world today, but if we do not take action before the 107th Congress closes, we will be a second-class transportation power without a fully operating rail system. It would do irreparable harm to our transportation system and to our country to let Amtrak sink. We must do more than pass cosmetic resolutions such as the one we pass today. I ask my colleagues to help me and to help ourselves to save the Nation’s passenger railroad system.

Mr. OBERSTAR. Mr. Speaker, I rise in support of Mr. Flake’s resolution recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public, and recognizes the contributions of the trucking, rail, and passenger transit industries to the economic well-being of the United States.

The Nation’s surface transportation industries, and the workers they employ, have made immense contributions to the quality of life in our communities, the nation’s economy, and our competitiveness in the world marketplace. Each day, the American people and American businesses benefit from reduced travel times, increased productivity, and improved safety as a result of their efforts.

Throughout our Nation’s history, economic growth, prosperity, and opportunity have followed from the development and operation of the Nation’s infrastructure. From the “internal improvements” of the early 1800s—such as canals, locks, and roads—to the Interstate Highway System of today, infrastructure improvements have been the foundation of our economic growth. To take just one example, between 1980 and 1991, almost one-fifth of the increase in productivity in the U.S. economy was attributable to investment in highways.

Our Nation’s highways, transit and rail systems not only provide the backbone of our economy by moving people and goods, they also employ millions of workers and generate a significant share of total economic output. In fact, the transportation-related goods and services generated 11 percent of our total Gross Domestic Product.

In addition to facilitating economic growth, our transportation system has a significant impact on the daily lives of nearly all Americans. Americans rely on safe and efficient modes of transportation in their day-to-day activities. The average household spends about 18 percent of it income on transportation, more than any other expense except housing.

Surface transportation industries, and the workers they employ, have accomplished a great deal. But their work is not finished. We hope their achievements will inspire a renewed dedication to keeping America’s transportation system the finest in the world.

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

Mr. GARY G. MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FLAKE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution. House Resolution 567, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to. The title was amended so as to read: “Resolution recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, intercity bus, and passenger transit industries to the economic well-being of the United States:.”

A motion to reconsider was laid on the table.
EXPRESSING APPRECIATION FOR PRIME MINISTER OF GREAT BRITAIN FOR HIS LOYAL SUPPORT AND LEADERSHIP IN WAR ON TERRORISM AND REAFFIRMING STRONG RELATIONSHIP BETWEEN PEOPLE OF UNITED STATES AND GREAT BRITAIN

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 549) expressing appreciation for the Prime Minister of Great Britain for his loyal support and leadership in the war on terrorism and reaffirming the strong relationship between the people of the United States and Great Britain.

The Clerk read as follows:

H. Res. 549

Resolved, That the House of Representatives—

(1) expresses sincere appreciation for Prime Minister Tony Blair’s leadership in the war on terrorism;

(2) expresses its deepest sympathy to British victims of terrorism and their families, including the 67 British citizens who were killed and thousands more wounded in the London and New York attacks of September 11, 2001;

(3) commends the efforts of British intelligence and defense agencies for their continued efforts in the war on terrorism; and

(4) reaffirms the strong and special relationship between the people of the United States and Great Britain.

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

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

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

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

There was no objection.

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

Mr. Speaker, I want to thank the gentleman from Missouri (Mr. GRAVES) for introducing House Resolution 549 expressing appreciation to the Prime Minister of Great Britain, Tony Blair, for his loyal support and leadership in the war on terrorism and reaffirming our strong relationship between the people of the United States and Great Britain. We know who our friends are in times of need. By this measure, some of our closest friends can be found in the United Kingdom.

Following our September 11th attacks, our British partners offered critical assistance in military deployments in Afghanistan. They cracked down on terrorist activities in their territory and are working side by side with our forces in Afghanistan. Our war is also working closely with the British with regard to intelligence-sharing, asset freezes, and taking joint action to uproot terrorist organizations.

Prime Minister Tony Blair personally has shown an exemplary level of courage and leadership, not only through his support for our campaign against terror in Afghanistan but our campaign to rid the region of weapons of mass destruction and to end the tyrannical rule of Saddam Hussein.

Accordingly, it is fitting that we commend Prime Minister Blair and the British people for their support and steadfastness during these most difficult days.

Mr. Speaker, I urge adoption of this measure.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, I rise today as a proud spokesman for House Resolution 549, a resolution thanking Prime Minister Tony Blair and the British people for their support in this war on terrorism.

Throughout the 20th century, the United States and Great Britain have worked to ensure greater freedom throughout the world. From the victories of World War I and World War II to the collapse of the Soviet Union and the Berlin wall, the United States and Great Britain have stood shoulder-to-shoulder in a special bond that is unique among modern nations.

Now the world is engulfed in yet another battle against those who seek to terrorize free people. While the face of evil has changed over the past 100 years, our alliance with the British has grown stronger. Through a military alliance that has spanned both a great ocean and decades of war and peace, we have worked together to fight for freedom and restore peace to a world always threatened by tyranny. The strength of our alliance has been enhanced by the strength of the leadership of both Mr. Bush and Prime Minister Blair.

Winston Churchill proclaimed to Nazi Germany and the world that Britain would never fall to totalitarianism. Shortly before the United States was attacked in September 11, our own great statesman, Prime Minister Churchill proclaimed to Britain and the world: "Never yield to force; never yield to the apparently overwhelming might of the enemy."

On September 11, we all witnessed the terrible capabilities of our enemy. But with the help of Great Britain and many other devoted allies, the United States refused to stand down in the face of this deadly enemy. Prime Minister Blair rallied his people and worked tirelessly with countries around the world to assemble support for the cause of freedom. His leadership in this war has been exemplary.

The Prime Minister understands that this war is not about one ideology or religion. He understands that the threat posed to America is the same threat posed to his own people. Like America, there is always a voice of opposition, but, again, he understands that this war is about protecting that voice. Because the voice of dissent is one part of the voice of freedom.

From the initial horrors of September 11 to the new phase of the war on terrorism, Prime Minister Tony Blair has stood with America and the cause of freedom. I am personally grateful for his leadership, and I am proud to sponsor this resolution thanking him and the British people for their sacrifices of yesterday and their sacrifices to come.

With the leadership of President Bush and Prime Minister Blair, I look forward to a future where the American and British people live in peace and in a world free from tyranny.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the remainder of time on our side be controlled by the gentleman from New York (Mr. REYNOLDS).

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution. I would like to commend my colleague, the gentleman from Missouri (Mr. GRAVES), for introducing such a timely resolution.

Mr. Speaker, a nation discovers its true friends in times of crisis. Since the tragedy of September 11, America has found that it has many friends around the globe. Mr. Speaker, we have seen that the United States has a tremendous friend and ally in the war on terrorism in Great Britain. No head of state has been more supportive of the United States in this battle than British Prime Minister Blair.

In short, Mr. Speaker, the United Kingdom has stood shoulder-to-shoulder with the United States in the war on terrorism. In the horrendous terror attacks of September 11, Britain
Mr. Speaker, British Prime Minister Tony Blair has shown extraordinary leadership in the war on terrorism. This resolution recognizes his leadership and expresses the appreciation of the Congress and the American people. I urge my colleagues to support this resolution.

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

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX).

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

Mr. Speaker, we are here today, importantly, to discuss a resolution about the Prime Minister of England, about Tony Blair. It is fitting that we are here paying tribute to someone who is standing with America in tough times. It has been my privilege to serve with the gentleman from New York (Mr. GILMAN) for 14 years here in Congress, but the gentleman’s career goes back many more years before that. His whole life has been devoted to service to his country.

We can see in this unique combination of good manners and high honor on the one hand and toughness and courage on matters of substance on the other hand that in the annealing fire of combat in World War II the gentleman from New York (Mr. GILMAN) was tested. He was found worthy of the call of duty. He was a Staff Sergeant in World War II in the 19th Bomb Group of the 20th Air Force. He flew 35 missions over Japan and it is during that time that he earned the Distinguished Flying Cross and the Air Medal with oak leaf clusters.

In reapportionment, districts change. Whether combatting world hunger or fighting for freedom for those unjustly imprisoned, the gentleman from New York (Mr. GILMAN) has been a recognized leader in human rights and foreign affairs, earning praise for his work from every cosponsor of the globe. But despite his great presence on the world stage, it is evident through his tireless advocacy for those he represents that his heart is firmly on the ground in his home community of New York’s Hudson Valley.

Listing the awards and honors that the gentleman from New York (Mr. GILMAN) has earned throughout his career would fill the pages of this handout, but they are tremendous evidence of the fondness and the respect that the gentleman earned throughout his career from those he has so passionately represented.

As the dean of our New York delegation, the gentleman from New York (Mr. GILMAN) has been looked to for his leadership and counsel. On so many issues that affect not only his district but our entire State, our Nation, and the globe, the gentleman was there, fighting just as hard, just as passionately for every resident of our State.

Mr. Speaker, on behalf of my community, my State, I want to extend my thanks to the gentleman from New York (Mr. GILMAN) for all he has done to make New York a better place. His wisdom, commitment, and leadership will be sorely missed.

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

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

Mr. Speaker, I would like to take this opportunity to honor one of my closest friends and colleagues who has announced his retirement. As a true friend of all of us, the gentleman from New York (Mr. GILMAN), and I do mean gentleman.

Mr. Speaker, British Prime Minister Tony Blair has shown extraordinary leadership in the war on terrorism. This resolution recognizes his leadership and expresses the appreciation of the Congress and the American people. I urge my colleagues to support this resolution.

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

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX).

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

Mr. Speaker, we are here today, importantly, to discuss a resolution about the Prime Minister of England, about Tony Blair. It is fitting that we are here paying tribute to someone who is standing with America in tough times. It has been my privilege to serve with the gentleman from New York (Mr. GILMAN) for 14 years here in Congress, but the gentleman’s career goes back many more years before that. His whole life has been devoted to service to his country.

We can see in this unique combination of good manners and high honor on the one hand and toughness and courage on matters of substance on the other hand that in the annealing fire of combat in World War II the gentleman from New York (Mr. GILMAN) was tested. He was found worthy of the call of duty. He was a Staff Sergeant in World War II in the 19th Bomb Group of the 20th Air Force. He flew 35 missions over Japan and it is during that time that he earned the Distinguished Flying Cross and the Air Medal with oak leaf clusters.

In reapportionment, districts change. Whether combatting world hunger or fighting for freedom for those unjustly imprisoned, the gentleman from New York (Mr. GILMAN) has been a recognized leader in human rights and foreign affairs, earning praise for his work from every cosponsor of the globe. But despite his great presence on the world stage, it is evident through his tireless advocacy for those he represents that his heart is firmly on the ground in his home community of New York’s Hudson Valley.

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

Mr. Speaker, I would like to take this opportunity to honor one of my closest friends and colleagues who has announced his retirement. As a true friend of all of us, the gentleman from New York (Mr. GILMAN), and I do mean gentleman.

The gentleman from New York (Mr. GILMAN) has provided 30 years of service in the House, representing Orange, Rockland, Sullivan, and Westchester Counties. The gentleman from New York (Mr. GILMAN) has a distinguished record of service from 1942 to 1945 as a Staff Sergeant in the 19th Bomb Group of the 20th Army Air Force flying 35 missions over Japan and earning the Distinguished Flying Cross and the Air Medal with Oak Leaf Clusters.

Here in the House, he served as ranking minority member on the Committee on Post Office and Civil Service from 1989 to 1993, earning the reputation as a key spokesman for a safe, equitable workplace for civil service and postal service employees.

Of course, probably the most distinguished thing that the gentleman from New York (Mr. GILMAN) has done in the House is his role as an honest broker, representing the interests of both political parties, always willing to do what is right for the country, and earning praise for his work from both political parties, all across the country.

Mr. Speaker, I yield the balance of my time to the gentleman.
During my entire time here, BEN and I have worked together on issues that we both care about, including the Congressional Human Rights Caucus. We have served together on the Committee on Government Reform.

Since 1994, BEN has been a leading member of the Republican Policy Committee, which I chair. He chaired the Speaker’s Working Group on North Korea, on which I was privileged to serve, and brought so many of the issues of human rights abuses and the threat of mass destruction to the world’s attention there. We worked together on the Speaker’s Advisory Group on Russia, and BEN’s experience and knowledge of U.S.-Russia relations has proved to be a tremendous asset in helping to shape that report on a decade of U.S.-Russia relations.

Together we have co-sponsored countless bills, including the Eastern European Democracy Act, the Taiwan Security Act, the Russian Freedom Act, the Iraqi Liberation Act. BEN and I worked closely on the Iraq bill frequently mentioned in newspapers these days and around the world; it is now getting comments because of its emphasis on regime change. I was honored to be the sole co-sponsor of that bill, which passed this House on a vote of 360 to 38 years ago on October 5, 1998.

As evidenced by the current debate in Washington, BEN’s legislation calling for support for the Iraqi opposition groups that would foster regime change in Iraq was farsighted, necessary and important and will be the follow-on policy after this current conflict.

Mr. Speaker, I have the utmost respect for the gentleman. He is one of the best friends that I will have in my career. He has a knack for moving beyond partisan lines because he always stands for what is right and that always attracts followers. I hope that the gentleman from Georgia and his family will now have a little bit of quiet time now that he is moving on from the House. But I know that he will not have a whole lot more time because I know he will remain as a leader for the United States, and in all the things that I expect he will be doing, the gentleman can count on my support and his colleagues’ support; and I wish the gentleman Godspeed.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Rangel), the ranking member of the Committee on Ways and Means and the dean of the New York delegation.

Mr. RANGEL asked and was given permission to revise and extend his remarks.

Mr. RANGEL. Mr. Speaker, so many times we see Republicans coming on over to the Democratic side and Democrats going on the other side and some of the newer Members wonder, What is that all about? Well, it is about what they call the good old days. The days where people were elected to represent their districts and at the same time thought that we could disagree without being disagreeable. And if they had any problems in trying to figure out what type of legislator that I am talking about, I refer them to my friend, my brother, my colleague, BEN GILMAN. And I think we can all agree that we have a lot of problems with our brothers, especially on some of the votes that he is being lauded for on the other side.

But one thing is abundantly clear, that he believed in everything that he said; and he was willing to stand out of the way to try to listen to the problems of different people in different parts of our country or in different parts of the world.

BEN and I traveled all over fighting the scourge of drugs. It was one task force that no one really volunteered to go on. We went into the mountains, the valleys. We stood in Colombia and saw what the rebels have done. We have known the list of people that have died in the hands of the drug traffickers. We went into Mexico and saw just how corrupt they were and stood up against them. And I do not think in any of these countries whether or not anyone knew who the Democrat was and whose Republican is because we went there together as Americans.

We went to the United Nations as Americans, and we worked and fought on so many issues that both of us are proud of. We have so many friends outside of the Congress; and, indeed, I was so privileged of his wedding to his beautiful Georgia.

I do not know basically what he wants for the future. And I do not even know how his political career was cut so short so fast. But I know one thing, whatever he decides to do with the rest of his beautiful life, that I am not going to allow what happens in this floor or what happens in Albany to stop the wonderful friendship that my family has enjoyed with BEN and his family over the years.

And for the new Members, if they do not know what I am talking about, ask people about BEN GILMAN. Members can do their job and be faithful to their constituents and their country, but they just do not have to be mean-spirited about it.

We love BEN and we are going to miss him.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCHugh) of the northern country.

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

Mr. Speaker, I had another appointment, and I was disappointed because I thought I would not have the chance to be here; but I did not want to let this opportunity go by without joining in at least for a few moments in adding my words of great admiration and best wishes to an old friend and a remarkable colleague, BEN GILMAN.

Mr. Speaker, as we have heard and we will continue to hear, BEN has accrued a litany of achievements, any fraction of which would make each and every one of the 435 Members of this House very, very proud. During his 3 decades of service to his constituents and the American people, BEN has done more than just here at home, but BEN and we have heard, through his leadership on international, particularly, humanitarian and veterans issues.

It is indeed, as the gentleman from New York (Mr. RANGEL) suggested, disappointing that politics beyond the control of an individual politician takes away from our ranks such an illustrious Member. And, frankly, Mr. Speaker, that is the only way that BEN GILMAN did that somehow removed because as former House Speaker Tip O’Neill said, “All politics is local.” And the local people of New York State understood the compassion and great devotion that BEN brought to this job and has brought each and every one of his principles which have guided him his whole life, but to those of who have known him perhaps best, always a friend. Something that is unfortunately very, very hard to find in Washington.

I had the honor of serving with BEN not just on the Committee on International Relations, admiring and looking in amazement at his leadership as said that some committees at times to do even better things as each individual Member would have envisioned unto him and herself; but also on the Committee on Government Reform where I had the chance to serve as the Ranking Member on the Subcommittee on Postal Service, BEN was there every minute providing guidance and instructions and leadership.

So to BEN and Georgia, we certainly wish them every continued success and happiness; to those of who have known him perhaps best, always a friend. Something that is unfortunately very, very hard to find in Washington.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHHEY).

Mr. HINCHHEY. Mr. Speaker, I join the other Members of this House in paying tribute to a great veteran in service of his country, BENJAMIN A. GILMAN.

It has already been mentioned how he served this country as a member of the United States Army Air Corps in the Second World War, rising to the office of Staff Sergeant and serving in 35 commissions, and how he earned the Distinguished Service Cross in service to his country.

BEN GILMAN also went on to serve his country in the State legislature of the State of New York, serving for 3 consecutive terms before he was elected to the United States House of Representatives in 1972 where he has served for 3
decades in elegant and effective service to his constituents in New York and the people of this country.

I can remember the day in 1972 when Ben was elected. In fact, the day after he was elected, because on that day he did not have an unusual successful candidate for public office. The day after he was first elected to the House of Representatives, that next morning, that morning he was on the street of Middletown, greeting people all over them for their support in electing him to this distinguished office. In the 3 decades that he has served here, he has provided great service to the people of our State and this Nation. But mostly he will be recognized for his service on the Committee on International Relations and its predecessor and his tenure as chairman of that committee for three successive terms. He will be recognized as a staunch and just defender of the State of Israel. And in addition to that, he was recognized as one who stood for the oppressed minority everywhere in the world.

Ben Gilman is a great defender of human rights. And he has not cared what the human in that sentence looked like; whether they prayed or how they behaved. No matter what their individual circumstances, all he had to know was that they were suffering in some way and that way was unjust, and he was there rushing to their side in all corners of this globe.

It is a pleasure to have served with him now for this past decade, to have known him personally as a friend and as a colleague, and to stand here this morning with the rest of the Members of this House to pay tribute to his great service as an outstanding veteran in service to this country.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I come to the floor today to honor my friend and colleague from New York. In our military, for New York State government, and for the last 30 years here in the House, Ben Gilman has always been there for his country and for his fellow citizens. And I am honored to have had the opportunity to work with an individual like Ben, who has dedicated so much of his life to public service.

As we all know, as we have all heard, he has distinguished career in this body and has been a great leader for us on many fronts as chairman of the Committee on International Relations. But I also want to say something about Ben’s dedication to the interest of his constituents in the Hudson Valley. Those of us in the Hudson Valley have been particularly fortunate to have Ben here in Congress. He has been a tireless advocate for focusing Federal resources on the area’s needs; and he has been a tremendous partner, and he has been for me in working to improve the region and to bring forth the work on the important issues of our area. The Hudson Valley has benefited greatly because of Ben Gilman’s service in this body.

Mr. Speaker, I want to thank the gentleman today for his service to the Hudson Valley, to the State of New York, and to this Nation. I thank the gentleman so much for being the person that we all do admire for what he has done for all of us.

Mr. ENGEL. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. ACKERMAN). (Mr. ACKERMAN asked and was given permission to receive and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, I would just like to point out to our colleagues and the American people who might be listening that we are talking about somebody who is alive and well. These kinds of speeches are usually made about somebody who has passed from the scene. But Ben Gilman is an actual living legend here in the Congress and in this great land of ours.

Mr. Speaker, I have been privileged the years that I have been serving here in the Congress to have served just about every member of my era for 20 years, when Ben Gilman was flying those missions in World War II, in the Army Air Corps, serving with my dad. That is how long Ben has been serving this country.

When I grew up as a little boy, sharing a religion and a tradition that Ben Gilman does, one that is really a very small percentage, a small minority in this country, there were very few people of my faith to look to as role models in the business of politics, elected office in America in those days. My mom told me that there was this guy in our State in New York named Ben Gilman, who was a great American, who stood for great principles and great values; and he was somebody that we could all look up to. And, indeed, I did; and it was a blessed day that I was elected to be able to serve side by side with Ben Gilman and to fight with him for the causes that all of us believe in. For that, I have to tell Ben, for that, all of us are very, very grateful; and we thank him for his great service.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. HOUGHTON), the senior Member from the western part of the State.

Mr. HOUGHTON. Ben, how do you feel about all these nice words being said about you? Just do not inhale them.

Mr. Speaker, I would like to do a little more personal approach. Ben has had a distinguished career. He has been here for 30 years. I was not born of the Committee on International Relations, been on many CODELs, co-chairman of the New York State delegation, been absolutely wonderful, but, more importantly than that, I would like to say something to Ben. He has been a mentor.

The two best friends I have had in this Chamber have been Hamilton Fish
Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Hamburg, New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I appreciate the gentleman from western New York yielding me the time, and for a minute, I am going to read off the script, because I want to say something that I want to say coming from right here, right from the paper. I am a former educator before I came to Congress, without any political experience, much like the gentleman from New York (Mr. HOUGHTON); and a lot of people teach things in a lot of different ways. A person teaches in the classroom, they teach through books, they teach through lecture, but they also teach through example. I have only been here for five terms, but I want BEN to know that, from a perspective of a new Member, he was teaching, he was helping, he was advising, and he probably did not even know it, for people like me, for some of the younger men and women who were here.

We look around and our staff will say, they will use to get some dear colleagues signed. Our staff will tell us to go out and call some people to get some support of a bill on either side of the aisle. We are next-door neighbors in the Rayburn building, and the example my staff always tell me is go do it the way BEN GILMAN does it. For someone to have served that length of time here and to still approach the job that way, with the vim and the vigor and the vitality of a freshman, says a lot beyond the way we have learned as Members of the majority on both sides of the aisle. We are next-door neighbors, and we see a lot of things. We see sincerity. We see a man who has lived a joyous life, but most of what we see is kindness, kindness for anyone who reaches out to him. He returns it a hundredfold, and I thank him for his friendship and his kindness and for his service to the country.

Mr. ENGEL. Mr. Speaker, I yield myself 30 seconds.

I just want to say, because it has been said so many times before, if you have gone on trips with BEN GILMAN there has been no one who worked harder than BEN on those trips. I just want to say, after Ground Zero, all of us as New Yorkers after September 11, a few days later we all went to Ground Zero when President Bush went there. I think it was 3 days after the tragedy, and BEN was just going around to the firefighters and the police and all the people there, consoling them, speaking with them, people from all over the United States and the world, for that matter, on behalf of the district and the State, the country, the world. That is a real friend for all of us here. That is a real teacher. I am going to talk about a bill that has been germane and important to his own constituency. When there was a disaster in his district for onion farmers because of bad weather, every single day I saw him on the floor he reminded me not to forget the onion farmers.

He has always had a letter under his arm looking for dear colleagues to support constituencies throughout the world, in Ireland where he has been such a great leader, such a remarkable leader; and I hope he stays engaged because their troubles are not behind them yet. And Israel, another country that has seen its troubles, to whom he has been a real friend. The first single day I saw him on the floor he reminded me not to forget the onion farmers.

When we look BEN GILMAN in the eye, we see a lot of things. We see sincerity. We see a man who has lived a joyous life, but most of what we see is kindness, kindness for anyone who reaches out to him. He returns it a hundredfold, and I thank him for his friendship and his kindness and for his service to the country.

Mr. ENGEL. Mr. Speaker, I yield myself 30 seconds.

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Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Syracuse, New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentleman from New York for allowing me the time to speak.

Everyone who has spoken so far from our delegation in New York about BEN GILMAN mentioned that BEN was here when we came. One of the remarkable traditions of any great society is the oral tradition. The intelligence and the traditions and the history of the Congress have been handed down from BEN GILMAN’s generation to our generation. When I came, BEN took me under his wing immediately because he served with my father, and he still asks about my dad to this day. That is the kind of man that BEN GILMAN is. But he took time for everyone, not just his colleagues here in the Congress but for his constituents, for people who came to him from around the world looking for help to support their nascent democratic movement. They always had a listener in BEN GILMAN.

He has been a legislator, chairing one of the most important committees in the Congress, but he stopped to deal with other Members on issues that were germane and important to his own constituency. When there was a disaster in his district for onion farmers because of bad weather, every single day I saw him on the floor he reminded me not to forget the onion farmers.

We went there. I think it was 3 days after September 11, a few days later we all went to Ground Zero when President Bush went there. I think it was 3 days after the tragedy, and BEN was just going around to the firefighters and the police and all the people there, consoling them, speaking with them, people from his district who will now be in my district. That is just the kind of person he is.

Finally, I want to say, BEN has fought long and hard, and there is no better friend of the State of Israel than BEN GILMAN. I think BEN heard all his colleagues say the things about him that we all feel from the bottom of our hearts. We love you.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from New York for yielding me the time; and I wish to join my colleagues this evening in paying special tribute to our dear and able and incredibly hardworking Member of this House, Congressman BEN GILMAN of New York, an ambassador for our country at home and abroad, someone whose knowledge is unparalleled.

As I said recently to the Governor of New York, when the day comes for BEN GILMAN to cast his last vote here, I hope that the Members of the Congress will give BEN the hardest recommendation this evening to urge the citizens of New York for sending this incredibly gifted man to serve in the Congress.

Mr. Speaker, I thank the gentleman from New York for sending this incredibly gifted man to serve in the Congress.

Ms. KAPTUR. Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. WALSH).
the gentleman from New York (Mr. GILMAN), in salute to him, the dean of our delegation, and his wife, Georgia, who is in the balcony, for his closing remarks.

ANNOUNCEMENT BY THE SPEAKER pro tempore

The SPEAKER pro tempore (Mr. FLAKE). The Chair reminds all Members that it is not appropriate to refer to guests in the gallery.

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

2030

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York (Mr. Reynolds) for yielding me this time, and the gentleman from New York (Mr. Engel) for his kind remarks, and for all of my colleagues who were so kind in their expressions of support.

As the gentleman from Ohio (Mr. Flake) finishes his work for this year and the 107th Congress draws to a close, it is with deep regret that due to my involuntary retirement as a result of redistricting I will not be returning to Washington in January for the opening of the next Congress.

I came to Washington 30 years ago, and I had the honor and privilege to represent our Hudson Valley region of New York, our State, and our Nation during that period of time. That has afforded me the opportunity to witness and to participate in a great number of significant events in our history: from Watergate, the Vietnam war, to the fall of the Berlin Wall, the end of the Cold War during the 1980s and 1990s, to the 2001 anti-terrorism attacks and our war on terrorism.

I am particularly proud to have been part of reorganizing our State Department, helping to free some political prisoners in Mozambique, Cuba, the Soviet Union, and other nations, fighting our war against drugs, accounting for other MIAs and POWs, working to eliminate world hunger, extrading criminals from foreign lands, and establishing our international scholarships program.

In looking back, it has been especially gratifying to see how much, along with many of my colleagues and staffs, how much we have accomplished in promoting peace in Northern Ireland, in Afghanistan, in India and Pakistan, in Sri Lanka and the Middle East, and knowing that after I leave here that my colleagues’ good work is going to continue in those directions.

And knowing that our work is not done, I look ahead with optimism for opportunities which may arise for me to be able to contribute to make a difference.

I thank my staff, many of whom have been with me for more than a decade, for their dedication and their hard work. They have been invaluable to Georgia and to me through our years of service, and I know them all success in their future endeavors. And I hope that my colleagues will look out for them when they are seeking new positions.

It is hoped that somehow we have motivated our young people to recognize that an average young person from any small town with enough determination and perseverance can become a leader, a Congressman, and have the opportunity to make a difference in the world. I have always held the position of Congressman in the highest regard and tried to do my best to serve our constituents and our neighbors with the dignity that is befitting this office.

When I announced my candidacy for the House of Representatives back in 1972, it was beyond my wildest imagination that I would still be here after these many years working on behalf of our constituents. I thank my colleagues on both sides of the aisle for your warm friendship and your brotherhood.

It has been a privilege to serve alongside all of you, and it is with heavy hearts that Georgia and I have to say good-bye to this great body at the end of this session.

God bless you all, and I thank you for your kind words.

The SPEAKER pro tempore (Mr. Flake). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 549.

The question is on the motion to suspend the rules and pass the following bill:

The Clerk read as follows:

H.R. 5335

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, shall be known and designated as the “Tony Hall Federal Building and United States Courthouse”.

The Clerk read as follows:

H.R. 5335

SECTION 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the “Tony Hall Federal Building and United States Courthouse”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. Latourette) and the gentleman from Oregon (Mr. DeFazio) each will control 20 minutes. Mr. Latourette. Mr. Speaker, I yield such time as he may consume to the gentleman from Springfield, Ohio (Mr. Hobson), the author of the legislation.

Mr. Hobson. Mr. Speaker, the legislation I introduced has been cosponsored by every member of the Ohio congressional delegation. It would permanently name the Dayton, Ohio, Federal building in honor of our good friend and just recently our former colleague, Tony Hall.

Tony Hall is a gentleman. He has made Ohio and this country better by his service here, and he has moved on to make the world a better place as the United Nations Ambassador for Humanitarian Affairs. I urge every Member of Congress to support this piece of legislation.

For years, Tony Hall and I worked together for the benefit of the citizens of the Miami Valley on numerous projects and initiatives. I am very happy that he can now work directly on hunger issues at the United Nations, but it was still very sad to see him leave the House.

Tony has been a football star, a Peace Corps volunteer, a noted world traveler, a devoted husband and father, and a dedicated public servant. Tony has become this area’s longest-serving Congressman and a three-time Nobel Peace Prize nominee known worldwide for his humanitarian work.

In Congress, Tony always was guided by faith and family. He spent 21 years on the House Rules Committee, was chairman of the House Democratic Caucus Task Force on Hunger and was founder and chairman of the Congressional Hunger Center.

We are all better people because Tony Hall was in Congress, and now the world will be a little better off now that Tony will be working with the United Nations.

This legislation is a lasting way to pay tribute to Tony’s efforts over the years, and I urge all of my colleagues to support this bill.

Mr. Latourette. Mr. Speaker, I yield myself such time as I may consume and first wish to thank the gentleman from Springfield for his remarks.

It is a personal honor that I rise today to bring this legislation forward with my former and distinguished Ohioan, Tony Hall, to the floor. H.R. 5335 designates the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the Tony Hall Federal Building and United States Courthouse.

For over 40 years, Tony Hall has dedicated his life to helping others and serving this Nation. When Tony graduated from Denison University in 1965 as a little All American running back, he began his public service by joining the Peace Corps, where he spent 1966 and 1967 teaching English in Thailand. And I noted at the markup we had in

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Our full committee that the gentleman from Minnesota (Mr. Oberstar), our ranking member of the full committee, also engaged in such public service.

Upon his return to his native Dayton, Tony was drawn to a career in public service, and at the age of 26 put himself up as a candidate for the Ohio House of Representatives, an election he won despite facing an experienced opponent. Tony ably served in the Ohio House from 1968 to 1972 before being elected to and serving in the Ohio Senate from 1972 to 1978.

In 1977, Tony was elected for his first of 12 terms in this body. During his tenure here, Tony was a tireless and outspoken advocate for combating world hunger, protecting human rights, and promoting humanitarian causes, including basic education, adult literacy, immunization, and other child survival programs and sustainable agriculture in other countries.

He served as the distinguished chairman of the House Select Committee on Hunger from 1989 until it was abolished in 1993. In protest of this decision, Tony engaged in a hunger strike that lasted 22 days, only ending after the creation of the Congressional Hunger Center, which he chaired from its inception until he left the Congress.

Tony also served with distinction on the Committee on Rules, in addition to numerous other committees and caucuses as documented. In 2002, Tony resigned his seat to accept a Presidential appointment as United States Ambassador to the United Nations Food and Agriculture Agencies. This is an appropriate honor to a dedicated public assistant.

Mr. Speaker, I would like to congratulate my fellow Ohioan on a distinguished career thus far, and I am sure we all wish him great success as he moves on to a new position from which he can continue his work to help others.

As the gentleman from Ohio (Mr. Hobson) indicated, it is indeed, I think, a fitting tribute, in a sometimes fractious and partisan body, that every member of the Ohio delegation, whether Republican or Democrat, is a cosponsor of this legislation. It is my honor to be a cosponsor. I urge my colleagues to adopt this matter.

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

Mr. DeFazio. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this legislation.

Mr. Speaker, H.R. 5335 is a bill to designate the federal building and courthouse in Dayton, OH, as the Tony Hall Federal Building and courthouse, in honor of our former colleague from Ohio, Tony Hall. The bill has strong bipartisan support.

Tony Hall is a true son of Ohio. He was born in Dayton in 1942. After attending local schools, he graduated from Denison University in 1964. He was accepted into the Peace Corp and served as a volunteer in Thailand from 1966 until 1968. Upon his return he was elected to the Ohio House of Representatives, and in 1972 he was elected to the Ohio Senate. In 1978 he was elected to the House of Representatives where he served for 11 terms. Tony Hall currently serves as the United States Ambassador to the United Nations Agencies for Food and Agriculture.

Tony Hall was founder and cochair of the Congressional Hunger Center, a nonprofit organization created to bring awareness to the growing and persistent problems of world hunger. He also served as chairman for the House Select Committee on Hunger from 1989 until 1993. Congressman Hall sponsored legislation to help immunize the world’s children against major diseases, and to increase U.S. funding for Vitamin A and C.

His passion for protecting and ensuring human rights and combating hunger brought Congressman Hall to such places as North Korea, Peru, Sudan, Bosnia, Rwanda, Somalia, Bangladesh, and Haiti. In 1994 he helped nominate Bishop Carlos Belo for the Nobel Peace Prize for the Bishop’s role in protecting civilians during armed conflict.

Congressman Tony Hall was an exemplar for his unwavering commitment and sustaining contributions to promoting humanity and peace in a world stricken with poverty and war. This designation is a fitting tribute to his exceptional public service.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. Kaptur).

Ms. Kaptur. Mr. Speaker, I thank the distinguished gentleman from Oregon for yielding me this time, and I offer my strong support of this wonderful, wonderful resolution that was entered initially by Ambassador Tony Hall’s neighbor, the gentleman from Ohio (Mr. Hobson), with the strong support of the Ohio delegation and the full cooperation of the gentleman from Ohio (Mr. LaTourette). How fitting it is that 200 West Second Street, the Federal building and courthouse in Dayton, will now permanently be named in honor of this really incredible Ohioan, who has traveled the world on behalf of the most downtrodden people, those who are most vulnerable who live in undemocratic places, those whose futures are truly bleak, and who has tried to be a voice for them in the world community, in the United States at the United Nations, and now as U.N. ambassador to the food and agriculture organization.

I think it is so magnificent that Congressman Hall comes from a part of Ohio that understands agriculture well and yet he was a city boy. I walked with him many times through the food banks across this city, across the city of Dayton and across this country. I can remember when he and Bill Emerson and Mickey Leland traveled together across the world and began the germ of the idea of a hunger caucus here inside the Congress of the United States and bringing young people here to learn about not just America’s needs and the food pantries needs of our country, but indeed the starving people of the world.

I know the people of Dayton are justly proud that they have sent their favorite son in service to the Nation not just in the Peace Corps in one country but in the cause of peace globally. So I wish to thank the gentleman from Ohio (Mr. Hobson), the gentleman from Oregon (Mr. DeFazio), and the gentleman from Ohio (Ms. Kaptur) on behalf of the entire Buckeye delegation here for so properly recognizing the historic work of former Congressman and Ambassador Tony Hall.

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

Mr. LaTourette. Mr. Speaker, I yield myself the balance of my time only to thank not only my colleague, the gentleman from Ohio (Mr. Hobson), but also my colleague, the gentlewoman from Toledo, Ohio (Ms. Kaptur), for being here this evening.

Mr. Speaker, I think all Members would recognize that the mark of a Member is that is easy to be elected if you are a Republican from a safe Republican seat; it is easy to be elected as a Democrat if you come from a safe Democratic seat. But Tony Hall’s seat was marginally Republican, and the people continued to elect him and re-elect him because of his outstanding work not only for his community but the Nation and the world.

Mr. Oberstar. Mr. Speaker, I am pleased to support H.R. 5335, a bill to designate the federal building in Dayton, OH, in honor of our former colleague Tony Hall.

Tony Hall was elected to his first term in the U.S. Congress in 1978. He went on to serve 11 consecutive terms. Congressman Hall’s long career in public service is distinguished by his unwavering commitment to humanitarian causes, in particular to combating hunger in this country and around the world.

I witnessed the commitment first hand in 1983 when I traveled with Congressman Hall and two other colleagues to Kansas City. At a time of high unemployment in our country, the Federal Government was storing surplus milk, butter and cheese in Kansas City. Congressman Hall was determined to focus national attention on this issue and press for the release of this surplus food into general distribution. He even went on to compel the government to release the stored food. As a result of these efforts, the stored food was eventually distributed to homeless shelters and the general public.

Throughout his career, Congressman Hall focused on helping those in need. He promoted economic development that created jobs, championed efforts to ease food-stamp reductions, and in 1997, he spearheaded the “Hunger Has A Cure” campaign.

In the international arena, Congressman Hall visited numerous countries around the world in an effort to focus attention on the problems of world hunger and to promote international aid. He was part of the first congressional delegation to Ethiopia in the
99th Congress, and he traveled to Bangladesh to observe disaster relief programs in the 100th Congress. Congressman Hall also helped create the Select Committee on Hunger, which focused on the problem of hunger both domestically and internationally. He served as chairman of that Select Committee from 1988 until its elimination in 1993.

Congressman Hall continues to work to banish world hunger and promote developmental assistance. In 2002, President Bush appointed him Ambassador to the United Nations Agencies for Food and Agriculture.

This bill to designate the “Tony Hall Federal Building and U.S. Courthouse” is a fitting tribute to the compassion and humanity with which Ambassador Hall conducts his public service.

I urge my colleagues to support H.R. 5335.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 5335, to designate the Federal Building and United States courthouse at 200 West 2nd Street in Dayton, OH, as the “Tony Hall Federal Building and United States Courthouse.”

As you know, Mr. Speaker, our former colleague Tony Hall was nominated by President Bush to be the United States Ambassador to the United Nations Food and Agriculture agencies located in Rome, Italy, and resigned his seat as the representative of the 3rd District of Ohio last month to take his post in Rome, where he will be able to continue his passionate work as a leading advocate for ending hunger and promoting food security around the world.

I want to thank Congressman David Hobson of Ohio for introducing H.R. 5335 to honor Tony in his hometown of Dayton by attaching his name to the federal building and courthouse there. It is the appropriate recognition for the nearly 24 years of service in the House and the 10 years of service in the Ohio General Assembly that Tony Hall provided to the people of Dayton and surrounding areas.

We already miss Tony in the House, but I know that he is absolutely the right person to serve as the United States representative to the World Food Program, the Food and Agriculture Organization, and International Fund for Agricultural Development, all agencies of the United Nations which assist international hunger-relief efforts.

Tony Hall’s name is synonymous with the cause of alleviating hunger both domestically and worldwide. He believes that food is the most basic of human needs, the most basic of human rights, and he passionately worked to convince others that the cause of hunger, which often gets lost in the legislative shuffle and pushed aside by more visible issues, is the least defended.

He also worked as a tireless advocate for the cause of human rights around the world and focused his attention on the illicit diamond trade in Sierra Leone. He convinced me to travel with him to Sierra Leone in later 1999 to see how the machete-wielding rebels there have intimidated men, women, and children by hacking off arms, legs, and ears. He led the effort in bringing to the attention of Congress the conflict diamond trade and authorizing legislation to certify that the diamonds Americans buy are not tainted with the blood of the population to certify that the diamonds Americans buy are not tainted with the blood of the population.

Tony is never deterred in his effort to help make a positive difference in the lives of suffering people. In his years in Congress, he traveled to war zones and met with whomever he could to effect change, taking risks few would take, with his own comfort and safety never entering his mind.

I believe Tony’s life destiny is to be a servant. During 1966 and 1967, he taught English in Thailand as a Peace Corps volunteer. He returned to Dayton to work as a realtor and small businessman for several years, but before long, he was elected to the Ohio House of Representatives where he served from 1969 to 1972, and then to the Ohio Senate, serving from 1973 to 1978. On November 7, 1978, Tony was elected to the House of Representatives from the 3rd District of Ohio and served with distinction for over two decades.

Tony Hall is an inspiration to everyone fortunate enough to know him. He has a wonderful combination of compassion and passion filled with spiritual purpose—compassion to see the suffering in the less fortunate in the world and the passion to work to do something about it.

I urge a unanimous vote in support of H.R. 5335, to recognize the dedicated public service of Tony Hall by naming the federal building and courthouse in Dayton, OH, in his honor.

Mr. Speaker, I urge support of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOEHNER), the chairman of the committee, and his staff for their cooperation and their leadership on gaining a hearing for this very important legislation that we are scheduling here today.

This is a very simple but very important piece of legislation.

Mr. Speaker, it further enshrines in the law that we will treat all students equally and that we will protect family privacy. The problem stems from uncertainty in the Family and Educational Rights and Protection Act. Confusion about who is covered under the act has led to the private information of many nonpublic students being treated as public information. This has caused confusion and other States across the Nation. While the law is being applied appropriately for most students, many home-schooled and private school students have faced problems with their personal information being released to the public.

I do not believe that was the intent of the law. We should fix it and make sure that all students have the same protections of privacy under the law. This common-sense solution simply clarifies the definition of a student and ensures that all students’ private information is protected. I urge Members to vote for this bill.

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

Mr. Speaker, H.R. 5331 would ensure that the educational records of home-schooled and private students are treated the same protections as the educational records of non-home-schooled students. This legislation even the playing field,
and we have no objection to its passage.

However, I am concerned that this House has the time to debate this legislation, yet has been unable to pass a bill...
shall be performed by the Director of the Office of Management and Budget unless otherwise directed by the President.

(c) Continuation of Orders, Determinations, etc.—

(1) This Act shall not affect the validity of any order, determination, rule, regulation, operating procedure (to the extent applicable to the Secretary of Labor), or contract that—

(A) relates to a function transferred by this Act; and

(B) is in effect on the date this Act takes effect.

(2) Any order, determination, rule, regulation, operating procedure, or contract described in paragraph (1) shall—

(A) continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(d) Continuation of Administrative Proceedings.—

(1) Any proceeding before the Commissioner involving the functions transferred by this Act that is pending on the date this Act takes effect shall continue before the Secretary of Labor, except as provided in paragraph (2).

(2) Any proceeding pending before an Administrative Law Judge or the Appeals Council pursuant to part B and the applicable regulations of the Secretary of Health and Human Services shall continue before the Commissioner consistent with the following provisions:

(A) Any proceeding described in this paragraph shall continue as if this Act had not been enacted.

(B) Any decision, order, or other determination issued by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(e) Continuation of Actions Against Officers.—

(1) Any action pending before the Commissioner involving the functions transferred by this Act that is pending on the date this Act takes effect shall continue before the Commissioner, except as provided in paragraph (2).

(2) Any action pending before the Commissioner involving the functions transferred by this Act that is pending on the date this Act takes effect shall continue before the Commissioner, except as provided in paragraph (2).

(f) Continuation of Actions Against Officers.—

(1) Any action pending before the Commissioner involving the functions transferred by this Act that is pending on the date this Act takes effect shall continue before the Commissioner, except as provided in paragraph (2).

(2) Any action pending before the Commissioner involving the functions transferred by this Act that is pending on the date this Act takes effect shall continue before the Commissioner, except as provided in paragraph (2).

(3) Any proceeding before the Commissioner involving the functions transferred by this Act shall continue until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(3) Any proceeding before the Commissioner involving the functions transferred by this Act shall continue until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(g) Preservation of Penalties, etc.—

(1) Any proceeding before the Commissioner involving the functions transferred by this Act shall not abrogate, terminate, or otherwise deprive of legal effect any action or proceeding commenced by or against any officer in his official capacity, relating to a function transferred by this Act, shall continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(2) Any proceeding before the Commissioner involving the functions transferred by this Act shall not abrogate, terminate, or otherwise deprive of legal effect any action or proceeding commenced by or against any officer in his official capacity, relating to a function transferred by this Act, shall continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(3) Any cause of action by or against the Secretary of Labor, a court of competent jurisdiction, or operation of law.
We have failed to protect workers from abuses by managed care companies. We are impoverishing families who have exhausted their unemployment benefits by failing to provide extended benefits. In short, Mr. Speaker, we are not taking the steps we need to in order to protect working Americans.

While we should be doing much more, I have no objections to this very modest bill. I urge the adoption of H.R. 5542.

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

Mrs. BIGGERT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART), the sponsor of this bill.

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

Mr. Speaker, I am pleased to be the sponsor of H.R. 5542, the Black Lung Consolidation of Administrative Responsibilities Act, on behalf of the administration and the Department of Labor. Initially outlined in the President's 2003 budget for the Department of Labor, this legislation will consolidate, as was said earlier, all of the responsibility for the administration of black lung benefits under one agency.

The black lung benefits program was enacted as part of the Coal Mine Health and Safety Act of 1969, the first comprehensive Federal legislation to regulate health and safety in the coal industry. The law created a temporary system to compensate victims of dust exposure in the mines with public funds administered by the Social Security Administration.

In 1972, the Coal Mine Health and Safety Act was amended to require the use of simplified interim eligibility for all claims filed with the Social Security Administration and to transfer new claims to the Department of Labor in 1973. The Office of Workers' Compensation Programs in the Department of Labor assumed responsibility for the processing and the paying of these new claims on July 1, 1973. Most of the claims filed prior to that date remained in the jurisdiction of the Social Security Administration until 1997.

On September 26, 1997, officials from the Social Security Administration and the Department of Labor signed a memorandum of understanding transferring the responsibility for managing all administrative and claims-related services provided by the Department of Labor. The Black Lung Consolidation of Administrative Responsibilities Act would simply transfer all of the responsibilities for the administration of claims under Part B of the Act to the Department of Labor, while retaining all regulatory appendages to the beneficiaries' entitlements.

Besides improving administrative efficiency, this transfer of responsibilities will ensure the continuation of a high level of service to beneficiaries. Joint audits by the Office of the Inspector General of the Social Security Administration and the Department of Labor, as the gentlewoman from Illinois (Mrs. BIGGERT) stated, have confirmed the high quality of claims-related services provided by the Department of Labor. It only makes sense to consolidate these services under the Department of Labor.

Last year, in fact, the University of Michigan released the results of a customer satisfaction survey of beneficiaries receiving the services under the DOL and found the highest level of customer satisfaction of any Federal benefits program surveyed.

Finally, the legislation implements a long-standing recommendation by the Inspectors General of the Department of Labor and the Social Security Administration that the administrative responsibility for all Black Lung Benefits Act should be consolidated within the Department of Labor. This change would ensure the continuation of this high level of service to program beneficiaries, many of whom are elderly and unwell.

While eliminating confusion and duplication of administration functions, it will ensure that the beneficiaries continue to receive a high level of service. The Black Lung Consolidation of Administrative Responsibilities Act is simply common sense and good government.

In closing, I would like again to commend my colleague and sponsor of this bill, the gentlewoman from Pennsylvania (Ms. HART), for her work on the legislation and to thank the chairman of the Committee on Education and the Workforce. And I urge my colleagues to support this commonsense bill.

Mr. Speaker, I yield back the balance of my time.
The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to read and extend their remarks on House Joint Resolution 113.

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

There being no objection, Mr. ISAKSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Joint Resolution 113 to recognize the many contributions of Congresswoman Patsy Takemoto Mink from Hawaii made to the people of this country, particularly to girls and women. That is why it is fitting that this resolution renames title IX of the Higher Education Act amendments of 1972 the Patsy Takemoto Mink Equal Opportunity in Education Act.

In the early 1970’s, Patsy played the key role in the enactment of title IX, which prohibits gender discrimination by federally funded institutions. When most people think of title IX, they think of women’s sports, and the impact of title IX on women’s sports can clearly be seen. In fact in 1972 scholarships for women’s sports nationally added up to $100,000, and in 1987 the scholarships equaled over $200 million. Did she make a difference? Yes, she did. We can see the impact of title IX in the impressive accomplishments of American female athletes at the Olympics and when we turn on the TV to watch professional women’s basketball or soccer, but we should not forget that title IX has also benefited too the increasing women’s participation in other aspects of education as well.

As we stand here on the floor today, title IX ensures that girls have equal access to classes that lead to high-wage jobs so that they support themselves and their families as well as their male counterparts. But title IX was only one of Patsy’s contributions to girls and women of America. She also authored the Women’s Educational Equity Act, known as WEEA, in 1974. WEEA remains the primary resource for teachers and parents seeking information on proven methods to ensure gender equity in schools and communities. WEEA represents the Federal Office of Civil Rights. She worked with me from its earliest stages, stood firm in her commitment and produced this most appropriate resolution.

Mr. Speaker, I first met Patsy Mink 4 years ago when I was elected to the Congress of the United States. She had served many years before I came and her career before my election of color to win national office. She was truly a person of honor. Patsy Mink stood by her word and did not step away from controversial or difficult issues. She never made decisions based on what was politically easy; she made decisions based on what was right. I am honored to have worked with her and to have had the opportunity to know the drive, dedication, and devotion to her home State and her constituents. A tribute to our former colleague and the legacy she leaves behind is most appropriate. Patsy Mink’s passing is a significant loss to all of us, and I offer my heartfelt condolences to her family and to her constituents.

On a personal note, Mr. Speaker, I was a trailblazer as the first woman of color to win national office. She was truly a person of honor. Patsy Mink stood by her word and did not step away from controversial or difficult issues. She never made decisions based on what was politically easy; she made decisions based on what was right. I am honored to have worked with her and to have had the opportunity to know the drive, dedication, and devotion to her home State and to her constituents. A tribute to our former colleague and the legacy she leaves behind is most appropriate. Patsy Mink’s passing is a significant loss to all of us, and I offer my heartfelt condolences to her family and to her constituents.

As the Ranking Member of the House Education and the Workforce Subcommittee on 21st Century Competitiveness, Patsy Mink provided a great service to not only our subcommittee, but the Nation as a whole. Her contribution to our subcommittee and to her constituents never wavered and she always represented them with grace and determination.

While I could talk about a great number of instances where my friend, Patsy Mink, and I worked hand in hand to improve academic achievement for our students, I want to take this moment to highlight an issue that we recently worked on that we both believed in—making postsecondary education better and more accessible for students and families.

Last year, my friend, Patsy Mink, and I worked hand in hand to improve academic achievement for our students, I want to take this moment to highlight an issue that we recently worked on that we both believed in—making postsecondary education better and more accessible for students and families.

Patsy was a trailblazer as the first woman of color to win national office, taking on one of the most daunting challenges she would face. She never stepped away from controversial issues if she believed what she was doing was right. She was a person of honor. Patsy played the difficult and persuasive representative voice. She has been an outspoken leader. Patsy and I were of a different generation, and a different political party. But as goes so often unreported in the press and when we turn on the TV to watch American female athletes at the Olympics, we can see the impact of title IX. Did she make a difference? Yes, she did. We can see the impact of title IX in the impressive accomplishments of American female athletes at the Olympics and when we turn on the TV to watch professional women’s basketball or soccer, but we should not forget that title IX has also benefited the increasing women’s participation in other aspects of education as well.

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

Mr. WOOLSEY. Mr. Speaker, I yield myself such time as I may consume. I am proud to be an original cosponsor of H.J. Res. 113, which recognizes the many contributions that Congresswoman Patsy Takemoto Mink from Hawaii made to the people of this country, particularly to girls and women. That is why it is fitting that this resolution renames title IX of the Higher Education Act amendments of 1972 the Patsy Takemoto Mink Equal Opportunity in Education Act.

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Mr. Speaker, I yield back the balance of my time.
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closely with Chairman McKeon on legislation reducing red tape and burdensome regulations in postsecondary education. With her passing, we will miss the opportunity to continue that partnership in working on these and other critical issues facing our nation.

I will miss Patsy and her commitment to her State, her constituents and to the ideals of this body. I am grateful to have had the opportunity to work with her over these many years.

This resolution is an appropriate tribute to our former colleague and the legacy she leaves behind. Patsy Mink’s passing is a significant loss for all of us and I offer my sincere condolences to her family and her constituents.

I know my colleagues will join me in support of this resolution. Mr. Speaker, as a means of collectively saying thank you and good-bye to a distinguished colleague and friend.

Mr. TOWNS. Mr. Speaker, I rise today in support of H.J. Res. 113 in honor of our late colleague, Patsy Mink.

I have the honor to serve with her on the House Government Reform Committee after she returned to Congress in 1990. I was particularly struck by her passionate defense of progressive democratic policies. For example, Patsy Mink’s tough policies led her to actively oppose the ‘95 Welfare Reform Act because of its implications for many poor women and their children. Her opposition helped to limit some of the more draconian provisions in the final version of the bill that was enacted into law. Patsy could always be counted on to defend the interests of all poor and disadvantaged Americans. But she will always be remembered for her leadership in guaranteeing equal opportunities for women in education and athletics. One of the first women of color to be elected to the House of Representatives, Patsy was a trailblazer who will be sorely missed not only here in Congress but also in her home State of Hawaii. I am proud to have known and served with her.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to express my strong support for this resolution and to thank the leadership of the House for moving so expeditiously to bring it to the floor.

I have had the honor to share the responsibility of representing Hawaii in the U.S. House of Representatives with Patsy Mink for the last 12 years. However, my first memories of her go back 40 years when I was a student at the University of Hawaii involved in one of her early campaigns. I admired her then and I hope through this resolution to secure for her an honored place in the history of this institution and this country.

Throughout nearly 50 years of public service, Patsy Mink championed America’s most deeply held values: equality, fairness, and above all, courage. Her willingness to speak out and champion causes that others might shun resulted in tremendous contributions in the fields of civil rights and education. Every single woman in this Nation who today has been given an equal opportunity in education is an extension of virtually every other field of endeavor, owes the impetus to that in modern times to Patsy Mink. She was one of the pioneers who transformed Hawaii and transformed this Nation. Her legacy will live on in every campus in America and in the heart of every American woman who aspires to greatness. Most profoundly, it lives on in my estimation in hope; hope for the millions of lives that she touched.

Someone will take Patsy Mink’s place here in the House, that is the way of it in our democracy, but no one will replace her in the hearts of the people of Hawaii. No one will replace her in the role that she played in this House of Representatives. With the renaming of title IX as the Patsy T. Mink Equal Opportunity in Education Act, Congress secures her memory as a heroic, visionary, and tireless leader of this great Nation.

Mrs. MCCARTHY of New York. Mr. Speaker, we have seen many Members of Congress pass through these halls. Many have done some great things, but very few have left this place being defined as one of the “great ones.” We have just lost one of the “great ones” with the passing of Patsy Mink. Legislating and getting things done here can be very frustrating. But I would advise that whenever we think frustration is getting the best of us, we need only remember what, in spite of adversity, Congresswoman Mink accomplished during her tenure because of her dedication, perseverance, and never ending fight for what she believed in.

From her early days, she advocated for noble causes. When she was segregated into International Housing at the University of Nebraska, she sought to change discriminatory policies and succeeded.

After receiving her law degree from the University of Chicago, she was in disbelief over the simple fact that her gender disqualified her from positions she applied for. Instead of accepting defeat, she opened her own practice and became the first Asian-American woman lawyer in Hawaii.

In her first run for the U.S. Congress in 1959, her defeat to DANIEL INOUE didn’t deter her from running again. In 1964 she ran for U.S. Congress again and won, making her the first woman of color to be elected to Congress.

Most significantly over 2.7 million young women participate in high school athletics compared to just under 300,000 in 1971. This is because of the key role Congresswoman Mink played in the enactment of title IX. Title IX bans gender discrimination in schools that receive federal funding. Young women can now look in the memory of Patsy Mink to thank for the chance to participate in school athletics.

The passing of one of the “greats” leaves a major void in not only Congress itself but also in each one of us. We need move on from this frustration but the memories of Patsy influence us to continue in the fight for equality.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 5427 designates the Federal building in Roswell, New Mexico, as the Joe Skeen Federal Building. After 22 years of distinguished service in this body, our colleague from New Mexico, Joe Skeen, is retiring.

I want to recognize the hard work of the bill’s sponsor, the gentlewoman from New Mexico’s first district (Mrs. WILSON), in bringing this measure to the floor with the support of over 200 co-sponsors.

Congressman Skeen was born in Roswell, New Mexico. We will spare him from saying the year of his birth since he is still with us in this body. He served in the United States Navy for a 1-year enlistment and later in the United States Air Force Reserve from 1949 until 1962. Congressman Skeen graduated with a Bachelor’s of Science degree in agricultural engineering. After graduation, he worked as a soil and water engineer for the Zuni and Ramah Navajo Indians. He later purchased the family sheep ranch.

Congressman Skeen was first elected to public office in 1960 when he served in the New Mexico State Senate until 1970. For the last 6 years of his time in the State Senate he was minority leader. In 1980 Congressman Skeen was elected to serve New Mexico’s second district in the United States House of Representatives. He was first elected as a write-in candidate and served for 12 succeeding Congresses.

While serving in the House, Joe was known and is known for his commitment to property rights, balancing the
Federal budget, and increased tax relief. He may have been the most influential as chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations, enhancing the agriculture viability in New Mexico and as chairman of the Subcommittee on Interior dealing with natural resources and public land use.

This is an appropriate building designation to honor a dedicated public servant, and I want to congratulate Congressman Joe S. Keen on such an admirable and distinguished career and wish him all the best and great happiness as he returns to his family and the family ranch. I support this bill, and I urge my colleagues to do the same.

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

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

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

Mr. DeFazio. Mr. Speaker, I rise in support of this legislation.

H.R. 5427 is a bill to designate the federal building in Roswell New Mexico as the Joe S. Keen Federal Building.

Joe S. Keen was born in Roswell, New Mexico in 1927. As a young man he served a one-year enlistment in the Navy and served in the Air Force Reserve between 1949 and 1952. In 1950 he graduated from Texas A&M University.

Joe S. Keen was elected to Congress in 1980 as a write-in candidate in the general election. He was only the third person in the Nation's history to win a U.S. House seat through this type of effort. Over the past two decades he has served the people of the 2nd district in New Mexico with distinction and devotion. As Congressman he focused his energy and interests on agriculture, national defense, and public land management. In 1985 he became a member of the House Appropriations Committee, and in 1995 he became chair of the Appropriations Committee on Agriculture. At the beginning of the 107th Congress he was named a chair of the Interior subcommittee.

One of Congressman Keen's major legislative accomplishments was to ensure the opening of the Waste Isolation Pilot Plant—the Nation's first repository for defense related waste. Concerned about the public's health and safety, and the environment Joe S. Keen worked tirelessly to address storage of federal waste.

Joe S. Keen has supported legislation to maintain the viability of the agriculture industry. He also has been a leader in supporting legislative initiatives on the balanced budget, crime, education, and military spending. He is an unapologetic advocate of local control, insisting that citizens make their own determinations, and not let legislative systems do it.

Congressman Joe S. Keen is well respected on both sides of the aisle. He is an earnest and capable legislator, a worthy adversary, and a true gentleman, devoted to his family, and dedicated to his constituents. His good will and humor will be missed by all his colleagues.

It is fitting and proper to honor Joe S. Keen's life in public service with the designation of the federal building in Roswell New Mexico as the Joe S. Keen Federal Building.

Mr. Speaker, I yield such time as he might consume to the gentleman from New Mexico (Mr. Udall).

Mr. Udall of New Mexico. Mr. Speaker, it is a great honor and privilege to have the opportunity to speak today in support of H.R. 5427, the Joe S. Keen Federal Building Designation Act. The honor of speaking in support of this bill, however, pales in comparison to the honor of having the opportunity to serve as a Member of Congress with Joe S.

It is difficult to capture with words the impact and significance that Joe S. has meant, not only to New Mexicans, but to the citizens of the United States and the institution of the U.S. Congress as well. It is no secret that he has been an incredibly effective legislator on behalf of his constituents and that he has been an incredible asset to his party and the entire Congress.

No doubt my colleagues will list many of his legislative accomplishments and accolades he has earned during his remarkable life is impressive. But these are but a small part of the fabric of Joe's character.

Throughout his years of service, he has been a model of integrity and truth. He always did what he believed was the right thing and he always worked in a bipartisan way to accomplish important work.

During a time of increasing cynicism towards politics and politicians by the media and the electorate, Joe S. Keen is a man who exemplifies what is good and what is right in our political system.

Joe S, thank you for your service to New Mexico and to our country, but, most of all, thank you for your friendship. You will be sorely missed by all.

Mrs. Wilson of New Mexico. Mr. Speaker, it is really an honor to be here this evening to share some time with the House and to explain why we are naming a building in Roswell, New Mexico, after a guy named Joe S. Keen.

Joe S. Keen was born in Roswell, New Mexico, and was raised by his grandparents. Most of us around here know that, because when he was the chair of the Committee on Appropriations Subcommittee on Agriculture, he never let us forget it. It was not just a ranch, it was a sheep ranch, and Joe wanted to put up photographs of New Mexico around the appropriations subcommittee room of sheep everywhere so no one would forget this was an appropriations subcommittee that was chaired by a sheep rancher.

He purchased his family ranching operation from his grandmother, and it is currently being run by Joe and his wife, Mary, and his son, Mike. He also has a daughter, Lisa, and three grandsons.

You really cannot think of Joe without also thinking of Mary. She is an absolute stalwart; a wonderful woman, one of those western women of few words who never let us forget the importance of humor. She is also known quite a bit for her sense of humor around here. In fact, Tom, I think probably only Mo Udall exceeds him in his appreciation for the importance of humor in public life. It is kind of a dry, western sense of humor.

He talks about being the minority leader of the State Senate in New Mexico. People introduce him that way as a proud accomplishment, and he always points out to them that at the time he was the only Republican. They had their caucus meetings in the phone booth because there were so few Republicans in the State Senate. Then he began to build the Republican Party, and the representation of Republicans in the State Senate has grown.

He was first elected to the House of Representatives as a write-in candidate in 1980. It was very unusual. In fact, he was only the third person in American history to ever be elected to this body as a write-in candidate. It was an extraordinary effort and an unusual time. I remember Mary telling me on that night, election night in 1980, when they got the reports in from the precincts, that it was 11 o'clock at night. The polls had already been closed since 7, but people were still waiting in line. They knew then that they were going to win. It was an unusual moment in American history, participated in by a very unusual and wonderful man.

Joe S. Keen has been an effective leader in and an outstanding Representative for New Mexico's Second District for over 20 years. During his time, Joe has shown his commitment to public service and to his constituents.

His staff, many of whom have been with him for 22 years, talk about when he used to work in that Federal Building down in Roswell, and he would go out to take a little break and he would not be back for half an hour, an hour or more. He had found some constituent who was having trouble, some constituent that needed help with a Social Security check or veterans benefits. That was the kind of guy that Joe was as a public servant.

During his tenure here, he has had a powerful influence in this Congress. He has served 17 years on the Committee on Appropriations. He has been a champion of States' rights and the idea that decisions made closest to the people are those that are best.

He is also known around here for his sense of humor. Whenever anyone walks into his office from New Mexico, he asks about the weather. He asks...
whether it has rained yet. Usually, of course, the answer is no, since we do not get much rain, and Joe always says, with that perfect timing that I cannot even begin to imitate, “You know, there are 12-year-olds in New Mexico who never even see rain.” His staff is very familiar with that story, but every constituent gets a big laugh out of Joe Skeen and his appreciation for the western sense of humor.

After 11 terms in the United States Congress, Joe has decided to return to his ranch, a place that he describes as being “at the center of my upbringing and which shaped my character and its principles.” He leaves behind a proud tradition of public service, in which he has been a positive influence on many people’s lives, including mine.

One of Joe’s actions when he first took office in 1981 was to introduce legislation to name the Federal Building in Las Cruces after the man he replaced, Congressman Harold Runnels. I believe it is appropriate 22 years later to return the favor.

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

Mr. Obester. Mr. Speaker, I rise in support of H.R. 5427, a bill to designate the federal building in Roswell, New Mexico, as the “Joe Skeen Federal Building”. Congressman Skeen has ably represented the citizens of the 2nd district of New Mexico for 22 years. He was first elected to Congress in 1980 as a write-in candidate, becoming only the 3rd person to be elected to Congress in this manner. With his most recent reelection in 2000, he became New Mexico’s longest serving member of the United States Congress.

Throughout his career, Joe Skeen has fought consistently for local land management, for the rights of miners and farmers, and the ranching industry. He has also been a champion of popular federal nutrition programs such as food stamps and school lunches, and he has labored tirelessly to obtain defense funds for New Mexico’s defense industry.

Congressman Skeen’s long career in this Body is perhaps most distinguished by his service on the Appropriations Committee. In 1995, he was appointed as Chairman of the Appropriations Subcommittee on Agriculture, a position he held until the end of the 106th Congress. At the beginning of this Congress, Congressman Skeen was appointed as Chairman of the Appropriations Subcommittee on Interior.

Joe Skeen’s voting record is truly impressive. In 2001, he has cast his vote in 100 percent of the votes called on the House floor. But Joe Skeen will be remembered not only for his notable voting record, but also his good humor, loyalty, and his sense of decency. Both sides of the aisle will miss the gentleman from New Mexico when he retires at the end of this Congress.

H.R. 5427 designates the federal building in Roswell, New Mexico, in honor of Congressman Joe Skeen. It is a fitting tribute to a long and distinguished career, and I urge my colleagues to support it.

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

The SPEAKER pro tempore (Mr. Brown of South Carolina). The question is on the motion offered by the gentleman from Ohio (Mr. LaTourette) that the House suspend the rules and pass the bill, H.R. 5427.

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

A motion to reconsider was laid on the table.

SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE

Mr. LaTourette. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5083) to designate the United States courthouse at South Place in Santa Fe, New Mexico, as the “Santiago E. Campos United States Courthouse”.

The Clerk read as follows:

H.R. 5083

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

SECTION 1. DESIGNATION.
The United States courthouse at South Federal Place in Santa Fe, New Mexico, shall be known and designated as the “Santiago E. Campos United States Courthouse”.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “Santiago E. Campos United States Courthouse”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LaTourette) and the gentleman from Oregon (Mr. DeFazio) each will control 20 minutes.

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

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

Mr. Speaker. H.R. 5083, as the Clerk has indicated, designates the United States Courthouse at South Federal Place in Santa Fe, New Mexico, as the Santiago E. Campos United States Courthouse.

A native of New Mexico, Judge Campos served in the United States Navy from 1941 to 1946. Upon his honorable discharge from the Navy, Judge Campos earned his undergraduate degree from the Central College in Fayette, Missouri, and his law degree from the University of New Mexico in 1953, where he graduated first in his class. From 1954 to 1957, Judge Campos served as an Assistant State Attorney General and then as the First Assistant State Attorney General.

After a period of time in private practice, Judge Campos was elected as a District Judge for the First Judicial District of the State of New Mexico until his appointment to the Federal bench.

Judge Campos served on the Federal bench with distinction for over 22 years, from his appointment in 1978 by President Carter until December of 2001, just one month before his death in January of this year.

Judge Campos was the first Hispanic to serve as a Federal Judge in New Mexico and the first to serve as Chief Judge of the District Court in New Mexico. This bill has the support of the New Mexico State Legislature, which passed a joint memorial requesting the name of this courthouse, as well as the unanimous support of the judges making up the Tenth Circuit Court of Appeals and the District Court of New Mexico.

This is a fitting tribute to a dedicated public servant. I support the bill and urge my colleagues to do the same, and congratulate the gentleman from New Mexico (Mr. Udall) for bringing this fine piece of legislation before us.

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

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

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

Mr. DeFazio. Mr. Speaker, I rise in strong support of this legislation, and congratulate the gentleman from New Mexico (Mr. Udall) for his work to bring this bill quickly through committee to the floor of the House.

Congressman Tom Udall has introduced H.R. 5083, a bill to designate the federal courthouse in Santa Fe, New Mexico as the “Santiago E. Campos United States Courthouse.”

Judge Campos was the first Hispanic appointed to the Federal bench in New Mexico. He served as the Chief Judge from 1987 until 1989. President Jimmy Carter appointed him to the Federal bench in 1978. Prior to this appointment Judge Campos was elected to serve as the District Judge for the 1st Judicial District in 1971 and served in that capacity until 1978.

Judge Campos was a life long resident of New Mexico and graduated first in his law class from the University of New Mexico. He served the people of New Mexico with honor and great distinction.

Known for his compassion, quick wit, and inquisitive mind Judge Campos was a role model for students, fellow jurists, and professional colleagues.

I support Congressman Udall and his efforts in behalf of this bill and urge my colleagues to join me in support of this bill.

Mr. Speaker, I yield such time as he might consume to the gentleman from New Mexico (Mr. Udall).

Mr. Udall of New Mexico. Mr. Speaker, I very much thank the distinguished gentleman from Oregon.
Mr. Speaker, I rise today to express my support for H.R. 5083, a bill which I introduced which will name the United States Courthouse in Santa Fe, New Mexico, as the Santiago E. Campos United States Courthouse. I would like to thank the gentleman from Ohio (Mr. OBERSTAR); and the committee for favorably reporting this bill to the floor. I would also like to thank the eight who lent their names as original co-sponsors of this bill.

Born on Christmas of 1926 in Santa Rosa, New Mexico, Santiago Campos served in the United States Navy and eventually received his law degree from the University of New Mexico in 1953, graduating first in his class. From 1954 to 1957, Santiago worked as the Assistant and First Assistant Attorney General of the State of New Mexico. In 1978, Santiago Campos was appointed to the Federal Bench by President Jimmy Carter. He held the title of Chief U.S. District Judge from February 5, 1987, to December 31, 1989, and took senior status December 26, 1992.

Judge Campos stood as a pillar, both in the community and on the bench, and was the moving force in reviving the Federal Courthouse in Santa Fe. Judge Campos worked closely with the General Services Administration in Fort Worth, Texas, and with the Santa Fe Historical Preservation Office to transform the Santa Fe U.S. Courthouse into the beautiful, active place it is today.

Judge Campos’ dedication to public service and fairness were widely recognized throughout the State of New Mexico. As the first Hispanic in New Mexico to be appointed to the Federal Bench, Judge Campos broke barriers and became a role model to aspiring lawyers, especially Hispanic lawyers, throughout the State. His colleagues remember him as a supportive friend, a cheerful mensa, and as a diplomat with his own case. Just as he balanced the scales of justice, he balanced the scales of life, never void of humor, courage, humility and respect.

Every time a Judge Campos was diagnosed with cancer, he continued to fight. He fought with reason and he fought with laughter. He remained resolute until his death in January 2001.

To Judge Campos’ daughters, Teresa, Tina, and Rebecca, I would like to say that your father’s name will never be forgotten. To his wife, Patsy, your husband’s legacy will live on through this courthouse bearing his name. To his grandchildren and great-grandchildren, it is my hope that your generation will continue to uphold the ideals, standards and compassion of Judge Campos.

Mr. Speaker, it was a great privilege and honor for me to introduce this legislation which received the unanimous endorsement of the Judges of the Tenth Circuit Court, District Judges of the District Court of New Mexico, and a bipartisan group of New Mexico State legislators.

Like the clerks who served with him, the lawyers who argued cases in front of him, and his friends and family, I look forward to seeing the name of Judge Santiago E. Campos inscribed in the stone of the U.S. Courthouse in Santa Fe.

I urge my friends and colleagues to support this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5083. H.R. 5083 honors Judge Santiago Campos by designating the United States Courthouse at South Federal Place in Santa Fe, New Mexico, the courthouse where Judge Campos served for 22 years, as the “Santiago E. Campos United States Courthouse.”

Judge Campos was born on Christmas Day in 1926 in Santa Rosa, New Mexico. A lifelong resident of New Mexico, he received his law degree from the University of New Mexico, graduating first in his class. In 1954, he joined the New Mexico State Attorney General’s Office as an Assistant Attorney General and, in 1971, became a state district court judge in New Mexico’s First District. President Carter appointed him to the Federal bench in 1978. Upon his appointment, he became the first Hispanic to sit on the Federal district court in New Mexico.

Judge Campos served as a U.S. District Court Judge from his appointment in 1978 until his death in 2001. He served as Chief Judge of the Court from 1987 through 1989. Throughout his career, Judge Campos was an outstanding role model and mentor of other judges and lawyers, especially Hispanic lawyers, throughout the State. His colleagues remember him as a supportive friend, a cheerful mensa, and as a diplomat with his own case. Just as he balanced the scales of justice, he balanced the scales of life, never void of humor, courage, humility and respect.

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Mr. Speaker, it was a great privilege and honor for me to introduce this legislation which received the unanimous endorsement of the Judges of the Tenth Circuit Court, District Judges of the District Court of New Mexico, and a bipartisan group of New Mexico State legislators.

Like the clerks who served with him, the lawyers who argued cases in front of him, and his friends and family, I look forward to seeing the name of Judge Santiago E. Campos inscribed in the stone of the U.S. Courthouse in Santa Fe.

I urge my friends and colleagues to support this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5083. H.R. 5083 honors Judge Santiago Campos by designating the United States Courthouse at South Federal Place in Santa Fe, New Mexico, the courthouse where Judge Campos served for 22 years, as the “Santiago E. Campos United States Courthouse.”

Judge Campos was born on Christmas Day in 1926 in Santa Rosa, New Mexico. A lifelong resident of New Mexico, he received his law degree from the University of New Mexico, graduating first in his class. In 1954, he joined the New Mexico State Attorney General’s Office as an Assistant Attorney General and, in 1971, became a state district court judge in New Mexico’s First District. President Carter appointed him to the Federal bench in 1978. Upon his appointment, he became the first Hispanic to sit on the Federal district court in New Mexico.


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Mr. Speaker, I want to congratulate the sponsor of the bill, the gentleman from Oregon (Mr. DeFazio), of our committee. The gentleman from Oregon (Mr. DeFazio) is not known as one of the more retiring members of our body, a matter of interest to me as a politician, but for which they reward him with consistent reelection. I associate, but for which they reward him with consistent reelection. I hope that it will be incorporated at some appropriate place into the new courthouse. The pledge was: “I will exercise an independence of judgment on the basis of facts and evidence as I find them on each issue. I will weigh the views of my constituents and my party. But I will cast my vote free of political pressure and unmoved by threats of loss of political support if I do not do the bidding of some pressure group.” If only, if only we had more Members of Congress like that today, this would be a much different place and the policies of this country would be very different.

President Truman, who once actually offered to make Wayne Morse Attorney General of the United States, was one of the great dissenters, and we need dissenters, not only in the Senate, we ought to have them in the House. We should have them in the legislatures of various States. Many of the great things we have were voted down by the majority and finally had to be adopted for the benefit and welfare of the people. You may not agree with Senator Morse, you do not have to agree with him when he is right, but what he advocates usually becomes what the people want.

And then finally, when Senator Morse left the Republican Party, he told a reporter from the Detroit Free Press, “I sometimes wonder if I am going at all this too hard, but then I think of all the men and women who wish there was just one politician in Washington who would speak his mind and cast his vote honestly and freely, with only his conscience to guide him. Maybe it’s a bit brash to assume that I am that man, but believe me, I am trying to be.” That was Wayne Morse, and that is something I try to be every day in representing the district from which he was elected to the United States Senate. So with that, Mr. Speaker, I yield back the balance of my time.
LA TOURETTE that the House suspend the rules and pass the bill, H.R. 2672.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LA TOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be allowed to file a supplemental report on H.R. 3580.

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

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 3580

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be allowed to file a supplemental report on H.R. 3580.

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

There was no objection.

MEDICAL DEVICE USER FEE AND MODERNIZATION ACT OF 2002

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3580) to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

The Clerk read as follows:

H.R. 3580

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

SECTION 1. SHORT TITLE, TABLE OF CONTENTS.

(a) SHORT TITLE—This Act may be cited as the "Medical Device User Fee and Modernization Act of 2002".

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

Sec. 1. Short title; table of contents.
Sec. 101. Findings.
Sec. 102. Establishment of program.
Sec. 103. Annual reports.
Sec. 104. Postmarket surveillance.
Sec. 105. Consultation.
Sec. 106. Effective date.
Sec. 107. Sunset clause.

TITLE II—AMENDMENTS REGARDING REGULATION OF MEDICAL DEVICES

Sec. 201. Inspections by accredited persons.
Sec. 202. Third party review of premarket notification.
Sec. 203. Designation and regulation of combination products.
Sec. 204. Report on certain devices.
Sec. 205. Electronic labeling.
Sec. 206. Electronic registration.
Sec. 207. Intended use.
Sec. 208. Modular review.
Sec. 209. Pediatric expertise regarding classification-panel review of premarket applications.
Sec. 210. Internet list of class II devices exempted from requirement of premarket notification.
Sec. 211. Study by Institute of Medicine of postmarket surveillance regarding pediatric populations.
Sec. 212. Guidance regarding pediatric devices.
Sec. 213. Breast implants; study by Comptroller General.
Sec. 214. Breast implants; research through National Institutes of Health.

TITLE III—ADDITIONAL AMENDMENTS

Sec. 301. Identification of manufacturer of medical devices.
Sec. 302. Single-use medical devices.

TITLE IV—FEES RELATED TO MEDICAL DEVICES

Sec. 401. Authorization of fees.
Sec. 402. Payments for fees.
Sec. 403. Fee caps.
Sec. 404. Effective date.
Sec. 405. Sunset clause.

SEC. 101. FINDINGS.

The Congress finds that—

(1) prompt approval and clearance of safe and effective devices is critical to the improvement of the public health so that patients may enjoy the benefits of devices to diagnose, treat, and prevent disease;

(2) the public health will be served by furnishing additional funds for the review of devices so that statutorily mandated deadlines may be met; and

(3) the fees authorized by the amendment made by section 102 will be dedicated to meeting the goals identified in the letters from the Secretary of Health and Human Services to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 102. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379F et seq.) is amended by adding at the end the following part:

"PART 3—FEES RELATED TO DEVICES

SEC. 737. DEFINITIONS.

"For purposes of this subchapter:

"(1) The term ‘premarket application’ means—

(A) an approval of a device submitted under section 515(c) or section 351 of the Public Health Service Act; or

(B) a product development protocol described in section 515(f).

Such term does not include a supplement, a premarket report, or a premarket notification submission.

"(2) The term ‘premarket report’ means a report submitted under section 510(o)(3).

"(3) The term ‘premarket notification submission’ means a report submitted under section 510(k).

"(4)(A) The term ‘supplement’, with respect to a panel-track supplement, a 180-day supplement, a real-time supplement, or an efficacy supplement, means a request to the Secretary to approve a change in a device for which—

(i) an application has been approved under section 515(i) or section 351 of the Public Health Service Act; or

(ii) a notice of completion has become effective under section 515(j).

(B) The term ‘panel-track supplement’ means a supplement to an approved premarket application under section 515 that requests a significant change in design or performance of the device, or a new indication for use of the device, and for which clinical data are generally necessary to provide a reasonable assurance of safety and effectiveness.

(C) The term ‘180-day supplement’ means a supplement to an approved premarket application under section 515 that is not a panel-track supplement and requests a significant change in components, materials, design, specification, software, color additives, or labeling.

"(D) The term ‘real-time supplement’ means a supplement to an approved premarket application under section 515 that requests a minor change to the device, such as a minor change to the design of the device, software, manufacturer's sterilization, labeling, or packaging, and for which the applicant has requested and the agency has granted a meeting or similar forum to jointly review and determine the status of the supplement.

"(E) The term ‘efficacy supplement’ means a supplement to an approved premarket application under section 515 that requests a major change to the device that requires subject involvement and extended clinical data.

"(F) The term ‘the process for the review of device applications’ means the following activities of the Secretary with respect to the review of premarket applications, premarket reports, supplements, and premarket notification submissions:

(A) The activities necessary for the review of premarket applications, premarket reports, supplements, and premarket notification submissions.

(B) The issuance of action letters that allow the marketing of devices or which set forth in detail the specific deficiencies in such applications, reports, supplements, or submissions and, where appropriate, the actions necessary to place them in condition for approval.

(C) The inspection of device manufacturing establishments and other facilities undertaken as part of the Secretary’s review of pending premarket applications, premarket reports, and supplements.

(D) Monitoring of research conducted in connection with the review of such applications, reports, supplements, and submissions.

(E) Review of device applications subject to section 515 of the Public Health Service Act for an investigational new drug application under section 356(i) or for an investigational device exemption under section 520(g) and activities conducted in anticipation of the submission of such applications under section 520(g) or section 520(g).

(F) The development of guidance, policy documents, or regulations to improve the process for the review of premarket applications, premarket reports, supplements, and premarket notification submissions.

(G) The development of voluntary test methods, consensus standards, or mandatory performance standards under section 514 in connection with the review of such applications, reports, supplements, or submissions and related activities.

(H) The provision of technical assistance to device manufacturers in connection with the submission of such applications, reports, supplements, or submissions.

(I) Any activity undertaken under section 512 or 515(i) in connection with the initial classification or reclassification of a device or under section 515(b) in connection with any requirement for approval of a device.

(J) Evaluation of postmarket studies required as a condition of approval of a premarket application under section 515 or section 351 of the Public Health Service Act.

(K) Compiling, developing, and reviewing information on relevant devices to identify safety and effectiveness issues for devices subject to premarket applications, premarket reports, supplements, or premarket notification submissions.

(L) The term ‘costs of resources allocated for the process for the review of device applications’ means the expenses incurred in connection with the process for the review of device applications for—

(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and related boards, panels, and committees and to contracts with such contractors;
“(b) management of information, and the acquisition, maintenance, and repair of computer resources;
(C) leasing, maintenance, renovation, and repair of facilities, and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies; and
(D) collecting and accounting for resources allocated for the review of premarket applications, premarket reports, supplements, and submissions.

(7) The term ‘adjustment factor’ applicable to a fiscal year is the Consumer Price Index for all urban consumers (all items; United States city average) for April of the preceding fiscal year divided by such Index for April 2002.

(8) The term ‘affiliate’ means a business entity that has a relationship with a second business entity if, directly or indirectly:
(A) one business entity controls, or has the power to control, the other business entity; or
(B) a third party controls, or has power to control, both of the business entities.

SEC. 788. AUTHORITY TO ASSESS AND USE DEVICE FEES.

(a) TYPES OF FEES.—Beginning on the date of enactment of this Act requiring the Secretary to fund additional costs of the retirement of Federal personnel, fee revenue amounts shall, 60 days before the start of each fiscal year, be adjusted for a fiscal year for inflation in accordance with the change in the total number of premarket applications, investigational new device applications, the number of premarket notification submissions submitted to the Secretary, the number of supplements to the first premarket application or to the first premarket notification submitted to the Secretary, the number of premarket reports, and the number of premarket reports reviewed by an accredited person pursuant to section 532.

(b) MANAGEMENT OF INFORMATION.—A fee for a premarket application or premarket notification submission reviewed by an accredited person pursuant to section 532.

(c) PATIENTS.—The fee required by subparagraph (A) shall be due upon submission of the premarket application, premarket report, supplement, or premarket notification submission submitted between October 1, 2002, and the date of enactment of the Medical Device User Fee and Modernization Act of 2002 shall be payable on October 30, 2002. Applicants submitting portions of a premarket application, or premarket report, supplement that is refused for filing.

(iii) A premarket application.

(v) For a real-time supplement, a fee equal to 25 percent of the fee that applies under clause (i), subject to any adjustment under subsection (c)(3).

(vi) For a real-time supplement, a fee equal to 7.2 percent of the fee that applies under clause (i).

(vii) For an efficacy supplement, a fee equal to the fee that applies under clause (i).

(viii) For a premarket application, a fee equal to the fee that applies under clause (i).

(ix) For a 180-day supplement, a fee equal to 21.5 percent of the fee that applies under clause (i), subject to any adjustment under subsection (c)(3).

(x) For a 180-day supplement, a fee equal to 7.2 percent of the fee that applies under clause (i).

(xi) For a premarket application, a fee equal to the fee that applies under clause (i).

(xii) For a premarket notification submission, a fee equal to 21.5 percent of the fee that applies under clause (i), subject to any adjustment under subsection (c)(3).

(B) EXCEPTIONS.

(1) HUMAN DEVICE EXEMPTION.—A device for which a humanitarian device exemption has been granted is not subject to the fees established in subparagraph (A).

(2) FURTHER MANUFACTURING USE.—No fee shall be required under subparagraph (A) for the submission of a premarket application under section 531 of the Public Health Service Act for a product licensed for further manufacturing use only.

(3) STATE OR FEDERAL GOVERNMENT SPONSORED.—No fee shall be required under subparagraph (A) for a premarket application, premarket report, supplement, or premarket notification submission submitted by a State or Federal Government entity unless the device involved is to be distributed commercially.

(4) PRE MARKET NOTIFICATIONS BY THIRD PARTIES.—No fee shall be required under subparagraph (A) for a premarket notification User Fee submission reviewed by an accredited person pursuant to section 532.

(5) PEDIATRIC CONDITIONS OF USE.—No fee shall be required under subparagraph (A) for a premarket application or premarket notification submission if the proposed conditions of use for the device involved are limited to the pediatric population. No fee shall be required under such subparagraph for a supplement if the sole purpose of the supplement is to propose conditions of use for a pediatric population.

(6) SUBSEQUENT PROPOSAL OF ADULT CONDITIONS OF USE.—In the case of a person who submitted a premarket application, or premarket notification submission, under subparagraph (c), a fee under subparagraph (A) is not required, any supplement to such application that proposes conditions of use for any device involved is not subject to the fee that applies under such subparagraph for a premarket application.

(7) PATIENTS.—The fee required by subparagraph (A) shall be due upon submission of the premarket application, premarket report, supplement, or premarket notification submission submitted between October 1, 2002, and the date of enactment of the Medical Device User Fee and Modernization Act of 2002 shall be payable on October 30, 2002. Applicants submitting portions of a premarket application, a premarket report, supplement that is refused for filing.

(ii) A premarket application.

(v) For a real-time supplement, a fee equal to 25 percent of the fee that applies under subparagraph (A) for any application or supplement that is withdrawn prior to the date of enactment of the Medical Device User Fee and Modernization Act of 2002.

(iii) APPLICATION WITHDRAWN BEFORE FIRST ACTION.—After receipt of a request for a refund of the fee paid under subparagraph (A) for a premarket application, premarket report, or supplement that is withdrawn after filing but before a first action, the Secretary may return some or all of the amount of refund, if any, shall be based on the level of effort already expended on the review of such application, report, or supplement. The Secretary shall have discretion to refund a portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this subparagraph shall not be reviewable.

(3) FEES.—The fees required by clause (i) shall be based on the level of effort already expended on the review of such application, report, or supplement. The Secretary shall have discretion to refund a portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this subparagraph shall not be reviewable.

(4) FINAL YEAR ADJUSTMENT.—For fiscal year 2007, the Secretary may, in addition to adjustments under paragraphs (1) and (2), further increase the fees and fee revenues established in fiscal year 2006 by not more than one-third of the cumulative revenue for fiscal years 2004, 2005, and 2006, and for the first three months of fiscal year 2007. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2007.

(5) ANNUAL FEE SETTING.—The Secretary shall, 60 days before the start of each fiscal year after September 30, 2002, establish, for the next fiscal year, and publish in the Federal Register, fees under subsection (a), based on the revenue amounts established under subsection (b) and the adjustment provided under this subsection, except that the fees established for fiscal year 2003 shall be based on a premarket application fee of $139,000.

(6) THE TOTAL AMOUNT OF FEES CHARGED, AS ADJUSTED UNDER THIS SUBSECTION, FOR A FISCAL YEAR MAY NOT EXCEED THE TOTAL COSTS FOR SUCH FISCAL YEAR FOR THE RESOURCES ALLOCATED FOR THE REVIEW OF DEVICE APPLICATIONS.

(7) SMALL BUSINESS FEES.—The Secretary shall establish a fee for small businesses and small business concerns. The fee shall be paid by small businesses and small business concerns for the review of device applications.

(8) FEES FOR SMALL BUSINESS.—The Secretary shall establish a fee for small businesses and small business concerns for the review of device applications.

(9) FEES FOR HOME HEALTH CARE.—The Secretary shall establish a fee for home health care providers for the review of device applications.

(10) FEES FOR PUBLIC HEALTH.—The Secretary shall establish a fee for public health providers for the review of device applications.

(11) FEES FOR HUMAN SERVICES.—The Secretary shall establish a fee for human services providers for the review of device applications.

(12) FEES FOR HOSPITALS.—The Secretary shall establish a fee for hospitals for the review of device applications.

(13) FEES FOR MEDICARE.—The Secretary shall establish a fee for Medicare providers for the review of device applications.

(14) FEES FOR MANUFACTURERS.—The Secretary shall establish a fee for manufacturers for the review of device applications.

(15) FEES FOR DENTISTS.—The Secretary shall establish a fee for dentists for the review of device applications.

(16) FEES FOR PHARMACISTS.—The Secretary shall establish a fee for pharmacists for the review of device applications.

(17) FEES FOR RETAILERS.—The Secretary shall establish a fee for retailers for the review of device applications.

(18) FEES FOR INSURERS.—The Secretary shall establish a fee for insurers for the review of device applications.

(19) FEES FOR DEVELOPERS.—The Secretary shall establish a fee for developers for the review of device applications.

(20) FEES FOR RESEARCH INSTITUTIONS.—The Secretary shall establish a fee for research institutions for the review of device applications.

(21) FEES FOR CLINICAL INVESTIGATORS.—The Secretary shall establish a fee for clinical investigators for the review of device applications.

(22) FEES FOR FURTHER MANUFACTURING USE.—No fee shall be required for a product licensed for further manufacturing use only.

(23) FEES FOR HUMAN DEVICE EXEMPTION.—A fee for a premarket application or premarket notification submission reviewed by an accredited person pursuant to section 532.
clauses (i) through (vi) of subsection (a)(1)(A), may be paid at a reduced rate in accordance with paragraph (2)(C).

(2) DEFINITIONS.—

(A) IN GENERAL.—

(i) For purposes of this subsection, the term ‘small business’ means an entity that reported $10,000,000 or less of gross sales or revenues in its most recent Federal income tax return for a taxable year, including such returns of all of its affiliates, partners, or parent firms.

(ii) The Secretary may adjust the $10,000,000 threshold established in clause (i) if the Secretary has evidence from actual experience that this threshold is not an accurate reflection of small business size in cases from premarket applications, premarket reports, and supplements that is 13 percent or more than would occur without small business exemptions and lower fee rates. Except at this threshold, the Secretary shall publish a notice in the Federal Register setting out the rationale for the adjustment, and the new threshold.

(3) EVIDENCE OF QUALIFICATION.—An applicant shall pay the higher fees established by the Secretary each year unless the applicant submits evidence that it qualifies for a waiver of the fee at the lower rate. The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of a copy of its most recent Federal income tax return for a taxable year, including such returns of all of its affiliates, partners, or parent firms.

(D) REQUEST FOR FEE WAIVER OR REDUCTION.—An applicant seeking a fee waiver or reduction under this subsection shall submit supporting documentation to the Secretary at least 30 days before the fee is required pursuant to subsection (a).

(3) Effect of Failure to Pay Fees.—A premarket application, premarket report, supplement, or premarket notification submission submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid.

(4) Conditions.—

(I) PERFORMANCE GOALS THROUGH FISCAL YEAR 2003; TERMINATION OF PROGRAM AFTER FISCAL YEAR 2005.—With respect to the amount that, under subparagraph (A)(i), is more than 3 percent below the level specified in such subparagraph, such costs fell below the level specified in such subparagraph.

(J) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section in the costs of the resources allocated for the process for the review of device applications (including increases in such costs for an additional number of full-time equivalent employees in the Food and Drug Administration) for an additional number of full-time equivalent employees in the Food and Drug Administration for salaries and expenses for such fiscal year.

(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriation Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

(L) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment in advance of a request for refund, such refund shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

(5) Written Requests for Refunds.—To qualify for consideration for a refund under subsection (a)(1)(D), a person shall submit to the Secretary a written request for refund not later than 180 days after such fee is due.

(6) Construction.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in
the process of the review of device applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.”.

(b) Exemption for Certain Entities Submitting Premarket Reports.—

(1) IN GENERAL.—A person submitting a premarket report to the Secretary of Health and Human Services is exempt from the fee under section 738(a)(1)(A)(i) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section) if—

(A) the premarket report is the first such report submitted to the Secretary by the person; and

(B) before October 1, 2002, the person submitted a premarket report to the Secretary for the device for which the person is submitting the premarket report.

(2) DEFINITIONS.—For purposes of paragraph (1), the terms “device”, “premarket application”, and “premarket report” have the same meanings as apply to such terms for purposes of section 738 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section).

SEC. 103. ANNUAL REPORTS.

Beginning with fiscal year 2003, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report concerning—

(1) the impact of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(3) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals, not later than 60 days after the end of each fiscal year during which fees are collected under this part; and

(2) the implementation of the authority for such fees during such fiscal year, and the use, by the Food and Drug Administration, of the fees collected during such fiscal year, not later than 60 days after the end of such fiscal year during which fees are collected under the medical device user-fee program established under the amendment made by section 102.

SEC. 104. POSTMARKET SURVEILLANCE.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out postmarket surveillance of medical devices, there are authorized to be appropriated to the Food and Drug Administration the following amounts, stated as increases above the amount obligated for such purpose by such Administration for fiscal year 2002:

(1) For fiscal year 2003, an increase of $3,000,000.

(2) For fiscal year 2004, an increase of $6,000,000.

(3) For fiscal year 2005 and each subsequent fiscal year, an increase of such sums as may be necessary.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall conduct a study for the purpose of determining the following with respect to the medical device user-fee program established under the amendment made by section 102:

(A) The impact of such program on the ability of the Food and Drug Administration to conduct postmarket surveillance on medical devices.

(B) The programmatic improvements, if any, needed for adequate postmarket surveillance of medical devices.

(C) The amount of funds needed to conduct adequate postmarket surveillance of medical devices.

(D) The extent to which device companies comply with the postmarket surveillance requirements, including postmarket study commitments.

(E) The recommendations of the Secretary as to whether, and in what amounts, user fees collected under such user-fee program should be dedicated to postmarket surveillance if the program is extended beyond fiscal year 2007.

(2) REPORT.—Not later than January 10, 2007, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that describes the findings of the study under paragraph (1).

SEC. 105. CONSULTATION.

(a) IN GENERAL.—In developing recommendations to the Congress for the goals and plans for meeting the goals for the review of medical device applications for fiscal years after fiscal year 2007, and for the reauthorization of sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act, the Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, health care professionals, representatives of patient advocacy groups, and the regulated industry.

(b) RECOMMENDATIONS.—The Secretary shall publish in the Federal Register recommendations under subparagraph (A) that are consistent with the report required under subsection (a), such recommendations shall present such recommendations to the congressional committees specified in such paragraph; shall hold a meeting at which the public may present its views on such recommendations; and shall provide for a period of 30 days for the public to provide written comments on such recommendations.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act, except that fees collected during such fiscal year shall be reduced to offset the number of officers, employees for the purpose of conducting the inspections required in section 510(h), or pursuant to the preceding sentence.

SEC. 107. SUNSET CLAUSE.

The amendments made by this title cease to be effective October 1, 2007, except that section 103 with respect to annual reports ceases to be effective January 31, 2008.

TITLE II—AMENDMENTS REGARDING REGULATION OF MEDICAL DEVICES

SEC. 201. INSPECTIONS BY ACCREDITED PERSONS.

(a) IN GENERAL.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended by adding at the end the following subsection:

“(g)(1) Not later than one year after the date of the enactment of this subsection, the Secretary shall, subject to the provisions of this subsection, accredit persons who are not Federal employees for the purpose of conducting the inspections required in section 510(h), or pursuant to section 510(i), for establishments that manufacture, prepare, propagate, compound, or process class I or class II medical devices, or who are operators of such an establishment that is eligible under paragraph (6) may, from the list published under paragraph (4), select an accredited person to conduct such inspections.

(2) Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish in the Federal Register criteria to accredit or designate persons who are operators of such an establishment that is eligible under paragraph (6) may, from the list published under paragraph (4), select an accredited person to conduct such inspections.

(3) The Secretary may withdraw accreditation of any person accredited under paragraph (2) and provide notification to the public of the withdrawal, for an opportunity for an informal hearing, when such person is substantially not in compliance with the standards of accreditation or poses a threat to public health or fails to act in a manner that is consistent with the purposes of this subsection. The Secretary may suspend the accreditation of such person during the pendency of the process under the preceding sentence.

(4) The Secretary may withdraw accreditation to a person accredited under paragraph (2) and provide notification to the public of the withdrawal, for an opportunity for an informal hearing, when such person is substantially not in compliance with the standards of accreditation or poses a threat to public health or fails to act in a manner that is consistent with the purposes of this subsection. The Secretary may suspend the accreditation of such person during the pendency of the process under the preceding sentence.

(b) ACCREDITATION.—Subject to subparagraphs (B) through (D) of section 510 as conduct inspections at establishments identified in paragraph (1). The accreditation of such person shall specify the particular activities under this subsection for which such person is accredited. The Secretary shall submit to the Federal Register of criteria to accredit or designate persons who request to perform the duties specified in paragraph (1), the Secretary shall accredit no more than 15 persons who request to perform duties specified in paragraph (1).

(3) An accredited person shall, at a minimum, meet the following requirements:

(A) Such person shall be an independent organization which is not owned or controlled by a manufacturer, supplier, or vendor of articles regulated under this Act and which has no responsibilities to the manufacturer, supplier, or vendor (including a consultative affiliation) with such a manufacturer, supplier, or vendor.

(4) The person shall be a legally constituted entity permitted to conduct the activities for which it seeks accreditation.

(B) Such person shall not engage in the design, manufacture, or sale of articles regulated under this Act.

(C) (D) The operations of such person shall be in accordance with generally accepted professional and ethical business practices, such as confidentiality commercial or financial information or trade secrets.

(D) (E) promptly respond and attempt to resolve complaints regarding its activities for which it is accredited; and

(F) (G) protect against the use, in carrying out paragraph (1), of any officer or employee of the accredited person who has a financial conflict of interest regarding any product regulated under this Act, and is otherwise unable to meet the public disclosures of the extent to which the accredited person, and the officers and employes of the person, have maintained compliance with the terms of accreditation.

(B) The Secretary may withdraw accreditation of any person accredited under paragraph (2) and provide notification to the public of the withdrawal, for an opportunity for an informal hearing, when such person is substantially not in compliance with the standards of accreditation or poses a threat to public health or fails to act in a manner that is consistent with the purposes of this subsection. The Secretary may suspend the accreditation of such person during the pendency of the process under the preceding sentence.

(6) (A) Subject to subparagraphs (B) through (D) of article approved under paragraph (2) and provide notification to the public of the withdrawal, for an opportunity for an informal hearing, when such person is substantially not in compliance with the standards of accreditation or poses a threat to public health or fails to act in a manner that is consistent with the purposes of this subsection. The Secretary may suspend the accreditation of such person during the pendency of the process under the preceding sentence.

(7) (A) Subject to subparagraphs (D) through (F) of article approved under paragraph (2) and provide notification to the public of the withdrawal, for an opportunity for an informal hearing, when such person is substantially not in compliance with the standards of accreditation or poses a threat to public health or fails to act in a manner that is consistent with the purposes of this subsection. The Secretary may suspend the accreditation of such person during the pendency of the process under the preceding sentence.
(ii) with respect to each inspection to be conducted by an accredited person—

(1) the owner or operator of the establishment submits to the Secretary a notice requesting the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate—

(11) The authority provided by this subsection terminates on October 1, 2012.

(12) No later than four years after the enactment of this subsection the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate—

(10) (A) For fiscal years 2005 and subsequent fiscal years, no device establishment may be inspected during the fiscal year involved by a person accredited under paragraph (2) (v) if (I) the amounts appropriated for salaries and expenses of the Food and Drug Administration for the preceding fiscal year (referred to in this subparagraph as the ‘first prior fiscal year’) are less than the adjusted base amount applicable to such first prior fiscal year; and

(9) Nothing in this subsection affects the authority of the Secretary to inspect establishments pursuant to this Act.

(8) Compensation for an accredited person shall be determined by agreement between the establishment and the person engaged to perform such services, and shall be paid by the person who engages such services.

(7) The Secretary may make both such requests.

(6) If the Secretary fails to respond to the notice under subparagraph (A) within 30 days after the receipt of the request, the establishment requests the review, unless the Secretary and the establishment otherwise agree.

(5) Not later than 60 days after receiving the inspection observations previously provided to the representative of the establishment.
“(A) the number of inspections conducted by accredited persons and the number of inspections pursuant to subsections (h) and (i) of section 510 conducted by Federal employees; and

(B) the number of persons who sought accreditation under this subsection, as well as the number of persons who were accredited under this subsection;

(C) the reasons why persons who sought accreditation, but were denied accreditation, were denied;

(D) the number of audits conducted by the Secretary of accredited persons, the quality of inspections conducted by accredited persons, whether accredited persons are meeting their obligations, and whether the number of audits conducted is sufficient to permit these assessments;

(E) whether this subsection is achieving the goal of increasing more information about establishment compliance is being presented to the Secretary, and whether that information is of a quality consistent with information obtained by the Secretary pursuant to subsection (h) or (i) of section 510;

(F) whether this subsection is advancing efforts to allow device establishments to rely upon third-party inspections for purposes of compliance with the laws of foreign governments; and

(G) whether the Congress should continue, modify, or terminate the program under this subsection.

“(1) The Secretary shall include in the annual report required under section 903(g)(6) the names of accredited persons and the particular activities under this subsection for which each such person is accredited and the name of each accredited person whose accreditation has been withdrawn during the year.

(h) MAINTENANCE OF RECORDS.—Section 704(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(f)) is amended by—

(1) in paragraph (1), in the first sentence, by striking “A person accredited” and all that follows through “shall maintain records” and inserting “an accredited person described in paragraph (i) shall maintain records”;

(2) in paragraph (2), by striking “a person accredited” and all that follows through “shall in accord—” and inserting “an accredited person described in paragraph (i) shall be responsible to the Office with respect to the timeliness of the premarket review of a combination product, the agency center with primary jurisdiction for the product, and the consulting agency center, shall be responsible to the Office with respect to the timeliness of the premarket review.

(i) Any dispute regarding the substance of the premarket review may be presented to the Commissioner of Food and Drugs for settlement. After five years this review is reconsidered by the agency center with primary jurisdiction of the premarket review, under the scientific dispute resolution procedures for such center. The Commissioner of Food and Drugs may be consulted by the Director of the Office in resolving the substantive dispute.

(G) The Secretary, acting through the Office, shall review each agreement, guidance, or practice of the Secretary that is specific to the assignment of combination products to agency centers and shall determine whether the agreement, guidance, or practice is consistent with the requirements of this subsection. In carrying out such review, the Secretary shall consult with stakeholders and the directors of the agency centers. After such consultation, the Secretary shall determine whether to continue in effect, modify, review, or eliminate such agreement, guidance, or practice, and shall publish in the Federal Register a notice of the actionability of such modified or revised agreement, guidance or practice. Nothing in this paragraph shall be construed as preventing the Secretary from following each agreement, guidance, or practice until continued, modified, revised, or eliminated.

(H) Not later than one year after the date of the enactment of this paragraph and annually thereafter, the Secretary shall report to the appropriate committees of Congress on the activities and impact of the Office. The report shall include provisions—

(i) describing the numbers and types of combination products under review and the timeliness in days of such assignments, reviews, and dispute resolutions;

(ii) identifying the number of premarket reviews of such products that involved a consulting agency center; and

(iii) describing improvements in the consistency of postmarket regulation of combination products; and

(j) in paragraph (5) (as redesignated by paragraph (2) of this section)—

(1) by redesigning subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B) the following subparagraph:

“(A) The term ‘agency center’ means a center or alternative organizational component of the Food and Drug Administration.”

SEC. 204. REPORT ON CERTAIN DEVICES.

Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall report to the appropriate committees of Congress on the timeliness and effectiveness of device premarket reviews by centers other than the Center for Devices and Radiological Health. Such report shall include information on the times required to log in and review original submissions and supplements, times required to review manufacturers’ replies to objections, and times to clear such devices. Such report shall contain the Secretary’s recommendations on any measures needed to improve performance including, but not limited to, the allocation of the available resources. Such report shall also include the Secretary’s specific recommendation on whether responsibility for regulating such devices should be reassigned to those persons within the Food and Drug Administration who are primarily charged with regulating other types of devices,
and whether such a transfer could have a dele-
terious impact on the public health and on the
safety of such devices.

SEC. 205. ELECTRONIC LABELING. Section 205 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(f)) is amended by adding at the end the following: “(6) With respect to women who participate as
subjects in the research, the Secretary shall
include the following:
(A) the date when the research was
begun; and
(B) the number of those women who
received, or were otherwise exposed to,
chemotherapy or radiation.

SEC. 206. ELECTRONIC REGISTRATION. Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by adding at the end the following:


SEC. 208. MODULAR REVIEW. Section 515(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(c)) is amended by adding at the end the following:

SEC. 209. PROCEDURE FOR EXERTION OF EVALUATION. Classification-Renal Panel Review of Premarket Applications. Section 515(c)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(c)(2)) is amended by adding at the end the following: “(6) With respect to women who participate as
subjects in the research, the Secretary shall
include the following:
(A) the date when the research was
begun; and
(B) the number of those women who
were otherwise exposed to,
chemotherapy or radiation.

SEC. 210. INTERNET LIST OF CLASS II DEVICES EXEMPT FROM REQUIREMENT OF PREMARKET NOTIFICATION. Section 510(m)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(m)(1)) is amended by adding at the end the following: “The
Secretary shall publish such list on the Internet
site of the Food and Drug Administration. The list shall be updated not less than 30 days after each revision of the list by the Sec-
tary.”

SEC. 211. STUDY BY INSTITUTE OF MEDICINE OF POSSIBLE EXCLUSION OF PEDIATRIC POPULATIONS FROM THE STUDY OF PEDIATRIC DEVICES. (a) In General.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study for the purpose of determining whether the system under the Federal Food, Drug, and Cosmetic Act for the postmarket surveillance of medical devices provides adequate safeguards regarding the use of devices in pediatric popu-
lations.

(b) Certain Matters.—The Secretary shall ensure that determinations made in the study under subsection (a) include determinations of
(1) whether postmarket surveillance studies of implanted medical devices are of long enough duration to evaluate the impact of growth and development for the number of years that the child will have the implant, and whether the studies are adequate to evaluate how children’s active lifestyles may affect the failure rate and longevity of the implant; and
(2) whether the amount of funds allocated for postmarket surveillance by the Food and Drug Administration of medical devices used in pediat-
ric populations is sufficient to provide ade-
quate safeguards for such populations, taking into account the Secretary’s monitoring of com-
mon medical devices, such as phase IV trials, and the Secretary’s monitoring and use of adverse reac-
tion reports, registries, and other postmarket surveillance reports.

SEC. 212. GUIDANCE REGARDING PEDIATRIC DEVICES. Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by adding at the end the following:

SEC. 213. BREAST IMPLANTS; STUDY BY COMPTROLLER GENERAL. (a) In General.—The Comptroller General of the United States shall conduct a study to deter-
mine the following with respect to breast im-
plants:
(1) the content of information typically pro-
vided by health professionals to women who consult with such professionals on the issue of whether to undergo breast implant surgery.
(2) Whether such information is provided by physicians or other health professionals, and whether the information is provided verbally or in writing.
(3) Whether the information provided presents a
risk to the patient, and what steps are
being taken to mitigate that risk.

(b) Report.—The Comptroller General shall submit to the Congress a report describing the findings of the study.

(c) Definitions.—For purposes of this section, the term ‘‘breast implant’’ means a breast pros-
thesis that is implanted to augment or recon-
struct the female breast.

SEC. 214. BREAST IMPLANTS; RESEARCH THROUGH NATIONAL INSTITUTES OF HEALTH. (a) Report on Status of Current Research.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to the Congress a report describing the status of re-
search on breast implants (as defined in section 213(c)) being conducted or supported by such In-
stitutes.

(b) Research on Long-Term Implications.—Not later than 180 days after the date of the enactment of this Act, and only after receiving a report from the Secretary that research on breast implants has been conducted and supported by such In-
stitutes.

SEC. 215. BREAST IMPLANTS; EXEMPTED FROM REQUIREMENT OF CONSENT OF WOMEN.—Sec.

Title III—Additional Amendments

SEC. 301. IDENTIFICATION OF MANUFACTURER OF MEDICAL DEVICES. (a) In General.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

(c) Definition.—For purposes of this section, the term ‘‘breast implant’’ means a breast pros-
thesis that is implanted to augment or recon-
struct the female breast.

SEC. 302. SINGLE-USE MEDICAL DEVICES. (a) Required Statements on Labeling.—(1) In General.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:
(v) If it is a reprocessed single-use device, unless all labeling of the device prominently and conspicuously bears the statement ‘Reprocessed device for single use. Reprocessed by’. The name of the manufacturer of the reprocessed device shall be placed in the space identifying the person responsible for reprocessing.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect 15 months after the date of enactment of this Act, and only applies to devices introduced or delivered for introduction into interstate commerce after such effective date.

(b) PREMARKET NOTIFICATION.—Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d) is amended by inserting after subsection (n) the following:

(1) With respect to reprocessed single-use devices for which reports are required under subparagraph (A), the Secretary shall determine whether there is a reasonable assurance of safety and effectiveness for the reprocessed device.

(2) In the case of each report under subsection (k) that was submitted to the Secretary before the date of enactment of this Act, the Secretary shall evaluate data provided in the report and determine whether there is a reasonable assurance of safety and effectiveness for the reprocessed device.

(3) The Secretary shall notify the device manufacturer of the data and information that the Secretary determines is necessary to determine whether there is a reasonable assurance of safety and effectiveness for the reprocessed device.

(c) DEFINITIONS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

(1) The term ‘single-use device’ means a device that is intended for use, or on a single patient during a single procedure.

(2) A device that is reprocessed, with respect to a single-use device, means an original device that has previously been used and has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient. The subsequent processing and manufacture of a reprocessed single-use device shall result in a device that is reprocessed within the meaning of this definition.

(3) A single-use device that means a new, unused single-use device.

(4) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(5) Any additional data and information determined by the Secretary to be necessary.

(6) The term ‘original single-use device’ means a new, unused single-use device.

(7) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(8) Any additional data and information determined by the Secretary to be necessary.

(9) The term ‘critical or semi-critical reprocessed single-use device’ means a reprocessed single-use device that is classified in class III and for which a premarket application is required, the following: (A) The device has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient.

(10) The term ‘predetermined’ means a new, unused single-use device.

(11) The term ‘single-use device’ means a device that is intended for use, or on a single patient during a single procedure.

(12) The term ‘reprocessed device’ means a reprocessed single-use device that is classified in class III and for which a premarket application is required, the following: (A) The device has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient.

(13) The term ‘device’ means a new, unused single-use device.

(14) ‘Device’ includes any device controlled by order that is amended by adding at the end the following:

(15) The term ‘single-use device’ means a device that is intended for use, or on a single patient during a single procedure.

(16) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(17) Any additional data and information determined by the Secretary to be necessary.

(18) The term ‘original single-use device’ means a new, unused single-use device.

(19) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(20) Any additional data and information determined by the Secretary to be necessary.

(21) The term ‘critical or semi-critical reprocessed single-use device’ means a reprocessed single-use device that is classified in class III and for which a premarket application is required, the following: (A) The device has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient.

(22) The term ‘predetermined’ means a new, unused single-use device.

(23) The term ‘single-use device’ means a device that is intended for use, or on a single patient during a single procedure.

(24) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(25) Any additional data and information determined by the Secretary to be necessary.

(26) The term ‘original single-use device’ means a new, unused single-use device.

(27) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(28) Any additional data and information determined by the Secretary to be necessary.

(29) The term ‘critical or semi-critical reprocessed single-use device’ means a reprocessed single-use device that is classified in class III and for which a premarket application is required, the following: (A) The device has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient.

(30) The term ‘predetermined’ means a new, unused single-use device.

(31) The term ‘single-use device’ means a device that is intended for use, or on a single patient during a single procedure.

(32) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(33) Any additional data and information determined by the Secretary to be necessary.

(34) The term ‘original single-use device’ means a new, unused single-use device.

(35) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(36) Any additional data and information determined by the Secretary to be necessary.

(37) The term ‘critical or semi-critical reprocessed single-use device’ means a reprocessed single-use device that is classified in class III and for which a premarket application is required, the following: (A) The device has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient.

(38) The term ‘predetermined’ means a new, unused single-use device.

(39) The term ‘single-use device’ means a device that is intended for use, or on a single patient during a single procedure.

(40) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(41) Any additional data and information determined by the Secretary to be necessary.

(42) The term ‘original single-use device’ means a new, unused single-use device.

(43) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(44) Any additional data and information determined by the Secretary to be necessary.

(45) The term ‘critical or semi-critical reprocessed single-use device’ means a reprocessed single-use device that is classified in class III and for which a premarket application is required, the following: (A) The device has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient.

(46) The term ‘predetermined’ means a new, unused single-use device.

(47) The term ‘single-use device’ means a device that is intended for use, or on a single patient during a single procedure.

(48) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(49) Any additional data and information determined by the Secretary to be necessary.

(50) The term ‘original single-use device’ means a new, unused single-use device.

(51) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(52) Any additional data and information determined by the Secretary to be necessary.

(53) The term ‘critical or semi-critical reprocessed single-use device’ means a reprocessed single-use device that is classified in class III and for which a premarket application is required, the following: (A) The device has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient.

(54) The term ‘predetermined’ means a new, unused single-use device.

(55) The term ‘single-use device’ means a device that is intended for use, or on a single patient during a single procedure.

(56) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(57) Any additional data and information determined by the Secretary to be necessary.

(58) The term ‘original single-use device’ means a new, unused single-use device.

(59) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(60) Any additional data and information determined by the Secretary to be necessary.

(61) The term ‘critical or semi-critical reprocessed single-use device’ means a reprocessed single-use device that is classified in class III and for which a premarket application is required, the following: (A) The device has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient.

(62) The term ‘predetermined’ means a new, unused single-use device.

(63) The term ‘single-use device’ means a device that is intended for use, or on a single patient during a single procedure.

(64) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(65) Any additional data and information determined by the Secretary to be necessary.

(66) The term ‘original single-use device’ means a new, unused single-use device.

(67) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(68) Any additional data and information determined by the Secretary to be necessary.

(69) The term ‘critical or semi-critical reprocessed single-use device’ means a reprocessed single-use device that is classified in class III and for which a premarket application is required, the following: (A) The device has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient.

(70) The term ‘predetermined’ means a new, unused single-use device.

(71) The term ‘single-use device’ means a device that is intended for use, or on a single patient during a single procedure.

(72) A statement that the applicant believes to be true and accurate and that no material information has been omitted in the report.

(73) Any additional data and information determined by the Secretary to be necessary.
Mr. Speaker, I rise today in strong support of H.R. 3580, the Medical Device User Fee and Modernization Act. This bill represents a bipartisan agreement reached after months of negotiation. I commend the sponsors of this legislation, the gentleman from Pennsylvania (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), and the gentleman from California (Mr. WAXMAN) for their efforts in reaching an agreement on this very important legislation.

Further, I would like to thank our highly skilled legislative counsel, Pete Goodloe, for his tireless work in drafting this bill.

The medical device industry is one of the most innovative industries regulated by the Food and Drug Administration. Whereas other regulated industries have products with life cycles measured in decades, the life cycles for medical devices are measured, in many cases, in months. In this industry, the rule is simply innovate or die.

What makes this industry innovative, we need to ensure that their devices receive an efficient review by the Food and Drug Administration. The best ways we can help is to provide the agency with more resources. This bill will allow FDA to raise more than $200 million over the next 5 years. With this new money, the agency will be able to hire more reviewers and update information on technology.

The user fee approach used in this bill is similar to the initial version of the very successful Prescription Drug User Fee Act. Under this proposal, the industry will pay application fees to the FDA in exchange for the FDA’s promise of shorter postmarket performance goals. We have also built in protections for smaller businesses, exempting many from fees for their first pre-market application.

Also included in the bill are needed regulatory reforms, the most important of which is the creation of a third-party inspection. Under third-party inspection, companies with good intentions can be inspected and given the green light to ensure that their product is safe and effective.

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

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

Mr. Speaker, the medical device legislation we are considering today is the product of lengthy, bipartisan negotiations. It is a good compromise bill. I appreciate the majority’s willingness to work with us to ensure the legislation promotes timely access to medical devices without compromising FDA’s ability to enforce laws, assure the safety of medical products, both drugs and devices, are safe and effective for their intended uses and to make sure these products are promoted to the medical community and to the public in an accurate manner, and for the benefit of the devices that are regulated by the FDA.

This bill represents a substantial departure from current practice. Under current practice, companies were required to perform all postmarket surveillance activities. The new law authorized FDA to use the funding to perform postmarket surveillance activities, meaning companies could pay fees for those services and the FDA would perform the postmarket surveillance activities.

In the past, companies were required to perform all postmarket surveillance activities and pay fees for those services, but the new law authorized the FDA to perform postmarket surveillance activities, meaning companies could pay fees for the FDA to perform those activities.

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programs to ensure that the public is being well served by them, it makes sense to give these programs a chance. I urge my colleagues’ support for the bill.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the remarks from the gentleman from Ohio (Mr. BROWN) thinking that, clearly, there will be a continuing debate in Washington around whether we fund agencies at an adequate level. The reality is that agencies have the determination to decide where they put their funding, and in many cases it is our responsibility to make sure that we bring them back focused on their core mission. In the case of the FDA, it is on food safety, it is on the approval of pharmaceutical applications, and it is on the approval of medical devices. I think we enhance that likelihood with the passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Madam Speaker, I yield 5 minutes to the gentleman from California (Ms. ESHTOO).

Ms. ESHTOO. Madam Speaker, I thank our ranking member of the Subcommittee on Health for yielding time to me.

Madam Speaker, I am so pleased, I am really very excited, that the House is considering this evening H.R. 3580, legislation which I introduced with my wonderful colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), and worked with so many others on.

It has been over a long period of time, not a short period of time, so I think that is why we are very excited that we have finally made it to the floor in the culmination of our work. It is a bipartisan bill, and it really is ultimately about patients, patients in our country, about making sure that patients are able to safely benefit from the wonders of medical technology in a very timely manner.

As medical technologies have become more advanced, it takes more government resources to ensure that these products are safe and effective. That falls to a Federal agency, and that is the Food and Drug Administration. They regulate medical devices, and they have been overwhelmed by the volume of new products that they must review.

So, number one, under this bill, and for the very first time in the history of our country, the medical device industry has agreed and will pay fees to the FDA for every product they propose to market. It is a very important change, something that was fought several years ago, but the industry has now moved to this position, and I think that this is a wise one. The fees will help the FDA deal with the staff and purchase needed equipment so that they can review the products on a timely basis.

Number two, the bill also increases resources for additional inspections of manufacturing plants and facilities. I would just like to take a moment to say to my distinguished colleague, the gentleman from Ohio, that in terms of bipartisan legislation, these are not privatized areas that people who the companies just go out and choose; in other words, put the fox in charge of the chicken coop. Not so. The FDA will create a pool of inspectors who then will be available to companies, and that is what we want this legislation in the bill. I think there is a huge difference between the two.

The bill also creates an Office of Combination Products to shepherd advanced products such as devices with drug coding through the approval process, so this new administrative flexibility allows the FDA to devote its resources to the devices that patients need most.

Number three, and finally, the bill creates a way to regulate reprocessed devices. I have felt pretty strongly about this. I offered a bill in the Congress some time ago on it. These are products such as needles and catheters, and I think most people do not realize that in many cases they are often used a second, third, or fourth time in patients after they have been reprocessed. That does raise safety concerns, so the bill requires that reprocessed products undergo additional scrutiny by the FDA and be held to the highest standards the FDA can apply.

I think that this is a real achievement. I have been after the FDA to do this for some time, and the bill accomplishes that. I think it is a win for the American people.

It also requires that doctors, who are often unaware that they are using reprocessed devices, be informed about the reused device so they, in turn, can advise their patients.

Now I want to close by saying my thanks to the gentleman from Pennsylvania (Mr. GREENWOOD); to the gentleman from Louisiana (Chairman Tauzin); to the gentleman from Florida (Chairman Bilirakis); to the gentleman from Michigan (Mr. DINGELL); the ranking member of the Committee on Commerce; to the gentleman from California (Mr. WAXMAN); and certainly to the gentleman from Ohio (Mr. BROWN), the ranking member of our subcommittee; to the highly cooperative work over the last 6 months.

I also want to single out my own legislative director, Anne Wilson. Anne Wilson has literally spent hundreds of hours on this issue. She has negotiated over weekends, she has gone to meetings at night, gotten home in the morning, and then come into the office. I think that it is fair to say that we would not be here this evening were it not for the extraordinary work that Anne has done, and I am grateful to her.

I also would like to thank Pat Morrissey, Brent Delmonte, and Steve Tilton of the staff of the gentleman from Louisiana (Chairman Tauzin); Jenny Hansen of the office of the gentleman from North Carolina (Mr. BURR); my friend, Mr. BURR; Allen Eisenberg of the office of the gentleman from Pennsylvania (Mr. GREENWOOD); John Parrott of the gentleman from Michigan (Mr. DINGELL); Anne Witt of the office of the gentleman from California (Mr. WAXMAN); and Jeremy Sharp of the office of the gentleman from California (Mrs. CAPPS).

I think the gentleman from California stated it very well: It was the ability of those who worked, staff and Members of the Committee on Commerce, to stay focused on patients and, ultimately, the advantages to those patients that a successful end to this legislation might bring to the approval process on medical devices. That means that tonight this bill will pass the House of Representatives. For that, I am grateful to the gentleman from California.

Mr. GREENWOOD. Mr. Speaker, today, we consider in the House under suspension H.R. 3580, a bill that I originally introduced with congresswoman ANNA ESHTOO, but has become so much more. Thanks to a cooperative and bi-partisan approach, this bill has now become a vehicle for an array of reforms that are perhaps the most sweeping for medical device reviews since the medical device amendments of 1976.

First, let me thank chairman TAUZIN, chairman GREENWOOD, and ranking members DINGELL and BROWN, as well as Mr. WAXMAN and each of your staffs. This has been an outstanding example of teamwork and bipartisanship.

In particular, I want to recognize the following staff for their outstanding work on this bill: Brent Delmonte; Patrick Morrissey; David Nelson; Anne Wilson; Karen Nelson; John Ford; Ann Witt; Steven Tilton; Jenny Hansen; Ellie DeHoney; and Alan Eisenberg. Also I want to thank the legislative counsel, Pete Goodloe.

Mr. Speaker, last year many of us became much better versed in some of the extraordinary new technologies developed by medical device companies as we learned about the pacemaker and defibrillator that Vice President
CHENEY had implanted. Smaller than a deck of cards, implantable under the collarbone, and able to be implanted in a one-day outpatient procedure, this is a truly remarkable device.

This is the type of technology that Congress needs to make sure is being reviewed quickly and thoroughly by FDA—because these devices hold out the promise of making a difference in people's lives.

Nearly five years ago, we made changes to the FDA when we passed FDAMA, to improve the speed and responsiveness of the agency. The response to those reforms by the FDA has been, for the most part, positive.

But that is not to say we can't do better. The needs of patients demand nothing less. Given that clinical practices are moving more and more toward minimally invasive and increasingly complex devices, performances improvements by the FDA is vital to our public health.

H.R. 3580 accomplishes this. It is comprehensive. It will permanently alter the landscape for device reviews while maintaining and I believe increasing the safeguards of devices reviews.

Let me just briefly mention a few of these provisions.

User Fee Program. The user fee program on which this committee has labored so thoroughly, will provide $46 million to the FDA in 2003, possible $250 million in 2007 in new resources for speeding up the approval of the medical devices. The user fee program at FDA has worked wonders for the approval of drugs and biologics—we just reauthorized a third round of PDUFA earlier this year. This will finally give Biennual for the Center for Devices and Radiological health (CDRH) access to similar resources so that they can provide thorough, effective reviews, in less time. And it will give CDRH the ability to make a commitment to meet a complete set of performance goals.

This bill also incorporates many of the provisions that I introduced earlier this year along with Congresswoman ESHOO:

Streamlined Approval of Combination Products: Combination products, such as drug-coated stents, are one of the most exciting areas in this industry and present challenges to the FDA's standard review mechanisms, resulting in inefficiency and delay. To alleviate these problems, this legislation creates a new office of combination products and product jurisdiction. This new office will help avoid regulatory logjams and ensure that combination products are promptly and correctly assigned to centers with the FDA.

Third Party Inspection. H.R. 3580 also expands the role of third parties and outside experts to augment the FDA resources to help FDA review and enforce the Quality System Requirements. This will be done in a carefully prescribed manner, to ensure the FDA's standards for inspection are met and that the FDA receives sound information from these outside experts.

Third Party Review. This legislation also extends the use of third party review program for one year so that it expires in conjunction with other device provisions.

Reuse Provisions. This bill responds to concerns that many 'Single-Use' devices are reprocessed and resold to hospitals, while regulated for single-use devices, rather than as multiple-use devices. Concerns have also been raised that there are not adequate safeguards to ensure the safety and effectiveness of these devices. This legislation responds to these concerns with several new provisions that will require the FDA to examine reprocessed devices that are presently exempt from review and requires labeling of reprocessed devices by the reprocessors. Furthermore, under this language a new category of devices of complex reprocessed devices will require the new type of application, to ensure that complex reprocessed devices are safe and effective for use.

Medical devices are some of our health care systems' most remarkable innovations. The provisions in this bill will allow the FDA to reduce review times for reprocessed devices and allow these technologies to be delivered to patients more quickly. I urge a "yes" vote on this bill.

Mr. BILIRAKIS. Mr. Speaker, unfortunately due to an unexpected passing of a close family friend I was unable to speak in person for my strong support of H.R. 3580. However, I am very pleased that you brought this legislation forward today and would ask all my colleagues to strongly support. H.R. 3580, the Medical Device User Fee and Modernization Act of 2002.

This legislation, which enjoys broad bipartisan support, contains three main provisions. First, the legislation increases user fees. For the first time, a medical device user fee system. This user fee agreement was negotiated between the Food and Drug Administration (FDA) and industry, and it will provide FDA with the additional resources it needs to speed the review of medical devices. I would note that the user fee structure is two-tiered, and effectively recognizes the needs of small device manufacturers.

The second part of the bill contains several important regulatory reform provisions. Most importantly, the bill authorizes the creation of a new 3rd party inspection system for device manufacturing facilities. Although required under law to inspect facilities every two years, FDA currently only inspects facilities every five to seven years. The new 3rd party inspection system will provide resources FDA currently commits to inspect manufacturers—in fact, the program will cease to exist if FDA dedicates less resources to inspections than it currently does. What this new program will do is to ensure that more facilities get inspected more often, which is beneficial for the public health. This program will also help to harmonize international inspections.

Finally, the legislation contains modifications to FDA's current regulatory scheme governing reprocessed single-use devices. I feel that the changes represented in this bill strike the right balance between respecting the rights of original equipment manufacturers while also recognizing the important role for device reprocessors.

I want to emphasize that this bill is bipartisan, and is the result of months of negotiations. Staffs on both sides of the aisle should be commended for the good work they put into this product, and I urge all Members to strongly support this legislation.

Ms. DEGETTE. Mr. Speaker, I commend Chairman TAUZIN and the Ranking member of the full Energy and Commerce Committee, Mr. DINGELL, as well as Ms. GREENWOOD and Ms. ESHOO for their hard work on this bill. H.R. 3580 will go a long way toward ensuring that the Food and Drug Administration has the necessary resources to quickly, yet efficiently and carefully review medical device manufacturer applications.

Much like the Prescription Drug User Fee Act, reauthorized earlier this year in the bioterrorism bill, the House's action today will provide an additional level of post-market surveillance and provides a process to increase this critical compliance activity when we next authorize user fees.
This Act also addresses standards for reuse of devices that have been approved for a single use. This practice, while widespread, was largely unregulated until recently. Unfortunately, the FDA's attempt to correct the matter was, to put it charitably, controversial and, from the perspective of protecting the consuming public, lacking. The bill before us strikes a balance among competing interests, while strengthening FDA's role with respect to assuring the safety of these products.

This bill also establishes a program that for the first time will allow third parties to inspect medical device facilities. The guiding principle for me in going down this road is that the program must supplement—and not supplant—FDA's legal authority, responsibility, and resources for conducting inspections and otherwise ensuring the safety of device facilities. I remain concerned about the proper implementation of this third-party inspection program and will closely watch its development.

Finally, the bill contains a number of regulatory reforms. These include electronic labeling, establishment of an office of combination products, provision for modular review of product applications, and important incentives for the industry to study the application of their devices to children.

The Medical Device User Fee and Modernization Act deserves our support. It is a bipartisan product in the best tradition of the Committee on Energy and Commerce. Members on both sides of the aisle have worked hard on this bill. In addition to my colleagues Representatives Brown and Waxman, particular credit should go to RepresentativesCAPPS, Eshoo, Luter, and Towns who have long sought these reforms. And of course, Chairman Tauzin and Chairman Burakis are to be commended for their efforts and their commitment to a bipartisan product. This bill is good for both consumers and industry, and I urge its support.

Mr. BURR of North Carolina, Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HART). The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and pass the bill, H.R. 3580, as amended.

The question was taken.

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

Mr. BURR of North Carolina, Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

ARMED FORCES TAX FAIRNESS ACT OF 2002

Mr. WELLER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5557) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The Clerk read as follows:

H.R. 5557

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 "Armed Forces Tax Fairness Act of 2002."  

SEC. 2. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE IN DETERMINING EXCLUSION FROM SALE OF PRINCIPAL RESIDENCE.  

(a) In General.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

"(10) Members of uniformed services and foreign service. —(A) In General.—At the election of an individual with respect to a property, the running of the 5-year period described in subsection (a) with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service.

(B) Maximum period of suspension.—The 5-year period described in subsection (a) shall not be extended more than 5 years by reason of subparagraph (A).

(C) Qualified official extended duty.—For purposes of this paragraph—

"(1) In General.—The term 'qualified official extended duty' means any extended duty serving at a duty station which is at least 150 miles from such property or while residing under Government orders in Government quarters.

"(2) Uniformed services.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

"(3) Foreign service.—The term 'Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

"(4) Extended duty.—The term 'extended duty' means duty assigned to or performed by a member of the Armed Forces, or an employee of the United States Government, by reason of —

"(A) being posted to a new area by order of the Secretary of Defense for purposes of study or consultation, subsequent to an assignment to perform certain acts postponed by reason of service in combat zone.

"(B) being posted to a new area by order of the Secretary of Defense for purposes of study or consultation, subsequent to an assignment to perform certain acts postponed by reason of service in combat zone.

"(C) being posted to a new area by order of the Secretary of Defense for purposes of study or consultation, subsequent to an assignment to perform certain acts postponed by reason of service in combat zone.

"(D) Specialist rules relating to election.—

"(1) Election limited to 1 property at a time.—An election under subparagraph (A) with respect to a particular property shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

"(2) Waiver of limitations.—If refund or credit of any taxpayer is allowed by reason of—

(a) the amendment made by this section, in the case of a payment under the authority of section 134(b) of such Code; or

(b) the amendment made by this section, in the case of a payment under the authority of section 134(b) of such Code; or

(c) the amendment made by this section, in the case of a payment under the authority of section 134(b) of such Code; or

"(D) Effective Date.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 4. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEWORNS ASSISTANCE PROGRAM.  

(a) In General.—Section 132(a) of the Internal Revenue Code of 1986 (relating to the exclusion from gross income of certain fringe benefits) is amended by striking "or" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "." and by adding at the end the following new paragraph:

"(8) Qualified military base realignment and closure fringe. —

"(b) Qualified Military Base Realignment and Closure Fringe.—Section 132 of such Code is amended by redesignating subsection (n) as subsection (o) and by inserting after such subsection (m) the following new subsection:

"(m) Qualified Military Base Realignment and Closure Fringe.—For purposes of this section, the term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3734) to offset the adverse effects on housing values as a result of a military basic realignment or closure.

"(n) Effective Date.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 5. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.  

(a) In General.—Section 7508(a) of the Internal Revenue Code of 1986 (relating to performing certain acts postponed by reason of service in combat zone) is amended—

(b) Qualified military base realignment and closure fringe. —

"(1) by inserting "or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a) of such Code) or which became such a contingency operation by operation of law after "section 112"; or

"(2) by inserting in the first sentence "or at any time during the period of such contingency operation" after "of such section" and by inserting "or operation" after "such an area", and

"(3) by inserting "or operation" after "such area", and

"(4) by inserting "or operation" after "such area", and

"(b) Conforming Amendments.—

(1) Section 7508(d) of such Code is amended by inserting "or contingency operation" after "area".

(2) The heading for section 7508 of such Code is amended by inserting "OR CONTINGENCY OPERATION" after "COMBAT ZONE".
The item relating to section 7508 of such Code in the table of sections for chapter 77 is amended by inserting “or contingency operation” after “combat zone.”

The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 6. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 561(c)(19) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by striking “or widowers” and inserting “, widowers, or ancestors or lineal descendants”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 133(b)(3)(A) of such Code (as amended by section 3) is further amended by inserting “or 129” and inserting “, 129, or 134(b)(4)”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(c) EFFECTIVE DATE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any provisions that are not made applicable by this section.

SEC. 8. PROTECTION OF SOCIAL SECURITY.

The amounts transferred to any trust fund under title II of the Social Security Act shall be determined as if this Act had not been enacted.

The Speaker pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. WELLER) and the gentleman from California (Mr. BECERRA) each will control 20 minutes.

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

Madam Speaker, on July 9, 2002, the House of Representatives passed H.R. 5063, the Armed Forces Tax Fairness Act of 2002, by a unanimous bipartisan vote of 413 to 0. That legislation contained two important provisions that would significantly benefit the Tax Code for Members of the Armed Forces.

The Senate expanded the bill by adding other provisions and passed H.R. 5063 by unanimous consent on October 3. The bill before us today, H.R. 5557, combines the House- and Senate-passed bills to provide several important tax benefits to members of our Nation’s military.

First, H.R. 5557 fixes an inequity in the law relating to the capital gains exclusion on home sales. Under the present law, the first $250,000 of gain from the sale of a home is not subject to capital gains tax if the individual lived in the home for 2 of the past 5 years. This exclusion is $500,000 for married couples.

Members of the military and Foreign Service often cannot meet this residency requirement if they are transferred on extended duty. As a result, military personnel, through no fault of their own, cannot take advantage of the tax relief when they sell their homes.

The Armed Forces Tax Fairness Act of 2002 fixes this inequity by suspending the 5-year ownership test when a member of the military or Foreign Service is transferred on extended duty more than 150 miles from home.

The second provision of the bill provides tax-free treatment for gravity death payments paid to survivors of military personnel. Under present law, survivors of the members of the Armed Forces receive a $6,000 death gratuity payment, but only half of this payment is tax-free.

H.R. 5063 updates the tax codes by providing tax-free treatment for the entire and full $6,000 amount.

Third, it provides that payments made under the Homeowners’ Assistance Program are tax free. These payments are made to compensate members of the Armed Forces if they suffer a decline in home value because of a military base closure or realignment.

If you are married and you file jointly, up to $250,000 of any gain that is realized from the sale of your principal residence.

In this bill, the full $6,000 that the surviving spouse of that man or woman who served our country who receive death benefits would be excluded from income for tax purposes.

Secondly, the bill would ensure that military families do not lose the current law principle residence tax gains exclusion because of extended military assignments away from home. Under current law, any American who is a taxpayer receives exclusion from taxes on $250,000 of any gain if you are married and you file jointly, up to $500,000 of any gain that is realized on the sale of your principal residence.

If Jane Smith were to purchase a home today for $100,000 and in something more than 2 years have the good fortune to sell it for $350,000, Jane Smith under our current tax law would not have to pay any taxes on the $250,000 profit on the sale of her principal residence.

Madam Speaker, these provisions are noncontroversial and they are fair. I hope the House will join me in supporting this legislation today, and I hope that the other body, the Senate, will quickly take up the bill and send it to the President’s desk for his signature before we adjourn in this Congress.

Madam Speaker, I reserve the balance of my time.

Mr. BECERRA. Madam Speaker, I yield myself such time as I might con-
themselves fail to meet one of the criteria for qualifying for this tax exclusion. One of the requirements of our tax law is that the taxpayer must have lived, owned or used his residence as the principal residence for at least 2 of the previous 5 years prior to the sale or exchange.

H.R. 5557 addresses this inequity and extends appropriate consideration in tax treatment to our men and women in uniform.

Madam Speaker, as I have said, this bill includes several positive changes from the original House-passed bill that were added by the Senate. Unfortunately, two important Senate-passed provisions are not included in this bill that I would like to mention because they also affect the livelihood of our men and women in uniform.

First, the Senate had included an above-the-line deduction for overnight travel expenses of National Guard and Reserve members in their version of the bill. This provision would have benefited men and women who do not itemize in their tax filing, whether it is a 1040, a 1040EZ form; but for those men and women in uniform in the National Guard who do not take the time or do not itemize their deductions to fill out and itemize those deductions, those individuals would not be able to benefit as a result of this legislation because the provision which had been included by the Senate to allow for an above the line deduction of these overnight travel expenses of National Guards and Reserve members has been excluded from this final version of the bill.

Many of these men and women who would have benefited happen to be modest-income soldiers often with families and they would have benefited most from the extra money in their pocket. The Senate by the way passed this provision by unanimous consent; and unfortunately, as I said, it was not included in this version of the House bill.

The second provision I would like to mention would have been the provision that would have paid for the cost of this legislation. We know from the Congressional Budget Office that we are in the midst of an enormous deficit. The Senate by the way passed this provision and paid for the cost of the legislation. As much as we need it, we should be responsible and pay for the cost of providing these benefits to our men and women who serve in uniform.

While we have men and women today, whether in Afghanistan or on our borders trying to protect us who are willing to put their lives in harm's way, we should not have individuals who are trying to relinquish their U.S. citizenship simply to avoid paying U.S. taxes for the costs of providing our men and women the best equipment, the best training that they need in order to protect us.

The provision that the Senate had included would have raised over $650 million for the next 10 years from those men and women who wish to become an expatriate for the purpose of avoiding taxes that he or she would not be able to escape his or her responsibilities.

At the very time that we are asking our military to be prepared to defend America, it seems wholly inconsistent to allow those people who should help us pay for the cost of supporting our men and women to escape any taxation and go abroad by relinquishing their U.S. citizenship and avoid that tax.

Madam Speaker, it is important that we again look at this legislation and pass it as quickly as possible. The Armed Forces Tax Fairness Act is something that we must do now. We will send this bill to the Senate and we hope we get a quick signature from the President.

I join my colleague from Illinois (Mr. WELLER), and I believe every member who would have an opportunity to speak on this legislation would say that it is time that we do this. I join some of my colleagues in also expressing some dismay that we are not paying for this legislation. As much as we need it, we should be responsible and pay for it. But what we should do is pass it now. For those reasons, Madam Speaker, I too stand in support of this legislation and urge my colleagues to also vote for it.

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

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

Madam Speaker, this is important legislation. Our Nation is making very tough decisions and this Congress is making very tough decisions, and we have military men and women who are currently in combat in Afghanistan.

This is important legislation that protects their personal interest while we ask them to go overseas and put their lives at risk for our freedom as well as in our efforts to win the war on terrorism. And as we all know, the war on terrorism will neither begin or end in Afghanistan, nor will it end in a few short months, but it is expected to last years and years.

This legislation deserves bipartisan support. And in quick reaction to my friend and colleague’s comment, I would note that there are no funds at all, none, no funds taken from Social Security or Medicare to provide for this legislation to help our military men and women. We are not touching Social Security or Medicare. But I do want to ask for strong bipartisan support for this legislation. It is important that our military men and women know that we stand in strong bipartisan support of what they do when we ask them to take the risks that they do.

As I noted earlier, this legislation has six provisions that benefit working men and women who serve in the military and I ask for an “aye” vote.

Mr. BUYER. Mr. Speaker, the Medical Device User Fee and Modernization Act addresses three crucial interests of the medical device community and the patients and providers it serves.

First, it has been recognized for some time that the Food and Drug Administration is not reviewing medical device applications in a timely fashion. For this to happen, FDA needs adequate resources to have personnel who have the necessary expertise to conduct reviews. This bill would address this matter by imposing user fees on the medical device community for the first time, to provide FDA additional funding for hiring and maintaining a highly skilled workforce and to implement internal improvements. The FDA will also pledge to enhance its performance in reviewing and evaluating device applications.

Second, the device community would like to see more utilization of expert third parties in quality assurance of facilities and manufacturing processes and review of applications. This measure will provide flexibility in regard to inspection while retaining FDA’s authority in device manufacturing.

Finally, the bill addresses concerns over the labeling and reuse of medical devices.

I ask for a yes vote to this important bill.

The agreement on these provisions was reached after much hard work and it is my view that all parties negotiated in good faith to achieve the best agreement.

I am very appreciative of the adoption of several suggestions I have made to ensure that children are well served by this bill. I am pleased that the bill excludes from user fees those devices, both PMAs and 510(k)s, that are intended solely for a pediatric population. Hopefully this will provide some incentive for manufacturers to address needs in the pediatric population that cannot be met by devices used in adults.

I must also express my concerns over the user fee provisions. While I will support the
The SPEAKER pro tempore (Ms. HART). Under the Speaker’s announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. Norton) is recognized for 5 minutes.

(Ms. Norton addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. Jones) is recognized for 5 minutes.

(Mr. Jones of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Green) is recognized for 5 minutes.

(Mr. Green of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. Osborne) is recognized for 5 minutes.

(Mr. Osborne addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Filner) is recognized for 5 minutes.

(Mr. Filner addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. McNulty) is recognized for 5 minutes.

(Mr. McNulty addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DeFazio) is recognized for 5 minutes.

(Mr. DeFazio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. Kaptur) is recognized for 5 minutes.

Ms. Kaptur. Madam Speaker, this evening I would like to insert several articles into the Record dealing with the issue of war against Iraq and the gulf, and I wanted to remind those who are listening that, indeed, if we look at the foreign policy of the United States over the last 30 years or so, we have had more Americans killed at home and abroad as a result of terrorism than in the first 187 years of our country.

So we have to begin to ask the question, why are we losing so many Americans in this way? Why is Washington becoming more barricaded? Can we go and ride in front of the White House anymore in our cars? Why are there bomb searches all over this city? Why are American embassies being built like bunkers all around the world? I would like to submit the following.

If we think back to the time when President George Bush, Senior, prior to his election as President was director of the CIA, that was about 1977, the mid-1970s, before President Jimmy Carter became President of the United States, and at the time my colleagues might recall that the Shah of Iran was deposed in the late seventies. I think it was late 1979, and many American hostages were taken, including Terry Anderson.

At the moment that Jimmy Carter’s presidency reverted to Ronald Reagan after the election of 1980, the hostages were returned home. President Carter worked very, very hard, as history will record.

Then when the Reagan-Bush administration, the new administration, took over, they essentially made a deal between our country and the Gulf states to go after Ayatollah Khomeini, the new leader in those days of Iran, who had taken our hostages. And who did they hire to do the dirty work for them? They hired none other than Saddam Hussein.

They gave him weapons through the government of the United States, and, indeed, if we look back, and I am trying to find the exact set of hearings that now, in the Committee on Banking of the House of Representatives, a hearing was held regarding the extension of Treasury tax credits, agricultural tax credits to Saddam Hussein in order to buy fertilizers, in quotes, with chemicals from our country at the same time in our country’s history when we would not even make those same extensions of credit to our farmers. Companies in Salem, Ohio, and Bedford, Ohio, were being asked by our Treasury to sell those same chemicals to Iraq; and, indeed, it was done.

The Gulf states and the United States were afraid perhaps that the Ayatollah Khomeini at that time might bomb Mecca or try to spread his revolution throughout the Middle East and get control of our oil fields. So Saddam Hussein was given access, better access from Iraq, which is landlocked, to a waterborne commerce through Kuwait, a slip of land, which
in the end he never did get and, ultimately, he invaded in order to get that access.

Then, of course, if we look back to the early 1990s, the United States went to war to defend the Iraqi-Kuwaiti border, but, in fact, the very monster that we had run at that point was out there, I was trying to fulfill what he had been promised as a result of U.S. assistance all through that period, especially when the Reagan and Bush administration took office and then President Bush himself elected in 1988 and taking us into the Gulf War.

It is really important to remember and to ask ourselves the question, who encouraged Saddam Hussein? Who encouraged him to take on Iran? Who encouraged him to try to destroy the Aya-
tolah, and who gave him the weapons and the credits to our Treasury Department to finance those initial actions inside of Iraq that created the monster that the President of the United States, the son of the first George Bush, talked about on the television tonight?

My colleagues might also think about the fact, who armed Osama bin Laden to fight inside Afghanistan against the then Soviet Army. Who did that? Who was President of the United States when that happened? George Bush, Senior, was President of the United States when that happened; and, of course, the Russians went to certain defeat in Afghanistan after a long period of time. Where did al Qaeda learn some of those fighting techniques? Who helped them do that? Where did they get those rifles?

So I just wanted to put that on the RECORD. I know there are other histo-
rians who will add to this, but I also wanted to read from a veteran who
read, Fighting the First Gulf War. The last week Wednesday entitled,`
Jan. 16, 1991, the American-led coalition against Iraq started the bombing campaign that would, over about six weeks, devastate Iraq’s military. Our colonel informed us that Operation Desert Shield had changed to
Storm, that we were now at war. Two days later the Iranians launched a few Scud missiles inside Israel and Jordan. Despite the fact that my unit operated in the middle of the desert and that Iraq’s air force had been destroyed, and with it most of Saddam Huse-
In the interim, our evenings jumping in and out of fighting holes for Scud alerts that turned out to be false. During the air campaign we traveled around the desert and learned to travel the way we had prior to the bombing—bored, tired, dehy-
derated, anxious and afraid of what the future might bring. We wanted to live, even though the way we’d been living was unpleasant. We hadn’t had proper showers in 10 or more weeks. My friends and I would jump into the desert to wash. I poured a five-gallon water jug over his head while he scoured his body with Red Cross soap. The water and soap and filth poured off Troy and soaked the ground in a large damp circle, and for a moment, while standing in this cir-

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On Feb. 28, my unit moved to the Saudi-Kuwaiti border, the ground war was imminent. Combat engineers had built a 15-foot-high earth berm between the two coun-
tries. On the other side of the berm, we were told, were Iraqi antipersonnel mines. My plato-

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The incoming rounds were confusing, frightening and not uncommonly incor-

derly called out, “gas.” Had the enemy’s forward observer walked his rounds 100 yards north he would’ve scored a direct artillery hit on our command post. But he hadn’t. At the border, while we awaited our orders to fight, helicopters outfitted with tape players and powerful speakers flew overhead and played 1969’s rock music—Jimi Hendrix, The Doors, the Rolling Stones—all day, to harass the nearby enemy. As the music blasted, coal-

ition propaganda pamphlets blew across our hands like jewels. I watched the fallout from the burning oil wells coat my uniform, and I knew that I was breathing into my lungs the crude oil I was fighting for.

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FIGHTING THE FIRST GULF WAR

(By Anthony Swofford)

PORTLAND, Ore.—In August 1990 my Ma-
rine infantry Battalion, deployed to Saudi Arabia to defend the country from invasion by Iran, had been invited to Kuwait during the early morning of Aug. 2. For more than a week afterward we sat atop our rucksacks on the parade field at the Ma-
rine base at Twenty Nine Palms, Calif., wait-
ing for transportation to Riyadh. From where we sat, the world looked amazingly black and white, with little room or need for diplomacy. We were eager to retaliate against Saddam Hussein, to enter combat.

When we finally arrived on the tarmac at Riyadh, we were located at one of the air fields, and our uniforms were very bright, the heat warping the terrain into a violent storm of sand and weaponry and thirst. We spent the next six months living and training in the Arabian Desert, in constant fear of the nerve gas our commanders had warned us Saddam Hussein might use. As I slept, the gas mask was there, a reminder of the hor-
ors of sarin gas. To negate the effects of the sarin, we were ordered to take long showers. We did not consider this a new contrivance for Saddam Hussein, but, in fact, a possible cause of the mysterious gulf war syndrome. But worse than the pills was the constant ringing in our ears—“Gas! Gas!”—the warning call we practiced at all hours to don and clear our gas masks in less than 10 seconds. Under a gas attack we’d also have to wash off the hooded, lined garments that were unwieldy and hot—

and were only available in a jungle-camou-
flag pattern (not much help hiding in the desert).

On Jan. 16, 1991, the American-led coalition against Iraq started the bombing campaign that would, over about six weeks, devastate Iraq’s military. Our colonel informed us that Operation Desert Shield had changed to
Storm, that we were now at war. Two days later the Iranians launched a few Scud missiles inside Israel and Jordan. Despite the fact that my unit operated in the middle of the desert and that Iraq’s air force had been destroyed, and with it most of Saddam Huse-
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ition propaganda pamphlets blew across our hands like jewels. I watched the fallout from the burning oil wells coat my uniform, and I knew that I was breathing into my lungs the crude oil I was fighting for.
Mr. Sharon is planning to go to Washington this month, at President Bush's invitation, to discuss Iraq and the Israeli-Palestinian issue.

After today's cabinet meeting, the official public summary reported tersely, "Prime Minister Sharon requested that ministers cease talking about Iraq."

Even as Mr. Bush has sought in recent days to play up the imminence and potency of the Iraqi threat, some of Israel's top security officials have played both down.

Lt. Gen. Moshe Yaalon, Israel's chief of staff, was quoted in the newspaper Ma'ariv today as telling a trade group in a speech over the weekend, "I'm not losing any sleep over the Iraqi threat." The reason, he said, was that military strength of Israel and Iraq had diverged so sharply in the last decade.

Israel's chief of military intelligence, Maj. Gen. Aharon Farkash, disputed contentions that Iraq had removed some of its weapons away from its nuclear capability. In an interview on Saturday with Israeli television, he said army intelligence had concluded that Iraq's time frame was more flexible than that of the United States and he said Iran's nuclear threat was as great as Iraq's.

General Farkash also said Iraq had grown militarily weaker since the Persian Gulf war in 1990 and that it had deployed any missiles that could strike Israel.

The torrent of newspaper articles continued today with Yediot Ahronot elaborating on reports in the United States about the details of American-Israeli plans for coordination in the event of war. It said that Mr. Bush would give Mr. Sharon 72 hours notice and that Israel had agreed on targets in Iraq. It also mentioned previously published reports that the Americans would offer Israel a satellite to provide early warning in the event of war. It said that Mr. Bush and he said Iran's nuclear threat was as great as Iraq's.

The political order in the Middle East is bankrupt today, and if stability means the continuation of the status quo, that would not be appealing. Change is necessary for the good of the people of the Middle East and for the good of America, and it is more likely to come through political repression. If King Abdullah of Jordan, like other rulers in the region, decides to impose political repression, it is more likely to stifle than to nurture democracy movements in authoritarian Arab states.

America's political success has undoubtedly been bolstered by its superior military power, but power itself is a product of a successful economic and political system. Those around the world who seek change of their political and economic systems do so in large part on their own and in many cases with America's political and economic success as a model. Those who want to achieve that success will have to depend on their own models and those who don't will likely fail.

Powerful ideas are willingly accepted because they inspire, not threaten. Even those who are reluctant to embrace democracy, like the leaders in Beijing, have understood the need to emulate much of America's economic approach lest they be left further behind. And in embracing a new economic approach, they have also unleashed a political process that they will not be able to control.

Ultimately, it is to assist in the spread of democracy and, above all, to inspire, Wars may simultaneously open up new opportunities for change, as in Afghanistan and perhaps in Pakistan. But democracy cannot be dictated through war, especially when war is opposed by people of the region. The thought that, because America has unequalled power, we know what is best for others—even better than they do themselves—would not be comforting to most Americans. Certainly, such a notion is not compatible with the very ideal of democracy we seek to spread.

Mr. Bilirakis (at the request of Mr. Armey) for today and October 8 until 7:00 p.m. on account of attending a funeral.

Mr. Foley (at the request of Mr. Armey) for today on account of official business.

Mr. Lewis of California (at the request of Mr. Armey) for today and October 8 on account of a death in his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. Kaptur) to revise and extend their remarks and include extraneous material):

Ms. Norton, for 5 minutes, today.

Mr. Green of Texas, for 5 minutes, today.

Mr. Filner, for 5 minutes, today.

Mr. McNulty, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

(These Members (at the request of Mr. Weller) to revise and extend their remarks and include extraneous material):

Ms. Ros-Lehtinen, for 5 minutes, October 8, 9, 10, and 11.

Mr. Osborne, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1210. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Financial Services.

S. 1806. An act to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, to the Committee on Energy and Commerce.

S. 2064. An act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Foreign Relations; 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.

ENROLLED BILLS SIGNED

Mr. Tondahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 3214. An act to amend the charter of the AMVETS organization.

H.R. 3838. An act to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

H.R. 112. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.
BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on October 7, 2002, he presented to the President of the United States, for his approval, the following bills:

H.R. 3214. To amend the charter of the American Veterans of Foreign Wars of the United States organization to make members of the armed forces, in transit on duty subject to hostile fire or imminent danger eligible for membership in the organization. Mr. Jeff Trandahl, Clerk of the House, presented the bill to the President of the United States, for his approval, on October 3, 2002.

H.J. Res. 112. Making further continuing appropriations for the fiscal year 2003, and for other purposes.

EXECUTIVE COMMUNICATIONS, ETC.

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

5610. A letter from the Chairman, Board of Governors Federal Reserve System, transmitting the Board’s report on the availability of credit to small businesses, pursuant to 12 U.S.C. 252; to the Committee on Financial Services.

5611. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Table of Allotments, FM Broadcast Stations (Camp Wood, Texas) (MM Docket No. 01-307; RM-10307) received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5612. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Table of Allotments, FM Broadcast Stations (Wrens, Savannah, Waycross, Dawson, and Pelham, Georgia) (MM Docket No. 02-104; RM-10396) received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5613. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Table of Allotments, Digital Television Broadcast Stations (Lynchburg, Virginia) (MM Docket No. 02-75; RM-10361) received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5614. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Table of Allotments, FM Broadcast Stations (Alva, Mooreland, Tishomingo, Tuttle and WoodSpring Hills, Oklahoma) (MM Docket No. 98-155; RM-5982) received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5615. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission’s final rule—Table of Allotments, Digital Television Broadcast Stations (Alva, Mooreland, Tishomingo, Tuttle and WoodSpring Hills, Oklahoma) (MM Docket No. 98-155; RM-5982) received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o’clock and 23 minutes p.m.), under its previous order, the House adjourned until Tuesday, October 8, 2002, at 9 a.m., for morning debate.
Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on Financial Services. Supplemental report on H.R. 5400. A bill to authorize the use of United States Armed Forces against Iraq (Rept. 107–724). Referred to the House Calendar.

Mr. TAUBIN: Committee on Energy and Commerce. H.R. 4701. A bill to designate certain provisions of title 39, United States Code, relating to transportation of mail; to the Committee on the Judiciary.

Mr. WATTS of Oklahoma: Committee on Armed Services. H.R. 5556. A bill to amend the National Child Protection Act of 1993, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS: H.R. 5557. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of real property if the proceeds are invested in renewable and similar community businesses; to the Committee on Ways and Means.

By Mr. ROGERS of Kentucky: H.R. 5558. A bill to amend the Internal Revenue Code of 1986 to accelerate the decreases in contribution limits to retirement plans and to increase the required beginning date for distributions from qualified plans; to the Committee on Ways and Means.

By Mr. ROGERS of New York: H.R. 5559. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

By Mr. McHUGH (for himself, Mr. DAVIS of Illinois, and Mr. BURTON of Indiana): H.R. 5560. A bill to amend certain provisions of title 39, United States Code, relating to the personnel of the Postal Service; to the Committee on Government Reform.

By Mr. MOORE (for himself and Mr. YOUNG of Alaska): H.R. 5561. A bill to provide for and approve settlement of certain land claims of the Wounded Knee Nation, and for other purposes; to the Committee on Resources.

By Mr. STUPAK (for himself and Mr. CAMP): H.R. 5562. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Resources.

By Mr. SWEEENEY: H.R. 5563. A bill to authorize and transfer a hydroelectric license under the Federal Power Act to permit the immediate redevelopment of a hydroelectric project located in the State of New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWEEENEY (for himself and Mr. OSBORNE): H.R. 5564. A bill to amend the Controlled Substances Act with respect to the placing of certain substances on the schedules of controlled substances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. RADANOVICH, and Mr. OWENS): H.R. 5565. A bill to amend the Social Security Act with respect to the employment of persons with criminal backgrounds by long-term care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATTS of Oklahoma (for himself, Mr. HAYES, Mr. GOODE, Mr. ISTOOK, Mr. ENDEL, Mrs. LOWERY, and Mr. SNYDER): H.R. 5566. A bill to amend the Internal Revenue Code of 1986 to provide for additional designations of renewal communities and to allow nonrecognition of gain on sales of real property if the proceeds are invested in renewal and similar community businesses; to the Committee on Ways and Means.

By Mr. WATTS of Oklahoma: H.R. 5567. A bill to amend the Internal Revenue Code to modify eligibility criteria for...
certain empowerment zone designations; to the Committee on Ways and Means.

By Mr. WELDON of Florida:
H.R. 5368. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits and to increase the age at which distributions must commence from certain retirement plans from 70 1/2 to 78; to the Committee on Ways and Means.

By Mr. COX:
H.J. Res. 116. A joint resolution as follows:

H.J. Res. 117. A joint resolution approving the jurisdiction of the committee concerned.

H.J. Res. 118. A joint resolution to provide preliminary authorization for the use of force against Iraq; to the Committee on International Relations.

By Mr. GRAVES:
H. Res. 244. Mr. HOLDEN.

H. Con. Res. 502. Concurrent resolution expressing the sense of Congress that Congress should raise awareness of domestic violence in the Nation by supporting the goals and ideals of National Domestic Violence Awareness Month; to the Committee on Government Reform.

By Mr. VITTER:
H. Con. Res. 501. Concurrent resolution expressing the sense of Congress that Congress should raise awareness of domestic violence in the Nation by supporting the goals and ideals of National Domestic Violence Awareness Month; to the Committee on Government Reform.

H. Res. 1786: Mr. SOUDER and Mr. LoBIONDO.

H. Res. 2063: Mr. ROTHAMAN, Mrs. ROS-LEHTINEN, and Mr. UDALL of Colorado.

H. Res. 2118: Mr. ENGLISH.

H. Res. 2293: Mr. GREENWOOD.

H. Res. 2322: Mr. SIMPSON.

H. Res. 2363: Mrs. MORELLA.

H. Res. 2373: Mr. LEVIN and Mr. CLEMENT.

H. Res. 2578: Ms. NORTON.

H. Res. 2638: Mr. STENHOLM, Mr. BLUMMANN, Mr. LoBIONDO, and Mr. WELDON of Pennsylvania.

H. Res. 3105: Mr. PAUL.

H. Res. 3193: Mr. MURDOCH.

H. Res. 3388: Mrs. MURDOCH of Pennsylvania.

H. Res. 3701: Mr. ISAKSON.

H. Res. 3781: Mr. BORSKI, Mr. DEAL of Georgia, Mr. LIPINSKI, and Ms. NOPTON.

H. Res. 3794: Mrs. CAPITO, Mr. WILSON of South Carolina, and Mr. SOUDER.

H. Res. 3807: Mr. GUTIERREZ.

H. Res. 3834: Mr. BENTSSEN.

H. Res. 3884: Ms. MCCOLLUM and Mr. MUNLEY.

H. Res. 4032: Ms. MALONEY of New York and Mr. BAIRD.

H. Res. 4033: Ms. WOOLSEY.

H. Res. 4113: Mr. MORAN of Virginia and Mrs. DAVIS of California.

H. Res. 4152: Mr. WATTS of Oklahoma, Ms. NORTON, and Mr. WATSON.

H. Res. 4646: Mr. EHRHICL and Mr. REJULA.

H. Res. 4667: Mr. SOUDER.

H. Res. 4720: Ms. JO ANN DAVIS of Virginia.

H. Res. 4798: Ms. BROWN, Ms. ROYBAL-ALLARD, and Mrs. NORTON.

H. Res. 4837: Mr. CUNNINGHAM.

H. Res. 4916: Ms. MALONEY of New York, Mr. GONZALEZ, and Mr. RANZEL.

H. Res. 4963: Mr. GILLMOR.

H. Res. 4974: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HOOLEY of Oregon, Mr. HORN, and Mr. ISAKSON.

H. Res. 5037: Ms. DELAUR.

H. Res. 5040: Mr. OLIVER, Mr. MCGOVERN, Mr. LUTHER, and Mr. LEVIN.

H. Res. 5060: Ms. ESSEO and Mr. TIAHHT.

H. Res. 5146: Mr. SMITH of New Jersey and Mr. LoBIONDO.

H. Res. 5166: Mr. MCCRERY.

H. Res. 5174: Mr. HEFLEY.

H. Res. 5269: Mr. CRUCCI, Mr. BONOR, Mr. GEKAS, Mr. BURTON of Indiana, Mr. PAYNE, Mr. GILLMOR, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. OBERSTAR, Mr. TOM DAVIS of Virginia, Mr. QUINN, Mr. CLYBURN, Mr. SOUDER, Mr. ISRAEL, Mr. SCHROCK, and Mr. NEY.

H. Res. 5270: Mr. DAVIS of Florida, Mr. INSELIER, Mr. BORSKI, Ms. PELOSI, Mr. SCHIFF, Mr. NEAL of Massachusetts, Mr. COYNE, Mr. MERRILL, Mr. NADER, Mr. ROYBAL-ALLARD, Mr. ROGERS of Michigan, Mr. UDALL of Colorado, Mr. LATHAM, Mr. KENNEDY of Rhode Island, Ms. PRYCH of Ohio, Mr. BENTSEN, and Mr. PALLONE.

H. Res. 5309: Mr. BROWN of South Carolina.

H. Res. 5316: Mr. SKEEK.

H. Res. 5326: Mr. KLECKA and Ms. MILLER-MCDONALD.

H. Res. 5332: Mr. STAFFER, Mr. HOWKSTRA, Mr. SOUDER, Mr. DEMiNT, Mr. TANDER, Mr. SAM JOHNSON of Texas, Mr. GREEN of Wisconsin, Mr. RAMSTAD, Mr. PICKERING, Mr. HILLARY, Mr. SHIMKUS, and Mr. BARR of Georgia.

H. Res. 5334: Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SANDLIN.

H. Res. 5376: Mr. PUTNAM and Mr. SHADECK.

H. Res. 5402: Ms. KAPTUR.

H. Res. 5409: Mr. BACA.

H. Res. 5414: Mr. CUNNINGHAM and Mr. BACHUS.

H. Res. 5437: Ms. NORTON and Mr. LIPINSKI.

H. Res. 5441: Mr. WYNN and Mr. DEUTSCH.

H. Res. 5445: Ms. HOOLEY of Oregon.

H. Res. 5449: Mr. FILNER.

H. Res. 5457: Ms. WILSON of New Mexico.

H. Res. 5466: Mr. ENGLISH.

H. Res. 5491: Mr. WEINER, Mr. LYNCH, Mr. ISRAEL, Mr. PALLONE, Mr. BISHOP, Mr. BERMAN, and Mr. DEFAZIO.

H. Res. 5492: Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. CROWLEY, Ms. MILLER-MCDONALD, Mr. LIPINSKI, and Mr. BUSH.

H. Res. 5493: Mr. McGOVERN.

H. Res. 5497: Mr. MORAN of Virginia.

H. Res. 5526: Mr. HYDE, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. WOLF, Mr. HOUCHIN, Mr. KING, Mr. ACKERMAN, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. BERNSTEIN, Mr. DELAHUNT, Mr. MENENDEZ, Mrs. Jo ANN DAVIS of Virginia, Mr. BEREUTER, Mrs. NAPOLITANO, Mr. WEXLER, Mr. ISSA, Mr. CANTOR, Mr. BALLENGER, Mr. SCHIFF, Mr. TANDER, Mr. GREEN of Wisconsin, Mr. KEINS, and Mr. CHABOT.

H. Res. 5531: Mr. ARMET, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. FENCE, Mr. WOLF, Ms. ROYBAL-ALLARD, Mr. LEE, Mr. FATTAH, and Mr. CAMP.

H. Res. 5533: Mr. SOUDER.

H. Res. 5535: Mr. RAMSTAD and Mr. SHAW.

H. J. Res. 113: Mrs. ROUKEMA, Mrs. MEK of Florida, Mr. SERRANO, Mr. MARKEY, Ms. MILLER-MCDONALD, Mr. WATT of North Carolina, and Mr. HASTINGS of Florida.

H. Con. Res. 197: Mr. JENKINS and Mr. FORRES.

H. Con. Res. 351: Ms. MCKINNEY, Ms. PELOSI, Mr. RAHAL, Mr. LaTOURETTE, Mr. CONVERS, Mr. HINCHERY, Mr. WELDON of Pennsylvania, Mr. CARDIN, Mr. PLATTS, Mr. FENCE, Mr. LUTHER, and Mr. ENGL.

H. Con. Res. 357: Mr. TIBERI, Mr. BARCIA, and Mr. WAMP.

H. Con. Res. 406: Mr. SOUDER.

H. Con. Res. 447: Mr. LYNNCH, Mr. HINCHERY, Mr. COYNE, Mr. SMITH of Washington, Mr. ENGL, Mr. WOLF, Mr. MCNULTY, Mr. WYNN, Mr. LIPINSKI, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. JOHNSON of Illinois, Mr. BARR of Georgia, Mr. PALLONE, Mrs. MALONEY of New York, Mr. MCNEVER, and Mr. ABERCROMBIE.

H. Con. Res. 459: Mr. WAXMAN.

H. Con. Res. 473: Mr. DELAHUNT.

H. Con. Res. 486: Mr. POMEROY, Mr. WOOWOOD, Mr. SMITH of Washington, and Mr. INSELIER.

H. Res. 106: Ms. WATSON, Mr. BARRITT, Mr. MASCARA, and Ms. BERKLEY.

H. Res. 235: Mr. COX, Mr. WAXMAN, and Mr. CRAMER.

H. Res. 560: Mr. ROGERS of Michigan.

H. Res. 564: Mr. GUTIERREZ, and Ms. KLECKA.
The Senate met at 11:59 a.m. and was called to order by the Honorable Ernest F. Hollings, a Senator from the State of South Carolina.

PRAYER
The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:
Almighty God, strength for those who seek You, hope for those who trust You, courage for those who rely on You, peace for those who follow You, wisdom for those who humble themselves before You, and power for those who seek to glorify You, we begin this new week filled with awesome responsibilities and soul-sized issues and confess our need for You. We are irresistibly drawn into Your presence by the magnetism of Your love and by the magnitude of challenges we face. Our desire to know Your will is motivated by Your greater desire to help us. We thank You for the women and men of our Lord and Saviour. Amen

PLEDGE OF ALLEGIANCE
The Honorable Ernest F. Hollings 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The assistant legislative clerk read the following letter:

U.S. SENATE,
WASHINGTON, DC, October 7, 2002.

To the Senate:
Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Ernest F. Hollings, a Senator from the State of South Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. HOLLINGS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The Senator from Nevada, the acting majority leader, is recognized.

SCHEDULE
Mr. REID. Mr. President, under the order that is now before the Senate, the Chair will shortly announce morning business for half an hour on both sides, with the Democrats controlling the first half.

ORDER OF PROCEDURE
As a courtesy to the Senator from Pennsylvania, Mr. SPECTER, we are going to extend the morning business on both sides for an extra 15 minutes, so it will be 45 minutes on both sides, with the first 15 minutes of time of the majority under the control of Senator KENNEDY, and the second half hour under the control of Senator WYDEN. At approximately 12:50, or whenever the minority begins their morning business time, the Senator from Pennsylvania, Mr. SPECTER, will be recognized for the first half hour, and I ask unanimous consent for this time agreement.

Mr. REID. Mr. President, I further say in light of this agreement, morning business will extend until approximately 1:45, at which time the Senate will resume consideration of S.J. Res. 45, with the time until 4 p.m. equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 15 minutes each.

I hope Senators will recognize they do not have the rest of this month to speak on Iraq. The time is now for Senators to do that. We ask they do so as quickly as possible, and limit their speeches to 15 minutes.

Mr. SPECTER. May I seek a point of clarification. This Senator has 30 minutes starting at 12:50?

Mr. REID. Approximately 12:50.

The majority leader asked me to announce there will be no votes today.

IRAQ

Mr. KENNEDY. Mr. President, we face no more serious decision in our democracy than whether or not to go to war. The American people deserve to fully understand all of the implications of such a decision.

The question of whether our Nation should attack Iraq is playing out in the context of a more fundamental debate that is only just beginning—an all-important debate about how, when and where in the years ahead our country will use its unsurpassed military might.

On September 20, the administration unveiled its new National Security Strategy. This document addresses the new realities of our age, particularly the proliferation of weapons of mass destruction and terrorist networks armed with the agendas of fanatics. The Strategy claims that these new threats are so novel and so dangerous that we should “not hesitate to act
alone, if necessary, to exercise our right of self-defense by acting pre-emptively."

In the discussion over the past few months about Iraq, the administration, often uses the terms "pre-emptive" and "pre-emptive" interchangeably. In the realm of international relations, these two terms have long had very different meanings.

Traditionally, "pre-emptive" action refers to actions taken to prevent a threat to the United States. For example, when Egyptian and Syrian forces,rior to their attack on Israel's borders in 1967, the threat was obvious and immediate, and Israel felt justified in preemptively attacking those forces. The global community is generally tolerant of such actions, since no nation should have to suffer a certain first strike before it has the legitimacy to respond.

By contrast, "preventive" military action refers to strikes that target a country before it has developed a capability that could someday become threatening. Preventive attacks have generally been condemned. For example, the 1941 sneak attack on Pearl Harbor was regarded as a preventive strike by Japan, because the Japanese were initiating the long-planned military buildup by the United States in the Pacific. The coldly premeditated nature of preventive attacks and preventive wars makes them anathema to well-established international principles against aggression. Pearl Harbor has been rightfully recorded in history as an act of dishonorable treachery.

Historically, the United States has condemned the idea of preventive war, because it violates basic international rules against aggression. But at times in our history, preventive war has been seriously advocated as a policy option. In the early days of the cold war, some U.S. military and civilian experts advocated preventive war against the Soviet Union. They proposed a devastating first strike to prevent the Soviet Union from developing a threatening nuclear capability. At the time, they said the uniquely destructive power of nuclear weapons required us to rethink traditional international rules.

The first round of that debate ended in 1950, when President Truman ruled out a preventive strike, stating that such an action was not consistent with our American tradition. He said, "You don't 'prevent' anything by war...except peace." Instead of a surprise first strike, the nation dedicated itself to the strategy of deterrence and containment, which successfully kept the peace for the longest and frequently difficult years of the Cold War.

Arguments for preventive war surfaced again when the Eisenhower administration took power in 1953, but President Eisenhower and Secretary of State John Foster Dulles soon decided firmly against it. President Eisenhower emphasized that even if we were to win such a war, we would face the vast burdens of occupation and reconstruction that would come with it.

The argument that the United States should take preventive military action, in the absence of an imminent attack, resurfaced in 1962, when we learned that the Soviet Union would soon have the ability to use missiles from Cuba against our country. Many military officers urged President Kennedy to approve a preventive attack to destroy this capability before it became operational. Robert Kennedy, like Harlan Fisk, felt that kind of first strike was not consistent with American values. He said that a proposed surprise first strike against Cuba would be a "Pearl Harbor in reverse." For 175 years, [he said] we have not been that kind of country.

That view prevailed. A middle ground was found and peace was preserved.

Yet another round of debate followed the Cuban Missile Crisis when American strategists and voices in and out of government proposed preventive war against China to forestall its acquisition of nuclear weapons. Many arguments heard today about Iraq were made then about the Chinese communist government: that its lead was found and peace was preserved. That view prevailed. A middle ground was found and peace was preserved.

The administration advocated pre-emptive war to deal with many other dangers that affect all nations and require international cooperation. It would deprive the rest of the world of the moral legitimacy necessary to promote our values abroad. And it would give other nations—from Russia to India to Pakistan—an excuse to violate fundamental principles of civilized international behavior.

The administration's doctrine is a call for 21st century American imperialism that no other nation can or should accept. It is the antithesis of all that America has worked so hard to achieve in international relations since the end of World War II.

This is not just an academic debate. There are important real world consequences. A shift in our policy toward preventive war would reinforce the perception of America as a "bully" in the modern world and could fuel anti-American sentiment throughout the Islamic world and beyond.

It would also send a signal to governments the world over that the rules of aggression have changed for them too, which could increase the risk of conflict between countries such as Russia and Georgia, India and Pakistan, and China and Taiwan.

Obviously, this debate is only just beginning on the administration's new strategy for national security. But the debate is solidly grounded in American values and history.

It will also be a debate among vast numbers of well-meaning Americans who have honest differences of opinion about the best way to use United States military might. The debate will be contentious, but the stakes, in terms of both our national security and our allegiance to our core beliefs, are too high to ignore.

I look forward to working closely with my colleagues in Congress to develop an effective, principled policy that will enable us to protect our national security, and respect the basic

The document openly contemplates preventive attacks against groups or states, even absent the threat of imminent attack. It legitimizes this kind of first strike option, and it elevates it to the status of a core security doctrine.

Disregarding norms of international law, the Bush administration's new National Security Strategy asserts that global realities now legitimize preventive war and make it a strategic necessity.

It is impossible to justify any such double standard under international law. Might does not make right. America cannot write its own rules for the modern world. To attempt to do so would be unilateralism run amok. It would antagonize those whose support we need to fight terrorism, prevent global warming, and deal with many other dangers that affect all nations and require international cooperation. It would deprive the rest of the world of the moral legitimacy necessary to promote our values abroad. And it would give other nations—from Russia to India to Pakistan—an excuse to violate fundamental principles of civilized international behavior.

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I look forward to working closely with my colleagues in Congress to develop an effective, principled policy that will enable us to protect our national security, and respect the basic
principles that are essential for the world to be at peace. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

(The remarks of Mr. WYDEN and Mr. HARKIN pertaining to the introduction of S. 3063 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition, as noted, to discuss the pending resolution. At the outset, I commend the President for coming to Congress. Originally the position had been articulated by the White House that congressional authority was not necessary. The President, as Commander in Chief, has the authority under the Constitution to act in cases of emergency. But if they are to be for discussion, deliberation, and debate, then in my view it is a matter for the Congress.

Senator HARKIN and I introduced a resolution on July 18 of this year calling for the President to come to Congress before using military force.

When the President made his State of the Union speech and identified the axis of evil as Iraq, Iran, and North Korea, followed by the testimony of Secretary Powell that there was no intention to go to war against either North Korea or Iran, it left the obvious inference that war might be in the offing as to Iraq.

I spoke extensively on the subject back on February 13, 2002, raising a number of issues: What was the extent of Saddam Hussein’s control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequences in the region, the impact on the Arab world, and the impact on Israel? I believe it is vastly preferable on our resolution to focus on the question of weapons of mass destruction as opposed to the issue of regime change. When we talk about regime change, there is a sense in many other nations that the United States is seeking to exert its will on another sovereign nation. Much as Saddam Hussein deserves to be tried for trying former Prime Minister Milosevic as a war criminal, I have made some visits to the Hague and have participated in marshaling U.S. resources from the Department of Justice, also specifically from the FBI, also from the CIA during the 104th Congress back in 1995 and 1996, when I was Chairman of the Intelligence Committee; and we now see the head of state, Slobodan Milosevic, on trial.

We had the experience of the war crimes tribunal in Rwanda, which we are currently prosecuting in The Hague and have participated in marshaling U.S. resources from the Department of Justice, also specifically from the FBI, also from the CIA during the 104th Congress back in 1995 and 1996. Jean Kambanda of Rwanda, the first head of state to be convicted. He is now serving a life sentence.

So it is my suggestion that the objective of regime change can be accomplished in accordance with existing international standards, on a multilateral basis, without having other nations in the world saying the superpower United States is trying to throw its weight might be a little longer, but as is evidenced from the proceedings in Rwanda as to the former Prime Minister of Rwanda, and as evidenced from the proceedings of Milosevic, that is an ordinary success.

I commend the President for coming to the Senate. At the outset, I ask unanimous consent that the Republican resolution be laid on the table. Mr. President, I have introduced a resolution to focus on the question of weapons of mass destruction.

Mr. SPECTER. Herein, there is a very important statement for the basis for trying Saddam Hussein and trying him successfully as a war criminal. In doing that, we would be following the precedent of trying former Yugoslavian President Mlosevic as a war criminal. I have made some visits to the Hague and have participated in marshaling U.S. resources from the Department of Justice, also specifically from the FBI, also from the CIA during the 104th Congress back in 1995 and 1996, when I was Chairman of the Intelligence Committee; and we now see the head of state, Slobodan Milosevic, on trial. We had the experience of the war crimes tribunal in Rwanda, which we are currently prosecuting in The Hague and have participated in marshaling U.S. resources from the Department of Justice, also specifically from the FBI, also from the CIA during the 104th Congress back in 1995 and 1996, when I was Chairman of the Intelligence Committee; and we now see the head of state, Slobodan Milosevic, on trial.

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I commend the President for his efforts to organize an international coalition. President George Herbert Walker Bush did organize an international coalition in 1991, and prosecuted the war against Iraq with great success, enlisting the aid of the Arab nations, including Egypt, Syria, and other countries. That is the preferable way to proceed, if it can be accomplished.

The obvious difficulty in condition is that the President has only to use force on a United Nations resolution the United States would be subjecting itself to the veto by either China, or Russia, or even France, and we prize our sovereignty very highly—justifiably so. The conclusion, then, is we would get that kind of an international coalition that would have the weight of world public opinion, would have the weight of the U.N. behind them.

The difficulties of having the United States act alone would be the precedent that would be set. It could be a reference point for China, for example, looking at Taiwan, where China has made many bellicose warlike statements as to its disagreements with Taiwan. If the United States can act unilaterally, or without United Nations sanction, there would be a potential argument for a country like China proceeding as to Taiwan. There would be a potential argument for a nation like India proceeding as to Kashmir, or vice versa, Pakistan proceeding as to India, which could be a nuclear incident. Both of those countries have nuclear power.

The second question I believe has to be debated on the floor of the U.S. Senate. I have not made up my mind as to whether it is preferable to condition the use of force on a United Nations resolution, and I am cognizant of the difficulties of giving up sovereignty and being subject to the veto of China, which I don’t like at all, or being subject to the veto of Russia, which I don’t like at all, or being subject to the veto of France, again something I do not like. But I think we have to recognize that in the international system, the United States act alone would be the precedent that may have ramifications far into the future, at some point in time when the United States may not be the superpower significantly in control of the destiny of the world with our great military power.

I am glad to see the President is meeting head with his threat inspectors in the United Nations, and Secretary of State Powell met last Friday with the United Nations inspection chief, who agreed there ought to be broader authority for the U.N. inspection than that which was in place in 1998 where Iraq ousted the U.N. inspectors. Hans Blix supported the position the United States has taken. Yesterday, on a Sunday talk show, the Iraqi Ambassador to the U.N. made a comment to the effect there was no huge problem on having the inspectors come, even to the Presidential compounds.

That is probably a typical Iraqi statement: holding out an offer one day
and revoking it the next. I do believe it is important that we exhaust every possible alternative before resorting to the use of our armed forces, and to have the inspectors go back into Iraq is obviously desirable. We must have the inspectors, though, go into Iraq in a context where there are no holds barred.

In August, Senator SHELBY and I visited the Sudan. The Sudan is now interested in becoming friendly with the United States. Our former colleague, Senator Jack Danforth, has brokered the basic peace treaty which still has to be implemented in many respects. But as a part of the new Sudanese approach, the Government of Sudan has allowed U.S. intelligence personnel to go to Sudanese factories, munitions plants, and laboratories with no announcement or minimal announcement of just an hour, break locks, go in, and conduct inspections. That is a very good model for the inspection of Iraq. If, in fact, the Iraqis will allow unfettered, unlimited inspections, it is conceivable that would solve the problem with respect to the issue of weapons of mass destruction.

Certainly that ought to be pursued to the maximum extent possible. If, and/or when the Iraqis oust the U.N. inspectors or limit the U.N. inspectors, raising again the unmistakable inference that Saddam Hussein has something to hide, then I think there is more reason to resort to force as a last alternative and, in that context, a better chance to get other countries, perhaps countries even in the Arab world, to be supportive of the use of force against Iraq at the present time as they were in the Gulf war in 1991.

Extensive consideration has to be given, in my judgment, to the impact on the U.S. military. President Mubarak has been emphatic in his concern as to what the impact will be there. So we ought to make every effort we can to enlist the aid of as many of the nations in the Arab world as possible.

If Saddam Hussein rebuffs the United Nations, again raising the unmistakable inference that he has something to hide, then I think the chances of getting additional allies there would be improved.

With respect to the situation with Israel, there is, again, grave concern that a war with Iraq will result in the use of Scud missiles being directed toward Israel. Some of the Scuds would be directed toward Israel during the Gulf war. Their missile defense system was not very good. Now we know that Israel has the Arrow system, but still all of Israel is not protected. The Arrow system has not been adequately tested.

In the Gulf war in 1991, the Israeli Prime Minister Yitzhak Shamir honored the request of President Bush not to retaliate. It is a different situation at the present time with Israeli Prime Minister Sharon having announced if Israel is attacked, Israel will not sit back again.

When former National Security Adviser Brent Scowcroft published a very erudite op-ed piece in the Wall Street Journal in August, he raised the grave concern that with Israeli nuclear power, there could be an Armageddon in the Mideast. Former National Security Adviser Scowcroft was advising caution; that we ought not proceed without exhausting every other alternative.

A similar position was taken by former Secretary of State James Baker in an op-ed piece in the New York Times urging that inspections be pursued as a way of possibly avoiding a war.

DELEGATION OF CONGRESSIONAL AUTHORITY

Mr. SPECKER. Mr. President, one other issue is of concern to me, and that is the question of delegation of congressional authority to the President. The constitutional mandate—and I spoke to this subject last Thursday and will not repeat a good bit of what I said—but the doctrine of separation of powers precludes the Congress from delegating its core constitutional authority to the President. I had occasion to study that subject in some detail on the question of the delegation of congressional authority on base-closing commissions. There is a substantial body of authority on the limitations on the delegation of congressional authority.

In an extensive treatise by Professor Francis Wormuth, professor of political science at the University of Utah, and Professor Edwin Firmage, professor of law at the University of Utah, the historical doctrines were reviewed leading to a conclusion that the Congress may not delegate the authority to engage in war.

If we authorize the President to use whatever force is necessary, that contains future action. While no one is going to go to court to challenge the President’s authority, that is of some concern, at least to this Senator.

I discount the argument of those who say that regime change of Saddam Hussein is motivated by the failure to finish the job in 1991 or Saddam Hussein is toppled and I think that is an area where a great deal more thought needs to be given. The situation in Iraq would obviously be contentious, with disputes between the Shi’ites, with the interests of the Kurds in an independent state, and it means a very long-term commitment by the United States.

We know the problems we have in Afghanistan. Iraq has to defray some of the costs, but what happens after Saddam Hussein is toppled has yet to be answered in real detail.

On the issue of a battle plan, perhaps there is too much for the administration to tell the Congress, but as a Senator representing 12 million Pennsylvanians, in a country of 280 million Americans, I think we ought to have some idea as to how we are going to proceed and what the casualties may be.

All of this is to say there are many questions and many issues to be considered. The predictions are numerous that the Congress of the United States will be a reluctant collaborator in the use of force by an overwhelming majority. I am not prepared to disagree with that. And on a proper showing of the imminence of problems with Saddam Hussein and on a proper showing that the use of force may well be cast with the administration as well.

But I am interested in hearing debate on the floor of the Senate as to the relative merits of requiring U.N. multilateral action as a condition for the use of force, contrasted with U.S. unilateral action.

If we require U.N. multilateral action, we do subject ourselves to the
vet of France, China, and Russia, which is undesirable. If we authorize the use of force unilaterally by the President, then we may well be setting a precedent which could come back to haunt us with nations such as China going after Taiwan or a nation such as India or Pakistan going after the other.

I look forward to the additional briefing tomorrow, and I look forward to the debate which we will be having on the floor on these very important issues.

I note that the distinguished Senator from Pennsylvania does me great honor in making his inquiry. I am not prepared to respond at the moment. I would be interested in reading the treatise by the persons named.

Mr. BYRD. The distinguished Senator from Pennsylvania does me great honor in making his inquiry. I am not prepared to respond at the moment. I would be interested in reading the treatise by the persons named. I might suggest that the Supreme Court, in its recent decision with reference to the line-item veto, strongly indicated that Congress cannot cede its powers under the Constitution.

I believe the court in that instance was judging to certain powers over the purse.

This is a good question the distinguished Senator has posed. Based on his wide and rich experience as a prosecuting attorney, I think such questions as he is raising are worthy of our attention. I would certainly want to be better prepared than I am at this moment to attempt to deal with the particular question he has asked. I thank him for his statement. I have been listening to his statement from my office. He raises questions which we ought to answer, ought to be debated.

I think we are hurrying too fast into this situation. I, as the Senator from Pennsylvania, have heard of these predictions to happen. The Senate and House will act. It may be that the train has gathered such momentum it will not be possible to slow it down, but I hope and pray that this decision can be put off until after the election. I think it is a bitter lesson from September 11, and we ought to have a better lesson from the fighting men and women that need to be shown much greater regard than this, that we would not rush into having a vote on this resolution before it is adequately debated and amended.

I view with great concern the judgment that history will make of us for rushing into this decision, as we seem to be doing. I am concerned that Members of both Houses will have their decision tainted by the fact that it is going to be rendered in an atmosphere that is supercharged with politics. I have always had a great deal of confidence in the Senator from Pennsylvania, Mr. SPECTER. He is not one to be rushed or stampeded into making a decision. He always asks questions. He has the courage, the conviction, to stand up and state his principles and ask questions. That is what I heard him doing now. I am sorry I cannot respond to the questions the Senator posed, but I am glad to have this opportunity to speak on the questions the Senator from Pennsylvania and what he is doing today, the questions he is asking.

Mr. SPECTER. Madam President, I thank my distinguished colleague from West Virginia for his response. I have raised quite a number of questions in the presentation I have made today. I am prepared to honor the President's request that we vote on this matter before we adjourn, but I think we ought to take the time to debate that need. There are a great many questions to be answered.

I look forward to having more of our colleagues on the floor. We were scheduled to go to this resolution at 1 p.m. today, and it is now 1:23. These issues about where the inspections are going to lead are important. These questions about the ramifications of acting alone are important. We do not want to repeat the mistakes of not going after bin Laden, as we had good cause to prior to 9/11.

We accused the generals of always fighting the last war. We have learned a bitter lesson from September 11, and we have to act in advance. We have to ask all these questions.

There is another issue I mention briefly before concluding, and that is the difference in language between the 1991 resolution, which says the President is authorized to use the Armed Forces in order to achieve the implementation of Security Council resolutions, and contrast it with the language of the two resolutions which are now pending, the resolution introduced by Senator LIEBERMAN and another resolution introduced by Senators DASCHLE and LOTT which says the President is authorized to use all means he determines to be appropriate.

"All means that the President deems to be appropriate" in a subjective standard, which is different from the authority which the Congress gave President Bush in 1991, saying the President is authorized to use the U.S. Armed Forces in order to achieve implementation of Security Council resolutions, which was in the law the "objective standard" as opposed to subjective standard.

When we have other Senators on the floor, I will look for an opportunity to discuss this and have a clarification of what is meant here.

I thank the Chair. I thank my colleague from West Virginia.

EXHIBIT I
S. CON. RES. 78

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which held that "aggressive international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes than the provisions of international law be enforced" is as valid today as it was in 1946;

Whereas, on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;
Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population; 

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 3 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information; 

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 30 missiles on Israel in 18 separate attacks with the intent of massing war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons; 

Whereas Article 146 of the Fourth Geneva Convention states that persons committing “grave breaches” are to be apprehended and subjected to trial; 

Whereas, on several occasions, the United Nations Security Council has found Iraq’s treatment of Kuwaiti civilians to be in violation of international law; 


Whereas, in Resolution 670, adopted by the Security Council on September 25, 1990, it condemned further “the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait”; 

Whereas, in Resolution 674, the United Nations Security Council demanded that Iraq cease using and repressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq’s invasion and illegal occupation; 

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW’s including members of the Kuwaiti national forces; 

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of 732 Kuwaiti oil wells in January and February, 1991; 

Whereas President Clinton found “compelling evidence” that the Iraqi Intelligence Service directed and pursued an operation to compel- lously accept the destruction, removal, or rendering harmless, under international supervision, of all chemical and biological weapons and agents in Iraq, and all related subsystems and components, and all research, development, support, and manufacturing facilities; 

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors; 

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk; 

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international law in the former Yugoslavia; 

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international law in Rwanda; 

Whereas more than 70,000 civilians have faced indictments handed down by the International Criminal Tribunal for the former Yugoslavia in war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison; 

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 other trials in the making; 

Whereas the United States has to date spent more than $34 million for the International Criminal Tribunal for Former Yugoslavia and more than $20 million for the International Criminal Tribunal for Rwanda; 

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and 

Whereas George Bush and other leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of future illegal acts: Now, therefore, be it 

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

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials; 

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi officials who are responsible for crimes against humanity, genocide, and other violations of international law; and 

(3) upon the creation of such an international criminal tribunal seek the reprogramming of necessary funds to support the efforts of the tribunal, including the gathering of evidence necessary to indict, prosecute, and imprison Saddam Hussein and other Iraqi officials.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. What is the parliamen-

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further business, morning business is closed.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The bill clerk read as follows:

A resolution (S.J. Res. 45) to authorize the United States Armed Forces against Iraq.

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. shall be equally divided and controlled between the two leaders or their designees with Senators permitted to speak therein for up to 15 minutes each.

Mr. BYRD. I ask unanimous consent I may have an additional 5 minutes over the 15.

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

Mr. BYRD. Mr. President, tonight at 8:00 p.m., President Bush will make a televised address to speak to the Nation about the threat of Iraq. According to press reports from this weekend, the President is expected to lay out in detail, his case against Saddam Husse- in, including the repressive dictator’s long history of violence and aggression.

There is no disagreement about the character of Saddam Hussein, neither on Capitol Hill nor in the minds of every American. But while the President continues to make his case against Saddam Hussein, the issue on the minds of Senators and our con- stituents is, what exactly is the United States planning to do? 

Why now? Why more about Sad- dam Hussein—we know enough about him—what we need to hear from the President are answers to our questions about what he plans to do in Iraq. We need to know why the President is demand- ing that we act now. We need to have some idea of what we are getting ourselves into, what the costs and con- sequences may be, and what the Presi- dent is planning to do after the fighting has stopped. After Iraq. After Sad- dam Hussein. It is not unpatiotic to ask these questions, especially when they are already on the minds of all Americans.

Why now? Those two little words: Why now?

Why now? What has changed in the last year, 6 months, or 3 years that would compel us to attack now? Is Iraq on the verge of attacking the United States? If so, should our home- land security alert be elevated? Shouldn’t the President be spending more time with his military advisors in Washington, rather than giving us campaign speeches all over the country?

The media reports suggest that the administration does not plan to act
until February. Why is the President telling Congress it has to act before the elections? Why are our own leaders telling us we have to act before the elections?

What are we signing up for?

We are being asked to give the President a blank check to deal with Iraq however he sees fit. What exactly is he planning to do with this power?

Does the President have clear objectives for this war? Does he want to disarm Saddam Hussein, or remove him from power?

When might the fighting end? What conditions must be met before the President would determine that the war is over?

The President has said several times that he wants to use force in order to bring Iraq into compliance with its international obligations. Why is he then demanding that Congress go even further and give him a blank check that would give him the power to commit the United States to years or even decades of bloody war without the support of our allies?

We have already given the President a blank check to deal with al-Qaeda, which he used to invade and occupy Afghanistan. Does the President plan to use this check to fight these two wars separately, or will the President combine them into a broader regional campaign?

What will be the costs of this war? How many troops will be involved? Will we exercise the heavy ground option or will we exercise the heavy air option? Or might we exercise both options? How many reservists will have to leave their jobs to serve in uniform? Will they be fighting door-to-door combat in downtown Bagdad?

Do our troops have adequate protection against the chemical and biological weapons that Saddam Hussein might employ?

How many American casualties is the Department of Defense anticipating in case the heavy ground option is utilized? How many American casualties is the Department of Defense anticipating?

In addition to the cost in blood, war is also a drain on the national treasury. How much will it cost to fight this war and to maintain an occupation force? Larry Lindsey said it would cost $100 billion to $200 billion, talking about this war and what it would cost. One hundred and two hundred billion dollars, and he said: That’s nothing.

During the Gulf War, our allies contributed $54 billion of the $61 billion cost of the war. Leaving the United States holding the bag for roughly $7 billion, a little over $7 billion out of the $61 billion total. Will our allies give us financial assistance in this war? Has anyone been asking them to divvy it up, to help pay the financial cost, or do we plan to shoulder it all?

Do we have the resources to care for our injured and sick veterans when they return from Iraq? Are our hospitals in this country prepared for that event?

Will there be other consequences to a war with Iraq?

How will the war against Iraq affect the fight against terrorism? How many of us will feel safer here in this country at night, when the shades of evening fall? How many of us will feel safer, once an attack against Iraq is launched? Will National Guard troops be removed from important homeland security missions in the United States?

If we act without the approval of the international community, what happens to the international cooperation in the war on terror we worked so hard to foster after 9/11?

How will a war between the United States and Iraq affect regional stability in the Middle East?

What will we do if Iraq attacks Israel? Can we persuade Israel to stay out of the war, or will we just stand by and watch them join in the fighting?

Are we putting more moderate regimes in the Middle East at risk, like Jordan, or is the United States already holding nuclear weapons. If a more radical government takes over in Pakistan, are we prepared to act there as well?

What happens after the war?

Who will govern a defeated Iraq?

How long will our troops be expected to occupy Iraq?

Do we expect Iraqis to rise up against Saddam Hussein, or take arms against us?

What plans do we have to prevent Iraq from breaking up and descending into civil war?

How can we contain the instability that will likely result in the north of Iraq that may threaten Turkey, our friend and NATO ally? Are we giving any thought to this? Is anybody in the administration giving thoughts to this question?

In his weekend radio address, the president told us that:

should force be required to bring Saddam to account, the United States will work with other nations to help the Iraqi people rebuild and form a just government.

What does he mean by that? Is the President advocating a new Marshall Plan for the Middle East? Are the American people ready to make that kind of long-term regional commitment?

How much will the American taxpayer pay to rebuild Iraq? How much will our allies pay? If the United States should act alone in attacking Iraq, can we really expect the rest of the world to help rebuild Iraq after the war? Have any other countries committed to assisting in these peacekeeping duties? If so, how many? Can we afford to rebuild Iraq and Afghanistan at the same time? We may have to rebuild Israel as well.

I have a lot of questions. The American people have a lot of questions. But apparently the American people are not going to be asked. They are not going to be given the opportunity to ask their questions.

We are going to be stampeded and rushed pell-mell into a showdown right here in the Senate and in the House, and in the next few days. Why all the hurry? Why are we in such a hurry? Election day is 4 weeks away from tomorrow. Wouldn’t it be better to go home and listen to the people, hear their questions, and answer their questions before voting on this far-reaching, grave, and troubling question?

Every one of the questions the American people have is important. Without answers from the President, we will only be getting part of the story, which is a dangerous position for Congress to be in as we prepare to vote on a war resolution this week or next week.

It is a sad thing that the elected representatives of the American people are being asked to vote on this troubling question before the election.

But the administration is not giving us meaningful answers to these questions. All we are getting are vague threats and political pressure from the White House. The President has not backed up his case against Iraq with a consistent justification based on clear reasons and evidence. When the President and his advisers are pressed for clarity, they have responded with evasive and confusing references to the dangers of terrorism which they now seem to think has more to do with Saddam Hussein than Osama bin Laden. Defense Secretary Rumsfeld revealed that recently when he told the Senate Armed Services Committee:

I suggest that any who insist on perfect evidence are back in the 20th century and still thinking in pre-9-11 terms.

In other words, it is just too hard for them to answer all of these questions, so Congress should just hand everything over to the President, and he will determine by himself what is necessary and appropriate and why the time comes. Until then, the administration will provide Congress and the American people with very little information.

We need to know this information, and we need to know it now, before we are pressured into making a hasty decision about whether to send the sons and daughters of Americans to war in a foreign land; namely, Iraq.

The President’s military doctrine will give him a free hand to justify almost any military action with unsubstantiated allegations and arbitrary risk assessments, and Congress is about to rubberstamp that doctrine and simply step out of the way.

I cannot understand why much of the leadership of this Congress has bought into the administration’s political pressure. Congress will be out of the business of making any decisions about war, and the voice of the people will quickly be drowned out by the White House beating the drums of war.

There is no need for Congress to underwrite the President’s new military doctrine. If the United States uses force against Iraq, then Congress can provide the President with enough authority to act decisively in Iraq. Any
further actions the President wants to take should be decided on a case-by-case basis. We should not get carried away by all of the war rhetoric and turn this Iraq resolution into a blank check for the President to enforce some constituencies in every corner of the Middle East or the world beyond. Granting him such broad power would not only set a dangerous international precedent but would severely undermine our own constitutional system of balances.

Some say that the process laid out in the Constitution will be satisfied once Congress votes on whether to authorize war. But Congress must not grant the use of force authorization without a full understanding of the consequences. We will be voting to decide whether or not we will allow the President to declare war at his convenience for an unlimited period of time. That does not satisfy the Constitution. After all, the President has not said he has not decided whether we must go to war.

Do we want to just give the President and all future presidents an authorization for war that they can put in their hip pocket whenever it is convenient? That is not the course of action worthy of the greatness the Founding Fathers expected when they created the legislative branch.

We should not have this vote on the issue of war or for peace before the Congress answers to these questions. The President, when he speaks to the Nation tonight, must provide real answers to these questions that the American people are asking.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I say to my valued friend and colleague on the Senate Armed Services Committee that I thought we had an excellent debate on Friday afternoon, at which time a number of the points the Senator from West Virginia raised today were pulled out of whenever it is convenient? That is not the course of action worthy of the greatness the Founding Fathers expected when they created the legislative branch. We should not have this vote on the issue of war or for peace before the Congress answers to these questions. The President, when he speaks to the Nation tonight, must provide real answers to these questions that the American people are asking.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Madam President, we, as Members of the Senate, are now being asked by the Commander in Chief to make the most serious decision we can make: the decision to authorize him potentially to send our young American men and women in the American military into harm’s way. When I was a young man in the mid-1960s, the U.S. Congress authorized the use of force against North Vietnam, and I volunteered to fight in that war. Three times since I came to the Senate—on Iraq in 1998, on Kosovo in 1999, and the current conflict in Afghanistan—have I voted to authorize the use of force. This is now the fourth occasion I have been asked to give my consent to such action, and each time I have thought back to the words of one who occupied the same seat in the Senate I now have the privilege to hold, Dick Russell. Senator Russell said:

While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuit thereof. As American soldiers, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

That was a marvelous quote by Senator Russell in the 1960s. While we need to update Senator Russell’s statement to encompass the young women who now also put themselves into harm’s way when we go to war, I think it stands the test of time very well and speaks to us all now as we contemplate our second declaration of war in the last 12 months. I believe its counsel of limited ends but sufficient mission is more than ever true, as it was when first uttered under the shadow of the Vietnam war.

The leading military analyst of the Vietnam War, the late Col. Harry Summers, wrote in his excellent book, “On Strategy: The Vietnam War in Context”:

The first principle of war is the principle of The Objective. It is the first principle because all else flows from it. How to determine military objectives that will achieve or assist in achieving the political objectives of the United States is the primary task of the military strategist, thus the relationship between military and political objectives is critical. Prior to any future commitment of U.S. military forces our military leaders must insist that the civilian leadership provide tangible, obtainable political goals. The political objective cannot be a platitud but must be stated in concrete terms. While such objectives may very well change during the course of the war, it is essential we should not lose sight of the direction in which we intend to go. As Clausewitz said, we should not “take the first step without considering the last.” In other words, we (and perhaps, more important, the American people) need to have a definition of “victory.”

Colonel Summers continues:

There is an inherent contradiction between the military and its civilian leaders on this issue. For both domestic and international political purposes the civilian leaders want maximum flexibility and maneuverability and are hesitant to fix on firm objectives. The military on the other hand needs just such a firm objective as early as possible in order to plan and conduct military operations.

Since we are indeed being asked to authorize the commitment of U.S. military forces, it is our responsibility—I would say it is our obligation—as the civilian leadership to provide our Armed Forces with “tangible, obtainable political goals.” In other words, we have to define now, before the fighting starts, what the objective is.

It is crystal clear to me what the appropriate, achievable, internationally supported and sanctioned objective is at the present time and in the present context: not simply the removal of weapons inspectors but the verified destruction of Saddam Hussein’s store of weapons of mass destruction. This is the matter which makes the Iraqi regime a danger requiring international attention beyond that which is afforded to the all too numerous other regimes which oppress their own people, or threaten regional peace, or fail to fulfill their international obligations. It is the objective which President Bush has been increasingly constant in his advocacy of the UN. For example, in his September 26 meeting with congressional leaders, the President put it very well. He said:
We are engaged in a deliberate and civil and thorough discussion. We are moving toward a strong resolution . . . And by passing this resolution we'll send a clear message to the world and to the Iraqi regime that the demands of the U.S. Security Council must be followed. The Iraqi dictator must be disarmed. These requirements will be met, or they will be met with military force.

And this objective, the disarming of Saddam Hussein, is the objective which this Senate, this Congress is prepared to overwhelmingly endorse as we close ranks behind the President.

Additionally, the force resolution authorization will satisfy our obligations to make it clear to the international community that America stands united in its determination to rid the world of Iraq's weapons of mass destruction. And it will fulfill our responsibility to our military and our service men and women to provide a tangible, militarily obtainable objective. But it will not discharge this Congress of all responsibility with respect to our policy on Iraq.

In retrospect, it seems to me that the real failure of Congress in the Vietnam war was not so much passage of the open-ended Gulf of Tonkin resolution by near unanimous margins in both Houses—based as it was on what we now regard as very dubious information supplied by the executive branch and what those Senators and Representatives had to take at face value—but its subsequent failure for too many years to exercise its constitutional responsibilities as that authorization lead to a cost and level of commitment that few, if any, foresaw at the time. I would note that Senator Russell actually got the following language added to the Gulf of Tonkin resolution itself:

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by the United Nations, at Vienna, and in other world capitals. And while what the President calls a “decade of deception” by Iraq must make one very skeptical about the possibility for a satisfactory diplomatic resolution, I believe we should and must give it one final chance before considering the military option. As to the effectiveness of military force, since the President has not made any final decisions, he says, as to what kind of military operation, if any, will be needed to make a firm determination, but in principle, given the outstanding capabilities of our Armed Forces, and what will hopefully be a well-defined mission, I believe we can answer in the affirmative.

But when we turn to the final three of General Powell’s questions that he asked years ago, we see the need for some serious and sustained attention not only by the administration but by the Congress and the American people as well.

What will the cost? And here we need to factor in not only the cost in terms of the immediate military operation, but also potential costs of what could be a very long-term occupation and nation-building phase. Among the many reasons we need to actively seek to build as large an international coalition as possible behind whatever we eventually undertake in Iraq is to help with the aftermath. I want to single out the Congress as well.

And what about the cost for our economy? The mere threat of war has sent oil prices upward and caused shudders on Wall Street. What will a full blown war do?

Have the gains and risks been thoroughly analyzed? And after the intervention, how will the situation likely evolve and what will be the consequences? These two are closely related in that, in my view, the long-term consequences have been the least discussed part of the equation thus far. If, as some believe, the consequence of a U.S. invasion of Iraq will be a united, democratic Iraq which can serve as a “role model” for the rest of the Arab world. Maybe, but such an outcome would not only fly in the face of Iraq’s entire history of dictatorial Rule. Out of a British mandate at the end of the First World War but would appear to be contrary to much of what we have seen in the aftermath of other recent U.S. interventions, including most recently in Afghanistan. Perhaps, most importantly, we need to make absolutely certain that whatever we do in Iraq does not distract or detract from the war we authorized 12 months ago, our war on international terrorism.

So these are the kinds of questions I want to ask, as I hope and I will be joined by colleagues from both sides of the aisle in asking, as we move forward.

It now appears the Senate may have at least three alternatives to consider as we move forward on authorizing force against Saddam Hussein: the Biden-Lugar-Hagel resolution; a Levin resolution; and the resolution endorsed by the President, the House Leadership and a bipartisan group of Senators. I certainly wish to pay tribute to all of these. Without exception, they are acting out of conscience and conviction in promoting our national security. And I believe most Senators share the views that diplomacy is preferable to force, and in crafting with the input and support of the international community, including the United Nations, is far better and more effective than going it alone.

I will be supporting the resolution backed by the President and opposing the alternatives because I believe it is imperative that we now speak with one voice to Saddam Hussein, to the entire international community and, most importantly, to our servicemen and women. A strong, bipartisan vote for the pending resolution will strengthen the President’s hand in his efforts to get the international community to step up to the plate and deal effectively with the threat posed by Iraq’s weapons of mass destruction.

The objective of our policy against Saddam Hussein should be a regime of unfettered inspections leading to full disarmament of Iraq’s weapons of mass destruction. If diplomacy fails, the military objective must be the complete destruction of such weapons. Regime change may be a goal, but because of the large costs and massive uncertainties this will inevitably produce, this should be the last resort, not the first.

We must not repeat the most disturbing display of partisanship with respect to national security to have occurred in the time I have served in the Congress. I am referring to the extremely disturbing spectacle of divisiveness and irresolution displayed by the House of Representatives on April 28, 1999 when, with American servicemen and women already in combat against Milosevic and Serbia, the House cast a series of votes that: prohibited the deployment of ground forces, which the
President had never asked for: defeated an attempt to remove US forces; and most dismayed of all, on a tie vote of 213–213, defeated the Senate-passed resolution authorizing the very air operations and missile strikes which were even then underway. What kind of counsel could he send to our Armed Forces personnel, or our NATO allies or Milosevic?

I implore the Senate to pull together behind the one resolution endorsed by the President, by the bipartisan House leadership, by the majority and minority of Senators. That resolution affirms the importance of working in concert with other nations, gives preference to a diplomatic over military solution, focuses attention where it should be on disarming Saddam Hussein, seeks to ensure that we not be divorced from fighting the war on terrorism, and provides for the ongoing and Constitutional role of the Congress as events unfold in our policy toward Iraq. I urge a strong and bipartisan vote in favor of the resolution.

God Bless our country and the young men and women who serve in uniform. I yield the floor.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask my very valued friend and colleague a question or two. With his indulgence, I would like to make a few preliminary comments. First and foremost is that we have shared for some years now a strong friendship and strong working relationship, primarily through his service on the Senate Armed Services Committee. There has been no Senator who has been more mindful of the needs of the men and women of the Armed Forces than our colleague from Georgia. I felt his remarks today were exceedingly well taken, and in particular the need for a resolution authorizing the Congress, House and Senate together, acting on a resolution which is clear in its terms, in such a way that there be no daylight, no perceived or actual difference between the legislative bodies of our Government—the Congress, the Senate and the House, and the Executive, the Commander in Chief, the President. I commend him on that point and share it.

In previous days on this floor, most particularly on Friday, I have said that repeatedly. That is the key, the arch of this whole debate is the need to have unity of the two branches of Government.

I was also drawn to his excellent analysis of what we call the Powell doctrine, enunciated by General Powell during his period as Chairman of the Joint Chiefs. It is interesting today, of course, in his role as Secretary of State and in his testimony before the Foreign Relations Committee here in the Senate and his testimony before the House Committee, he set down what he calls the Powell doctrine. Essentially it is that the use of the American military to stay out of war and, if we do get in it, win quickly. The second part of the Powell doctrine is the doctrine of superior force, what Nimitz called in the Second World War in the Pacific “superior upon the point of contact.”

I am also delighted we have a Secretary of State who understands the power of the first, which is using the American military to stay out of war. I think that is step one for me in the Powell doctrine. Step two is obviously if diplomacy fails, use superior force to accomplish your objective. In many ways, we have been acting since 1991. We have had Iraq under Operation Northern Watch and Southern Watch. We are covering 40% of Iraq's territory as we speak, we have a naval blockade, and we have sanctions, so we have not been inactive since 1991.

What is the status of his weapons of mass destruction, which is the focus of this entire debate? We really don't know, since the U.N. inspectors were kicked out about 4 years ago, where we stand in that regard. That poses a question and a threat. We know he has biological and chemical weapons, and he is working on a nuclear weapon. So that poses great danger to the Middle East, our allies, Western Europe, and potentially to us. Therefore, I think it is appropriate for the U.S. Senate to support, and the Congress to support, a resolution authorizing the President to take all necessary means, including to use force, to back up the 1991 U.N. resolution authorizing disarmament of Saddam Hussein and his weapons of mass destruction. For me, that is the political objective and the military objective.

Mr. WARNER. The Senator also made reference to the period of the Clinton administration when President Clinton, again, in consultation with the Congress, acted on the seriousness of the issue of Saddam Hussein after he kicked out the inspectors and defied all 16 resolutions. We in the Senate acted, and I am going to read the resolution we adopted in the Senate:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.

Both the Senator from Georgia and I supported it, am I not correct?

Mr. CLELAND. That is correct. I voted for that resolution in 1998. At one point, the resolution did not authorize the American forces to involve themselves in a regime change. In this resolution we are considering now, we are considering using American forces to not only order Saddam Hussein to comply with the 1991 resolution in terms of disarmament, there is an “or else” clause that says the President can use force as well.

Mr. WARNER. As my colleague, I assume, agrees with me, whoever is President of the United States—he it President Clinton or now President George Bush—has the inherent power to utilize the Armed Forces of our Nation in defense of our security. That, of course, is the essence of the debate we are undertaking now. So when I read the clause where
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Mr. President, to conclude our colloquy, I want to read a brief statement that was given by President Clinton at the time of this resolution:

In the next century, the community of nations may see more and more the very kind of thing that we have seen before: a rogue state in arms, with weapons of mass destruction, ready to use them or avenge them to terrorists, drug traffickers, or organized criminals, who travel the innocent, unmonitored, or fail to respond today. Saddam and all those who would follow in his footsteps will be emblazoned tomorrow by the knowledge that they can act with impunity—even in the face of a clear message from the United Nations Security Council and clear evidence of a weapons of mass-destruction program.

Mr. President, I see others on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, all I know is what I read in the newspapers. Based on what I do know about public policy and what I read in the newspapers, I would be very frightened if all I knew was what I read in the newspapers because newspapers often get things wrong. It has been interesting to me, as we have had the buildup to this discussion in the Senate about Iraq, there have been a number of very thoughtful pieces written that have appeared in the newspapers, and I wish to draw on some of those and quote from some of them at length here today.

It so happens that both of the pieces I will use today appeared in the Washington Post, but there have also been useful pieces in the New York Times and the Wall Street Journal.

Before I get started, I want to describe a conversation I had once as a younger man that has been an absolute paradigm conversation in my understanding of politics.

I was having lunch with an old friend, a very experienced political hand, a man who had once served President Eisenhower as a close member of his staff. We were discussing a certain candidate for President.

I said, somewhat improperly, because it was rather arrogant for me to do this: Is this candidate smart enough to be President of the United States?

My old friend answered immediately. He said: Of course not. Nobody is. Then he went on to explain.

As I say, he was a man who had been at Eisenhower’s elbow during some of the most significant decisions of our time, and he made this point. He said: Every truly Presidential decision is so loaded down with unknowable consequences, with unforeseeable possibilities, and unforeseeable challenges that no truly Presidential decision is ever made on the basis of instinct. It is made on the basis of intellect. It is made on the basis of all of that evidence, I go back to my conversation with my friend. We do not know. No one knows what will be the situation in Iraq or about, putting it more properly, giving the President authorization to move ahead with force if at some point it becomes clear to him that is what we should do. It is in the category of those truly Presidential decisions.

As I listen to the debate on the floor, the questions being asked, the analysis being demanded, the effort being made to come up with a clear set of tidy pros and cons that can then be weighed on a balance sheet or an accounting statement and then a carefully crisp decision made on the basis of all of that evidence, I go back to my conversation with my friend. We do not know. No one knows what will be the situation in Iraq if we attack after it is over. We do not know whether the Middle East will be a more beneficent place or a more malevolent place if that attack takes place, and no one does.

I can find experts who will tell us this would be the very best thing we could possibly do, and that the Middle East will be much more peaceful, and that liberty will be thrown up upon the Middle East, and that if we just stand firm. Out of the newspapers we can find plenty of columnists who will tell us that.

I can find other experts who will say this is the greatest disaster we could possibly bring upon the Middle East, and that if we attack Iraq, we will unleash a whole Pandora’s box of problems. The Arab street will rise up, and
Mr. BENNETT. Jackson Diehl summarizes this way:

"The real heart of the doctrine, the proposition that U.S. strength be wielded to spread liberty throughout the world, has been purposely acknowledged by a policy apparatus that continues to cultivate old and new autocratic allies in the Middle East and Asia."

I ask unanimous consent that the entire article appear at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. BENNETT. Turning to a piece which also appeared in the Washington Post written by Bernard Lewis, who is considered by some to be the ultimate authority on conflicts in the Middle East, it is entitled: "Targeted By A History of Hatred—The United States Is Now the Unquestioned Leader of the Free World, Also Known as the Infidels." This is an interesting tie: We are the unquestioned leader of the free world, also known in many parts of the world as the infidels.

Put that headline against the statement contained in Jackson Diehl's summary of the Bush position paper authored primarily by Condoleezza Rice, and once again you see the big picture. We do live in a world where we are the only superpower. We have the responsibility to do something with that position. Bush and his advisors have now come to the conclusion that the ultimate test of how we use our power should be how will it ultimately spread liberty throughout the world. That is the kind of flag to which I can repair. That is the kind of standard I can follow.

If we were the British in the 1700s and 1800s presiding over the world, the grand scheme would be: How can we enhance and increase British Imperial responsibility? If we were the leaders when they were the only superpower in that portion of the world they cared about, the only big picture item would be: How can we secure and extend the power of the Roman legions? But as President Bush makes this truly Presidential decision out of his gut, he has made it clear that the ultimate question he is asking, and we must ask with him, is, How will this expand the role of liberty throughout the world? That, as I say, is a standard I can follow.

So I will be voting for this resolution, not because I have figured out all of the unknowables and imponderables relating to it and not because I am absolutely sure that the Presidential power will be used in the right and peaceful way in every possible circumstance. I will be doing it because I trust George W. Bush's instincts as outlined as clearly as any post-war President has ever outlined America's role in the post-war world.

He will use his power to expand and defend liberty throughout the world. He may use it by mistake. He may do things that do not produce that result. But that will be his polestar; that
should be America’s polester: that should be the policy we lay down and hold now for generations to come. It resonates with the decision of the Founding Fathers when the country was created. It is a worthy position for us to take, and the country has a right to come preeminent in the world. Let us hope and pray that as we give this President this power it is always used to that end.

I yield the floor.

EXHIBIT NO. 1
BUSCH’S FOREIGN POLICY FIRST
(By Jackson Diehl)

For a decade U.S. internationalists amassed the absence of any coherent policy for engaging the world after the fall of communism. The Clinton administration, like the Bush team before it, was vacillating from a putting the country in, and once again some do not want to do to something is the alarmist reactions the policymaker who defined a new era. Rice, who executed it, to be remembered as the cause national security adviser Condoleezza says is this: Because terrorists and rogue spectors. And what the new policy actually represents is the ambition of influence,

It is, in short, a bold EXHIBIT 1
OUR RESOLUTION
(By Joe Lieberman)

The most fateful and difficult responsibi the Constitution, members of the House and the Senate are to decide when the president should be authorized to lead the men and women of the U.S. military into war. We are now engaged in a quagmire, in managing Sad dam Hussein’s belligerent dictatorship in Iraq.

Although I disagree with many other as correct the policy, I believe deeply that he is right about Iraq, and that our national security will be strengthened if members of both parties, together, move to support the commander-in-chief and our military. That’s why I have cosponsored the Senate resolu have the same luck? So far preemption is no right and left, and thus became the con

In that spirit, let me now address a few of the most critical questions my Senate colleagues and many American are asking:

Why has military action against Saddam been urgent? Why we need to make weapons of mass destruction or to support terrorists will appreciate how painful the consequences of their brutality and lawlessness can be.

In 1998, Bob Kerry, John McCain, and I sponsored the Iraq Liberation Act declaring its national policy to change the regime in Baghdad. The act became law, but until recently little has been done to implement it. In the meantime, Saddam has not wavered from his ambition for hegemonic control over the Persian Gulf and the Arab world. He has invested vast amounts of his national treasure in building inventories of biological and chemical weapons and the means to deliver them to targets near and far. Saddam once told his Republican Guard that its national honor would not be achieved until Iraq’s arm reached out beyond its borders to “every point in the Arab world.”

So, my answer to “Why now?” is, “Why not earlier?” And, of course, that question has new urgency since Sept. 11, 2001. We can’t ignore that Saddam now or stop our more urgent war against terrorism.

To me, the two are inextricably linked. First, remember that Iraq under Saddam is

Further, he quotes from former Secre S10013
one of only seven nations in the world to be designated by our State Department as a state sponsor of terrorism, providing aid and training to terrorists who have killed Americans and others. Second, Saddam himself meets the definition of a terrorist—someone who attacks civilians to achieve a political purpose. Third, though the relationship between Saddam’s regime and terrorism is a subject of intense debate within the intelligence community, we have evidence of meetings between Iraqi officials and leaders of al Qaeda and testimony that Iraqi agents helped train al Qaeda operatives to use chemical and biological weapons. We also know that al Qaeda leaders have been, and are now, harbored in Iraq.

Saddam’s is the only regime that combines growing stockpiles of chemical and biological weapons and a record of using them with regional hegemonic ambitions and a record of supporting terrorists. If we remove his influence from the Middle East and free the Iraqi people to determine their own destiny, we will transform the politics of the region. That will only advance the war against terror, not set it back.

Why should we not launch a strike against a sovereign nation that has not struck us first?

We should and will soon have a larger debate when the president’s new doctrine of pre-emption, but not here and now, because the term is not apt for our current situation. We have been engaged in an ongoing conflict with Saddam Hussein since before the last Gulf War began. Every day, British and American aircraft and personnel are enforcing no-fly zones over northern and southern Iraq; the ongoing force of about 7,500 American men and women in uniform costs our taxpayers more than $1 billion a year. And this is not casual duty. Saddam’s air defense forces have shot at U.S. and British planes 406 times (and counting) in 2002 alone.

As former Secretary of Defense James Schlesinger recently told the Senate Armed Services Committee, “Vigorous action in the course of an ongoing conflict hardly constitutes preventive war.” Why not, then, congressional resolutions, one now encouraging the U.N. to respond to President Bush’s call for inspections without limits, and another one later authorizing U.S. military action if the U.N. refuses to act?

This is sometimes described as the way to stop “go-it-alone” action by the U.S. unless and until it is necessary. But I believe that the best way to encourage forceful U.N. action, so that we never have to “go it alone,” is for Congress to unite now in authorizing the president to take military action, if necessary. I am convinced that if we lead decisively, others will come to our side, in the U.N. and after. If we are steadfast in pursuit of goals, allies in Europe and the Middle East will be with us.

Why not just authorize the president to take military action to disarm the Iraqis instead of blanking the deck?

Our resolution does not give the president a blank check. It authorizes the use of U.S. military power to defend the national security of the United States against the continuing threat posed by Iraq” and to “enforce all relevant United Nations Security Council Resolutions regarding Iraq.”

There are 535 members of Congress who have the constitutional responsibility to authorize American military action, but there is only one commander-in-chief who can carry it out. Having reached the conclusion I have about the clear and present danger Saddam represents to the U.S., I want to give the president the strong mandate to act against Saddam. Fifty hundred and thirty-five members of Congress cannot wage war; we can only authorize it. The rest is up to the president and our military.

A RECORD OF STRENGTH

We in Congress have now begun a very serious debate on these questions and others. Each member must draw on his or her own values, sense of history and national security.

When it is over, I believe there will be a strong majority of senators who will vote for the president’s resolution that John Warner, John McCain, Evan Bayh and I have introduced. I am equally confident that a strong majority of Democrats in the Senate will support it. They will embrace the better parts of our party’s national security legacy of the last half century. From Truman’s doctrine to prevent communist expansionism, to Kennedy’s commitment of U.S. forces to the Balkans to stop genocide and prevent a wider war in Europe, Democrats should be proud of our record of strength when it counted the most.

Each of the Democratic presidents above tried diplomacy, but when it failed, they unleashed America’s military forces across the globe to confront tyranny, to stop aggression, and to prevent any more damage to America’s security or its prestige. I am sure what our resolution would empower President Bush to do now.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will use my 15 minutes to speak on the Iraq resolution at a subsequent time. I will speak today on something I think is extremely important to what we are doing militarily around the world; that is, as a result of an article I saw in today’s Washi d Post, I am sure it is running all over the world.

Mr. WARNER. Could I ask my colleague, could your very important collo quy which I will have with you on this subject appear in a place elsewhere in the RECORD?

Mr. REID. I want it at this point. Sorry, but I really do. I think this is important to what we are doing today. I say to my friend, the distinguished Senator and my good friend from Virginia.

This headline reads: “Bush Threatens Veto of Defense Bill.”

I cannot believe the President is involved in this—maybe some of the people around him—I cannot believe the President would do this. I cannot accept that. I cannot accept George W. Bush, a person I have found to be very sensitive to people—I hope my feelings are warranted.

We have statements from the same article.

David S.C. Chu, Undersecretary of defense for personnel and readiness, said VA disability compensation is intended not to sup plant military pensions.

“We’re going to rob Peter to pay Paul.”

He was speaking for the President of the United States on this very important issue, saying:

“We’re going to rob Peter to pay Paul”—and the question is, should Peter really lose here?

This is legislation I authored and others have supported over the years to allow military retirees to receive not only their retirement benefits from the military but also their disability benefits. That is all this is. Somebody who is in the U.S. military, who is disabled, can receive that pension in addition to their retirement benefits. The law now says you can’t. I say that is wrong.

If you retire from the Department of Energy or Sears & Roebuck and have a disability pension from the military, you can draw both pensions. Why shouldn’t you be able to if you retire from the military?

I am troubled with this administration’s opposition of concurrent receipt of retirement pay and disability pay for disabled military retirees.

America’s veterans have long been denied concurrent receipt based on an antiquated law that in effect says if you have 20 years in uniform you cannot draw your disability.

This “robbing Peter to pay Paul” troubles me. As you speak today, starting at 2:45 today until 2:45 tomorrow, 1,000 World War II veterans will die. A number of those have disabilities, and they are entitled to receive those disability benefits as a result of their service in the military. They are entitled to that. But not to that.

This law which has passed the Senate on two separate occasions—passed the House this year—is being threatened by the President. He is not going to OK the bill.

I held a press conference with Senator Warner and Senator Levin last year saying they fought a good fight, and we were sorry we could not get it done. I will not accept that this year; nor are the veterans of this country. I know how dedicated Senator Warner and Senator Levin are to the military of this country. Let’s let them be bamboozled by this administration saying he will veto the bill. I declare them veto the bill based on disability benefits to veterans, 1,000 of whom are dying every day, World War II veterans. Not all 1,000 will draw benefit. They have exaggerated how many people will draw these benefits. But there are some.

And now I see a proposal in the same article, the distinguished Senator from Arizona saying maybe we will compromise and say those who have a service-connected disability can draw their benefits.

If you are in battle—at most, there are 10 percent during a conflict with military people on the front lines in combat if someone has their shoulder is ruined, they should be entitled to the benefits. If someone is not in the front lines, but in the back lines, or even in America, not over in a foreign country, and they fall off a truck and ruin their shoulder, they are entitled to those benefits, even if someone was shot. They are doing their best to represent our country, and they are just as important. If you did not have those people behind the lines, you would not have the people on the front lines able to fight.

Career military retired veterans are the only group of Federal retirees required to waive their retirement pay to
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receive disability. Other Federal retirees get both disability and retirement pay.

Some officials have been quoted in recent newspaper articles stating that retirement pay is two pays for the same person, get paid twice. Mr. President. These people say this is a loophole. These statements are simply untrue—or people do not know what they are talking about. Military retirement pay and disability compensation are earned from entirely different sources. Therefore, a disabled veteran should be allowed to receive both.

Current law ignores the distinction. Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans would find intolerable. When a person goes into the military, they are expecting to draw retirement pay. When those go in the military, they are not expecting to come out disabled. But it happens. Veterans disability compensation is reimbursement for pain, suffering, and loss of earning power caused by a service-connected disability. Few retirees can afford to live on their retired pay alone, and a severe disability makes the problem worse, limiting or denying post-service working life.

The Presiding Officer of this body is the Chair of the Senate's Affairs Committee, and on a daily basis he deals with the problems, the burdens of veterans in our country. No group of people have more problems than veterans. Whether you are a World War II veteran, Korean war veteran, or a Vietnam veteran, you have problems. We have people from all those conflicts, plus others who have served in recent years who have disabilities. They are entitled to this. It has passed the Senate. It is the will of the people of this country. It is the will of the Senate. For, now, the President—his representative, a Mr. Chu—to come in and say:

The President is not going to support this legislation. It would be robbing Peter to pay Paul.

What is that supposed to mean? We are not going to be able to buy a tank or airplane? Instead, we are going to have to give the money to somebody like Senator INOUYE, who has lost an arm, or Senator CLELAND, who has lost three limbs.

A retiree should not have to forfeit part or all of his or her earned retired pay as a result of having suffered a service-connected disability. There are those who have suggested a compromise for limited concurrent receipt of only combat-injured military retirees. I don't accept that. Many of our veterans have not been injured in combat, but they are no less injured or any less deserving of fair compensation. This is simply coming back to the administration's threat of a veto.

Likewise, the administration's assertion that if the concurrent receipt passes, "12 million veterans could quality" for extra benefits is simply not credible. The Department of Defense and Department of Veterans Affairs previously informed Congress about 550,000 disabled retirees would qualify if the Senate concurrent receipt was passed. So where do they come up with another 700,000 people?

The administration's argument that funding benefits for America's disabled veterans and the brave men and women military personnel is misleading. Congress is not cutting funding for those who are now serving our country in order to provide benefits for those from previous generations who served loyally and made tremendous sacrifices. Congress will appropriate the money to pay for that.

Enacting this concurrent receipt legislation will not cause current service members to live in substandard quarters, as some say, in a misguided attempt to pit patriots against another. Moreover, at a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to those in uniform. All who have elected to make their careers in the United States military are now facing an additional unknown risk in our fight against terrorism. If they were injured, they would be forced to forego their earned retirement pay in order to receive their VA benefits. In effect, they would be paying for their own disability benefits from their retirement checks unless this legislation is passed overwhelmingly.

If the President vetoes this bill because of this, how many Senators are going to come here and vote to sustain that veto? I don't think very many. Who would they rather have on their backs? The President or the veterans of this country? I know from Nevada, I would rather have the President on my back than those veterans—and they are right.

At a time when our Nation is calling on our Armed Forces, we need to do this. We must send a signal to these brave men and women the American people and Government take care of those who make sacrifices for our Nation. We have a unique opportunity this year to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. It is time for us to show our appreciation to these people.

Finally, the assertion the veterans who would benefit from concurrent receipt are already doing well financially is ridiculous. NBC, the National Broadcasting System, recently aired three news stories in which they documented the dire situation veterans are facing today. The Pentagon has acknowledged its studies of retiree income included extremely few seriously disabled retirees.

For too long America's disabled military retirees have been unjustly penalized by concurrent offset, and they are demanding action be taken now, not in the future. With such strong bipartisan support on both sides of the Congress, these men and women do not understand the opposition of the administration. Mr. President. I hope the President doesn't know what he's doing.

Let me say again to my friend, the Senator from Virginia, who is on the floor—I have spoken to him today. I have spoken to Senator LEVIN today. I think this is so important we do this. At a time when the country finds itself in crisis, what could be wrong with a veteran getting retirement pay and disability pay at the same time? They are two separate earnings, one for being hurt, one for spending a lot of time in the military.

I have worked hard on this. I appreciate the support of the Senator from Virginia and the Senator from Michigan. But I am saying here we can't let this opportunity pass. We would be letting down people whom we should not be letting down.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to commend my distinguished colleagues and friends involved in this particular issue. Among the group of us, you have been primarily the leader. My recollection is this is about the fourth year we have brought this up for attention and really asked the Senate to focus upon this. Mr. Chair, when the country is in crisis, what could be the wrong with a veteran getting retirement pay and disability pay at the same time? They are two separate earnings, one for being hurt, one for spending a lot of time in the military. I would also say to my friend from Virginia, not only that, but the House—we don't have a budget here, but the House budget includes this. They didn't include it.

Mr. REID. Yes.

Mr. REID. They included it to 60 percent. They have the dollars budgeted in the House. They did that. So the answer is absolutely correct.

I vote for these defense budgets. I am for a strong military. I remind everyone here in this Iraq season we are in. I was the first Democrat to announce publicly to support the first President Bush. I had no problem doing that. I want a good, strong military. But I think part of that is rewarding these people who have been injured. Why should we take their retirement away from them because they have been injured? There is no reason.

Mr. WARNER. I say to my colleague, we are now, as you know, in conference. Senator LEVIN and I work daily on this with our two colleagues from the House, Chairman STUMP and Harry Stenholm. This has not been resolved as yet.

We, of course, have to take notice of what is stated here. Presumably the statement in the Pentagon, by Mr. Chu, would not have been made had there not been some consultation with the staff of the President. I don't know the extent this has been brought to his attention. After all, he has been among
the staunchest defenders of the men and women of the Armed Forces—past, present and for the future.

So I say to my friend, I will join him and others and continue to try to work this issue in our conference. But I believe your statement at this time, I say to my friend, will go to the heart of the moment. Because that decision could be made, indeed, today, tomorrow, the next day, as to how, finally, to constitute the provisions of the House-Senate conference document which would then be brought back to both Chambers for vote.

So I take to heart your comments. I will share them with our conferees. I express again my appreciation to you for your staunch defense of our veterans. I humbly say, modestly: I am a veteran. As a matter of fact, I would not be here had it not been for what the military did for me. I have often said they did a lot more for me than I ever did for them in my modest service. But I assure you, I am contemptuous with the World War II generation, and you are absolutely right. One thousand a day are departing.

I have met with them. They have been among the more vigorous, to try and bring forth congressional action on this, as have any number of veterans’ groups and groups associated with our military.

I say to my friend, your message is timely. We should take it to heart and do our best to help our colleagues come at a critical moment, as have any number of veterans’ groups and groups associated with our military.

I say to my friend, your message is timely. We should take it to heart and do our best to help our colleagues come at a critical moment, as have any number of veterans’ groups and groups associated with our military.

Mr. REID. Mr. President, I have no objection, of course, but we are proceeding on the Iraq issue as we have on a number of issues. We will share them with our conferees. I will then be brought back to both Chambers for vote.

Mr. DORGAN. Mr. President from Nevada brought this to the floor today because this is critically important. If we are going to get it fixed, now is the time to get it fixed. A military career is filled with hardships, family separations, and sacrifices, and all too often being put in harm’s way. There are promises made to those folks who wear America’s uniform, and then we are not keeping the promise with respect to this issue.

Mr. WARNER. I have no objection, Mr. President. I am mindful there are others waiting to speak. But when I learned Senator REID was going to speak today, I was going to ask him a couple of questions on this issue. I will just be 2 to 3 minutes, if I can ask the indulgence of my colleagues.

Mr. DOMENICI. If the Senator will yield, can I ask for the record that I follow Senator KYL?

Mr. WARNER. Certainly I have no objection. I think that is very helpful. The PRESIDING OFFICER. That is ordered without objection.

Mr. REID. And following Senator DORGAN, Senator KYL be recognized for 15 minutes and Senator DOMENICI for 15 minutes.

Mr. DORGAN. I wanted to say to the Senator from Nevada, he has raised a very important issue at this point. Twenty-three of us in the Senate sent a letter to the authorizing committee.
of the gulf war. His continuing defiance of that agreement, including his desire to acquire nuclear weapons and his support of terrorism, presents a real and growing threat to U.S. national security. We have now reached a juncture where the risks of inaction outweigh the risk of action.

Those who oppose the authorization of force usually define the test as whether there is an immediate threat, asking, Why do we have to act now? But I submit this is the wrong question. Saddam Hussein will never be good enough to allow us to calibrate our action to a threat just a few days or a few weeks away. We simply do not know enough to do that. We cannot wait until we are sure that Iraq has a nuclear weapon and is about to use it because it is unlikely we will ever have that evidence, and it will be too late when we do.

I find it ironic that some of the people insisting on this standard are also some of the most critical of intelligence failures before September 11, arguing that we should have known an attack was imminent and we should have taken action to prevent it. If September 11 had not happened, my guess is the same people would be urging caution, arguing that since we haven’t yet “connected all the dots,” any preemptive action at that time would be too risky and premature.

Moreover, action is warranted now because there is no realistic hope that the United Nations resolutions and Saddam’s promises to us at the end of the gulf war will otherwise be enforced, and each month that passes increases the danger.

Finally, Iraq is another front in this war on terror. Eliminating Saddam’s threat will give us greater latitude in other actions we will have to take, and it will create a more willing group of allies in the region. For some of these countries to remain friends with us, we need to know that we are absolutely committed to winning and that they are better off joining the winning side than continuing to pay tribute to terrorists in order to protect their regimes from terrorists.

While there is much about Iraq’s capabilities we do not know, there are also some things we do know. No one, for example, can doubt the extent of Iraq’s weapons of mass destruction. The only question is when and how he will use them and how long he will be able to use them before he can add nuclear weapons to his existing chemical and biological capabilities.

In recounting Iraq’s nasty capabilities, it is useful to remind ourselves that Baghdad has continued to pursue the development of these weapons of mass destruction and the means to deliver them in violation of numerous U.N. resolutions. There are 13 such resolutions.

During the 7 years that the United Nations Special Commission—UNSCOM—inspectors were present in Iraq, Saddam Hussein went to great lengths to obstruct inspections to conceal his stockpiles and continue his programs under cloak of secrecy. It has now been 4 years since United Nations inspection teams last set foot in Iraq. We have evidence that Saddam has used that time to expand his weapons of mass destruction and biological, chemical, and nuclear weapons, and the means of delivering them.

In addition, Saddam Hussein has demonstrated proclivity to use force to achieve his objectives—twice against his neighbors. And his aggressive ambitions have already led him to deploy the devastating weapons if his stockpiles. He used chemical weapons against Iran. He again used them against his own Kurdish population.

Saddam also provided ballistic missiles against four neighbors. He is devoting enormous resources of his country to upgrade his threat, which is not an action of one who only wants to survive.

There should be little doubt that Saddam Hussein is in possession of mass destruction again either to back up a threat to harm us if we stand in the way of some future aggression or in actual attack against us or our allies, including, potentially a terrorist type attack on our United Nations. A recent article by Joseph Pollack in the Arizona Republic amplifies this point. In the article, Pollack concludes, “...there is every reason to believe that the question is not one of war or no war, but rather of war now or war later—a war without nuclear weapons or a war with them.”

Saddam Hussein’s abuse of the Iraqi people is also deplorable, not to mention a violation of a U.N. resolution passed just after the Gulf War, resolution 687. That resolution aimed to prevent the development of Iraqi men, women, and children is documented. A report published by Human Rights Watch in 1990 described the shocking brutality of the Iraqi regime:

Large numbers of persons have unquestionably died under torture in Iraq over the past two decades. Each year there have been reports of dozens—sometimes hundreds—of deaths, with bodies of victims left in the street or returned to families bearing marks of torture. . . . The brazenness of Iraqi authorities in returning bodies bearing clear evidence of torture is remarkable. Governments that engage in torture often go to great lengths to hide what they have done. . . . A government so savage as to flaunt its crimes obviously wants to strike terror in the hearts of its citizens.

And, as Iraqi citizens starve, Saddam has illegally used oil revenues from the U.N. oil-for-food program to rebuild his military capabilities, including his weapons of mass destruction. Then, of course, Saddam blames the United States and his neighbors for the suffering of the Iraqi people.

Finally, there is Saddam Hussein’s support for international terrorism. In his address to the Nation following the September 11 attacks, President Bush presented the countries of the world with two unambiguous options. He said: “Every nation in every region now has a decision to make. Either you are with us, or you are with the terrorists.” Saddam Hussein made his decision.

Iraq was the only Arab-Muslim country that failed to condemn the September 11 attack. In fact, the official Iraqi media stated on that day that it was “legal and legitimate.” Saddam Hussein’s action bordered on crimes against humanity.” We know that Iraq has hosted members of al-Qaeda. And National Security Advisor Condoleezza Rice has commented specifically on Iraq-al Qaeda ties.

“We clearly know,” she said, “that there have been contacts between senior Iraqi officials and members of al-Qaeda. We know too that several of the [al Qaeda] detainees, in particular some high-ranking detainees, have said that Saddam Hussein is providing training to al-Qaeda in chemical weapons.”

And Iraq has supported other terrorists. For example, Abu Abbas, the mastermind of the 1985 Achille Lauro hijacking and murderer of American Leon Klinghoffer, lives in Baghdad. The notorious Abu Nidal lived in Baghdad from 1974 to 1983, and then again recently until he was gunned down earlier this year. And Saddam Hussein has provided over $10 million to the families of Palestinian suicide bombers.

Now, the question is, what has the international community been doing about all of this? The answer, Madam President, is not much. The much-touted doctrine of deterrence only works if agreements are enforced. Saddam obviously has not been deterred because no one has been willing to stop him from continuing his unlawful activities.

Saddam Hussein has failed to live up to his cease-fire obligations. The U.N. has renewed its demand that Iraq end its support for terrorism. In his speech before the United Nations:

Just months after the 1991 cease-fire, the Security Council twice renewed its demand that the Iraqi regime cooperate fully with inspectors, condemning Iraq's serious violations of its obligations. The Security Council again renewed that demand in 1994, and twice more in 1996, deploring Iraq's clear violations of its obligations. The Security Council renewed its demand three more times in 1997, citing flagrant violations; and three more times in 1998, calling Iraq's behavior unconscionable. In 1999, the demand was renewed yet again.

If nothing else, the decade following the Gulf War has illustrated clearly the limits of U.N. diplomacy. But the U.S. has not had an opportunity to participate in this folly. Our word must mean something. If we fail to force Saddam Hussein to comply with his obligations, we will have sowed the seeds of even greater and more threatening action in the future.

Is it possible that we could avoid military actions by accepting Iraq’s offer to allow unlimited inspections? The answer, I submit, is no. It would...
have been hard enough for UNSCOM, but it has been replaced by a new entity negotiated between Secretary General Kofi Annan and Iraq in 1998. Unlike UNSCOM, this new entity, the U.N. Monitoring, Verification, and Inspection Commission, known as UNMOVIC, is staffed by U.N. employees, rather than officials on loan from member governments.

The inspectors—who are not even required to have expertise in relevant weapons programs—will not be able to make effective use of intelligence information. They can’t receive intelligence information on a privileged basis, and the information that they gather can’t flow back to national intelligence agencies, like our CIA. As Gary Millholin, Director of the Wisconsin Project on Nuclear Arms control recently commented, “This eliminates the main incentive for intelligence sources to provide UNMOVIC with information in the first place.”

Since most of what we learned during inspections was the result of intelligence gathered from Iraqi defectors, it is doubtful UNMOVIC could produce much of value.

The absurdity of this set-up can only be trumped by the absurdity of believing that this commission could possibly succeed against a vicious dictator who has spent the last 11 years perfecting the arts of concealment and deception in a country the size of France. As Richard Kay, former head of the U.N.’s nuclear inspection team, recently remarked, “The only way you will end the weapons of mass destruction program in Iraq is by removing Saddam from power.”

Let me repeat that. This is from the former head of the nuclear inspection team of the United Nations:

The only way you will end the weapons of mass destruction program in Iraq is by removing Saddam from power.

How we will do this on the international community’s ability to deal with the Iraqi threat: Since the end of the Gulf War, Saddam has a nearly perfect record in violating U.N. Security Council resolutions. The United Nations, in turn, has a nearly perfect record in failing to enforce them.

It is time to end this whole charade. Knowing that diplomacy will continue to fail, we have an obligation to act, and not allow diplomacy to be used as a weapon by a brutal dictator. That is why we should have learned during our experiences with the likes of Hitler, Stalin, Ho Chi Minh, and Slobodan Milosevic. Moreover, too much is at stake to place American security in the hands of unaccountable bureaucrats in the U.N.

It is time for military action that will terminate the regime of Saddam Hussein and destroy his weapons of mass destruction. We cannot be assured of peace unless this threat is removed.

Some observers still insist that we should try to contain Saddam through the doctrine of deterrence. After all, they say, we relied on deterrence to contain the Soviets for 50 years, and maybe that will work against Saddam. Mr. President, perhaps we should be thankful that we suddenly have so many new converts to deterrence, since many of these same voices were 20 years ago arguing that nuclear freeze and unilateral U.S. disarmament. I’ll remember their newfound commitment to deterrence as we attempt to deal with China’s growing militarization in the coming months and years.

There are situations where deterrence can work. This is not one of them for two reasons. First deterrence has a shelf life. If there is no response to violations, a dictator is not deterred—the threat of retaliation is no longer credible. The U.N. has done nothing and the U.S. next to nothing. As a result, Saddam has not been deterred. In any event, containment and deterrence do not apply well in this case.

President Bush has been absolutely correct when he declared at West Point that “deterrence means nothing against shadowy terrorist networks with no nation or citizens to defend;” and, “containment is not possible when unbalanced dictators with weapons of mass destruction can deliver those weapons on missiles or secretly provide them to terrorist allies.”

While belatedly embracing deterrence, critics of force reject a doctrine of preemption. Yes, they say, there have always been situations where countries had to act with force to prevent some attack on them, but that’s different from an announced doctrine of preemption.

There are several answers. The first is: no it is not. Preemption only applies to certain situations—like Iraq. Though Iran presents many of the same circumstances as Iraq, there are differentiating factors that make preemption appropriate vis-a-vis Iran. There is no “outstanding warrant” as with Iraq; regime change could come from within Iran; and, militarily, force is much less an option—to name three differences.

Second, it is senseless to require a “smoking gun” in order to act. As Secretary Rumsfeld has said: “A gun doesn’t smoke until it’s been fired and the goal has to be to stop such an attack before it starts.” Since September 11, all this takes on a whole new meaning. Don’t think smoking gun—think World Trade Center and Pentagon.

As we stand here more than one year after 3,000 innocent civilians perished at the hands of vicious terrorists, we need to ask ourselves, do we really want to wait until another attack, perhaps one using weapons of mass destruction? What opponents really mean is, wait until just before such an attack, and only act if we’re sure the smoke is coming. Obviously, we can’t count on knowing that, and the potential consequences are too great to risk it.

So the answer to that question is an emphatic no. September 11 changed everything, or at least should have changed everything, in the way we approach these matters. September 11 moved us out of the realm of international relations theory and into the realm of self-defense. If the President decides to move against Iraq, it will be an act of self-defense. And by voting to authorize the President to take that action, this body will be authorizing an act of self-defense. Knowing what we know about Saddam’s behavior, this action if we were subsequently attacked?

What’s more, it should be obvious that if Saddam acquires nuclear weapons, it will give him the ability to deter us. We are already hearing arguments against the use of force because of the potential of Iraq using chemical or biological weapons against our forces. Consider having this debate a few months or years from now after we’ve ascertained that he definitely has nuclear saber-rattling. This will make a move against Saddam, or any other American action in the Middle East, more dangerous, and in all probability, less likely. It is Saddam’s dream come true. He will be able to change our actions. So, again, the time to act is now.

But, some critics say, we must wait for international approval. Mr. President, I submit that the proponents of “multilateralism,” in addition to willfully ignoring the record of the U.N. and certain other countries, neglect the special leadership role that our country plays in the world.

It is no accident that it devolved to us to end German imperialism in World War I, stop Adolf Hitler in World War II, and defeat the forces of international communism in the Cold War. It is no accident that the oppressed peoples of the world look at us, rather than other countries or the U.N., as their nuclear hope. That is why we lead, and why we must lead.

We are fortunate to have a President today who appreciates this. While much of the rest of the world insists on burying its head in the sand or clinging to failed approaches, President Bush understands that now is the time to confront Saddam. And while others insist on a false distinction between the Iraqi threat and the war on terrorism, President Bush has, as Noemie Emery so aptly written in The Weekly Standard, connected the dots. In so doing, writes Emery, President Bush has, like Harry Truman when the Soviets encroached on Greece and Turkey in the 1940s, perceived “an ominous and enlarging pattern” that demanded a response. Emery continues, “So-called preemptions have had to wage wars, but only two, Bush and Truman, have had to perceive them, and then to define them as wars.” This is the essence of leadership. By proceeding that we can no longer afford to be attacked before we act, President Bush’s doctrine of preemption allows us, where appropriate, to act first
October 7, 2002

[OCR TEXT]

against terrorist organizations and states.
Our use of force in self-defense against Iraq will also help liberate the beleaguered people of Iraq. Aside from the moral imperative, there are a number of tangible benefits to the United States that a more democratic Iraq will bring.

First, if real democracy can take hold, it will dispel the notion that the people in the Middle East are incapable of democratic governance, just as Taiwan and the Philippines have destroyed the “Asian values” myth in recent years. It’s notable that the scourge of Islamic terrorism has been nurtured, not destroyed, in dictatorships like Iraq, Iran, Syria, and Saudi Arabia. A democratic regime in Baghdad will set an example and hopefully spark other badly-needed changes in governments in the region. And, in the long run, democracy will prove to be the antidote to Islamic-based terrorism.

A democratic regime that follows our removal of Saddam Hussein will also provide us with a new and reliable ally in this critical part of the world. The war on terrorism will almost certainly entail additional actions, and the intelligence, political support, overflight rights and the like from an allied regime in Iraq could prove critical to those efforts.

Lastly, a democratic Iraq will bring that nation’s vast oil production capabilities back onto the world market. This will help the world economy, among other things, lessening the ability of the Saudis and others to manipulate oil prices.

While I support this resolution and support using force to rid the world of Saddam Hussein, I do want to offer a few caveats.

First, our commitment to this effort must be total. Our goal here must be nothing short of the destruction of the current Iraqi regime. That is the realist way to permanently disarm Iraq of its weapons of mass destruction. And providing our Armed Forces with anything less than everything they need to accomplish that goal is unacceptable. And that includes the support of our intelligence community.

Second, after removing the regime, we must resist the temptation to rush home. As I just stated, there are enormous benefits in helping Iraq achieve democracy. But the world is impatient by, among other things, lessening the ability of the Saudis and others to manipulate oil prices.

Third, we must not undertake this struggle on the cheap. We should make no mistake: this operation is going to require a great deal of manpower, weapons platforms and equipment, possibly for quite some time. Those forces need to come from somewhere, and our forces have been stretched thin by the profusion of peacekeeping missions and the budget cuts of the 1990s. Meanwhile, we need to maintain and, I would say, even augment our deterrent posture elsewhere in the world. For example, the Quadrennial Defense Review, mostly drafted before September 11, called for increasing our carrier presence in the Western Pacific. This seems to me to be quite necessary, given that we normally have only one carrier—the Kitty Hawk—in that region, but two potential conflict zones, Korea and Taiwan. Yet, when we began our operations in Afghanistan last year, the Kitty Hawk was called to duty in the Arabian Sea, leaving us with no carrier in the Western Pacific for months.

We will almost certainly face this situation again if we go to war against Iraq, and it is not something that we should ignore. The upshot, is that this body needs to grapple with the need for a defense budget that supports the cost of operations like Afghanistan and Iraq, defense transformation and an adequate global force posture. At current spending levels, we are going to come up short of that goal.

Last, but not least, I believe the administration needs to be very careful in its diplomatic efforts to secure a new U.N. Security Council resolution. That body includes the terrorist regime of Syria, Communist China, which threatens our friends on Taiwan and sells fiber-optics to Iraq, and Russia, which has forged close economic ties with Iraq over the past decade. Principle, not expedience, must be our ultimate guide in dealing with these countries and others that refuse to deny or authorize U.N.-backed action. If we need to make concessions to these regimes that undermine our interests elsewhere—in Taiwan, for example—then it is not worth securing their votes in the Council. Ultimately, we should be prepared to defend our interests with or without the U.N.

Which brings me to my conclusion, Mr. President.

This resolution we are considering today, and this action the President is contemplating in Iraq, is not about carrying out the will of the United Nations or restoring its effectiveness. It is not about assuring the world that the United States is committed to “multilateralism.”

Section 3(a)(1) is the heart and soul of this resolution. It authorizes the President to use the Armed Forces of the United States to “defend the national security of the United States against the continuing threat posed by Iraq.” That is what we are doing here today, defending our national security.

It is a sobering, and humbling, task. But as members of the United States Senate, it is our solemn duty. The PRESIDING OFFICER. The Senator from Virginia, Mr. WARNER, Madam President, I compliment our distinguished colleague. I say to the Senator, even though you have given your statement, I anticipate this debate in the Senate will continue for 2 days, and perhaps your Senator might find the opportunity to revisit the floor and, again, personally elaborate on your points.

Today, you have given a very important and timely historical context of the events, and the sequence of those events. And you have placed extremely important emphasis on what the U.N. is trying to do today, as we are right here, in fashioning an inspection regime that is much stronger than the one that is on the books from when Hans Blix was again sure the Senate observed Hans Blix, after visiting with Iraqi officials in Austria, said he would like to wait until the Security Council acted.

Second, as I said, I think that only the most naive would believe that it is possible to have an effective regime, irrespective of what kind of resolution were adopted, as long as Saddam Hussein is in power. That is why I quoted the former U.N. inspection team leader David Kay, who made the point, with which I totally agree, that as long as Saddam Hussein is in power, it is impossible to have disarmament of Saddam Hussein because, as he noted, the object here is not inspections; the object is disarmament. And inspections would be but a means to an end.

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Mr. WARNER. I thank my colleague. Assuming the Security Council will act, I will personally await the judgment of our President and that of the Prime Minister of Great Britain, and others, before we can accept that as a workable solution. Would the Senator agree?

Mr. KYL. Madam President, I hope to have the opportunity to speak to this issue again, but I will say two quick things in response to the Senator from Virginia.

First, I note that Hans Blix has largely, it appears to me from news media accounts, agreed with the position of the United States on what would be necessary to conduct meaningful inspections that would result in the disarmament of Saddam Hussein because, as he noted, the object here is not inspections; the object is disarmament. And inspections would be but a means to an end.

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Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I would like to talk about the Iraqi situation for a small portion of my 15 minutes.

The more I have been reading about this, the more I have been studying it, the more I come to an answer that I have to make as to whether I will give the President authority to use our military forces along with other countries so as to avoid the use of weapons of mass destruction by Saddam Hussein. I have to ask myself a question: How is he most apt to disarm? What is most apt to make him disarm? Talk? Resolution? I think not.

When those are finished, a huge majority of the Senate will say this is not necessarily a question of war or peace.

This could be a question of whether an America armed for war, with the full knowledge on the part of Saddam Hussein that he is armed for war, and the President has the authority, might that bring about disarmament on the part of Saddam Hussein sooner than that bring about disarmament on the President's agenda whenever the but, more importantly, on the effect which action would have on the people of our country.

In considering the use of military action, my thoughts immediately turn to the people of the Commonwealth of Virginia. While the use of Armed Forces affects all Americans, it has traditionally had a significant impact on Virginia. The Commonwealth is home to literally tens of thousands of brave men and women who risk their lives to protect us and our allies.

The prospect of war places the lives of many of these men and women in jeopardy, and it means constant anxiety and fear for their families, wherever they may be based—whether in the U.S. or overseas, whether on land or on the seas.

I know from my experience as Governor how we rely heavily on the National Guard and Reserves whenever military action is necessitated, especially in the event of a military action will call up more Reserves and more of the National Guard when they are protecting our safety. It will disrupt those families and businesses and communities all across our great land.

This is not a decision I come to easily or without prayers for guidance and wisdom. The use of our Armed Forces means lives are at risk. The history of military action shows there are frequently unintended consequences and unforeseen dangers whenever the military is utilized. Fiscally, military action is expensive and can cause unrest both in the U.S. and international markets. When considering these outcomes, it is obvious using force to resolve the dispute is the least desirable and the last option for our country. But military action must remain an option for our diplomatic efforts to have any credibility or success.

I have listened and read comments from the past and present of leaders of the world, every nation's leaders, and the United Nations. They are well-meaning in pointing out their sentiments and the risks involved. However, we must weigh these risks and probable outcomes in the context of the threat Iraq poses to the U.S. and to our interests. I agree with the President, and the CIA, and the Department of Defense, and the State Department, that Iraq and Saddam Hussein's regime are a threat to the United States and our interests and our allies around the world. Because that threat is present and real, I believe the dangers will become substantially greater with continued inaction by the international community, or the United States acting in concert with allies.

The "whereas" clauses of the resolution we are debating effectively spell out the reasons the President should look at for authorizing the President to use military action, if necessary. Saddam Hussein has continually, brazenly disregarded and defied resolutions and orders to disarm and discontinue his pursuit of the world's worst weapons. To believe the end to the Gulf War and Saddam’s violent attempt to occupy Kuwait, the Iraqi leader unequivocally agreed to eliminate chemical, biological, and nuclear weapons programs, as well as putting severe limits on his missiles and the means to deliver and develop them. Since that armistice was reached in 1991, it has been consistently and constantly breached by Saddam’s regime, and has not been enforced at all by the U.N. for the past 4 years.

Can one imagine a nuclear weapon in the hands of Saddam Hussein? Let’s not forget this is a head of state who has demonstrated his willingness to use chemical weapons on other nations and his own citizens with little or no reservation.

If the current Iraqi regime possessed a nuclear weapon, it would drastically alter the balance of power in an already explosive region of the world. Such a capability could renew Saddam’s quest for regional dominance and leave many U.S. citizens, allies, and interests at great peril.

This man has no respect for international laws or rules of engagement. I share President Bush’s fear that increased weapons capability would leave the fate of the Middle East in the hands of a tyrannical and very cruel dictator.

Most dangerous, currently, is not his desire to have nuclear weapons, but stockpiling of chemical weapons, the stockpiling of a variety of biological weapons; and also his missile range capabilities, that far exceed U.N. restrictions.

There is another concern not only that he has stockpiled biological and chemical weapons and the means of delivering them, but also the justifiable and understandable fear that he could transfer those biological or chemical agents to a terrorist group or other individuals. After all, Saddam Hussein is the same heartless person who offers $25,000 to families of children who committed suicide terrorist acts in Israel.

The goal of the United States and the international community needs to be disarmament. Saddam Hussein must be stripped of all capabilities to develop, manufacture, and stockpile these weapons of mass destruction, meaning chemical, biological agents, and the missiles and other means to deliver them by himself or by a terrorist subcontractor.

If regime change is collateral damage of disarmament, I do not believe there
is anyone in the world who will mourn the loss of this deposed dictator. True
disarmament can only be accomplished with inspection teams that have the
ability to travel and investigate where they deem appropriate. To ensure they
have the required authority to conduct inspections, Congress must have
the component of what the President of the United States is trying to get the
United Nations to do.

We are trying to get full and unimpeded inspections. It would be ap-
propriate for us to say noncompliance would result in consequences.
The U.S. and the world cannot afford to have this mission undermined by
wild goose chases and constant surren-
titious, conniving evasion and large
suspect areas being declared by Sad-
dam to be immune from inspection.

I commend President Bush for recog-
nizing the importance of including all
countries in this effort. His statement
to the United Nations on September 12,
2002, clearly and accurately spelled out
the dangers Iraq poses to the world. By
placing the onus on the United Na-
tions, the President has given that
international body the opportunity to
re-establish its relevance in important
world affairs, and finally enforce the
resolutions its Security Council has
passed for the last eleven years.

Passing a new resolution will in-
crease the credibility of the United Na-
tions, which has steadily eroded since
the mid 1990s. The Security Council has
an obligation to provide weapons in-
spectors with the flexibility to accom-
plish their mission. This can only be
realized if a resolution is passed with
consequences for inaction or defiance.

That is why as the United Nations
debates a new and stronger resolution
against Iraq, the United States must be
united in our resolve for disarmament.
Passing a resolution authorizing our
President to use military force in the
event that diplomatic efforts are un-
successful sends a clear message to the
international community that Ameri-
cans are united in our foreign policy.

I respectfully disagree with the
premise that the President must first
petition the United Nations before ask-
ing Congress for authority. I question:
How can we expect the United Nations
to act against Iraqi defiance if the U.S.
Government does not stand with our
President and our administration’s ef-
forts to persuade the United Nations
and the international community to
enforce their own resolutions?

It is right for us to debate the resolu-
tions before the Senate, to voice con-
cerns and sentiments in support or op-
position. Each Member will take a
stand and be accountable, and when
the debate concludes, I respectfully ask
my colleagues, when a resolution is
agreed to, stand strong with our
troops, our diplomats, and our mission.
From time to time, one sees elected of-
ficials who moan in self-pity about hav-
ing to make tough decisions, but may not be popular. Well, I know the
vast majority of the Senators, regard-
less of their ultimate position on
this issue, can make tough decisions with
minimal whimpering. Senators have all
been elected by the people of their
States to exercise judgment consistent
with principles and promises.

As the Senate debates the merits of
each of the resolutions considered for
the possibility of continued inaction by
the United Nations. Americans cannot
stand by and cannot cede any author-
ity or sovereignty to an international body when the lives and interests of
U.S. citizens are involved. I believe it
would be a grave mistake for the United Nations to shirk its re-
sponsibility regarding Iraq; however, a
consensus might not be reached with
all nations on the U.N. Security Coun-
cil. If that circumstance arises, the
United States and the President will
have a duty to garner as much inter-
national support as is realistically pos-
sible.

Blissful, delusional dawdling, wishful
thinking, and doing nothing is not an
option for the United States. However,
continuing the diplomatic work in face
of the Security Council veto is nec-
essary not only for diplomacy, but to
gain allies to help shoulder the logis-
tical and operational burdens that
would be a part of any military campa-
ign.

It is true the United States can dis-
arm Saddam Hussein alone. However,
as we continue to pursue the ven-
omous al-Qaeda terrorists and other
terrorist sympathizers, we would
greatly benefit from allied support in
these extended efforts. I believe we will
see more allies join this effort to dis-
arm Saddam Hussein’s regime. Britain
will not be our sole teammate in this
effort. As other countries begin to un-
derstand the severity of the threat,
they will recognize it is in their best
interest to disarm Iraq.

The UK along with Spain, Italy and
some countries from the Middle East
have also come out in support of Kuwait,
Qatar, and the Saudis have also indi-
cated that maybe they will not send
troops in, but have offered logistical
bases that would be helpful for our tac-
tical air strikes.

We do not want to make this a war
against a particular group or certain
religious beliefs. We must guard
against any rhetoric or statement that
is targeted against Muslims or Arabs.
Our mission is to protect the United
States and its interests by up-
holding internationally agreed-upon
resolutions to disarm Iraq of biologi-
cal, chemical, nuclear, and missile
technologies. I urge the President to
make absolutely clear that in the
event we have to seek support from ali-
dies, that we continue to do so in the
Middle East.

As a member of the Foreign Rela-
tions Committee, I have participated
in committee meetings and top secret
briefings and analyzed this issue very
closely. After reviewing the several resolutions offered by our colleagues, I believe the best
way to provide the President with the
authority and the support he may need
is by passing the authorization for use
of military force against Iraq.

This resolution, introduced and o-
fered by Senator WARNER and Senator
LIEBERMAN, as well as Senator MCCAIN
and others, gives the President the au-
thority to use force if it is ab-
solutely necessary, is the best way to
ensure Saddam Hussein is disarmed
and military conflict is actually avoid-
ed.
The greatest responsibility of this Government and its officials is to protect and ensure the national security of the United States and our citizens. We know Saddam Hussein poses a threat to our country, and it is incumben upon every Member of this body to help him to prevent that threat. I am hopeful this problem will be resolved peacefully, through international diplomacy. But in the event those efforts fail, I do not want our President to be hobbled without the authority to protect the citizens of the United States of America.

Therefore, when my name is called, I will stand with President Bush, stand with our diplomats, stand with our troops and support this serious and necessary resolution, which is designed to save innocent American lives. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. BINKLEY. Mr. President, I think this is one of the most serious issues I have ever addressed on this floor, and I thank Lindsay Hayes and Karina Waller, who are with me today, for their help in preparing this statement.

There are few of us still around who lived through events which led to World War II. I was in high school, as a matter of fact, and I studied Hitler's actions month after month in history class. I vividly remember watching the world appear to Hitler while he pursued an aggressive military policy aimed at dominating the world.

The current situation reminds me of the agreements we studied in high school which were made after World War I. Hitler just waved them away. When Hitler flaunted the terms of the Versailles Peace Treaty, France and Britain did nothing to enforce it. When Hitler occupied the Rhineland and the Anschluss in Austria, no nation tried to stop him. While we stood by, the world repeatedly gave into an obnoxious, aggressive leader to avoid war.

When I was a senior in high school many of my friends left school to enlist. I left Oregon State College in December of 1942. Only seven of us in the Senate today served during World War II, but as one who fought in China, the "Forgotten War," I see the next Hitler in Saddam Hussein.

Senator WARNER, Senator INOUYE, Sam Nunn, and I also experienced the horror of the gulf war firsthand. In 1991, in an Israeli defense conference room we were told a Scud had been fired at Tel Aviv, which is where we were, and it could be carrying chemical or biological agents. Gas Masks were passed around the room and we waited about 20 minutes before being told that the Scud had fallen. The next morning we went to locate the Scud and found that it had been grazed by a Patriot missile. It had hit an apartment complex.

This was quite an interesting experience to Senator INOUYE and I because several years before this incident Senator DAN INOUYE and I had demanded that the anti-aircraft Patriot be modified to become an anti-missile system, and we were in Israel witnessing the use of that Patriot system.

Over 20 years ago, the Israelis saved the world a great deal of pain when they declared their nuclear reactor. That action delayed an Iraqi bomb by at least 15 years, and that raid also made Hussein more cautious. Today he has spread out and carefully concealed his military-weapon infrastructure to make destruction of those weapons more difficult.

We seek peace.

We abhor war.

We work to assure our military capacity is second to none because we believe in this new world no nation has time to re-arm. We must be ready instantly to defend our interests at home and abroad or perish.

Our President is right to shake Hussein's cage. The Middle East is a tinder box. Hussein has the ability to ignite the entire world, and that is Iraq.

Saddam Hussein cannot be allowed to expand beyond his borders again and he cannot continue developing weapons of mass destruction.

President Bush has an important role as the leader of the free world as he repeatedly states there is a menace in Iraq and it is growing.

This is the most serious situation we have faced since World War II.

Since the end of the Persian Gulf War, our forces have been enforcing the United Nation's mandate that there should be two no-fly zones in Iraq. Our planes fly patrols for the United Nations, over those no-fly zones daily and have been shot at almost every day. We cannot allow this continued risk to the lives of our own pilots.

The threat of weapons of mass destruction was real during the Persian Gulf War. It is even more real today. Five years ago, weapons inspectors were forced out of Iraq. Based on classified briefings I have received I have no doubt that Saddam Hussein has used this opportunity to expand his weapons program.

Iraq has not accounted for hundreds of tons of chemical precursors and tens of thousands of unfiled munitions canisters. It has not accounted for at least 15,000 artillery rockets previously used for delivering agents or 550 artillery shells filled with mustard gas. When inspectors left Iraq in 1998, the regime was capable of resuming bacterial warfare agent production within weeks. Hussein has had time to produce stockpiles of anthrax and other agents, including smallpox, and he is not afraid to use these weapons.

He has used weapons of mass destruction against Iranians, against his own people, and, I believe, against some of our military in the gulf war.

When Hussein begins blackmailing his neighbors and using his resources, the world will face an impossible situation. If Hussein's weapons program continues unchecked our allies—his neighbors—face an unconventional threat of immense proportions—a threat more horrible than all Hitler's legions.

The President needs our support to form a coalition that can confront this threat more horrible than all Hitler's legions.

We must pass this resolution now or our children, or our grandchildren, are going to shed a monstrous amount of blood to deal with this threat in the future.

Hussein will use these weapons if he is not stopped now. He will become a Hitler. He will continue as Hitler started—dominating one country after another. With the weapons he has, he need only to threaten their use, or to use them as he did in Iran. Then ours will be a terrible dilemma: how does the world deal with a madman who has weapons against which the world cannot defend?

If any Senator has doubts about this resolution, I ask them to ask themselves this question: Is Saddam Hussein really ready to become part of the family of nations again? Can anyone on this Senator floor answer that question "Yes"?

The U.N. has told Hussein that he must disarm 16 times. Sixteen times he has defied that body. He has lied. He has not once complied. Between 1991 and 1998, Iraq practiced a series of deceitful tactics designed to prevent U.N. inspectors from completing inspections. The same course of action will bring the same results.

As I have traveled at home, I am often asked "How do we know Hussein is so bad?" Our intelligence agencies have developed an enormous amount of evidence on his activities, his use of weapons of mass destruction, and his lies and deceptions. Unfortunately, this information is mostly classified, and the best technology can never compare to the information which was acquired.

As one of the Senator who is briefed on a regular basis I believe our intelligence agencies understand the nature of the threat Iraq poses. However, while it is likely that Iraq has large amounts of biological and chemical weapons, our knowledge of their ability to deliver those agents against long-range targets outside of Iraq is limited. In the absence of the formation of a coalition to contain Hussein, we must pass this resolution.

The President must have this authority. We want the U.N. to demand full inspections before this threat becomes even greater. This Congressional authorization to use force if necessary will send a message to the United Nations: Congress is united. We stand behind our Commander in Chief.

In 1945 the world community gathered together to drive once and for all Hitler's atrocities committed by Hitler to form the United Nations. That action made a commitment to protect succeeding generations from the scourge of war.
and promised such horrors would never again take place. Now it is incumbent upon the United Nations to fulfill that promise. The U.N. must send a message that the international community will not tolerate regimes which commit genocide against their own people, employ weapons of mass destruction against other countries, and harbor terrorists.

The world community must confront this Iraqi threat. This resolution gives the President the support he needs to convince the U.N. to join in building that coalition.

United States policy must be clear. Should the United Nations fail to live up to its promise, this resolution authorizes the President to take the necessary steps to protect the United States and ensure the stability of the world community.

With this authority the President may state clearly to members of other nations: Are you with us? Do you support our determination to face this threat now?

We are not alone, Great Britain and other nations are already supporting our President.

A new history of international courage can be written now. This generation need not endure a long and bloody world war if our leaders stand together and state clearly: the world will not condone defiance and deception, we will not allow a dictator to rise from the ashes of defeat to menace the world with awesome weapons.

I support our Commander in Chief.

I shall vote for the administration’s bipartisan resolution.

Our Nation is the last real superpower. The burden of that status is that every nation in the world must know we will use our military force, if necessary, to prevent tyrants from acquiring and using weapons of annihilation.

It is my belief that with this authority President Bush may prove that determination to the United Nations and there will be a coalition that will bring peace through strength to the Middle East.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Virginia.

Mr. WARNER. I thank our distinguished colleague from Alaska. It was very helpful for him to make references to his knowledge of the pre-war period. He had a very distinguished career in World War II as a member of the Army Air Corp and as a pilot. I had a very modest one at the tail end, just in training, in the Navy. But both of us remember that period very well.

The Senator emphasized quite forcibly the need for the United Nations to face up to this. Having lived through that period, we remember the League of Nations. We remember the blatant failure of that period, we remember the League of Nations. We recognize the plight of the United Nations, we recognize the League of Nations. We face up to this. Having lived through the dust bin of history and in some small vestige was absorbed into the United Nations.

I have a strong view, and I think our President has made reference to this, that unless the United Nations lives up to its charter and assumes the responsibility of enforcing its own Security Council resolution, that organization, too, could fall into the dust bin of history, not unlike the League of Nations.

Does the Senator share those views?

Mr. STEVENS. I certainly do. I share deeply the views of the Senator from Virginia. It does seem to me that we should have learned a lesson from the period of World War II. It took a terrible attack upon Pearl Harbor to bring us to the power we needed to enter that war. Our Nation was part of the group trying to brush Hitler under the rug, thinking somehow or another this would go away. But President Roosevelt, to his great credit, had the courage to stand up and try to find ways to be with those who were willing to stand in Hitler’s way.

Now is the time to recognize that once a person becomes President of the United States and becomes Commander in Chief, there is an awesome responsibility. Reportedly after the events of September 11th last year, we have to recognize that as Commander in Chief he needs our support. Politics in my mind has always stopped at the water's edge. We ought to be united behind our President when he is dealing with problems such as Saddam Hussein. We certainly ought to be united in terms of voicing the sentiment that the United Nations must stand up and be counted this time.

Sixteen times. How many times does he have to go to the well before he finds out that he must comply with these U.N. mandates? There is enough evidence out there now that Saddam Hussein has failed to comply with the mandates that give rise to a world coalition to contain him. We thought we already had.

We have our Coast Guard stopping ships going into the station. We have pilots flying over the two no-fly zones but there are no palaces all over the place and will not let anyone know what is in them.

Mr. WARNER. Might I add that those pilots to whom the Senator referred, American and Great Britain, were shot 60 times in just the month of September alone and they have been at it now for over a decade. It is the only enforcement of any resolution undertaken by any of the member nations. It is the United States, Great Britain, and at one time France. They have now been so long so contradictory that there is only enforcement of any resolution.

Mr. STEVENS. I have spoken to those young pilots at the Prince Sultan airbase in Saudi Arabia and at our offices in Kuwait and even in London. Many of our own pilots who flew those missions day in and day out did not resent. They just got tired of the stress of flying over the no-fly zones and being shot at daily by missiles that are capable of downing their aircraft.

Thank God we have some of the systems to defend against those missiles, but the U.N. has absolutely had blinders on. They have not even seen that. Both British and American pilots are trained daily by the U.N. because they are flying over no-fly zones. They have every right under international law to be there because Saddam Hussein agreed they could be there.

Mr. WARNER. In writing.

Mr. STEVENS. In writing.

He is shooting missiles at them every day.

It is high time we did away with that concept that the area of Baghdad is off limits. If they down an airplane, I don’t think there is any question in the world we should declare war against them because he has violated the United Nations agreement he entered into himself. The only way to help him to shoot at pilots day in and day out with impunity is totally beyond my comprehension.

Mr. WARNER. The purpose of this resolution is to prevent a pilot from being abandoned. If we go for this and if we fail, if we lose this Chamber, if we clearly show, not only to the American public but to the whole world, that we stand arm in arm with our President, no daylight between us which can be exploited by Saddam Hussein and perhaps weak nations—if we are arm in arm, it is the extent to which this United Nations is more likely to fulfill its obligations under the charter and, hopefully, devise a resolution which can bring about an inspection regime which has teeth in it this time, and make it very clear if Saddam Hussein’s regime does not live up to it, then member nations such as ours and others in the coalition can utilize and resort to force.

Mr. STEVENS. Mr. President, the Senator is absolutely correct. The real problem is it is the members of the United Nations know we mean business, they are not going to come and join a coalition. It takes money, it takes time, it takes commitment, it does not come easy in every democracy. But the necessity is there for us to tell the world we are ready. We are ready to bring an end to this man’s deceitful action against the world. But until we do, who is going to join the coalition until they know the superpower is really in there? We have to put our money on the table first. We have to put our hand out there to anyone who is ready to join this coalition, to say: We are there. Are you with us or not? If you are not, then you are not part of the history concern. History will read the nations who stood together and stopped Saddam Hussein, saved the world, as well...
as those who joined with us in World War II saved the world. I think this threat is even worse, though, than the one we faced. It is the most awesome thing possible, the more I learn about these weapons he has, weapons of mass destruction that can be deployed and used in so many ways. To think a person is there who has been willing to use them against Iran, against his own people, the Kurds. I still believe some of the problems our people had in the Persian Gulf war came from his testing some of these weapons. There is no question in my mind.

Mr. WARNER. Mr. President, my colleague is absolutely right. Now with the transportability of some of those weapons of mass destruction, and if we were to place them in the hands of the international terrorist ring—I don't say he hasn't done it already. We don't have the specific knowledge—that is an imminent danger to the United States. Based on history, I would like to read one brief statement. June 1936, Haile Selassie, Emperor of Abyssinia—Ethiopia today—in an appeal to the League of Nations.

I assert that the problem submitted to the Assembly today is a much wider one. It is not merely a question of the settlement of Italian aggression. It is a collective security. It is the very essence of the League of Nations. It is the confidence that each state is to place in international treaties. It is the value of promises made to small states that their integrity and their independence shall be respected and ensured. It is the principle of equality of states on the one hand, or otherwise the obligation laid upon small powers to assume responsibilities. In a word, it is international morality that is at stake. Do the signatures appended to a treaty have value only insofar as the signatory powers have a personal, direct and immediate interest involved?

The rest is history. The League did nothing but debate and debate and did nothing. And this country perished. We are at that juncture now, I say respectfully to the United Nations. Will they fall into the dustbin of history as did the League?

I thank my colleague.

Mr. STEVENS. Mr. President, the Senate and I are of another generation. There is no question about that. I never thought I would live to see the day I would say there is no question in my mind this is a greater threat than what we faced when we were young. But I had time. There was time to adjust. Every Persian Gulf war had time to take the actions that were necessary to evict Saddam Hussein’s likes from Kuwait.

But now it is not a matter of time. I am convinced the clock is ticking on the world as far as this threat is concerned. These are weapons of mass destruction. Even one of them should lead a person to have some fear. The only thing we can do is to join together with the world.

Someone said to me the other day we can’t do it alone. Whoever said that is absolutely right. This is not something one nation can do alone. But this is something where one nation can lead. That is what is happening right now. We must lead. We must form this coalition, and we must convince the U.N. to be a part of that coalition and to be firm. And this time—this time, to quote Eisenhower, ‘‘we know what we face, the mighty tasks that come from the U.N., or we will lead the world to enforce them. It must be done.

Mr. WARNER. Mr. President, we thank our colleague. The advancement of technology is what makes things different. The technology are what underlies this doctrine of preemptive strike, which our President says must be addressed now, not only by our Nation, but other nations that wish to protect themselves and their own security. That is a very important issue, and I give great credit to this President for having the courage to bring to the forefront of the world—not just the United States, but the forefront of the world—the threats we face with now the advancement of technology to the development of weapons of mass destruction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to praise I have learned, worthy colleagues who have done so much through the years to make sure our country is free and many areas of the world are free as well. I want to associate myself with their remarks.

I was particularly impressed with the remarks of the distinguished Senator from Alaska, whom we all revere and respect, and, and I might add, particularly with the remarks of the distinguished Senator from Virginia. I was very aware of the Abyssinia problem—now we call it Ethiopia. I think his point is well taken. I would just like to associate myself with the remarks of both of my dear colleagues.

I ask unanimous consent I be allowed to use such a phrase?

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

Mr. HATCH. Mr. President, this week, as we know, we debate the most serious topic Congress can ever face, whether we will authorize the President to use force to address a looming threat to our national security. Right here and now I wish to say I will support this President, should he determine we need to deploy the military of the United States to Iraq into compliance with the resolutions of the international community requiring it—transparently and permanently—to disarm itself of weapons of mass destruction.

If this requires the removal of Saddam Hussein from power, as I believe it will, I will support this President’s policy of regime change, and I respectfully urge my colleagues to join me. It may be early in our Senate debate on this resolution, but we have been discussing our policy options for years. The President and his advisers have regularly consulted with us, with our allies, with the international community, and with the American public. As a result, I believe this administration will act with a coalition of willing nations, fully within the boundaries of international law, with the support of this Congress, and with the support and prayers of the American people.

I am honored to have served the people of Utah for 26 years. Utahans are a patriotic people. Almost all, Republicans and Democrats, will support the President of the United States when he makes his final determination the vital interests of this country are at risk and we must take military action to protect those vital interests. Tonight the President will make that case before the American people, and we will all listen intently to his words.

As a Senator who represents the interests of Utah but also the interests of our country, I know a decision on the use of force is the most serious consideration I can make because the costs may be measured by the ultimate sacrifice of good Americans. I make this decision with the deepest of study and prayer, and I offer my prayers to support any President who must make such a final decision.

President Bush has acted conscientiously and openly in determining his administration’s policy toward Iraq. I do not understand criticisms of this administration as being secretive, unilateral, militaristic, and uncooperative.

From my perspective, none of these adjectives represent an objective reality. President Bush has warned us of the threat from Saddam Hussein’s Iraq since he stepped into the national spotlight during the presidential campaign. I was there. He has been expressing what most observers, expert analysts, and honest brokers have long recognized.

Iraq has broken all of its pledges to cooperate with the international community and disarm; has refused to allow international inspectors since 1998; has never completely accounted for materials used for weapons of mass destruction, specifically biological and chemical weapons, since its defeat in 1991; has violated every U.N. resolution passed since 1991; has repeatedly fired on U.S. and allied aircraft patrolling the northern and southern “no-fly” zones; and Saddam Hussein has continued to threaten his neighbors and has never ceased his hostile rhetoric toward the United States;

And, Iraq has never proven to the international community that it has abandoned its pursuit of nuclear weapons.

In fact, as a member of the Senate Select Committee on Intelligence, I can tell you Iraq has never really abandoned that.

Claims that the President has been unilateralist are completely unfounded. The pace of diplomatic activity conducted by administration officials in the capitals of our friends and
ally, as well as in Geneva and in New York, is as active as any administration’s diplomacy in modern times. Every day there is another respectful consultation, as the President’s Secretaries of State and Defense, and the National Security Adviser’s team, have repeatedly reported.

The President’s speech before the United Nations 1 day and 1 year after September 11 was the most eloquent and forceful presentation of a U.S. President before that body.

His appeal was ethical and it was logical. He stood before the body of the international community and he said:

The United States stands with you behind the resolutions that are the core reason for this body’s existence.

If this body is to mean anything, the President logically implied, then this body must stand behind the resolutions that Iraq is flouting today.

Never before has a President made such a dramatic and persuasive appeal before the U.N.

Never before has the U.N. been confronted with such a clear choice: Stand by what you say . . . . or stand aside in irrelevance.

The President has consulted with every Member of Congress, and with most of us many times.

His representatives have dutifully and constructively testified before numerous of our committees, and they have always been available for more discussions when needed.

What the Constitution gives the foreign policy-making prerogative to the executive branch, I have always thought it sound judgment that a President voluntarily seek support and authorization from the U.S. Congress.

Clearly, that is what this President has done with numerous consultations over the past weeks, including discussions that have culminated in this resolution we will debate this week.

This administration has respectfully included the public in this most serious of deliberations. Virtually all of these presentations, testimonies, and speeches have been done in the public eye.

While a few congressional briefings have had to be conducted in closed settings due to the necessary review of classified materials, the arguments and most of the evidence for the determination of this administration’s policy on Iraq have been there for the public to judge.

The President’s speech tonight will crystallize for the American people the importance of this decision before us.

In the past 2 weeks, there have been a few partisan eruptions.

I believe we should never shrirk from debate, and I believe that the matters of war and peace must be thoroughly debated as long as we recognize that, in the world of human affairs, there is no perfect wisdom, particularly of how the future will unfold.

But let us not presume there are limits to good faith.

The President, a single Democrat or Republican who glibly supports a decision that may have the consequence of shedding blood.

And there is no Democrat or Republican who would ever seek to jeopardize the national security of this country by refusing to engage a threat that is looming.

The decision so to go to war cannot, must not and will not be a decision of politics.

In 1996, I warned that Osama bin Laden was a threat to this country. Bin Laden’s activities had been of concern to a few prior to this. But, in that year, a number of interviews and articles with this man indicated that he had large and evil intentions. I believed that he would distinguish himself from other terrorists by taking his grievances out of his homeland and his region and that some day—at a time we could not predict—he would be a threat to this country.

I cannot raise this point with any pride. I warned about bin Laden, and many good people in the intelligence and law enforcement agencies began to respond to this growing threat.

For years, historians will someday study, based in part on the inquiries we have already begun, we did not stop bin Laden. And he brought the terrorism war home to us.

Two years later after I first warned about him the he attacked two U.S. embassies in the same morning, destroying buildings, and killing American diplomats and their families, as well as hundreds of Africans in Nairobi and Dar es Salaam.

A few days later, the President addressed the Nation, telling us he had responded to the Africa attacks by bin Laden with cruise missiles against Sudan and Afghanistan.

While some raced to criticize him for "wagging the dog" trying to distance himself from the unfolding drama of his personal troubles I personally spoke out and approved of the President’s initiative.

I was in Salt Lake at the time. Because I had raised bin Laden so many times and had become thoroughly involved in trying to help the President with some of his problems, they interviewed me there, and I said at that time that he did the right thing, but I also said he should follow up and not just do it once.

We were attacked and the U.S. had to respond, because if we did not respond, our passivity would invite further attacks.

I also urged the President not to let that be a single set of strikes. I knew that any response we made short of eliminating the threat of bin Laden would embolden bin Laden.

Since the days after September 11, I have often thought of those key moments in the late 1990s. I do so not to cast blame. The lives lost in New York, at the Pentagon, and in that Pennsylvania countryside will always be a reminder of how we failed to anticipate, failed to respond, failed to eliminate a threat we knew was there.

But let these not be lessons lost.

The lives lost in New York, Washington, Pennsylvania, and in our campaign in Afghanistan demonstrate that if we are not prepared to engage an enemy before he strikes us then we must accept that we will pay a cost for pursuing him afterward.

To me and to many Utahns and citizens throughout the Nation, the lesson of September 11 is not for your enemy to attack—especially when he has access to weapons of mass destruction.

If you have evidence of your enemy’s capabilities and with Saddam Hussein and Al Qaeda and if you have evidence of his enmity and with Saddam Hussein we do—then do not err on the side of wishful thinking. With enemies with the destructive capabilities of Saddam Hussein, we must be hard-headed.

The administration has argued that Saddam’s Iraq poses a threat, a threat that must be eliminated. If we cannot eliminate the threat of weapons of mass destruction through coercive, thorough and comprehensive inspections backed by the international community then the U.S. must seek to build our own coalition of willing nations to disarm Iraq by force and allow for a regime that will replace Saddam and restore peace to the community of nations.

I believe the President should continue to work with the international community to seek ways to disarm Iraq short of military intervention. Military force should never be our first course of action.

But I will not support a resolution that conditions our authorization on actions by the United Nations.

Such a move would set a precedent over sovereign decisions conducted by this country to defend its national interests.

Supporting such language would, in my opinion, infringe upon the constitutional prerogative that resides with the President to conduct and manage the Nation’s foreign policy.

Congress must resist attempts to micromanage a war effort.

The resolution we debate today is an authorization. But, the timing and modalities of action need to be—and must be controlled by the administration, with consultation wherever possible, so long as that consultation does not hamper the war effort.

Traditional geopolitics requires us to think about national security in categories of our interests.

Our vital interests are defined as the security of our homeland and our way of life; we must defend them at any costs, and we must be willing to defend them alone, if necessary.

There are areas of vital national interest to this country, that if they were threatened or succumbed to hostile control, would jeopardize our homeland or our way of life.

They are: the Western Hemisphere; Japan; Europe; and the Persian Gulf.

Saddam Hussein continues to threaten the stability of the Persian Gulf. From this perspective, I believe that the frightening capabilities of
Saddam’s chemical and biological weapons pose a threat to the region, and to the stability of the Gulf, and therefore to our vital national interests.

In addition, nontraditional geopolitics recognizes that international phenomena other than state matters must be considered when assessing the national security of the United States. Terrorism is the number one non-traditional threat to the U.S. today. This may seem obvious after September 11. It was not obvious enough before September 11.

The American people know that we are at war with al-Qaida. The American people recognize that never again can we be complacent about threats to this country and our interests.

And the American people understand that this war on al-Qaida cannot be used as an excuse to ignore other grave threats, such as the threat that Iraq continues to pose.

We should not assume that Saddam Hussein will politely stand in line behind al-Qaida.

With the questions remaining about Iraq’s weapons of mass destruction, with too many suggestions of Iraq’s ties with terrorists, and with no question about Iraq’s animosity to the United States and other countries as well, including many in the Middle East, should the United States consider an option of doing nothing, or too little, as we did with al-Qaida before September 11?

Perhaps, as a result of the diplomatic pressure building on Saddam Hussein in recent days, his regime will comply with a forceful and comprehensive international inspection regime.

However, we should not for a single moment forget Saddam Hussein’s history of obsfuration and delay. His record of non-compliance is 100 percent. Any inspection regime which we agree to support must complete the actions required in all Security Council resolutions, including opening up new, now that would demand compliance with inspections or face the use of force.

Some have suggested that a war on Iraq would be the beginning of a radical doctrine of preemption—that we are now setting a precedent for unilateral military action against regimes that we find odious.

The idea of “preemption” is as old as Grotius, the father of international law, and the 17th century. U.S. policymakers have never foreseen the option of preemption, and have never seen the U.N. Charter as restricting the use of preemption in the event of a threat to our national security. But we have examples of this thinking in both Republican and Democratic administrations.

Recall that U.S. nuclear doctrine never adopted a no-first-use policy.

Nor is the policy decision we are facing a new, unilateral, and unilateral approach to dealing with other countries with which we have conflicts.

S10026

CONGRESSIONAL RECORD — SENATE

October 7, 2002

Some have suggested that, if we authorize the use of force against Iraq, we are automatically implying that we support the use of force against the other two countries in the “axis of evil” termed by the President.

Today, the administration is using diplomacy to control the ongoing confrontation on the Korean Peninsula.

And while Iran remains a geopolitical threat, as it continues to fund terrorism in the Middle East, and is extending its influence in Afghanistan, the political foment within Iran is also providing a challenge to that Islamic fundamentalist dictatorship, as more and more Iranians seek to overthrow their corrupt and repressive tyranny.

Despite some leftist revisionist histories, America has always been reluctant to use force overseas. As a democracy, we are imbued with values of caution and respect for human rights, reluctance and a desire to let other nations choose their own paths.

But the world changed for us on September 11, 2001.

The American people are patient, but we should never let that patience be used against us. As the President has said, if we are to wait until we have definite proof that Iraq intends to use weapons of mass destruction against us, then it may be too late.

For too long, we were hesitant to attack al-Qaida, presuming that they would never dare to attack us in the heart of our financial center, at the core of our defense establishment, in the openness of our commercial airways. We were wrong.

Can we accept the consequences of being wrong with Saddam Hussein’s Iraq?

If this Congress authorizes the use of force, and if the President concludes that force is the only option in removing Saddam Hussein from power and disarming Iraq of weapons of mass destruction, then I believe that every member of this body will fully support our President and our Armed Forces.

Iraq has been in a dangerous geopolitical limbo since Saddam Hussein was ejected from Kuwait in 1991, and then left to oppress his people over the ensuing decade.

If the United States must act to remove Saddam Hussein, we must be committed to help reconstruct Iraq. This will take sustained policy focus. The U.S. will, once again, pay for a large portion of the reconstruction.

We would expect our allies to pay for a large portion of the costs of war. We would expect our allies to pay for a large portion of the reconstruction.

U.S. policy must commit to the long-term stability of Iraq. We must work with the various Iraqi ethnic groups to build a coalition of a tolerant, educated, modern Iraq. Many of the Iraqi people have a history of valuing education, modernity and multiethnic society. We must commit to staying in Iraq until the basic institutions that will provide long-term stability are built.

A stable, tolerant, modern Iraq may transform the Arab Middle East. Other traditional states will have to explain to their own peoples why they hesitate to grant democratic rights and privileges, basic human rights, and respect for women, if an Iraqi government were to arise from the repression of Saddam to blossom as an example of tolerance and modernity.

If we commit to the liberation of the Iraqi people, and we assist them in rising out of decades of Saddam Hussein’s depredations, the whole world will be able to see that the Arab world is not predisposed to tyranny, but regimes, anti-Western hatred, willful ignorance.

I believe that this is President Bush’s vision. The President understands that the use of force against Saddam Hussein—if it comes to this—will be the beginning of the end—not just of that dictator’s brutal reign, but also of nearly a century of Arab despotism.

I pray that Saddam Hussein capitulates to the international community and allows unfettered and comprehensive inspections, and that he removes himself from power or is removed by some brave Iraqis.

But if we are not so fortunate, I pray Godspeed for our men and women in the military who may, once again, go beyond our shores to protect those of us within them.

Mr. President, I again thank our very fine leader on our side and others on the other side for their efforts in this regard, for the support that they have for this country, for our President, and for doing what is right.

I personally respect the distinguished Senator from Virginia very much. I have watched him through the years work with both sides, trying to bring people together and to accomplish the best things for our country. I personally express my respect for him here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our colleague for his kind comments, and also for his important statement he has delivered to the Senate.

I want to pick up on one thing that the Senator mentioned, and there has not been as much discussion as yet on this subject. It is a very important one.

The President has repeatedly said the use of force is the last option. But should that be taken, and where be force used by presumably our country, Great Britain, and hopefully others in the coalition, then the responsibility devolves upon those nations, primarily those who use force—again, hopefully, the United Nations would take a strong role, but that remains to be seen—in trying to reestablish, for the people of Iraq, against whom we hold no animosity—the people—a nation bringing together the factions in the north, the Kurds, and the Shi’ites in the south, and hold that country together.

But I find, in studying, as my astute colleague will undoubtedly believe, as we look at the situation in Kosovo, we
had to come in there with other nations and help establish the economy, and we are still there. Indeed, in South Korea, how well you know we have been there now over 50 years.

It seems to me there are several points to Iraq which differentiate the responsibilities of our Nation and other nations following such hostility, as hopefully will not occur, but should they occur; that is, Iraq, at one time, was an absolute extra-ordinary nation, a nation of well-educated, well-educated nation which has a number of natural resources, primarily petroleum, from whence to gain a revenue flow.

So far as I can determine, much of that infrastructure of intellectual people and well-educated, hard-working people and, indeed, the oil that is present there, once it is properly cared for and put in the competitive world market, it seems to me that the dollars involved would be, comparatively speaking, a much less because of the natural resources, and the problem of reconstructing a government, hopefully, would not be as challenging as maybe some say because of the presence of such a fine citizenry, almost all of whom have been severely depressed by Saddam Hussein and the brutality of his regime.

Does the Senator share those thoughts?

Mr. HATCH. I do. Our intelligence shows that the Iraqi people know they are repressed, that there are many of them who wish things would change, but there is such repression that they are afraid to strike out, afraid to speak out, or afraid to react in ways other than the way the current leadership in Iraq wants them to react.

This is a very important country. It has tremendous resources, resources that are fully capable of helping that country to resuscitate itself, to reconstruct. The resources are being ripped off of the Iraqi people right now by Saddam Hussein and others around him. They are being spent on matters that do not uplift the aspirations and hopes of the people in Iraq.

As we all know, there is no question that if we could get rid of this repressive regime, Iraq could become a real player in the Middle East and help everybody in the world to understand that Islam is not a religion of destruction. It is not a religion of warfare in particular. It is a very good religion with tremendous ethics and responsible approaches towards life and towards living in the world community.

Nor do I agree with some of our critics in the evangelical movement in this country who have been outspoken in their criticism of Islam, blaming the radical elements of Islam, who are not the majority, for many of the things that are going on that are reprehensible, including the Osama bin Laden group, al-Qaeda, and so many other terrorist groups.

The Senator is absolutely right. We believe, and our intelligence shows, that Iraq could become a major player in world affairs, a major construct for good, if it had different leadership and if the people had the privilege of democratic principles.

I thank my colleague because he has been pointing out all day, as he has served here, very important nuances upon which every one of us should take more time to consider.

Mr. WARNER. I thank my distinguished colleague. He has many years of experience in the Senate. His wisdom is being brought to bear on this critical issue. All of us feel a weight on our shoulders, the importance of this debate, and the importance of the vote we will cast. If there was ever a vote that would be clearly a matter of conscience between all of us, this is it.

Mr. HATCH. I thank my colleague.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. WARNER. I see our valued colleagues on the Senate Armed Services Committee. I look forward to hearing his remarks.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Virginia for the opportunity to be here today and for his close attention to these matters of war and these matters of peace that so often come before us on the U.S. Armed Services Committee, and for his counsel and wisdom. I thank him so much.

I rise today to discuss our Nation's Iraq policy and the resolution we are now debating. This resolution could give the President the power to send the United States Armed Services into a military conflict with Iraq.

As I am sure most of my colleagues will agree, for the U.S. Congress there is no more important debate than one that involves a decision that may lead to loss of life of our brave men and women in uniform.

It is with the question that Saddam Hussein poses a threat to the Middle East, our allies in the region, and our international interests that include rebuilding Afghanistan and making peace between the Israelis and Palestinians.

Saddam has refused to comply with United Nations resolutions that were the basis for a cease-fire during the Persian Gulf war in 1991. He agreed to those terms in order to prevent the multinational coalition from proceeding into Iraq and removing him from power by force.

Throughout most of the 1990s Saddam was held in check through U.N. weapons inspectors, a naval blockade and United States and allied air patrols over the southern and northern areas of Iraq.

During that time the U.N. inspectors uncovered Saddam's chemical and biological programs and dismantled those they located. However, since 1998, Saddam has not allowed U.N. weapons inspections.

Now, nearly 4 years have passed with no outside reporting on progress made in Saddam's chemical, biological, or nuclear programs. Moreover, we know that Saddam recently attempted to purchase aluminum rods used to refine uranium. These rods could be used to develop materials for nuclear weapons. President Bush and his administration have determined that Saddam Hussein's quest for weapons of mass destruction must end now. The President said in his speech before the U.N. that Saddam poses an immediate, unchecked threat to our Nation and our allies, and unless we now his arsenal will only grow.

Any resolution on action involving Iraq that the United States Congress would approve must focus on the imperative of disarmament of Iraq.

By disarming Saddam and removing his nuclear, biological and chemical capability, he will pose no strategic threat to the United States or our allies. Saddam would be contained.

If, in order to disarm Iraq, we need to use military force that results in the destruction of the current regime, then we should do so. Saddam Hussein must know that the United States will support President Bush's use of force to remove him, if he does not comply with orders to disarm and destroy all weapons of mass destruction.

The President has suggested that "regime change" may be the only way Iraq will comply with the 16 existing U.N. resolutions. However, a resolution whose primary focus is "regime change" does not address the fact that the next regime in Iraq, even if it is more friendly to the United States, would inherit all weapons systems and programs that the United States did not destroy.

Additionally, if we pursue "regime change" as an objective, we will severely limit our ability to form a multinational coalition of support as President Bush's father did so successfully during the gulf war. Our allies worldwide have expressed support for disarming Saddam, but little enthusiasm for regime change.

Alone among President Bush's advisors, Secretary of State Colin Powell has suggested that putting weapons inspectors back in and making sure they can do their job is the proper avenue to pursue.

The heart of this resolution should outline precisely what access weapons inspectors should be afforded as they inspect precisely what access weapons inspectors should be afforded as they inspect. It should demand complete transparency of Saddam's military inventory, and unrestricted and unfettered access to all of Iraq by U.N. weapons inspectors, including the presidential palaces and other compounds.

And that's in concert with a focus on disarmament, a congressional resolution should also strongly urge the President to exhaust all diplomatic efforts within and outside the United Nations. Total disarmament of Iraq should be a multinational effort that the United States Congress must support.

Nevertheless we must reserve the right, and give the President the authority, to act unilaterally provided...
the presence of an immediate and grave threat to the United States.

This congressional resolution should not give the President an immediate and unconditional pass to wage war, but should place an emphasis on his diplomatic efforts to resolve the issue of disarmament without loss of life.

If Saddam’s defiance leads to war, we must also focus on what will need to be accomplished after the war in order to ensure stability in the region.

I hope we will experience this debate.

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

I ask unanimous consent that any further speeches tonight on the Iraq matter be limited to 15 minutes, and that when we come tomorrow morning to go on the Iraq matter, the speeches be limited to 15 minutes until 12:30.

Mr. WARNER. Mr. President, it is my understanding it will be around 10 o’clock.

Mr. REID. It will be 9 or 10 o’clock.

Mr. WARNER. I thank our colleagues.

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

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

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I am going to depart the floor. I see no colleague on either side wishing to address further the debate on Iraq, although the opportunity has been offered.

I think I can speak for our leadership on that. That is a constructive observation. I am sure my distinguished colleague would think almost all 100 Senators will want, at one point in time prior to the vote, to express themselves on this important issue that will result in a considerable amount of the Senate’s time. It is the most important thing before us. I think that is wise counsel.

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I ask unanimous consent at the conclusion of my brief remarks an article that appeared today in the Washington Post be printed in today’s RECORD.

With these objectives, the United States will work to establish international support and cooperation and exhaust all diplomatic avenues before going it alone in Iraq; and the United Nations weapons inspectors will be allowed unfettered access to inspect Iraqi weapons systems and facilities and they will be supported by armed U.N. troops.

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The PRESIDING OFFICER (Mr. Nelson of Nebraska). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank our colleagues for their contribution to this debate. Listening to him, as I have to all the others who have spoken today, underscores the importance of each Senator hoping to contribute to this debate.

My understanding is the leadership will announce shortly the intention to have periods tomorrow that this debate can take place. I hope we will experience tomorrow as robust and important debate as we have had today on the floor.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

The assistant legislative clerk proceeded to call the roll.

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

(See exhibit 1.)

The article is well composed in the sense it asks eight questions of those participating in the Iraqi debate about issues at the heart of what we are discussing. I hope by including it in the RECORD it is more readily available to colleagues as they work on their remarks. These are the very questions I encountered this weekend and last weekend as I traveled in my State. I daresay, other Senators will be asked these questions by their constituents and therefore this article is very helpful.

I will not pick up without specifically pointing to those provisions which prompt me to do so. I pick up comments to the effect by others that if Saddam Hussein does this, then everything will be one way or the other. If he does not do that, then this will happen, one way or the other. I call it the doctrine of giving Saddam Hussein the benefit of the doubt. I urge colleagues to think about that because we are dealing with an individual who is more time. We will try to facilitate the management of the floor.

My point is those Senators who might desire to exceed 15 minutes, I am sure the Senate will consider why they need that additional time.

Mr. REID. Mr. President, as usual, our staff saw a possible problem with this. So what I think would be best to do is just not worry about Senator BYRD. We will have this limitation apply for the rest of the evening and until 12:30 tomorrow when we go into party conferences.

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extremely complex, at the least. People are trying to read his mind. Speaking for myself, I have no capability of reading his mind. Nor do I ever predicate action I take or support on what he might do if he does this. I can’t follow that line of reasoning. Therefore, I do not give the benefit of the doubt to Saddam Hussein.

What dictates my views about this man is the clear record that he used poison gas against his own population, his own citizens of Iraq. It is reputed, and well documented, that he has actually beheaded individuals who have stood up to disagree with him. So I somehow feel he has not earned a place in leadership that you can, in any way, pontificate about, or figure out what he might do. I think we have to decide as a free Nation what we are going to do, and urge the United Nations to lay that out very clearly in a resolution that leaves no doubt, gives no benefit of the doubt to him as to what he’s going to do, and then should turn to a course of decisive action because our very future is dependent upon, hopefully, the United Nations taking such actions as are necessary, clearly, to enforce their resolutions and such additional resolution—and I hope it is only one—then we may devise.

I yield the floor.

Exhibit 1

Debate Over Iraq Focuses on Outcome—Multiple Scenarios Drive Questions About War

(by David Von Drehle)

Congress plans this week to debate a joint resolution that would give President Bush broad powers to disarm Iraq—including the authority to invade the country and depose President Saddam Hussein.

The resolution is expected to pass easily, in part because leading Democrats want to get the issue of war behind them, and in part because there is widespread agreement on Capitol Hill that Hussein must be dealt with.

"We begin with the common belief that Saddam Hussein is a tyrant and a threat to the United States faced an enemy armed with sophisticated missiles and managed to withstand a ground assault with thousands of high-yield bombs mounted on it. Saddam Hussein is thoroughly evil, he is above all a power-hungry survivor."

Hussein’s behavior has not always squared with this characterization, and so one of the secret agents to assassinate George H.W. Bush, and Iraqi guns routinely fire at allied aircraft over the Iraqi “no-fly” zones. But proponents of continued containment think there is a line that the Iraqi leader will not cross for fear of the consequences.

This assumption drives no thinking of figures such as Morton H. Halperin of the Council on Foreign Relations, who advocates a policy of tougher weapons inspections and a “containment-plus,” as he calls it. This strategy, “if pursued vigorously. . . will, in fact, succeed in preventing Saddam from using weapons of mass destruction, much less his country, containing or the Armed Services Committee."

But many people, President Bush among them, believe more is needed. After the Sept. 11 attacks—not when weapons might be delivered secretly to fanatics willing to destroy themselves in an attack. Sen. John W. Warner (R-Va.), ranking member of the Armed Services Committee, put it this way: "The concept of deterrence that served well in the cold war has changed. . . . Those who would commit suicide in their assaults on the free world are not rational and are not deterred by rational concepts of deterrence."

(2) Is Hussein in league with al Qaeda?

Somewhere, there is a cold, hard answer to this question, but so far, no one has publicly proved it one way or the other. Though administration officials have charged that al Qaeda operates in Iraq, the same is believed to be true of more than 50 other countries. Daniel Benjamin, former director of counterterrorism for the National Security Council, recently argued that secular Iraqis and fundamentalist al Qaeda are natural rivals, not co-conspirators.

But if the answer is yes, it strengthens the case for moving quickly.

"We must redouble our efforts to identify and disarm threats such as those (posed by) Saddam Hussein, al Qaeda and other terrorist groups," retired Air Force Lt. Gen. Thomas McInerney told a Senate hearing.

The same gaps in intelligence gathering that make it hard to know whether Hussein deals with al Qaeda make it dangerous to assume he doesn’t. McInerney argued: "We face an enemy that makes its principal strategy the targeting of civilians. . . . We should not wait to be attacked with weapons of mass destruction before we act."

(3) Is disarmament possible without "regime change"?

No one in the mainstream believes that Hussein will disarm voluntarily, but some experts—including Secretary of State Colin L. Powell—entertain the possibility that he will if it is driven hard enough.

That said, skepticism is very high that the Iraqi weapons problem can be solved while Hussein runs the country. Charles Duelfer, a veteran U.S. inspector in Iraq, recently said, "In my opinion, weapons inspections are not the answer to the real problem, which is the regime."

Finding and destroying weapons of mass destruction, much less his country, containing or by trying them to terrorist groups," Halperin recently assured Congress.

But retired Gen. Joseph Hoar, a former commander in chief of U.S. Central Command, sees it differently. "The nightmare scenario is that six Iraqi Republican Guard divisions and six have been reinforced with several thousand antiaircraft artillery pieces, defend the city of Baghdad. The result would be high casualties on both sides, as well as the civilian community."

The rest of the world watches while we bomb and have artillery rounds exploded in densely populated Iraqi neighborhoods," Hoar testified before Congress.

(5) What would the Iraqi people do?

Again, there are two scenarios (always with the possibility that the truth is somewhere in between).

One emphasizes the relative sophistication and education of the Iraqi population, and its hatred for Saddam Hussein. These qualities, according to the optimists, would make the Iraqis unwilling to defend him, grateful for the arrival of American liberators and ready to begin building a new, pro-Western country as soon as the smoke cleared. "We shall be greeted, I think, in Baghdad and with kites and with jokes and with Arab scholar Fouad Ajami of Johns Hopkins University has predicted.

The aftermath of the war would not necessarily be chaos. Duelfer has theorized: "There are institutional in Iraq that hold the country together: the regular army; there’s departments of agriculture, irrigation and the like; there are two scenarios: one ghastly, one hopeful."

The pessimistic view emphasizes the deep divisions in Iraq. There are Kurds in the oil-rich north, yearning for an independent homeland. There are Shiites concentrated in the South and seething at the discrepancy between their large numbers and limited influence in Iraq. For all their education and institutions, they have experience with self-government. Iraq might trade one despotic for another.

(6) How will the Middle East react to the war and to the subsequent peace?

This may be the most potent of the unanswered questions. Here, there seems to be agreement that rank-and-file Muslims won’t like an American war in Iraq. Michael
O'Hanlon, a defense analyst at the Brookings Institution, has referred to the “al-Jazeera effect”—millions of Muslims watching televised scenes of destruction and death, and bombing missions. Halperin believes that many who have theorized that al Qaeda recruits would be inundated. “Certainly if we move before there is a Palestinian settlement,” he has written, “there will be a number of people in the Arab world who will be willing to take up a terrorist attack on the United States and on Americans around the world.”

Some experts predict that the regional reaction would then go from bad to worse. According to Regional Strategic Studies at the Nixon Center in Yorba Linda, Calif., “Iradians . . . worry about a failed and messy U.S. operation that would leave the region in chaos. They would then be on the receiving end for possibly millions of new Iraqi Shi’a refugees.”

Mark Parris, a former U.S. ambassador to Iraq’s northern neighbor, Turkey, has raised the specter of a war between the Turks and the Kurds over the oil cities of Mosul and Kirkuk. The fragile reign of Jordan’s moderate King Abdullah II would be shaken by an expected anti-American reaction among that nation’s many Palestinians, said Kemp: “The Saudis will ride it out, the Egyptians will not,” he said, “but we all a little worried about the king.”

Against this, there is a school of thought that says a moderate government in Iraq could lead to modernization throughout the region. “A year after [Hussein falls], Iran will get rid of the militias,” McNemar recently predicted. “The jubilation that you see in Iran will change the whole tenor of the world, and the sum of all your fears will disappear, I assure you.”

Would a military campaign in Iraq help the United States in its effort to end terrorism? That is the question many experts, including many Arab nations—that is essential to fighting terrorism.

To “drive a stake in the heart of al Qaeda,” Hoar recently said, it is essential to have “broad support from our European allies and from our friends in the Arab world.” Like many experts, he believes that a war in Iraq could do more to support the spirit of cooperation between nations—including many Arab nations—that is essential to fighting terrorism.

On the other hand, retired Gen. John Shalikashvili, a former chairman of the Joint Chiefs of Staff, while insisting on the importance of building more international support for U.S. policy on Iraq—has argued that dealing with Iraq cannot, ultimately, be separated from the problem on terror. “If you falls under the same umbrella,” he told a Senate committee. “The war against terrorism isn’t just al Qaeda. . . . It is also defending the President to use force unilaterally, without a United Nations resolution, or perhaps with the assistance of Great Britain. The disadvantage, to which I had referred earlier today, on having a resolution which required U.N. action is that, in effect, we would be subordinate or subject to a veto by China, which is undesirable; France—undesirable; Russia—undesirable.

But the difficulty with authorizing the President to use force unilaterally is it might set a precedent for other countries to say they could do the same. While these analogies are not perfect, one which comes to mind is China on Taiwan, or India on Pakistan, or the reverse—Pakistan on India.

My question to one of the managers of the bill, one of the coauthors of the bill, is this: What precedent is at all being set in the event of a precedent being established if Congress authorizes the President to use force without a U.N. resolution to use force, on justifying some action by some other country like China and Taiwan, or Pakistan and India, or some other situation in the future?

Mr. WARNER. Mr. President, I say to my distinguished colleague, speaking for myself—and I hope the majority of the Senate—in no way should this Nation ever subordinate itself in its decision making with respect to our national security, to actions or inactions by the United Nations.

Let me just give a wonderful quote that I, in my research on this subject, have referred to before. This was October 22, 1960, when President Kennedy, while under the leadership of President Kennedy, was faced with the looming missile crisis down in Cuba. I know my colleague knows that period of history very well. Kennedy said the following:

This Nation has presented its case against the Soviet threat to peace and our own proposals for a peaceful world at any time and in any forum in the Organization of American States, in the United States, or in any other meeting that could be useful, without limiting our freedom of action.

That, to me, answers the question.

Mr. SPECTER. Mr. President, the citation by the Senator from Virginia is a very impressive one, beyond any question, that some might think there was some difference in circumstances between the impossible Cuban missile attack in 1962, with the so-called Cuban missile crisis, compared to the present time with respect to Iraq. I would be interested to know what the Senator from Virginia was doing at that time. I could tell the Senator from Virginia that was the one occasion where my wife and I went out to the supermarkets and stocked up on food, as did most Americans, and put them in the basement of our house.

The resolution was replete with maps showing the missile range from Cuba to Philadelphia—the ones I particularly noted. They passed by Virginia en route to Philadelphia.

But the point is, with the Senator from Virginia, we ought never subordinate our sovereignty when we face that kind of a threat.

But I think the threat is significantly different with respect to Iraq—although I concede the threat. But the point is missed, at least somewhat, and that is whether U.S. unilateral action could set a precedent for some other country taking unilateral action, such as the ones to which I referred.

Mr. WARNER. Mr. President, why have any action by a strong, sovereign Nation such as ours, which I say with humility is a leader in the world in so many issues of foreign policy, can be used as a precedent. But I say to my friend, what is the precedent of inaction? I have given some comments about the League of Nations here earlier today. Throughout the history of the League, it is documented inaction, from Mussolini’s attack on Abyssinia in the 1930s, to other operations militarily, naked aggression—inaction.

So what is the precedent of inaction, if our President and our Nation does nothing collectively with Great Britain, in the face of this crisis? So, of course, it would be a precedent.

But the times have changed. I also put a list in the Record the other day of some 13 instances where Presidents of our United States, going back as far as 1901, have indulged light or have characterized it, as I do, as preemptive; I certainly so characterize it—preemptive strikes in the use of the military, the U.S. Army, Navy, Air Force, Marines. Look here; it is documented: Panama, 1903; Dominican Republic, 1914, 1930, and 1965; Honduras, 1912; Nicaragua, 1926; Lebanon, 1958; Cuba, the naval quarantine in 1962; Grenada, 1983; Libya, 1986; Panama—just cause—1989; Somalia, 1992; Sudan and Afghanistan, August 1998; Iraq, Desert Fox—yes I recall that one. The eve of Christmas.

I remember my good friend and your good friend, Bill Cohen, was Secretary...
of Defense. I went over and visited with him in his office as ranking member of the Armed Services Committee, where we discussed the coming Desert Fox operation, a form of consultation between the executive and legislative branch. That was March of 1998.

Kosovo, there was preemption. I will hand this to the Senator. That was March of 1999.

International law recognizes the concept of anticipatory self-defense. That is a phrase known in international law—if a country is imminently threatened.

I think the record at this point is replete with facts, where we could be in imminent threat of the use of weapons of mass destruction by Saddam Hussein, and more likely his surrogate—any one of which in this international coalition of terrorists.

Mr. SPECTER. Mr. President, without going through the entire litany, I agree there are all illustrations of anticipatory self-defense. The Afghani missile attack on August 20 of 1998 was in response to al-Qaida because of the destruction of our embassies in Africa at about that time. I don’t think you could call the Grenada incident a matter of anticipatory self-defense. I don’t think you can call it self-defense at all. I think what the Senator from Virginia referred to is not a case of anticipatory self-defense—action by the United States but not anticipatory self-defense.

Mr. SPECTER. Mr. President, it is true that in 1991 we had a debate which was characterized as historic. I recall the occasions when I was in the Chamber with the Senator from Virginia seated over there on the right-hand side. Senator Nunn was in the Chamber. We were debating that extensively in the Chamber today. I think it will be reassuring to the American people to see this kind of analysis and this kind of discussion—that we are not rushing to judgment.

Mr. WARNER. They deserve no less. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3068 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”)

NOMINATION OF MIGUEL ESTRADA

Mr. SPECTER. Mr. President, I now will comment on the pending nomination of a very distinguished lawyer to the Court of Appeals for the District of Columbia Circuit, Miguel A. Estrada, who has been nominated by President Bush for the Court of Appeals for the District of Columbia Circuit.

Mr. Estrada has an extraordinary background. He received his law degree from Harvard, magna cum laude, in 1986. He received his bachelor’s degree, magna cum laude, from Columbia College. Mr. President, I ask unanimous consent to have printed in the Record his employment record, which shows the very outstanding work he has done.

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

Miguel Estrada, Nominee to the Court of Appeals for the District of Columbia—Biographical Data

Miguel A. Estrada is currently a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, where he is a member of the firm’s Appellate and Constitutional Law Practice Group and the Business Crimes and Investigations Practice Group.

Mr. Estrada has broad appellate experience—he is widely regarded as one of the country’s best appellate lawyers, and has argued 15 cases before the U.S. Supreme Court. He is a member of the American Bar Association’s “gold standard” for judicial nominees—unanimously rated Estrada “well qualified.”


He received a J.D. degree magna cum laude in 1986 from Harvard Law School, where he was editor of the Harvard Law Review. Mr. Estrada graduated with a bachelor’s degree magna cum laude and Phi Beta Kappa in 1983 from Columbia College, New York. He is fluent in Spanish.

Mr. SPECTER. Mr. President, during the course of the hearings on Mr. Estrada, the issue was raised about obtaining memoranda which Mr. Estrada had worked on in the Solicitor General’s office from 1992 to 1997, internal memoranda which would be very troublesome for disclosure because of the need for candid expressions by lawyers who work in the Solicitor General’s office.

A letter, dated, June 24, 2002, was submitted by a former Solicitor General, Seth P. Waxman, on behalf of all seven living ex-Solicitors General, objecting to the request by the Judiciary Committee for these internal memoranda, signed by Mr. WAXMAN, on behalf of Walter Dellinger, Daniel H. Feldman, III; Kenneth W. Starr; Charles Fried; Robert H. Bork; and Archibald Cox. It is apparent, on the face of those signatures, that you have people from a broad spectrum, from very liberal to very conservative.

Of more importance than the range of Solicitors General on the political spectrum are the reasons set forth in the letter. And the essence is contained in a couple of paragraphs:

Former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General’s decision-making process.

Then, in a later paragraph, it continues:

It goes without saying that, when we made these and other critical decisions, we relied on frank, honest, and thorough advice from our staff attorneys, like Mr. Estrada. Our decision-making process required the unbribed, open exchange of ideas— an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent opinions if those opinions are not safeguarded from future disclosure. High-level decision-making requires
candor, and candor in turn requires confidentiality.

Mr. President, I ask unanimous consent that the full text of this letter be printed at the conclusion of my statement. That will abbreviate the time of the statement.

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

(See Exhibit 1.)

Mr. SPECTER. Mr. Estrada was questioned about an article which appeared in The Nation, which referred to anony-

mous sources on the subject. Mr. Estrada was questioning prospective clerks for Justice Kennedy and was applying a litmus test. This is what is set forth in the article in The Nation in the October 7, 2002, issue:

Perhaps the most damaging evidence against Estrada comes from two lawyers he interviewed for Supreme Court clerks. Both were unwilling to be identified by name for fear of reprisals. The first told me: “Since I went to him to help me get a Supreme Court clerkship, I knew he was screening candidates for Justice Kennedy. Miguel told me, ‘No way. You’re way too liberal. I would definitely not put you to an ideological litmus test, and I am a moderate Democrat. . . .’”

A second unnamed person in the article said:

“I was a clerk for an appeals court judge,” the professor told me, “and my judge called Justice Kennedy recommending me for a clerkship with him. Justice Kennedy then called me and said I had made the first cut and would soon be called for an interview. I was then interviewed by Miguel Estrada and another lawyer. Estrada asked most of the questions. He asked me a lot of unfair, ideological questions saying that he couldn’t remember if it had ever happened, that it might have been possible but he had no recollection.

His answer was:

Now, that you have drawn that to my attention, it is possible that interviewing a candidate—I can’t think of any now, but it is possible that I may have come to the conclusion that the person’s ideology was so strongly engaged in what he thought as a lawyer, I would not be able to follow the instructions in the chambers as set forth by Justice Kennedy.

Then, when the questions are pursued, Mr. Estrada says candidly he can’t remember ever having said that but would not rule out the possibility. It seems to me that when someone is being questioned, and being questioned from sources which refuse to reveal their identity, that it is impossible for a witness, a nominee for a judgeship, to give a responsive answer.

One of the very basic principles of American jurisprudence is that an individual is entitled to confront his accuser. That is a basic constitutional requirement, of course, in a different context in the fifth amendment of right to confrontation. But as a matter of basic fairness anywhere, if a person is to have an opportunity to focus on a question, to focus on the evidentiary allegations, or ought not have it held against him if people are challenging him who will not be disclosed.

And the article in The Nation magazine says specifically it came from two lawyers, both unwilling to be identified by name for fear of reprisals. It is a little hard to see what the reprisals would be.

If somebody has something to say about a judicial nominee, let him come forward. If they are not going to be identified, how can you expect a responsive answer to be given by an individual, which is apparent on its face, as Mr. Estrada tries to respond to these questions without knowing precisely what they are.

Other issues were raised as to Mr. Estrada because of clients he represented and causes he undertook. I regretted I could not be present for all of the Estrada hearings because we were debating homeland security on the day his hearing was up, and I was there for part of it but not there for all of it.

It was reported to me that Mr. Estrada was questioned about comments which have been made by the solicitor general, representing a client, trying to have the case of Miranda v. Arizona overturned, a 1966 decision where the Supreme Court laid down certain requirements for warranties and waivers.

The Omnibus Crime Control Act of 1968, passed by the Congress, sought to change the Miranda rule by providing that the confession be judged on the totality of the circumstances. An act of Congress is presumptively constitutional, and a matter for argument. The Supreme Court considered the issue and decided that Miranda would not be overruled, considered it, many years later.

Shortly after the Omnibus Crime Control Act was passed in 1968, I was asked by the National District Attorneys Association to argue a case captioned Frasier v. Cupp where there was a confession at issue under Escobedo. I appeared and argued that the conviction which was given, the statements which were given should be judged under the 1968 Omnibus Crime Control Act which said voluntariness should be decided on the basis of the totality of the circumstances.

In a State prosecution, the due process clause picks up the right to counsel of the sixth amendment and the privilege against self-incrimination of the fifth amendment. The argument which I made was there ought not to be a higher standard imposed on the States under the due process clause than on the Federal Government.

Under the 1968 statute gauging the admissibility on the totality of the circumstances, the act was presumptively constitutional. The Supreme Court did not reach the issue in deciding the case of Cupp v. Oregon where the confession was upheld. But I had appeared before the McClellen committee in 1966 and said I agreed with Miranda and that I thought as a matter of public policy Miranda was the correct decision. I said that not withstanding the fact that I thought it was distinctly more than that time and had to deal with the limiting effects. It seemed to me it placed the suspect on an equal par with the interrogators for them to be required to say you have a right to counsel, you have a right to remain silent.

But notwithstanding my own personal view that Miranda was the correct decision, I felt entirely free to argue to the Supreme Court the position that the 1968 act ought to govern, and the totality of the circumstances ought to prevail.

This is just one of what I understood to be a number of concerns expressed by some members of the Judiciary Committee. I think there ought to be a sharp distinction between what an individual believes as a matter of judicial philosophy or ideology and what an individual does by way of presenting a case for argument.

Under our adversarial system, all sides are to be presented, both sides are to be presented, and the court is to make the decision. An attorney has the liberty of making arguments which he thinks are good-faith arguments for resolution by the court.

It is my hope that the Judiciary Committee will report out Mr. Estrada. Frankly, it looks as if they are not going to do so. The reason, really, the excuse will be given that the Solicitor General’s opinions will not be forthcoming. But they realistically cannot be forthcoming for reasons set forth by the Solicitor General’s letter that if they are to be able to have honest and frank discussions, they have to have the honest opinions of their lawyers.

And if you are going to make public disclosure in the context of a judicial confirmation proceeding, the lawyers are always going to be worried about that and are not going to give their frank opinions.

Ultimately, I hope we are able to adopt a protocol. Perhaps the year 2004 would be a good time. We have a Republican President now and a Senate controlled by Democrats and nominations were being held up. I am candid to say and have said, when we had a President who was a Democrat and the Judiciary Committee was controlled by Republicans, that nominations were held up.

I crossed party lines and voted for President Clinton’s nominees when I thought they were qualified. In the spirit of reciprocity, I have been able to get Pennsylvania judges confirmed. But perhaps in the year 2004, when no
one knows exactly what 2005 will bring. We can end this politicization of the Judiciary Committee process and adopt a protocol which I have submitted but which would say that after so many days after a nomination, the committee would consider it with a hearing; so many days after the hearing, the committee would vote; and so many days later, it would come to the floor. We could get rid once and for all of this politicization of the nomination process.

I ask unanimous consent that the text of my resolution of protocol be printed in the RECORD at the conclusion of my remarks.

THE PRESIDING OFFICER. Without objection it is so ordered.

(See Exhibit 2.)

Mr. SPECTER. I yield the floor.

EXHIBIT 1


Hon. PATRICK J. LEAHY, Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Chairman LEAHY: We write to express our concern about your recent request that the Department of Justice turn over “appeal recommendations, certiorari recommendations, and amicus recommendations” that Miguel Estrada worked on while in the office of the Solicitor General.

As former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General’s decision-making process. The Solicitor General is charged with the weighty responsibility of deciding whether to appeal adverse decisions in cases where the United States is a party, whether to seek Supreme Court review and adverse appellate decisions, and whether to participate as amicus curiae in other high-profile cases that implicate an important federal interest. The Solicitor General has the responsibility of representing the interests not just of the Justice Department, nor just of the Executive Branch, but of the entire federal government, including Congress.

It goes without saying that, when we made these other critical decisions, we relied on frank and open exchanges of ideas—an exchange that simply cannot take place if attorneys have reasons to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will temper their advice before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decisionmaking requires candor, and candor in turn requires confidentiality.

Any attempt to intrude into the Office’s highly privileged deliberations would come at the cost of the Solicitor General’s ability to defend vigorously the United States’ litigation interests—a cost that also would be borne by Congress itself.

Although we profoundly respect Mr. Estrada’s fitness for the federal judiciary, we do not think that the confidentiality and integrity of internal deliberations should be sacrificed in the process.

Sincerely,

SETH P. WAXMAN, WALTER DELLINGER, DREW S. DAYS, III.

KENNETH W. STARR, CHARLES FRIED, ROBERT H. BORK, ARCHIBALD COX.

EXHIBIT 2

Whereas there has been a continuing controversy with the political party of the President, the process on con- fimation of Federal judges by the Senate when the Senate is controlled by the opposite political party; and

Whereas there is a concern about a lack of public confidence in the Senate’s judicial confirmation process by some parties controlling the White House and the Senate: Now, therefore, be it

Resolved,

SECTION 1. PROTOCOL FOR NONPARTISAN CON- FIRMATION OF JUDICIAL NOMINEES.

(a) TIMETABLES.—

(1) COMMITTEE TIMETABLES.—The Chairman of the Committee on the Judiciary, in collaboration with the Ranking Member, shall—

(A) establish a timetable for hearings for nominees to the United States district courts, courts of appeals, and Supreme Court, to occur within 30 days after the names of such nominees have been submitted to the Senate by the President; and

(B) establish a timetable for action by the full Committee to occur within 30 days after the hearings, and for reporting out nominees to the full Senate.

(2) SENATE TIMETABLES.—The Majority Leader shall establish a timetable for action by the full Senate to occur within 30 days after the Committee on the Judiciary has reported out the nominations.

(b) EXTENSION OF TIMETABLES.—

(1) COMMITTEE EXTENSIONS.—The Chairman of the Committee on the Judiciary, with notice to the Minority Leader, may extend by a period not to exceed 30 days, the time for action by the Committee for cause, such as the need for more investigation or additional hearings.

(2) SENATE EXTENSIONS.—

(A) IN GENERAL.—The Majority Leader, with notice to the Minority Leader, may extend by a period not to exceed 30 days, the time for floor action for cause, such as the need for more investigation or additional hearings.

(B) RECESS PERIOD.—Any day of a recess period of the Senate shall not be included in the extension period described under subparagraph (A).

(c) REPORT OF NOMINATION TO SENATE.—

(1) NOMINATION TO SUPREME COURT.—Regard- less of the vote of the Committee on the Judiciary, a nomination for the Supreme Court of the United States shall be reported by the Committee for action by the full Senate.

(2) NOMINATION TO DISTRICT COURT OR COURT OF APPEALS.—If a nomination for the United States district court or court of appeals is rejected by the Committee on the Judiciary on a party line vote, the nomination shall be reported by the Committee for action by the full Senate.

UNANIMOUS CONSENT REQUEST—S. 2949

The PRESIDING OFFICER. Mr. SPECTER?

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for a period not to exceed 5 minutes each.

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for a period not to exceed 5 minutes each.

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

AMERICAN ECONOMY

Mr. DOMENICI. Madam President, it isn’t often that a Senator from New Mexico and a Republican quotes an editorial by the Washington Post regarding economics and economic activity and America’s economic future. This morning I caught an editorial in that newspaper which I have here behind me. It is from Saturday, October 5. It is styled “Negative Al Gore.”

I didn’t put it up here to be negative to Al Gore. I put it up here because the editors of this newspaper have come to this conclusion, and have come to it rather firmly, that the President of the United States, George Bush, is not responsible for the current state of the American economy, nor did he do anything to cause the recession—how mild it was, how deep it was, how long it has lasted. He didn’t cause it.

I would like to start first with a statement which I will print in the
RECORD which has gotten a lot of notoriety since I issued it and put it in the RECORD some days ago. It is a statement by Joseph Stiglitz, chairman of President Clinton’s Council of Economic Advisors. I don’t think we can quote enough, as those on the other side think we are going to influence the American people, who are already rather doubtful, that they are going to convince them that President George Bush is responsible for this slow economy.

This is a man, Dr. Joseph Stiglitz, who speaks for the Democrats, if he speaks for either party. He worked for President Clinton. He answered the question: When did the downturn start? I quote:

[The economy was slipping into recession even before Bush took office, and the corporate scandals that are rocking America began much earlier (than that.)]

We ought to be able to carry one of these around for the next 4 or 5 weeks, just as my friend Senator Breaux carried the Constitution. Every time we hear a Democrat, wearing his partisan clothes, get up and say President Bush did this, we will refer him to one of the best economists that ever served America, I believe the previous President on his Council of Economic Advisors, and later was a member of the Federal Reserve with the distinguished President we have there now, and he wrote this as a part of a dissertation with reference to the American economy.

Along comes the Washington Post a few weeks later, Saturday, October 5. Let me just read the yellow print and you can all be looking at the rest of it:

But President Bush’s main economic policy—the large tax cut of last year—was not responsible for any of the current damage. Indeed, given the twin shocks of 9/11 and the post-Enron stock market decline, the short-term stimulus created by the tax cuts has turned out to be fortuitously well timed.

You might recall, on a number of occasions, Senators who were putting forth the President’s tax policy—I think the occupant of the Chair might have even supported that tax policy—would get up and say: It just might be the right time. We might be doing something right for a change, where we are getting a tax cut to come in just at the time that the American economy starts to stutter, starts to stammer around. And for once we might be on time. I said in proposing it and getting the reconciliation instruction through here.

I said, in addition, spending additional resources rather than tightening the budget would be in order also. Sure enough, enough was the order of things with an increase in expenditures. And, guess what. The Federal Reserve Chairman lowered the interest rates, and we had the threefold attack which normally works in terms of the American economy.

We come to it right and punctual enough, but we did. So the American economy is staggering for some other reason. It may very well be that we had such an extensive balloon-type economy when the stock market was driving almost everything to outlandish prices coming on to the market that maybe when those start to fall, it takes a little bit longer for things to catch on and push that bubble up the ladder because it is falling down on us. Some say $1 trillion is the amount—trillion—of diminution in value. I put “value” in quotes as I say it because I am not sure what that value measure was that was value like you had dollar bills, but I am not sure what it was. People are having difficulty saying how much of that was nothing more than the hot air of the stock market. I don’t know the answer to that. I haven’t studied that.

I would like very much to say to the editors of the Washington Post, I have some additional comments on the editorial that they have written. Obvi-ously, I have taken parts of it and put it in my speech. Otherwise, giving you the Washington Post credit wherever I thought it was right, that that language was consistent with what I am talking about.

The lead editorial on Saturday, titled “Negative A Grade,” seriously questions the Senate leader’s attack on President Bush. Let me highlight once more a couple of items:

But President Bush’s main economic policy—the large tax cut of last year—was not responsible for any of the current damage.

That is not the Senate Republican Policy Committee saying that. That is the Washington Post.

Another quote:

Given the twin shocks—

I have read that to you. It ends with: . . . fortuitously well timed.

That is again not mine, not the Republican Senatorial Committee. That is the Washington Post’s summary of how their editors see things in terms of the stock market and other things related to the American economy.

Another quote:

But to blame the weak American economy on Mr. Bush is nonsense.

That is the editorial of the Washington Post I am showing you here. Anyone who doesn’t want to listen can read this and see what the Washington Post says. Let me proceed. I think the writers of the editorial have it just about right. The economic blame and the blame game that Leader Daschle and former Vice President Gore have launched is, in my view, wrong. There is little truth to it, and there is little economic veracity attendant. It is not accepted as being realistic by those in the highest echelons of economic terms and assessments in America.

From the economic history, we know a speculative boom, once started, cannot end without some disruption. I believe the American public understands this, and understands that to blame the current weak economy on President George Bush is nonsense.

Having said that, I know we are engaged today, and for the next few days, in a serious discussion. Some would like to put the economy back front and center, and some think that would not be right. I believe we should proceed with dispatch to give the President the authority, if necessary, to see to it that Saddam Hussein does not use weapons of mass destruction and to use force, if he has to do that. I will speak in more detail and in more depth on that subject later on.

I think we are capable of discussing two major issues at the same time and getting them both right. Why can we discuss this issue the writers in the Washington Post editorial bring to our attention. I, for one, am not fearful of standing up and discussing that issue with anybody, any color of politics, any party that wants to talk about President Bush and the relevancy of his actions to the current status of the American economy.

I believe almost everything that was done—the lowering of the interest rates—was based on rather than keeping the strings tightened around the budget and, obviously, a tax cut that came in just as the recession started to occur—I think we can discuss those and we can ask anybody around, what would you have done? They would come up with three of them, or two out of the three. When a President gets that done and he is starting his first term, and he has one body that is not of his party, it seems he deserves some very significant accolades. It is not every President who would have gotten that done.

I believe we all looked for the right way to do it and the right things to do—what we did in urging a tax cut, urging the Fed to lower interest rates, and making the strings a little bit looser instead of tighter so we can spend more money. Some other reason is causing the slowdown, but it is not President Bush and his policies. It is not what the Senate voted in when we were in the majority and carrying it out under the majority of the Democrats, who have the body by one vote. We must remember one of our Members became an Independent and now votes with the other side.

Whoever would like to discuss the American economy, I am willing. I have a lot of other Senators who are willing. We will be here whenever you care to speak about it, and we might be here even when you don’t care about speaking about it. We may speak to ourselves.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. BIDEN. Mr. President, I rise today to call attention to Section 2302 of the 21st Century Department of Justice Appropriations Authorization Act which directs the President in consultation with the Attorney General, the Secretary of Health and Human Services and the Secretary of Education—to review all Federal drug and
substance abuse treatment, prevention, education and research programs and make recommendations about how to "streamline, consolidate, coordinate, simplify, and more effectively conduct and deliver" these services.

Mr. BIDEN. Yes, I would.

Mr. President, I want to make it clear that Section 2202 of the 21st Century Department of Justice Appropriations Authorization Act was not included because the Senate wants to cut substance abuse treatment, prevention, education and research programs. The conference report directs the President to conduct the study. The President's logical choice to conduct this study would be Drug Czar John Walters, the President's point person on the drug issue, wouldn't you agree?

Mr. BIDEN. Yes, I would.

Mr. President, I want to make it clear that Section 2202 of the 21st Century Department of Justice Appropriations Authorization Act was not included because the Senate wants to cut substance abuse treatment, prevention, education and research programs. After all, when the Senate unanimously passed S. 304, the Drug Abuse Education, Prevention and Treatment Act, which Senators HATCH, LEAHY and I introduced, it went on record supporting an increase in funding for demand reduction including programs for treatment for some of the 3.9 million people in this country who need it but are not receiving it. I know that the President does not want to shrink these programs either. Recall that when he announced Mr. Walters' nomination to be drug czar, he said that "the most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America" and he pledged that his administration "will focus unprecedented attention on the demand side of the problem." As I see it, the study is meant to assess current programs in order to identify where there may be duplication of effort and where we need to increase effort.

The belief that demand reduction programs are a valuable part of our national drug policy needs to guide this report. That does not mean that the authors should be afraid of recommending ways to deliver services more efficiently or to suggest that there is duplication of effort that needs to be streamlined. What it means is that the report should not be interpreted as a directive from Congress to decrease the level of effort dedicated to demand reduction.

Increasing access to treatment is critical. Drug addiction is a chronic relapsing disease. And as with other chronic relapsing diseases, such as diabetes, hypertension and asthma, there is no cure, although a number of treatments can effectively control the disease. According to the Journal of the American Medical Association, the rate of adherence to treatment programs and relapse rates are similar for drug addiction and other chronic relapsing diseases. And as with other chronic relapsing diseases, that means that treatment for addiction works just as well as treatment for other chronic relapsing diseases. I hope these facts will be reflected in the drug czar's report, particularly in terms of relapse. We should not be skimping on the amount of time a patient spends in treatment because someone thinks that would be more efficient. In truth, it would be less efficient. Studies have shown that the longer a patient spends in treatment the more likely that patient is to stay off drugs. But even with the best treatment protocol, patients relapse. That does not mean that treatment does not work, however.

Research is another area where returns on investment are not always linear or predictable. But I believe that we need to be doing more research on new forms of treatment, particularly when it comes to developing new anti-addiction medications. In the last Congress, I worked with Senators Levin and Hatch and former Senator Moynihan to pass a law to allow qualified doctors to prescribe certain anti-addiction medications in their offices rather than requiring patients to pick them up at special clinics. The bill helps to move drug treatment using anti-addiction medications into the medical mainstream. And buprenorphine, the first medication that could be prescribed under the system created by the bill, is expected to be approved any day now. We need to develop additional medications for this new system to treat cocaine and methamphetamine addiction as well as to curb the cravings associated with addiction.

The last item that I would suggest the drug czar keep in mind when drafting his report is the importance of prevention, particularly school-based prevention programs. After several years of a stable level of drug use in the United States, this year drug use is up 11 percent among 12 to 17-year-olds and 18 percent among 18 to 25-year-olds. It is vital that we increase our current school-based prevention programs. After several years of a stable level of drug use in the United States, this year drug use is up 11 percent among 12 to 17-year-olds and 18 percent among 18 to 25-year-olds. It is vital that we increase our current school-based prevention programs.
Senator HELMS has been an active and consistent presence dedicated to preserving American freedom and liberty. Senator HELMS has had a tremendous influence on policy matters over the last 30 years. He has been an outspoken critic of ceding American prestige to international organizations and an ever-vigilant watch dog of any treaty or agreement which may not be in the best interests of the United States. He has been a reliable conservative voice on many social issues and a consistent critic of government bureaucracy. Of his many achievements, Senator HELMS has been the most active through his position on the Foreign Relations Committee, which he took over as Chairman in 1984. He sponsored the Helms-Burton Act, which codified the U.S. trade embargo against Cuba and allowed lawsuits against foreign companies who benefitted from American property expropriated by Castro’s Communist dictatorship. Senator HELMS has had another notable feat, when in 1996, he worked across the aisle to achieve passage of historic legislation reorganizing the State Department. Senator HELMS has also maintained flexibility in his thinking, working closely with other members of the Foreign Relations Committee to examine and solidify the relationship of the United States and the United Nations, examine trade relations with China and examine the policies surrounding U.S. foreign aid.

Senator HELMS has had a significant impact in his 30 years here in Washington. His absence from important policy decisions will truly be missed. Anyone who has dealt with Senator HELMS knows that he is a man whose conviction to his beliefs will not be easily swayed. They will also tell you that there are few people who are more congenial and charming than Senator HELMS. I wish he and his wife, Dorothy, and the rest of his family all the best. It is a tribute of respect and admiration that I offer these words to commemorate his retirement.

ACHEIVEMENTS OF THE SENATE JUDICIARY COMMITTEE

Mr. LEAHY. Mr. President, today we held the 26th hearing for judicial nominees since the change in majority in the summer of 2001. The Judiciary Committee now considered 100 nominees in less than 12 months. It took the Republican-controlled Senate 33 months—almost 3 full years—to hold hearings for 100 of President Clinton’s judicial nominees, although more than 100 were pending well before that. We have reached that mark in less than half that time.

Since the summer of 2001, we have held more hearings for more judicial nominees—103 candidates—than in any comparable 15-month period of the 6 ½ years before the Senate changeover last year.

We have also held more hearings for circuit court nominees—20—than in any comparable period of that previous 6 ½ years, when our predecessors allowed an average of only seven circuit court nominees to be confirmed per year. In the past three weeks we held two back-to-back hearings for procedural circuit court nominees back to back. We held the judicial nomination hearings held during the prior period of Republican control, no circuit court nominees were on the agenda.

During their 6 ½ years of control of the Senate, there were also 30 months in which Republicans held no hearings at all. Democrats have held at least one hearing per month and have held almost two per month on average. We have been working nonstop to address the vacancy crisis we inherited. In the 6 ½ years of Republican control, before the reorganization of the committee last summer, vacancies on the Courts of Appeals more than doubled from 16 to 33 and overall vacancies rose from 65 to 110.

Added to that were the 47 new vacancies that have arisen since last summer. Thus, rather than 157 vacancies, with the 80 circuit and district court nominees we have confirmed, there are now 77 vacancies.

The President has yet to nominate anyone for 30 of these vacancies. With today’s hearing for 7 judicial nominees, we will have held hearings for 21 of the 47 nominees currently pending. Many of the nominees who have not yet had a hearing were nominated only recently toward the end of this congressional session. Due to the White House’s refusal to allow ABA peer reviews to begin prior to nomination and because the ABA peer reviews have been taking between 50 and 60 days from the time of nomination, the White House knows that many of these late nominees will not have their files completed in time for hearings.

Thus, of the 40 who have had a hearing, only seven have completed files—especially, ABA reviews and the consent of both of their home-State Senators. That is, the majority of the nominees who have not yet had a hearing completed their files. Of the seven who are eligible for a hearing, but who have not yet had a hearing, six have relatively controversial records which require more review. The only remaining district court nominee did not have a complete file by the time the White House was notified.

Accordingly, with today’s hearing, since the changeover last year we will have held hearings for 103 of the 110 eligible judicial nominees with complete files. Thus, 94 percent of this President’s judicial nominees who had completed files have been given hearings. This remarkable achievement is irrefutable evidence of the good-faith efforts we have made to restore order to the confirmation process—good faith efforts that the convoluted hope will be matched by the White House.

I am certain that President Clinton would have been overcome with gratitude if the Republicans ever gave 94 percent of his judicial nominees hearings in the years Republicans controlled the confirmation process during his administration. They never did. Instead, in 1996 for example, Republicans allowed only 36 of the 79 Clinton nominees to be confirmed, or 46 percent. In 1998, Republicans allowed 47 of 126 pending judicial nominees to be confirmed. In 1999 they allowed only 33 of the 71 judicial nominees to be confirmed, about 46 percent, and in 2000 they allowed only 19 of the 81 pending judicial nominees to be confirmed, or 24 percent. Thus, during their 6 years of Senate control during the Clinton administration, Republicans allowed only about half of the judicial nominations to be confirmed on average per year. Their percentages are even worse for circuit court nominees. These are detailed in my floor statement of October 4.

To this point, the Senate Judiciary Committee has voted on more judicial nominees—83—and on more circuit court nominees—17—than in any comparable 15-month period of prior Republican control. The Democratic-led Senate has already confirmed 80 of the judicial nominations of President George W. Bush. In so doing, we have confirmed more judicial nominees in less than 15 months that were confirmed in the last 30 months that a Republican majority controlled the Senate. We have done more in half the time.

The expeditious pace should not be construed as a rush to the appointment of judges to lifetime positions. I ask unanimous consent to print in the RECORD several recently published editorials from the Rutland Herald, the Barre Montpelier Times Argus and the Los Angeles Times. Each of these articles emphasize the important obligation of the Senate to thoroughly review the records of the President’s judicial nominees. They serve as an important reminder that our outstanding record of treating President Bush’s judicial nominees more expeditiously than President Clinton’s nominees were treated.

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

[From the Los Angeles Times, Oct. 3, 2002]

CAUTION ON COURT NOMINEES

Since George Washington took the oath of office, U.S. presidents have nominated 140 men and women to the Supreme Court and many more to the federal courts of appeal and trial courts. In two centuries, the Senate has rejected 11 Supreme Court nominees and an uncertain number of prospective federal court judges. Seven others withdrew their high court nominations, some to avoid likely defeat.
The Senate has blocked ideologies, including die-hard Federalists during the 18th and early 19th centuries, who it concluded would need any of Meese’s cases in the Florida recount battle, has virtually no public writings and no judicial experience. The committee needs to see the record at the U.S. attorney general’s office, which Atty. Gen. John Ashcroft has refused to release.

The Senate’s obligation in confirming judicial nominees to the bench threatens the administration of justice. That was also the pitch made by Meese on Monday. His was another voice in the partisan wrangling that surrounds the issue.

But Meese needed Vermont Republicans no doubt took comfort in the boost their cause received from Meese’s appearance. But on the whole, Vermonters are probably pleased by the idea that Leahy is giving Bush’s more extreme nominees a closer look.

Leahy has played a shrewd game on the issue. Contrary to some of his Republican opponents, he has actually been more efficient than his Republican predecessors in taking action on judicial nominees. Figures from Leahy’s office show that the number of vacancies on the bench grew from 65 to 110 from 1995 to 2001 when Republicans controlled the Senate. That was a time when Sen. Orrin Hatch, the Republican chairman, failed to give a hearing. The partisan wrangling that surrounds the issue.

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HONORING DR. SALVATOR ALTCHEK

Mr. DODD. Mr. President, I rise today to pay tribute to Dr. Salvator Altchek, the beloved “$5 doctor” of Brooklyn, NY, who passed away last month at the age of 92. I ask unanimous consent to print in the RECORD the biographical commencement article commemorating the life of Dr. Altchek written by Douglas Martin of the New York Times.

Dr. Altchek was warmly known as “the $5 doctor” because he spent virtually his entire, 44-year career treating anyone who showed up at his basement office in a working class section of Brooklyn Heights, charging them little or nothing for his services.

Despite treating thousands of people, and delivering thousands of babies, most people never heard of Dr. Altchek. That’s because he sought neither fame nor fortune. His only goal in life was to help as many people as possible. In so doing, he touched the lives of so many individuals and families. He was truly an American treasure.

I leave it to the words of Douglas Martin’s obituary to tell the story of Dr. Salvator Altchek, whose lifetime of selfless service helping strangers will continue to serve as an inspiration to us all. I urge all of my colleagues to read this special tribute to a very, very special American.

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

[From the New York Times, Sept. 15, 2002]

SALVATOR ALTCHEK, "THE $5 DOCTOR" OF BROOKLYN, DIES AT 92

(By Douglas Martin)

Salvator Altchek, known for 67 years as the $5 doctor to the melting pot of Brooklyn, especially the poorer residents of affluent Brooklyn Heights, died on Tuesday. He was 92.

He continued to work until two months ago, but gave up house calls five years ago. He delivered thousands of babies and generally treated every individual who showed up at his basement office in the Joralemon Street row house in the Heights where he lived, charging $5 or $10 when he charged at all. The office, with its faded wallpaper of Persian scenes, cracked leather furniture and antique medical devices, had not changed much since Jimmy Rios got his first penicillin shot there half a century ago.

"You could walk into his office and he could tell you what you had before you sat down," Dr. Riess said.

Dr. Altchek often made his house calls on foot, carrying his black medical bag. He treated the poorest people, angering his wine by sending them with his own winter coat. He welcomed longshoremen and lawyers, store owners and streetwalkers. One patient insisted on always paying him $100 to make up for some of those who could not pay at all.

A few years ago, a homeless man knocked on his door and said he had walked all the way from Long Island to have a wounded finger treated. He had last seen the doctor as a toddler growing up in Brooklyn Heights more than 70 years before.

The doctor sometimes greeted 70-year-olds he had delivered. While it is unclear whether he was the oldest and longest-working physician in the city, he was very likely the only one nicknamed “the $5 doctor.” When his practice opened, he treated Arab-Americans who had been favored by New York’s oldest doctor of the Puerto Ricans who began to live in the row houses of Columbia Place, near the waterfront, in the 1930s.

He was insensitive and crude, but he was out to help people,” said Sara Mercado, whose daughter was delivered by Dr. Altchek. People in her family were among his first patients.

Ramon Colon, in a book about a Puerto Rican leader, “Carlos Tapia: A Puerto Rican Hero in New York” (Vantage, 1976), wrote: "He was insensitive and crude, but he was poor and never asked for money from the oppressed community, they paid when they had it, and he treated them as though they were Park Avenue residents.”

Salvator Altchek was born in 1910 in Salonika, then part of the Turkish Ottoman Empire, now part of Greece. As Sephardic Jews, with roots long ago in Spain, the Altcheks spoke Ladino, a form of Spanish spoken by Sephardim that dates back to the 15th century.

The family became part of New York’s ethnic rainbow when his father, David, who spoke a half-dozen additional languages, brought his family to the city in 1914, in steerage. They lived at first on the Lower East Side, but moved to Spanish Harlem, where they felt more comfortable with Spanish-speaking people.

Dr. Altchek’s father took a variety of jobs, including selling fudge at Macy’s. As a professional fermentation engineer, his main income, even during Prohibition, came from the ouzo, cherry brandy and wine he discreetly made and sold.

Salvator Altchek and his seven brothers and sisters delivered, in a favorite family story, he delivered wine to a buyer who admired it and speculated on the vintage.

"That’s fresh,” the boy chirped. "He just made it.”

He graduated from Columbia and attended New York Medical College, then in Manhattan, and now in Westchester County. Emanuel Altchek, the oldest brother and the first of three of the brothers to graduate from medical school, closed his practice.

Salvator, in turn, paid his brother Victor’s way.

Salvator Altchek worked in Prospect Heights when his father’s practice closed. But he decided that he wanted his own practice. For more than half a century, he began his workday at 8 a.m., took a half-hour off for dinner at 5 p.m., and closed the office door at 8. He then made house calls, often until midnight.

He knew everyone, and everyone knew him. Walking down a street, he would recognize lawyers and prominent lawyers. He often greeted someone by grabbing his hand and taking his pulse. His passion for preventive medicine surpassed his tact.

"Hello, dear, you’re looking well,” he would say to a patient. "You put on a little weight, didn’t you?”

When his wife, Blanche, died 32 years ago, he fell into a depression. His sister Stella Shapiro heard him advise a patient to find another doctor. But he gradually recovered by throwing himself into his work.

He never remarried and was especially proud of the tall linden tree in front of his house, which he dedicated to his wife. He built a bench around it that neighbors and strollers could use.

In addition to his brother Victor and sister Stella, he is survived by his daughters, Susan Ardiol of Saddle River, N.J., and Phyllis Sanguinetti of Buenos Aires; four grandchildren; and five great-grandchildren.

Dr. Altchek was a constant personality in a neighborhood that changed many times, from a Proper Society enclave to wartime boardinghouse district to artistic bohemia to haven for young professionals. When Truman Capote, then a Brooklyn Heights resident, invited him to his famed Black and White Ball in 1966, the doctor did not know who Capote was until he finally recalled his face from the steam bath of the St. George Hotel.

Once when he was held up at gunpoint, Dr. Altchek said he could not give the would-be robber any money because he had a date later that evening. And in 1957, he told a young man that was working as a valet to one of his patients that he could not find the $1 in change he asked for.

The robber, recognizing him, reached into his pocket and gave him $10.

Dr. Ozgun Tasdemir, a physician who immigrated from Turkey, made Turkish candy for him, having noticed his cache of Turkish desserts in the office refrigerator. She said he brought the Victorian literature on her attention to share with her.

Dr. Altchek stopped making house calls only when he could no longer walk up steps. He did not need insurance when it expired in July. He began calling up other doctors, asking them to take his patients who had no insurance.

Dr. Victor Altchek, his brother, said Dr. Altchek had correctly diagnosed the abdominal condition that led to his own death. His last spoken thought was to remember that he owed a patient a medical report.

NATIONAL 4-H YOUTH DEVELOPMENT PROGRAM WEEK

Mr. DEWINE. Mr. President, I rise today, along with my friend and colleague from Oklahoma, Senator INHOFE, to pay tribute to 4-H, one of the strongest youth organizations in the country. I am proud to be a cosponsor of the legislation that Senator INHOFE introduced recently to designate October 6, 2002, through October 12, 2002, as “National 4-H Youth Development Program Week.”

4-H began in Clark County, OH. Just minutes away from where I grew up. In 1902, A.B. Graham established a “Boys’ and Girls’ Agricultural Club.” There were approximately 85 children who attended that first meeting in the basement of the Clark County Courthouse in Springfield, OH. This was the start of what would be called a “4-H Club” within a few years. The first projects included food preservation, gardening and beginning agriculture.

4-H has grown from its 85 original members to approximately 300,000 in Ohio and over 6.8 million nationwide. One out of every six people in Ohio has been or is currently involved with 4-H youth development programs either as a member, parent, volunteer, or donor.

The project selection has also grown, including food preservation, gardening and beginning agriculture.

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We need organizations, like 4-H, to help guide our next generation of agriculturists, teachers, and even elected officials toward a better tomorrow. I

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4-H and Youth Development Program Week.”
was our eighth and youngest child.

In fact, last year, we also am proud to say, that my wife, Health, remain the same. Without question, the lessons and skills 4-H members learn will last a lifetime.

I am pleased to report that in Ohio, 4-H Insurance, and the Ohio Farm Bureau have teamed together to create a brand new 4-H Center on the campus of The Ohio State University. The groundbreaking ceremony occurred just last month. This Center will provide research, teaching resources, and service opportunities for youth, adult volunteers, and community organizations. The development of this Center is a result of partnerships, one of the many skills our youth learn through 4-H.

In closing, I take this opportunity to challenge other Senators to become involved in 4-H either as a parent or volunteer. I guarantee it will be one of the most rewarding experiences of their lives.

Mr. FITZGERALD. Mr. President, I rise today to recognize the week of October 6 as National 4-H Youth Development Program Week.

The need to provide a quality education and opportunities for our youth is ever-present. In order to ensure that our country continues to progress, we must encourage our youth to take active roles in their schools and their communities.

One hundred years ago, groups of concerned community members organized boys’ and girls’ agricultural clubs to provide better agricultural education to young people. These clubs adopted a model of learning by doing, and these principles continued to grow. By addressing the needs of the local community, these small boys and girls clubs rapidly evolved into the National 4-H Program that now can be found in communities across America.

Today, 7 million youth and 50 million 4-H alumni participate in over 1,000 4-H programs, ranging from robotics and biotechnology to skateboarding and agriculture. These programs provide opportunities for youth to participate in innovative programs through which they can develop valuable, lifelong skills.

During my tenure as a U.S. Senator, I have enjoyed meeting with 4-H leaders and members throughout the State of Illinois, and have seen first-hand how the 4-H program has changed the lives of our young people. I have also appreciated the extraordinary dedication that 4-H leaders bring to their clubs.

It was with pride that I cosponsored the resolution submitted by Senator INHOFE and Senator STABENOW declaring the week of October 6 as “National 4-H Youth Development Program Week.” I hope that the 4-H program will build on the successes of the last one hundred years and hold true to the 4-H motto “to make the best better” in the years to come.

TRIBUTE TO ELECTION JUDGES

Mr. DAYTON. Mr. President, I am pleased today to pay tribute to those Americans who play a very special role in our democracy, the citizens who volunteer to serve as election judges.

They work at the polls on Election Day, safeguarding our most precious right as Americans, the right to choose our leaders, and then trust to govern, legislate on our behalf, and protect our rights and freedoms. Having received training in election laws and rules, judges open and close the polls, making a formidable commitment of time, energy, and effort to work all day, often from before dawn until after dark. Some judges must promise to remain inside the polling place all day. They distribute ballots, tend to ballot boxes, count ballots, strictly adhering to prescribed procedures to ensure secrecy and accuracy of election materials. The judges process absentee ballots, help voters who require assistance, register new voters, and make certain that only qualified voters are permitted to vote. Recent history has taught us, all too dramatically, how important this process of validation is.

To undertake this form of volunteer service is truly to exercise one’s civic responsibility, facilitating that right and duty for one’s fellow citizens. While voters with strong party interests might be drawn to the position, a judge’s job is not to influence voters. To be an election judge is to be a citizen-activist on a very basic, very human level. The activities of a judge, although routine, figure among the most rewarding and meaningful that an ordinary citizen can perform.

Older Americans, especially retirees, seem to regard as a way to keep in touch with what’s happening in the broader community and to connect with their neighbors.

Election judges are people of character and dedication. The official functions they perform are honorable and indispensable to our society. On Election Day, November 5th, many thousands of fine Americans will invest their time by fulfilling the role of election judge. We are most fortunate to have such citizens. I am proud to express my appreciation for their valuable service which makes our form of government work.

HEALTH CARE HERO

Mr. SMITH of Oregon. Mr. President, today I rise to salute Terry O. Finklein, a true healthcare and community hero for Oregon. Terry is the chief executive officer of Columbia Memorial Hospital in Astoria, OR. Columbia Memorial evolved from the north coast’s oldest hospital in 1927, and has served the people of Clatsop County, OR for generations.

Not long ago, Columbia Memorial Hospital was on the brink of closing because of financial problems. Terry arrived at Columbia’s Memorial in late 1989 and promptly turned the financially troubled hospital around. When you lead a rural hospital, financial heroics are an ongoing necessity.

Over the last decade Terry’s accomplishments included a $3.5 million dollar hospital building project, successive 3-year JCAHO accreditations, creation of a Home Health Care program and the establishment of a Medicare certified hospice program.

Terry is counted among the pioneers of Oregon’s statewide trauma system. He built a helipad on Columbia Memorial’s front lawn, something everyone swear ‘couldn’t be done’, brought the hospital’s Emergency Room and staff up to a standard of excellence that earned the hospital State designation as a Level III Trauma Center, and doubled the size of the ER.

Terry’s community lost the services of five physicians in one week with the closure of a clinic. As most of my colleagues from rural States know, physician recruitment in rural communities is tough. So is the challenge of ensuring that the residents of Clatsop County had access to stable health care. Terry took Columbia Memorial into the non-profit clinic business. He implemented the Columbia Memorial Hospital Women’s Center, which is now staffed by three excellent physicians and a certified nurse-midwife.

Statistically, Clatsop County’s children are an at-risk population. Terry decided to tackle this issue at its roots by administering the Healthy Families program of Clatsop County. This program offers at-risk babies and parents a “how to” helping hand with regular home visits and access to other agencies as needed.

In Clatsop County, 45 percent of the population has incomes at or below 200 percent of the federal poverty level. Combine that with a shortage of physicians, and access to health care becomes the problem 20 years ago. Terry envisioned a federally funded clinic. “It can’t be done,” folks said. This time Terry went directly to his community partners for support. He received dozens of letters of support. He was funded and implemented research and a grant proposal. He spent, and still spends, hours on project implementation.
In December of this year, the Coastal Family Health Center will open for business. It will provide general health care, dental care and mental health services in a community where these services are desperately needed.

For his service and dedication to the health of the people in Clatsop County, OR, I salute Terry O. Finklein, a true hero for Oregon.

**COMMEMDING ISRAEL BROOKS**

- Mr. HOLLINGS. Mr. President, I want to pay tribute to Israel Brooks, a native of Newberry County, SC, as he retires from a 35-year career in law enforcement most recently as the U.S. Marshal for the District of South Carolina.

In March of 1994, I nominated Mr. Brooks to that important position, and I believe his record in the past eight years has proven what this Senator has long felt: it is one of the best nominations I ever made. He has served with such great distinction that in 1996 the District of South Carolina, under Mr. Brooks, earned the “Distinguished District of the Year Award” for being the best in the nation in efficiency, service, and work ethics.

Mr. Brooks served in the South Carolina Highway Patrol, being promoted through the ranks all the way up to Major. He served his country as a U.S. Marine. He also served his community, devoting an incredible amount of time and effort to helping elementary, junior high, and senior high students throughout the state.

We will miss Mr. Brooks. I know all the Senators in this body not only thank him for his many achievements, but wish him and his family all the best.

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**MEASURE PLACED ON THE CALENDAR**

The Committee on Indian Affairs was discharged from further consideration of the following bill, which was placed on the calendar:

S. 3068. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors to determine the basic formula price for milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

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**SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS**

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

- By Mr. DASCHLE (for himself and Mr. LOTTY):
  
  S. Res. 335. A resolution relative to the death of Jo-Anne Coe; considered and agreed to.

- By Mr. BOND:
  
  S. Con. Res. 150. A concurrent resolution welcoming Her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes; considered and agreed to.

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**ADDITIONAL COSPONSORS**

S. 3068

At the request of Mr. CHAFFEE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 3068, a bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors to determine the basic formula price for milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

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**INTRODUCTION OF BILLS AND JOINT RESOLUTIONS**

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

- By Mr. WYDEN (for himself and Mr. HATCH):
  
  S. 3093. A bill to establish a Citizens Health Care Working Group to facilitate public debate about how to improve the health care system for Americans and to provide for a vote by the bill to S. 874, a bill to reject the recommendations that are derived from this debate; to the Committee on Health, Education, Labor, and Pensions.

- By Mr. NELSON of Florida:
  
  S. 3064. A bill to prohibit the use of patient databases for marketing without the express consent of the patient; to the Committee on Health, Education, Labor, and Pensions.

- By Mr. HUTCHINSON (for himself, Mr. INHOFE, and Mr. SCHUMER):
  
  S. 3095. A bill to provide the regulations to empower zone eligibility criteria; to the Committee on Finance.

- By Mr. INOUYE:
  
  S. 3096. A bill to improve programs relating to Indian tribes; to the Committee on Indian Affairs.

- By Mr. THOMPSON:
  
  S. 3067. A bill to amend title 44, United States Code, to make Government information security reform permanent, and for other purposes; to the Committee on Governmental Affairs.

- By Mr. SPECTER:
  
  S. 3068. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors to determine the basic formula price for milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

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S. 3018

At the request of Mr. ALLEN, the name of the Senator from Alabama (Mr. MURKOWSKI) was added as a cosponsor of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3049

At the request of Mr. HOUGHTON, his name was added as a cosponsor of S. 3049, a bill to prohibit the Administrator of the Environmental Protection Agency from issuing or renewing certain national pollutant discharge elimination system permits.

S.J. RES. 46

At the request of Mr. LIEBERMAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Montana (Mr. BAUCKUS) were added as cosponsors of S.J. Res. 46, a joint resolution to authorize the use of United States Armed Forces against Iraq.

S. Res. 266

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as “Put the Brakes on Fatalities Day”.

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S. 3099

At the request of Mr. SMITH of Oregon, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3099, a bill to provide economic security for America’s workers.

S. 3098

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 3098, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

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S. Res. 335

At the request of Mr. TORRICELLI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 335, a resolution relative to the death of Jo-Anne Coe; considered and agreed to.

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S. 1129

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1129, a bill to increase the rate of pay for certain offices and positions within the executive and judicial branches of the Government, respectively, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2215, a bill 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 by so doing hold Syria accountable for its role in the Middle East, and for other purposes.
At the request of Mr. HUTCHINSON, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Wyoming (Mr. THOMAS), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 323, a resolution expressing the sense of the Senate relating to a dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union.

S. CON. RES. 142
At the request of Mr. SMITH of Oregon, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 146
At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 146, a concurrent resolution supporting the goals and ideas of National Take Your Kids to Vote Day.

S. CON. RES. 149
At the request of Mr. LEVIN, his name was added as a cosponsor of S. Con. Res. 149, a concurrent resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Mr. WYDEN (for himself and Mr. HATCH):
S. 3063. A bill to establish a Citizens Health Care Working Group to facilitate public debate about how to improve the health care system for Americans and to provide for a vote by Congress on the recommendations that are derived from this debate; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, today I join with Senator ORRIN HATCH, one of the most caring and thoughtful public officials I have ever known, in offering a bipartisan roadmap to creating a health care system that works for all Americans. Our country has been trying to find such a path since President Harry Truman’s proposal to cover all Americans was voted down in 1945. I believe the Wyden-Hatch proposal can succeed after 57 years of failure because our bipartisan plan begins with the public discussing and deciding their health care priorities, followed by a guarantee Congress will actually vote on the plans that result from this grassroots debate.

This approach has never been tried before. Now, when major health laws are written, politicians sit down and prescribe what benefits will be offered, and then try to come up with the money to pay for them. After the politicians write their plans, the special interest lobbyists start attacking one feature or another through shrill television ads. By the time the public gets understandably confused, the chance for building consensus is lost, and important health care needs go unmet.

The 930 million Americans whose survival depends on quality, affordable health care have never been given the chance to shape their health care future before the special interest lobbyists weigh in. The Wyden-Hatch bill changes that. Under our proposal, the public gets to jump-start health reform by stating their priorities at the outset, rather than being treated as an afterthought. We believe our legislation can serve as an illuminated route to a health care system where each American can serve as an illuminated route to a health care system where each American has the ability to obtain quality, affordable health care coverage. We placed three signposts on our roadmap to provide guidance to the American people and their elected officials as they make the tough choices inherent in tackling health care reform.

At the first signpost, the public is given an extensive opportunity, in their home communities and on line, to state their personal health care priorities and to choose the American plan they prefer. In addition, the public will be asked to look beyond their personal needs, to those of the community at large, and how those needs should be paid for.

Our legislation forthrightly asks the questions that must be answered to have meaningful health reform—questions such as: What kind of health care do you want most? How much are you willing to pay? How should costs be contained without sacrificing the quality of care? Should the Government or private businesses be required to pay a portion of your costs? How about those of your neighbors?

Our national Government has never directly asked the public these questions. After asking these questions, the Government ought to keep quiet for a bit and listen to the people because without some sense of the public’s view, it is always going to be virtually impossible to create a health care system that works for everyone, with the costs contained, and that is done right.

To ask the key questions and follow up on the suggestions given by the American people, the Wyden-Hatch legislation creates a Citizens’ Health Care Working Group. The Working Group is made up of a representative cross-section of our people. It is not just another Washington, DC commission of so-called policy experts.

The Working Group directs the public participation portion of this process. For example, it will provide a guide to help the public in formulating their views on the tough choices that lie ahead, the Wyden-Hatch legislation directs the Working Group to prepare and make widely available a “Health Report to the American People.”

The legislation we have authored requires that this report be written in understandable language and describe the cost and availability of the major public and private health choices now available—and also contain enough information so the public can create alternatives. Here are the kinds of issues we want to address: “If covering liver transplants under government health programs requires cutting other services, what services are you willing to cut, or would you rather not have liver transplants covered? If government coverage of long-term care for the elderly would require workers to begin contributing to the program at age 40, is it still worth it to you?”

These are moral choices about what health care the public has a right to expect. These are economic choices that affect the finances of our families. These are choices that every American will be asked to make.

The Wyden-Hatch proposal is built around the proposition that these choices are too important to duck any longer.

After establishing a sense of how the public feels about these hard choices, the legislation directs that the Working Group move to the second signpost on our roadmap. There the Working Group is to take the ideas offered by the American people and translate these views into recommendations for our elected officials to create a health care system that works for all. With the Working Group’s involvement in the public participation requirement of this legislation, we believe they are the right people to take this historic step: to synthesize the opinions and information provided by the public and then present a faithful picture to Congress.

At the third signpost, the Congress takes the legal actions to make the recommendations from the Working Group and utilizes the legislative process to develop one or more plans for the recommendations, with a guarantee to the public that the plans will be voted on in both Houses of Congress. We believe that the assurance that Congress will vote after the public’s will is expressed provides an added measure of credibility for this legislation. Simply put, people will be able to see their voices, their participation, lead to actual votes on the floors of both Houses of Congress to create a health care system that works for all.

With these steps I have described, our country can as never before discuss, decide and deliver on health care reforms.

I know there will be many questions about this proposal, and I’ll try to answer them in the coming days. I’d like to briefly answer just one question I’ve already been asked: “Why now? This is the end of the Congressional session; we are all concerned about the possibility of war with Iraq. Why are you putting this before Congress today?”

My answer is that the lack of decent health care for so many Americans,
and the skyrocketing costs of coverage for insured Americans, threaten countless lives and our economic security just as tenaciously as any foreign enemy our Nation has ever faced. Just as we are beginning a debate about how best to address Nation's security interests, it is high time Congress resumed the debate about how to address the inequities and failures of the American health care system.

On health care, our families can't afford for it to wait any longer. Congress is completing another session without significant progress on major health care issues. A demographic tsunami of baby boomer retirees is coming soon. It is increasingly evident that piecemeal health reform—considering prescription drugs one day, patients' rights legislation the next, something else after that—isn't working.

I have no intention on giving up on any opportunity to reopen the debate about how to address the Nation's health care system. We know that America's health care system is scientifically prodigious. Every day our dedicated and caring health care providers are performing miracles. Last year more than $1.4 trillion was spent on health care in America. Divide that sum by the number of American families and add enough for every family of four to receive more than $18,000 for health care. With all this money, and so much talent and creativity in America, shouldn't it be possible to create a health system that works for everyone?

Senator HATCH and I believe it is. We know it will be hard, but we believe it can be done if our roadmap is used. For example, to achieve real reform our elected officials are going to have to reject the blame game. Republicans can no longer say the problem in health care is primarily the trial lawyers. Democrats can no longer say the problem in health care is primarily the insurance companies. All—let me recall—have said is that if they are going to have to accept some changes they have rejected in the past if America is to have a health care system that works for everyone. I believe that's what we'll hear from the public if they're given the choice and decide their health care priorities as the Wyden-Hatch legislation envisions.

Before I wrap up, I wish to offer a few thank yous.

The first thank you is to the people of Oregon. They have honored me with a chance to serve, and I get up every morning feeling like the luckiest guy in America. Divide that sum by the number of Americans, and there would be enough money to provide health care coverage for every American family of four to receive more than $18,000 for health care. With all this money, and so much talent and creativity in America, shouldn't it be possible to create a health system that actually works.

Oregonians can see I have modeled much of this legislation after the debate about creating a health care system that works for all. That debate stopped in 1994, and needs to begin again. The Wyden-Hatch bill provides an opportunity to reopen this debate, and I believe it will be ready for full Congressional deliberation when the next Congress begins in January.

One way or another, it is urgent that Congress find a way to do better by the people who need health care.

My constituents at home in Oregon make this case constantly. At town meetings, Chamber of Commerce lunches, labor halls, non-profit board meetings, after church coffee hours, and especially at my "sidewalk office hours" where I just set up a card table to listen, they ask, "Ron, when's Congress going to get going on health care and help us out?"

Once upon a time, after another has been telling me their health premiums are going up by as much as 20 percent a year. The number of uninsured is going up, with many of these individuals working at small businesses desperately want to offer health coverage and can't figure out how to do it and keep their doors open. Many physicians have been leaving government health programs because of inadequate reimbursements. Thousands and thousands of pages of health care regulations now exist and the system is almost choking on all the bureaucracy.

Finally, I went into public life because I have always believed if people could not get affordable, quality health care, they were not in a position to be able to do much of anything else. Since those Gray Panther days, I have believed that it is wrong for people in this country to die because they could not get health care or because it came too late.

America is now hemorrhaging dollars into out-of-control health care costs that simply does not work at all for too many people. The longer people go on dying needlessly, and the longer prosperity and security allude our families, the less America looks like the America of our dreams. No one I know thinks it should be so easy to slip through the cracks in our health care system. No one I know believes America is supposed to be a place where people forfeit their well-being for doing honest work that just does not pay enough for good medical care.

The Wyden-Hatch legislation is a chance to move toward America as it is meant to be. People can voice their vision for health care in America. Their voices can count. Their vision can come to pass.

So today I ask the Senate to give our people this opportunity. The Wyden-Hatch bill provides a roadmap. The great people of this country, working with their public servants, can use it as a guide to a health care system that works for everyone.

Mr. President, I see that my colleagues are on the floor this morning. I
wrap up by again expressing my appreciation to Senator HATCH. I have come to the conclusion that if you want to get anything important done, particularly in health care, it has to be bipartisan. Senator HATCH and I have been talking about this health care reform for an awfully long time. He has been extraordinarily patient—he and his staff—in working with me. I think we bring to the Senate today a chance, as we end this session—a session where there has not been the progress the people of health care care and have a chance to move forward in a bipartisan way. I am just especially grateful to my colleague from the State of Utah, who is one of the most caring people I have known in public life, for all his help.

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:

SEC. 4. CITIZENS' HEALTH CARE WORKING GROUP.

(a) Establishment.—The Secretary, acting through the Agency for Healthcare Research and Quality, shall establish an entity to be known as the Citizens' Health Care Working Group (referred to in this Act as the "Working Group").

(b) Appointment.—Not later than 45 days after the date of enactment of this Act, the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate shall each appoint 1 member of the Working Group described in subparagraphs (A), (G), (J), (K), (L), and (M) of paragraph (2).

(c) Joint Appointments.—Members of the Working Group described in subparagraphs (B), (C), (D), (E), (F), and (N) of paragraph (2) shall be appointed jointly by the leadership.

(d) Purpose.—The Chairman of the House of Representatives and the Majority Leader of the House of Representatives shall appoint the Working Group.

(e) Appointment Criteria.—

(1) HOUSE OF REPRESENTATIVES.—The Speaker and Minority Leader of the House of Representatives shall make the appointments described in subsection (b) in consultation with the member ranking leader of the committee of the House of Representatives.

(B) The Committee on Education and the Workforce.

(C) The Committee on Health, Education, Labor, and Pensions.

(D) The Committee on Ways and Means.

(E) The Select Committee on Aging.

(F) The Select Committee on Nutrition and Consumer Affairs.

(G) The Select Committee on Agriculture.

(H) The Select Committee on Appropriations.

(I) The Select Committee on Transportation and Infrastructure.

(J) The Select Committee on Foreign Affairs.

(K) The Select Committee on Government Reform.

(L) The Select Committee on Rules and Administration.

(M) The Select Committee on Veterans' Affairs.

(f) Duties.—

(1) Hearings.—Not later than 90 days after the date of appointment of the chairperson under subsection (g), the Working Group shall hold hearings to examine:

(A) the capacity of the public and private health care systems to expand coverage options;
(B) the cost of health care and the effectiveness of care provided at all stages of disease, but in particular the cost of services at the end of life;

(C) innovative State strategies used to expand health care coverage and lower health care costs;

(D) local community solutions to accessing health care;

(E) efforts to enroll individuals currently eligible for public or private health care coverage;

(F) the role of evidence-based medical practices that can be documented as restoring, maintaining, or improving a patient’s health, and the use of technology in supporting providers in improving quality of care and access to care; and

(G) strategies to assist purchasers of health care, including consumers, to become more aware of the impact of costs, and to lower the costs of health care.

(2) ADDITIONAL HEARINGS.—The Working Group may hold additional hearings on subjects other than those listed in paragraph (1) so long as such hearings are determined to be necessary by the Working Group in carrying out the purposes of this Act. Such additional hearings do not have to be completed within the time period specified in paragraph (1) but shall not delay the other activities of the Working Group under this section.

(3) THE HEALTH REPORT TO THE AMERICAN PEOPLE.—Not later than 90 days after the hearings described in paragraphs (1) and (2) are completed, the Working Group shall prepare and make available to health care consumers through the Internet and other appropriate public channels, a report to be titled “The Health Report to the American People”. Such report shall be understandable to the general public and include—

(A) a summary of—

(i) home care and related services that may be used by individuals throughout their life span;

(ii) the cost of health care services and their medical effectiveness in providing better quality of care for different age groups;

(iii) the source of coverage and payment, including reimbursement, for health care services;

(iv) the reasons people are uninsured or underinsured and the cost to taxpayers, purchasers of health services, and communities when Americans are uninsured or underinsured;

(v) the impact on health care outcomes and costs when individuals are treated in later stages of disease;

(vi) health care cost containment strategies; and

(vii) information on health care needs that need to be addressed;

(B) examples of community strategies to provide health care coverage or access;

(C) information on geographic-specific issues such as care;

(D) information concerning the cost of care in different settings, including institutional-based care and home and community-based care;

(E) a summary of ways to finance health care coverage; and

(F) the role of technology in providing future health care delivery, including ways to “port the information needs of patients and providers.

(4) COMMUNITY MEETINGS.—In the absence of the above described hearings or in the absence of a single public hearing, the Working Group may conduct community meetings throughout the United States (in this section referred to as “community meetings”). Such community meetings may be geographically or regionally based and shall be completed within 180 days after the initiation of the first meeting.

(5) NUMBER OF MEETINGS.—The Working Group shall hold a sufficient number of community meetings and under the direction of the Executive Director of the Working Group, prepare and make available to health care providers.

(i) the geographic differences throughout the United States;

(ii) diverse populations; and

(iii) a balance among rural and urban populations.

(6) MEETING REQUIREMENTS.—

(A) FACILITATOR.—A State health officer may be the facilitator at the community meetings.

(B) ATTENDANCE.—At least 1 member of the Working Group shall attend and serve as chair of each community meeting. Other members may participate through interactive technology.

(C) TOPICS.—The community meetings shall, at a minimum, address the following issues:

(I) The optimum way to balance costs and benefits so that affordable health coverage is available to as many people as possible.

(II) The identification of services that provide comprehensive health care services to maintain and improve health and which should be included in health care coverage.

(III) The cost of providing increased benefits.

(IV) The mechanisms to finance health care coverage, including defining the appropriate financial role for individuals, businesses, and government.

(V) INTERACTIVE TECHNOLOGY.—The Working Group may encourage public participation in community meetings through interactive technology and other means as determined appropriate by the Working Group.

(7) INVOLVEMENT.—Not later than 180 days after the date of completion of the community meetings, the Working Group shall prepare and make available to the public through the Internet and other appropriate public channels, an interim set of recommendations on health care coverage and ways to improve and strengthen the health care system based on the information and preferences expressed at the community meetings. There shall be a 90-day public comment period on such recommendations.

(8) RECOMMENDATIONS.—Not later than 120 days after the expiration of the public comment period described in subsection (b)(3)(D), the Working Group shall submit to Congress and the President a final set of recommendations, including any proposed legislative language to implement such recommendations.

(A) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Working Group who shall be appointed by the chairperson of the Working Group in consultation with the appropriate committees of the Congress.

(B) COMPENSATION.—While serving on the staff of the Working Group, the Working Group shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member’s regular place of business, a member may be allowed travel expenses, as authorized by the chairperson of the Working Group. For purposes of pay and employment benefits, rights, and privileges, all personnel of the Working Group shall be treated as if they were employees of the Senate.

(C) INFORMATION FROM FEDERAL AGENCIES.—The Working Group may secure directly from any Federal department or agency such information as it requires to carry out its duties.

(D) POSTAL SERVICES.—The Working Group may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(E) DETAIL.—Not more than 10 Federal Government employees employed by the Department of Labor and 10 Federal Government employees employed by the Department of Health and Human Services may be detailed to the Working Group without further reimbursement. Any detail of an employee shall be without interruption of civil service retirement.

(F) TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Working Group may procure temporary and intermittent services to carry out its duties under this section.

(G) SUNSET OF WORKING GROUP.—The Working Group shall terminate when the report described in subsection (j) is submitted to Congress.

SEC. 5. CONGRESSIONAL ACTION.

(a) DRAFTING.—If the Working Group does not provide legislative language in the report under section 4(3) then the committees described in paragraphs (1) and (2) of section 4 shall introduce draft legislative language based on the recommendations of the Working Group.

(b) BILL INTRODUCTION.—

(A) IN GENERAL.—Any legislative language described in subsection (a) may be introduced as a bill by request in the following manner:

(i) HOUSE OF REPRESENTATIVES.—In the House of Representatives, by the Majority Leader and the Minority Leader not later than 10 days after receipt of the legislative language.

(ii) SENATE.—In the Senate, by the Majority Leader and the Minority Leader not later than 10 days after receipt of the legislative language.

(b) ALTERNATIVE BY ADMINISTRATION.—The President may submit legislative language based on the recommendations of the Working Group and such legislative language may be introduced in the manner described in paragraph (1).

(c) COMMITTEE CONSIDERATION.—

(A) IN GENERAL.—Any legislative language submitted pursuant to paragraph (1) or (2) of subsection (b) (in this section referred to as “implementing legislation”) shall be referred to the appropriate committees of the House of Representatives and the Senate.

(B) REPORTING.—

(A) COMMITTEE ACTION.—If, not later than 180 days after the date on which the implementing legislation is referred to a committee under paragraph (1), the committee has reported the implementing legislation or has not reported an appropriate committee, the report is related to reforming the health care system, or to providing access to affordable health care coverage for Americans, the regular rules of the applicable House of Congress shall apply to such legislation.

(B) DISCHARGE FROM COMMITTEES.—

(i) SENATE.—In the Senate, if the implementing legislation or an original bill described in subpart (A) has not been reported by a
debating the implementing legislation the adopted, a motion may be made to proceed date on which the motion to discharge is not earlier than 5 legislative days after the (c)(2)(B)(i) or (c)(2)(B)(ii) is adopted, then, charge made pursuant to subsection adopted the House of Representatives shall under the same terms and conditions, and if may move that the committee be discharged any member of the House of Representatives is in order, any day on which the call of the calendar for to committee under paragraph (1), then on date on which such legislation was referred Representatives within 180 days after the reported out of a committee of the House of implementing legislation or an original bill de-

section 4(i)(3), such sums People described in section 4(i)(3), such sums provision of the Health Report to the American

of even greater concern is the fact that most of the newly uninsured pre-

A necessary component of that discussion will be how the benefits can be paid for, and by whom. Strange as it may seem, our government has never actually asked the American people what they want from our health care system. These community meet-

I believe these issues must be dis-

Our plan is to hear from everyone who has had first-hand experience with the health care system. We want to hear what people like and dislike about the current system and their proposals for change. And, we also hope to hear from those who do not use health serv-

We hope to stimulate a provocative discussion based on key questions. Is health care too expensive? Too comp-

The Wyden-Hatch legislation creates a Citizens’ Health Care Working Group which would be charged with posing these tough questions and overseeing this crucial debate on how to improve upon our current health care system.

The Citizens’ Health Care Working Group will be comprised of individuals who have a deep interest in health care: patients; providers, community leaders; and key state and federal offi-

The Working Group will coordinate nationwide community meetings and facilitate the public in expressing their views on the complex and often dif-

moral questions and the reasons why they have not sought health care coverage.

We hope to achieve this objective, our bill di-

It is our hope that, in the end, this legislation will provide Americans with the proper tools to access high quality, affordable health care coverage.

Basically, our legislation envisions three steps: public meetings; recommen-

discussion based on key questions. Is health care too expensive? Too comp-

We accomplish these important goals by fostering candid discussions—

These discussions will lead to recom-

discussion about our current health care system. These discussions will lead to rec-

Several months and are proud to have reached bipartisan consensus. Bipartisanship, it seems, is a rare oc-

current day in which the motion to discharge is adopted, a motion may be made to proceed to the bill.

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discussion about our current health care system. These discussions will lead to rec-

Several months and are proud to have reached bipartisan consensus. Bipartisanship, it seems, is a rare oc-

current day in which the motion to discharge is adopted, a motion may be made to proceed to the bill.

The Wyden-Hatch legislation creates a Citizens’ Health Care Working Group which would be charged with posing these tough questions and overseeing this crucial debate on how to improve upon our current health care system.

The Citizens’ Health Care Working Group will be comprised of individuals who have a deep interest in health care: patients; providers, community leaders; and key state and federal offi-

The Working Group will coordinate nationwide community meetings and facilitate the public in expressing their views on the complex and often dif-

care system, if you will. We hope these community discussions will look at current coverage issues, such as whether Medicaid should provide better coverage for transplants, recognizing that these are very expensive, labor-intensive procedures that may use scarce resources that might have been used elsewhere.

Another area we hope might be explored is how to improve coverage of long-term care services, and how this should be paid.

These choices—economic, moral, legal and social—will be difficult ones, but the purpose of our legislation is this—to start discussing these vital issues with those on whom there will be the greatest impact—the American people. We cannot afford to put off these discussions any longer.

In the past, health reform debates have not included the voice of the people who actually need to live with these decisions. The Wyden-Hatch legislation was one to ensure that those Americans who depend on quality, affordable health care are at the forefront of the discussion before the special interests weigh in with their objectives.

Mr. President, I ask my colleagues, given the failures of the past, isn't it time that we approach this problem by listening to citizens' viewpoints on health care coverage?

The second step of this legislation is to direct the Working Group to take the ideas offered by the public and translate these comments into recommendations for our elected officials, specifically Members of Congress and the President.

The Working Group will have substantial awareness of our citizens' preferences because of their involvement in the public meetings across the country. After the meetings are completed, the Working Group will highlight the issues raised by the public and provide them to Members of Congress and the President for evaluation.

The third step of this legislation involves drafting these recommendations into legislation which will eventually be voted upon by both the House and the Senate.

Never before has Congress voted on a health care proposal built on a foundation created by the public making difficult health care choices.

If enacted, the Wyden-Hatch bill will provide the third Senator Wyden and I both know there will be many questions about this proposal, but, in my opinion, the most important question is “Why now?”

The answer is simple—the American people cannot afford to wait any longer. The number of uninsured Americans, which had been declining for the past couple of years, is now increasing.

In addition, the costs of gridlock are simply too great for human, social, economic and moral grounds. Congress is on the verge of completing another session without significant progress on major health care reforms.

Once again, we have not passed prescription drug coverage for Medicare beneficiaries. Once again, we have not addressed the issue of the uninsured. Once again, we have not approved legislation that includes patient protections.

And the reason for this inaction is partisan politics—no one is willing to compromise so we end up doing nothing and the American public suffers. In my opinion, something must be done to address these important issues, sooner rather than later.

One issue that must be addressed is the overwhelming cost of health care. Every time I go home to Utah, I hear complaints from my constituents about escalating health care premiums and the price of prescription drugs. People are having a difficult time paying for their health insurance premiums, their physicians' visits and their medicines. We were all disturbed last year to see a recent Flowers Perrin survey indicating that the cost of health benefit plans at large companies is expected to rise an average of 15 percent—15 percent!—in 2003.

Some businesses, especially smaller employers, are worried that they will no longer be able to provide health insurance coverage to their employees. Utah physicians complain to me about the inadequate Medicare reimbursement rates and are threatening to leave the state.

In fact, many of the federal health programs have complicated and overbearing regulations that are confusing to patients. For example, is it necessary to have a book of Medicaid regulations thicker than the Black's Law Dictionary?

While our health care system provides the highest quality services in the world and is the most technologically advanced, America's health system has fundamental flaws. The purpose of this legislation is to build on the positive components of our current system and improve the flaws.

I believe the only way to improve the current system is to listen to public input and implement their ideas and suggestions.

We must get past playing the blame game. All of the powerful special interests are going to have to accept some reforms they have rejected in the past if America is to have a health care system that works for all.

I believe this is what we will hear from the American people if they are given the chance to drive the debate on health reform as envisioned by this legislation. Unfortunately, there never has been a system to gather that public input; until now.

Mr. President, I am proud to be the lead Republican sponsor of the Health Care that Works for All Americans Act of 2002. I urge my colleagues to work with us so this legislation will be enacted into law in a timely manner. The American people cannot afford to wait any longer.

I praise my colleague again for his leadership in so many areas, but especially the area of health care. He is sincere. He is dedicated. He is smart. He works hard on these issues. I am proud to work with him on this issue, and hope we can be successful in passing this bill and getting this very worthwhile effort started.

By Mr. NELSON of Florida: S. 3064. A bill to prohibit the use of patient databases for marketing without the express consent of the patient; to the Committee on Health, Education, Labor, and Pensions.

Mr. NELSON of Florida. Mr. President, privacy concerns continues to grow nationwide, and only in Florida is the express consent of the patient paramount.

This past August, the Administration finalized rules which will allow pharmacies and other health care entities to profit from their confidential patient databases by entering marketing agreements with giant health corporations.

Under the new rules, a pharmacy will be required to search its database for patients using a specific prescription drug and then turn around and send an unsolicited sale agreement on behalf of a drug maker peddling a more expensive alternative drug, even if it's less effective.

And to make matters worse, the consumer can't ask the company to stop.

Instead of banning this anti-consumer practice, the Administration issued non-binding guidelines asking third parties not to provide financial incentives to doctors or pharmacies in exchange for suggesting certain drugs to patients. While these are well-meaning, this terrible practice won't stop if the government doesn't do more than offer suggestions. We need to pass a law to prohibit this behavior.

Today, I'm introducing a bill that allows consumers to decide if they want to receive health advertisements generated as a result of their personal health characteristics. Under my legislation, pharmacies, insurance companies and other health entities would be prohibited from using private, personally identifiable health information to provide marketing services to any entity without providing notice to the consumer about its disclosure practices and obtaining the consumer's express written consent.

The legislation makes an exception for treatment communications unless the covered entity receives direct or indirect remuneration from a third party for making the communication. The free flow of information is important when sought by the consumer, but treatment communications tarnished by the marketing dollars of third parties create an inherent conflict of interest by encouraging patients, who don't know their pharmacist has been paid, to purchase high-cost alternative drugs that are not necessarily more effective than those prescribed by their doctor. Unnecessary spending driven by the advertising of expensive alternative consumers, but also the American taxpayer as Medicare and Medicaid costs skyrocket.
My goal is to restore control to the consumer, so that they can make a decision to receive, or not receive, these advertisements once they have been informed that their personal information will be used for that purpose and once they understand that the covered entity is being paid to make a particular recommendation.

I look forward to working with all interested parties to resolve this problem in a timely manner for consumers and 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. 3064

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 “Health Records Confidentiality Act of 2002”.

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term “individually identifiable health information” means information that is a subset of health information, including demographic information collected from an individual, that—

(A) is created or received from a health care provider, health plan, employer, or health care clearinghouse;

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual;

(C)(i) identifies the individual; or

(ii) with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

(2) MARKETING.—The term “marketing” means to make a communication about a product or service to encourage recipients of the communication to purchase or use the product or service, but does not include communications made as part of the treatment of a patient for the purpose of furthering treatment, and the covered entity receives direct or indirect remuneration from a third party for making the communication.

SEC. 3. PROTECTION OF PRIVATE HEALTH INFORMATION.

Except in accordance with section 4, a health care provider, pharmacy, health researcher, health plan, health oversight agency, public health authority, employer, health or life insurer, or school or university shall not—

(1) disclose individually identifiable health information to an entity for marketing the product or service of such entity; or

(2) use individually identifiable health information in its possession to provide marketing services to any entity.

SEC. 4. NOTICE AND CONSENT REQUIREMENTS.

A health care provider, pharmacy, health researcher, health plan, health oversight agency, public health authority, employer, health or life insurer, or school or university may provide marketing services to a pharmaceutical company if such health care entity—

(1) provides clear and conspicuous notice to the individual involved concerning its disclosure practices for all individually identifiable health information collected or created with respect to the individual; and

(2) obtains the consent of the individual involved to use the information and that consent is manifested by an affirmative act in a written communication which only references and applies to the specific marketing purpose for which the information is to be used.

By Mr. INOUYE:

S. 3066. A bill to improve programs relating to Indian tribes; to the Committee on Indian Affairs:

Mr. INOUYE. Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the bill and additional material were ordered to be printed in the RECORD, as follows:

S. 3066

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Indian Technical Corrections Act of 2002.”

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

1. Short title; table of contents.

2. Definition of Secretary.

TITLE I—PROGRAMS RELATING TO PARTICULAR INDIAN TRIBES

Sec. 101. Leases of restricted land.

Sec. 102. Lease of tribally-owned land by Assiniboine and Sioux Tribes of the Fort Peck Reservation.

Sec. 103. Lease of tribally-owned land by Assiniboine and Sioux Tribes of the Fort Peck Reservation.

Sec. 104. Indian health demonstration project.

Sec. 105. Fetal alcohol syndrome and fetal death project.

Sec. 106. Illegal narcotics traffic on the Tohono O’odham and St. Regis Reservations.

Sec. 107. Rehabilitation of Celilo Indian Village.

Sec. 108. Rural health care facility, Fort Berthold Indian Reservation, North Dakota.

Sec. 109. Health care funding allocation, Eagle Butte Service Unit.

Sec. 110. Oklahoma Native American Cultural Center and Museum.

Sec. 111. Certification of rental proceeds.

Sec. 112. Waiver of repayment of expert assistance loans to the Ogilala Sioux Tribe.

Sec. 113. Waiver of repayment of expert assistance loans to the Seminole Tribe of Oklahoma.

Sec. 114. Facilitation of construction of pipeline to provide water for emergency fire suppression and other purposes.

Sec. 115. Compliance of Native Alaskan objects.

Sec. 116. Shakopee fee land.

Sec. 117. Agreement with Dry Prairie Rural Water Association, Incorporated.

TITLE II—COLLABORATION BETWEEN TRIBAL GOVERNMENTS AND FOREST SERVICE

Sec. 201. Short title.


Sec. 203. Forest legacy project.

Sec. 204. Forestry and resource management assistance to Indian tribes.

TITLE III—PUEBLO OF SANTA CLARA AND SAN ILDEFONSO, NEW MEXICO

Sec. 301. Definitions.

Sec. 302. Trust for the Pueblo of Santa Clara, New Mexico.

Sec. 303. Trust for the Pueblo of San Ildefonso, New Mexico.

Sec. 304. Survey and legal descriptions.

Sec. 305. Administration of trust land.

Sec. 306. Effect.

TITLE IV. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of the Interior.

The first section of the Act of August 9, 1955 (25 U.S.C. 415a) is amended by adding at the end the following:

“(c) LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.

“(1) IN GENERAL.—Notwithstanding subsection (a) and any regulations under part 162 of title 25, Code of Federal Regulations, subject to paragraph (2), the Assiniboine and Sioux Tribes of the Fort Peck Reservation may lease to the Northern Border Pipeline Company tribally-owned land on the Fort Peck Indian Reservation for 1 or more interstate gas pipelines.

“(2) CONDITIONS.—A lease entered into under paragraph (1) shall commence during fiscal year 2011 for an initial term of 25 years;

“(B) may be renewed for an additional term of 25 years; and

“(C) shall specify in the terms of the lease an annual rental rate—

“(i) which rate shall be increased by 3 percent for each 5-year period; and

“(ii) the adjustment of which in accordance with clause (i) shall be considered to satisfy any review requirement under part 162 of title 25, Code of Federal Regulations.”.

SEC. 102. LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415a) is amended by adding at the end the following:

“(c) LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.”

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
“(d) by section 3511 (106 Stat. 4739) —
(2) by striking section 3511 (106 Stat. 4739) —

SEC. 109. HEALTH CARE FUNDING ALLOCATION, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act is amended—
(1) in section 3504 (106 Stat. 4732), by adding at the end the following:

Section 109 of the Ponca Restitution Act (25 U.S.C. 983h) is amended by adding at the end the following:

SEC. 104. INDIAN HEALTH DEMONSTRATION PROJECT.

Section 10 of the Indian Health Demonstration Project Act (25 U.S.C. 1861f) is amended by adding at the end the following:

SEC. 115. CONVEYANCE OF NATIVE ALASKAN OFFICE AND OTHER PURPOSES.

Notwithstanding any other provision of law, the United States Court of Federal Claims shall convey to whichever of the three groups specified in paragraph (1) —

SEC. 110. WAIVER OF REPAYMENT OF EXPERT ASSESSMENTS.

Notwithstanding any other provision of law, including law relating to Oglala Sioux Tribe v. United States (Docket No. 117 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

SEC. 114. FACILITATION OF CONSTRUCTION OF PIPELINE TO PROVIDE WATER FOR EMERGENCY FIRE SUPPRESSION AND OTHER PURPOSES.

(a) IN GENERAL.—Notwithstanding any other provision of law subject to valid existing rights under Federal and State law, the land described in subsection (b), fee title to which is held by the Barona Band of Mission Indians of California (referred to in this section as the “Band”) —

SEC. 107. REHABILITATION OF CELILO INDIAN VILLAGE.

The Rehabilitation of Cелиlo Indian Village Act (25 U.S.C. 4950) is amended —
(1) in section 4956 (102 Stat. 2944) —

SEC. 100. HEALTH CARE FUNDING ALLOCATION, EAGLE BUTTE SERVICE UNIT.

Section 117 of the Indian Health Improvement Act (25 U.S.C. 1616) is amended by adding at the end the following:

SEC. 108. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

The Rural Health Care Facility, Fort Berthold Indian Reservation, North Dakota Act is amended —
(1) the date of enactment of this Act; or

SEC. 106. ILLICIT NARCOTICS TRAFFIC ON THE TOHONO O’ODHAM AND ST. REGIS RESERVATIONS.

(a) IN GENERAL.—Section 420(a)(3) of the Indian Country Assistance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442(a)(3)) (as amended by section 104(c)(1)(C) of the Indian Programs Reauthorization and Technical Amendments Act of 2002) is amended by adding at the end the following:

(2) by striking “Secretary” each place it appears and inserting “Director.”

SEC. 111. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under section 91 of Pub-

SEC. 113. WAIVER OF REPAYMENT OF EXPERT ASSESSMENTS.

Notwithstanding any other provision of law, including law relating to Oglala Sioux Tribe v. United States (Docket No. 186-301 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under section 91 of Public Law 91-225 (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—
(1) to constitute the rental value of that land; and

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under section 91 of Public Law 91-225 (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—
(1) to constitute the rental value of that land; and

(2) by striking “Secretary” each place it appears and inserting “Director.”
those corporations that has received title to a cemetery site or historical place on National Forest System land conveyed under section 14(b)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1633(b)(1)) all artifacts, physical remains, and copies of any available field records—

(1)(A) in the possession of the Secretary of the Interior; and

(B) have been collected from the cemetery site or historical place; but

(2) are not required to be conveyed in accordance with this section if any part of the interest of the Community in or to any real property that is not held in trust by the United States for the benefit of the Community;

(1)\text{F}or\text{ }\text{P}eck\text{ }\text{R}eservation\text{ }\text{R}ural\text{ }\text{W}ater\text{ }\text{S}ystem\text{ }land;

(2)\text{F}ederal\text{ }land\text{ }management\text{ }activities\text{ }on\text{ }National\text{ }Forest\text{ }System\text{ }land\text{ }are\text{ }affecting\text{ }ecosystems\text{ }that\text{ }encompass\text{ }National\text{ }Forest\text{ }System\text{ }land; and

(3)\text{C}ollaborative\text{ }planning\text{ }and\text{ }management\text{ }between\text{ }Indian\text{ }tribes\text{ }and\text{ }the\text{ }Forest\text{ }Service\text{ }needs\text{ }to\text{ }be\text{ }strengthened;

(4)\text{M}anagement\text{ }practices\text{ }on\text{ }National\text{ }Forest\text{ }System\text{ }land\text{ }can—

(5)\text{I}n\text{ }the\text{ }first\text{ }sentence\text{ }of\text{ }subsection\text{ }(j)(2),\text{ }by\text{ }inserting\text{ }“\text{in}\text{ }Indian\text{ }tribes,”\text{ }after\text{ }“\text{governmental}\text{ }units},’’;

(6)\text{O}ptional\text{ }State\text{ }and\text{ }Tribe\text{ }Grant\text{ }Program

(1)\text{I}n\text{ }general.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended by striking subsections (b) and inserting—

(2)\text{O}ptional\text{ }State\text{ }and\text{ }Tribe\text{ }Grants.—

(1)\d{I}\text{D}efinition\text{ }of\text{ }Indian\text{ }tribe.—In\text{ }this\text{ }section,\text{ }the\text{ }term\text{ }“Indian\text{ }tribe”\text{ }has\text{ }the\text{ }meaning\text{ }given\text{ }the\text{ }term\text{ }in\text{ }section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2)\text{G}rants.—At the request of a participating State or participating Indian tribe, the Secretary shall provide a grant to the State or Indian tribe to carry out the Forest Legacy Program.

(3)\text{A}dministration.—If a State or Indian tribe elects to receive a grant under this subsection—

(4)\text{S}ection 203. Forest Legacy Program.

(a) Authority to Provide Assistance.—The Secretary of Agriculture may provide financial, technical, educational, and related assistance to an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for—

(1)\text{P}articipation by Indian Tribes.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1)\text{P}articipation\text{ }by\text{ }Indian\text{ }tribes.—In\text{ }this\text{ }section,\text{ }the\text{ }term\text{ }“Indian\text{ }tribe”\text{ }has\text{ }the\text{ }meaning\text{ }given\text{ }the\text{ }term\text{ }in\text{ }section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

(2)\text{I}n\text{ }the\text{ }second\text{ }sentence\text{ }of\text{ }subsection\text{(b),}\text{ }by\text{ }inserting\text{ }“other\text{ }appropriate\text{ }natural\text{ }resource\text{ }management\text{ }agency\text{ }of\text{ }a\text{ }State,\text{ }region,\text{ }or\text{ }Indian\text{ }tribe”

(3)\text{I}n\text{ }section\text{ }204.\text{ }Forest\text{ }and\text{ }Rangeland\text{ }Recovery\text{ }Act.

(a) Authorization to Provide Assistance.—The Secretary of Agriculture may provide financial, technical, educational, and related assistance to an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for—

(1)\text{P}articipation by Indian Tribes.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(2)\text{I}n\text{ }the\text{ }second\text{ }sentence\text{ }of\text{ }subsection\text{(f),}\text{ }by\text{ }inserting\text{ }“other\text{ }appropriate\text{ }natural\text{ }resource\text{ }management\text{ }agency\text{ }of\text{ }a\text{ }State,\text{ }region,\text{ }or\text{ }Indian\text{ }tribe”

(3)\text{I}n\text{ }the\text{ }second\text{ }sentence\text{ }of\text{ }subsection\text{(h),}\text{ }by\text{ }inserting\text{ }“other\text{ }appropriate\text{ }natural\text{ }resource\text{ }management\text{ }agency\text{ }of\text{ }a\text{ }State,\text{ }region,\text{ }or\text{ }Indian\text{ }tribe”

(4)\text{C}ollaboration between Indian tribes and the Forest Service

(a) Participation by Indian Tribes.—In this section, 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); and

(b) Implementation.—In carrying out paragraph (1), the Secretary shall engage in full, open, and substantive consultation with Indian tribes and representatives of Indian tribes.

(c) Coordination with the Secretary of the Interior.—The Secretary of Agriculture shall coordinate with the Secretary of the
Interior during the establishment, implementation, and administration of subsection (a) to ensure that programs under that subsection—
(1) do not conflict with tribal programs provided under the authority of the Department of the Interior; and
(2) meet the goals of the Indian tribes.
(d) APPLICABILITY.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE III—PUEBLO OF SANTA CLARA AND SAN ILDEFONSO, NEW MEXICO

SEC. 301. DEFINITIONS.
In this title:
(1) AGREEMENT.—The term "Agreement" means the Agreement to Affirm Boundary of Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract, entered into by the Governors on December 20, 2000.
(2) BOUNDARY LINE.—The term "boundary line" means the boundary line established under section 304(a).
(3) GOVERNORS.—The term "Governors" means—
(A) the Governor of the Pueblo of Santa Clara, New Mexico; and
(B) the Governor of the Pueblo of San Ildefonso, New Mexico.
(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Termination and Education Assistance Act (25 U.S.C. 450b).
(5) ILDEFONSO, NEW MEXICO.—The term "San Ildefonso, New Mexico." means the land held by the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico.
(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,600 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—
(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;
(2) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;
(3) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;
(4) T. 20 N., R. 7 E., sec. 34, New Mexico Principal Meridian; and
(5) the portion of T. 20 N., R. 7 E., sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 304. SURVEY AND LEGAL DESCRIPTIONS.
(a) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—
(1) complete a survey of the boundary line established under the Agreement, complete a survey of the boundary line established for the purpose of establishing, in accordance with sections 302(b) and 303(b), the boundaries of the trust land;
(2) prepare legal descriptions of the trust land.
(b) LEGAL DESCRIPTIONS.—
(1) PUBLICATION.—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—
(A) a legal description of the boundary line; and
(B) legal descriptions of the trust land.
(2) TECHNICAL CORRECTIONS.—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 302(b) and 303(b) to ensure that the descriptions are consistent with the terms of the Agreement.
(3) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 305. ADMINISTRATION OF TRUST LAND.
(a) IN GENERAL.—Effective beginning on the date of enactment of this Act—
(1) the land held under section 302(a) shall be declared to be a part of the Santa Clara Indian Reservation; and
(2) the land held in trust under section 303(a) shall be declared to be a part of the San Ildefonso Indian Reservation.
(b) APPLICABLE LAW.—
(1) IN GENERAL.—The trust land shall be administered with any law (including regulations) or court order generally applicable to property held in trust by the United States for Indian tribes.
(2) PUEBLO LANDS ACT.—The following shall be subject to section 17 of the Act of June 7, 1924 (commonly known as the "Pueblo Lands Act") (25 U.S.C. 331 note):
(A) The trust land.
(B) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant.
(c) USE OF TRUST LAND.—
(1) IN GENERAL.—Subject to the criteria for development under paragraph (2), the trust land may be used only for—
(A) traditional and customary uses; or
(B) stewardship conservation benefit of the Pueblo for which the trust land is held in trust.
(2) CRITERIA.—The Secretary shall work with the Pueblos to develop appropriate criteria for using the trust land in a manner that preserves the trust land for traditional and customary uses or stewardship conservation benefit.
(3) LIMITATION.—Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial development.

SEC. 306. EFFECT.
Nothing in this title—
(1) affects any valid right-of-way, lease, permit, easement, or claim of the Pueblos to any land or interest in land that—
(A) based on Aboriginal or Indian title; and
(B) in existence before the date of enactment of this Act;
(2) constitutes an express or implied reservation of water or water right with respect to the trust land; or
(3) affects any water right of the Pueblos in existence before the date of enactment of this Act.

SECTION BY SECTION ANALYSIS OF B. 3059—ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION JUDGMENT FUND DISTRIBUTION ACT OF 2002

Section 1. Short Title. The Act may be cited as the "Assiniboine and Sioux Tribes of the Fort Peck Reservation Judgment Fund Distribution Act of 2002." Section 2. Findings and Purpose. Section 2 provides congressional findings including that in 1987, the Assiniboine and Sioux Tribes of the Fort Peck Reservation and five individual Fort Peck tribal members filed a complaint in the United States District Court in Assiniboine and Sioux Tribes of the Fort Peck Reservation v. the United States of America, No. 78-377-L, to recover interest earned on trust funds while those funds were held in special deposit and implacable accounts; in this case, the Court held that the United States was liable for any income derived from investment of the trust funds of the Tribe and individual members of the Tribe; the plaintiffs entered into a settlement with the United States for payment of the claims; the terms of the settlement were approved by the Court and judgment in the amount of $4,522,551.81 was entered.

3. Definitions. Terms defined in this section include "Distribution Amount," "Judgment Amount," "Principal Indebtedness," and "Tribe." Section 4. Distribution of Judgment Funds. Section 4 describes how the distribution amount awarded to the Tribe shall be made available for tribal health, education, housing, and social services programs of the Tribe and the amount of funds allocated among these uses shall be specified in an annual budget developed by the Tribe and approved by the Secretary of the Interior.

Section 5. Applicable Law. Section 5 provides that all funds distributed under this Act, except those distributed under Section 4 and Sections 4 and 5 of the Acts of June 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act.
Mr. THOMPSON. Mr. President, I rise today to introduce a bill which will make permanent a law which was intended to protect the security of Federal computers and information systems. Over the years, numerous Governmental Affairs Committee hearings and General Accounting Office reports uncovered and identified systemic failures in information systems which highlighted our Nation’s vulnerability to computer attacks, from international and domestic terrorists to crime rings to everyday hackers. As a result, Congress enacted the Government Information Security Reform Act of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Public Law 106-386. Since its passage in the 106th Congress, the law has required Federal agencies to develop and implement security reforms. The bill I am introducing today will make permanent a law which was passed by the Senate with no sunset provision.

The information security legislation upon which the law is based, which I sponsored along with Senator Lieberman, was reported by the Governmental Affairs Committee and passed by the Senate with no sunset provision. The sponsor’s amendment in conference providing that the law expire on November 29, 2002.

The bill I am introducing today would repeal the sunset and restore the language to what originally was approved by the Governmental Affairs Committee and the Senate last Congress. Further, given that the bill is commonly referred to as the “Government Information Security Reform Act,” the bill also would codify that short title.

Mr. SPECTER. Mr. President, I had sought recognition initially to discuss two other subjects. While the issue of Iraq is very much on the minds of the American people, the focus of attention worldwide, there are other important considerations which are pending and are of interest to Pennsylvanians and what is happening with the economy.

We really cannot let our attention focus solely on Iraq.

There are many matters which involve important economic issues and great numbers of jobs. That is a subject that is very much on my mind with respect to the Pennsylvania dairy farmers. I propose to introduce legislation this afternoon on that subject.

Agriculture is the largest industry in Pennsylvania, and dairy is its single largest component. Pennsylvania is the fourth largest dairy producer in the Nation. We have approximately 10,300 dairy farms which produce $1.71 billion worth of milk each year. Regrettably, over the past decades, Pennsylvania has lost an average of 330 to 500 dairy farms per year. In the years 1993 to 1998, Pennsylvania lost more than 11 percent of its dairy farmers.

That is because Pennsylvania farmers have had to deal with drought and other natural disasters, high feed costs, and other variables that challenge their ability to sustain their farms, but mostly because the cost of production exceeds what has been the average price for class 3 dairy products. It varies tremendously. It was $15.90 in September of last year. It went down to $9.92 in September of this year. The cost has been tremendous.

Meanwhile, the average cost of production of milk in Pennsylvania per hundredweight is calculated by the Pennsylvania Department of Agriculture. The average was $14.32 in the year 2001. The price for milk in January of 2002 was $11.87 per hundredweight, going down to $9.62 per hundredweight in May, and $9.54 per hundredweight in August of this year. The cost of production exceeds what the Pennsylvania dairy farmers are able to obtain for their milk.

I serve on the Agriculture Subcommittee of Appropriations. On May 14 of last year at an extensive hearing in Philadelphia, we heard from economists, we heard from farmers, and an analysis for merchants and an analysis of what was happening on dairy farming.

It is a complex matter. While the price of milk goes down for dairy farmers, the cost of milk goes up to the consumer. I know at the shop where I buy a half-gallon of milk, it was $1.89, and it jumped to $2.19 for a half-gallon of milk at the precise time when the payments made to the dairy farmers were going down. It seems to me there really has to be an additional factor in the calculation of these prices by the U.S. Department of Agriculture.

It is for that reason that I am proposing legislation today which would amend section 8(c)(5) of the Agriculture Adjustment Act with amendments by the Agriculture Marketing Agreement Act of 1937 to add the following:

Subsection M, using as factors to determine the basic formula price for milk under an order issued pursuant to this section (i) the price of feed grains, including the cost of concentrates, by-products, liquid, whey, hay, silage, pasture, and other forage; and (ii) other cash expenses, including the cost of hauling, artificial insemination, veterinary services and medicine, bedding and litter, marketing, custom services and supplies, fuel, lubrication, electricity, machinery and building repairs, labor, association fees, and assessments.

During the course of the July and August break, I traveled extensively on open house town meetings throughout Pennsylvania. I heard frequent complaints from the dairy farmers about being unable to maintain the dairy farms. It is a very important matter that the small dairy farmers be able to continue to produce milk, which is a very important item in our daily diets. I don’t think I need to expand upon that point.

But the dairy farmers are facing enormous problems. We had hoped that would be a dairy compact. There had been one for the New England States. Legislation has been introduced—S. 1157—which is now pending before the Judiciary Committee. And the dairy compact would be of material assistance to farmers generally but certainly farmers in Pennsylvania. We had many Senators supporting the dairy compact concept but have had contentious battles on the Senate floor. And while the proposed legislation on the dairy compact was pending, I do propose the legislation to which I refer, and I send that amendment to the desk.

SUBMITTED RESOLUTIONS

SENATE RESOLUTIONS 335—RELATIVE TO THE DEATH OF JO-ANNE COE

Mr. DASCHLE (for himself and Mr. LOTTY) submitted the following resolution; which was considered and agreed to:

S. Res. 335

Whereas Jo-Anne Coe was the first woman in history to be elected as the Secretary of the Senate in 1965;

Whereas Jo-Anne Coe served as Secretary of the Senate, Administrative Director of the
SENATE CONCURRENT RESOLUTION 150—WELCOMING HER MAJESTY Queen Sirikit of Thailand on Her Visit to the United States, and for Other Purposes

Mr. BOND submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 150

WHEREAS the United States and the Kingdom of Thailand have enjoyed 169 years of peaceful and constructive relations since the signing of the Treaty of Amity and Commerce in 1833;

WHEREAS that document was the first such treaty signed between the United States and any Asian nation;

WHEREAS the United States enjoys both a bilateral security agreement and a military assistance agreement with Thailand and conducts several military exercises with the armed forces of Thailand every year, the largest of which is the Cobra Gold Exercise;

WHEREAS Her Majesty Queen Sirikit, most notably patron of the Thai Red Cross Society, has made major contributions to advancing the social and economic welfare, and health, of the people of Thailand;

WHEREAS in order to assist the rural poor of Thailand, Her Majesty Queen Sirikit serves as patron and chairperson of the Foundation for the Promotion of Supplementary Occupations and Related Techniques (SUPPORT);

WHEREAS, in her capacity as President of the Thai Red Cross Society, Her Majesty Queen Sirikit established the Khaok Lam Thai Red Cross Center to provide food, shelter, and medical attention to Cambodian refugees fleeing the turmoil in their country; and

WHEREAS Her Majesty Queen Sirikit’s contributions to the welfare of Thai citizens and of international refugees have been widely recognized by groups as diverse as the United Nations Food and Agriculture Organizations, the Fletcher School of Law and Diplomacy, and the British Royal College of Physicians:

NOW, THEREFORE, BE IT

RESOLVED, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jo-Anne Coe; RESOLVED, that the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; RESOLVED, that when the Senate recesses or adjourns today, it stand recessed or adjourned as a further mark of respect to the memory of Jo-Anne Coe.

DEATH OF JO-ANNE COE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 335, submitted earlier today by Senators DASCHLE and LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 335) relative to the death of Jo-Anne Coe.

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

Mr. LOTT. Mr. President, Jo-Anne Coe, who made history as the first woman to serve as the Secretary of the Senate after our good friend Bob Dole became Majority Leader in 1985, died suddenly on Friday, September 27, of an aneurysm.

We all have experienced the love and friendship of those most loyal staff who work for and with us over a period of many years and who are part of our family life. Now, therefore, be it

RESOLVED, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jo-Anne Coe because she was an especially cherished friend and confidante of the entire Dole family, most recently serving as Bob’s indispensable Chief of Staff in the private sector. Some referred to her as Bob’s alter ego or “Bob Dole in an ultra suede suit.” All who knew her respected and admired her talent and loyalty to Bob and the Senate institution.

On behalf of the entire Senate family, I offer our profound sympathy and prayers to Jo-Anne’s family, especially to her daughter Kathryn Lee Coe Coomes of Alexandria, VA. I ask unanimous consent that a tribute to Jo-Anne Coe be printed in the RECORD.

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

JO-ANNE COE, DOLE CHIEF OF STAFF, FIRST WOMAN SECRETARY OF THE SENATE

Jo-Anne Lee Coe, 69, Chief of Staff to former Senate Majority Leader Bob Dole, became the first woman to serve as Secretary of the US Senate, died September 27 at Inova Fairfax Hospital of an aneurysm. She was a Fairfax County resident.

Mrs. Coe had worked for Senator Dole for nearly 35 years, first joining the staff of then-Congressman Dole in early 1968 as he prepared for his first Senate race. Initially a constituent caseworker, she rose through the ranks to become office manager. In late 1973, she briefly left the senator’s staff to accept an appointment in the Ford Administration. A few months later, President Ford tapped Senator Dole to be his Vice Presidential running mate and Mrs. Coe became Office Manager for the Vice Presidential campaign.

After the campaign, she returned as Office Manager in the Dole Senate office and became the staff member designated as Bob’s political liaison to his campaign committee under the new Federal Election Campaign Act regulations.

When Senator Dole became Senate Majority Leader in 1985 he nominated Mrs. Coe as his choice for Secretary of the Senate. She was the first woman in history to be elected to this position. As well as supervising the Senate’s vast administrative apparatus, historical and archival functions and
Interparliamentary relations with other countries; the Secretary of the Senate has numerous legislative and parliamentary functions including presiding over the Senate during the absence of the President Pro Tem. The

Upon the Democrats regaining control of the senate in 1987, she returned to the Dole Senate staff until joining Senator Dole’s 1988 Presidential campaign. Following the campaign, she was named Executive Director of Campaign America, the leadership PAC she had helped Senator Dole found.

Never one to seek the limelight for herself, she was surprised at the media attention she received during the 1996 campaign as the GOP nominee’s campaign #1 issue. However, in many ways she was seen politically as Senator Dole’s alter ego. In a feature article during the 1996 campaign, the New York Times Rick Berke called her “Bob Dole in ultra suede suit.”

Following the Presidential campaign, senator Dole joined the Washington law firm of Verner Lipfert MacPherson and Hand as Special Counsel and Mrs. Coe joined him there as his chief of staff, and advised clients on legislative strategy. She also managed Senator Dole’s national business interests, including relationships with speakers bureau and the publishers of his books, and assisted on a voluntary basis with fundraising for a number of endeavors supported by Senator Dole, including the World War II Memorial Commission, the Dole Institute of Politics at the University of Kansas, and the Families of Freedom Scholarship fund, co-chaired by Senator Dole and former President Clinton to assist the families of 9/11 victims.

Born Jo-Anne Lee Johnson in Coronado, California in 1932, Mrs. Coe was the daughter of Admiral Roy Lee Johnson, Commander in Chief of the US Pacific Fleet during the Vietnam conflict and the first commander of the US Seventh Fleet. She also attended the College of William and Mary and spent a year at Alexandria University of Minnesota and a donor to a variety of Catholic church of St. Lawrence the Martyr in Florida, she was an active parishioner at the
during one then-Senator John F. Kennedy chose Senate

tive Democrat and powerful chairman of Senate adjourns today, it stand recessed or ad-

Whereas Jo-Anne Coe served as an employee of the Senate of the United States and ably and faithfully upheld the high standards of Senate service by serving on the Senate from January 3, 1969 until January 31, 1989 for a period that included ten Congresses;

Whereas Jo-Anne Coe was the first woman in history to be elected as the Secretary of the Senate in 1985;

Whereas Jo-Anne Coe served as Secretary of the Senate, Administrative Director of the Committee on Finance, Administrative Director of the Office of Senator Bob Dole and Chief of Staff to Senator Dole;

Whereas Jo-Anne Coe faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life, with honesty, integrity, loyalty, and humility;

Whereas Jo-Anne Coe’s clear understanding and appreciation of the challenges facing the Nation has left her mark on those many areas of public life. Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jo-Anne Coe.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of deceased.

Resolved, That when the Senate recesses or adjourns today, it stand recessed or adjourned as a marker of respect to the memory of Jo-Anne Coe.

WELCOMING QUEEN SIRIKIT OF THAILAND

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 150, submitted earlier today by Senator BOND.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title:

The legislative clerk read as follows: A concurrent resolution (S. Con. Res. 150) welcoming Her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 150) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

Whereas the United States and the Kingdom of Thailand have enjoyed 169 years of peaceful and constructive relations since the signing of the Treaty of Amity and Commerce in 1833;

Whereas that document was the first such treaty signed between the United States and any Asian nation;

Whereas the United States enjoys both a bilateral security agreement and a military assistance agreement with Thailand and conducts several military exercises with the armed forces of Thailand every year, the largest of which is the annual Cobra Gold Exercise;

Whereas Her Majesty Queen Sirikit, most notably as President of the Thai Red Cross Society, has made major contributions to advancing the social welfare, and health, of the people of Thailand;

Whereas, in order to assist the rural poor of Thailand, Her Majesty Queen Sirikit serves as patron and chairperson of the Foundation for the Promotion of Supplementary Occupations and Related Techniques (SUPPORT);

Whereas in her capacity as President of the Thai Red Cross Society, Her Majesty Queen Sirikit established the Khao Larn Thai Red Cross Center to provide food, shelter, and medical attention to Cambodian refugees fleeing the turmoil in their country; and

Whereas Her Majesty Queen Sirikit’s contributions to the welfare of Thai citizens and of international refugees have been widely recognized by groups as diverse as the United Nations Food and Agriculture Organizations, the Peace Corps and the British Royal College of Physicians: Now, therefore, be it

Resolved, that the Senate recognizes the deep friendship which exists between the United States and the Kingdom of Thailand.

Resolved, that the Senate welcomes Her Majesty Queen Sirikit on her visit to the United States and expresses the hope that her visit will further strengthen the historical ties between the United States and the Kingdom of Thailand.

S. Con. Res. 150

ORDERED: That the Senate shall transmit a copy of this concurrent resolution to the President with the request that such copy be further transmitted to the Government of the Kingdom of Thailand.

ORDERS FOR TUESDAY, OCTOBER 8, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Tuesday, October 8; that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that there be a period of morning business until 10 a.m., with Senators permitted to speak therein up to 10 minutes each, with the first half of the time under the control...
of the Republican leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; that at 10 a.m. the Senate resume consideration of S.J. Res. 45; further, that the Senate recess from 12:30 until 2:15 p.m. for the weekly party conferences.

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

ORDER OF BUSINESS

Mr. REID. Mr. President, there was a unanimous consent request earlier today, which has been approved, that the time from when we come in at 10 o'clock tomorrow to begin work on this resolution until 12:30 be in 15-minute slots, and we would be happy to alternate back and forth. But it would be to everybody's advantage if those wishing to speak would notify their respective cloakrooms. What I will do in the morning, when we come in at 9 o'clock, is set that up so people will know when to come. We would set up an order of procedure for debate in this matter. I think that would save Senators a lot of time, and it would allow us to move along in the matter more quickly.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of the majority leader.

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

The majority leader is recognized.

WORK TO BE DONE BEFORE ADJOURNMENT

Mr. DASCHLE. Mr. President, let me thank the distinguished assistant Democratic leader for his characteristic leadership and cooperation as we have worked through so many of these procedural issues. I thank him so much for all he has done on the floor in the last few weeks.

We have had the debate on the resolution now for a couple of days. They have been good days. I think Senators have used the time wisely and productively, and I think it has been very constructive and respectful debate, as we hoped it would be.

I have indicated to Senator LOTT it is my hope we can reach an agreement tomorrow about how we might proceed to the completion of the debate. I am hopeful we might propound a unanimous consent request that would accommodate the Senators who wish to offer amendments, that those amendments be debated tomorrow, Wednesday, and Thursday, and that we have a vote on final passage on Thursday night.

That would allow an entire week to have debate on this resolution. Senators will have ample time to be heard and to speak tomorrow, Wednesday, and Thursday. We will go late into the night, if we have to, to accommodate Senators who wish to be heard. But I think that is sufficient time. So I will make such a request after further consultation with colleagues on both sides of the aisle.

I hope Senators will accommodate our desire, recognizing first that, as important as this is, there are other issues that still have to be addressed prior to the time we leave. We have to deal with the continuing resolution; we have to deal with the budget enforcement resolution; we have to deal with homeland security.

Given the fact that tomorrow will be 1 month to the day before the election, that is a lot to be done in a very short period of time. So I urge Senators to work with us to accomplish these legislative goals and recognize there are other issues as well that we hope to deal with, such as nominations, perhaps conference reports; the election reform conference report ought to be done. I would like to see bankruptcy done.

In any case, we have work that cannot be done unless we are cognizant of the limited time available and make use of every day. Again, I appreciate everyone's cooperation to date. I hope we can reach that agreement tomorrow and we can complete our work on this resolution by sometime Thursday night.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 o'clock tomorrow morning.

Thereupon, the Senate, at 6:15 p.m., adjourned until Tuesday, October 8, 2002, at 9 a.m.
A PROCLAMATION HONORING CONGRESSMAN RALPH REGULA

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mr. NEY. Mr. Speaker, Whereas, Congressman REGULA has exemplified leadership in Holmes County Ohio for 20 years; and Whereas, Congressman REGULA demonstrated steadfast commitment to meet challenges with passion, diligence, and confidence; and Whereas, Congressmen REGULA is to be commended for his faithful representation of Holmes County interests in Washington, DC; and Whereas, Congressman REGULA has been a dedicated and loyal Representative for Ohio’s 16th District; Therefore, I join with the residents of the entire 18th Congressional District in commending Congressman RALPH REGULA for his 20 years of outstanding service to Holmes County.

IN HONOR OF MR. PANAYIOTTIS PAPANICOLAOU

HON. ROBERT MENENDEZ
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Mr. Panayiotis Papanicolaou for his selfless commitment to the cause of justice and peace in Cyprus, as well as for his tremendous contributions to New Jersey’s business community. For his devotion, Mr. Papanicolaou was awarded the Justice for Cyprus award at the Cyprus Federation of America’s annual awards Gala on Saturday, October 5.

As a result of his great talent, hard work and dedication, Mr. Papanicolaou is now principal of J.F. Contracting Corporation, a Brooklyn-based construction and engineering firm. He is also affiliated with the following organizations: The American Society of Engineers; the National Society of Professional Engineers; the Civil Engineering Honor Society; the Greek Orthodox Archdiocesan Council; and the Advisory Board of Queens College and Saint Gall’s Academy.

Mr. Papanicolaou has worked tirelessly and has achieved great distinction for his work towards peace in his native land. He is currently serving as vice president of the Cyprus Children’s Fund, and, from 1995 through 1999, he served as supreme president of the Cyprus Federation of America.

Born in Nicosia, Cyprus, Mr. Papanicolaou served in the National Guard of Cyprus, and attended the New Jersey Institute of Technology, NJIT, where he earned a bachelor’s degree in civil engineering and a master’s degree in construction engineering and construction management.

The Justice for Cyprus awarded has been presented to individuals, who have demonstrated steadfast dedication and unparalleled commitment to the causes of freedom and justice. Mr. Papanicolaou most unequivocally fits this profile and is most deserving of this award.

Mr. Papanicolaou and his wife, Nasia, have two daughters, Elizabeth and Elena.

Today, I ask my colleagues to join me in honoring Mr. Panayiotis Papanicolaou for his commitment to the people and the freedom of Cyprus, and to his unremitting devotion to a just and peaceful world.

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, because commitments in my home State of Wisconsin, I was unable to vote on rollcall Nos. 400 through 403. Had I been present, I would have voted: “No” on rollcall No. 400; “no” on rollcall No. 401; “aye” on rollcall No. 402; and “aye” on rollcall No. 403

A PROCLAMATION HONORING WILLIAM JAKE OLSAVSKY

HON. ROBERT W. NEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mr. NEY. Mr. Speaker, Whereas, William J. Olsavsky, known simply as Coach “O,” was an accomplished football player and played as a Wheeling Ironman from 1962–1969; and Whereas, Coach “O” is an example to all who know him, especially his students, of steadfast character and loyal friendship; and Whereas Coach “O” is to be commended for his hard work and dedication to the Students of Wheeling Central High, Brilliant High, Bellaire High, and Union Local High School where he served as Head Football Coach from 1963–2002; and Whereas Coach “O” has received numerous awards and accolades testifying to his character, passion, dedication, and talent; and Therefore, I join with the residents of the entire 18th Congressional District in congratulating William J. Olsavsky on his retirement after 40 years of brilliant service in education and coaching.

Tribute to Brigadier General Joseph Foss

HON. DAVID DREIER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mr. DREIER. Mr. Speaker, in recent months we have been continually reminded of America’s heroes both here at home and abroad. The sacrifices of these men and women have been recognized by a very grateful country and will never be forgotten. These newly discovered American heroes hail from a long tradition of men and women who have selflessly given themselves to this great Nation.

Brigadier General Joseph Foss exemplifies this American tradition and is a model of selfless service and sacrifice. As an 11-year-old farm boy from South Dakota, Joe was inspired to fly by an encounter with Charles Lindbergh at a rural airport near Sioux Falls. This desire fueled the fire of a man who, during World War II, became one of America’s leading Marine Aces with 26 confirmed and 16 probable kills in the fight for Guadalcanal. In May 1943, General Foss received America’s highest honor, the Congressional Medal of Honor, for outstanding heroism above and beyond the call of duty.

Upon his return home from the war, General Foss served in public office as a member of the South Dakota State House and was overwhelmingly elected to two terms as Governor. We have also been blessed by his contributions as President of the National Society of Crippled Children and Adults and the National Rifle Association. Joe Foss also served as the first Commissioner of the American Football League, where his work led to the birth of one of America’s favorite sporting events—the Super Bowl.

Such a lifetime of selfless action speaks for itself. However, General Foss is not yet finished. Along with the Foss Institute, he has taken on a new task, leading senior veterans in a campaign to educate our country’s youth in military history and the true meaning of patriotism. At 87 years young, this great American is continuing to serve his country in very valuable ways. I ask that the Congress join me in honoring one of America’s most appreciated and loved heroes, Brigadier General Joseph Jacob Foss.

A PROCLAMATION HONORING DR. CHARLES KRAUTHAMMER

HON. CHRISTOPHER COX
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mr. COX. Mr. Speaker, I rise today to honor Dr. Charles Krauthammer, a journalist who is very well known to the Members of this body. On September 5, 2002, Charles Krauthammer was honored with the “Mightier Pen” award from the Center for Security Policy. The Center for Security Policy launched the “Mightier Pen” Award in 2001 to recognize individuals who have, through their published writings, contributed to the public’s appreciation of the need for robust U.S. national security policies and military strength as an indispensable ingredient in promoting international peace.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
This is not the first, or the most widely known honor for Dr. Krauthammer. He has received many such honors before, among the most significant being the 1987 Pulitzer Prize for distinguished commentary and the 1984 National Magazine Award for essays.

Today, I am turning the attention of my colleagues to the Mightier Pen Award not only because it has meaning with respect to Dr. Krauthammer’s talent and intellect, but because it has particular meaning for our nation, even more so as we consider the next steps in the War on Terrorism.

Dr. Krauthammer initiated his weekly column for The Washington Post in January 1985. It now appears in more than 100 newspapers. Most of us have had the chance to read him weekly. We could do no better than to consider his cogent analysis as we make critical decisions in the coming weeks and months that will doubtlessly influence the future of our national security for many years to come.

IN HONOR OF ANDREW A. ATHENS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Andrew Athens for his outstanding leadership and contributions to the cause of justice and peace in Cyprus. For his commitment, he was awarded the Justice for Cyprus award at the Cyprus Federation of America’s annual Awards Gala on Saturday, October 5, 2002.

In December 1995, Mr. Athens became the first elected World President of the World Council of Hellenes (SAE) in Thessaloniki, Greece. SAE is an historic, international movement that unites seven million Hellenes around the world and ten million Hellenes in Greece under one non-profit, non-governmental organization. Under the successful direction of Mr. Athens, SAE developed programs aimed at improving the basic health care services available to Hellenic and general populations in Albania, Armenia, Georgia, Kazakhstan, Southern Russia, Ukraine and Uzbekistan, and created the World Youth Organization with regional youth organizations.

Mr. Athens’ focus of peace and justice in Cyprus has dominated his life. He founded the United Hellenic American Congress (UHAC) in Chicago twenty-six years ago, is Chairman and co-founder of the board of the Hellenic American Chamber of Commerce, and is an Honorary Member of the Board of Directors of the American Foundation of Greek Language and Culture (AFGLC), dedicated to preserving and propagating the Greek language and tradition in the United States.

Mr. Athens enjoyed a successful business career serving as founding President and Chief Executive Officer of Metron Steel Corporation.

In recognition of his extensive civic and humanitarian services, Mr. Athens has been presented with a multitude of awards, including: the Gold Medal of the Order of the Phoenix by the Greek Government; a Limited Issue Gold Commemorative Medallion honoring Archbishop Makarios, presented by the former president of Cyprus, the lateSpyros Kyriakou; the Golden Medal of St. Barnabas; the John F. Kennedy Public Servant Award; Belgium’s Commander in the Order of Leopold II; Ellis Island Congressional Medal of Honor; Grand Cross of the Order of Merit; and Medal of the Municipality of Athens.

A true hero of America, Mr. Athens served in the United States Army for five years. He held the position of U.S. Captain in the Middle East and European Theaters in World War II, and was awarded the Bronze Star for the Egypt-Libya Campaign and the Army Commendation Ribbon.

Mr. Athens and his wife, Louise, have two children, Paul and Jacqueline. Today I ask my colleagues to join me in honoring Andrew Athens for his exceptional leadership and many accomplishments in the cause of justice and peace in Cyprus.

HUGH CLARK: CARVING OUT A MODEL FOR HARBOR BEACH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Hugh Clark of Harbor Beach, Michigan, upon the occasion of his being honored by the Harbor Beach Historical Society and Friends of the Frank Murphy Museum for his significant and inspiring contributions to his community.

Hugh Clark has spent a lifetime volunteering his time and talents to benefit others and his exemplary efforts stand as a model for others to follow.

In 1957, Hugh moved to Harbor Beach with his wife, Joleen, to teach science at Harbor Beach Community School. It wasn’t long before both Hugh and Joleen joined the Jaycees, beginning a pattern of volunteerism and community service that would last to this day. A naturalist by training, Hugh also writes an informative column for the Harbor Beach Times.

A popular science teacher for many years, Hugh devoted his life to educating young people in and out of the classroom. He spent 30 years in various roles with the Boy Scouts of America, serving as cub master, scout master and Round Table Commissioner for the Thumb District until retiring from scouting in 1995.

Today, many adults in Harbor Beach and beyond still have found boyhood memories of scouting trips and nature excursions led by Hugh Clark.

More than 20 years ago, Hugh had a little down-time while on a canoe trip. He took out a carving knife and began sculpting a block of wood. Hugh’s chiseling soon led to a new hobby, wood carving. He started out making wooden neckerchiefs for Boy Scouts, which he donated for sale. The Boy Scouts raised more than $10,000 from the sale of Hugh’s wood carvings. He also crafts pieces for the Wood- en Canoe Heritage Association and items to be sold to benefit the Harbor Beach Light- house and Breakwall Preservation Society and for the Friends of the Frank Murphy Museum.

Naturally, Hugh acknowledges that he could not possibly have given so freely and generously of his time and talents without the enthusiastic support of his wife, Louise, and his three children, Don, Kathy and Valerie. They deserve our commendation and gratitude as well.

Mr. Speaker, I ask my colleagues to join me in commending Hugh Clark for giving so much back to his community and for his praise-worthy devotion to our young people. Hugh Clark has touched an untold number of lives and I am confident he will continue to reach out to his community for many years to come.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. CYNTHIA A. MCKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. MCKINNEY. Mr. Speaker, I rise to remember our colleague, Representative Patsy Mink.

It was with great sadness that I learned of the death of my friend and colleague, Congresswoman Patsy Mink this week.

I offer my deepest condolences to Patsy’s family, her constituents, and the State of Hawaii. Her passing is a loss to us all.

Patsy was a leader on many issues during her 23-year tenure in Congress, and I believe that she truly did do what many, if not all Representatives seek to accomplish here in Washington, DC—she made a difference.

Patsy was the co-author for Title IX of the Education Amendments Act of 1972, which mandated gender equality in education. Thanks to her work, millions of women were afforded greater access to education, school grants and scholarships, and athletic opportunities.

Patsy was also a leader on an issue that is close to my heart, the Freedom of Information Act. In 1971, Patsy filed suit along with 32 other Members of Congress to force disclosure of reports on underground nuclear attacks in the Aleutian Islands of Alaska. This case was later cited as precedent by the U.S. Supreme Court in its ruling for the release of the Watergate tapes.

Patsy Mink was also an advocate for the protection and conservation of the natural resources of our Nation, and of Hawaii. A former assistant secretary of state for Oceans and International, Environmental and Scientific Affairs, where she helped strengthen protection of whales and regulations of toxic dumping and ocean mining, Patsy brought her advocacy back to Congress with her. In the 107th Congress, she introduced legislation to create the East Maui National Heritage Area, to expand the Pu’uhonua Honaunau National Historic Park, and to establish the Kalaulapa National Historic Park. Further, Patsy was involved in the successful effort to reform laws permitting strip mining. It is fitting then that Patsy was a recipient of the Friends of the National Parks Award from the National Parks Conservation Association.

On these, and many other fronts, Patsy was a dedicated and devoted leader and champion. I consider it a privilege to have served with Patsy, and I believe that Congress has lost an important and respected Member.

AMERICAN LEGION'S DISTRICT OF COLUMBIA 2002 HIGH SCHOOL ORATORICAL CONTEST

HON. THOMAS M. BARRETT OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to share with my colleagues a speech written and delivered by Nicholas "Nick" Barbash, a senior at School Without Walls, a District of Columbia Public Senior High School. Nick won the District of Columbia 2002 High School Oratorical Contest. I hope that you will enjoy Nick's speech which makes the case for DC voting rights from both a historical and moral perspective.

In a time when young people are so often dismissed as passive and uninterested in relevant social issues, Nick's winning speech shows how a young person can make a difference in promoting a message to his fellow students and the general public. After placing first in the DC contest, Nick had the opportunity to deliver this speech to the National Finals of the American Legion's contest in Indianapolis, Indiana. According to Nick, other participants in the competition as well as their parents were unaware that DC residents had no full voting rights.

Nick's argument will help enlighten those who are still unaware of the injustice residents of the District feel in grappling with their lack of representation.

TAXATION WITHOUT REPRESENTATION IN THE NATION'S CAPITAL

(Written and delivered by Nicholas M. Barbash)

Ladies and gentleman, imagine for a moment that you are touring Washington, D.C. Where would you go? You would probably visit the Washington Monument, the Lincoln Memorial, the U.S. Capitol, the White House, and I am sure you would also visit the National Archives. You would go into the main chamber, you would peer through the thick glass, and you would see the actual documents on which our country was founded: the Declaration of Independence and the Constitution. And in the midst of your awe and reverence, you would see, perhaps hurrying you along in line and making sure no harm comes to these documents.

I bet you did not know that many of those guards, who protect the Constitution, are not protected by the Constitution. They are just a few of 500,000 residents of Washington, D.C. who are lawful American citizens, with all duties and obligations thereof, but are not represented in the federal government. Congress has total control over Washington, D.C.; it determines who will serve in the local government. However, D.C. has no representation in Congress, no senators, no congressman, and up until 1961, we could not even vote for president.

This situation has been going on in our nation's capital for more than two hundred years now because of Article I, Section 8, Clause 17 of the Constitution. This states that Congress shall have power "to exercise exclusive legislation in all cases whatsoever over such district... as may... become the seat of the government of the United States." In 1787, when the Constitution was written, there was a good reason for this clause. There were serious tensions between Northern and Southern states and the capital needed to be independent so it would not be controlled by any of the states.

But times have changed. This issue is now obsolete. And the Founding Fathers, in their infinite wisdom and foresight, knew that times would change, and that additions or corrections to the Constitution would have to be made, as the great Supreme Court Justice John Marshall said, "to be adapted to the various crises of human affairs." Well America, tax representation in the nation's capital is a crisis of human affairs.

After America gained independence but before our modern Constitution was ratified, this country wasn't really the United States. It was two groups of separate states, northern and southern, with interests so different that they could almost be considered separate nations. Now if these states were to permanently remain one nation, the capital would have to be on neutral ground, controlled by no state. And the founders wrote in the Constitution that the governing district would be controlled by Congress. They did not imagine that anyone besides members of Congress would have the right to the power there. But ordinary people did begin to move in starting in 1800. Sixty-five years later, Reconstruction after the Civil War seemed like the perfect time to renew the vows of democracy and to finally grant representation to D.C., as the issue of northern or southern domination of the capital had been put to rest with the end of the Civil War.

However, Congress did almost the exact opposite in 1787, when it arbitrarily abolished the local government and put the city under the control of three presidentially appointed commissioners. It took almost a century after that until the offices of mayor, city council, and school board were finally restored. However, in 1995, Congress stripped the local government of all appreciable power and gave it to another presidentially appointed officially known as the mayor. (If you're watching your favorite TV show where people are elected, you'll notice just how much the mayor liked was elected, they gave it back.)

Ladies and gentleman, not only are these actions to the Constitution taken, they are actions the Constitution stands for, but they are very similar to the actions King George III committed that caused America to declare independence in 1776. "I mean that by the Declaration of Independence in which Thomas Jefferson lists these actions. Among them: "For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever," "For imposing taxes on us without our consent," "For forcing and enacting unsuitable and injurious laws."

Neither are we absentee members of Congress as the Founding Fathers intended. America declared independence from England because England was doing to America what we are doing to D.C. The tax without representation is tyranny. Now a lawyer James Otis declared that "taxation without representation is tyranny." Now a law from 1795 to 1995 to 2002 to 2017, D.C. would have to pay taxes but did not get the benefits of being a state. The Constitution guaranteed us all the rights of a state, no matter what the population was. In 1795, D.C. was classified as a non-state, which means that the federal government has total control over the city, the people of the city, the structures of the city, and the Constitution that guarantees us all rights of a state, no matter what the population was. These rights are guaranteed in the body of the Constitution, and they are also guaranteed in the preamble of the Constitution: "To secure the blessings of liberty."

Like everyone else across the country, we pay federal taxes. As a matter of fact, we pay higher taxes than 49 states. But unlike everyone else across the country, we can't elect the people who decide how those tax dollars are spent. In 1767, the Massachusetts lawyer James Otis declared that "taxation without representation is tyranny." Now a law from 1795 to 1995 to 2002 to 2017, D.C. would have to pay taxes but did not get the vote. Our America may be very different from the America in 1795, but representation without representation is still tyranny! D.C. lost more soldiers in the Vietnam War than any other state did. D.C. was recently sent to fight in Afghanistan. They're fighting the war, but they are without a say in whether or not they should be fighting the war. Even thirty years ago, the Washington Star newspaper said about this issue, "What right have we to hurl epithets and denunciations at dictatorships and totalitarian states in other countries? Is it the almost perfect example of irresponsible forms of government is maintained by our own national government in our own national capital?

Congress took power from the D.C. government in 1995 because it essentially felt that...
the mayor was corrupt. Well, mayors of other cities have been corrupt. They were impeached, removed from office, and in some cases, legal action was taken. But the power of their office itself was not removed. Voters in their cities were not denied their right to elect their leaders because an outside body judged one of them to be corrupt. Things like this do not happen anywhere in America except in D.C.

In justices in Washington, D.C. have gone on long enough. The Founding Fathers had good reasons for denying D.C. representation, but their reasons have outlived their time, and it is time to do something about it. It is time to rise above partisan differences and recognize that everyone living in the capital city, Democrats, Republicans, and all others are denied rights which are granted to all other Americans under the Constitution. It is time to exercise Article V and all others are denied rights which are good reasons for denying D.C. representation. But their reasons have outlived their time.

October 7, 2002

HONORING JOHNNY UNITAS AND EXTENDING CONDOLENCE TO HIS FAMILY ON HIS PASSING

SPEECH OF

HON. ROBERT L. EHRLICH, JR.
OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. EHRLICH. Mr. Speaker, I rise today in support of House Resolution 538, honoring Johnny Unitas on his passing.

Like a lot of kids growing up in Baltimore in the 1960s, I always imagined myself playing alongside Johnny Unitas on Sunday afternoon at Memorial Stadium. Never did I imagine that, later in life, I would count the greatest quarterback of all time as a dear friend.

I first met Johnny Unitas when I served in the Maryland State Legislature. He was larger than life; an institution in Baltimore. But he never lost his unique sense of humility and kindness. He always took the time to sign a few autographs or help a young quarterback tighten his spiral.

I played linebacker at the Gilman School in Baltimore and later at Princeton University. The Chicago Bears’ Dick Butkus set the standard for how to play linebacker, but Johnny Unitas was the man who set the standard for how to play the game. He defined leadership and sportsmanship for my generation. He made the game of football what it is today. It is no surprise that the career of Johnny Unitas coincides with the popular ascendency of professional football.

The list of his on-the-field accolades is incomparable. He won three league championships, three MVP awards, and made ten Pro Bowl appearances. He retired from the NFL in 1974 as the owner of 22 NFL records, most notably throwing at least one touchdown pass in 47 consecutive games. No player since has even come close to surpassing that feat.

Johnny Unitas was best known for his golden arm, but his greatest gift was a golden heart. He never stopped giving back to the community and his country. He established the John- 

Johnny Unitas Golden Arm Educational Foundation to help low-income kids get a college education. He was a tireless supporter of cystic fibrosis research. He and his wife Sandra fought admirably to help victims of sexual assault and domestic abuse. His charitable efforts that are bound to thrive even after his passing. His spirit of compassion lives on in the City of Baltimore and the nation.
Mr. Speaker, it is my pleasure to introduce House Resolution 538 in honor of my friend Johnny Unitas. The indelible impression he left on the City of Baltimore, my home state of Maryland, and the nation is deserving of today's recognition. He will be missed, but not forgotten. I ask my colleagues to join me in support of this important resolution.

IN HONOR OF REPRESENTATIVE FRANK PALLONE, JR.

HON. ROBERT MENENDEZ
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today, as a colleague and friend, to honor Representative FRANK PALLONE, Jr., for his tremendous career and his accomplishments for the People of New Jersey. He has always fought the principled battles for the progress of American society. For his efforts, Mr. PALLONE was awarded the Justice for Cyprus award at the Cyprus Federation of America's annual Awards Gala on Saturday, October 5th.

The Honorable FRANK PALLONE was officially sworn in for his seventh term in the US House of Representatives on January 3rd, 2002, winning his reelection with 68 percent of the vote. He has been a very active and dedicated Member of the House throughout his tenure. He is Vice-Chairman for the Communications of the Democratic Policy Committee, a Member of the Democratic Steering Committee, Co-Chairman of the Democratic Task Force on Health Care Reform and the House Democratic Environmental Task Force.

FRANK PALLONE has been recognized time and again for his commitment to the advancement of many issues, including expanding health care access and affordability, protecting the integrity of Medicare and Medicaid, ensuring food safety, protecting the environment and strengthening environmental laws. For his efforts, he was elected as Legislators of the Year in 2001 by the New Jersey Association of Broadcasters, and Outstanding Legislator of the Year in 1999 by the Veterans of Foreign Wars.

A native of Long Branch, New Jersey, Mr. PALLONE earned an academic scholarship to Middlebury College. After he graduated cum laude, PALLONE received his master's degree in international relations at the Fletcher School of Law and Diplomacy.

FRANK PALLONE and his wife, Sarah, have three children, daughters, Rose Marie and Celeste Teresa, and son, Frank Andrew.

Today, I ask my colleagues to join me in honoring Congressman FRANK PALLONE, Jr., for his remarkable leadership in promoting peace and justice in Cyprus.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the rollcall votes. If I had been present, I would have voted as follows:

October 3, 2002, rolloff vote 437, on approving the journal, I would have voted “yea”.

RECOGNITION FOR CHIEF DENNIS COMPTON OF MES A, ARIZONA

HON. CURT WELDON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mr. WELDON of Pennsylvania, Mr. Speaker, I would like to recognize Chief Dennis Compton of the Meza, Arizona Fire Department who is retiring after 30 years of dedication and commitment to the fire and emergency services.

Among Congressional Fire Services Caucus leaders, Chief Compton is highly regarded for his character and integrity. He is an individual who has lent an enormous amount of time to the Congressional Fire Services Institute, serving as Chairperson of its National Advisory Committee. Many of the recent successes enjoyed by the fire service bear his imprint.

Chief Compton possesses many outstanding attributes, perhaps none more important than his skills as a coalition builder. We tend to think of the fire service as a unified service. As a former fire chief, myself, I can tell you from personal experiences that it is not. The fire and emergency services must often address issues that can disrupt progress at both the local and national levels. In either case, I cannot think of anyone more qualified and effective in resolving differences and building coalitions than Chief Compton.

Fortunately, he has reassured the fire service throughout his career that he will remain an active advocate for public safety causes upon retirement as chief. I will hold him to that promise. At this critical juncture as we discuss proposals for defending our nation against potential acts of terrorism, we need to heed the advice of knowledgeable individuals who can offer sound judgment and guidance on such a critical issue. Chief Compton is such an individual.

However, I have it on good authority, Mr. Speaker, that the reason for Chief Compton's retirement has to do with two passions: his grandson and his Diamondsbacks. Apparently he would like to spend more time with both.

In closing, I extend Chief Compton's congratulations on his retirement and thanks for his immeasurable contributions to our nation's fire and emergency services.

HONORING DONALD BOTT

HON. JOHN T. DOOLITTLE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mr. DOOLITTLE. Mr. Speaker, today I wish to honor a dedicated and accomplished educator in Northern California, Mr. Donald Bott. Don was recently named the 2002 National High School Journalism Teacher of the Year by the Dow Jones Newspaper Fund.

When the Newspaper Fund began in 1958, it focused on helping high school journalism teachers achieve their potential in teaching the skills to make their students first-rate journalists. The tradition continues to this day with the Fund's recognition program for outstanding teachers. This year, the Newspaper Fund concluded that no classroom at Amos Alonzo Stagg High School in Stockton, California, represents the nation's best in scholastic media advisers.

Don, who was previously named as one of only five Distinguished Advisors by the Newspaper Fund in 2000, will now have the opportunity to travel to conferences throughout the year, speaking about the importance of fostering journalism as a core part of school curriculum.

Don's academic background is exceptional. Over the years, he has earned various degrees and certificates, including a Journalism Educator certificate, a Language Development Specialist certificate, a Single-Subject Secondary Teaching Credential, a Master of Arts degree in English from California State University, Sacramento, and a Bachelor of Arts degree in Literature, with honors, from my alma mater, the University of California, Santa Cruz.

Furthermore, Don has excelled professionally as an educator. Aside from teaching at both the high school and college levels, he has worked to develop standards and curricula in the field of secondary school journalism studies. His peers have recognized his excellence by naming him as a Special Recognition Adviser, San Joaquin A+ Educator, and 1994–95 San Joaquin County Teacher of the Year.

Despite the accolades he has received personally, Don Bott views his work with a measure of modesty. He is quick to point out that the success of Stagg High School's newspaper, The Stagg Line, is a reflection of the talent and commitment of the students who produce it. Not surprisingly, one of his recent students has also received national acclaim. Together, Don and his students have created an award-winning newspaper. Among the honors it has garnered are: eight consecutive NSPA All-Americans, three National Pacemaker awards, two CSPA Gold Medalists, a Quill and Scroll International First Place, a first-place state JEANC Best of the West, three first-place NSPA National Best of Show awards, a Journalist Impact Award, and numerous regional awards.

While he is humble about his own role in the newspaper's success, Don is very proud of what his students have achieved in light of their school district's circumstances. Whereas many of the acclaimed student newspapers in the country are produced in affluent schools, The Stagg Line has been a bright spot in a high school that underperforms on standardized tests. This, indeed, is a tribute to a great teacher, inspired students, and hard work.

I congratulate Don Bott for the outstanding work he has done to touch young lives and advance the quality of news journalism. May he and his colleagues continue their great success.

MULEGÉ AND THE FIGHT OF PINEDA

HON. MICHAEL M. HONDA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, October 7, 2002

Mr. HONDA. Mr. Speaker, the relationship between Mexico and the United States of America is stronger than ever before. This relationship has been tested and strengthened throughout their shared history, a history typified by close neighbors. There have been disputes and agreements, conflicts and truces, all of which have led the two countries to where they stand today: united, both in their
diplomatic relations, and in their efforts to improve the lives of all their citizens.

Fortunately, recent history between our two countries has been resoundingly positive. But in the decades with which we are confronted, declarations of independence, disagreements and conflict were far more commonplace than the diplomacy and cooperation we are accustomed to today. One of these disagreements led to full-scale war, the effects of which have influenced the geography and culture of North America to this day. This war, the Mexican-American War of 1846–48, was characterized by fierce battles, tense stand-offs, and from both countries, overwhelming national pride.

In 1847, in Mulegé, there was one such conflict that today is honored as the embodiment of Mexican national pride. Shortly after the beginning of the war, United States forces set out to isolate Baja Mexico from the mainland and to make the pueblos neutral in order to pacify the populace and prepare them for eventual U.S. rule. Mulegé was one such targeted pueblo. When hearing of the U.S. encroachment into the Baja, government officials in Mexico City dispatched a group of officers led by Captain Manuel Pineda to establish a military presence in the region. Captain Pineda arrived in Mulegé by September of 1847, and set to work assembling a group of Baja locals to help him resist the advancing U.S. forces. In response to Pineda’s mobilization, the U.S. military officials sent the sloop Dale to Mulegé, under the command of Thomas Selfridge. Once arrived, Selfridge sent a letter to Pineda and his men warning against any agitation. Pineda, undeterred, responded that he would defend his country to the end.

On October 2nd, 1847, Commander Selfridge sent some 75 sailors and marines ashore to attack the defenders of Mulegé. Outnumbered and outgunned, Pineda and his men exchanged fire with the advancing Americans from opposite banks of the creek leading ashore to attack the defenders of Mulegé. Selfridge sent some 75 sailors and marines up to the pueblo. Although neither side suffered casualties, the intensity of the firefight was enough to repel Selfridge. The fighting continued until the American Red Cross for his actions on September 11, 2001. This is the highest award the organization gives for someone who saves or sustains a life with skills that were learned in an American Red Cross safety course.

The attacks on the World Trade Center and the Pentagon on September 11, 2001 made this perhaps the most tragic day in our nation’s history. However, the day could have been even more catastrophic if it were not for the efforts of men and women such as Major Cusic.

On the morning of September 11, Major Cusic saw the news of the attacks on the World Trade Center from his Pentagon office. As he watched, he began to feel the floor shake below him, and the television reported that a third plane had been used as a weapon. This time, the target was the Pentagon. A voice came on the Pentagon intercom with a message to evacuate the building.

As the news came that a second hijacked plane might be headed toward Washington, Major Cusic cleared all the rooms in his area of the building to make sure everyone had exited. Next, he assisted five of the approximately 65 patients that were being treated at the Air Force Pararescue triage site.

Major Cusic volunteered to reenter the building as one of five leaders of a 20-person team to provide medical treatment for survivors in the building. He was responsible for providing treatment for life threatening injuries. Major Cusic aided one man who had a severe scalp laceration and a spinal injury. He assisted another man who suffered from severe burns on his face and neck and was experiencing difficulty breathing.

Later in the evening, Major Cusic’s heroic actions were needed once again. A firefighter that had entered the building as part of the rescue effort collapsed from heat exhaustion and an erratic pulse. Once again, Major Cusic provided the treatment necessary under extreme circumstances.

Major Cusic maintained clarity of mind throughout the day on September 11 and should be commended for his actions in the face of adversity. At the end of the day, he was directly involved in saving three lives and in caring for two more people with severe injuries. In addition, he provided invaluable encouragement to other survivors and those involved with the rescue effort.

Mr. Speaker, I ask my colleagues to join me in recognizing Air Force Major James G. Cusic III, a constituent of mine from Fairview Heights, Illinois. Major Cusic is receiving a Certificate of Merit from the American Red Cross for his actions on September 11, 2001. This is the highest award the organization gives for someone who saves or sustains a life with skills that were learned in an American Red Cross safety course.

Mr. SHERMAN. Mr. Speaker, last week, we commemorated the 42d anniversary of the Independence of the Republic of Cyprus. In 1960, Cyprus claimed sovereignty over its territory following 80 years of British colonial rule, and since that time, it has been a close friend of the United States.

Cyprus now stands as the leading candidate country for membership in the European Union (EU). On September 30th, 2002, the EU’s Enlargement Commissioner stated that Cyprus complies with all political and economic conditions required for membership. The government-controlled areas of Cyprus enjoy an atmosphere of economic prosperity and political freedom, allowing its people to enjoy one of the highest standards of living in the world.

Unfortunately, the northern portions of the island have been occupied by Turkish troops for more than 28 years, and an illegitimate government was set up there to rule an illegitimate state that only Turkey has recognized. As many as 35,000 Turkish troops remain to keep this government viable. The United States must maintain pressure on the Turkish side to end its illegal occupation of Cyprus and allow the people of that island to resolve the problem without outside interference. Too often, Turkey seeks to use its occupation as a veto over the legitimate aspirations of the Cyprus government, including its bid to join the EU.
EU accession will have immeasurable benefits for the people of Cyprus, both Greek and Turkish, and will serve as a catalyst for peaceful resolution of the conflict. Unfortunately, not everyone believes that the accession of Cyprus to the EU is a good idea. In fact, Turkey and its illegitimate child, the Turkish Republic of Northern Cyprus, have opposed Cyprus’ membership in the EU on the grounds that this would allow Cyprus in turn to veto Turkey’s EU membership bid. It is my belief that the reunification of Cyprus would serve the interests of all parties. The EU has rightfully stated that a resolution to the division of Cyprus is by no means a precondition to its accession to the EU, and I am proud that the United States has taken the same position.

Mr. Speaker, I urge my colleagues to commemorate the 42d anniversary of the Independence of Cyprus and to work for the peaceful resolution of the division of the island and its successful accession to the EU.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Monday, October 7, 2002 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

OCTOBER 8

9 a.m.
Governmental Affairs
To hold hearings to examine the nominations of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission; and Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 2004.

SD-342

9:30 a.m.
Environment and Public Works
To hold oversight hearings to examine the current implementation of the Clean Water Act.

SD-406

10 a.m.
Judiciary
Business meeting to consider pending calendar business.

SD-226

Intelligence
To resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.

SH-216

Governmental Affairs
Oversight of Government Management, Re-structuring and the District of Columbia Subcommittees
To hold hearings to examine the current system of regulation of the herb ephedra and oversight of dietary supplements.

SD-342

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine perspectives on America’s transit needs.

SD-538

2 p.m.
Judiciary
To hold hearings to examine the Feres Doctrine focusing on the examination of military exception to the Federal Torts Claims Act.

SD-226

Banking, Housing, and Urban Affairs
Business meeting to consider the nominations of Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation; Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development; Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States; Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development; Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation; John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and Rafael Cuellar, of New Jersey, and Michael Scott, of North Carolina, both to be a Member of the Board of Directors of the National Consumer Cooperative Bank.

S-216 Capitol

2:15 p.m.
Foreign Relations
Business meeting to consider S. 2667, to amend the Peace Corps Act to promote global acceptability of the principles of international peace and nonviolent co-existence among peoples of diverse cultures and systems of government; H.R. 3656, to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank; H.R. 4073, to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and pending nominations and treaties.

S-116, Capitol

OCTOBER 9

9 a.m.
Foreign Relations
To hold hearings to examine the nominations of John Randle Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala; John F. Keane, of Virginia, to be Ambassador to the Republic of Paraguay; and David N. Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia.

SD-226

9:30 a.m.
Armed Services
Closed business meeting to consider pending military nominations.

SR-222

10 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine new laws implemented by the Administration in the fight against terrorism.

SD-226

Finance
To hold hearings to examine the financial war on terrorism focusing on new money trails.

SD-215

10:15 a.m.
Foreign Relations
To hold hearings to examine the G8 global partnership against the spread of weapons and materials of mass destruction (10 + 10 Over 10).

SD-419

10:30 a.m.
Conferences

HC-5 Capitol

2:30 p.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold oversight hearings to examine affordable housing preservation.

SD-538

OCTOBER 10

9:30 a.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine the Department of Defense’s inquiry into Project 112/Shipboard Hazard and Defense (SHAD) tests.

SR-232A

10 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine U.S. policy toward the Organization for Security and Cooperation in Europe.

SH-34, Cannon Building

2:15 p.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine protecting seniors from fraud.

SD-226

POSTPONEMENTS

OCTOBER 8

10 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine the detention of U.S. citizens.

SD-226

2:30 p.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold oversight hearings to examine instability in Latin America focusing on U.S. policy and the role of the international community.

SD-538
Monday, October 7, 2002

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10001–S10054

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 3063–3068, S. Res. 335, and S. Con. Res. 150. Measures Passed:

Relative to the Death of Former Secretary of the Senate Jo-Anne Coe: Senate agreed to S. Res. 335, relative to the death of Jo-Anne Coe. Pages S10052–53

Welcoming Queen Sirikit of Thailand: Senate agreed to S. Con. Res. 150, welcoming Her Majesty, Queen Sirikit of Thailand on her visit to the United States.

Further Resolution on Iraq: Senate resumed consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq. A unanimous-consent agreement was reached providing for further consideration of the resolution at 10 a.m., on Tuesday, October 8, 2002.

Measures Placed on Calendar:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Authority for Committees to Meet:

Privilege of the Floor:

Adjournment: Senate met at 11:59 a.m., and adjourned at 6:15 p.m., until 9 a.m., on Tuesday, October 8, 2002.

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on the nomination of Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services, after the nominee testified and answered questions in his own behalf.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings to examine the nominations of Rosemary M. Collyer, of Maryland, to be United States District Judge for the District of Columbia, Mark E. Fuller, to be United States District Judge for the Middle District of Alabama, Robert G. Klausner, to be United States District Judge for the Central District of California, Robert B. Kugler, to be United States District Judge for the District of New Jersey, Ronald B. Leighton, to be United States District Judge for the Western District of Washington, Jose L. Linares, to be United States District Judge for the District of New Jersey, William E. Smith, to be United States District Judge for the District of Rhode Island, after the nominees testified and answered questions in their own behalf. Mr. Fuller was introduced by Senators Shelby and Sessions. Mr. Smith was introduced by Senator Chafee.
House of Representatives

Chamber Action


Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 5400, to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank (H. Rept. 107–721);

H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq, amended (H. Rept. 107–721);

H.R. 5559, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003 (H. Rept. 107–722);

H.R. 5422, to prevent child abduction, amended (H. Rept. 107–723, Pt. 1);

H. Res. 574, providing for the consideration of H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq (H. Rept. 107–724);

H.R. 4701, to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission, amended (H. Rept. 107–725);

H.R. 5504, to provide for the improvement of the safety of child restraints in passenger motor vehicles, amended (H. Rept. 107–726);

H.R. 2037, to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce, amended (H. Rept. 107–727, Pt. 1); and


Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative to act as Speaker pro tempore for today.

Recess: The House recessed at 9:32 a.m. and reconvened at 11 a.m.

Recess: The House recessed at 11:50 a.m. and reconvened at 1:05 p.m.

Recess: The House recessed at 3:33 p.m. and reconvened at 4:03 p.m.

Security of Wastewater Treatment Works: H.R. 5169, to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

Mortgage Servicing Clarification: H.R. 163, amended, to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien;

Truth in Lending Inflation Adjustment: H.R. 5507, to amend the Truth in Lending Act to adjust the exempt transactions amount for inflation;

Protection of Privacy by Federal Agencies: H.R. 4561, to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals;

National Community Role Models Week: H. Con. Res. 409, supporting the goals and ideals of National Community Role Models Week;

Augustus F. Hawkins Post Office, Los Angeles, California: H.R. 2578, to redesignate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the “Augustus F. Hawkins Post Office Building;”

Francis Dayle ‘Chick’ Hearn Post Office, Encino, California: H.R. 5340, to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the “Francis Dayle ‘Chick’ Hearn Post Office;”

Support for the President’s 2002 National Drug Control Strategy: H. Res. 569, expressing support for the President’s 2002 National Drug Control Strategy to reduce illegal drug use in the United States;

Accountability of Tax Dollars: H.R. 4685, amended, to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements;

Statutory License for Webcasting: H.R. 5469, amended, to suspend for a period of 6 months the
Commemorative Quarters for the District of Columbia and Territories: H.R. 4005, to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Island;

Catch-Up Contributions to the Thrift Savings Plan: H.R. 3340, amended, to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over (agreed to by a yea-and-nay vote of 372 yeas with none voting “nay,” Roll No. 442);

Miscellaneous Trade and Technical Corrections: H.R. 5385, amended, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws;

War in Sudan: H.R. 5531, amended, to facilitate famine relief efforts and a comprehensive solution to the war in Sudan (agreed to by 2/3 yea-and-nay vote of 359 yeas to 8 nays, Roll No. 443);

Russian Democracy Act: Agreed to the Senate amendments to H.R. 2121, to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media society in that country and to support independent media—clearing the measure for the President;

Transatlantic Security and NATO Enhancement: H. Res. 468, amended, affirming the importance of the North Atlantic Treaty Organization (NATO), supporting continued United States participation in NATO, and ensuring that the enlargement of NATO proceeds in a manner consistent with United States interests (agreed to by a 2/3 yea-and-nay vote of 356 yeas to 9 nays with 1 voting present, Roll No. 444);

Integration of Lithuania, Latvia, and Estonia into NATO: H. Con. Res. 116, recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO);

Integration of Slovakia into NATO: H. Res. 253, amended, recommending the integration of the Republic of Slovakia into the North Atlantic Treaty Organization (NATO). Agreed to amend the title so as to read: “Resolution recommending the integration of the Slovak Republic into the North Atlantic Treaty Organization (NATO).”;

Veterans Compensation Cost of Living Adjustment: Agree to the Senate amendments to H.R. 4085, to increase, effective as of December 1, 2002, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans—clearing the measure for the President;

Increase in Amounts Available to States that Determine Qualifications of Montgomery GI Bill Educational Institutions: H.R. 3731, amended, to amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs. Agreed to amend the title so as to read: “To amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs, and for other purposes.”;

Honoring the Officers and Crew of the World War II Liberty Ship, S.S. Henry Bacon: H. Con. Res. 411, amended, recognizing the exploits of the officers and crew of the S.S. Henry Bacon, a United States Liberty ship that was sunk on February 23, 1945, in the waning days of World War II. Agreed to amend the title so as to read: 

Recognizing Commodore John Barry as the First Flag Officer of the United States Navy: H.J. Res. 6, amended, recognizing Commodore John Barry as the first flag officer of the United States Navy;

Honoring the Army Aviation Heritage Foundation: H. Con. Res. 465, amended, recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize
veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation’s military legacy and heritage of service are never forgotten; Pages H7128–29

Contributions of the Trucking, Rail, and Passenger Transit Industries to the Economic Well Being of the United States: H. Res. 567, recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, and passenger transit industries to the economic well being of the United States. Agreed to amend the title so as to read: “Resolution recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, intercity bus, and passenger transit industries to the economic well being of the United States.”;

Pages H7133–35

Tony Hall Federal Building and Courthouse, Dayton, Ohio: H.R. 5335, to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the “Tony Hall Federal Building and United States Courthouse;”

Pages H7141–43

Protection of the Privacy Rights of Home Schooled Children: H.R. 5331, to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights;

Pages H7143–44

Joe Skeen Federal Building, Roswell, New Mexico: H.R. 5427, to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the “Joe Skeen Federal Building;”

Pages H7148–50

Santiago E. Campos United States Courthouse, Santa Fe, New Mexico: H.R. 5083, to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the “Santiago E. Campos United States Courthouse;”

Pages H7150–51

Wayne Lyman Morse United States Courthouse, Eugene, Oregon: H.R. 2672, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the “Wayne Lyman Morse United States Courthouse;”

Pages H7151–53

Suspensions—Proceedings Postponed: The House completed debate on the following motions to suspend the rules. Further proceedings were postponed until Tuesday, Oct. 8.

Affirming One Nation Under God in the Pledge of Allegiance: S. 2690, amended, to reaffirm the reverence to one Nation under God in the Pledge of Allegiance;

Child Abduction Prevention: H.R. 5422, amended, to prevent child abduction;

Appreciation for the Loyalty and Leadership of Prime Minister Blair: H. Res. 549, expressing appreciation for the Prime Minister of Great Britain for his loyal support and leadership in the war on terrorism and reaffirming the strong relationship between the people of the United States and Great Britain;

Black Lung Consolidation of Administrative Responsibility: H.R. 5542, amended, to consolidate all black lung benefit responsibility under a single official;

Citing Title IX as the Patsy T. Mink Equal Opportunity in Education Act: H.J. Res. 113, amended, recognizing the contributions of Patsy T. Mink;

Medical Device Amendments: H.R. 3580 amended, to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices; and

Pages H7146–48

Armed Forces Tax Fairness Act: H.R. 5557, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services.

Pages H7153–64


Page H7164–67

Expansion of Renewal Communities: The House passed H.R. 3100, to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data.

Pages H7132–33

Senate Messages: Message received from the Senate appears on page H7021.

Referrals: S. 1210, was referred to the Committee on Financial Services, S. 1806, was referred to the Committee on Energy and Commerce, S. 2064, was referred to the Committees on Education and the Workforce and Resources, and S. Con. Res. 139, was held at the desk.

Page H7169

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today
Committee Meetings

AUTHORIZING USE OF U.S. ARMED FORCES AGAINST IRAQ

Committee on Rules: Committee granted, by voice vote, a structured rule on H.J. Res. 114, Authorization for the use of Military Forces Against Iraq, providing 17 hours of debate in the House equally divided and controlled between the chairman and ranking minority member of the Committee on International Relations. The rule provides that it shall be in order for the Majority Leader or his designee, after consultation with the Minority Leader, to move to extend debate on the joint resolution and that such motion shall not be subject to debate or amendment. The rule waives all points of order against consideration of the joint resolution. The rule provides that the amendment to the preamble and the amendment to the text recommended by the Committee on International Relations now printed in the joint resolution shall be considered as adopted. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent. The rule waives all points of order against such amendments. The rule provides for one final hour of debate on the joint resolution, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations after the consideration of the amendments. The rule provides one motion to recommit with or without instructions. Finally, the rule provides that during consideration of H.J. Res. 114, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker, either on the same legislative day or on the next legislative day. Testimony was heard from Chairman Hyde and Representatives Berman, Menendez, Davis of Florida, Spratt, Levin, Cardin, Price of North Carolina, Inslee, Allen of Maine, Snyder and Larson of Connecticut.

Committee Meetings for Tuesday, October 8, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings to examine perspectives on America’s transit needs, 10 a.m., SD–538.

Full Committee, business meeting to consider the nominations of Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation; Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development; Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States; Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development; Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation; John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and Rafael Cuellar, of New Jersey, and Michael Scott, of North Carolina, both to be a Member of the Board of Directors of the National Consumer Cooperative Bank, 2 p.m., S–216, Capitol.

Committee on Environment and Public Works: to hold oversight hearings to examine the current implementation of the Clean Water Act, 9:30 a.m., SD–406.

Committee on Foreign Relations: business meeting to consider S. 2667, to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government; H.R. 3656, to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank; H.R. 4073, to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and pending nominations and treaties, 2:15 p.m., S–116, Capitol.

Committee on Governmental Affairs: to hold hearings to examine the nominations of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission; and Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 2004, 9 a.m., SD–342.

Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the current system of regulation of the herb ephedra and oversight of dietary supplements, 10 a.m., SD–342.

Select Committee on Intelligence: to resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.

Committee on the Judiciary: business meeting to consider pending calendar business, 10 a.m., SD–226.
Full Committee, to hold hearings to examine the Feres Doctrine focusing on the examination of military exception to the Federal Torts Claims Act, 2 p.m., SD–226.

House

Committee on Armed Services, Special Oversight Panel on the Merchant Marine, hearing on the Department of Defense’s current and projected requirements for vessels operating under the Maritime Security Program, 9 a.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on Education Reform, hearing on Literacy Partnerships That Work, 10 a.m., 2175 Rayburn.


Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled “Catastrophic Bonds: Spreading Risk,” 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, oversight hearing on “The Use and Abuse of Government Credit Cards at the Department of the Navy,” 2 p.m., 2247 Rayburn.

Subcommittee on National Security, Veterans’ Affairs and International Relations, hearing on Are We Listening to the Arab Street? 10 a.m., 2154 Rayburn.


Committee on Resources, to mark up the following bills: H.R. 2202, Lower Yellowstone Reclamation Projects Conveyance Act; H.R. 4601, to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area; H.R. 4912, to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used; H.R. 5200, Clark County Conservation of Public Land and Natural Resources Act of 2002; H.R. 5319, Healthy Forests Reform Act of 2002; and H.R. 5399, Carpinteria and Montecito Water Distribution Systems Conveyance Act of 2002; and to discuss the Comprehensive Natural Resources Protection Act, 10 a.m., 1324 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on H.R. 5455, Expediting Project Delivery to Improve Transportation and the Environment Act, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, to mark up the following bills: H.R. 5558, Retirement Savings and Security Act of 2002; and H.R. 1619, to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses applicable to individuals, 10 a.m., 1100 Longworth.

Joint Meetings

Joint Meetings: Senate Select Committee on Intelligence, to resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.
Next Meeting of the SENATE
9 a.m., Tuesday, October 8

Senate Chamber
Program for Tuesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Tuesday, October 8

House Chamber
Program for Tuesday: Consideration of H.J. Res. 114, Authorization for the Use of Military Force Against Iraq (structured rule, 17 hours of debate).

Extensions of Remarks, as inserted in this issue

HOUSE
Barcia, James A., Mich., E1770
Barrett, Thomas M., Wisc., E1769, E1771
Costello, Jerry F., Ill., E1774
Cox, Christopher, Calif., E1769
Doolittle, John T., Calif., E1773
Dreier, David, Calif., E1769
Ehrlich, Robert L., Jr., Md., E1772
Farr, Sam, Calif., E1772
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Myrick, Sue Wilkins, N.C., E1773
Ney, Robert W., Ohio, E1769, E1769, E1772, E1774
Sherman, Brad, Calif., E1774
Weldon, Curt, Pa., E1773

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