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House of Representatives

The House met at 1 p.m.

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

Eternal Father of all, You teach by touching human hearts, which is far beyond simply changing minds or forming new language.

By converting deepest desires, You shape priorities of true concern and focus attention on lasting ideas that have penetrating consequences.

Your presence in our midst is manifested by marvelous deeds which consume debatable words.

Send now Your spirit upon the Members of the House of Representatives, that they may see beyond present dilemmas and know in their hearts what is the right course for our future as a Nation in this world community. Remove the clouds of fear and confusion. Instead, by Your spirit guide all to right judgment.

And may Your people discover an inner freedom which confirms their decisions and provides a joy in serving You, now and forever. Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS 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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER. One-minute requests will be at the end of business today.

HUMAN CLONING PROHIBITION ACT OF 2003

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 105 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 105

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 534) to amend title 18, United States Code, to prohibit human cloning. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. 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, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

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

On Wednesday, the Committee on Rules met and granted a structured rule for H.R. 534, the Human Cloning Prohibition Act. As an original cosponsor of this legislation, I am very pleased to see it is one of the first top priorities of the House of Representatives.

Mr. Speaker, this is a fair rule which will permit a thorough discussion of all of the relevant issues. The first of these issues is the Greenwood substitute which allows human cloning for medical purposes.

I personally oppose the Greenwood amendment because it is wrong to create human embryo farms, even for scientific research.

Research cloning would contradict the most fundamental principle of medical ethics, that no human life should be exploited or extinguished for the benefit of another. Anything other than a total ban on human cloning would be virtually impossible to enforce.

I understand there is no way to control actual implementation of these fetuses into a woman's uterus, so cloning of children could still happen.

The Justice Department submitted testimony explaining that once countless human embryos are created by

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cloning, there would be no practical way to enforce the prohibition on transferring such embryos into wombs.

The Committee on Rules, though, recognizes that the gentleman from Pennsylvania's proposal is the leading alternative to the ban on cloning. And because we are aiming for a fair and thorough debate, we should make it in order on the House floor.

Human cloning is a deeply troubling issue to me and to most Americans. Life is a creation, not a commodity.

I also agreed with President Bush when he said that science has set before us decisions of immense consequence. We can pursue medical research with a clear sense of moral purpose, or we can travel without an ethical compass into a world we could live to regret.

Science now presses forward with this issue of human cloning. How we answer the issue of human cloning will place us on one path or the other.

I spent a lot of time considering this issue because it is so complex, and I have decided to once again vote to ban human cloning. It is simply wrong to clone human beings.

It is wrong to create fully-grown, tailor-made cloned babies, and it is wrong to clone human embryos to experiment on and destroy them. Anything other than a ban on human cloning would license the most ghoulish and dangerous enterprise in human history. Some of us can still remember how the world was repulsed during and after World War II by the experiments conducted by the Nazis during the war. How is this different?

Congress must act now. We can no longer wait for another biotech company to claim that they have produced cloned children, despite the fact that laboratory cloning of animals has led to spontaneous abortions and terrible, terrible abnormalities.

Congress will not face a weightier issue than the ethics of human cloning, and Congress should not run away from this problem. It is our job to address such pressing moral dilemmas, and it is our job to do so in a deliberative way. That is what we will do today.

To that end, I urge my colleagues to support the rule and the underlying bill.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentlewoman from North Carolina for yielding me this time, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, let me begin by making clear that I believe human cloning is morally and ethically wrong. Every Member of this body is opposed to cloning a human being, and the American people are unified in their opposition to human cloning. Unfortunately, this debate is not about making it illegal to clone a human being; rather, it is about outlawing cutting-edge research that could one day save and improve lives.

The bill we are considering today, the so-called Human Cloning Prohibition Act of 2003, will jail scientists for conducting therapeutic research. This bill, if enacted, will close the door to important research that one day could result in treatments or cures for such diseases as Parkinson's, Alzheimer's, and diabetes. If a drug or treatment for diseases like Alzheimer's or Parkinson's is developed in another country using therapeutic cloning, that treatment will not be available to patients in the United States. Think about it. This bill would actually deny Americans treatments for debilitating diseases. That strikes me as not only wrong, but cruel.

It is important to make clear that we are not debating whether or not Federal funds can be used for stem cell research. The President made that decision in 2001. Based on that decision, a private company can conduct stem cell research if it uses its own funds, or companies can conduct stem cell research with Federal funds if they follow very strict guidelines. While this bill does not deal with this issue, it is important to note that stem cells are at the heart of the therapeutic cloning debate.

Stem cells were only discovered in 1998. The promises for treatments and cures from stem cell research may not be realized for 15 to 20 years, but the gains will be enormous. The research of today will result in the cures of tomorrow.

Now, today, scientists say therapeutic cloning is the best way to produce the stem cells that could lead to breakthrough discoveries. Through stem cell research, scientists might one day help a person with a spinal cord injury walk again. How can this body ban this promising endeavor to end human suffering?

Scientists are so important to this debate. They are the experts, and this body should listen when they speak.

In 1863, President Abraham Lincoln created the National Academy of Sciences so that a group of scientists could advise Congress and the administration on the complex scientific issues facing our country. Mr. Speaker, 140 years later, the party of Lincoln brings before this body legislation that ignores the findings or recommendations of this respected group of scientists.

The academy, in a February 2002 report, declared that therapeutic cloning has scientific potential and should be allowed to continue. Additionally, the National Institutes of Health and 40 Nobel Laureates attest the value of this important research.

Former President Gerald Ford, a Republican, and former President Jimmy Carter, a Democrat, also publicly support this research.

So does former First Lady Nancy Reagan. Her husband, former President Ronald Reagan, suffers from Alzheimer's disease. This research may hold the key to treating or even curing that disease. But if this bill is endorsed today, it would deny the Reagans and millions of other families any benefit from this research. Mrs. Reagan's views should be heard by this body, and I will read her letter of support into the RECORD, a letter she sent to the other Chamber. I want to read it so that my colleagues can hear her eloquent words.

□ 1315

She writes, ''As you may know, Ronnie will observe his 92nd birthday soon. In earlier times, we would have been able to celebrate that day with great joy and wonderful memories of our life together. Now, while I can draw strength from these memories, I do it alone, as Ronnie struggles in a world unknown to me or the scientists who devote their life to Alzheimer's research. Because of this, I am determined to do what I can to save other families from this pain. I am writing, therefore, to offer my support for stem cell research and to tell you I'm in favor of new legislation to allow the ethical use of therapeutic cloning.

''Like you, I support a complete ban on reproductive cloning. However, I believe that embryonic stem cell research under appropriate guidelines may provide our scientists with many answers that are now beyond our grasp. There are so many diseases that can be cured, or at least helped, that we cannot turn our back on this. We have lost so much time already. I cannot bear to lose any more. Sincerely, Nancy.''

Mr. Speaker, I could not have said it better than Mrs. Reagan. Mrs. Reagan makes a powerful moral argument that we should not put up a roadblock to close this promising avenue of research.

We talk a lot about morality in this body. For the life of me, I cannot see how it is moral to look into the eyes of someone suffering from Alzheimer's or Parkinson's and say, we are going to stand in the way of something that has the potential to save your life, or to tell them that even if a breakthrough treatment is available in Europe or elsewhere, they are not allowed to have it.

This debate is about improving and saving millions of lives in this country. It is about whether we should jail scientists who are trying to save the lives of people who suffer from such debilitating diseases as Alzheimer's, Parkinson's, diabetes, and so many other diseases.

Let us do the right thing: Vote for the Greenwood substitute, and if that fails, vote against the Weldon bill.

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

Mrs. MYRICK. Mr. Speaker, I yield 2¼ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today in strong support of H.R. 534 and the rule for the Human Cloning Prohibition Act of 2003. I thank the gentleman

from Florida for his principled leadership on this issue.

The history of cloning is replete with defects, deformity, and death. Dolly the sheep was the 277th try. By now, everyone knows of the euthanized death of Dolly. She died on Valentine's Day a couple of weeks ago at the age of 6, half the normal life expectancy for sheep.

Alan Coleman, a Singapore-based scientist who helped clone Dolly, said, ''I think it highlights more than ever the foolishness of those who want to legalize human cloning. In the case of humans, it would be scandalous to go ahead, given our knowledge about the long-term effects of cloning.''

If cloning is not safe for animals, how can it be good for humans? President Reagan said in 1983 that every legislator, every doctor, every citizen, needs to recognize that the real issue is whether to affirm and protect the sanctity of all human life or whether to embrace an ethic where some human lives are valued and others are not. As a Nation we must choose between the sanctity-of-life ethic and the quality-of-life ethic.

If we allow the therapeutic cloning of human embryos for experimentation, we will devalue the entire system of ethics of this country. We will have endorsed the idea that it is okay to treat human life like a commodity.

I am not willing to make that choice. I am not willing to say that we should create a class of human beings to be used as human guinea pigs and laboratory rats. We have seen that happen before in Nazi Germany with experiments on concentration camp victims, and in Tuskegee, Alabama, where our own U.S. Government experimented on African Americans, infecting them with syphilis in search of a cure.

We find these stories morally abhorrent. But what will history say about us if we fail to learn the lessons of the past and if we knowingly do the same thing to tiny little humans again?

The Greenwood substitute would allow the creation of cloned human embryos as long as the embryo is destroyed within 14 days and never implanted in the womb. Even that phony restriction is lifted within 10 years of enactment. It will result in the creation of a human embryo.

We need to stop playing word games and admit that serious issues are at stake here. This vote will determine whether we as a Nation will affirm the dignity of human life or reject it. Support the Weldon-Stupak bill.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this bill is part of a broader, tragic political agenda to stymie good science with scare tactics. It fails totally to distinguish between cloning or reproducing human beings—a frightful prospect that all of us reject—and therapeutic cloning, which someday could save the lives of millions.

The therapeutic form, the transplanting of a patient's DNA into an unfertilized egg in order to grow stem cells, could cure devastating diseases. The promise of this technology would be that the patient's body accepts the cells from transplantation without immuno-suppressant drugs. These cells are not transplanted into a woman's womb. In what is deliberate overreaching, this bill bans somatic cell nuclear transfer, which produces only stem cells, not babies.

First, we Americans were told to use duct tape to seal up our rooms. Now, with this bill, the Republican leadership places duct tape over the microscopes of dedicated medical scientists who are leading the effort to find the cures for diabetes, Alzheimer's, ALS, Parkinson's, cancer, spinal cord injuries and cystic fibrosis.

At a time when we are alarmed daily by the possibility of biological attacks from afar, this bill represents a very real and present biological attack on the victims of these tragic diseases, diseases that strike Americans down in a nonpartisan manner. They deserve a nonpartisan solution.

For most parents, it is traumatic enough to take a child to the hospital for a tonsillectomy or a broken bone. How cruel that for lingering diseases that can slowly drain the happiness, the energy, and the life from a child, one of the best hopes for treatment that we have would be completely denied by this bill.

I think of the Austin mother who wrote to me about her diabetic five-year-old. She told of her baby who suffered through 4 to 8 insulin shots a day. Now, as a toddler, she undergoes 10 to 15 pricks a day to test her blood sugar. Her mom wrote: ''Our daughter is a lively girl who is optimistic by nature. We would like to see this horrible disease cured before her optimism fades.''

Let us not put politics over life-saving science. The restrictions in this bill are truly unprecedented. It bans private as well as public research. It says even to the victim of disease, ''if you go abroad,'' where medical science will certainly move if this tragic bill is adopted, ''you are not only getting treatment, you are getting a jail term, because you are a criminal under this bill for seeking a cure or treatment for your disease.''

Restrictive federal regulations already deny sufficient stem cell lines to conduct essential research. This bill does more than tie the hands of our best scientists; it steals precious time that victims do not have; it robs them of hope; it is, for too many, a death sentence.

Those innocent victims are not criminals; this bill is. Do not make Americans choose between health and their homeland. Vote to end suffering. Vote for hope. Vote ''no.''

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. RENZI).

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

Mr. Speaker, I rise today in support of the Human Cloning Prohibition Act of 2003, H.R. 534, reintroduced by the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Michigan (Mr. STUPAK). The issue here is human cloning. The issue has to do with us playing God and allowing human embryos to be produced.

Make no mistake about it, we are compassionate Americans. We care about pain and suffering, we care about curing diseases; but at the cost of creating human life, human embryos?

There is a claim that cancer, diabetes, and other diseases will be cured. I would go as far as to say in the medical community, with safeguards against terrorists, we can identify biological weapons. In my district sits one of the finest anthrax labs in the world that can already identify these types of dangerous pathogens. We do not need human cloning to identify those signatures that exist within those pathogens.

As researchers develop artificial wombs, if you are voting for the Greenwood substitute, after 10 years it would allow scientists the legal protection to harvest embryos and to grow human fetuses. It is essential that, whether for research or reproduction, we not allow people to create human life.

Join me in voting in favor of final passage of the Weldon-Stupak bill.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in opposition to the rule and to the underlying bill. No one in Congress supports cloning a human being, but we cannot afford to block research into important scientific areas that may have critical medical benefits to American citizens.

The millions who are currently suffering from diseases that have no cures, Parkinson's, cancer, Alzheimer's, diabetes, spinal cord injuries, and their families, these millions are desperately hoping that new medical research can provide them relief.

The best hope for many of these people may lie with research into somatic cell nuclear transfer or therapeutic cloning. This process may allow doctors and scientists to duplicate human stem cells to create medical therapies for diseases, therapies that will not be rejected by patients' bodies. This research and these therapies do not require or result in a cloned human being; but the bill before us would ban that research and take away hope for millions of Americans, just because of fear of the unknown.

We can increase understanding of the science involved here and at the same time provide protections against its untoward use. Congress should take its time and consider these issues. We should ban human cloning, as we have, and allow research to go forward. We should set the ethical parameters for scientific research. That is our job, set these parameters which will lead to saving lives and restoring health.

On behalf of those millions who suffer and wait and hope, I urge my colleagues to vote against the Weldon bill and to vote for the Greenwood amendment.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I rise today in support of the rule. In doing so, I would like to bring to light one of the most dangerous consequences of voting for human cloning, both reproductive and therapeutic. That is the exploitation of women.

Women of lower economic means are particular targets for exploitation. Advanced Cell Technologies paid $3,500 to $4,000 to each woman who donated their eggs for the failed human cloning experiments. Because of the many risks associated with this procedure, it will mostly be women of little means who will volunteer to sell their eggs.

In order to generate enough cloned embryos to carry out this research, thousands of eggs will need to be solicited from numerous women. It takes about 50 eggs to get one viable cloned embryo. Just to treat the 16 million Parkinson's patients, it is estimated that 800 million human eggs would be needed from a minimum of 80 million women of childbearing age.

I implore my colleagues to vote for the health and well-being of women. Please vote for the rule and for the Weldon-Stupak bill.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BELL).

Mr. BELL. Mr. Speaker, I rise today in opposition to H.R. 534 and in support of the bipartisan substitute.

I lost my mother in 1999, but really I lost her twice. The first time was when she was suffering from a cruel, mind-altering disease that has afflicted millions of American families, a disease known as Parkinson's. For my mom, each of the 10 years she spent fighting Parkinson's disease was a little more difficult than the one before, until finally her body just could not fight anymore.

After losing my mother that way, I will do all I can to help find a cure for diseases like Parkinson's. There are tens of millions of Americans that feel the same way because of someone they have lost in their lives, because fighting for a cure is the right thing to do.

I do not know how I am going to explain to my constituents that my colleagues in the House decided not to allow scientists to use the vast technology at our disposal to cure their mother's Parkinson's disease or their grandmother's Alzheimer's or their husband's diabetes, because that is exactly what stem cell research and therapeutic cloning are going to do: cure disease and save lives.

□ 1330

Stem cell research is no different than the discovery of penicillin or the invention of the Hart pump or the vaccine for polio. It is simply the next step in modern medicine. When it comes down to it, American families will be the victims of H.R. 534. The price of this bill will be the lives of children, grandchildren, the mothers and fathers that each of us cherishes, all who we were able, but not willing, to save. And why?

We all oppose human cloning. That is not the issue. That is not what I am talking about. Let us be perfectly clear. Therapeutic cloning is in no way, shape or form the same as human cloning. I oppose human cloning as do most Members of this House. But we are not talking about simply a ban on human cloning, but a ban on therapeutic cloning as well, a process where there is no fertilization, no implantation, no pregnancy and no chance for a child to be produced whatsoever.

Under the proposed bill, therapeutic cloning would be banned and a research process that takes place in a petri dish would be criminalized. A process that provides hope, and someday a cure for millions of Americans, would be criminalized.

So for the millions of us who are all too familiar with the pain and suffering brought on by diseases like Parkinson's, Alzheimer's, and diabetes, for those of us who pray every night that a cure can be found, my distinguished colleagues on both sides of the aisle should vote against H.R. 534 and support the bipartisan substitute.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

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

Mrs. MUSGRAVE. Mr. Speaker, I rise today to express my strong support for the Weldon-Stupak Human Cloning Prohibition Act. The passage of this bill is of utmost urgency as scientists in this country and around the world are making dangerous advances towards the creation of a cloned human being.

The science of human cloning may be difficult to explain and to understand to those of us who are not scientists, but its immorality is not without question. You do not have to be a scientist to know this is wrong. Whether produced for the intention of human reproduction or for the purpose of medical research, the fact remains the same: human cloning is simply wrong. It invariably requires the creation and killing of numerous human lives in the effort to produce either cloned cells for the purpose of research or cloned human beings.

Numerous ethical questions arise. Who, for example, would be the parents of a cloned human being? What rights would they have? And what about the potential to create human-animal hybrids through the transferring of human nuclear material into animal eggs? If we open the door to human cloning, these ethical problems will be unavoidable. Additionally, cloning cheapens all human life by making it a commodity, an object to tinker with, to alter, to change to a scientist's preset specifications. Manipulating the genetic outcomes of human reproduction render certain people desirable and others not. How then will society view these people determined less desirable? Are they of less human value?

In fact, if we do not enact a ban on human cloning, these situations I have described are just a few of the scenarios we will face in the near future. As one of the Nation's leading bioethicists, Dr. Leon Kass, has said, ''We are compelled to decide nothing less than whether human procreation is going to remain human, whether children are going to be made to order rather than begotten, and whether we wish to say yes in principle to the road that leads to the dehumanized hell of 'Brave New World.'''

The American people have spoken loud and clear on their view on this issue, as has the scientific community, our President, and this body of Congress last year. The national consensus is evident. Human cloning for any reason, whether for research or reproduction, should be prohibited.

Please join me in voting ''yes'' on the Weldon-Stupak bill and ''no'' on the Greenwood substitute.

NATIONAL RIGHT TO LIFE
COMMITTEE, INC.,
February 10, 2003.

Congress Resumes Action on Human Cloning Legislation this Week, As Supporters of Cloning Human Embryos Try to Fool Lawmakers, Journalists, and the Public with Deceptive ''Egg-Speak''

INTRODUCTION

Congress is renewing consideration of whether to ban all human cloning, as a number of other major nations have already done. On Wednesday, February 12, the House Judiciary Committee will act on the Weldon-Stupak bill (H.R. 534). This bill, which is backed by President Bush, would ban the creation of human embryos by cloning. In the Senate, the same policy is embodied in the Brownback-Landrieu bill (S. 245).

Those who favor cloning human embryos are proposing competing legislation that would allow the mass cloning of human embryos to be killed in research, but attempt to ban implantation of such an embryo in a womb. In the House, we expect that this ''clone and kill'' approach will be advanced by Rep. Jim Greeenwood (R–Pa.), who offered such a proposal in 2001. In the Senate, a cloning-embryos-for-research bill has been introduced by Senator Orrin Hatch (R–Utah), Dianne Feinstein (D–Ca.), and others as S. 303.

In recent days, a number of news outlets have transmitted inaccurate reports about what these competing bills would each allow and forbid—reports that obscure what the argument is really about. These points of confusion are discussed in more detail below.

PRESIDENT BUSH'S POSITION

President Bush has repeatedly called on Congress to ban all human cloning (i.e., to ban the cloning of human embryos). In remarks on January 22, the President said, ''I also urge the Congress to ban all human cloning. We must not create life to destroy life. Human beings are not research material to be used in a cruel and reckless experiment.'' In his January 28 State of the Union

speech, the President said, ''Because no human life should be started or ended as the object of an experiment, I ask you to set a high standard for humanity, and pass a law against all human cloning.'' In a speech on human cloning last year, President Bush warned that unless such legislation is enacted, human ''embryo farms'' will be established in the United States. (See www.whitehouse.gov/news/releases/2002/04/print/2002410–4.html)

THE SITUATION IN CONGRESS

The House Judiciary Committee is scheduled to mark up the Weldon-Stupak bill (H.R. 534) on Wednesday, February 12, at 10:15 a.m., at 2141 Rayburn House Office Building. Once the committee completes its work, the full House could take up the bill at any time. H.R. 534 is nearly identical to the measure that passed the House on July 31, 2001, by lopsided bipartisan vote of 265–162 (roll call no. 304). When the House considered the issue on that occasion, it decisively rejected (249–178) a substitute amendment, the Greenwood-Deutsch Amendment, that would have allowed the cloning of human embryos for research (roll call no. 302)

The Senate companion to the Weldon-Stupak bill, the Brownback-Landrieu bill (S. 245), currently has 26 cosponsors. A radically different measure, the Hatch-Feinstein bill (S. 303), has only eight cosponsors, but it has considerable additional support, mostly among Senate Democrats.

The Brownback-Landrieu bill has been referred to the Committee on Health, Education, Labor, and Pensions (HELP), which is chaired by Senator Judd Gregg (R–NH), who was a cosponsor of the bill in the 107th Congress. The Hatch-Feinstein bill has been referred to the Senate Judiciary Committee, which Hatch chairs. Whatever happens in these committees, the full Senate ultimately will vote on both of these diametrically conflicting approaches.

The recently selected Senate Majority Leader, Bill Frist (R–Tn.), said in a January 12 interview on Fox News Sunday, ''I am opposed to any time that you create an embryo itself with the purpose being destruction, and that would include the so-called research cloning. And remember, research cloning is just that, it's experimental. There's been no demonstrated benefit of that to date, so I don't think you ought to destroy life. . .''

The key differences between the two bills are discussed below. In many recent news media reports on human cloning issues, the differences have been mischaracterized, and the specific activities that each bill would allow and prohibit have been widely misunderstood.

MISCONCEPTIONS AND FACTS

Misconception: The Brownback-Landrieu/Weldon-Stupak legislation prohibits cloning of human ''cells,'' while the Hatch-Feinstein bill would allow cloning of ''cells.''

Reality: The Brownback-Landrieu bill (S. 245) and the Weldon-Stupak bill (H.R. 534)—like their predecessors in the 107th Congress—explicitly allow ''the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.'' [Sec. 2 of the bill, at (d) in H.R. 534 and at (e) in S. 245; boldface added for emphasis] Thus, the methods currently used to ''clone'' new skin, for example, or to ''clone'' DNA, are perfectly okay under the Brownback-Landrieu bill. Moreover, any cloning method that would produce stem cells without first producing and killing a human embryo—as some researchers have claimed that they eventually will be able to do—is explicitly permitted by this language. In addition, the Brownback-Landrieu and Weldon-Stupak bills place no restrictions on research of any kind on human ova (''eggs'').

In short, the Brownback/Weldon legislation and the Hatch-Feinstein legislation are alike in that they would both permit cloning involving merely eggs, cells, or tissues, but they differ on one profound issue: The Hatch-Feinstein/Greenwood proposals would allow the use of the somatic cell nuclear transfer (SCNT) process to clone human embryos, and the Brownback/Weldon legislation would forbid the use of SCNT to clone human embryos.

Verbiage by supporters of ''research cloning'' about ''eggs'' and ''cells'' is intended to conceal what the argument is really about: whether it should be permitted to clone human embryos.

Misconception: So-called ''therapeutic cloning'' does not involve creating human embryos.

Fact: That SCNT using human genetic material will create a developing embryo of the species Homo sapiens is something that authorities on all sides agreed on until sometime in 2001, when some of the pro-cloning forces decided to try to obscure this fact for political purposes. Among those who clearly affirmed that SCNT will create human embryos were the bioethics panels of both Presidents Clinton and Bush, the embryo research panel at NIH, and the chief cloning researchers at Advanced Cell Technology in Massachusetts. Some samples of such statements, which pre-date the current disinformation campaign, are posted here: www.nrlc.org/Killing_Embryos/factsheetembryo.html.

The cite just one example here, a group of scientists, ethicists, and biotechnology executives advocating so-called ''therapeutic cloning'' and use of human embryos for research—Arthur Caplan of the University of Pennsylvania, Lee Silver of Princeton University, Ronald Green of Dartmouth University, and Michael West, Robert Lanza, and Jose Cibelli of Advanced Cell Technology—wrote in the December 27, 2000 issue of the Journal of the American Medical Association, ''CRNT [cell replacement through nuclear transfer, another term for ''therapeutic cloning''] requires the deliberate creation and disaggregation of a human embryo.'' They also wrote, ''. . . because therapeutic cloning requires the creation and disaggregation ex utero of blastocyst stage embryos, this technique raises complex ethical questions.''

In its 2002 report on human cloning, the President's Council on Bioethics, although divided on policy recommendations, provided without dissent recommendations regarding the use of honest terminology in this crucial public policy debate, including acknowledging that successful SCNT will create human embryos. The Council said, ''The product of 'SCNT' is not only an embryo; it is also a clone, genetically virtually identical to the individual that was the source of the transferred nucleus, hence an embryonic clone of the donor.''

The Council recommended use of the terms ''cloning for biomedical research'' and ''cloning to produce children'' to distinguish between two of the purposes for which human embryos might be cloned. (''Cloning for research'' and ''cloning for birth'' convey pretty much the same thing.) The Council's discussion on accurate and neutral terminology is here: www.bioethics.gov/cloningreport/terminology.html.

The phrase ''reproductive cloning'' is misleading, because whenever somatic cell nuclear transfer produces a developing embryo, ''reproduction'' has occurred. The term ''therapeutic cloning'' is misleading, because no therapies have been demonstrated using cloned embryos (even in animals, as discussed below), and the process is certainly not ''therapeutic'' for the human embryo who is dissected—which is what the argument is about.

Misconception: The Hatch-Feinstein bill would allow research only on ''unfertilized eggs up to 14 days.''

Reality: As can be confirmed by reference to any biology text or even any decent dictionary, a human ovum or ''egg'' is, by definition, a single cell. Moreover, it is a very unusual cell—a gamete cell, which means it has only 23 chromosomes. An ovum has no sex.

As discussed above, once one has a complete nucleus from any species that is activated (whether by sexual fertilization or by asexual somatic cell nuclear transfer, SCNT) and developing, then one has a developing embryo of that species (sheep, cow, Homo sapiens, etc). There is no such thing in biology or in any dictionary as a human ''egg'' or ''egg cell'' that has 46 chromosomes, is either male or female, and is five days old (consisting of several hundred cells) or even 14 days old (consisting of thousands of cells). In short, calling a five-day-old or a two-week-old human embryo an ''egg'' is an attempt to deceive the public regarding what the policy argument is really about. We submit that this is not an effort in which responsible journalists should enlist.

The actual text of the Hatch-Feinstein bill coins the term ''unfertilized blastocyst.'' But ''blastocyst'' is simply a technical term for an embryo at an early stage of development. As for ''unfertilized,'' this is just another word trick aimed at the gullible. Of course human embryos produced by cloning will be ''unfertilized,'' because that is what cloning is: asexual reproduction—no sperm. Every cloned mammal in the world was unfertilized from the one-celled embryo stage, and every one of them will be unfertilized on the day they die. If a human embryo created by cloning instead of fertilization is implanted in a womb, is born, and lives to be eighty, she will still be unfertilized.

Misconception: The Hatch-Feinstein bill is a compromise that would accomplish what almost everyone agrees on, banning ''reproductive cloning.''

Reality: Far from representing ''common ground,'' the Hatch-Feinstein bill represents a policy disfavored by most Americans and strongly opposed by the Bush Administration. It will not become law. But that does not bother many of its backers, such as the biotechnology industry lobby, because the primary purpose of the Hatch-Feinstein bill is to impede enactment of the real ban on human cloning, by providing political cover for lawmakers who favor allowing the creation of human embryos for research.

Notwithstanding the marketing efforts of the biotechnology industry lobby and its allies, the Hatch-Feinstein bill or the Greenwood amendment would enact a policy that is far from a consensus position—indeed, a policy that the substantial majority of Americans oppose. A Gallup poll in May 2002 found that 61 percent of the American people opposed ''cloning of human embryos for use in medical research'' (34 percent approved), which is precisely what the Hatch-Feinstein bill is crafted to allow and indeed encourage. In other polls, substantially higher numbers are opposed when it is explained that the human embryos will die in the research.

The Hatch-Feinstein bill is not a partial solution or a middle ground. Rather, it is a step in the wrong direction. The Hatch-Feinstein bill would give a green light to the establishment of human embryo farms.

The ''clone and kill'' approach has already been emphatically rejected by the Bush Administration and by the House of Representatives (in 2001). Secretary of Health and

Human Services Tommy Thompson last year sent a letter to Senator Brownback warning that such a bill would face a presidential veto. Thompson wrote, ''The President does not believe that 'reproductive' and 'research cloning should be treated differently, given that they both require the creation, exploitation, and destruction of human embryos . . . the Administration could not support any measure that purported to ban 'reproductive' cloning while authorizing research cloning, and I would recommend to the President that he veto such a bill.'' (See www.nrlc.org/Killing__Embryos/ ThompsontoBrownback.pdf).

The Hatch-Feinstein bill would give federal law enforcement agencies responsibility for trying to enforce a ban on implanting a cloned embryo in a womb—an approach that the Justice Department in 2002 rejected as unworkable. The Department explained that once large numbers of cloned human embryos are created, there is no practical way to prevent some of them from being implanted in wombs, and no remedy to apply after that occurs. The testimony is posted here: www.nrlc,org/killing__embryos/Justice__Dept__on__cloning.pdf.

Misconception: The Hatch-Feinstein bill would ''ban human cloning'' or ''ban the cloning of human beings.''

Reality: The Hatch-Feinstein bill does not ban ''human cloning.'' It bans implanting a cloned human embryo ''into a uterus or the functional equivalent of a uterus'' (the latter term is not defined), an act to which criminal penalties are attached. It also attempts to impose a rule against allowing a cloned human embryo (a so-called ''unfertilized blastocyst'') to develop past 14 days of age (not counting time frozen). Violations of this ''14-day rule'' are subject to a civil fine of up to $250,000, and there is nothing in the bill to prevent the threat of such a fine from being applied even against a woman who carries an unborn cloned human in utero, perhaps in an attempt to compel her to procure an abortion.

It other words, the bill bans not ''human cloning,'' but the survival of human clones, which is a very different thing.

Any bill that permits cloning (somatic cell nuclear transfer) with human nuclei does not ''ban human cloning,'' because such a bill allows the cloning of embryos of the species Homo sapiens, and an embryo of the species Homo sapiens is human (just as the cloned embryo that was later born as Dolly the sheep, the first cloned mammal, was always a member of the species Ovis aries).

As to whether a cloned human embryo is to be regarded as a ''human being,'' we would think that journalists would want to avoid blatantly taking sides on that question. A statement that the Hatch-Feinstein bill ''bans the cloning of human beings'' is certainly taking sides on the issue, because it amounts to a declaration that a two-week-old embryo of the species Homo sapiens is not a ''human being.'' (if not, what species of being is it?)

It appears that President Bush is among those who recognize cloned human embryos as human beings: in his January 22 statement, the President said, ''I also urge the Congress to ban all human cloning. We must not create life to destroy life. Human beings are not research material to be used in a cruel and reckless experiment.'' [emphasis added]

The National Right to Life Committee believes that if a cloned human being is born, she should have the same status as other humans—but Senator Hatch and some others apparently are not so sure. In a press release dated February 5, 2002, Senator Hatch said, ''No doubt somewhere, some—such as the Raelians—are trying to make a name for themselves and are busy trying to apply the techniques that gave us Dolly the Sheep to human beings. Frankly, I am not sure that human being would even be the correct term for such an individual heretofore unknown in nature.''

As Slate.com columnist Will Saletan commented (''Killing Eve,'' December 31, 2002, http://slate.msn.com/id/2076199/), ''The first cloned baby—Eve or whoever comes after her—won't be fertilized. If fertilization is a prerequisite to humanity, as Hatch and Feinstein suggest, that baby will never be human. You can press the pillow over her face and walk away.'' (See also: www.nrlc.org/killing__embryos/ arecloneshuman.html).

Misconception: Those who favor cloning for research would never allow clones to develop past two weeks of age.

Reality: While the Hatch-Feinstein bill purports to establish a two-week ''deadline'' for killing human clones, there are substantial reasons to doubt that the biotechnology industry would support such a limitation in a bill it actually expected to become law. Already, some policymakers are opening the door to ''fetus farming'' with human clones.

For example, the New Jersey legislature appears close to giving final approval to a bill that would permit cloned humans to be grown through any stage of fetal development, even to birth, to obtain tissues for transplantation, as long as they are not kept alive past the ''newborn'' stage. (SB 1909, as amended) Four members of the President's Council on Bioethics wrote to Gov. James McGreevey to warn about the bill's radical implications. (See www.nationalreview.com/ document/document020303c.asp).

Last year, researchers reported harvesting tissue from cloned cows at six and eight weeks of fetal development, and from cloned mice at the newborn stage. Both studies were widely reported by the news media as breakthroughs for so-called ''therapeutic cloning.'' Indeed, so far these are the only two animal studies that have claimed to show ''therapeutic'' results from cloning.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. STUPAK).

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

Mr. Speaker, I rise today in strong support of the rule and H.R. 534, the Weldon-Stupak Human Cloning Prohibition Act.

Mr. Speaker, it has been 2 years since we had the Raelian cult before my committee, the Committee on Energy and Commerce. We warned people back then it was not a question of if cloning would take place. It was a question of when. The Raelians have proven us right.

Whether or not they can actually clone a human is besides the point. The point is under current Federal law they can clone a human. We need to stop this manipulation of human life, and we need to stop it now. We cannot allow the Greenwood substitute that does allow the cloning of embryos, yet merely outlaws the implantation. We need to send the strongest possible message that cloning in any form is unacceptable.

The Weldon-Stupak bill is the only bill that does this. We cannot afford to treat the issue of human embryo cloning lightly, nor can we treat it without serious debate and deliberation.

The need for action is clear. Research firms, Advance Cell Technology of Massachusetts for one, have already begun cloning embryos for research purposes. Whatever your belief is, pro-life or pro-choice, the fact is embryos are either the building block of life or human life itself. We must ask ourselves what will our message be? What makes up human beings? What is the human spirit? What moves us? What separates us from animals? That is what is being debated here today.

What message will the United States Congress send? Will it be a cynical signal that human embryo cloning and destruction is okay, acceptable, even to be encouraged all in the name of science, or will it be a message urging caution and care? If we allow this research to go forward unchecked, what will be next? Allowing parents to choose what color hair and eyes their baby will have?

We need to consider all aspects of cloning and not just what the researchers tell us is good. Opposition to our bill has based its objections on arguments that we will stifle research, discourage free thinking, put science back in the dark ages. The Weldon-Stupak bill does nothing of the sort. It allows animal cloning. It allows tissue cloning. It allows current stem cell research being done on existing embryos. It allows DNA cloning. How is this stifling research? The fact is, there is no research being done on cloned human embryos, so how can we stifle it?

And do you know why there is no research being done? Because the scientists, the same ones that are coming to our offices, banging on our doors, begging to be allowed to experiment with human embryos, they do not even know how. They have experimented for years with cloned animal embryos with very limited success. These scientists who are pushing so hard to be allowed a free pass for research on what constitutes the very essence of what it is to be human do not know what goes wrong with cloned animal embryos. And the horror stories are too many to mention here of deformed mice and deformed sheep developing from cloned embryos.

A prominent researcher working for the bioresearch companies has admitted scientists do not know how or what happens in cloned embryos allowing these deformities. In fact, he calls the procedure when an egg reprograms DNA ''magic.''

Magic? That is hardly a comforting, hard-hitting scientific term, but it is accurate. It is magic. Opponents of the bill have said embryonic research is the Holy Grail of science and holds the key to untold medical wonders. I say to these opponents, show me your miracles. Show me the wondrous advances done on animal embryonic cloning. But these opponents cannot show me these advances because they do not exist.

Our ability to delve into the mysteries of life grows exponentially. All fields of science fuse to enhance our

ability to go where we have never gone before.

The question is simply: Just because we can do something, does that mean we should do it? What is a better path to take, one of haste and a rush to benefits that are at best years away into the future, entrusting cloned human embryos to scientists who do not know what they are doing with cloned animal embryos? Or is it one urging caution, urging a step back, further deliberation?

The human race is not open to experimentation at any level, even the molecular level. Has the 20th century not shown us of this folly?

Holy Grail? Magic? How about the human soul? Scientists and medical researchers cannot find it, cannot medically explain it, but writers write about it. Songwriters sing about it. We believe in it. From the depths of our souls we know we should ban human cloning. For the sake of our souls, let us reject the Greenwood substitute and support the Weldon-Stupak bill.

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

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

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

Mr. TERRY. Mr. Speaker, I rise in strong support of the rule and the bill.

The consequence of allowing human cloning would be dire. Human embryos would be created for the sole purpose of being experimented on and killed. Cloned humans would likely have serious defects such as premature aging which may have led to premature death of Dolly, the cloned sheep. Women could be exploited through the buying and selling of their eggs for medical research, and children could be manufactured with specific genetic traits, making them commodities rather than precious gifts from God.

This bill would prevent those horrifying scenarios from reality. This legislation would ban reproductive cloning and research cloning, which both involve creation of human life.

As elected leaders, we have a responsibility to safeguard the future of humanity by placing clear, ethical limits on medical research. Our scientists should concentrate on promising avenues which raise no moral concerns such as adult stem cell research. Allowing human cloning would only devalue human life and permit women and children to be exploited.

Mr. Speaker, I urge my colleagues to vote in favor of the rule and H.R. 534.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Massachusetts for his leadership and his kindness for yielding me time.

Mr. Speaker, I have it right here in my hands, this legislation that we intend to pass today criminalizes physicians, hospitals, innocent patients, sick people all over the world who are in need of the relief from the intellect and the ability that our scientists have to provide hope over death, life over death, better health over no health at all.

Mr. Speaker, I think it is extremely important as we confront the amazing opportunities of science and technology, as we look to secure the homeland with advances in science and technology that we call today's legislation what it is: a condemnation, an outrage on the outstanding research and abilities of our research scientists and medical professionals.

Mr. Speaker, if this was legislation to ban human cloning, you would have a unanimous green light from the Members of this Congress. But now what we are saying to those who are working in the venues of research of life and hope, we are suggesting to them that they must be condemned.

Mr. Speaker, I have heard of no such thing as women selling their eggs being intimidated to do so, but I do know those who have Parkinson's disease and other diseases who are suffering and who have spinal injuries who are suffering now who want us to be able to do the kind of research that stem cell research allows.

Mr. Speaker, H.R. 534 does nothing but criminalize those individuals who are now in research labs, innocent bright and brilliant Americans who are trying to find hope for those who are ill. Particularly the stem cells that the President has allowed some 64 lines does not take into account the diversity and the different ethnic groups in this Nation, the diseases that afflict African Americans, Hispanic Americans, Jewish Americans, where research is needed on particular stem cell research.

The gentleman from New York (Mr. NADLER) and myself offered an amendment in the Committee on Rules, and I opposed this rule that would have provided specifically with the growing of those unique stem cells that would allow research on all Americans so that we could in fact provide the hope and life that is necessary. But yet the Committee on Rules decided in their wisdom to deny such an amendment, so we could not even debate it on the floor of the House.

It is very interesting to note that a recent Institute of Medicine study explains that, because the cells lines to researchers are limited, they do not represent the genetic diversity of the general population; nor do they represent the diversity of our population. Diseases that plague minority populations are almost certainly not represented in the 64 approved stem cells. On the uses of stem cells, the National Institutes of Health described the medical potential as enormous.

This legislation, Mr. Speaker, is to give a death sentence to millions and millions of Americans waiting by their bedsides hoping beyond hope. We realize that we have been able to give hope to the aging. We have been able to give hope to those who are suffering from diseases of which heretofore we could not even imagine a solution, that we could not have imagined some 50, 70, or 100 years ago to cure.

□ 1345

We know in the early ages of this, of the history of this Nation, that individuals did not live to see 45 or 50 years old. Now we are very gratified to know that our population, our mothers and fathers, our relatives, are living to 75 and 80 and 85 and 90 years old. What a joy for families across this Nation and around the world.

Mr. Speaker, would we take this legislation that we have today and to be able to void all of the wonderful research that generated an extended life so that people might enjoy their families and enjoy the wonderment of the world, the outstanding new discoveries every day? Now we want to criminalize our doctors, criminalize our hospitals, criminalize the sick, criminalize researchers with the passage of H.R. 534.

I oppose very much the legislation, the rule, and I do support the substitute.

The SPEAKER pro tempore (Mr. SWEENEY). The Chair would inform Members that the gentleman from Massachusetts (Mr. MCGOVERN) has 8 minutes remaining, and the gentlewoman from North Carolina (Mrs. MYRICK) has 18½ minutes remaining.

The gentlewoman from North Carolina (Mrs. MYRICK) is recognized.

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

Mr. TOOMEY. Mr. Speaker, I rise in strong support for this rule, and as a cosponsor and strong supporter of H.R. 534, and I urge my colleagues to vote against the substitute amendment.

As the President stated just a few weeks ago, ''Because no human life should be started or ended as the object of an experiment, I ask you to set a high standard for humanity, and pass a law against all human cloning.''

I am certainly very sympathetic to all those who suffer from incurable or chronic afflictions, and we are all committed to helping find cures. I understand the good intentions of those who advocate human cloning in the hope that research on these clones might yield cures for major illnesses. But for a variety of reasons, both technical and ethical, I believe it is wrong to pursue this approach.

On the technical level, the evidence suggests that cloned human embryos are not likely to yield cures for major illnesses. Hopes to the contrary are just not well founded and they provide false hopes for the afflicted.

Supporters of human cloning for research purposes have proposed limitations which they claim will prevent a cloned baby from being born, but they

would allow cloned embryos to develop indefinitely, as long as they are outside of a woman's womb. Where will this end?

The process of transferring a somatic cell nucleus into an enucleated egg produces a human embryo that has the potential to be implanted in utero and developed to term. In others words, the embryo produced for the purpose of therapeutic cloning, as some call it, is biologically indistinguishable from an embryo intended for reproduction. It is a human life, at a very early stage of development, of course, but entirely human nevertheless. Thus, creating cloned human embryos for research purposes means creating human life for the purpose of research and with the intent of destroying it.

This commodification and exploitation strikes me as a profound undermining of our society's sense of human dignity, and in doing so, it undermines our very humanity.

Again, I urge a vote in favor of the rule, against the substitute amendment, and in favor of H.R. 534.

Mr. MCGOVERN. Mr. Speaker, may I inquire from the gentlewoman from North Carolina (Mrs. MYRICK) how many more speakers she has.

Mrs. MYRICK. At this point, I only have two that are here. I have some others signed up, but they are not here yet. I only have two more.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I think it is important to note that much of what has been said today in support of this bill has nothing to do with protecting the country from the ills outlined.

What is somatic cell nuclear transfer? A woman donates an egg, a patient donates a skin cell. Perhaps the nucleus is removed from the egg. The DNA from the skin cell is inserted into the egg. The egg is stimulated to divide into eight cells, and those are the stem cells.

What has been talked about in terms of embryo experimentation is certainly legal if this bill were to pass and instead of a skin cell there was a sperm that began that cell division, if we had in vitro fertilization, we could experiment all we wanted.

So I think where we are going with this proposal is apparently a plan to outlaw in vitro fertilization in the United States. I think we ought to be clear about that.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN).

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

Mr. AKIN. Mr. Speaker, I, in earlier days in my life, used to go out to junkyards sometimes to find parts for my sports car, go out with some wrenches, and we would take off a transmission or an alternator or something like that. And of course, there is nothing wrong with finding spare parts in a junkyard.

But what we have before us in this debate is the serious possibility that if we do not direct science properly, that we could end up in some sort of a brave new world which none of us want to find ourselves in, a world in which parts of human beings are like parts in a junkyard. And that may sound a little bit like a science fiction novel or something like that, but the Human Cloning Prohibition Act of 2003 will ensure that human beings are not treated like old junk cars in some parking lot.

Therapeutic cloning pledges unique cures for hundreds of illnesses; yet, this is an empty promise. It has never produced a single cure in animal models nor has it produced any cures in human clinical trials. In fact, James Thompson, the scientist who discovered embryonic stem cells, said in reference to therapeutic cloning, ''The poor availability of human oocytes, the low efficiency of the nuclear transfer procedure and the long population-doubling time of human embryonic stem cells make it difficult to envision this becoming a routine clinical procedure.''

Opening the door to therapeutic cloning will only result in a slippery slope of unscrupulous science and unenforceable law.

On the other hand, adult stem cells have produced promising medical results. These stem cells do not require the cloning or destruction of human embryos and have been successful in many human applications without the growth of tumors, which is a key defect in the use of cloned embryos.

Last year, in fact, researchers at the University of Minnesota announced that they had made a discovery involving an adult human stem cell that has the potential to develop into many different types of cells in the human body. What that means is it now seems entirely possible and reasonable that cells from one of our own, our own body, can then be coaxed into replacement of organs or tissues that exactly match our own body that it was taken from.

Using adult stem cells, for example, a man named Dean Grimm of Charlotte, Iowa, regained his sight after having been blind due to a chemical accident in 1983. His physician implanted adult stem cells and also three new corneas. Now after being blind so many years he can see, and his sons say that since his dad has regained his sight, he and his siblings cannot get away with a lot of stuff.

A ban on therapeutic cloning will not restrict science, but it will deter the perversion of scientific research. I urge my colleagues to vote in favor of the rule for H.R. 534.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for his leadership, and I thank him for yielding me the time, and I rise in opposition to the rule and in opposition to the underlying bill, H.R. 534.

I am against human reproductive cloning, but I am concerned that the Weldon bill could exert a devastating impact on future life-saving research, and I fear that it will bring current research that offers great promise to cure a whole host of diseases to a grinding halt.

I represent a district that includes many premier medical research institutions. Top scientists have told me that therapeutic cloning could lead to cures and new treatments for cancer, heart disease, diabetes, Parkinson's, Alzheimer's, ALS, and other chronic or fatal illnesses, and they say that it could alleviate tremendous human suffering.

In a recent Newsweek article by Dr. Gerald Fischbach, Dean of the Faculty of Medicine at Columbia University Medical School and former head of NIH's National Institute of Neurological Disorders and Strokes, he wrote the following about this issue: ''A less obvious, but real, cost is the damage to the fabric of America's extraordinary culture of inquiry and technical development in biomedical research. If revolutionary new therapies are delayed or outlawed, we could be set back for years, if not decades.''

It is appropriate that policymakers scrutinize cutting-edge science. We must ensure that research is conducted in a legal and ethical manner, but the underlying bill goes too far.

A more appropriate approach is the Greenwood-Deutsch substitute, and that bill will allow potentially life-saving research to proceed while banning human reproductive cloning.

I know something about the suffering of millions of American families as their loved ones struggle against disease for which research cloning may one day offer a treatment or cure. My own father battled against Parkinson's until he passed away this year, and I cannot in good conscience tell those families that our society will benefit from an outright ban on this vital research.

I urge my colleagues to oppose H.R. 534 and to support the substitute.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise in strong and grateful support for the Human Cloning Prohibition Act and for the extraordinary efforts of my colleague, the gentleman from Florida (Mr. WELDON), in conceiving of and promoting this bill over the last several years.

I also urge opposition to the substitute, despite the fact that I know it is well intended, and my colleagues on the Committee on the Judiciary, with whom I serve, I know bring great passion and compassion to these issues.

I rise today, Mr. Speaker, not to demagogue an issue and not to vilify those who would differ with me but to offer a gentle but firm endorsement of a clean ban of human cloning in all of its permutations.

Like virtually everyone in this institution and everyone, as the previous speaker just said, opposed the idea of reproductive human cloning. We see it as deeply, morally offensive and objectionable, and so it is. But I would also offer, in a spirit of humility, Mr. Speaker, that even that which is called therapeutic cloning or the cloning only of nascent human life for the purpose of experimentation is also deeply, morally problematic and that we derive this from two basic principles from an understanding of the history of Western civilization.

That first principle is that which has distinguished Western civilization, with very few exceptions, has been our belief in the sanctity of human life, in the uniqueness and the preciousness of each and every individual human being. That has been something characteristic of Western civilization, and it has caused the laws of this Nation and the laws of every nation of Western civilization since its genesis 3,000 years ago to ever back slowly and respectfully away where human life is in question and where the depriving of human life is involved.

Against that backdrop, not only does history teach us to back away from the awesome power of human life, but it also teaches us not to trust government power; and, in fact, an undeniable truth of history has been that time and time again, each time government had the power to intrude itself on human life, that it abused that power and often trampled on human beings and classes of human beings and races of human beings.

It is against that spirit and against putting us on that slippery slope that I believe that the gentleman from Florida (Mr. WELDON) has the right prescription here, Mr. Speaker, and we should draw a strong line in the sand, a moral line that says, as we look at human life or even nascent human life, wherever one determines that life begins, that we would back slowly and humbly away, ban human cloning for all of its purposes, ban all development of human life for experimentation and destruction.

□ 1400

As the Good Book says, ''I set before you today life and blessings, death and destruction. Now choose life.'' And it is my hope and confidence we will do so today.

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

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Speaker, last May, the Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on human cloning. The subcommittee was informed that research cloning of humans was unnecessary due to the exciting medical breakthroughs utilizing adult stem cells and other ethical avenues of research. We were told that scientists agree that cloning is dangerous and clones suffer from countless severe genetic disorders.

The Department of Justice informed us that it would be impossible to enforce a bill that allowed human cloning for the purpose of research and not reproduction. And we were warned by Dr. Zavos of Kentucky that unless a ban on human cloning was enacted, he and other rogue scientists would soon successfully clone humans.

Despite these warnings, researchers seeking to clone humans for research make hollow promises and offer false hope that such research will result in cures for numerous human ailments. The fact is human cloning is never necessary regardless of its intent, and better ethical research alternatives do exist.

Nearly every week, for example, new scientific breakthroughs utilizing adult stem cells are announced. Researchers report that they have grown an entire organ from adult stem cells. And just this week, scientists have announced that a type of cell found in blood can be turned into nearly any cell in the body.

These findings and others like them suggest that every one of us may carry our own ''repair kit'' that can be used to treat countless medical disorders and genetic diseases by allowing doctors to regrow organs and tissues from our own cells. And unlike destructive human cloning research that remains entirely speculative, adult stem cell therapies are already currently being used to treat a host of medical conditions.

There are no guarantees that allowing human cloning for research will produce cures or that cloned embryos will not be misused for other purposes. If we now permit the manufacturing of human embryos for human research, where do we draw the line? Do we only allow cloned embryos to grow for 5 days before they are destroyed in the process of extracting their stem cells? What about removing tissue from 5-week-old embryos? Should we consider harvesting the organs from 5-month-old fetuses? What will those who support destructive research claim is necessary next to advance science?

We must finally draw the line and stop the exploitation of all forms of human life. The science is clear. So is the moral issue. In my favorite movie, ''Rudy,'' a great scene has the priest telling Rudy there are two things in life he knows for sure, one is that there is a God, and, secondly, that he is not God.

Mr. Speaker, I would urge my colleagues to vote for the Weldon-Stupak bill.

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

Mrs. MYRICK. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Florida (Mr. WELDON), the author of this legislation.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I think this is a good, fair rule. It allows an honest debate of the issues. As many of my colleagues know, I am a physician. I still see patients once a month at the veterans clinic in my congressional district, and I practiced medicine for 15 years before I was elected to the House of Representatives. I took care of a lot of patients with paralysis, Parkinson's disease, diabetes, and Alzheimer's disease. I saw firsthand on a daily basis the hardship those people and their families went through.

Indeed, I wanted to share with all my colleagues that my father died of complications of diabetes disease. I had six uncles. When I was growing up as a kid, one of my favorite uncles was my Uncle John. He died of complications of Parkinson's disease. So if there were evidence to support the position being held by some people in this body and some people in the scientific community that there was great potential from therapeutic cloning, I would be the first to admit it. I would be the first person to acknowledge it. I could not deny it because it would be evident in the medical literature. But the fact of the matter is, the evidence is not there.

What we are debating today is the ethical parameters on the whole issue of regenerative medicine. For decades, doctors have had at their disposal surgical techniques to help people and make them well. They have had medications, drugs that they could use to make people well. And in the past 20 years, they have been making use of something called regenerative medicine using what is called stem cells. This bill, contrary to what some people say, does not ban stem cell research. It does not ban embryo stem cell research. It specifically bans the creation of cloned human embryos.

We voted on this very issue. We debated this issue on the floor of this House a year and a half ago. It was July of 2001. The progression of science is something that we need to include in this debate. I went through the medical literature just about the last 12 months; and I have about 88 studies showing adult stem cells in humans and that they have tremendous potential, that they are actually finding application in the treatment of 45 different diseases.

Mr. Speaker, I wish I could produce a study that shows that therapeutic cloning in humans has potential, but there is not even one study. Indeed, I wish I could introduce a study that shows that therapeutic cloning in animals has potential; but, likewise, there is not a single study even in animals. It has been tried in mice, and it has not worked. Therapeutic cloning has never been done.

We are debating here on the floor of the House therapeutic cloning as though therapeutic cloning exists, as though it is around the corner. Let us get realistic here. People are going to come to the floor, and they are going to suggest that we have to hold out therapeutic cloning because it is the only hope for these people. We are funding NIH $27 billion a year. We have thousands of researchers all over the Nation doing all kinds of research using all kinds of modalities, surgeries, therapies, medications; and this regenerative medicine issue is one little slice of what researchers are exploring to help these people with these conditions. We are essentially debating a subsegment of that. And some people will come down here and hold that up as though it is the only thing out there.

Let us get realistic. It has never been done. They tried it in mice, and it was published in ''Cell.'' For those who do not read the scientific literature, this is one of the most prestigious journals that cell biologists read. I will quote from the study. It says: ''Our results raise the provocative possibility that even genetically matched cells derived by therapeutic cloning may still face barriers to effective transplantation for some disorders.'' They tried therapeutic cloning in a mouse model of disease and it failed dismally. So not only can we not produce a study that shows that it works, we can produce studies that show that it does not work.

I think the time has arrived for us to do the right thing. This is a moral and ethical decision. We are talking about scientists creating human embryos for the purpose of exploiting them and destroying them, and there is no scientific evidence today that this is justifiable.

Mr. Speaker, I will include for the RECORD the studies I referred to above.

PARLIAMENTARY INQUIRY

Mr. MCGOVERN. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman will state his parliamentary inquiry.

Mr. MCGOVERN. Mr. Speaker, I wonder if the Chair can inform me how much it will cost the American taxpayer to reprint the several months of studies that have just been submitted for the RECORD?

The SPEAKER pro tempore. The Chair would inform the gentleman that that is not a parliamentary inquiry.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time. I very much want to rise and join my colleagues in opposition to this rule and to the underlying bill.

Mr. Speaker, why would Members of Congress want to turn doctors into criminals and treat medical researchers like outlaws? With all the grave issues facing America that continue to go unaddressed by this body, our broken health care system, a lack of education funding, fears of Social Security insolvency and a soaring economy, why are we spending time criminalizing promising medical research and threatening to send doctors to jail for 10 years?

This bill does not regulate the way that Federal funds are spent on medical research. It makes medical research or treatments using therapeutic cloning a Federal crime. The role of our government is to provide research achievements and to provide incubators for medical and scientific breakthroughs. It is not our job to criminalize good doctors or to force leaders in medical research to abandon promising techniques.

According to the National Institutes of Health, which advises us on a daily basis, therapeutic cloning could provide treatments for Parkinson's disease, chronic heart failure, in-stage kidney disease, liver failure, rheumatoid arthritis, osteoporosis, severe burns, spinal cord injuries, multiple sclerosis, Alzheimer's disease, diabetes, lupus, heart damage, cancer, paralyzed limbs, and Lou Gehrig's disease. There is even the hope this research could lead to entire transplantable organs.

Forty Nobel laureates, millions of patients, former First Lady Nancy Reagan, and former President Gerald Ford advocate human cloning. In fact, just last month, Mrs. Reagan wrote to Senator HATCH, the Chair of the Senate Committee on the Judiciary, supporting therapeutic cloning.

Despite the arrogant amendment that only this Committee on Rules would ever give to anyone, because it is the height of arrogance, this bill tells us that they want to ban cloning, therapeutic cloning, not just here but all over the world. My, what a reach we do have.

The promising research that we are trying to stop today will be driven overseas where therapeutic cloning is not only legal but is government funded. Other countries will become the world leaders in these treatments.

As a scientist, and I am, I am profoundly concerned about what I hear as very bad science on this floor. Sick Americans would not benefit from the American miracles if they occurred in another country because the legislation prohibits improving lifesaving medical technology if the treatment is developed by therapeutic cloning. If scientists overseas develop a cure for Parkinson's disease using stem cells from therapeutic cloning, suffering Americans would be banned by their government from taking advantage of that cure here in the United States. Imagine that. We want to criminalize almost everybody.

Once again, Mr. Speaker, the majority weakens this noble institution and the deliberative process. It is a shame and a blight on Congress that we would even bring a bill of this magnitude, affecting the life and health of millions of Americans, without this bill even going through the committee procedure.

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

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise today in support of this rule and I urge its passage.

Mr. Speaker, we are doing the right thing here today. It is my belief, as an OB-GYN physician for over 28 years, with over 5,000 deliveries, that human cloning is not only morally wrong but it is also a very dangerous practice.

Human cloning for reproduction poses serious risks of producing children who are stillborn, severely malformed, or disabled. We can make this assertion because most cloned animals have demonstrated serious genetic defects. The most high-profile example, of course, is Dolly the sheep, with the premature aging situation.

□ 1415

With this knowledge, would we wish to create these hardships for even one child?

I also oppose cloning embryos for research because it is a very short bridge to implantation and, thus, reproductive cloning. If we allow human embryo farms for research, it will become impossible to enforce a ban on reproductive cloning.

Although I fully support this rule and H.R. 534, I do have concerns about the bill. The creation and destruction of human life is the most serious issue that we can face. Therefore, if it is unacceptable to participate in human cloning within the United States, then we should extend this ban and prohibit United States researchers from participating in human cloning outside of the United States as well. U.S. law when enacted is assumed not to apply to citizens when they are outside of the United States borders. In other words, there is an ''assumptive nonapplication.'' However, the courts have held when Congress acts to explicitly apply United States law to citizens acting outside of our borders, the justice system can prosecute these actions.

H.R. 534 is a good bill, but in the future we should seek to extend the ban to prohibit United States citizens from performing human cloning outside of our borders.

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

Mr. Speaker, the cloning of a human being is wrong, and this body and the American public should not stand for it. But that is not what this debate is about. The Weldon bill is misguided, it is unnecessary, and it is just plain bad policy and it should be defeated. It is misguided because it will stifle and end research that will undoubtedly improve and save human lives. Should scientists have given up on finding a cure for polio merely because they had already developed the iron lung? Of course not. With all due respect to the

author of this legislation, there are other physicians, many, and there are scientists, many, who believe in the promise of therapeutic cloning. The National Academy of Sciences sees the value in therapeutic cloning. Forty Nobel laureates all support going forward with therapeutic cloning.

The Weldon bill is unnecessary because the Food and Drug Administration has already declared reproductive cloning illegal and subject to prosecution under current law. Dr. Kathryn Zoon, the director of the Center for Biologics Evaluation and Research at the FDA, wrote in a March 28, 2001, letter that, quote, clinical research using cloning technology to clone a human being may not proceed without an investigational new drug application and that, given unresolved safety questions, the FDA would not permit any such investigation to proceed.

The letter works. No individual and no group has tried to clone a human being in the United States for fear of prosecution by the FDA.

But having said that, if this bill were only about banning human cloning, I would be for it. I think it would pass almost unanimously, if not unanimously, in this House. But this bill goes much farther than that. The Weldon bill is bad policy because in my opinion it is cruel. Remember the words of Nancy Reagan. She wrote, there are so many diseases that can be cured or at least helped that we can't turn our back on this. We have lost so much time already. I can't bear to lose any more.

It is cruel to deny potential cures to people who suffer from Alzheimer's or Parkinson's disease. It is cruel to legislate that a cure for diabetes developed in Great Britain may not be used to cure diabetes in this country if therapeutic cloning were used to find a cure to that problem. But that is just what the Weldon bill does.

I would urge my colleagues to support the Greenwood-Deutsch substitute. If that fails, please defeat the Weldon bill.

Mr. Speaker, I include Dr. Zoon's letter for the RECORD.

The text of the letter is as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES, PUBLIC HEALTH SERVICE, FOOD AND DRUG ADMINISTRATION,

Rockville, MD, March 28, 2001.

DEAR: The purpose of this letter is to remind your organization and its members that the Food and Drug Administration (FDA) has jurisdiction over clinical research using cloning technology to clone a human being, and to inform you of the FDA regulatory process that is required. You are receiving this letter because of a number of recent reports in the media describing the use of cloning technology to clone human beings. As described more fully below, the appropriate mechanism to pursue such clinical investigation using cloning technology is the submission of an investigational new drug application (IND) to FDA's Center for Biologics Evaluation and Research (CBER). Please inform the members of your organization of the information provided below.

Clinical research using cloning technology to clone a human being is subject to FDA regulation under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act. Under these statutes and FDA's implementing regulations, before such research may begin, the sponsor of the research is required to: submit to FDA an IND describing the proposed research plan; obtain authorization from a properly constituted institutional review board (IRB); and obtain a commitment from the investigators to obtain informed consent from all human subjects of the research. Such research may proceed only when an IND is in effect. Since the FDA believes that there are major unresolved safety questions pertaining to the use of cloning technology to clone a human being, until those questions are appropriately addressed in an IND, FDA would not permit any such investigation to proceed.

FDA may prohibit a sponsor from conducting a study proposed in an IND application (often referred to as placing the study on ''clinical hold'') for a variety of reasons. If the Agency finds that ''human subjects are or would be exposed to an unreasonable and significant risk of illness or injury,'' that would be sufficient reason to put a study on clinical hold. Other reasons listed in the regulations include ''the IND does not contain sufficient information required to assess the risks to subjects of the proposed studies,'' or ''the clinical investigators are not qualified by reason of their scientific training and experience to conduct the investigation.''

The procedures and requirements governing the use of investigational new drugs, including those for the submission and review of INDs, are set forth in Title 21 of the Code of Federal Regulations (CFR), Part 312. Additional responsibilities of the sponsor of an IND include: selecting qualified investigators and overseeing the conduct of the investigators; ensuring that the investigations are performed in accordance with the protocols of the IND; submitting adverse experience reports and annual reports; and other duties as outlined in the regulations. The responsibilities of an investigator include: ensuring that the study is conducted in accordance with the protocols; obtaining informed consent from study participants; and ensuring that an IRB that complies with the requirements of 21 CFR Part 56 reviews and approves the proposed clinical study and the informed consent form and procedures for obtaining informed consent, among other requirements specified in the regulations.

Clinical investigators are encouraged to obtain a copy of the current ''Information Sheets for IRBs and Clinical Investigators'' (which contains useful information regarding clinical investigations) from CBER's Manufacturers Assistance and Technical Training Branch at 1–800–835–4709. This document is also available at http://www.fda.gov/oc/oha/irb/toc.html.

Additional information on how to submit an IND can be found on CBER's website at: http://www.fda.gov/cber/ind/ind.htm. Copies of the relevant sections of 21 CFR, including Parts 50 (Protection of Human Subjects), 56 (Institutional Review Boards), and 312 (Investigational New Drug Application) can be found at: http://www.gpo.gov/nara/cfr. Information on ways to communicate with CBER is available for you or members of the association at: http://www.fda.gov/cber/pubinquire.htm.

We encourage your members to meet with the Agency prior to submitting any IND application. Such a meeting would be arranged through the Office of Therapeutics Research and Review of FDA's Center for Biologics Evaluation and Research.

Sincerely yours,

KATHRYN C. ZOON,
Director,
Center for Biologics Evaluation and Research.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to House Resolution 105 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 534.

□ 1420

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 534) to amend title 18, United States Code, to prohibit human cloning, with Mr. SWEENEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. LOFGREN) each will control 30 minutes.

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

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

Mr. Chairman, I rise in support of H.R. 534, the Human Cloning Prohibition Act of 2003. This bill criminalizes the act of cloning humans, importing cloned humans and importing products derived from cloned humans. It is what is needed, and it is what President Bush has asked for, a comprehensive ban against cloning people. It has bipartisan cosponsorship and was reported favorably by the Committee on the Judiciary on February 12.

Today we are considering more than the moral and ethical issues raised by human cloning. This vote is about providing moral leadership for a watching world. We have the largest and most powerful research community on the face of the earth and we devote more money to research and development than any other nation in the world. Although many other nations have already taken steps to ban human cloning, the world is waiting for the United States to set the moral tone against this experimentation.

Currently in the United States there are no clear rules or regulations over privately funded human cloning. Although the FDA has announced it has the authority to regulate human cloning through the Public Health Service Act and the Food, Drug and

Cosmetic Act, this authority is unclear and has not been tested. The fact of the matter is that the FDA cannot stop human cloning, it can only begin to regulate it. This will be a day late and a dollar short for a clone that is used for research, harvesting organs, or born grotesquely deformed.

In November 2001, researchers at Advanced Cell Technology in Worcester, Massachusetts announced that they had cloned the first human embryo. Others have indicated that they are prepared to utilize existing technology to clone a human baby. On December 26, 2002, Clonaid announced the birth of the first cloned human baby. Although the Clonaid announcement appears to have been a hoax, there are a growing number of individuals who claim that they can and will clone a human being. In light of these announcements, it has become imperative that the Congress act immediately to prevent the cloning of human embryos from continuing.

Others argue that cloned humans are the key that will unlock the door to medical achievements in the 21st century. Nothing could be further from the truth. These miraculous achievements may be found through stem cell research but not from cloning. Let me be perfectly clear. H.R. 534 does not in any way impede or prohibit stem cell research that does not require cloned human embryos. This debate is whether or not it should be legal in the United States to clone human beings. Nothing more and nothing less.

While H.R. 534 does not prohibit the use of cloning techniques to produce molecules, tissues, organs, plants, DNA cells other than human embryos, and animals other than humans, it does prohibit the creation of cloned embryos. This is absolutely necessary to prevent human cloning because, as we all know, embryos become people. If scientists were permitted to clone embryos, they would eventually be stockpiled and mass marketed. In addition, it would be impossible to enforce a ban on human reproductive cloning. Let me repeat that. It would be impossible to enforce a ban on human reproductive cloning because once a cloned human embryo is implanted into a woman's uterus, it can grow and become a baby. Therefore, any legislative attempt to ban human cloning must include embryos.

Should human cloning ever prove successful, its potential applications and expected demands would undoubtedly and ultimately lead to a worldwide mass market for human clones. Human clones would be used for medical experimentation, leading to human exploitation under the good name of medicine. Parents would want the best genes for their children, creating a market for human designer genes. Again, governments would have to weigh in and decide questions such as what rights do human clones hold, who is responsible for them, who will ensure their health, and what interaction will clones have with their genealogical parent.

As most people know, Dolly the sheep was cloned in 1996. Since that time, scientists from around the globe have experimentally cloned a number of monkeys, mice, cows, goats, lambs, bulls and pigs. It took 277 attempts to clone Dolly; 276 failures before success. These later experiments also produced a very low rate of success, a dismal 3 percent. Now some of the same scientists would like to add people, human beings, to this experimental list. As it turns out, Dolly the sheep was also a failure. It just took 6 years to realize it. On February 14, Dolly the sheep was euthanized as a result of complications linked to what some geneticists are speculating were signs of premature aging.

Human cloning is both ethically and morally offensive. It diminishes the careful balance of humanity that nature has installed in each of us. I believe we need to send a clear and distinct message to the watching world that America will not permit human cloning and that it does not support scientific research into cloning human embryos. This bill sends this message, by permitting cloning research on human DNA molecules, cells, tissues, organs, or animals but preventing the creation of cloned human embryos.

Mr. Chairman, I urge all Members to unequivocally say no to human cloning by supporting H.R. 534. Stop human cloning and preserve the integrity of mankind and allow legitimate scientific research to continue.

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

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I, like the authors of H.R. 534, believe that we should outlaw human cloning. If we wanted to pass a bill that only prohibits human cloning, it would sail through Congress on a voice vote. But this bill goes too far. It halts the progress of medical research by banning somatic cell nuclear transfer for research and medical treatments. This research has promise for diseases like Alzheimer's, Parkinson's, diabetes and others. This bill criminalizes a scientific research process that takes place in a petri dish, regardless of the intent of the researcher or the inability of this process to result in the birth of a cloned child. The penalty for violating these provisions includes sanctions of a criminal fine and/or imprisonment for up to 10 years and a civil penalty of at least $1 million. This would represent an unprecedented intrusion of the criminal law into the scientific process.

I think the science teachers of America may be pretty appalled at what they hear and see on this floor today. I think much that has been said and will be said reflects a profound ignorance about the science, about the current role of the FDA in their regulatory practices, but also Americans need to ask themselves why the proponents of this bill want to ban this research, and I think the answer is simple: They want to impose their religious beliefs on the entire country.

□ 1430

This country reflects the diverse religious beliefs found all over the world. Some, like the authors of this bill, believe that all cloning is wrong. Others believe that research cloning should be allowed. These are all legitimate views, but I think it is wrong to use the political power of one group to criminalize the beliefs of another.

To better understand the real issue involved in this debate, it is important to understand what research cloning is. Somatic cell nuclear transfer has six steps: a woman donates an egg; a patient donates a somatic cell, like a skin cell; the nucleus is removed from the egg; the nucleus from the patient's skin cell is inserted into the egg; the egg is then stimulated to induce it to divide; the egg begins to divide, creating stem cells that are identical to the patient's own cells.

So we are talking about the creation of cells in a petri dish, not bringing a child into this world. That is why research cloning is supported by some of the most ardent pro-life conservatives like Senator ORRIN HATCH and former Senator Connie Mack, who said, ''Anyone who would ban research on embryonic stem cells will be responsible for harm done to real live postnatal sentient beings who might be helped by this research.''

Why is this process important? Scientists believe that these stem cells are less likely to be rejected after transplant since they have the same genetic properties as the recipient. They could also help scientists learn why diseases occur. They also have important advantages over adult stem cells which cannot develop into as many cell types and which cannot be generated in the same quantities in the lab. That is why this bill is opposed by almost every organization representing patients and researchers, including Juvenile Diabetes Research Foundation, the Cancer Research and Prevention Foundation, the Biotechnology Industry Association, the Society for Women's Health Research, the Coalition for the Advancement of Medical Research, and the Alliance for Aging Research.

I have heard the words that we are going down a ''slippery slope'' used by the proponents of this bill, but in fact the slippery slope is that being suggested by those who call six cells in a petri dish the equivalent of me or my mother. If it is murder to use somatic cell transfer and to create six cells for research purposes, then it must also be mass murder to have in vitro fertilization and discard the cells that are not later utilized by the couple using IVF. So the slippery slope is to eliminate in vitro fertilization in this country.

This debate really boils down to one question: Should an embryonic stem cell with no central nervous system, no chance of developing into a fetus have the same rights as a child suffering

from juvenile diabetes? I do not think so. I urge you not to rob sick Americans of their hope for a cure.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair reminds the Members that it is not in order to cite the views of sitting Senators.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), our chairman, for yielding me this time.

Mr. Chairman, the manufacture of cloned human beings alarms an overwhelming majority of Americans. The theoretical discussion surrounding the cloning of humans has raised profound ethical and legal issues. Currently, no clear regulations exist in the United States that would prevent a private group from attempting to create a human clone. H.R. 534 would prevent experimental procedures that the National Bioethics Advisory Commission, the NBAC, called scientifically and ethically objectionable. The NBAC unanimously concluded that given the state of science, ''any attempt to create a child using somatic cell nuclear transfer, whether in the public or private sector, is uncertain in its outcome, is unacceptably dangerous to the fetus and, therefore, morally unacceptable.'' In fact, virtually every widely known and respected organization that has taken a position on reproductive human cloning flatly opposes the notion because of the extreme ethical and moral concerns.

Cloning of human beings carries massive risks of producing unhealthy, abnormal, malformed children. The only way to prevent this from happening is to adopt the restrictions on human cloning set forth in H.R. 534. As Professor Bradley of the Notre Dame School of Law testified last Congress, ''The only effective way to prohibit human reproductive cloning is to prohibit all human cloning.'' Any other approach would allow for stockpiles of cloned human embryos to be produced, bought, and sold without restrictions. Implantation of cloned embryos, a relatively simple procedure, would inevitably occur. Attempts to enforce a cloning ban would prove virtually impossible to monitor. The last time Congress dealt with the issue of human cloning, an editorial in the Washington Post stated: ''It is unnecessary to be against abortion rights or to believe human life literally begins at conception to be deeply alarmed by the notion of scientists purposely causing conceptions in a context entirely divorced from even the potential of reproduction.'' The editorial went on to characterize the creation of embryos solely for research as unconscionable.

It is important to note that research currently being done using adult stem cells, which I support, is showing great progress. I believe this relatively new area of research, Mr. Chairman, deserves appropriate funding and necessary scientific resources to discover its complete potential. To divert resources from this promising research to controversial procedures, such as therapeutic cloning, may inadvertently push an effective cure farther out of reach.

I urge my colleagues to support H.R. 534, Mr. Chairman.

Ms. LOFGREN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. NADLER), my colleague on the Committee on the Judiciary.

Mr. NADLER. Mr. Chairman, I rise in opposition to this dangerous and ill considered legislation. Rather than protecting the sanctity of human life, this legislation will needlessly sentence untold generations of innocent human beings to premature death and lifetimes of suffering. There is no disagreement that it is immoral to use cloning to create human beings and that that ought to be prohibited. The evidence from research involving cloned animals is that such efforts can result in severe deformities, premature aging and death. It is wrong to willfully inflict this kind of suffering on people and it should not be permitted. If this bill prohibited only that kind of activity, we would have no disagreement and no debate.

It is precisely because we abhor the suffering that would result from using cloning techniques for human reproduction that it is also clearly immoral to criminalize using so-called therapeutic cloning, which scientists call somatic cell nuclear transfer, for medical research and medical treatment. The fruits of this research promise cures for Parkinson's disease, chronic heart disease, rheumatoid arthritis, spinal cord injuries, Alzheimer's disease, Huntington's disease, brain damage, lupus, combined immunodeficiency, Tay-Sachs, and sickle cell disease, to name just a few.

We will hear that we must make criminal the creation of human life in order to destroy that human life to produce stem cells. But that assumes that a one-celled organism or a several-celled embryo is a human being. If it is, then therapeutic cloning is immoral. If a several-celled embryo is not a human being, then therapeutic cloning is not only not immoral but is profoundly moral, as it will be used to save and prolong human lives.

So what is this bill really about? It would write into our criminal law a particular religious view that holds that a few cells in a petri dish are moral equivalents to a fully developed human being or in fact a human being, and that no benefit to those suffering and dying from terrible diseases would justify such research, would justify the destruction of a several-celled embryo.

People are certainly entitled to their religious beliefs, but they are not entitled to inflict suffering on the sick and death on the ill and enforce the imposition of their religious beliefs on others using $1 million fines and 10-year prison sentences. In fact, there are many other religious perspectives that disagree with the religious perspective that is the only justification for this bill.

As the Union of Orthodox Jewish Congregations and the Rabbinical Council of America put it in a letter to President Bush: ''The potential to save and heal human lives is an integral part of valuing human life from the traditional Jewish perspective. Moreover, our rabbinic authorities inform us that an isolated fertilized egg does not enjoy the full status of personhood and its attendant protections. Thus, if embryonic stem cell research can help us preserve and heal humans with greater success and does not require or encourage the destruction of life in the process, it ought to be pursued.'' This opinion comes from a religious community that does not favor legalized abortion, which should put to rest the view that this is a debate about abortion. It is not. It is rather a debate about whether anyone should be allowed to use our criminal laws to impose their particular religious view on the vast majority of Americans who may not share that moral or religious outlook.

Muslim groups, Mormons, some mainline Protestant denominations including the United Church of Christ and the Presbyterian Church (USA) support stem cell research. It is wrong to cause so much suffering in the name of protecting the sanctity of human life. It is especially wrong to use the criminal code to impose that narrowly held view on the innocent and the vulnerable. It is said that therapeutic cloning has nothing to do with the therapeutic use of stem cells, but it may very well be that only embryonic stem cells produced by therapeutic cloning can overcome the body's immune defenses in order to be able to cure a disease; and the same people who oppose therapeutic cloning oppose the use of embryonic stem cells for the same reason: their religious view that the several-celled embryo from which the embryonic stem cells are derived is a human being. They are entitled to their belief. They are not entitled to impose that religious belief on the entire country at the cost of who-knows-how-many lives.

It is said that allowing therapeutic cloning will inevitably lead to reproductive cloning, but research and medical practice can be regulated and can be policed. We have heard today that this is a moral question. Yes, in part. It is immoral to prohibit medical research and treatment that can save lives. It is immoral to make it criminal, as this bill would do, to import a cancer vaccine from a foreign country if that vaccine was produced through therapeutic cloning in a foreign country. And it is immorally arrogant, immorally arrogant to think that only one religious view is valid or moral and that one has the right to use political

power to impose that religious view on the rest of the American people who may hold different religious views. That is what this bill would do. That is why this is an immoral bill unless amended to apply only to reproductive cloning.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 30 seconds. As I recall, when Moses came down from the mountain, he had 10 commandments with him. One of them said thou shalt not murder and the other said thou shalt not steal, and I do not think anybody in their right mind would say that criminal laws saying that murder and theft are criminal in nature is imposing religious views on anybody. They are both wrong; they are both criminal.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

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

Mr. CHABOT. Mr. Chairman, I rise in strong support of the Human Cloning Prohibition Act. This legislation would ban any use of cloning to create human embryos. In contrast, agreeing with the Greenwood substitute would permit, indeed would encourage the creation of any number of human embryos by cloning for the purpose of harvesting their parts. The substitute even leaves open the door, as artificial womb technology advances, to growing cloned humans to later stages of fetal development for the harvesting of their tissues and organs as has already been done with cloned cows and mice.

As we seek to improve human life, we must always preserve human dignity, and therefore we must preclude human cloning by stopping it before it starts. Creating, killing, and harvesting one human being in the service of others raises significant ethical and moral concerns. As a society, are we willing to endorse a policy that allows the creation of human life so that it can then be destroyed? Cloning is a dangerous assault on human life. It is an affront to human dignity. It is not a policy that should be supported by the United States Congress.

I urge my colleagues to support H.R. 534 and oppose the Greenwood amendment.

I include for the RECORD this letter from the National Right to Life group.

NATIONAL RIGHT TO LIFE LETTER,
February 21, 2003.

Re Greenwood embryo-farms substitute amendment vs. Weldon-Stupak Human Cloning Prohibition Act.

DEAR MEMBER OF CONGRESS: On Thursday, February 27, the House of Representatives will choose between the Human Cloning Prohibition Act (H.R. 534), authored by Congressmen Weldon and Stupak, and a radically different—indeed, antihetical—substitute amendment to be offered by Congressman Greenwood. The National Right to Life Committee (NRLC) supports H.R. 534. Because enactment of the Greenwood policy would be a giant step in the pro-cloning direction—it would give the green light to what President Bush called human ''embryo farms''—NRLC strongly urges you to vote ''no'' on the Greenwood Substitute. The roll call on the Greenwood Substitute will be included as a key vote in the NRLC congressional scorecard for 2003.

The Weldon-Stupak bill (H.R. 534), which NRLC supports, would ban any use of cloning to create human embryos. In contrast, the Greenwood Substitute would permit (indeed, would encourage) the creation of any number of human embryos by cloning for the purpose of harvesting their parts. The substitute even leaves open the door—as artificial womb technology advances—to growing cloned humans to later stages of fetal development for the harvesting of their tissues and organs, as has already been done with cloned cows and mice.

Supporters of the Greenwood Substitute assert that it would ''ban reproductive cloning,'' but this claim is highly misleading, because the Greenwood Substitute does not restrict the actual act of human cloning—the use of somatic cell nuclear transfer (SCNT) to create human embryos. Rather, the Greenwood Substitute would seek to impede the initiation of a pregnancy. Thus, the Greenwood Substitute bans not human cloning but the survival of human clones, which is a very different matter.

When Mr. Greenwood originally offered his pro-embryo-farming substitute during consideration of the Weldon-Stupak bill in 2001, Dr. Charles Krauthammer wrote a powerful column, ''A Nightmare of a Bill,'' pointing out its radical implications: www.nrlc.org/Killing__Embryos/Krauthammer %20on%20Greenwood%20Amendment.pdf

On July 31, 2001, the House rejected the Greenwood Substitute (roll call No. 302), before approving the Weldon-Stupak bill by a margin of 265–162 (roll call No. 304).

When language similar to the Greenwood Substitute was proposed in the Senate, the Bush Administration made it clear that any such clone-and-kill legislation would face a veto. (See the letter from HHS Secretary Tommy Thompson's to Senator Sam Brownback, here: http://www.nrlc.org/killing__embryos/ThompsontoBrownback.pdf)

Moreover, the Justice Department submitted testimony explaining that once countless human embryos are created by cloning, there would be no practical way to enforce the prohibition on transferring such embryos into wombs. The testimony is here: http://www.nrcl.org/killing__embryos/Justice__Dept__on__cloning.pdf.

We would add that in our view, there also would be no ethical way to enforce such a prohibition, which would amount to a federal law requiring the death of a class of members of the species Homo sapiens.

On January 22, President Bush said, ''I also urge the Congress to ban all human cloning. We must not create life to destroy life. Human beings are not research material to be used in a cruel and reckless experiment.'' In his January 28 State of the Union address, the President's call to act before what he has aptly called human ''embryo farms'' open for business in the United States.

Some supporters of the Greenwood Substitute claim that it would allow only ''research on unfertilized eggs,'' and that cloning does not really create a human embryo. But this is nonsense. Authorities as diverse as President Clinton's bioethics panel, NIH, and research that somatic cell nuclear transfer (SCNT) with human genetic material will create human embryos—until recently, when they decided to try to hide the embryo for political purposes. (Here are some quotes from various pro-cloning and neutral authorities:http://www.nrlc.org/killing__embryos/factsheetembryo.html)

The Weldon-Stupak bill does not place any restrictions on research on human ''eggs,'' unfertilized or otherwise. As any middle school biology student knows any dictionary will confirm, a human ''egg'' (ovum) is a gamete cell, possessing only 23 chromosomes. While an egg cell is produced by the female, the egg cell itself has no sex. But once one has a complete nucleus that is activated (whether through sexual fertilization somatic cell nuclear transfer), then one had a developing embryo, not an ''egg cell.'' There is no such thing as a five-day-old or two-week-old ''egg'' that is developing, has 46 chromosomes, and may as easily be male or female. That describes only a human embryo. As for the claim that the Greenwood Substitute would only permit research on ''unfertilized'' embryos, this is just another word trick aimed at the gullible. Of course human embryos produced by cloning will be ''unfertilized,'' because that is what cloning is—asexual reproduction, reproduction, without fertilization by sperm. Every cloned animal in the world was ''unfertilized'' from the one-celled embryo stage, and every one of them will be ''unfertilized'' on the day they die. And if a member of the species Homo sapiens is created by cloning, is implanted in a womb, is born, and lives to be 25 years old, she will still be ''unfertilized.'' But she will be human.

Some supporters of the Greenwood Substitute claim that the Welden-Stupak bill DNA. This is false. The Weldon-Stupak bill (at Section 2, (d)) explicitly allows the use of cloning techniques to produce cells, tissues, or organs, whenever this can be done without first creating a human embryo.

Moreover, the Weldon-Stupak bill does not speak to the separate issue of the use of frozen human embryos, created through in vitro fertilization, for medical research on stem cells or for any other research purposes. The restrictions of the Weldon-Stupak bill apply only to: (1) the use of the somatic cell nuclear transfer (SCNT) cloning technique, to produce (2) a human embryo.

Despite the efforts of some to confuse the cloning debate with the separate issue of stem cell research, even Mr. Greenwood conceded, during the 2001 debate, ''The gentleman from Florida (Mr. WELDON) did not bring a bill to the floor to ban embryonic stem cell research.''

A more detailed critique of the misleading claims that some are making on behalf of the Greenwood Substitute and the similar Hatch-Feinstein bill (S. 303) is posted here: http://www.nrlc.org/killing—embryos/cloningbackrounder021003.html

In conclusion, NRLC strongly urges that you oppose the Greenwood Substitute, and support without amendment the Weldon-Stupak Human Cloning Prohibition Act (H.R. 534). Thank you for your consideration of NRLC's perspective on this critical issue.

Sincerely,

DOUGLAS JOHNSON,
Legislative Director,
National Right to Life Committee.

Ms. LOFGREN. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. NADLER).

□ 1445

Mr. NADLER. Mr. Chairman, if one is quoting from Moses, one might note that in the same five books of Moses that contain the Ten Commandments there is a passage that says if a man smites a woman and she die, he shall surely die, and if he smites her and her fetus dies, she shall pay monetary compensation, showing at least the Biblical view that a fetus at some stage of development is not a person and not subject to being murdered.

The heart of this debate is whether you are creating a human being when you are creating an embryo.

Ms. LOFGREN. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. WAXMAN), a Member of the Committee on Energy and Commerce.

Mr. WAXMAN. Mr. Chairman, 104 years ago today, on February 27, 1899, the man who would make one of the most important discoveries in modern medicine was born in the town of West Pembroke, Maine. His name was Charles H. Best, and he would help identify insulin, the treatment that has saved the lives of millions of diabetics around the world. Let us not celebrate Dr. Best's birthday today by voting to block scientific research that aims to cure diabetes in our lifetime.

The bill before the House is called the Human Cloning Prohibition Act of 2003. This legislation could also be named the Impede Stem Cell Research Act of 2003. This proposal would bar the creation of some of the stem cells that our Nation's top scientists believe could help cure many devastating diseases.

The National Institutes of Health, for example, has found that stem cells can be coaxed into producing insulin, offering a possible cure for diabetes. According to the NIH, stem cells may also help restore lost function to people who are paralyzed and may strengthen the heart muscles of people who have had severe heart attacks.

There are several ways to make stem cells. One of the most promising ways uses a patient's own DNA via a process called therapeutic cloning. The National Academy of Sciences has found that this approach offers great potential to obtain stem cells to treat many diseases, including Alzheimer's, cancer, autoimmune disorders, rheumatoid arthritis. Countries around the world, including the United Kingdom, have not only found this research to be promising, but are planning to invest in it.

Not the United States. In the summer of 2001, President Bush told the American people that he would permit Federal funding of research on 64 existing stem cell lines. Today, the NIH says that just 9 are actually available to researchers. President Bush's decision did not strike a fair balance. To the contrary, it has starved promising research to satisfy an ideological agenda.

The legislation before us would actually criminalize stem cell research based on therapeutic cloning. Does it make any sense to lock up scientists who are seeking cures for diseases? Not even a majority of President Bush's handpicked Ethics Advisory Committee reached the conclusion that the creation of stem cells through therapeutic cloning is unethical. Yet this bill would treat scientists trying to save lives as if they were drug dealers.

There is a far better alternative. We will have before us a substitute amendment. It would outlaw cloning of human embryos for the purpose of producing a child. That issue is not in dispute. But the substitute would not also stop promising microscopic stem cell research. This substitute strikes a balance that respects both the sanctity of life and the needs of the living. A similar balance was struck recently in California law passed to encourage life-saving research using stem cells.

I urge my colleagues to remember Dr. Best's birthday today. Insulin transformed medicine over the past century. We should give scientists the tools and room to make new miracles in the next one.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I would first like to thank the chairman for yielding me time and for his hard work on this bill.

Mr. Chairman, as a cosponsor of the bill before us, I am pleased to see the House quickly acting on this important bill. Today we are taking an important step in affirming the uniqueness and dignity of every human being.

Human cloning represents the first footstep into a dark wilderness from which we may never emerge. University of Chicago Professor Leon Kass, who is also the chairman of the President's Council on Bioethics, has written that human cloning would be a fateful step toward ''making man himself simply another one of the man-made things. Human nature becomes merely the last part of nature to succumb to the technological project which turns all of nature into raw material at human disposal.''

The last century and a half is blood-soaked with examples of what happens when men are subjugated to the will of other men. In our vain quest for immortality, will we simply regard cloned babies as meaningless blobs of cells and tissue mass that we can dispose of without any burden to our conscience?

For those who say we should create embryos for medical research, my own father suffers from Parkinson's disease. While I recognize the agony of so many Americans with devastating illnesses and injuries, we must search for ways to ease their suffering without destroying human life. We must promote methods of scientific research that increase our quality of life without forsaking the value of human life in its most vulnerable form.

Cloning diminishes human reproduction from a loving act between two parents to a cold exercise of producing parentless children. Life is a gift. It is not ours to manufacture to our predetermined criteria. I shudder to think of the consequences of turning the creation into the creator.

If we allow human cloning to proceed as a mainstream scientific endeavor, we may soon find out what C.S. Lewis meant when he observed, ''Man's conquest of nature would result in the abolition of man.''

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would note before yielding to my colleague from California a letter received from the Senior Pastor of the Riverside Baptist Church and the Legislative Director of the United Church of Christ, where it is said, ''While it is imperative that we as a Nation and as a people of faith proceed with caution, it is also important that we do what we can to alleviate the suffering of others. We believe that to ban this potentially life-saving research would be a mistake.''

I think it is important that we recognize the diversity of religious viewpoints on when life begins and not impose just one viewpoint on the country.

Mr. Chairman, I include for the RECORD the letter referred to.

FEBRUARY 26, 2003.

Hon. JAMES GREENWOOD,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GREENWOOD: As members of the religious community, we would like to commend you for your leadership on stem cell research. Your recognition of the great promise of stem cell research and your support for legislation that allows therapeutic cloning offer great hope for those suffering from juvenile diabetes, Alzheimer's disease, Parkinson's disease, spinal cord injuries, and other ailments.

This is a difficult issue for all of us, and we understand the complex decision you face in considering any legislation that involves human cloning. While it is imperative that we as a nation and as people of faith proceed with great caution, it is also important to do what we can to alleviate the suffering of others. Therefore, we believe that to ban this potentially life-saving research would be a mistake.

Like most, we are opposed to the practice of reproductive human cloning. A ban on this practice would be both welcome and appropriate. Therapeutic cloning, however, requires careful review. We are pleased that you considered this issue in its entirety and took into account the countless individuals who could be saved and whose pain could be alleviated by this medical research. We have a duty to do what we can to help our fellow man, and you have demonstrated your commitment to doing so through your leadership on this issue.

Sincerely,

RABBI HERSHEL BILLET,
President, Rabbinical Council of America, New York, NY.

REV. DR. JOAN BROWN CAMPBELL,
Director of Religion, Chautauqua Institution, Chautauqua, NY.

REV. DR. MICHAEL BLEDSOE,
Senior Pastor, Riverside Baptist Church, Adjunct Professor, Howard University School of Divinity, Washington, DC.

REV. DR. PAT CONOVER,
Legislative Director, United Church of Christ, Justice and Witness Ministries, Washington, DC.

REV. DR. CHARLES S. MILLIGAN,

Ordained Minister, United Church of Christ, Professor Emeritus, Iliff School of Theology, Theologian in Residence, Washington Park UCC Church, Denver, CO.

REV. DR. GEORGE F. REGAS,
Rector Emeritus, All Saints Church, Pasadena, CA.

REV. DR. J. PHILIP WOGAMAN,
Former Senior Minister, Foundry United Methodist Church, Washington, DC.

Mr. Chairman, I am delighted to yield 3 minutes to the gentlewoman from California (Ms. ESHOO), a distinguished member of the Committee on Energy and Commerce.

Ms. ESHOO. Mr. Chairman, I thank my distinguished colleague for yielding me time.

Mr. Chairman, I want to use these 3 minutes to talk about the science that the substitute, H.R. 801, preserves, and exactly what somatic cell nuclear transfer is.

The American people are tuned in today and they are listening to this discussion and they deserve to get some facts.

First, a woman donates an egg cell and a patient donates a skin cell. The nucleus is removed from the woman's egg cell and in its place the nucleus from the patient's skin cell is inserted. The egg is then stimulated to induce it to divide. Once the egg divides, it begins creating stem cells that are identical to the patient's own cells.

This is regenerative medicine, it is not fertilization. Children are created by the fertilization of an egg cell by sperm, not by chemical stimulation.

Stem cell research is research on the most fundamental part of the human system, cells that can become any other type of cell in the body. Because of their ability to develop into liver cells, pancreatic cells, spinal cells, any kind of cell, stem cells are critical to researchers who are trying to cure a whole host of diseases.

What researchers are focusing on today is how these stem cells become other types of cells. There are some types of protein or chemicals that stimulate stem cells to become spinal cells. Scientists just do not know what proteins or chemicals they are.

Somatic cell nuclear transfer or therapeutic cloning is an important part of this process because scientists are still learning how to use the cell from inside the patient's cheek to turn it back into a stem cell, and then reprogram it to become a liver cell that revitalizes the liver damaged by cancer. That is what this discussion is about today.

There are two proposals. They both outlaw human cloning. It is unethical. It is wrong. We all agree to that. But only one bill preserves science and research to accomplish what I just outlined.

So I urge my colleagues to protect the research. Do not criminalize scientists. That would be wrong in our great Nation. We can preserve and protect the sanctity of what we want to protect, to outlaw human cloning, but we should move ahead and be the America that we have always been, to embrace research, to embrace innovation and to help those who are suffering in our country today.

Mr. Chairman, I urge my colleagues to support the substitute and to oppose the underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 90 seconds.

Mr. Chairman, what we just heard seems to indicate that the material we are talking about is ''just an egg.'' I would like to quote from Dr. John Gerhart, who is on the other side of this issue, he comes from Johns Hopkins University, at a press conference that was held yesterday by the gentleman from Pennsylvania (Mr. GREENWOOD) and the supporters of his amendment.

Dr. Gerhart said, ''I contend it is an embryo. I don't think anybody is saying that it is just an egg.''

This follows along with what President Clinton's National Bioethics Advisory Commission stated in June of 1997. The executive summary says, ''The Commission begins its discussions fully recognizing that any effort in humans to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo, with the apparent potential to be implanted in utero and developed to term.''

Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I rise in support of H.R. 534, the Human Cloning Prohibition Act.

People agree that cloning humans is wrong. The recent scare that we all went through regarding an organization called Clonaid brought revulsion to everyone who heard the story that there may have been a cloned embryo implanted into a woman and there may be a child as a result. People across the globe were upset by this possibility.

The only way for us to avoid this possibility is to completely ban cloning. Once that clone is created, how do we control what is done with that embryo? The only effective means to prevent having a cloned human is to ban cloning.

As for the claims we have heard today as for the need for this process to cure disease, there is no evidence that therapeutic cloning has produced a single cure. Not only has it failed in animal research, it has failed also in human research.

Scientific ethics requires that we draw a line. We draw a line in research every day as far as science goes. The fear that we could tread in territory that would create a cloned human being is enough to prevent us from allowing cloning at all.

We need to maintain these ethical principles that guide scientific research and inquiries. Frankly, the costs are too high to our society if we do not do it. We have heard the statistic before that between 95 and 98 percent of cloning in animals fails. This could translate into countless children who would be products of cloning who would be born with serious birth defects, debilitating diseases, and shortened, terrible lives.

Mr. Chairman, the only solution is to support this bill as it is and to reject the alternative. H.R. 534 is the only way to prevent such horrible ideas.

Ms. LOFGREN. Mr. Chairman, I am happy to yield 3 minutes to the distinguished gentleman from North Carolina (Mr. WATT), my colleague on the Committee on the Judiciary.

Mr. WATT. Mr. Chairman, I thank the gentlewoman for yielding time.

Mr. Chairman, I do serve on the Committee on the Judiciary and confess that I have talked to a number of my colleagues, not a single one of which has said to me that they believe in human cloning. I think if there were a bill on the floor that prohibited human cloning, it would pass 435 to 0.

□ 1500

To me, it is somewhat distressing that this bill has been postured in much the same political context as the abortion debate around the question of when life begins and in a way that would make it impossible to do any kind of cloning, even for research or therapeutic research purposes. And I think the thing that is so distressing about that is that every single one of us knows someone who needs the benefit of science to come up with a therapy, a treatment that could prevent or stop the progress of a distressing disease; and most of the promise is in the area that this bill would prohibit.

So I just want to appeal to those people who would like to make this a political issue, a debate about when life begins, that I think different religions have different beliefs about that, and different individuals have different beliefs about that. The thing that I hope we all agree on is that when research advancements, therapeutic or otherwise, can make it possible for people to live their lives with higher quality and for longer periods of time, or to keep them from dying, we ought to allow that kind of research to progress and not get into a political debate that serves somebody's political purpose.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. WELDON), the author of the bill.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to commend him for his leadership on this very, very important and critical issue.

As I mentioned in the debate on the rule, the science on so-called therapeutic cloning is going nowhere, so

why do all of these scientists say that they want to allow embryo cloning? Why do all of these biotechnology companies say they want to allow embryo cloning, even though the chairman of Geron, Thomas Okarma, is quoted on the issue of therapeutic cloning, and he is quoted as saying, ''The odds favoring success are vanishingly small, and the costs are daunting. It would take thousands of human eggs on an assembly line to produce a custom therapy for a single person.''

He goes on to say, ''This process is a nonstarter.''

So if this therapeutic cloning is such a nonstarter as Okarma says, why do the people in the biotech industries, why do all of these scientists say we have to allow this, we have to make this legal? What is the rationale behind all of this?

I will tell my colleagues what they want to do. They want to create human models of disease. Research scientists today in America, if they want to do research on Parkinson's, Alzheimer's, diabetes, they buy mice and they buy rats that have been engineered to manifest that disease, and what they want to do is they want to create human beings that are engineered to manifest these diseases.

Now, can we imagine that? They want to have shelves with diseases on them filled with human embryos and sell them for a profit to research labs, and that is where we are going with this issue.

Some people get up and ridicule this concept of a slippery slope, but that is exactly what we are on. Because I will tell my colleagues what is next. The artificial womb technology is there. It is available to us today. One can take these embryos and put them in these baths and one can grow them well beyond the embryonic stage, and that will be the next thing we will be debating and talking about in this Chamber if the positions held by some people who want to allow embryo cloning are allowed to move forward.

These are the same exact arguments that occurred in this House on fetal tissue research 10 years ago; and people got up and claimed, we have to allow this, it is the great potential of the future. It turned out to be an absolute bust. It was a disaster. It went absolutely nowhere. Therapeutic cloning is going nowhere. It has been a year and a half since we originally debated this issue. I placed a mountain of evidence before this body here showing that the adult stem cells are working out great, the embryo stem cells are going nowhere, the cloned stem cells are going absolutely nowhere. So why are we still here? Why are we debating this issue? It is because there are people who want to create human models of disease that they can sell for a profit. It is an abomination.

Vote for this bill. Vote against the substitute.

Ms. LOFGREN. Mr. Chairman, I am very honored to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), a distinguished scientist and Member of this House.

Mr. HOLT. Mr. Chairman, as a scientist, I must say extreme conviction seems to be crowding out understanding here today. I would like to cut through the scientific rhetoric of this biomedical research technique and discuss the real progress in this area. But in the limited time available, let me draw the choice as sharply as possible.

Down one road we see potential therapeutic cloning to help cure diseases from Parkinson's to Alzheimer's; down the other road we see unprecedented criminalization of scientific research.

Now, therapeutic cloning is not some far-out technique conducted on the fringe of the scientific community. These researchers are not crazed Dr. Frankensteins. They are people like our neighbors, highly ethical who are working hard to save lives, to relieve suffering, to improve the quality of life. Let us not make them criminals.

Now, to draw the distinction here, particularly referring to my colleague's reference to a slippery slope, in vitro fertilization has been hailed as a miracle of modern science allowing millions of American couples to conceive. However, by necessity of the in vitro fertilization procedure, some human embryos are created that will not be given the chance to develop into babies. Are we to say here today that we want to outlaw in vitro fertilization? IVF is not only accepted, it is enthusiastically embraced. It is a God send for millions of families. Yes, millions of families. Therapeutic cloning is no more ethically objectionable than IVF.

Now, I asked the proponents of this bill, do you question the ethics of the parents of those million Americans alive today through the miracle of IVF? They may, but let us not command their beliefs to become law.

The majority of my constituents, the majority of Americans, all scientific researchers I know, agree that human reproductive cloning would be unsafe, unethical, and should not be allowed. The Greenwood substitute is every bit as effective as H.R. 534 in keeping scientists from creating genetic duplicates of people. Regardless of which bill is passed today, millions of human embryos will be created.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, today I rise in support of H.R. 534, the Human Cloning Prohibition Act, a bill to ban all types of human cloning.

I believe human cloning is ethically and morally wrong. It is an unjust experiment whereby human beings are created and destroyed solely for the purpose of research. Human beings cannot be treated as material used for scientific research, and the cloning of human babies turns the natural procreation process into the simple manufacturing of human beings.

It has been determined that human cloning is entirely unsafe to practice on human beings. Most scientists agree that human cloning poses a serious risk of producing children who are stillborn, unhealthy, severely malformed, or disabled.

The fact is, in animal cloning trials, 95 to 98 percent of all cloning attempts have ended in failure, and almost all successfully cloned animals have genetic abnormalities. In fact, Dolly, the infamous cloned sheep, died this past Valentine's Day of a lung disease she acquired before she was even born, and lived only half of the normal life expectancy for a sheep. Why would we even consider for a moment that cloning is safe for humans?

I agree with President Bush when he stated no human life should be started or ended as an object of an experiment.

When debating this issue, we must ask the ethical question: Are we created in God's image, or are we created in our own? Today, this House has a unique opportunity to shut the door on this invasive procedure to women and an affront to humanity. I urge my colleagues to vote in favor of the Weldon bill, to set a precedent for morality and the sanctity of humanity.

Ms. LOFGREN. Mr. Chairman, I am honored to yield 1½ minutes to the gentleman from Wisconsin (Mr. KIND), a leader of the New Democrats and someone who has distinguished himself on the issue of medical research.

Mr. KIND. Mr. Chairman, I thank the gentlewoman from California for the leadership that she has shown on this issue as well.

Mr. Chairman, let us be clear again yet today. This is not a fight about banning human cloning. We all agree cloning for purposes of creating another human being is wrong and it should be prohibited.

Instead, what we are arguing about is allowing scientific research to continue that can lead to cures for Alzheimer's, Parkinson's, diabetes, spinal cord injuries. Unfortunately, H.R. 534's approach would take a Howitzer after a house fly.

What about bone marrow transplants? What about in vitro fertilization? If we logically extend the argument for H.R. 534, that is next.

Some of the most advanced and exciting stem cell research in the world is occurring at the University of Wisconsin. I have had the opportunity over a few occasions to visit their research department; and while the research they are doing there itself is exciting, what is most impressive is how much in tandem the researchers of the science and the ethics department work.

What most people do not realize on this subject is that therapeutic stem cell research is already a heavily regulated industry. The FDA has strict requirements on what they can and cannot do.

But my main point is this: we need to do this if for no other reason than to provide leadership for the rest of the world. I am more comfortable knowing that our country, our researchers, our FDA is providing oversight and guidance on this discovery which could lead almost anywhere. Lets make sure that with our leadership, the discoveries will be used for the betterment of human kind rather than for nefarious purposes.

Mr. Chairman, I urge passage of the substitute and rejection of H.R. 534.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I rise today to support H.R. 534 and speak against the substitute. I believe that combining a somatic nucleus with a donor cell is inherently dangerous. It is inhumane to create a life form that is vulnerable to a host of disabilities and genetic malformations.

As a doctor, I find it very difficult to support a reckless procedure whose scientific merits are unsound, at best. Even more pernicious are the implications that this substitute amendment would have for humanity. So-called therapeutic cloning is virtually identical to reproductive cloning.

Human cloning for reproduction will result in high failure rates. What do those words mean, a high failure rate? They mean that children will be produced that are stillborn, malformed, and disabled.

The proponents of this substitute would make us think that stem cell research would be entirely restricted. As a scientist, successful alternatives such as adult stem cell research and umbilical cord stem cell research have already been used successfully in human trials. We must prohibit both human somatic nuclear transfer and research cloning.

The country is looking for us for leadership on this very important issue. Anything short of a complete prohibition is unacceptable. I urge my colleagues to vote against the substitute and for H.R. 534.

Ms. LOFGREN. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), who has led efforts to promote science in this regard.

□ 1515

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in opposition to H.R. 534 and in support of the Greenwood-Deutsch substitute. H.R. 534 squashes the hopes of parents and their families who wake up every day hoping cures to the ailments for which they suffer will have been found.

I speak for Teresa, a mom from my district who urged me to support ongoing somatic cell nuclear transfer research. She told me about her 13-year-old son, Andrew, with type I diabetes who has to check his blood sugar level and inject himself with insulin repeatedly throughout the day and night. ''Even with the most vigilant care, he is bound to suffer traumatic complications from this horrible disease. No child should have to deal with a condition like this.''

I speak for my dear friend, Bonnie Wilson, and her daughter, Jennifer, who also lives every day with juvenile diabetes.

Fortunately, doctors are learning more every day about how to treat and eventually cure diseases such as diabetes, Parkinson's, Alzheimer's, using somatic cell nuclear transfer. Yet, H.R. 534 aims to take away these research opportunities, and in the end, take hope from Teresa and Andrew, Bonnie and Jennifer.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. Mr. Chairman, I wish to address some comments made earlier in the debate where a vote for this bill was characterized as eliminating the only hope for the suffering and the dying. I just hope that that is an insensitive representation, and not based on a true understanding of the issue.

By voting for this bill, Members are not casting themselves as scientific Luddites nor moral zealots; they are merely saying there are alternatives that are existent in the current scientific community that are relevant to developing the cures and promises that have been held out by that of embryonic research but not yet fulfilled.

Much of the limitations on embryonic research's success has come from the results of cellular meiosis. When the cell has divided, those genetic defaults it would sometimes trigger that were developed to terminate are artificially preserved, thereby limiting the effectiveness of the embryonic cell line, which has been touted as the only hope for medical survivability.

Other than that, placental embryonic and cord blood research has moved far beyond clinical research, and in fact now there is a corporation within my own district that is in the process of marketing products. For example, a corneal implant used after surgery produced from stem cells, put over the surgical incision, does not have to be removed because it is incorporated into the body. Stem cells from placental research inserted after a myocardial infarction has provided 100 percent recovery of heart function. The list goes on and on and on.

By voting for this bill, Members are not religious zealots, not scientific Luddites, but they are merely saying that the issue of cloning is entirely different from stem cell research. There are avenues highly successful, highly provable, and I can take anyone who cares to see it to Baton Rouge, Louisiana, and walk through the halls of this facility where this research has moved beyond where human suffering has been responded to and addressed, and offers the hope and promise that all of us seek with the passage of this bill.

Ms. LOFGREN. Mr. Chairman, I am happy to yield 1½ minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, today we live in an age of exploding technological advances. Many of these new technologies offer the potential to improve the lives of people in the United States and around the world.

But, Mr. Chairman, some of this new technology also has the potential to do great harm to our people and to our environment. All too often, these dangers are magnified because the owners of technology are primarily interested in how much money they can make, rather than the betterment of society.

We have seen this in the area of genetically modified organisms that are finding their way into our food supply in the U.S. The legislation we are considering today concerns an even more important issue; namely, the cloning of human life itself. While I support stem cell research, the cloning of a human being for any purpose raises the deepest and most profound ethical and moral questions: questions about the sanctity or the uniqueness of each human person; questions about the evil of eugenics and genetic engineering in humans; and, equally important, questions about the ownership and use of cloned humans by an unregulated corporate biotechnology industry motivated almost exclusively by their quest for venture capital, short-term profits, and higher stock prices.

The speed with which human cloning technology has developed thus far has far outpaced our abilities as a society to wrestle with these questions.

Mr. Chairman, technology should not drive ethics and morality in this country and on this planet; ethics and morality should frame the acceptable limits of our use of technology. That is why I strongly support H.R. 534, which would ban all human cloning.

Ms. LOFGREN. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Texas (Mr. GREEN), a member of the Committee on Commerce.

Mr. GREEN of Texas. Mr. Chairman, I thank my colleague, the gentlewoman from California, for yielding time to me.

Mr. Chairman, there are few decisions more difficult than the one we are making today. If it were simply a debate about human cloning, I doubt that we would have one vote for it. I think the vote would be 435 to zero.

I think we are all troubled by the recent media reports by the Raelians about attempting to clone a human being. Human cloning is a horrifying practice that should be banned, and people like the Raelians should be stopped.

But this legislation is more than human cloning. There is an exciting field of research known as therapeutic cloning that can potentially cure diseases and conditions such as diabetes,

Parkinson's disease, spinal cord injuries, organ failure, Alzheimer's, and other life-threatening illnesses. Who of us has not had a constituent or family member touched by one of these illnesses so that we would be willing to do whatever research possible to end their suffering?

We have heard amazing testimony from scientific experts who have made a compelling case for therapeutic cloning. They tell me that individuals currently receiving organ transplants may endure toxic immunosuppressive drugs in order to stay alive; but by cloning tissues and organs, nerve cells and other cells, we can provide a genetic duplicate that the body would not reject. If this technology is developed, we could cure any disease that involves the damage or deterioration of tissues and cells. There are very few diseases that do not fall in this category. This is the most promising approach for millions of Americans whose suffering could end if therapeutic cloning is allowed. That is why I support the Greenwood substitute.

Many oppose cloning because they believe it is not allowed in their religious beliefs. The Greenwood substitute prohibits human cloning but it allows for our God-given intelligence to make our world a healthier and safer and less painful place.

As Christians, I hope that is our mission and our prayer, to eliminate human suffering. That is why I hope my colleagues will join me in supporting the Greenwood substitute and give hope to these individuals.

Ms. LOFGREN. Mr. Chairman, I yield myself my final 30 seconds.

Mr. Chairman, I urge a no vote on this bill. We have taken a consensus and we all agree that human cloning should be outlawed and warped it into a vehicle to impose one religious viewpoint on the scientists of this country. Not only is this wrong, but it will force scientists to flee our shores, will bring down the veil of ignorance to our country, and will remove us as having the leading scientific edge in the world for this biotechnology research.

I urge all Members to vote no.

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

The CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 2½ minutes.

Mr. SENSENBRENNER. Mr. Chairman, during this general debate we have heard from the opponents of this legislation that scientific research would come to a screeching halt if a ban on cloning of human embryos is enacted. There would be no more stem cell research, there would be no in vitro fertilization, and on and on and on.

Nothing could be further from the truth. The bill itself in section 302(d) says, and I quote, ''Nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.''

What this section says is that all of this type of scientific research that is going on now will be able to continue as long as cloned human embryos are not used. That is a big difference. If a scientist wants to create human embryos and peddle them around the world and around this country to make a profit, that will be prohibited. But if a scientist wants to do scientific research, including stem cell research, on material other than cloned human embryos, which include adult stem cells, then that will be able to continue to proceed.

This bill draws a line, a very reasonable line, between science and ethics. That reasonable line is whether a cloned human embryo is used. Should a cloned human embryo be created and used, yes, this bill criminalizes it, as it should; but if the research uses any other material besides cloned human embryos, the criminal penalties of this bill do not apply, and that research will be able to proceed.

I would hope that the Members of this House will listen to the fine points of this debate and ignore allegations that have been made that are not contained in the bill, and pass it.

Mr. COOPER. Mr. Chairman, I, like most Americans, am strongly opposed to human cloning. It is wrong to try to duplicate human beings. But it is important, as we ban human cloning, that we do not prevent legitimate scientific research into life-saving therapies that can mean so much to human life. All of us have friends who suffer from Alzheimer's, diabetes, stroke, Parkinson's, heart disease, liver failure, end-stage renal disease, rheumatoid arthritis, osteoporosis, burns, multiple sclerosis, brain damage, Lou Gehrig's disease and lupus. Americans who suffer from these diseases should not be told that Congress has stopped the search for a cure for their diseases, and that they will have to move to another country to have any hope.

One of the great achievements of Congress in the last several years has been to boost NIH funding to accelerate the discovery of cures for many of these dread diseases. It would be a mistake to put NIH and other leading research institutions in a legal straightjacket that prevented legitimate research.

Unfortunately, although the Weldon bill commendably bans human cloning, it also cripples scientific research into potentially-life saving therapies. That is why I am supporting the Greenwood bill, which bans human cloning without harming other scientific research. The Greenwood bill actually has tougher punishments for those who violate its provisions than the Weldon bill does.

There is considerable confusion surrounding this debate. I have been listening to many people with differing points of view, and read many articles concerning the bills. One particularly touching conversation was with a father whose own son has Type I diabetes, and whose opposition to the human cloning and any related technology is so strong that he is willing to forego research that could even save his own son's life. For Middle Tennesseans, the debate is more confused because Senator BILL FRIST, M.D., has surprised the scientific community by supporting the Weldon bill. It is interesting to note, however, that Vanderbilt University, the institution where Dr. FRIST worked before entering politics, opposes the Weldon bill and supported the Greenwood bill. The head of Princeton University, where Dr. FRIST received his training in pre-medical studies, also opposes the Weldon bill and supports the Greenwood bill.

Having studied this issue closely, I think that the Greenwood bill hits the target of banning human cloning, without harmful side-effects. In past congressional debates, such as over research on DNA, Congress was tempted to pass an overly broad ban, but, fortunately resisted such temptation. Congress has another such opportunity today: to pass legislation that achieves the objective of banning human cloning, with out harming the health care of our people.

Finally, it was unfair to the Republican majority to require a vote on this bill without having held any committee hearings or received any testimony on it in this Congress. While it was considered in the previous Congress, there are many new members who do not have the benefit of those hearings, and even older member lack of updated information that is available from the scientific community. It is a serious mistake for Congress to rush complex legislation through without any hearings and with minimal debate, especially when it could have such a profound impact on the health of the American people.

Mr. ETHERIDGE. Mr. Chairman, I rise today in opposition to H.R. 534, and in support of the Greenwood substitute.

Two years have passed since the House last considered this complex issue. And in that time, scientists and physicians around the world have made incredible strides in their efforts to understand and cure diseases like Alzheimers, diabetes, and cancer. The work our scientists are doing is truly remarkable and it holds the potential to alleviate human suffering around the globe. Today, we are considering a bill, which will leave our sickest patients hopeless at the expense of politics.

I oppose reproductive human cloning because it is morally wrong. But, H.R. 534 goes too far. The Weldon bill would stop all research initiatives that rely on somatic nuclear cell transfers, just as we are realizing to enormous benefits of this biomedical research. The Greenwood substitute, in contrast, bans reproductive cloning while allowing this critical research to continue.

As a representative of the Research Triangle Region of North Carolina, I understand the importance of the research our scientists are conducting. It has the potential to save the lives of hundreds of thousands of people who suffer from a number of debilitating diseases.

The implications of passing H.R. 534 reach far beyond the highly emotional and contentious debate of whether or not the creation of an embryo to be used in medical research constitutes human life. This bill criminalizes medical research that might be the only chance for a cure for many terrible diseases. While the promise of this biomedical research remains years away from being perfected and utilized, the Greenwood substitute allows us to hold on to the hope that we may one day find

a cure for leukemia, heart disease, Parkinson's, spinal cord injuries, and a host of other illnesses.

I urge my colleagues to oppose H.R. 534 and vote for the Greenwood substitute.

Mr. MANZULLO. Mr. Chairman, I rise today in support of H.R. 534, the Human Cloning Prohibition Act of 2003. Human cloning is accomplished by a technique called ''somatic cell nuclear transfer.'' One takes the nucleus from a body (somatic) cell and transfers it into a female egg which has its nuclear material removed. Using an electric current or chemical stimulus, the cloned embryo beings to divide as does a fertilized embryo. Thus, the product of human cloning would be a human embryo, regardless of how the embryo will be used.

Mr. Chairman, I am opposed to human cloning for a variety of reasons. When animals are cloned, 95–98 percent of the attempts end in failure, and those that are successful have genetic abnormalities. Most scientists will agree that human cloning poses a serious risk of producing children who are stillborn, unhealthy, severely malformed or disabled. Many opponents of this bill think the cloned embryos will produce stem cells that can be used to cure a variety of ailments. However, there are no models in animal cloning in which scientists derived stem cells to cure the animals. The prospect of creating clinical treatments from stem cells derived from cloned embryos is completely speculative.

The attempt to perfect human cloning despite the high risks of injury would constitute a violation of the fundamental principle of all human research: DO NO HARM. To proceed on the basis that the eventual benefits may outweigh the probable harms to woman and child is akin to the Nazi experiments at Nuremberg. Efforts to create human beings by cloning shift human reproduction into a manufacturing process in which children are made in laboratories to preordained specifications and in multiple copies.

Human cloning also poses a significant risk to women's health. In order to create human embryos, great quantities of women's eggs will be needed. To obtain eggs, women will be injected with supervulatory drugs and then will undergo an invasive procedure. The risks of this procedure are just starting to be documented. The side effects from these injections are known to be abdominal pain and nausea, in three to five percent of cases of hyperstimulation of the ovaries occurs, causing severe abdominal pain, and on rare occasions surgery is required which may leave the woman infertile.

Women of lower economic means are particular targets for exploitation. Women may be paid to donate their eggs for failed human cloning experiments. But it will not just be a few women who will be needed. In order to generate enough cloned embryos to carry out research on the scale that is envisioned, thousands of eggs will need to be solicited from numerous women. Just to treat 16 million Parkinson's patients, it is estimated that a minimum of 800 million human eggs would be needed from a minimum of 80 million of childbearing age.

I strongly support the development of cell and tissue-based therapies based on research involving the tissue based on research involving the cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans. Already, these scientific methods have enabled researchers to develop innovative drugs to treat diseases such as breast cancer, and aid in treatment techniques for injuries, such as cloning skin cells for skin grafts. The bill I support restricts the use of cloning technology only on human embryos.

Mr. Chairman, I believe that human life at every stage of biological development is deserving of respect and protection, regardless of the circumstances under which that human life was created. That is why I am supporting H.R. 534 and will oppose Mr. Greenwood's substitute amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to speak on H.R. 534. This legislation involves an important public policy matter and what many would call cutting edge scientific issue: human cloning.

We have not held hearings in which we discussed the ethics of cloning and legislation proposals to impose federal control on the cloning process. Yet, today we will vote on the Human Cloning Prohibition Act of 2003, H.R. 534.

We all recognize that cloning is a fascinating and promising issue but is certainly an area that needs to be fully explored. We must carefully balance society's need for life-saving scientific research against numerous moral, ethical, social and scientific issues. Reproductive cloning is almost universally opposed in Congress and the majority of Americans are not comfortable with the prospect of a human clone.

In our rush to ban reproductive cloning, there are some in Congress who want to close the door on this new research technology, which may provide critical medical advances. And, one of these innovative areas is the promise of stem cell research. Stem cell research has the potential to cure some of the most painful and deadly diseases afflicting our population.

H.R. 534 would make it next to impossible to use stem cell lines to research diseases which are more prevalent in people of particular racial or ethnic groups, for example, diseases such as sickle cell which afflict African-Americans, thalassemia which disproportionately affects Asian-Americans, or Tay-Sachs which is prevalent in the Jewish population.

After Congress considered this issue in the 107th Congress, President Bush issued an order limiting stem cell research to the approximately seventy stem cell lines existing as of August 9, 2001. A recent Institute of Medicine study explained that because the cell lines available to researchers are limited, they do not represent the genetic diversity of the general population nor do they represent the diversity of our population.

Diseases that plague minority populations are almost certainly not represented in the 64 approved stem cell lines. On the uses of stem cells, the National Institutes of Health described their medical potential as enormous.

The legislation before us is so sweeping that it would not only ban reproductive cloning but all uses of nuclear transfer—also known as therapeutic cloning—for research or medical treatment.

H.R. 534 goes beyond banning reproductive cloning to banning research in somatic cell nuclear transfer. The result is that the bill would cut off scientific developments that are granting hope to millions of Americans who have been told there is no cure for their diseases.

I would note that the legislation's supporters would have us believe that H.R. 534 has nothing to do with stem cell research and would not disrupt scientific advances being made in this important and much-discussed area. I disagree with this argument.

I strongly believe that we should provide an exemption for embryonic cloning for the purpose of creating a genetically diverse stem cell line.

Mr. BLUMENAUER. Mr. Chairman, cloning for the purpose of reproduction is wrong, and I am confident my colleagues agree. I am supporting a proposal, offered as an amendment to H.R. 534, which clearly outlaws human reproductive cloning while not closing the door on future advancements in scientific research which have the potential to find cures for degenerative and life threatening diseases. This research is critical to advancing therapies and cures for diseases such as Parkinson's, Alzheimer's and diabetes, as well as conditions resulting from spinal and head injuries.

Most egregious, the underlying bill will halt important research on cures for these diseases, which kill over 3,000 Americans each year. The bill goes so far as to even bar the importation of overseas medical treatments developed using cell cloning techniques. Just because this type of scientific research does not fit the ultra-conservative views of some members of this body is no reason to withhold potentially life-saving treatments from millions of Americans suffering from debilitating and life threatening diseases. These citizens and their families deserve better.

This bill is a misplaced application of religious doctrine, imposing a narrowly held view of science and law on America. We can and should provide guidelines that prevent reckless experimentation on the development of humans and prohibit cloning for purposes of human reproduction, but Congress should not overreach in this area.

Ms. CORRINE BROWN of Florida. Mr. Chairman, if I had been present, I would have voted no on final passage and yes on the Democratic substitute. I needed to return to my district earlier than planned because of an urgent matter and because of the weather emergency.

I believe that this measure is simply going too far since it bans all human cloning. This would lead to a terrible stifling of important scientific research that could potentially have been conducted to save the lives of countless human beings who suffer from degenerative and life-threatening illness.

The bill is so extensive that it would not only ban reproductive cloning but also therapeutic cloning for research or medical treatment. Moreover, it would impede research that is designed to help those who suffer from a variety of disease such as Alzheimer's, diabetes, Parkinson's and spinal cord injuries.

The bill would make it nearly impossible for our country to benefit from ongoing stem-cell research. Many people I have spoken with that are informed on this subject argue that the technology banned by this bill is vital to any breakthrough in the use of these ''master'' stem cells. Enactment of this legislation would stop stem cell research in its tracks and deny Americans the benefit of research that the National Institutes of Health has described as having ''enormous'' medical potential in the treatment of any number of life-threatening diseases and conditions.

Additonally, I believe that those who oppose stem cell research on ethical grounds are simply misunderstanding the issue. Currently, there are tens of thousands of frozen embryos already in fertility clinics around the nation, which, if not used for research, will merely be destroyed. These are cells that are not yet specialized to perform a specific task, but can take on the character of virtually any cell in the body. Numerous studies demonstrate that these cells may be capable of repairing what goes wrong with other cells, and therefore hold the cure to many horrible diseases and conditions that attack the human body on the cellular level.

In my view, not to take advantage of this research by yielding to the excessive influence of our country's powerful conservative activists would be a terrible mistake. I also do not believe that an all out ban on human cloning needs to include a ban on nuclear transfer research. The former brings a new child into the world; the latter is concerned only with the study of embryonic development and curing disease. In a word, this bill would prevent vital research from taking place.

Ms. MAJETTE. Mr. Chairman, I would like to take this opportunity to explain why I am voting against the Human Cloning Prohibition Act today.

I call to mind a previous case that I think closely resembles today's actions by this body. I refer to a trial that took place almost 40 years ago; the heresy trial of Galileo in 1633.

Galileo was a scientist who studied the mysteries of the physical world—he dared to explore that which we did not understand. Unfortunately, the political leaders at the time were afraid, and justifiably so. They said that his ideas threatened their religious beliefs, they were afraid of where the research would lead. They were right to be afraid—they were wrong to take the actions they did as a result.

Galileo's persecutors concluded that his research was immoral, and after his heresy trial he spent the rest of his life under house arrest. It was not until 1992 that the church lifted its edict of inquisition against him.

Galileo himself saw no conflict between science and religion. When asked about his research, he said that ''Holy Scripture and Nature are both emanation from the divine word: the former dictated by the Holy Spirit, the latter the observant executrix of God's commands.' And he died a devout Catholic.

Like the Roman Catholic Church in Galileo's time, I am scared. I am afraid of where cloning research may lead. I am afraid of its applicability in the wrong hands. But I refuse to be a part of a heresy trial today.

This bill would make it a crime for scientists to pursue reasonable research, inspired by noble goals and performed by decent people.

Supporters of this misinformed bill argue that this research should not be pursued. One of the reasons they gave is that there is no evidence that the research will work as intended. I submit that that is exactly why it should be pursued. After all, that is the point of research—to try to understand those things which we do not yet understand.

I believe that we have some of the greatest minds of our time trying to find cures for the dozens of diseases that plague us—young and sold, rich and poor alike. I am unwilling to take away any of their tools out of fear.

I am unwilling to persecute Galileo. My faith in God is strong and, perhaps, just as Galileo's research is not described by religious scholars as ''opening up new windows upon the wonders of God's creation,'' this research may one day be universally acclaimed—both for its ability to cure diseases as well as the insight it lends us to God's creation.

Mr. UDALL of New Mexico. Mr. Chairman, I believe that human cloning is dangerous, unethical and needs to be prohibited. The recent reports surrounding Clonaid's supposed first successful human baby cloning, though thus far unverified, provides further impetus for the need to enact a prohibition of this practice. As such, I strongly support banning the practice of reproductive cloning, which is the replication of an individual's genetic material in a new individual.

However, as strong as my opposition is to the process of reproductive cloning, my support for continued stem cell research to develop cures for debilitating diseases such as cancer, diabetes, and others, is equally strong. The process of therapeutic cloning, also known as somatic cell nuclear transfer, is the transplantation of a patient's own DNA into an unfertilized egg in order to grow stem cells. Therapeutic cloning does not in any way lead to the creation of viable human life. However, it does allow for continued research in the area of stem cells.

Unfortunately as a result of overly broad cloning prohibition language in H.R. 534, the scientific process of therapeutic cloning is also prohibited along with reproductive cloning. Also, as my colleague Mr. CONYERS has recently pointed out, H.R. 534 also bans the importation of lifesaving medicines from other countries if their production is in anyway derived from nuclear transfer. Because of these considerations, I will be voting against H.R. 534.

I do, however, strongly support the substitute measure being offered by Mr. GREENWOOD, Mr. DEUTSCH, Ms. DEGETTE, Mr. ESHOO, and Mr. KIRK. This measure also bans the process of reproductive cloning, but allows continued stem cell research, which has shown great promise towards finding cures for many illnesses such as Parkinson's disease, juvenile diabetes, Alzheimer's, spinal cord injuries, blindness and sickle cell anemia.

Forty Nobel Laureates, millions of patients, former first-lady Nancy Reagan who's husband, as we all know, suffers from Alzheimer's disease, and others, have expressed support for therapeutic cloning. I urge my colleagues to join me in support of the Greenwood substitute and in support of banning the unethical process of human cloning, but at the same time allowing further research into a promising field that could benefit millions of men, women, and children who suffer from devastating diseases.

Mr. SHAYS. Mr. Chairman, in our rush to ban human reproductive cloning, we are at risk of also banning the most promising and exciting area of biomedical research in the past thirty years. If passed into law, the overly-broad Human Cloning Prohibition Act would ban not only human cloning but also a laboratory technique that may enable scientists to understand the genetic causes of diseases such as cancer and develop therapies for diseases and disabilities such as diabetes, Parkinson's Disease, and spinal cord injuries.

No responsible person, patient advocate or scientist supports the cloning of human beings. Human reproductive cloning is unethical, should be prohibited, and should be punishable under federal law.

But in banning human cloning, we should not ban a laboratory technique called somatic cell nuclear transfer, which can be used to derive human embryonic stem cells. With such stem cells, our scientists will gain fundamental insights into cell biology that will lead to new treatments and cures for a host of diseases and disabilities.

Prohibiting this basic scientific technique will severely hinder U.S. research. Our scientists have achieved an unparalleled record of accomplishment by employing new technologies to benefit humankind. New innovations in scientific discovery have historically been controversial, but they have proven to save lives and help manage devastating diseases. An example is the use of recombinant DNA technology, which provoked considerable alarm and debate in the 1970's, and has since become the foundation of modern biomedical research and our biotechnology industry.

In his speech memorializing the crew of the space shuttle *Columbia*, President Bush said. ''This cause of exploration and discovery is not an option we choose; it is a desire written in the human heart. We are that part of creation which seeks to understand all creation.''

Mr. Chairman, we should be encouraging our scientists to respond to that desire which is written in their hearts: understanding and ending the suffering of their fellow human beings. I urge my colleagues to vote in favor of the substitute offered by Mr. GREENWOOD and, if it fails, against the underlying bill.

Mr. PITTS. Mr. Chairman, on Thursday, February 27, the House will take up the Weldon-Stupak Human Cloning Prohibition Act (H.R. 534), a bill to prohibit the creation of human embryos by cloning.

This is the same bill that the House debated on July 31, 2001. On that occasion, our colleague Mr. GREENWOOD offered a substitute amendment that would have permitted the human cloning (the cloning of human embryos), but attempted to prohibit initiating a pregnancy by implanting such a cloned human embryo in a womb. The House decisively rejected the Greenwood Substitute, and then adopted the Weldon-Stupak bill overwhelmingly, 265–162. Although 64 members of the Democratic caucus voted to pass the Weldon-Stupak bill, to our disappointment, Democratic Leader GEPHARDT voted in opposition.

However, it is noteworthy that when Mr. GEPHARDT appeared on NBC's Meet the Press less than three weeks later, on August 19, 2001, he appeared to have had a change of heart. Although host Tim Russert did not ask about cloning, Mr. GEPHARDT volunteered this remarkable statement: ''Obviously, we don't want cloning. . . . We passed a law saying no cloning and I think that's the law that we ought to follow.''

The only bill that had been passed pertaining to cloning, of course, was the Weldon-Stupak bill (the House had emphatically rejected the pro-cloning Greenwood Substitute). It seemed that Mr. GEPHARDT was taking credit for what the House had done, even though he had voted against it just three weeks earlier. But be that as it may, we certainly agree with Mr. GEPHARDT's conclusion that the ban that the House passed (the Weldon-Stupak bill) is indeed ''the law that we ought to follow.''

We urge you to oppose the Greenwood Substitute, which would permit what President

Bush called cloned human "embryo farms," and to support the Weldon-Stupak bill, the only bill that would really say "no cloning."

The complete transcript of the exchange between Mr. Russert and Mr. GEPHARDT follows.

[Excerpt from NBC Meet The Press, August 19, 2001]

Mr. TIM RUSSERT: Let me turn to the issue of stem cell embryo research. The president decided that we should look at the stem cells that already exist, but not allow any development of any new stem cells. You disagree with him. Why?

Rep. RICHARD GEPHARDT (D–Mo.): I just—I don't think we know where this research is going. We don't even know how many stem cell segments are out there now. He said 60. Some of the researchers don't even know that there are 60 in place now. This is an emerging field. Look, if you have somebody in your family who has Alzheimer's, who has diabetes, who has cancer, you want to find the answers to these problems. The researchers believe there may be real answers to many of these diseases over the next years. We shouldn't limit the areas that we're going to look at. We ought to see where the research can go. Obviously, we don't want cloning. Nobody is for cloning. But we need to use the research that's out there to get the answers to these diseases. Boy, if you've got somebody in your family that's really ill, you want to know the research might find an answer.

Mr. RUSSERT: The public seems to support the president overwhelmingly. Let me show you the latest USA Today poll. Sixty percent approve of the president's decision; just 34 percent disagree. And there's a simple question to be asked: When do you think life begins?

Rep. GEPHARDT: Well, the Supreme Court said, after the—you know, somewhere between the first and second trimester.

Mr. RUSSERT: But when do you think?

Rep. GEPHARDT: I think the Supreme Court probably had it right. And I think we ought to use the research that can be done on stem cells to find the answers to these dread diseases. You know, try . . .

Mr. RUSSERT: Wait, wait, wait. This is important. When you first came to Congress, you proposed a constitutional amendment to ban all abortion. And you said on the House floor, "Life begins at conception." You've now changed your mind?

Rep. GEPHARDT: I think that the thing to do here is to follow the Supreme Court. I think their decision said it very clearly, and I think that's the policy that ought to be followed. I think on this stem cell research decision, we've got to let the research go to where it can, to find the answers to these problems.

Mr. RUSSERT: Including using the frozen embryos that are created by in vitro fertilization clinics.

Rep. GEPHARDT: I think we ought to let the research find the answers to these problems.

Mr. RUSSERT: So you would use those?

Rep. GEPHARDT: We passed a law saying no cloning and I think that's the law that we ought to follow.

Mr. RUSSERT: But these are stem cell embryos created by in vitro fertilization clinics that are discarded if not used for research.

Rep. GEPHARDT: I think we ought to let the research find the answers to these problems.

CONGRESS OF THE U.S.,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 25, 2003.

DEAR COLLEAGUE: By now, everyone has heard of the euthanized death of "Dolly," the infamous cloned sheep. She died on Valentine's Day 2003 at the age of 6, half the normal life-expectancy for a sheep.

Alan Coleman, A Singapore-based scientist who helped clone Dolly said, "I think it highlights more than ever the foolishness of those who want to legalize (human) . . . cloning . . . In the case of humans, it would be scandalous to go ahead given our knowledge about the long-term affects of cloning."

If cloning is not safe for animals, how can it be good for humans?

I urge you to vote for the Weldon/Stupak ban (H.R. 534) and vote against the Greenwood substitute.

Cordially,

JOSEPH R. PITTS,
Member of Congress.

Mr. RYUN of Kansas. Mr. Chairman, I believe that all embryonic cloning, whether therapeutic or reproductive, violates moral and rational bounds.

First, embryonic cloning is unproven. Not a single case of embryonic cloning in animals has resulted in successful treatment of any disease. Furthermore, animals created through embryonic cloning have developed unnaturally and suffered numerous genetic defects.

Second, embryonic cloning is immoral. Every cloned embryo is capable of developing into an adult. The Greenwood amendment proposes the artificial creation of life and subsequent destruction thereof. This cannot be tolerated.

Finally, even in the most conservative of estimates, hundreds of millions of human eggs would be needed for human cloning. Women, especially the under-privileged, would be exploited for the sale of their eggs. We cannot allow human eggs to become a commodity.

We must ban all embryonic cloning. I urge my colleagues to support the resolution.

Mr. SOUDER. Mr. Speaker, I would like to submit the following information from National Right-to-Life:

Congress is renewing consideration of whether to ban all human cloning, as a number of other major nations have already done. On Wednesday, February 12, the House Judiciary Committee will act on the Weldon-Stupak bill (H.R. 534). This bill, which is backed by President Bush, would ban the creation of human embryos by cloning. In the Senate, the same policy is embodied in the Brownback-Landrieu bill (S. 245).

Those who favor cloning human embryos are proposing competing legislation that would allow the mass cloning of human embryos to be killed in research, but attempt to ban implanation of such an embryo in a womb. In the House, we expect that this "clone and kill" approach will be advanced by Rep. Jim Greenwood (R–Pa.), who offered such a proposal in 2001. In the Senate, a cloning-embryos-for-research bill has been introduced by Senator Orrin Hatch (R–Utah), Dianne Feinstein (D–Ca.), and others as S. 303.

In recent days, a number of news outlets have transmitted inaccurate reports about what these competing bills would each allow and forbid—reports that obscure what the argument is really about. These points of confusion are discussed in more detail below.

PRESIDENT BUSH'S POSITION

President Bush has repeatedly called on Congress to ban all human cloning (i.e., to ban the cloning of human embryos). In remarks on January 22, the President said, "I also urge the Congress to ban all human cloning. We must not create life to destroy life. Human beings are not research material to be used in a cruel and reckless experiment." In his January 28 State of the Union speech, the President said, "Because no human life should be started or ended as the object of an experiment, I ask you to set a high standard for humanity, and pass a law against all human cloning." In a speech on human cloning last year, President Bush warned that unless such legislation is enacted, human "embryo farms" will be established in the United States. (See www.whitehouse.gov/news/releases/2002/04/print/20020410-4.html)

THE SITUATION IN CONGRESS

The House Judiciary Committee is scheduled to mark up the Weldon-Stupak bill (H.R. 534) on Wednesday, February 12, at 10:15 a.m., at 2141 Rayburn House Office Building. Once the committee completes its work, the full House could take up the bill at any time. H.R. 534 is nearly identical to the measure that passed the House on July 31, 2001, by lopsided bipartisan vote of 265–162 (roll call no. 304). When the House considered the issue on that occasion, it decisively rejected (249–178) as substitute amendment, the Greenwood-Deutsch Amendment, that would have allowed the cloning of human embryos for research (roll call no. 302).

The Senate companion to the Weldon-Stupak bill, the Brownback-Landrieu bill (S. 245), currently has 26 cosponsors. A radically different measure, the Hatch-Feinstein bill (S. 303), has only eight cosponsors, but it has considerable additional support, mostly among Senate Democrats.

The Brownback-Landrieu bill has been referred to the Committee on Health, Education, Labor, and Pensions (HELP), which is chaired by Senator Judd Gregg (R–NH), who was a cosponsor of the bill in the 107th Congress. The Hatch-Feinstein bill has been referred to the Senate Judiciary Committee, which Hatch chairs. Whatever happens in these committees, the full Senate ultimately will vote on both of these diametrically conflicting approaches.

The recently selected Senate Majority Leader, Bill Frist (R–Tn.), said in a January 12 interview on Fox News Sunday, "I am opposed to any time that you create an embryo itself with the purpose being destruction, and that would include the so-called research cloning. And remember, research, cloning is just that, it's experimental. There's been no demonstrated benefit of that to date, so I don't think you ought to destroy life. . ."

The key differences between the two bills are discussed below. In many recent news media reports on human cloning issues, the differences have been mischaracterized, and the specific activities that each bill would allow and prohibit have been widely misunderstood.

MISCONCEPTIONS AND FACTS

Misconception: The Brownback-Landrieu/Weldon-Stupak legislation prohibits cloning of human "cells," while the Hatch-Feinstein bill would allow cloning of "cells."

Reality: The Brownback-Landrieu bill (S. 245) and the Weldon-Stupak bill (H.R. 534)—like their predecessors in the 107th Congress—explicitly allow "the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans." [Sec. 2 of the bill, at (d) in H.R. 534 and at (e) in S. 245; boldface added for emphasis] Thus, the methods currently used to "clone" new skin, for example, or to "clone" DNA, are perfectly okay under the Brownback-Landrieu bill. Moreover, any cloning method that would produce stem cells without first producing and killing a human embryo—as some researchers have claimed that they eventually will be able to do—is explicitly permitted by this language. In addition, the Brownback-Landrieu and Weldon-Stupak bills place no restrictions on research of any kind on human ova ("eggs").

In short, the Brownback/Weldon legislation and the Hatch-Feinstein legislation are alike

in that they would both permit cloning involving merely eggs, cells, or tissues, but they differ on one proground issue: The Hatch-Feinstein/Greenwood proposals would allow the use of the somatic cell nuclear transfer (SCNT) process to clone human embryos, and the Brownback/Weldon legislation would forbid the use of SCNT to clone human embryos.

Verbiage by supporters of ''research cloning'' about ''eggs'' and ''cells'' is intended to conceal what the argument is really about: whether it should be permitted to clone human embryos.

Misconception: So-called ''therapeutic cloning'' does not involve creating human embryos.

Fact: That SCNT using human genetic material will create a developing embryo of the species Homo sapiens is something that authorities on all sides agreed on until sometime in 2001, when some of the pro-cloning forces decided to try to obscure this fact for political purposes. Among those who clearly affirmed that SCNT will create human embryos were the bioethics panels of both Presidents Clinton and Bush, the embryo research panel at NIH, and the chief cloning researchers at Advanced Cell Technology in Massachusetts. Some samples of such statements, which pre-date the current disinformation campaign, are posted here: www.nrlc.org/Killing__Embryos/factsheetembryo.html

To cite just one example here, a group of scientists, ethicists, and biotechnology executives advocating so-called ''therapeutic cloning'' and use of human embryos for research—Arthur Caplan of the University of Pennsylvania, Lee Silver of Princeton University, Ronald Green of Dartmouth University, and Michael West, Robert Lanza, and Jose Cibelli of Advanced Cell Technology—wrote in the December 27, 2000 issue of the Journal of the American Medical Association, ''CRNT [cell replacement through nuclear transfer, another term for ''therapeutic cloning''] requires the deliberate creation and disaggregation of a human embryo.'' They also wrote, ''. . . because therapeutic cloning requires the creation and disaggregation ex utero of blastocyst stage embryos, this technique raises complex ethical questions.''

In its 2002 report on human cloning, the President's Council on Bioethics, although divided on policy recommendations, provided without dissent recommendations regarding the use of honest terminology in this crucial public policy debate, including acknowledging that successful SCNT will create human embryos. The Council said, ''The product of 'SCNT' is not only an embryo; it is also a clone, genetically virtually identical to the individual that was the source of the transferred nucleus, hence an embryonic clone of the donor.''

The Council recommended use of the terms ''cloning for biomedical research'' and ''cloning to produce children'' to distinguish between two of the purposes for which human embryos might be cloned. (''Cloning for research'' and ''cloning for birth'' convey pretty much the same thing.) The Council's discussion on accurate and neutral terminology is here: www.bioethics.gov/cloningreport/terminology.html

The phrase ''reproductive cloning'' is misleading, because whenever somatic cell nuclear transfer produces a developing embryo, ''reproduction'' has occurred. The term ''therapeutic cloning'' is misleading, because no therapies have been demonstrated using cloned embryos (even in animals, as discussed below), and the process is certainly not ''therapeutic'' for the human embryo who is dissected—which is what the argument is about.

MISCONCEPTION: The Hatch-Feinstein bill would allow research only ''unfertilized eggs up to 14 days.''

REALITY: As can be confirmed by reference to any biology text or even any decent dictionary, a human ovum or ''egg'' is, by definition, a single cell. Moreover, it is a very unusual cell—a gamete cell, which means it has only 23 chromosomes. An ovum has no sex.

As discussed above, once one has a complete nucleus from any species that is activated (whether by sexual fertilization or by asexual somatic cell nuclear transfer, SCNT) and developing, then one has a developing embryo of that species (sheep, cow, Homo sapiens, etc). There is no such thing in biology or in any dictionary as a human ''egg'' or ''egg cell'' that has 46 chromosomes, is either male or female, and is five days old (consisting of several hundred cells) or even 14 days old (consisting of thousands of cells). In short, calling a five-day-old or a two-week-old human embryo an ''egg'' is an attempt to deceive the public regarding what the policy argument is really about. We submit that this is not an effort in which responsible journalists should enlist.

The actual text of the Hatch-Feinstein bill coins the term ''unfertilized blastocyst.'' But ''blastocyst'' is simply a technical term for an embryo at an early stage of development. As for ''unfertilized,'' this is just another word trick aimed at the gullible. Of course human embryos produced by cloning will be ''unfertilized,'' because that is what cloning is: asexual reproduction—no sperm. Every cloned mammal in the world was unfertilized from the one-celled embryo stage, and every one of them will be unfertilized on the day they die. If a human embryo created by cloning instead of fertilization is implanted in a womb, is born, and lives to be eighty, she will still be unfertilized.

MISCONCEPTION: The Hatch-Feinstein bill is a compromise that would accomplish what almost everyone agrees on, banning ''reproductive cloning.''

REALITY: Far from representing ''common ground,'' the Hatch-Feinstein bill represents a policy disfavored by most Americans and strongly opposed by the Bush Administration. It will not become law. But that does not bother many of its backers, such as the biotechnology industry lobby, because the primary purpose of the Hatch-Feinstein bill is to impede enactment of the real ban on human cloning, by providing political cover for lawmakers who favor allowing the creation of human embryos for research.

Notwithstanding the marketing efforts of the biotechnology industry lobby and its allies, the policy the Hatch-Feinstein bill or the Greenwood amendment would enact a policy that is far from a consensus position—indeed, a policy that the substantial majority of Americans oppose. A Gallup poll in May 2002 found that 61% of the American people opposed ''cloning of human embryos for use in medical research'' (34% approved), which is precisely what the Hatch-Feinstein bill is crafted to allow and indeed encourage. In other polls, substantially higher numbers are opposed when it explained that the human embryos will die in the research.

The Hatch-Feinstein bill is not a partial solution or a middle ground. Rather, it is a step in the wrong direction. The Hatch-Feinstein bill would give a green light to the establishment of human embryo farms.

The ''clone and kill'' approach has already been emphatically rejected by the Bush Administration and by the House of Representatives (in 2001). Secretary of Health and Human Services Tommy Thompson last year sent a letter to Senator Brownback warning that such a bill would face a presidential veto. Thompson wrote, ''The President does not believe that 'reproductive' and 'research cloning should be treated differently, given that they both require the creation, exploitation, and destruction of human embryos . . . the Administration could not support any measure that purported to ban 'reproductive' cloning while authorizing research cloning, and I would recommend to the President that he veto such a bill.'' (See www.nrlc.org/Killing__Embryos/ThompsontoBrownback.pdf)

The Hatch-Feinstein bill would give federal law enforcement agencies responsibility for trying to enforce a ban on implanting a cloned embryo in a womb—an approach that the Justice Department in 2002 rejected as unworkable. The Department explained that once large numbers of cloned human embryos are created, there is no practical way to prevent some of them from being implanted in wombs, and no remedy to apply after that occurs. The testimony is posted here: www.nrlc.org/killing__embryos/Justice__Dept__on__cloning.pdf

MISCONCEPTION: The Hatch-Feinstein bill would ''ban human cloning'' or ''ban the closing of human beings.''

REALITY: The Hatch-Feinstein bill does not ban ''human cloning.'' It bans implanting a cloned human embryo ''into a uterus or the functional equivalent of a uterus'' (the latter term is not defined), an act to which criminal penalties are attached. It also attempts to impose a rule against allowing a cloned human embryo (a so-called ''unfertilized blastocyst'') to develop past 14 days of age (Not counting time frozen). Violations of this ''14-day rule'' are subject to a civil fine of up to $250,000, and there is nothing in the bill to prevent the threat of such a fine from being applied even against a woman who carries an unborn cloned human in utero, perhaps in an attempt to compel her to procure an abortion.

In other words, the bill bans not ''human cloning,'' but the survival of human clones, which is a very different thing.

Any bill that permits cloning (somatic cell nuclear transfer) with human nuclei does not ''ban human cloning,'' because such a bill allows the cloning of embryos of the species Homo sapiens, and an embryo of the species Homo sapiens is human (just as the cloned embryo that was later born as Dolly the sheep, the first cloned mammal, was always a member of the species Ovis aries).

As to whether a cloned human embryo is to be regarded as a ''human being,'' we would think that journalists would want to avoid blatantly taking sides on that question. A statement that the Hatch-Feinstein bill ''bans the cloning of human beings'' is certainly taking sides on the issue, because it amounts to a declaration that a two-week-old embryo of the species Homo sapiens is not a ''human being.'' (If not, what species of being is it?)

It appears that President Bush is among those who recognize cloned human embryos as human beings: in his January 22 statement, the President said, ''I also urge the Congress to ban all human cloning. We must not create life to destroy life. *Human beings* are not research material to be used in a cruel and reckless experiment.'' [emphasis added]

The National Right to Life Committee believes that if a cloned human being is born, she should have the same status as other humans—but Senator Hatch and some others apparently are not so sure. In a press release dated February 5, 2002, Senator Hatch said, ''No doubt somewhere, some—such as the Raelians—are trying to make a name for themselves and are busy trying to apply the techniques that gave us Dolly the Sheep to human beings. Frankly, I am not sure that

human being would even be the correct term for such an individual heretofore unknown in nature.''

As Slate.com columnist Will Saletan commented (''Killing Eve,'' December 31, 2002, http://slate.msn.com/id/2076199/), ''The first cloned baby—Eve or whoever comes after her—won't be fertilized. If fertilization is a prerequisite to humanity, as Hatch and Feinstein suggest, that baby will never be human. You can press the pillow over her face and walk away.'' (See also: www.nrlc.org/killing_embryos/arecloneshuman.html)

MISCONCEPTION: Those who favor cloning for research would never allow clones to develop past two weeks of age.

REALITY: While the Hatch-Feinstein bill purports to establish a two-week ''deadline'' for killing human clones, there are substantial reasons to doubt that the biotechnology industry would support such a limitation in a bill it actually expected to become law. Already, some policymakers are opening the door to ''fetus farming'' with human clones.

For example, the New Jersey legislature appears close to giving final approval to a bill that would permit cloned humans to be grown through any stage of fetal development, even to birth, to obtain tissues for transplantation, as long as they are not kept alive past the ''newborn'' stage. (SB 1909, as amended) Four members of the President's Council on Bioethics wrote to Gov. James McGreevey to warn about the bill's radical implications. (See www.nationalreview.com/document/document020303c.asp)

Last year, researchers reported harvesting tissue from cloned cows at six and eight weeks of fetal development, and from cloned mice at the newborn stage. Both studies were widely reported by the news media as breakthroughs for so-called ''therapeutic cloning.'' Indeed, so far these are the only two animal studies that have claimed to show ''therapeutic'' results from cloning.

Mr. VITTER. Mr. Chairman, every once in a while, an issue comes along that makes so much sense and has so much support, it clearly must be good public policy. The issue before us today, a full and complete ban on cloning, is just such an issue.

The American people overwhelmingly support banning cloning, a majority of this House has voted in the past to fully ban cloning, the Administration supports this ban, and importantly scientists and doctors and other medical professionals support this ban on cloning.

So what's the hold up?

A lot has been and will be said about ''research cloning'' or ''therapeutic cloning''—but despite all of the semantics and wordplay the other side uses, the reality remains that this procedure is one that simply horrifies most Americans. The repercussions if we do not act today are grave.

Whate we're debating here is the value of human life, pure and simple. If you want to reduce human life to merely clinical terms, research elements and other antiseptic talk, then you can vote that way today. But if you are as horrified I am, as the American people are, and the medical community is, by the ghastly possibilities that cloning offers us, then you should support this legislation and a complete, full, and real ban on cloning.

I comment the gentlemen from Florida (DAVE WELDON) and Michigan (STUPAK) for their work, and strongly encourage all of my colleagues to support the passage of this important bill.

Mr. PAUL. Mr. Speaker, these words are from Frederic Bastiat's The Law. They are prophetic, not only in the way they describe legislators' attempts to transform society through socialized economic planning, but also in the analogy to the current moral issue before us today: human cloning.

Human life begins at conception. This fact is not a matter of faith. Every contemporary textbook of human embryology teaches that the life of the new individual human being begins at fertilization. When an embryo is cloned, a distinct human being is created: if implanted into a woman's uterus, he or she grows into a human being. Those who deny the humanity of the ''embryo'' simply deny the facts.

Today we see another instance of the legislator playing God, viewing himself as Bastiat's farmer or chemist. But human embryos are not just some ''seeds'' for the ''farmers'' to scatter! I ask those of you wishing to use taxpayer dollars to fund human cloning: Were you not once at this very stage of life? Is not each of you a developed embryo? And to those who view cloning and the accompanying destruction of humans at the embryonic stage of life as morally acceptable, I ask this, Are you aware that it took 277 attempts to clone Dolly the sheep, and when she finally was born, she was defective and died soon after? We must shudder to think of what this kind of experimentation implies for humans. Many ignore that a human is not cloned by simply waving a magic wand—rather, embryos are experimented upon and then discarded before a human is created via cloning. Many prolifers mistakenly attack the act of cloning, when what they should address is the discarding of humans at the embryonic stage of development that precedes the act of cloning.

Today we have before us a bill that attempts to protect innocent human life from legislators wishing to exploit it. Though well intentioned, Congress does not have authority under the Constitution to create a federal law banning cloning and the accompanying destruction of human life. The separation and enumeration of powers reserves to the states and local governments the power to write and enforce laws that protect life. If this bill instead were introduced as a constitutional amendment banning the destruction and discarding of human embryos, it would both accomplish its purpose and, equally important, hold to the letter of the law.

In Congress we can either pass an unconstitutional ban on cloning, or we can abide by the law and not pass the ban, as bureaucrats continue to have control over human cloning and use of taxpayer funds to destroy human life. These bureaucrats seem to have no difficulty violating the consciences of those who recognize cloning experimentation for what it is. What is to be done? I fear the answer to this question, and its implications, will continue to haunt us in the months and years to come, whether or not this federal ban on human cloning passes. Mr. Speaker, when we last considered this issue I placed the following statement in the RECORD and wish to do so once again.

Mr. PAUL. Mr. Speaker, today we're being asked to choose between two options dealing with the controversies surrounding cloning and stem cell research. As an obstetrician gynecologist with 30 years of experience with strong pro-life convictions I find this debate regarding stem cell research and human cloning offtrack, dangerous, and missing some very important points. This debate is one of the most profound ethical issues of all times. It has moral, religious, legal, and ethical overtones. However, this debate is as must about process as it is the problem we are trying to solve.

This dilemma demonstrates so clearly why difficult problems like this are made much more complex when we accept the notion that a powerful centralized state should provide the solution, while assuming it can be done precisely and without offending either side, which is a virtual impossibility.

Centralized governments' solutions inevitably compound the problem we're trying to solve. The solution is always found to be offensive to those on the losing side of the debate. It requires that the loser contribute through tax payments to implement the particular program and ignores the unintended consequences that arise. Mistakes are nationalized when we depend on Presidential orders or a new federal law. The assumption that either one is capable of quickly resolving complex issues is unfounded. We are now obsessed with finding a quick fix for this difficult problem.

Since federal funding has already been used to promote much of the research that has inspired cloning technology, no one can be sure that voluntary funds would have been spent in the same manner. There are many shortcomings of cloning and I predict there are more to come. Private funds may well have flowed much more slowly into this research than when the government/taxpayer does the funding. The notion that one person, i.e., the President, by issuing a President order can instantly stop or start major research is frightening. Likewise, the U.S. Congress is no more likely to do the right thing than the President by rushing to pass a new federal law. Political wisdom in dealing with highly charged and emotional issues is not likely to be found.

The idea that the taxpayer must fund controversial decisions, whether it be stem cell research, or performing abortion overseas, I find repugnant. The original concept of the republic was much more suited to sort out the pros and cons of such a difficult issue. It did so with the issue of capital punishment. It did so, until 1973, with the issue of abortion. As with many other issues it has done the same but now unfortunately, most difficult problems are nationalized.

Decentralized decision making and privatized funding would have gone a long way in preventing the highly charged emotional debate going on today regarding cloning and stem cell research.

There is danger in a blanket national prohibition of some questionable research in an effort to protect what is perceived as legitimate research. Too often there are unintended consequences. National legalization of cloning and financing discredits life and insults those who are forced to pay. Even a national law prohibiting cloning legitimizes national approach that can later be used to undermine this original intent. This national approach rules out states from passing any meaningful legislation and regulation on these issues.

There are some medical questions not yet resolved and careless legislation may impede legitimate research and use of fetal tissue. For instance, should a spontaneously aborted fetus, non-viable, not be used for stem cell research or organ transplant? Should a live fetus from an ectopic pregnancy removed and generally discarded not be used in research? How is a spontaneous abortion of an embryo or fetus different from an embryo conceived in a dish?

Being pro-life and pro-research makes the question profound and I might say best not answered by political demagogues, executive orders or emotional hype. How do problems like this get resolved in a free society where

government power is strictly limited and kept local? Not easily, and not perfectly, but I am confident it would be much better than through centralized and arbitrary authority initiated by politicians responding to emotional arguments. For a free society to function, the moral standards of the people are crucial. Personal morality, local laws, and medical ethics should prevail in dealing with a subject such as this. This law, the government, the bureaucrats, the politicians can't make the people more moral in making these judgments.

Laws inevitably reflect the morality or immorality of the people. The Supreme Court did not usher in the 60s revolution that undermined the respect for all human life and liberty. Instead, the people's attitude of the 60s led to the Supreme Court Roe vs. Wade ruling in 1973 and contributed to a steady erosion of personal liberty. If a centralized government is incapable of doing the right thing, what happens when the people embrace immorality and offer no voluntary ethical approach to difficult questions such as cloning? The government then takes over and predictably makes things much worse. The government cannot instill morality in the people. An apathetic and immoral society inspires centralized, rigid answers while the many consequences to come are ignored. Unfortunately, once centralized government takes charge, the real victim becomes personal liberty.

What can be done? The first step Congress should take is to stop all funding of research for cloning and other controversial issues. Obviously all research in a free society should be done privately, thus preventing this type of problem. If this policy were to be followed, instead of less funding being available for research, there would actually be more.

Second, the President should issue no Executive Order because under the Constitution he does not have the authority either to promote or stop any particular research nor does the Congress. And third, there should be no sacrifice of life. Local law officials are responsible for protecting life or should not participate in its destruction. We should continue the ethical debate and hope that the medical leaders would voluntarily do the self-policing that is required in a moral society. Local laws, under the Constitution, could be written and the reasonable ones could then set the standard for the rest of the nation.

This problem regarding cloning and stem cell research has been made much worse by the federal government involved, both by the pro and con forces in dealing with the federal government's involvement in embryonic research. The problem may be that a moral society does not exist, rather than a lack of federal laws or federal police. We need no more federal mandates to deal with difficult issues that for the most part were made worse by previous government mandates.

If the problem is that our society lacks moral standards and governments can't impose moral standards, hardly will this effort to write more laws solve this perplexing and intriguing question regarding the cloning of a human being and stem cell research. Neither option offered today regarding cloning provides a satisfactory solution. Unfortunately, the real issue is being ignored.

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 534, the Human Cloning Prohibition Act of 2003. Like most Americans, I believe reproductive cloning of human beings ought to be criminalized. I support outlawing this practice, which is one of the provisions of this legislation. But, I cannot support this bill because it would also severely limit the ability of scientists to conduct advanced cell research and develop life-saving therapies that could benefit millions of Americans.

H.R. 534's overly broad language would needlessly outlaw an important form of advanced cell research, known as somatic cell nuclear transfer. This research holds great promise to radically improve the health of Americans. This laboratory procedure allows for the development and harvesting of embryonic stem cells that can potentially repair damaged organs and tissues. If the donor material of this procedure is from the patient, the stem cells would be genetically identical to the patient and thus avoid the problem of immune system rejection that is present with conventional treatments. According to the National Institutes of Health, this technology has ''enormous'' medical potential to treat conditions as varied as Parkinson's disease, chronic heart disease, Alzheimer's disease, diabetes and spinal injuries.

Unfortunately, this bill's broad language also makes illegal the importation of any therapies developed in other countries that employ this advanced cell research technology. This ban against importation will further deprive our Nation's patients of treatments that could save their lives.

Support for the continuation of advanced cell research has been expressed by countless teaching and research institutions, scientists, and patient advocate groups. Opponents of this research are quick to offer scenarios of doom and gloom if we allow this research to continue. Yet, this same group of religious zealots and hapless naysayers made similar predictions with the development of such biological advances as in-vitro fertilization and recombinant DNA. The only ''horrors'' that have occurred from fostering that biological research has been allowing more than 16,000 otherwise infertile couples to experience the joys of childbirth and parenthood and the development of an improved form of insulin for the treatment of diabetes.

While I strongly urge my colleagues to oppose H.R. 534, I also encourage support of the Greenwood/Deutsch substitute bill that prohibits the cloning of a human life, but allows for the continuation of advanced cell research and the unfettered availability of health-improving products and procedures derived from this research.

Mr. DEFAZIO. Mr. Speaker, today we are having a virtually identical debate over the virtually identical bill we had in the 107th Congress. Had I not been required to travel to Oregon for official representational purposes, I would have voted (1) 'aye' on the Scott amendment to provide for a GAO study to determine whether the prohibition on human cloning needs to be amended in the future give newer technologies; (2) 'no' on the Stearns amendment forcing our moralities on other nations; (3) 'aye' on the Greenwood amendment in the nature of a substitute; and (3) 'no' on the underlying bill, H.R. 534.

By bringing a bill like this to the floor, the Republican majority has transformed what could have been a rational debate over the merits and limits of emerging technologies into a dogmatic infomercial for the radical-right.

I've consistently opposed human cloning for reproductive purposes. Under current law the federal government is prohibited from funding research that involves human cloning. In addition, the Food and Drug Administration (FDA) has the authority under federal law to prohibit any attempt to clone humans for reproductive purposes and has acted to stop such efforts. I support the FDA's actions.

I believe H.R. 534 goes too far. This legislation would not just ban reproductive cloning, it would create harsh criminal penalties that would significantly restrict a wide range of scientific research efforts in related fields.

This legislation would specifically halt scientific efforts aimed at developing new treatments for those suffering from cancer, diabetes, Parkinson's disease, Alzheimer's disease, spinal cord and burn injuries. These diseases and injuries can be extremely debilitating, costly and dehumanizing for individuals, families and our society. I'm also concerned with provisions in the bill that would ban American's from receiving new treatments developed in other countries that have developed with such research.

If this bill is passed, we're showing the world that our drive for innovation can be derailed by senseless hysteria. Limiting Americans access to new treatments and therapies based on fear and ideology is a backward way to legislate in the twenty-first century.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 534, the Human Cloning Prohibition Act, and I am pleased to be a cosponsor of this measure. The only difference between human cloning to produce a cloned baby and human cloning for research is whether the cloned embryo is implanted in the uterus or destroyed. The scientific procedure to create the clone is the same.

H.R. 534 would prevent cloned human embryos from being used as human guinea pigs. Without this legislation, human life could be copied, manufactured in a laboratory, in a petri dish, for the sole purpose of harvesting cells and then destroying the clone. The mass production of human clones solely for the purpose of human experimentation demeans us all.

The simple, most effective way to stop this process is to ban it, deterring its use. H.R. 534 does nothing to prohibit appropriate scientific research. It fully permits research that clones molecules, or DNA, tissues, organs, plants, or non-human animals. So-called therapeutic cloning has not produced a single cure in animal models for any disease, nor has it produced any cures in human clinical trials.

In the area of human embryo cloning, the ends do not justify the means.

Mr. CAPUANO. Mr. Chairman, I rise today in opposition to H.R. 534, the Human Cloning Prohibition Act of 2003. This legislation would ban reproductive human cloning and prohibit nuclear transplantation to produce stem cells for medical research. I am sure that most of my colleagues here today would agree with me and every one of my constituent scientists with whom I have discussed this matter that we do not want to allow reproductive cloning. An attempt to duplicate an individual human raises profound and disturbing moral and bioethical questions. It is unacceptable for anyone in the public or private sector to attempt to create a person using somatic cell nuclear transfer (SCNT) and I believe we must prohibit it. However, Representative WELDON's proposal before us today, goes too far and also bans SCNT for therapeutic purposes. This complete ban will close the door on promising publicly and privately funded research in regenerative medicine and will end hope for more millions of Americans suffering from life-threatening diseases.

The Human Cloning Prohibition Act criminalizes the very biomedical research that could help researchers find cures for Alzheimer's disease, Parkinson's disease, cystic fibrosis, various cancers, strokes and spinal cord injuries. Furthermore, H.R. 534 will halt vital research in my congressional district, throughout Massachusetts and the Nation. A ban or a moratorium on this research will result in other countries taking the lead in finding cures to these diseases.

Our colleague from Pennsylvania, Representative GREENWOOD, has worked to produce what I believe to be a well-balanced, comprehensive alternative. The Greenwood substitute contains the same language that Rep. WELDON's legislation uses to ban reproductive cloning. Both ban scientists from using technology to produce human beings. Unlike the Weldon proposal, the Greenwood alternative allows strictly regulated, privately funded SCNT research to move forward. This legislation requires scientists to register with the federal government before conducting medical research and requires all research to be conducted with substantial oversight. The bill would also permit a stem cell technique that offers significant promise of delivering new treatments and cures to millions of Americans.

I believe a ban on human cloning does not need to include a ban on nuclear transfer research. The National Academies and more than 40 Noble laureates agree that this research has the potential to produce promising contributions to science and medicine. I urge my colleagues to allow this research to continue, vote no on Weldon and yes on Greenwood.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in opposition to H.R. 534. Although I am against Human Cloning this bill does more than ban Human Cloning. It prevents the highest form of medical research in our society, therapeutic cloning. We owe it to our communities to explore the options of therapeutic cloning. Those who have lost relatives due to heart disease, brain damage due to strokes, Parkinson's, Alzheimer's, Cancer . . . we owe it to these people to at least explore the option of therapeutic cloning. I don't want to stop medical progress and the possibilities that it would allow for new treatments to diseases where medical progress is continuously being made. Doctors understand that these diseases cause damage to cells and tissues and that therapeutic cloning would allow them to explore the option of replacing these dead cells or tissues. I do not support human cloning for organ production. I am saying lets leave ourselves options for the future. Doctors are trying to find medically safe and reliable ways to help people with disease. I have some of the greatest doctors (at Cleveland Clinic, University Hospital), in the world in, my district working with molecules and DNA to find cures for diseases, and this would limit their abilities to continue to do what it is that they do best. Save lives.

Mr. SMITH of Texas. Mr. Chairman, ninety percent of all Americans oppose cloning human beings. And for good reason. The American public recognizes that cloning raises serious ethical questions. Scientists have cloned monkeys, cattle, pigs, mice and other animals. Because of this success, there are a growing number of groups who claim they can, and will, clone a human being. That prospect should worry us. Cloning is a manufacturing process—a scientific assembly line—devoid of procreation. Efforts to improve humanity should never spin out of control and devalue humanity, which is precisely what human cloning does.

Our values of faith and family are slowly eroding. Given that fact, we should be mindful that there are certain ethical lines we should never cross. One of the dehumanizing effects of the cloning process is the failure rate. It is extremely high. Those in favor of cloning humans often downplay that it took 277 stillborn, miscarried or dead sheep to make one Dolly. And what happens to those who survive? Attempts to clone human beings could carry massive risks of producing unhealthy, abnormal, and malformed children.

I favor a total ban on human cloning because if we allow cloning for any reason, we will be unable to control what is done with cloned embryos. No one is going to monitor every research laboratory. I urge my colleagues to support this bill.

Ms. LEE. Mr. Chairman, I rise today in strong opposition to H.R. 534. This bill's title claims that it is designed to prohibit human cloning. The reality is it will do much more: it will stifle crucial medical research that might someday cure diseases such as Parkinson's, diabetes, or Alzheimer's. None of us support human cloning. We all see such a step as ethically reckless and medically unsound. The cloning and creation of human beings should be banned. But this bill goes much further. It bans the practice of somatic cell nuclear, which creates cells, not human beings. Somatic cell nuclear transfer, or therapeutic cloning as it is also called, represents one of our most promising avenues of medical research.

That is why I support the bipartisan Greenwood/Deutsch/Degette amendment that would outlaw human cloning for reproduction without outlawing medical advancements. This bipartisan alternative provides severe penalties, including $10 million fines, for violations of the human cloning ban but allows cell transfer technology to proceed. Through the creation of stem cells, we may be able to conquer spinal paralysis, heal burn victims, and cure a wide range of diseases. For everyone who has helplessly watched a parent succumb to the terrible cruelty of Alzheimer's or seen a child struggle with diabetes, somatic cell nuclear transfer holds out the promise of a potential cure.

But this bill would cut off that research and criminalize those medical advancements. The National Academies of Science examined this issue and urged lawmakers to forbid human cloning but not to outlaw nuclear transplantation which could hold the key to treating life-threatening diseases and injuries. As they complete their medical training and begin their careers as physicians, we ask our doctors to take Hippocratic Oath, which involves, the principle, ''first do no harm.'' As legislators, we should adopt a similar principle: as we wrestle with these complex scientific questions, let us first do no harm.

This bill applies a sledge hammer when a scalpel is needed. We can and should outlaw human cloning without wiping out the promise of a cure for millions of Americans. I urge you to oppose this bill and to support the bipartisan Greenwood/Deutsch/Degette alternative. Thank you and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule.

The text of H.R. 534 is as follows:

H.R. 534

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 ''Human Cloning Prohibition Act of 2003''.

SEC. 2. PROHIBITION ON HUMAN CLONING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 15, the following:

''CHAPTER 16—HUMAN CLONING

''Sec.
''301. Definitions.
''302. Prohibition on human cloning.

''§ 301. Definitions

''In this chapter:

''(1) HUMAN CLONING.—The term 'human cloning' means human asexual reproduction, accomplished by introducing nuclear material from one or more human somatic cells into a fertilized or unfertilized oocyte whose nuclear material has been removed or inactivated so as to produce a living organism (at any stage of development) that is genetically virtually identical to an existing or previously existing human organism.

''(2) ASEXUAL REPRODUCTION.—The term 'asexual reproduction' means reproduction not initiated by the union of oocyte and sperm.

''(3) SOMATIC CELL.—The term 'somatic cell' means a diploid cell (having a complete set of chromosomes) obtained or derived from a living or deceased human body at any stage of development.

''§ 302. Prohibition on human cloning

''(a) IN GENERAL.—It shall be unlawful for any person or entity, public or private, in or affecting interstate commerce, knowingly—

''(1) to perform or attempt to perform human cloning;

''(2) to participate in an attempt to perform human cloning; or

''(3) to ship or receive for any purpose an embryo produced by human cloning or any product derived from such embryo.

''(b) IMPORTATION.—It shall be unlawful for any person or entity, public or private, knowingly to import for any purpose an embryo produced by human cloning or any product derived from such embryo.

''(c) PENALTIES.—

''(1) CRIMINAL PENALTY.—Any person or entity that violates this section shall be fined under this title or imprisoned not more than 10 years, or both.

''(2) CIVIL PENALTY.—Any person or entity that violates any provision of this section shall be subject to, in the case of a violation that involves the derivation of a pecuniary gain, a civil penalty of not less than $1,000,000 and not more than an amount equal to the amount of the gross gain multiplied by 2, if that amount is greater than $1,000,000.

''(d) SCIENTIFIC RESEARCH.—Nothing in this section restricts areas of scientific research not specifically prohibited by this section, including research in the use of nuclear transfer or other cloning techniques to produce molecules, DNA, cells other than human embryos, tissues, organs, plants, or animals other than humans.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 15 the following:

''16. Human Cloning ..... **301''.**

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 108–21. 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, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

It is now in order to consider amendment No. 1 printed in House Report 108–21.

AMENDMENT NO. 1 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SCOTT of Virginia:

Add at the end of the bill the following:

SEC. 3. STUDY BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The General Accounting Office shall conduct a study to assess the need (if any) for amendment of the prohibition on human cloning, as defined in section 301 of title 18, United States Code, as added by this Act, which study should include—

(1) a discussion of new developments in medical technology concerning human cloning and somatic cell nuclear transfer, the need (if any) for somatic cell nuclear transfer to produce medical advances, current public attitudes and prevailing ethical views concerning the use of somatic cell nuclear transfer, and potential legal implications of research in somatic cell nuclear transfer; and

(2) a review of any technological developments that may require that technical changes be made to section 2 of this Act.

(b) REPORT.—The General Accounting Office shall transmit to the Congress, within 2 years after the date of enactment of this Act, a report containing the findings and conclusions of its study, together with recommendations for any legislation or administrative actions which in considers appropriate.

The CHAIRMAN. Pursuant to House Resolution 105, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. SCOTT OF VIRGINIA

Mr. SCOTT of Virginia. Mr. Speaker, at the suggestion of the gentleman from Oregon (Mr. WU), I ask unanimous consent to modify the amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Mr. SCOTT of Virginia:

In the proposed subsection 3(a), insert ''after consultation with the National Academy of Sciences'' after ''office''.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. SCOTT).

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this provides a GAO study of the issue.

This amendment is being presented jointly with Rep. WU.

We all agree that the cloning technology we are aware of today should not be used for human reproductive purposes. Yet, we all know that the nuclear cell transfer process that this bill bans in this country will continue in other countries in order that the promising developments in stem-cell research can continue. It is possible that this process can develop to the point that it could be used to prevent or cure many dreaded childhood or adult-onset diseases such as Parkinson's disease, Alzheimer's disease, diabetes, cancer, heart disease, spinal cord injury, multiple sclerosis, severe burns, or other diseases, disorders, or conditions.

These developments are proceeding at a very rapid pace. This amendment would ensure that Congress is informed of developments in the technology and their potential for medical advances. It would advise us of any need for technical changes to the bill which would keep its prohibition on reproductive cloning effective and narrowly drawn, while allowing any beneficial uses of the technology consistent with the prohibition.

Furthermore, this is an area where public attitudes and ethical views are often confused and uncertain, and a GAO study would be helpful in summarizing and clarifying them before Congress chooses to revisit this issue. I urge my colleagues to support the amendment.

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

Mr. SCOTT of Virginia. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I believe this is a constructive addition to the bill, I am prepared to support it, and urge that the Members adopt it. I thank the gentleman.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Virginia (Mr. SCOTT).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 101–21.

No Member being present to offer amendment No. 2, it is now in order to consider amendment No. 3 in the nature of a substitute printed in House Report 108–21.

AMENDMENT NO. 3 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GREENWOOD

Mr. GREENWOOD. Mr. Chairman, I offer amendment No. 3 in the nature of a substitute.

The CHAIRMAN. The Clerk will designate amendment No. 3 in the nature of a substitute.

The Clerk read as follows:

Amendment No. 3 in the nature of a substitute offered by Mr. GREENWOOD:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cloning Prohibition Act of 2003''.

SEC. 2. PROHIBITION AGAINST HUMAN CLONING.

(a) IN GENERAL.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by adding at the end the following:

''CHAPTER X—HUMAN CLONING

''PROHIBITION AGAINST HUMAN CLONING

''SEC. 1001. (a) NUCLEAR TRANSFER TECHNOLOGY.—

''(1) IN GENERAL.—It shall be unlawful for any person—

''(A) to use or attempt to use human somatic cell nuclear transfer technology, or the product of such technology, to initiate a pregnancy or with the intent to initiate a pregnancy; or

''(B) to ship, mail, transport, or receive the product of such technology knowing that the product is intended to be used to initiate a pregnancy.

''(2) DEFINITION.—For purposes of this section, the term 'human somatic cell nuclear transfer technology' means transferring the nuclear material of a human somatic cell into an egg cell from which the nuclear material has been removed or rendered inert.

''(b) RULE OF CONSTRUCTION.—This section may not be construed as applying to any of the following:

''(1) The use of somatic cell nuclear transfer technology to clone molecules, DNA, cells, or tissues.

''(2) The use of mitochondrial, cytoplasmic, or gene therapy.

''(3) The use of in vitro fertilization, the administration of fertility-enhancing drugs, or the use of other medical procedures (excluding those using human somatic cell nuclear transfer or the product thereof) to assist a woman in becoming or remaining pregnant.

''(4) The use of somatic cell nuclear transfer technology to clone or otherwise create animals other than humans.

''(5) Any other activity (including biomedical, microbiological, or agricultural research or practices) not expressly prohibited in subsection (a).

''(c) REGISTRATION.—

''(1) IN GENERAL.—Each individual who intends to perform human somatic cell nuclear transfer technology shall, prior to first performing such technology, register with the Secretary his or her name and place of business (except that, in the case of an individual who performed such technology before the date of the enactment of the Cloning Prohibition Act of 2003, the individual shall so register not later than 60 days after such date). The Secretary may by regulation require that the registration provide additional information regarding the identity and business locations of the individual, and information on the training and experience of the individual regarding the performance of such technology.

''(2) ATTESTATION BY RESEARCHER.—A registration under paragraph (1) shall include a statement, signed by the individual submitting the registration, declaring that the individual is aware of the prohibitions described in subsection (a) and will not engage in any violation of such subsection.

''(3) CONFIDENTIALITY.—Information provided in a registration under paragraph (1) shall not be disclosed to the public by the Secretary except to the extent that—

''(A) the individual submitting the registration has in writing authorized the disclosure; or

''(B) the disclosure does not identify such individual or any place of business of the individual.

''(d) APPLICABILITY OF HUMAN SUBJECT PROTECTION STANDARDS.—

''(1) IN GENERAL.—Research involving human somatic cell nuclear transfer technology shall be conducted in accordance with parts 50 and 56 of title 21, Code of Federal Regulations, subject to paragraph (2). Individuals whose cells are used for such research shall be considered human subjects for purposes of such parts.

''(2) INFORMED CONSENT.—

''(A) DONOR OF HUMAN CELLS.—In research involving human somatic cell nuclear transfer technology, human cells may be used only if, in addition to requirements that apply under parts 50 and 56 of title 21, Code of Federal Regulations, the individual who provides the cells makes a statement in writing, which is signed by the individual, declaring that—

''(i) the individual donates the cells for purposes of such research;

''(ii) the individual understands that Federal law regulates such technology and establishes a crime relating to the use of the technology to initiate a pregnancy; and

''(iii) the individual does not intend for the cells to be used to initiate a pregnancy.

''(B) ATTESTATION BY RESEARCHERS.—In research involving human somatic cell nuclear transfer technology, human cells may be used only if, in addition to requirements that apply under parts 50 and 56 of title 21, Code of Federal Regulations, the individual with the principal responsibility for conducting the research makes a statement in writing, which is signed by the individual, declaring that the consent of the donor of the cells for the cells to be used in such research was obtained in accordance with this subsection.

''(e) PREEMPTION OF STATE LAW.—This section supersedes any State or local law that—

''(1) establishes prohibitions, requirements, or authorizations regarding human somatic cell nuclear transfer technology that are different than, or in addition to, those established in subsection (a) or (c); or

''(2) with respect to humans, prohibits or restricts research regarding or practices constituting—

''(A) somatic cell nuclear transfer;

''(B) mitochondrial or cytoplasmic therapy; or

''(C) the cloning of molecules, DNA, cells, tissues, or organs;

except that this subsection does not apply to any State or local law that was in effect as of the day before the date of the enactment of the Cloning Prohibition Act of 2003.

''(f) RIGHT OF ACTION.—This section may not be construed as establishing any private right of action.

''(g) DEFINITION.—For purposes of this section, the term 'person' includes governmental entities.

''(h) SUNSET.—This section and section 301(hh) do not apply to any activity described in subsection (a) that occurs on or after the expiration of the 10-year period beginning on the date of the enactment of the Cloning Prohibition Act of 2003.''.

(b) PROHIBITED ACTS.—

(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(hh) The violation of section 1001(a), or the failure to register in accordance with section 1001(c).''.

(2) CRIMINAL PENALTY.—Section 303(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)) is amended by adding at the end the following:

''(7) Notwithstanding subsection (a), any person who violates section 301(hh) shall be imprisoned not more than 10 years or fined in accordance with title 18, United States Code, or both.''.

(3) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

''(h)(1) Any person who violates section 301(hh) or section 1001(d) shall be liable to the United States for a civil penalty in an amount not to exceed the greater of—

''(A) $10,000,000; or

''(B) an amount equal to the amount of any gross pecuniary gain derived from such violation multiplied by 2.

''(2) Paragraphs (3) through (5) of subsection (g) apply with respect to a civil penalty under this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under subsection (g).''.

(4) FORFEITURE.—Section 303 of the Federal Food, Drug, and Cosmetic Act, as amended by paragraph (3), is amended by adding at the end the following:

''(i) Any property, real or personal, derived from or used to commit a violation of section 301(hh), or any property traceable to such property, shall be subject to forfeiture to the United States.''.

SEC. 3. STUDY BY INSTITUTE OF MEDICINE.

(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 to—

(1) review the current state of knowledge about the biological properties of stem cells obtained from embryos, fetal tissues, and adult tissues;

(2) evaluate the current state of knowledge about biological differences among stem cells obtained from embryos, fetal tissues, and adult tissues and the consequences for research and medicine; and

(3) assess what is currently known about the ability of stem cells to generate neurons, heart, kidney, blood, liver and other tissues and the potential clinical uses of these tissues.

(b) OTHER ENTITIES.—If the Institute of Medicine declines to conduct the study described in subsection (a), the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(c) REPORT.—The Secretary shall ensure that, not later than three years after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made in the study is submitted to the Committee on Energy and Commerce in the House of Representatives and the Committee on Health, Education, Labor, and Pensions in the Senate.

The CHAIRMAN. Pursuant to House Resolution 105, the gentleman from Pennsylvania (Mr. GREENWOOD) and a Member opposed each will control 30 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) will be recognized to control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

PARLIAMENTARY INQUIRY

Mr. GREENWOOD. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GREENWOOD. Mr. Chairman, do I need to designate a portion of my time to the minority?

The CHAIRMAN. The gentleman may yield a portion of his time.

Mr. GREENWOOD. Mr. Chairman, I yield half of my time to the gentlewoman from Colorado (Ms. DEGETTE).

The CHAIRMAN. Without objection, the gentlewoman from Colorado (Ms. DEGETTE) will be allowed to control 15 minutes.

There was no objection.

□ 1530

The CHAIRMAN pro tempore (Mr. LINDER). The Chair recognizes the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been a good debate so far. It was a good debate last year. This is about ethical and moral issues. The proponents of the gentleman from Florida's (Mr. WELDON) bill have argued the ethical and moral issues against reproductive cloning; and on that issue, my friend, the gentleman from Florida (Dr. WELDON) and I are in perfect agreement. It is wrong to create a human being through cloning. It is probably physically cruel to do that, because of the likelihood of defect; and it is emotionally, I believe, cruel to do that because no one should be brought into life as a duplicate of another. Each of us has the right to be the product of a mother and a father. So we agree on that.

Now let us deal with the moral and ethical issues that have to do with somatic nuclear transfer. Because what is at stake is well over a hundred million Americans today suffering from diseases like Parkinson's, like Alzheimer's, like cancer, and like diabetes; and as this chart shows, the millions of people suffering today from those diseases and the millions more expected to be suffering from those diseases over the next 10 years.

Now, none of us in this room is an expert on the science of nuclear cell somatic transfer. But those who are the experts tell us this, that with this technology simply requires a limited number of eggs donated by women, denucleated, enucleated. And then the cells, the DNA from something like a cheek cell placed in that nucleus, electricity is applied and then the cells divide. Why do scientists want to do that? They want to do that because we want to observe the miraculous occurrence inside that egg as those cells become first pluripotent stem cells and then divide into specialized cells.

Why do they want to do that? They want to do that because they need to understand the biology and the chemistry as to how that happens. And when they have understood the biology and the chemistry of that process, there is no more need for women to donate eggs in order for the cures for these diseases to come about. Because then doctors in hospitals around the world will be able to take these patients suffering from not only these diseases but from juvenile diabetes, from Alzheimer's, from

spinal cord injuries, from head injuries, and take the somatic cells from that patient, combine them with the growth factors that they identify in this limited amount of research, process healthy cells from our own bodies and use those healthy cells to cure our diseases, to fix our injuries, and to reduce human suffering by amounts that we cannot even imagine.

So the ethical and moral issue here is are we or are we not willing to allow that science to go forward so that we go through this transient phase where we use this relatively small number of ova contributed by willing women to understand how to do this so we can bring about the cure. Now the argument that is presented by the exponents of my substitute, which again bans reproductive cloning, allows this research to continue.

The argument that is proposed is, well, once that cheek cell divides in an egg in a petri dish, it is a potential human being; and, therefore, if it is going to be destroyed after it divides a certain number of times, after the observations are finished that that is immoral.

Now, if that is the case, if that is what you believe, then we should ban in vitro fertilization because in vitro fertilization has produced 100,000 embryos in this country right now that will be discarded, 100,000 of them. Far more order of magnitude than will ever be created through this technology and they are going to be discarded, and that is apparently okay with the proponents of this legislation because it brings beautiful little children into the world to couples who otherwise could not have them.

So that is the trade-off we make. And nobody here is arguing, in fact, to the contrary. They are preserving the need for in vitro fertilization, and yet the number of embryos created and destroyed by in vitro fertilization orders of magnitude is more than we are talking about here. And if we want to get totally philosophical about this, every single day millions of eggs are fertilized in the womb that do not adhere to the uterine walls and are flushed away and somehow that is the way God does it. That is the way nature does it. And we do not hear a gnashing of teeth about that by the makers of this amendment about this bill.

Ladies and gentlemen, this is a turning point in our history. This is a question about whether or not we are going to go forward with the most promising medicine of our time. The ability to stop the suffering, to heal the sick, to cure the injured of diseases that have plagued us for centuries or whether we turn our back on this science in the name of ethics and morals and kill an opportunity to do something that is ethically and morally correct, and that is to prevent this suffering.

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

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

Mr. Chairman, the debate on whether or not human embryos should be cloned is one that goes across religious lines, it goes across philosophical lines, and it goes across political lines; and I certainly can respect those who come down on the other side of this piece of legislation. But this amendment in the nature of a substitute is the equivalent of a political knuckle ball thrown into the debate on whether or not human embryos should be cloned.

In June of 1997, President Clinton's National Bioethics Advisory Committee issued its report entitled ''Cloning Human Beings.'' I referred to this in the general debate, but I want to refer to this again because this is the crux of the argument against the Greenwood substitute. The executive summary of President Clinton's blue ribbon commission states in part: ''The commission began its discussions fully recognizing that any effort in humans to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo with the apparent potential to be implanted in utero and developed to term.''

The whole question around the Greenwood substitute amendment is how to police the cloned human embryos once they are created. Sure, some of them may be used for purposes that the gentleman from Pennsylvania (Mr. GREENWOOD) described in his eloquent opening statement, but others can be implanted in utero and be developed to term. And what does the government do in that case when somebody for whatever purpose they want to announces that they have developed a cloned human being?

This substitute is a big mistake for a number of reasons, and it should not be supported. Most notably it would make the prohibitions against human cloning virtually impossible to enforce, as I have just described. It would foster the creation of cloned human embryos through the Department of Health and Human Services, an agency of the Federal Government; and it would trump States that wish to prohibit cloning. As I have already stated, allowing the creation of cloned embryos by law would enable anyone to attempt to clone a human being. While most individuals do not have the scientific capacity to clone human embryos, once they have been cloned, there has been no mechanism for tracking them and to determine what use those cloned human embryos are being put to. In fact, one would logically expect an organization to authorize the cloned human embryos pursuant to this substitute to be prepared to produce an abundance of cloned embryos for research. Meanwhile, those without the capabilities to clone human embryos could easily implant any one of the legally cloned embryos if they had the opportunity and a child would develop.

The fact is any legislative effort in order to be effective to prohibit cloning must allow enforcement to occur before the cloned embryo is implanted. Otherwise, it is too late, and that is the big deficiency of the Greenwood substitute. The substitute attempts to draw a distinction between necessary scientific research in human cloning by authorizing the Department of Health and Human Services to administer a quasi-registry, quasi because the embryos are not in the custody of HHS. They are maintained by private individuals. However, let us be clear that the crux of this substitute is to invoke a debate on stem cell research. A political knuckle ball in this debate on stem cell research is a red herring.

Just read the bill. First, therapeutic cloning does not exist, not even for experimental tests on animals. Second, the substitute would require authorized researchers to destroy unused embryos, the first Federal mandate of its kind and a step that is extremely controversial. Third, H.R. 534 within its text allows for research using stem cells. Again, the bill does not prohibit stem cell research, notwithstanding the allegations by those who are opposed to it.

Currently, private organizations are able to conduct unfettered research on embryonic stem cells. Further, in August 2001, President Bush announced that Federal funds could be used for research on existing stem cell lines. H.R. 534 would do nothing to hinder that research.

The bill would also not affect research using adult stem cells. Adult stem cells are the other area of stem cell research which is much less controversial and which has been successful in over 45 clinical trials. In fact, adult stem cells have been utilized to treat multiple sclerosis, bone marrow disorders, leukemia, anemia, and cartilage defects, and immuno-deficiency in children.

Adult stem cells have been extracted from bone marrow, blood, skeletal muscle, the gastrointestinal tract, the placenta, and brain tissue to form bone marrow, bone, cartilage, tendon, muscle, fat, liver, brain, nerve, blood, heart and other cells. H.R. 534 would not interfere with this work. It would not interfere with this work. But it prohibits the production of cloned embryos. It is a cloning bill, not a stem cell research bill.

Fourth, the substitute prohibits States from adopting laws that prohibit or more strictly regulate cloning within their borders. It is a Federal preemption. Try telling any of our constituents that they cannot ban human cloning through their State legislatures and I will tell you they will disagree.

Finally, Mr. Chairman, the substitute contains a 10-year sunset provision. If this were to be enacted, Congress would have to go through this debate once again before the sunset occurs. The ethical and moral objections to human cloning will not change 10 years from now or 50 years from now or forever. However, the proponents of human cloning will continue to fight

for their right to produce human clones in America, and authorizing a subsequent ban on human cloning could become even more controversial.

That is why Members on both sides of the aisle should rise in opposition to the substitute, defeat it, and pass H.R. 534.

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

Mr. DEUTSCH. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE), who has been a leader for several years on this issue.

Ms. DEGETTE. Mr. Chairman, in the April 22, 2001, edition of the magazine ''Science,'' researcher Irving Weissman and Nobel Laureate David Baltimore said, ''The wrong action here could close the door to an important avenue of scientific and clinical discovery.''

□ 1545

They were talking, of course, about the restrictions on Federal funding of stem cell research. As Ronald Reagan said, here they go again.

Everybody agrees that we must ban human cloning and our substitute does just that, but the difference in this bill is we allow for the very important somatic nuclear cell transfer technology which is being developed and which will be the cure for many diseases that affect millions of people both in the United States and worldwide.

I hear the opponent of our substitute saying, oh, no, stem cell research will not be hurt, but that could not be farther from the truth, and here is why. Stem cell research is continuing, but the base bill will ban the somatic nuclear cell transfer research that we are talking about. What this research does at this point is it takes somatic cells, so-called therapeutic cloning techniques, it replaces the nucleus, and it makes new cells of tissues that will cure diseases like Parkinson's, Alzheimer's and diabetes. This type of research is truly the clinical extension of stem cell research because without this research we will never have islet cells for diabetics. We will never have the cells for Parkinson's or Alzheimer's or nerve damage because we will not be able to match the patient's tissue.

We are not and we do not support creating embryos for the purpose of this research. Instead, what happens is researchers use existing embryos from reproductive clinics, which are going to be disposed of anyway, and there is no way that this research will be used to clone a human being, period. It will be a criminal act under our substitute.

I do not think people should demagogue this issue. These are very difficult ethical and medical issues, but unless we have some control over the research and unless we ban human cloning, we will not be able to have cures for all of these very important diseases.

As the co-chair of the Congressional Diabetes Caucus, I think we need to do everything we can to support this important cell research but also to have strict control. Forty Nobel Laureates agree with this. More than two thirds of Americans agree with this. Senator Orrin Hatch and former Senator Connie Mack agree with this. And here is what Nancy Reagan said in a letter dated January 29 of this year: ''There are so many diseases that can be cured, we cannot turn our back on this.''

Do not turn your back on all of these procedures.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me the time, and I again want to commend him for his work in this area and his eloquent statements on the floor.

I rise in very strong opposition to this substitute, and I encourage all my colleagues to vote against it and to vote in favor of the underlying bill.

Let me address, first out, one of the issues that seems to be implied by some of the discussion that I have heard so far, and that is, these embryos that are created through somatic cell nuclear transfer process are somehow not embryos or they are cells or they are cheek cells or they are stem cells. I am a scientist, a doctor. I am not an expert in this area, but I know a fair amount about it. I did research in molecular genetics as an undergraduate. I am a physician.

When a person does somatic cell nuclear transfer they are creating a human embryo. Indeed, President Clinton's Bioethics Council has said that, and President Bush's Bioethics Council has said that, a human embryo resulting from the nuclear transfer process is a human embryo. It is contrasted from a human embryo created by sexual reproduction, which is a unique embryo; whereas when we create a human embryo through somatic cell nuclear transfer, we are essentially creating an identical duplicate or twin.

So let us do away with that issue here and now. This is very, very clearly a human embryo. That is what the gentleman from Pennsylvania wants to allow to be created for research purposes. What will happen if we do that? What will happen if we go down that route?

I contend that a lot of things will happen that I think are very, very concerning. Number one, we are going to have a lot of research labs that will need eggs. Where will they get the eggs? They will have to get them from women. How do we get eggs from women? Well, we give them drugs that cause a phenomenon called superovulation. We have to do periodic ultrasounds to make sure they do not develop ovarian cysts, and they can get depression from those drugs; and then once the eggs are ripe, we have to give the woman a general anesthetic to harvest the eggs. And we will have these research labs that are going to need these large quantities of eggs, and this is why these biotech executives say this is a nonstarter in terms of developing so-called therapeutic cloning. The logistics of this are just unimaginable of how we would execute something like this.

One important thing I want to say, if we have all of these labs generating these eggs, we are going to have unscrupulous physicians implanting one of these in a woman, and we are going to usher in the very thing that the gentleman from Pennsylvania and the gentleman from Florida say they are against. They say they are against reproductive cloning, but our own Justice Department says there will be no way to police this. We will have all of these embryos in all of these labs, and the only way to prevent it is to stop it from the very, very beginning.

Might I also just reiterate, adult stem cell research is moving along very nicely. We have heard some very impassioned comments about Parkinson's disease. I want to quote from Dennis Turner, who had his Parkinson's disease treated successfully with adult stem cells. We cannot even produce one research study in a rat where we can cure Parkinson's disease with embryo stem cells or cloned stem cells. But I have got a real live human being here. He says, they were not fetal cells, they were my cells, so I would not have to take any anti-rejection medications the rest of my life. Dennis Turner previously could not even hold a newspaper, and now he is hardly on any medication at all. The adult stem cells are working great.

I say to my colleagues this alternative, this substitute, is unnecessary and unethical. We do not want to go down the path of creating human life for the purpose of exploiting it in the lab and then destroying it.

Vote no on this substitute. Vote yes on the underlying bill.

The CHAIRMAN pro tempore (Mr. LINDER). Is there any objection for the time yielded by the gentleman from Pennsylvania (Mr. GREENWOOD) to the gentlewoman from Colorado (Ms. DEGETTE) to be controlled on the minority side by the gentleman from Florida (Mr. DEUTSCH)?

There was no objection.

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume.

I want to quickly make observations about two contradictions that I think my friend from Florida made. Number one, he said that our substitute cannot be enforced. That does not make any sense. If we can enforce the Weldon law, we can enforce the Greenwood law, and if people are going to make clones in violation of the law, they are going to do it under the Weldon law or the Greenwood law. So that is an argument we should discount immediately.

The second contradiction, which I think is more severe, is that I heard the gentleman from Florida (Mr. WELDON) talk about we are going to have shelves of embryos, we are going

to have embryo farms; we are going to create all of these embryos. He just told us how extraordinarily difficult it is to get one ovum. We have to superovulate a woman. It is very difficult. It is painful. Women are not going to line up to have this procedure.

So there is absolutely no chance whatsoever that we are going to have this huge multitude of eggs. We are going to be lucky to have enough to do the research.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding me the time, and rise in support of the Greenwood substitute because it honors our tradition of medical science.

Medical achievement is part of America's birthright. In the last 50 years we have won more Nobel prizes than England, Germany, Russia, France, Sweden, Canada, Denmark, Japan and Switzerland combined. Six out of 10 Nobel prizes in medicine come just to America.

Part of our achievement is due to Congress because we have supported medical research. Republicans and Democrats joined to double biomedical research at the National Institutes of Health. But part of our achievement is also because Congress did not impede research. Unlike Iran, we follow the guidance of doctors, not doctrines.

America's medical leadership conquered yellow fever, diptheria, cholera and smallpox and polio; and words like ''gout,'' describing excess uric acid, or ''consumption,'' describing tuberculosis, were commonly used by our grandparents but are now aliens outside our children's vocabulary.

We stand on the edge of new victories. AIDS is no longer a death sentence in America, and peer-reviewed scientists predict that Americans are in their last decade of diabetes. In my district, we are building a human kidney using stem cells, an achievement that would cause the word ''dialysis'' to drop from the English language.

Parkinson's and Alzheimer's will one day make their last stand against the tide of American research. And think of it: a world without diabetes, Parkinson's, Alzheimer's or dialysis.

It is our duty to honor the American tradition of medical science to hasten the day when these diseases no longer plague our mothers and fathers. In the Navy, we say, ''Lead, follow, or get out of the way.'' I urge Members to support the Greenwood substitute: Lead, follow or get out of the way.

The Greenwood language continues America's leadership. Other countries will continue to follow us, and at the very least, it gets Congress out of the way of future cures.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I rise to state today that I am strongly pro-choice. I am strongly pro-stem cell research, and I have profound discomfort in opposing many of my professors who oppose the Weldon-Stupak bill which I favor, and I urge support of the Weldon-Stupak bill and reluctantly urge defeat of the substitute bill.

I think that this is a time to pause. It is a time which behooves caution, that we take some time to let our ethics catch up with our technology. Our technology has gotten to the point where we are talking about genetic mixes, mixing of human and animal cells and other procedures which I think the public has a reasonable, profound discomfort with.

Many scientists say it is incredibly dangerous to stop any form of experimentation. I submit to my colleagues that we do stop certain forms of experimentation. We no longer permit the kinds of experiments on nonhuman primates which potentially could protect us in vehicle accidents. The Nuclear Test Ban Treaty is nothing but a cessation of certain forms of experimentation, and many scientists were in favor of the destruction of the last stocks of smallpox virus which would have stopped experimentation on that virus.

There are times, very rare, but there are times when it behooves caution to pause, to pull back, and to deeply consider. I differ with the chairman that perhaps in 5 or 10 years, science and the ethics may lead us to a different conclusion. But perhaps it leads us to the same conclusion. We should come back and force Congress to address this issue in 5 or 10 years.

At this point in time, I rise to support the Weldon-Stupak bill and in opposition to the Greenwood-Deutsch substitute, and I submit for the RECORD an article from the Washington Post, April 11, 2002, on this subject.

NOT READY FOR HUMAN CLONING

(By Bill Frist)

WASHINGTON POST.—Can one be an advocate for embryonic stem cell research while opposing human cloning experimentation? That's the question facing about 30 U.S. senators who have not yet taken a position on human cloning legislation to be brought before the Senate.

But we must first understand the similarities and distinctions between the two. It's important to understand that human ''therapeutic'' or ''research'' cloning is an experimental tool often confused with, but distinct from, embryonic stem cell research. Only then can we appropriately dissect a debate on the potential of the science vs. the restraint defined by ethics and moral concerns.

Most agree that human reproductive cloning, or the cloning of human beings, should be banned. The contentious issue is whether this ban should extend to all human cloning, including human embryo a research cloning experimentation, a brand-new field. Advocates point to its potential to develop tissues that will not be rejected by a patient's immune system. They also argue for human cloning as a source of genetically diverse stem cells for research. Moreover, they say such experimentation will further our basic understanding of biology and life's origins.

But regardless of our religious backgrounds, most of us remain uncomfortable with the idea of creating cloned human embryos to be destroyed in an experiment.

As a physician and legislator who struggles with this inherent tension between scientific progress and ethical concerns. I focus on two fundamental questions: (1) Does the scientific potential of human research cloning experimentation justify the purposeful creation of human embryos, which must be destroyed in experiments? (2) Does the promise of human embryonic stem cell research depend on experimental human research cloning?

At this point in the evolution of this new science, I cannot justify the purposeful creation and destruction of human embryos in order to experiment on them, especially when the promise and success of human embryonic stem cell research do not depend on experimental research cloning.

President Bush last August outlined a scientifically and ethically balanced policy that allows federal funding of embryonic stem cell research for nearly 80 stem cell lines. This has opened the door to a significant expansion of embryonic stem cell research. Further, there are no restrictions on private research using stem cells from the thousands of embryos left over after in vitro fertilization. This research, too, is underway. The promise and hope for new cures is being investigated. And the promise of this research does not—I repeat, does not—depend on human embryo cloning.

Human cloning would indeed provide another source of stem cells—this time by asexual reproduction. But a human embryo still has to be created—then destroyed—to produce these stem cells. Moreover, very little research cloning experimentation has been done with animals—a prerequisite to any demands for such work in humans. Given the early state of this uncharted new science, the large number of federal cell lines and the unlimited number available for private research, I believe a sufficient number and range of cell lines are available.

As a heart transplant surgeon, I know intimately the challenges of transplant rejection. But I also know of multiple promising strategies to address this issue, such as the development of ''tolerance strategies,'' improved pharmacologic immunosuppression and the manipulation of cell surface structure to make cells ''invisible'' to the immune system—none of which carries the ethical burdens attached to human cloning.

No one can deny the potential that human cloning holds for increased scientific understanding. But given the serious ethical concerns this research raises, the fact that promising embryonic stem cell research will continue even under a cloning ban, the lack of significant research in animal models and the existence of promising alternatives, I am unable to find a compelling justification for allowing human cloning today.

The fact that we are even engaged in this debate testifies to the rapid and encouraging progress of science. For now, the proper course is to stop short of allowing cloning research in humans but to enthusiastically embrace the public and private stem cell research that holds such great hope for those who suffer from a wide range of disorders and conditions, such as Alzheimer's disease, Parkinson's disease and diabetes.

Mr. DEUTSCH. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO), who, based upon long background and interest in this area, has been a leader in terms of health care for all Americans.

Ms. ESHOO. Mr. Chairman, I thank my distinguished colleague for yielding me the time.

I rise today in support of the substitute and in opposition to the underlying bill.

There are three major points that need to be made. First, the substitute bans human cloning in any form, period. It has stiff criminal and civil penalties imposed on anyone who would attempt human cloning, and both bills do that.

□ 1600

One is not diminished with a stronger bill. They both absolutely provide that.

Second, the underlying bill takes a step that I do not think can be talked about enough, and that is that it turns scientists and researchers, who I think are the merchants of hope, into criminals simply for trying to find cures for our most dreadful diseases.

In the life of our Nation, there have been many times that white-hot issues have been debated in the Congress. In the mid-1970s, the subject was recombinant DNA. Today, this procedure is responsible for the insulin that allows children with juvenile diabetes to live normal lives. It was such a debate like this one today that took place in the Congress, and there were Members that stood up and said we cannot do this, the sky will fall, it is not moral, it is not ethical; and yet we took the steps to move in that direction.

In the late 1970s, and again in the early 1990s, the subject was in vitro fertilization. Many Members questioned then, in a very important debate, how we could allow that process to go forward; and yet today there are many happy families as a result of it. Today, the opposition characterizes this in a very unusual way. In my view, it is the equivalent of book burning, to criminalize scientists and researchers and ban what they do.

It is important to take note of how these debates have gone forward. I think the Congress needs to move forward today with scientific discovery and also affirming life and protecting it. We can do both. I understand that this is a difficult issue for some Members, but I think that we need to look at who stands with us in this, the groups that support H.R. 801. Is Stanford University off its rocker? Is the American College of Obstetricians and Gynecologists totally wrong in this? Is the American Gastroenterological Association wrong? How about the American Infertility Association, the American Medical Association, the American Society for Cell Biology, the National Health Council, the Lymphoma Research Foundation, the International Foundation for Anticancer Drugs?

I could go on and on. Mr. Chairman, I urge my colleagues to read the list that I will ask be placed in the RECORD and to read it carefully. Let us ban human cloning, let us support American research and those that are a part of it.

Mr. Chairman, the list I just referred to is submitted herewith for the RECORD.

Groups Supporting H.R. 801—Alliance for Aging Research, Alpha-1 Foundation, ALS Association, American Association of Neurological, Surgeons/Congress of Neurological Surgeons, American College of Obstetricians and Gynecologists, American Council on Education, American Foundation for AIDS Research (amfAR), American Gastroenterological Association, American Infertility Association, American Medical Association, American Society for Cell Biology, American Society for Microbiology, American Society for Reproductive Medicine, American Society of Hematology, Association for Women in Science, Association of American Medical Colleges, Association of American Universities, Association of Reproductive Health Professionals, Biotechnology Industry Organization, California Institute of Technology, Californians for Cure, Canavan Research Illinois, Cancer Research and Prevention Foundation, Cedars-Sinai Health System, Children's Neurobiological Solutions, Christopher Reeve Paralysis Foundation, Coalition of Patient Advocates for Skin Disease Research, Columbia University Committee for the Advancement of Stem Cell Research, Cures Now, Duke University Medical Center, Elizabeth Glaser Pediatric AIDS Foundation, Genetic Alliance, Hadassah, Harvard University, Hereditary Disease Foundation, Hope for ALS.

International Foundation for Anticancer Drug Discovery (IFADD), International Longevity Center—USA, International Psoriasis Community (IPC), Jeffrey Modell Foundation, Johns Hopkins Medicine, Juvenile Diabetes Research Foundation, International Lymphoma Research Foundation, Monash University, National Association for Biomedical Research, National Coalition for Cancer Research, National Coalition for Cancer Survivorship, National Council on Spinal Cord Injury, National Health Council, National Venture Capital Association, Parents of Infants and Children with Kernicterus, Parkinson's Action Network, Parkinson's Disease Foundation, Project A.L.S., Quest for the Cure, Research!America, Resolve: The National Infertility Association, Rett Syndrome Research Foundation, Society for Women's Health Research, Stanford University, Stem Cell Research Foundation, Steven and Michele Kirsch Foundation, Tourette's Syndrome Association, Tuberous Sclerosis Alliance, University of California System, University of Minnesota, University of Rochester Medical Center, University of Southern California, University of Wisconsin-Madison, Vanderbilt University and Medical Center, Washington University in St. Louis, WiCell Research Institution, Wisconsin Alumni Research Foundation, Wisconsin Association for Biomedical Research and Education.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding me this time.

Mr. Chairman, on the eve of this debate in July 2001, Washington Post columnist Charles Krauthammer referred to Mr. GREENWOOD's legislative approach to human cloning ''a nightmare of a bill.'' He said, ''Mr. GREENWOOD sanctions, licenses, and protects the launching of the most ghoulish and dangerous enterprise in modern scientific history, the creation of a nascent cloned human life for the sole purpose of its exploitation and destruction.''

The majority of the House, like Mr. Krauthammer, rejected the Greenwood amendment by a vote of 178 to 249. We got it right then, and I do hope that Members today will vote against the Greenwood substitute. The Greenwood substitute, Mr. Chairman, would, for the first time in human history, sanction the creation of human life with the demand, backed by new Federal criminal and civil sanctions, that the new life be destroyed after being exploited.

For the small inconvenience of registering your name and your business address, and filling out a form, you would be licensed to play God by creating life in your own image or someone else's. You would have the right to create embryo farms or anything else science might someday allow to be created outside the womb. And in the end, only failure to kill that which you had created would be against the law. We call it, Mr. Chairman, clone and kill. Amazingly, the only new crime created by the Greenwood amendment is failure to kill all human lives created. Federal law would say, create as many as you like, so long as you eventually kill them.

Mr. Chairman, the clear consequence, I believe, of the Greenwood substitute is that it would not even stop the birth of a human clone, which it proposes to do with a moratorium. Because his approach would encourage the creation of cloned embryo stockpiles and cloned embryo farms, it would make the hard part of human cloning completely legal and would make the relatively easy part, implantation, illegal.

I strongly support the underlying bill and urge rejection of the Greenwood substitute.

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume, and ask my friend from New Jersey how we would wind up with a cloned embryo stockpile? How would that happen?

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I would just say to my friend, Mr. Chairman, that once this process is sanctioned and encouraged legally Federal dollars or other dollars might follow, and embryos will be cloned, this, I believe over time, human embryo farms, this science, will be certainly doable. And it is doable. We know that.

Mr. GREENWOOD. Mr. Chairman, reclaiming my time, and then I will yield to the gentleman again.

Mr. SMITH of New Jersey. Let me finish. You asked me a question.

Mr. GREENWOOD. I am reclaiming my time, and then I will yield to the gentleman again.

Mr. SMITH of New Jersey. But over time there would be the creation of human embryo farms.

The CHAIRMAN pro tempore (Mr. LINDER). The gentleman from Pennsylvania controls the time.

Mr. GREENWOOD. Mr. Chairman, I would love to have a dialogue with the gentleman, but let us go back and forth a little here.

The gentleman from New Jersey said over time we would clone eggs. Can the gentleman explain how you clone an egg? Is the gentleman suggesting we can take one egg and turn it into multiple eggs?

Mr. SMITH of New Jersey. If the gentleman will continue to yield, I said we would clone cells that would become identical to those that they were from, whether it be from you or I or anyone else. They would become an embryo capable of growing, if uninterrupted, into a young person, into an elderly person, and to a natural death.

Mr. GREENWOOD. Reclaiming my time once again, I am not sure, with all due respect, that my friend from New Jersey understands this process.

You cannot, you cannot, you cannot take one cloned entity and multiply it. You have to go back and get another egg. The gentleman from Florida (Mr. WELDON) described how extraordinarily difficult it is to get one egg. You have to find a woman who is willing to be superovulated and give up an egg to science. You cannot multiply that egg into more embryos. You can make one.

So, Mr. Chairman, I ask the gentleman again, can the gentleman explain the science by which he claims that we are going to wind up with, as he said, embryo stockpiles, embryo farms? Where do these thousands of eggs that the gentleman describes in this fictitious nightmare come from?

Mr. SMITH of New Jersey. I thank the gentleman for continuing to yield, Mr. Chairman, and respond that it will happen over time, as financial inducements are provided. As some of our colleagues pointed out earlier in the debate, when money is provided, some women may be induced to sell their eggs; and many thousands, if not tens of thousands of eggs will be produced over time. There will be a magnet provided to these women, especially the poorer women, to offer up their eggs for this kind of operation.

Mr. GREENWOOD. Mr. Chairman, the gentleman has answered my question, and I will reclaim my time.

The gentleman proposes in his response to my question that women of America are going to line up for dollars so they can be superovulated, and it is the most ridiculous and disrespectful attitude towards women I can imagine. To think that the gentleman from New Jersey believes that the women of this country are going to line up for a painful procedure, and one as intimate as the donation of eggs for money, I think, is incredible.

The proponents of the Weldon bill would like to paint those of us who think that this research, this transient period of research so important for science, as somehow out of the mainstream. The gentlewoman from California talked about some of the organizations that stand with us. Let me name some others:

The Alliance for Aging Research, the Alpha-1 Foundation, the ALS Association, the American Association of Neurological Surgeons, the Congress of Neurological Surgeons, the American College of Obstetricians and Gynecologists, the American Foundation of AIDS Research, the American Gastroenterological Association, the American Infertility Association, the American Medical Association, the American Society for Cell Biology, the American Society for Reproductive Medicine, the American Society of Hematology, the Association of American Medical Colleges, the Cancer Research and Prevention Foundation, the Christopher Reeve Paralysis Foundation, the Children's Neurobiological Solutions Organization, the Coalition of Patient Advocates for Skin Disease Research, the Genetic Alliance, Harvard University, Hope for ALS, Lymphoma Research Foundation, the National Association for Biomedical Research, the National Coalition for Cancer Research, the National Coalition for Cancer Survivorship, the National Council on Spinal Cord Injury, National Health Council, the Parents of Infants and Children with Kernicterus, Parkinson's Action Network, the Parkinson's Disease Foundation, Research America, Tourette's Syndrome Research Foundation, et cetera.

This is the mainstream of American medicine. This is the mainstream of American science. This is the intelligentsia of America who actually understand how this science works, who do not walk around thinking you can multiply eggs through science and who do not believe women are going to line up by the tens of thousands for dollars to produce these fictitious embryo farms.

My colleagues, there is a time in American history where we are either going to decide to go with the people who understand this stuff and the people who have compassion in their hearts for these people with these diseases, or we are going to fall prey to this Luddite anti-scientific and demagogical approach.

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

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

Mr. Chairman, the gentleman from Pennsylvania is way off base, and I can tell my colleagues from my own family experience how far off base he is.

My mother died of Alzheimer's disease. For the last year and a half of her life, she did not know who I was, she did not know who my wife was, she did not know who my sister was, or who my kids were. And to insinuate that those of us who disagree with the gentleman's amendment are Luddites and insensitive is flat-out wrong.

Furthermore, my beloved wife, who I have been married to for almost 26 years, has had a spinal cord injury. She has no sensitivity below her waist. She is a wonderful woman. She has given me two wonderful children, and we have lived day by day and minute by minute with that kind of a condition; and she and I are both in favor of what the gentleman from Florida (Mr. WELDON) is trying to do because there is an ethical issue and there is a moral issue involved in this, which many people want to turn their backs on. But in my family we have to live with it every day and every minute, and we will until death do us part.

Now, the whole issue on this amendment, to get back to my initial remarks, is the policing of what is done with the cloned embryos that the Greenwood amendment allows. 99.99 percent of the people that do the experimentation on cloned embryos may do it in an entirely ethical manner. But all we need is one unethical person to implant a cloned embryo in utero and we have a cloned baby. And once that unethical person plants the cloned embryo in utero and it starts developing as a fetus, what does that gentleman's amendment do about it? Absolutely nothing. Are we going to throw somebody in jail for doing that? Are we going to throw the mother in jail for doing that? No way. The baby is going to be born, and we are going to have a cloned human being.

Again, Bill Clinton's bioethics panel said: ''The commission began its discussions fully recognizing that any effort in humans to transfer a somatic cell nucleus into an enucleated egg involves the creation of an embryo with the apparent potential to be implanted in utero and developed to term.''

□ 1615

Your substitute does not deal with this issue at all. That is why it is fatally flawed.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. I want to get at this issue of eggs and how are you going to get them. The gentleman from Pennsylvania has implied that my concerns about women's donation are unfounded. Let me just underscore from the start that there are a lot of people on the left that have a lot of concern about this issue. One of the first people who came into my office to join forces with me on preparing this legislation was Judy Norsigian. She is pro-choice. She helped write the Boston Women's Health Cooperative book, ''Our Bodies, Ourselves.''

Indeed, I think some of the concern about this issue is why I think seven Democrats, seven or eight Democrats with a perfect voting record with NARAL, supported my bill in the 107th Congress and it is over this concern. The gentleman from Pennsylvania implied it's ridiculous, women aren't going to be lining up. The issue is essentially this. If you are going to start doing a lot of this experimentation, you are going to need a lot of eggs because not every egg you put the nucleus in and then zap it with electricity begins to divide and form an embryo. There is a fairly high failure rate if you

actually read the research articles, which I have done. There is a pretty high failure rate. So you are going to need lots of eggs to create a few embryos and you are going to need a lot of women to get a lot of eggs.

And who will donate their eggs? Well, it is going to be women who will do it for money. It is a painful procedure. Women do this right now. The fertility clinics frequently deal with women who are older and their eggs are not very viable and so they pay typically coeds to donate some of their eggs so that some of these older women can actually have a baby. It is already going on today. But it is going on today on a very limited level and it is going on today for what I think is an ethically and morally appropriate purpose: somebody wants to have a baby, somebody struggling with infertility. But now we are going to be talking about creating these eggs for this research.

The research, Mr. Chairman, is going nowhere. I have read the reports. It is not going to ever lead to any cures. The reason the biotech industry wants the Greenwood amendment to prevail and does not want my position to prevail is because they want to create human models of disease so that we can get away from using rats and mice as our models for disease. To me, this is a huge issue. You are talking about creating human embryos, modifying them genetically to preprogram them with diseases, and then selling them for a profit by the biotech industry.

I said before, it is an abomination. If you do not think that is an abomination, I do not know what you think is. To me it is absolutely ghastly.

Let me just close by again saying all of this research can proceed with animal models unfettered under the provisions of the bill that the chairman has brought to the floor. You can continue with animal research. You can clone DNA. You can clone animals. You can clone cells. You just cannot create a human embryo under the provision of this legislation. I think it is the right thing to do. I think that morally it is the correct thing to do. I would again encourage all of my colleagues to vote ''no'' on this substitute and vote ''yes'' on the underlying bill.

I want to commend the gentleman from Wisconsin for his very eloquent remarks.

Mr. DEUTSCH. Mr. Chairman, may I inquire how much time each of us has remaining?

The CHAIRMAN pro tempore (Mr. SIMPSON). The gentleman from Florida (Mr. DEUTSCH) has 9 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 5 minutes remaining. The gentleman from Pennsylvania (Mr. GREENWOOD) has 30 seconds remaining.

Mr. DEUTSCH. Mr. Chairman, I know, at least at this table, we have literally probably about 10 or 12 or 15 Members who would like to speak. I would at least ask for unanimous consent to offer each side an additional 10 minutes.

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

Mr. SENSENBRENNER. Mr. Chairman, reserving the right to object, there is a snowstorm bearing down on this city. There are numerous Members who have asked me to speed this debate up so that they can get out of town and not be marooned here. I would ask the gentleman from Florida to have compassion on those Members and withdraw his unanimous consent request. If he persists, I am constrained to object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. DEUTSCH. Mr. Chairman, I hear the possibility of objection so I withdraw it at this point in time.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SCHIFF), an original cosponsor of the legislation who is very knowledgeable about this issue.

Mr. SCHIFF. I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to address my remarks to some of the arguments that have been made by the opposition to the substitute: first, that other research will adequately substitute for somatic cell nuclear transfer; second, the policing issue; and third, the moral issue.

On the first issue, there is no adequate substitute for the science of somatic cell nuclear transfer. Adult stem cells do not have the same potential to differentiate. And even if you are talking about embryonic stem cells, the advantage of the somatic cell nuclear transfer is that the transfer will bear the DNA of the patient who is being treated and it will not be rejected by the patient. That is a vital distinction, because it will not necessitate the use of immunosuppressant drugs. So there is no adequate substitute for this type of research.

On the second point, that we cannot adequately police this if we allow this. As a practical matter and speaking as a former prosecutor, if we want to preclude any possibility of abuse, we not only need to preclude any kind of stem cell research, we need to ban and close down every fertility clinic in the country. When has it been the case that because of the possibility of abuse or criminality we would shut down important, vital avenues of research? That has never been the policy of the United States. It is one of the reasons we lead the world in research and one of the reasons we have to continue to lead.

Finally, on the most difficult question, and that is the moral question, the question of when life begins. This is not a question that we can resolve on the House floor. It is something we all bring our faiths to bear on. But what we can decide is whether we are willing to use the coercive power of the government to make that decision for everyone else; whether we are willing to use that coercive power to say that we will deny people treatment derived from this important science because some of us have a view of life that life begins with the fertilization of an egg or with a somatic cell nuclear transfer when others do not. I would urge my colleagues to deny themselves the benefit of that research if they choose, but do not deny it to the rest of the world.

Mr. DEUTSCH. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Chairman, since the House last considered a ban on cloning, the National Academy of Sciences and the President's Council on Bioethics have both issued reports on the ethical and social questions raised by cloning. H.R. 534 does not reflect the recommendations of either body.

In moving to head off the morally unacceptable practice of cloning human beings, the National Academy of Sciences concluded that we must take great care not to limit the process of somatic cell nuclear transfer which holds considerable potential for developing new therapies and advancing biomedical knowledge.

The 17 members of the President's Council on Bioethics were divided on a final policy recommendation, but even the most conservative members of the council recommended only a 4-year moratorium on therapeutic cloning, not an outright ban as the Weldon bill would mandate.

There is a compelling moral case for therapeutic cloning based on our obligation to relieve human suffering and to affirm human health and life. The Greenwood substitute maintains the critical scientific and moral distinction between reproductive cloning, which we all agree should be banned, and therapeutic cloning which has tremendous potential for human benefit.

Vote against H.R. 534 and for the Greenwood substitute.

Mr. DEUTSCH. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in very strong support for this substitute amendment. Embryonic stem cell use is necessary in discovering the causes of a myriad of genetic diseases, to testing new drug therapies more efficiently on laboratory tissue instead of human volunteers, and to staving off the ravages of disease with the regeneration of our bodies' essential organs.

Contrary to what opponents have been saying, this substitute does not give a green light to individuals and companies who perform human somatic cell nuclear transfer. It requires them to register with the Food and Drug Administration which will act as an independent oversight committee. The Greenwood substitute formalizes in law what is already being practiced across this Nation.

If the underlying bill instead of the substitute passes, it will represent a

triumph for ideological special interests over the public interest, because the public interest is best served when the medical and the scientific community is free to exercise their professional judgment in extending and enhancing human life.

Mr. DEUTSCH. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

(Mrs. DAVIS of California asked and was given permission to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Chairman, I rise in support of the Greenwood substitute. We know that the people who have come before us today have said, and they have said this very clearly, that none of us supports cloning as a means of human reproduction. But we also know that drug discoveries often have narrow targets. I believe that my colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), mentioned the number of organizations that are supporting this. Those who suffer from unusual illnesses that kill the young seldom have sufficient numbers to stimulate drug research; but it is this basic research we are talking about, this basic research into cell reproduction that, if successful, could benefit large numbers of such diseases, each of which affects a small number of people.

None of us here would want to look a constituent in the eye and say that we rejected the possibility of pursuing 21st century science which might have saved the life of their loved one.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the good doctor from Florida's legislation, H.R. 534, and against the Greenwood substitute. I also want to thank my chairman on the Committee on the Judiciary for moving the legislation through our committee and bringing it here today.

I am very concerned by the language of the substitute and its ramifications. Leon Kass, the distinguished bioethicist, notes that under the Greenwood language, embryo production is explicitly licensed and treated like drug manufacturing. Furthermore, it would establish an unworkable system of embryos in labs all over the country and puts Federal law enforcement in charge of making sure that no egg is ever implanted in a woman's body. Our law enforcement officials simply cannot carry out the directive.

The language of the base bill is narrowly tailored. Simply, the language ensures that women are not exploited so their eggs cannot be mass harvested as commodities for research purposes. And the language prohibits the creation of cloned human embryos for experimental research or productive purposes. I urge my colleagues to oppose the substitute and to support this important legislation.

Mr. DEUTSCH. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. RUPPERSBERGER), one of our new Members.

Mr. RUPPERSBERGER. Mr. Chairman, I am not in favor of cloning humans for reproduction but I do favor the medical research that the Greenwood substitute would provide. Every day in this country hundreds of thousands of Americans suffer from the effects of degenerative disease and spinal cord injuries. As a young attorney I was in a car accident where I nearly lost my life. Maryland's Emergency Medical Shock Trauma system saved my life. Medical research saved my life. To this day I continue to serve as vice chair of the Shock Trauma Board. My work with shock trauma has put me in contact with a number of people who are suffering from degenerative diseases and spinal cord injuries.

My good friend Burt Greenwood from Baltimore has Lou Gehrig's disease. Every day he fights to stay with us. Every day he hopes that stem cell research someday will give him a chance. That is why I stand in support of the Greenwood amendment. We must make continued research a reality and not just a hope for the families that we represent.

Let me quote Dr. Jeffrey Rothstein, a professor of neurology and the director for ALS research at Johns Hopkins University:

> No responsible scientist wants to clone a human. Responsible scientists want to continue the research for cures to degenerative disease. Stem cell research holds the only hope for thousands of suffering Americans.

□ 1630

Mr. DEUTSCH. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Chairman, this debate is not about human cloning, and everybody in this Chamber knows that. In fact, both bills ban human cloning. This debate is about whether there is going to be medical research that may provide answers to some of the horrible diseases that afflict people. I want my colleagues to meet little Claire, 3½, and Lauren, 5. They have a disease called SMA, spinal muscular atrophy. It is a genetic disease. Half the kids diagnosed with this die by the time they are 2 years old. All they want is a chance. They have hope. H.R. 534 takes the chance for a cure away from them. I hope that the people on the side of H.R. 534 will think about that. All they want is a chance. Is that too much to ask?

Please, I implore my colleagues here to vote for the Greenwood substitute and against H.R. 534.

Mr. DEUTSCH. Mr. Chairman, I yield 30 seconds to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I thank the gentleman from Florida (Mr. DEUTSCH) for yielding me this time.

Mr. Chairman, I rise today in support of the Greenwood substitute and in opposition to H.R. 534. I join with my colleagues in making one thing perfectly clear: I am opposed to cloning of humans. I do not believe there is any justification in replication of a human being. However, I believe that we in Congress have a responsibility to carefully craft Federal legislation on cloning that will not outlaw legitimate medical research that may save or enhance the lives of many.

Former First Lady Nancy Reagan has stated her support of therapeutic cloning because it offers the best hope for curing Alzheimer's. I am supporting the amendment. I urge my colleagues to do the same.

Mr. DEUTSCH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am going to read a letter that Nancy Reagan wrote to this Congress on this issue. ''As you may know, Ronnie will observe his 92nd birthday soon. In earlier times we would have been able to celebrate that day with great joy and wonderful memories of our life together. Now, while I can draw strength from these memories, I do it alone, as Ronnie struggles in a world unknown to me or the scientists who devote their lives to Alzheimer's research. Because of this, I am determined to do what I can to save other families from this pain. I'm writing, therefore, to offer my support for stem cell research and to tell you I'm in favor of new legislation to allow the ethical use of therapeutic cloning. Like you, I support a complete ban on reproductive cloning. However, I believe that embryonic stem cell research, under appropriate guidelines, may provide our scientists with many answers that are now beyond our grasp. Sincerely, Nancy Reagan.''

Mr. Chairman, there are those families that might not choose to want to use this research, and my colleagues mentioned, themselves, that they would not. This bill actually bans the importation of those cures. I doubt there is a family in America that if Alzheimer's was cured through this research in Ireland, Japan, Germany that they would not use it; and I would not ask a Member personally to state what would happen on the floor if that was the case, but I ask them to look into their own hearts before they vote about that.

Finally, I would say that that is the issue in front of us today. I urge the support of the substitute and adoption of the final bill.

Mr. GREENWOOD. Mr. Chairman, I yield myself such time as I may consume.

It has been a good debate. The gentleman from Wisconsin seemed to think that I was impugning the opponents of my substitute. I am not. My point was that contrary to the argument that the gentleman from New Jersey (Mr. SMITH) made that the purpose of this research is strictly for the exploitation and destruction of human life is wrong, this is about hope. This is about trying to stop suffering, and we

have a choice to make here between fear and hope, and I encourage my colleagues to support hope. Support the Greenwood-Deutsch amendment and vote ''no'' on the Weldon bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Florida (Mr. WELDON), the author of the bill.

Mr. WELDON of Florida. Mr. Chairman, I again thank the chairman for his work in this area, and I thank him for yielding me this time.

The Greenwood substitute purports to be a ban on human cloning. It is a moratorium on human cloning. It is a 10-year prohibition that sunsets; and it allows unfettered, essentially, the creation of human embryos in the lab for the purpose of research; and then it requires their destruction, essentially, through a process called somatic cell nuclear transfer or human cloning.

We have never gone in this direction before where we are actually talking about creating human embryos in the lab for exploiting them and destroying them. There have been a few labs in different places in the country that have tried to do this. One successfully. There are fertility clinics that have so-called excess embryos, and some of them have made those embryos available for stem cell research. This bill does not affect that. That would be permissible to move forward.

The question before us is, is the Greenwood substitute a real ban on human cloning? I contend it is not. It would still allow the creation of clones in the lab in embryonic form, and I believe very strongly that it will usher in what the supporters of the substitute claim that they do not want to see and that is reproductive cloning, because we will have all of these labs generating these embryos and eventually one of them or more will find its way into unscrupulous hands, will be implanted, and will result in reproductive cloning.

Might I also add that there are some people who want to allow this research to move forward so that they can some day be able to do reproductive cloning. At a hearing we had on this issue, I had Dr. Brian Cohen testify before the committee, and he repeatedly said, ''We are opposed to reproductive cloning at this time.'' He kept saying ''at this time.'' And I finally asked him, ''What do you mean by 'at this time'?'' And he is the executive director, or the president, of the American Society for Reproductive Medicine; and then he went on to basically say that if they can work through all of the problems with cloning that they would some day like to be able to do it. And what will happen, what will be next with that? I contend that the age of eugenics will have arrived. There will be people who will then want to manipulate these embryos for the purpose of creating a human with preintended specifications, specifying size, height, weight, athletic performance, intellectual capabilities; and it will open a Pandora's box of frightful potentialities that I feel that we as a civilization do not want to open up, and therefore I strongly encourage my colleagues on both sides of the aisle to vote against the substitute and vote ''yes'' on the underlying bill.

Mr. EVANS. Mr. Chairman, I have come before you today to share my strong opposition to H.R. 534 and to ask my colleagues to vote for the Greenwood substitute. It is very important to me personally that we take a serious look at the issue of banning technology for the inherently different uses of creating embryos for both therapeutic cloning and reproduction cloning.

First, this issue does not conflict with religious faith. One leading scientist provides this description of cloning technology: ''Because there are no body cells of any kind, and the cells have not yet individualized they are not a person yet, by definition. Saying that a preimplantation embryo is a human being and arguing that therapeutic cloning is, therefore, unethical is simply not based on fact.''

Therapeutic cloning and stem cell research have the potential to bring us exciting new treatments and possible cures for many of our most debilitating diseases and injuries including Parkinson's, diabetes, heart disease, multiple sclerosis, burns, and spinal cord injuries. The list goes on. The number of Americans suffering from these afflictions—and indeed the number of those who will potentially reap the benefits—is estimated to be over 100 million. Mr. Speaker, and as someone with Parkinson's Disease, I am one of those millions.

Critics of therapeutic cloning and embryonic stem cell research say that there has been little progress and these techniques offer only pipe dreams to those who are sick or dying. I ask my colleagues why this fledgling science which is in its infancy should be banned before further developments and progress can be made.

Opponents to therapeutic cloning say that the possible evils associated with creating cloned human beings are so great that we need to ban the technology itself, that is a slippery slope. This is simply not the case, and the Greenwood substitute institutes severe criminal penalties for anyone involved in implanting a cloned embryo in a women's uterus.

In fact, the only slippery slope in this debate—the fate of embryos, which may be applied then to embryos created for in vitro fertilization, that are created with a possibility of being discarded is at stake. As a society, we have accepted and even embraced the science of in vitro fertilization. Deciding that we should more to a society in which embryos should never be created with the knowledge that they would be discarded would not only affect the importance research of embryonic stem cells but also affect the millions of Americans who gain hope of bearing their own children by in virto fertilization.

Regeneration medicine provides hope for millions of Americans. It is the future of medicine for so many of our citizens who suffer every day. It holds hope for my life. Let us leave science and medical technology to our medical technology to our medical researchers and use our time to focus on this Nation's real problems. I urge my colleagues to vote for the Greenwood substitute, H.R. 801, and vote against H.R.534.

Mr. KIND. Mr. Chairman, I rise today in strong opposition to H.R. 534 and in strong support for the Greenwood/Deutsch/DeGette/Eshoo/Kirk substitute. The United States has long been the leader in medical research and biotechnology. Biotechnological advances have the potential to transform the way we treat many debilitating diseases.

One promising way that biotechnology is changing our lives is through the potential of stem cell research and therapeutic cloning. Therapeutic cloning is not cloning in the sense most people use the term, namely using technology to create a person who is a genetically identical copy of someone else. That type of cloning is reproductive cloning and is rightfully subject to a ban. The Greenwood Substitute would do just that.

In addition, the Greenwood Substitute would also permit therapeutic cloning. The potential therapies that may be developed from therapeutic cloning are significant. Therapeutic cloning will help researchers pursue stem cell therapies that could impact the lives of millions of Americans suffering from many of our most devastating illnesses, including Alzheimer's disease, Parkinson's disease, ALS, heart disease, cancer, and spinal cord injury. Further, this technology offers hope to the more than 1 million American children who suffer from juvenile diabetes because of the potential to turn these cells into insulin-producing cells.

We have entered the 21st Century and are on the verge of breakthrough biomedical discoveries that could save millions of lives. H.R. 534 would halt vital research that has the potential to revolutionize the biotech industry. Stopping this research in its tracks puts the United States at a clear and immediate disadvantage. Other nations such as Britain, France, Sweden, and the Netherlands, all of which currently have laws allowing therapeutic cloning from designated sources, continue to advance the technology. Molecular and cellular biologists committed to this research have already begun to look abroad, and they take with them lucrative investments from the biotech industry. Other scientists have dropped the cause all together, wasting precious time in the development of life-saving procedures that will someday help millions of people.

Back home in Wisconsin, I have had the privilege of meeting with Dr. James Thomson, a developmental biologist at the University of Wisconsin-Madison, who has contributed greatly to stem cell research. Three years ago he became the first person to isolate stem cells from human embryos. He has not taken on this work lightly, he has thought carefully about the ethical implications of his research. For Dr. Thompson, the moral questions about embryo experimentation were not difficult to resolve; he concluded that research was the ''better ethical choice.''

Because embryonic stem cells have the potential to grow into any cell or tissue in the human body, scientists say they hold great potential for repairing damaged tissues or organs. But to extract them requires that the embryo be destroyed, therefore, every year since 1995, Congress has attached language to its appropriations legislation to ban taxpayer financing of the work.

This ban requires that Dr. Thomson work into different laboratories, one of them in secret. He works primarily out of the university's primate center. This is his federally financed laboratory where he studies stem cells derived from the embryos of rhesus monkeys and marmosets.

When he conducts research on human cells, he must, however, move to an entirely different laboratory. This one is paid for by WiCell Research Institute, a corporation set up as a subsidiary of the Wisconsin Alumni Research Foundation, the nonprofit group that holds the patent to Dr. Thomson's work. The location of this lab has never been disclosed to ensure the safety of the workers.

Freedom of research has led to the development of over 117 biotech products that have helped more than 250 million people worldwide. In addition, the biotech industry generated $28.5 billion in revenues in 2001, an increase of more than 350 percent in just ten years. Further, employment within the sector more than doubled in the same time period.

The United States has an obligation to demonstrate our continued leadership in this arena and we can only do so with the support of our government. We cannot afford the loss of resources that a chilled scientific climate will bring. We should not cede our leadership, or our industry, to other nations.

I urge my colleagues to vote no on the Weldon bill. Support responsible research, vote yes on the Greenwood Substitute.

Mrs. CHRISTENSEN. Mr. Chairman, the issue of human cloning is one that understandably causes grave concern and often heated opposition. But we in our position as leaders have the responsibility not only to ensure that this developing and promising technology that can revolutionize the art of healing, is not used for nefarious purposes, but to also educate and inform the public on the issue.

Today I rise in support of H.R. 801, the Greenwood-Deutsch Cloning Prohibition Act of 2003, because it makes the critical distinctions and provides the hope that the people of this country are looking for. We don't ever want to clone human beings, but we do want to use the technology termed, ''human somatic cell transfer'' as the vital tool it is, to allow scientists to fully develop the wonderful promise of stem cell research.

I applaud my colleagues for their leadership in bringing this alternative bill forward. It should be the primary, and really the one bill before us today.

As a physician I look forward to the day when we can cure diseases such as sickle cell disease, make the quadriplegic walk again, and successfully treat or reverse so many other diseases for which this was still an impossible dream I was in practice.

To pass H.R. 534 would not only cost our nation its standing as the world leader in health technology, but passing that base bill would kill this dream, and with it the hope of life and health for countless of our constituents.

Let's not do that, vote instead for the Greenwood/Deutsch/DeGette/Eschoo substitute.

Mrs. MCCARTHY of New York. Mr. Chairman, I rise today to express my extreme opposition to the cloning of human beings. At no time do I think it will be acceptable for science to go down that path. As Members of Congress, we need to impose very strict penalties to prevent scientists from making the jump from doing important research to playing God.

But as a nurse, I remember a debate very similar to this one, the debate over researching DNA. In the 1970s, we in the healthcare community were very excited over the research being conducted by scientists on human beings actual biological makeup. However, many others believed then that we were headed towards creating Frankenstein or Aldolphus Huxley's ''Brave New World.''

The DNA technology debate also focused on regenerative medicine based on stem cell and nuclear transfer biology. DNA involves splicing the gene for a desired protein into bacterial, yeast or other mammalian cells, which then manufacture protein. To accomplish this, scientists had to develop incredibly powerful techniques for managing the mechanisms to cellular biology. Society had to decide whether to allow their continued development and if so, how to regulate and manage these techniques.

Mr. Chairman, the research continued, and millions of patients and their families have benefited. Today, it is used to produce human therapeutic proteins to treat or prevent a wider array of diseases and conditions. DNA products include: Human Insulin for diabetics; Herceptin for patients with breast cancer; Epogen for patients with kidney disease; Enbrel to hel patients with rheumatoid arthritis; and Pulmozyne that has prevented childhood deaths from cystic fibrosis.

Mr. Chairman, at this time I would like to submit for the RECORD a list of 66 other DNA products that are approved by the FDA. These products have helped ten of millions of patients worldwide.

Mr. Chairman, today's, Greenwood Amendment takes care of both of my concerns on this issue. First and foremost, if defines human somatic cell nuclear transfer with the intent to initiate a pregnancy as a criminal act subject to criminal and civil penalties. These penalties include: Imprisonment of up to 10 years; Civil penalties up to $10 million (or two times the pecuniary gain from cloning); and it provides for forfeiture of equipment, other property, and any monetary gains from cloning human beings. In addition, it requires all individuals who plan to perform human somatic cell nuclear transfer to register with the FDA. And finally it requires all research be conducted with the Institutional Review Board's oversight.

The Greenwood Amendment also addresses my concern about restrictions on therapeutic cloning by allowing this important research to proceed. The goal of therapeutic cloning is to treat or cure patients with life threatening diseases by creating tailor made, genetically identical cells that the patient's body will not reject. In other words, this procedure could allow patients to be cured using their own DNA.

In that process the nucleus is removed from a donated unfertilized egg and replaced with the patient's own cells, like skin, heart, or nerve cell. These types of cells are called somatic cells. These unfertilized egg cells are stored in a perti dish to become a source of stem cells that can be used to treat life-threatening medical conditions. These cells are not transplanted into a womb and no sperm is used in this procedure.

The National Scientists Academy believes that therapeutic cloning or somatic cell nuclear transplant technology could lead to dramatic new treatments and cures for currently noncurable diseases and medical conditions including cancer, diabetes, parkinson's, spinal cord injuries, heart disease, ALS and many others. We need to find these cures today and this research may be the key to unlock the cure.

Therefore, Mr. Chairman, I rise in support of the Greenwood Amendment and urge all my colleagues to do the same.

RECOMBINANT DNA PRODUCTS APPROVED THROUGH DECEMBER 31, 2001

Product	Company	Indication	Year approved
Actimmune® (interferon gamma-1b)	Genetech Inc. and InterMune Pharmaceuticals Inc.	Treatment of chronic ganulomatous disease; treatment of severe malignant ostepetrosis	1990 2000
Activas® (alteplase)/Cathflo™ Activase®	Genentech Inc	Treatment of acute myocamprdial infarction (heart attack); acute massive pulmonary embolism; acute ischemic stroke within first three hours of systom onset; restoration of function to central venous access devices (Cathflo Activase).	1987 1990 1996 2001
Aranesp™ (darbepoietin alfa)	Amgen	Treatment of anemia asociated with chronic renal failure	2001
Avonex® (interferon beta 1-alpha)	Biogen	Treatment of relapsing-remitting multiple sclerosis	1996
BeneFix™ (coagulation factor IX)	Genetics Institute (subsidiary of American Home Products)	Treatment of hemophilia B	1997
Betaseron® (interferon beta 1-b)	Berlex Laboratories and Chiron Corp	Treatment of relapsing-remitting multiple sclerosis	1993
Bioclate™ (antihemophilic factor)	Centeon	Treatment of hemophilia A; perioperative management of patients with hemophilia A	1993
BioTropin™ (human growth hormone)	Bio-Technology General Corp	Treatment of human growth hormone deficiency in children	1995
Campath® (alemtuzumab, recombinant monoclonal antibody)	Ilex Oncology Inc., Millennium Pharmaceuticals Inc. and Berlex Laboratories Inc.	Treatment of B-cell chronic lymphocytic leukemia (B-CLL) in patients who have been treated with alkylating agents and who have failed fludarabine therapy.	2001
Cerezyme® (alglucerase)	Genzyme	Treatment of Type 1 Gaucher's disease	1991 1994
Enbrel® (etanercept)	Immunex Corporation	Treatment of moderate to severely active rheumatoid arthritis in patients who have had an inadequate response to one or more disease-modifying antirheumatic drugs; treatment of polyarticular course juvenile rheumatoid arthritis; treatment as a first-line therapy for moderate to severe active rheumatoid arthritis.	1998 1999 2000
Engerix-B®, (hepatitis B vaccine, recombinant)	GlaxoSmithKline	Hepatitis B vaccine; adults with chronic hepatitis C infection	1989; 1998
Epogen® (epoietin alfa)	Amgen	Treatment of anemia associated with chronic renal failure and anemia in zidovudine-treated HIV patients; pediatric use	1989; 1999
Follistim™ (folitropin beta for injection)	Organon	Recombinant follicle-stimulating hormone for treatment of infertility	1997
Geno Tropin® (semorelin)	Pharmacia	Treatment of growth hormone deficiency in children; growth hormone deficiency in adults	1995; 1997
Geref® (semorelin)	Serono Laboratories	Treatment of growth hormone deficiency in children with growth failure	1997
Gonal-F® (folicle-stimulating hormone)	Serono Laboratories	Treatment of infertility in women not due to primary ovarian failure; treatment of infertility in men and women	1998; 2000
Helixate® (antihemophilic factor)	Aventis	Factor VIII for treatment of hemophilia A; second-generation factor VIII formulated with sucrose for treatment of hemophilia A	1994; 2000
Herceptin® (trastuzumab, recombinant monoclonal antibody)	Genentech Inc	Treatment of patients with metastatic breast cancer whose tumors overexpress the HER2 receptor	1998
Humalog® (human insulin)	Eli Lilly and Company	Treatment of diabetes	1996
Humatrope® (somatotropin)	Eli Lilly and Company	Treatment of growth hormone deficiency in children; somatotropin deficiency syndrome in adults	1996; 1997
Humulin® (insulin)	Eli Lilly and Company	Treatment of diabetes	1982
Infergen® (interferon alfacon-1)	Amgen	Treatment of hepatitis C virus (HCV) in patients 18 years or older with compensated liver disease who have anti-HCV serum antibodies and/or the presence of HCV RNA; subsequent treatment of HCV-infected patients who have tolerated an initial course of interferon therapy.	1997; 1999
Intron A® (alpha interferon)	Schering-Plough Corporation	Treatment of hairy cell leukemia; gential warts; AIDS-related Kaposi's sarcoma; non-A, non-B malignant melanoma; extended therapy for follicular lymphoma in conjunction with chemotherapy; treatment of hepatitis B in pediatric patients.	1986; 1988; 1988; 1991; 1996; 1997; 1997; 1998
Kineret™ (anakinra)	Amgen Inc.	Treatment of moderately to severely active rheumatoid arthritis in patients 18 or older who have failed one or more disease-modifying anti-rheumatic drugs.	2001
Kogenate® FS (antihemophilic factor)	Bayer Corporation	Factor VII for treatment hemophilia A; second-generation factor VII formulated with sucrose for treatment of hemophilia A	1989; 2000
Lantus® (insulin glargine)	Aventis	Biosynthetic basal insulin for adult and pediatric patients with type 2 diabetes	2000
Leukine® (granulocyte macrophage colony stimulating factor)	Immunex Corporation	Treatment of autologous bone marrow transplantation; treatment of white blood cell toxicities following induction chemotherapy in older patients with acute myelogenous leukemia; for use following allogenic bone marrow transplantation from HLA-matched related donors; for use mobilizing peripheral blood progenitor cells and for use after PBPC transplantation.	1991; 1995; 1995; 1995; 1996
Norditropin® (somatropin)	Novo Nordisk	Treatment of growth hormone deficiency in children	1995
Novolin® (human insulin)	Novo Nordisk	Treatment of diabetes	1982
NovoLog® (insulin aspart)	Novo Nordisk	Insulin analog for adults with diabetes mellitus	2000
NovoSeven® (coagulation factor VIIa)	Novo Nordisk	Treatment of bleeding episodes in hemophilia A or B patients with inhibitors to factor VIII or factor IX	1999
Nutropin Depot™ (somatropin, injectable suspension)	Genentech Inc. and Alkermes Inc.	Long-acting dosage form of recombinant growth hormone (one or two doses permonth) for pediatric growth bormone deficiency	1999
Nutropin®/Nutropin AQ® (somatropin)	Genentech Inc.	Treatment of growth hormone deficiency in children; growth hormone deficiency in adults; growth failure associated with chronic renal insufficiency prior to kidney transplantation; short stature associated with Turner Syndrome; to improve spine bone mineral density observed in childhood-onset adult growth hormone-deficent patients and to increase serum alkaline phosphatase.	1993; 1994; 1996; 1996; 1999
LYMrix™ (OspA)	SmithKline Beecham Biologicals	Prevention of Lyme disease	1998
Mylotarg™ (gemtuzumab ozogamicin)	Celltech Chiroscience and Wyeth-Ayerst (American Home Products Corporation).	Human antibody linked to calicheamicin (chemotherapeutic) for treatment of CD33 positive acute myeloid leukemia in patients 60 and older in first relapse who are not considered candidates for cytotoxic chemotherapy.	2000
Natrecor® (nesiritide)	Scios Inc.	Treatment of patients with acutely decompensated heart failure who have syspnea at rest or with minimal activity	2001
Neumega® (oprelvekin)	Genetics Institute (American Home Products Corporation)	Prevention of severe chemotherapy-induced thromboctopenia in cancer patients	1997
Nuepogen® (filgastim)	Amgen	Treatment of chemotherapy-induced neutropenia; bone marrow transplant accompanied neutropenia; severe chronic neutropenia; autologous bone marrow transplant engraftment or failure; mobilization of autologous PBPCs after chemotherapy.	1991; 1994; 1994; 1995; 1998
Ovidre ® (human chorionic gonadotropin)	Serono Laboratories	Treatment of infertility in women	2000
PEG-Intron ™ (pegylated version of recombinant interferon alfa-2b).	Enzon Inc. and Schering-Plough	Treatment of chronic hepatitis C; combination therapy with Rebetol of treatment of hepatitis C in patients with compensated liver disease	2001
Procrit ® (epoietin alfa)	Ortho Biotech Inc.	Treatment of anemia in AZT-treated HIV patients; anemia in cancer patients on chemotherapy; for use in anemic patients scheduled to undergo elective noncardiac, nonvascular surgery.	1990; 1993; 1996
Proleukin IL-2 ® (aldesleukin)	Chiron Corporation	Treatment of kidney carcinoma; treatment of metastastic melanoma	1992; 1998
Protropin ® (somatrem)	Genentech Inc.	Treatment of growth hormone deficiency in children	1985
Pulmozyme ® (dornase alfa)	Genentech Inc.	Treatment of mild to moderate cystic fibrosis; advanced cystic fibrosis; pediatric use in infants three months to 2 years and children 2 to 4 years old	1993; 1996; 1998
Rebetron ™ (combination of ribavirin and alpha interferon)	Schering-Plough Corporation	Combination therapy for treatment of chronic hepatitis C in patients with compensated liver disease who have relapsed following alpha interferon treatment; treatment of chronic hepatitis C in patients with compensated liver disease previously untreated with alpha interferon therapy.	1998
Recombinate ® rAHF (antihemophilic factor)	Baxter Healthcare Corporation	Blood-clotting factor VIII for the treatment of hemophilia A	1992
Recombivax-HB ® (hepatitis B vaccine)	Merck & Company Inc.	Hepatitis B vaccine for adolescents and high-risk infants; adults; dialysis patients; pediatrics	1987; 1987; 1989; 1993
DeFacto ® (antihemophilic factor)	Genetics Institute (American Home Products Corporation)	Control and prevention of hemophilia A and short-term prophylaxis to reduce bleeding episodes	2000
Refludan ® (lepirudin)	Hoechst Marion Roussel	For anticoagulation in patients with heparin-induced thrombocyto-penia	1998
Regranex ® Gel (gel becaplermin)	Ortho-McNeil and Chiron Corporation	Platelet-derived growth factor treatment of diabetic foot ulcers	1997
Remicade ™ (infliximab)	Centocor Inc.	Short-term management of moderately to severely active Crohn's disease, including those patients with fistulae; treatment of patients with rheumatoid arthritis who have had inadequate response to methotrexate alone.	1998; 1999
ReoPro ™ (abciximab)	Centocor and Eli Lilly and Company	Reduction of acute blood-clot-related complications for high-risk angioplasty patients; reduction of acute blood clot complications for all patients undergoing any coronary intervention; treatment of unstable angina not responding to conventional medical therapy when percutaneous coronary litervention is planned within 24 hours.	1994; 1997
Retavase ™ (reteplase)	Centocor Inc.	Management of acute myocardial infarction in adults (thrombolytic)	1996
Rituxan ™ (rituximab)	IDEC Pharmaceuticals and Genentech Inc.	Treatment of relapsed or refactory low-grade or follicular, CD20-positive B-cell non-Hodgkin's lymphoma	1997
Roferon-A ® (interferon alfa-2a)	Hoffmann-La Roche Inc.	Treatment of hairy cell leukemia; AIDS-related Kaposi's sarcoma; chronic phase Philadelphia chromosome positive chronic myelogenous leukemia; hepatitis C.	1986; 1988; 1995; 1995
Saizen® (human growth hormone)	Serono Laboratories	Treatment of growth hormone deficiency in children	1996
Serostim® (human growth hormone)	Serono Laboratories	Treatment of cachexia (AIDS-easting)	1996
Simulect® (basiliximab)	Novartis Pharmaceutical Corporation and Ligand Pharmaceuticals Inc..	Prevention of acute rejection episodes in kidney transplant recipients; use in renal transplantation in combination with triple immunosuppressive therapy; use in pediatric renal transplantation and use of an IV bolus injection.	1998; 2001

SYNAGIS™ (palivizumab)	MedImmune Inc.	Prevention of serious lower respiratory tract disease caused by respiratory syncytial virus (RSV) in pediatric patients at high risk of RSV disease	1998
Thyrogen® (thyrotropin alfa)	Genzyme	Adjunctive diagnostic tool for serum thyroglobulin testing with or without radioiodine imaging in the follow-up of patients with thyroid cancer	1998
TNKase™ (tenecteplase)	Genentech Inc.	Treatment of acute myocardial infarction	2000
Twinrix® (hepatitis A and hepatitis B [recombinant] vaccine)	SmithKline Beecham Biologicals	Immunization against hepatitis A and B viruses	2001
Xigris™ (drotecogin alfa, recombinant)	Eli Lilly and Company	Treatment of severe, life-threatening sepsis	2001
Zenapax® (daclizumab)	Hoffmann-La Roche Inc.	Prevention of kidney transplant rejection	1997

The CHAIRMAN pro tempore (Mr. SIMPSON). The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. GREENWOOD).

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

RECORDED VOTE

Mr. DEUTSCH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 231, answered ''present'' 1, not voting 28, as follows:

[Roll No. 37]

AYES—174

Abercrombie
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Frank (MA)
Frost
Gibbons
Gilchrest
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy (RI)
Kilpatrick
Kind
Kirk
Kleczka
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Pelosi
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wynn

NOES—231

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kucinich
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
McCotter
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Young (AK)

ANSWERED ''PRESENT''—1

Filner

NOT VOTING—28

Ackerman
Baca
Brown, Corrine
Burton (IN)
Carson (IN)
Combest
DeFazio
Diaz-Balart, L.
Ford
Gallegly
Gephardt
Hinojosa
Hoeffel
Hyde
Lipinski
McCarthy (MO)
McCrery
Millender-McDonald
Miller, Gary
Ortiz
Payne
Peterson (MN)
Ros-Lehtinen
Sanchez, Loretta
Smith (MI)
Snyder
Waters
Young (FL)

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. GILCHREST) (during the vote). The Chair will remind Members that there are 2 minutes left to this vote.

□ 1658

Messrs. HILL, SOUDER, BOOZMAN, EVERETT and TURNER of Ohio changed their vote from ''aye'' to ''no.''

Ms. WOOLSEY changed her vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. McCARTHY of Missouri. Mr. Chairman, during rollcall vote No. 37, I was unavoidably detained. Had I been present, I would have voted ''aye.''

□ 1700

The CHAIRMAN pro tempore (Mr. GILCHREST). Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GILCHREST, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 534) to amend title 18, United States Code, to prohibit human cloning, pursuant to House Resolution 105, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SENSENBRENNER. Would it be true that the quicker the Members take their seats and calm down, the quicker we can vote and get to the airport?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

MOTION TO RECOMMIT OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. LOFGREN. I certainly am, Mr. Speaker.

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

The Clerk read as follows:

Page 4, line 24, strike the close quotation mark and the period that follows.

Page 4, after line 24, insert the following:

''(e) EXEMPTION OF MEDICAL TREATMENT.—The prohibitions of this section do not apply to the shipping, receipt, or importation of any product derived from an embryo (including pluripotent stem cells) designed for use in medical treatment for or to cure Parkinson's disease, Alzheimer's disease, diabetes, cancer, heart disease, spinal cord injury, multiple sclerosis, severe burns, or other diseases, disorders, or conditions, provided that the product of such use is not utilized to initiate a pregnancy and is not intended to be utilized to initiate a pregnancy and is unable to develop into a full human being. Nothing in this subsection shall exempt any product from any applicable regulatory approval.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LOFGREN) is recognized for 5 minutes in support of her motion.

Ms. LOFGREN. Mr. Speaker, I first yield 1 minute to the gentlewoman from Wisconsin (Ms. BALDWIN), my colleague on the Committee on the Judiciary.

Ms. BALDWIN. Mr. Speaker, who among us could tell a person suffering from cancer or Alzheimer's disease, you cannot import the cure that would save your life, and if you do, you will face a 10-year prison sentence? Who could face their families and tell them they could not have the cure because the stem cell treatment that would have saved their loved ones' lives was derived from therapeutic cloning?

The wondrous promise held out by the advances in embryonic stem cell research is that we will one day be able to diminish human suffering, heal, treat and, yes, save lives.

If you support this bill, and a cure is discovered outside the United States for a devastating disease, would you deny life to our fellow Americans?

I urge my colleagues to vote for this motion to recommit and against H.R. 534.

Ms. LOFGREN. Mr. Speaker, this bill not only ties the hands of our medical researchers; it prevents Americans from utilizing cures developed in other countries. There is no doubt that if this bill becomes law, we will lose our most talented medical researchers. They will flock to other countries that continue to allow therapeutic cloning; and hopefully, one day, they will help to develop cures to some of the worst diseases known to humankind.

What happens when a British researcher develops a cure for Alzheimer's or is able to regenerate insulin-producing cells in children with juvenile diabetes or learns how to generate nervous system cells that can restore spinal cord function after paralysis? Sick Americans should have access to these cures. But H.R. 534 prevents the importation of any products derived from somatic cell nuclear transfer. It would make it a crime for a terminally-ill person to receive medical care in America if the cure was developed using this science abroad.

That is both unnecessary and unfair. The motion to recommit is simple. It will ensure that cures developed in other countries are available to Americans suffering from Parkinson's, Alzheimer's, diabetes, cancer, heart disease, spinal cord injury, MS, severe burns, and other diseases.

If cures to these debilitating diseases are found, Congress should not stand in the way or require its citizens to travel to other countries to benefit from them.

There have been lots of argument today about a slippery slope. There is no slippery slope in this motion.

Mr. Speaker, I have been deeply troubled by many of the arguments I have heard today. I am troubled that some Members think they have the right to impose their religious beliefs on all Americans. I am troubled that in return, some of the most vulnerable members of society, like children suffering from juvenile diabetes, would be forced potentially to give up their best hope for a cure.

This country is a democracy; it is not a theocracy. I understand that some Members of this House have religious beliefs that are guiding them. My advice to them would be, if you object to the cures that are developed using this technology of therapeutic cloning, fine, do not use the cure. But do not try and deny other Americans cures to deadly diseases because of your own religious beliefs. That is simply an improper role for Congress to take.

Therapeutic cloning has nothing to do with cloning a child. There is no fertilization with sperm, there is no implantation into the uterus, there is no pregnancy, there is no child.

Somatic cell nuclear transfer is a scientific method where researchers create new stem cells in a petri dish. To listen to some of the debate today, one would see that there would be a picture painted that very tiny babies in test tubes are being the subject of this research. That is completely false. These are eight cells on a petri dish that can give lifesaving cures to Americans and others throughout the world who are suffering horrendous diseases.

I think we ought to take the advice of Senator HATCH and former First Lady Nancy Reagan who wrote, ''The embryonic stem cell research, under appropriate guidelines, may provide our scientists with many answers that are now beyond our grasp. There are so many diseases that can be cured, or at least helped, that we can't turn our backs on this.''

Do not turn your backs on the millions of Americans who might be able to benefit from cures made abroad.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, this merely moves offshore what this bill bans in the United States. What it will do is create a huge financial incentive for those people and companies in foreign countries to take advantage of Americans. I do not think that we should be giving foreign companies that kind of financial advantage. If it is wrong to do here, we should prohibit the importation of these materials.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Ms. LOFGREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 15-minute vote. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 164, noes 237, not voting 33, as follows:

[Roll No. 38]

AYES—164

Abercrombie
Allen
Andrews
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gibbons
Gonzalez
Gordon
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Pelosi
Price (NC)
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—237

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss

Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCotter
McHugh
McIntyre
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—33

Ackerman
Baca
Boyd
Brown, Corrine
Burton (IN)
Carson (IN)
Combest
DeFazio
Diaz-Balart, L.
Ford
Frost
Gallegly
Gephardt
Hinojosa
Hoeffel
Hyde
Lipinski
McCarthy (MO)
McCrery
McInnis
Millender-McDonald
Miller, Gary
Ney
Ortiz
Payne
Peterson (MN)
Ros-Lehtinen
Sanchez, Loretta
Sanders
Smith (MI)
Snyder
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1725

Mr. GILCHREST changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 38, I was unavoidably detained. Had I been present, I would have voted ''aye.''

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 155, not voting 38, as follows:

[Roll No. 39]

YEAS—241

Aderholt
Akin
Alexander
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Beauprez
Bereuter
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Carter
Chabot
Chocola
Coble
Cole
Collins
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Isakson
Issa
Istook
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
LaHood
Langevin
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Manzullo
Marshall
Matheson
McCotter
McHugh
McKeon
McNulty
Mica
Michaud
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Turner (TX)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NAYS—155

Abercrombie
Allen
Andrews
Baird
Baldwin
Ballance
Bass
Becerra
Bell
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Cardoza
Case
Castle
Clay
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley (CA)
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Green (TX)
Greenwood
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick
Kind
Kleczka
Kolbe
Lampson
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Majette
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (NC)
Miller, George
Moore
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ose
Owens
Pallone
Pastor
Paul
Pelosi
Price (NC)
Pryce (OH)
Ramstad
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—38

Ackerman
Baca
Barton (TX)
Boyd
Brown, Corrine
Burton (IN)
Carson (IN)
Combest
DeFazio
Diaz-Balart, L.
Ford
Frost
Gallegly
Gephardt
Hinojosa
Hoeffel
Hyde
Lipinski
McCarthy (MO)
McCarthy (NY)
McCrery
McInnis
McIntyre
Millender-McDonald
Miller, Gary
Ney
Oberstar
Ortiz
Payne
Peterson (MN)
Ros-Lehtinen
Sanchez, Loretta
Serrano
Smith (MI)
Snyder
Vitter
Waters
Young (FL)

The SPEAKER (during the vote). There are 2 minutes remaining in this vote.

□ 1732

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. VITTER. Mr. Speaker, I was inadvertently absent for rollcall vote 39. Were I present, I would have voted ''aye'' in support of H.R. 534, the Human Cloning Prohibition Act.

Stated against:

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 39, I was unavoidably detained. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Thursday, February 27, I was unavoidably detained due to a prior obligation in my district. I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted ''yes'' on rollcall No. 37, on ''yes'' rollcall No. 38, and on ''no'' rollcall No. 39.

PERSONAL EXPLANATION

Mr. HOEFFEL. Mr. Speaker, unfortunately, I was absent for votes on Thursday, February 27, 2003 as a result of the passing of my mother, Mrs. Eleanore Hoeffel. Had I been present, I would have cast my votes as follows: rollcall vote No. 37 ''nay,'' rollcall vote No. 38 ''aye,'' rollcall vote No. 39 ''nay.''

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to an unavoidable conflict in my schedule, I was unable to be present during rollcall votes 37–39. Had I voted, I would have voted ''no'' on rollcall votes 37–38, and ''yea'' on rollcall vote 39.

GENERAL LEAVE

Mr. PENCE. 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. 534, the bill just passed.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to the distinguished gentleman from Texas (Mr. DELAY), the majority leader, for the purposes of asking the majority leader the schedule for the coming week.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman for yielding. I am told that the airports are still open. I know all of our Members are rushing to catch their planes to go back to their districts, and I wish them a very good weekend. But, Mr. Speaker, I do appreciate the gentleman from Maryland (Mr. HOYER) for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules, and a final list of those bills will be sent to the Members' offices early next week. There will be no votes in the House before 6:30 on Tuesday.

On Wednesday we expect to consider two bills from the Committee on Ways and Means: the Miscellaneous Trade and Technical Corrections Act of 2003 and H.R. 743, the Social Security Protection Act of 2003.

On Thursday we expect to consider H.R. 878, the Armed Forces Tax Fairness Act.

Mr. Speaker, I thank the gentleman for yielding, and I will be happy to answer any questions the gentleman may have.

Mr. HOYER. I thank the gentleman for his comments. Reclaiming my time, the first question I have, Mr. Leader, am I correct that the two tax bills that you refer to as Miscellaneous Trade and Technical Corrections and Social Security Protection Act are essentially technical in nature?

Mr. DELAY. If the gentleman would continue to yield, that is correct.

Mr. HOYER. Mr. Majority Leader, could you advise the House of when your expectation is that the medical malpractice legislation would be coming to the floor?

Mr. DELAY. If the gentleman would continue to yield, I appreciate the gentleman asking. My understanding is that the Committee on the Judiciary and the Committee on Energy and Commerce have tentative plans to mark up the medical liability bills sponsored by the gentleman from Pennsylvania (Mr. GREENWOOD) sometime next week. Once that bill is reported by the two committees, I would expect quick action in this House. I would also note that the Committee on Energy and Commerce and the Committee on Ways and Means have held mark-ups of legislation dealing with medical errors. I would expect legislation dealing with medical errors to be considered soon by the House as well, probably in the same week as the medical liability bill.

Mr. HOYER. Reclaiming my time, would I be correct that the soonest that would be done would be the week after next?

Mr. DELAY. The gentleman is correct.

Mr. HOYER. I thank the gentleman.

Secondly, could the majority leader tell me when he expects the budget resolution to be scheduled for the floor? I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding. I will say we will be as ambitious as I have seen in a long time in trying to bring the budget to the floor of the House, get the budget process done in an expedited manner. The Committee on the Budget is continuing to hold hearings with administration officials, economists and other budget experts; but we expect the House to consider the budget resolution actually on a schedule that allows us to have the conference report completed by April 15, as the Budget Act requires.

Mr. HOYER. I thank the gentleman for that answer; and reclaiming my time, I would ask the gentleman if he expects the President's tax proposal, or the majority's tax proposal, to be included within the budget document. I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding, and I would expect that there would be a tremendous debate over the size of the Economic Growth and Jobs Creation Act, and whatever that size is would be included in the budget that comes out of the Committee on the Budget, yes.

Mr. HOYER. I thank the gentleman. One additional question, Mr. Leader, with reference to the budget. Has the majority made a determination yet as to whether or not it will be a 5-year or a 10-year budget projection?

Mr. DELAY. If the gentleman would continue to yield, that decision has not been made yet. I know there are ongoing consultations with the chairman of the Committee on the Budget in the other body and also with the majority leader in the other body. The Speaker and the leadership on this side are consulting with them. That decision has not been made yet, but probably will be made fairly soon, certainly by the time the chairman lays out his mark.

Mr. HOYER. I thank the leader for that observation, and unfortunately I think I agree with him. But very frankly, Mr. Leader, if we could get maybe a little advice prior to the mark being laid on the table, it would be helpful for us to fairly consider the chairman's mark.

Mr. DELAY. If the gentleman would continue to yield, as the gentleman knows, it will probably be in the press before we even make the decision, so the gentleman can probably read it there.

Mr. HOYER. I thank the gentleman. And if he thinks the press will be dispositive of that issue, I will take that to heart.

Mr. Leader, could you also tell me the status of the Partial Birth Abortion Bill that we had understood would be considered early, perhaps as early as next week? And there was some discussion about it this week, but now we hear there may be an intent to wait on the other body's acting on this and sending it to the House. Can you bring us up to date on what the plans are on this?

I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding to me. At this time I do not believe the gentleman from Wisconsin (Mr. SENSENBRENNER) has scheduled any action on this legislation, the partial birth abortion ban. Having said that, I do believe that this is really important legislation. This is something that the Senate has indicated they will move early this year, and it is certainly something that I would expect the House to vote on at least by the beginning of the summer.

Mr. HOYER. I thank the leader for the information.

ADJOURNMENT TO MONDAY, MARCH 3, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it stand adjourned to meet at noon on Monday, March 3, 2003.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 4, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, it stand adjourned to meet at 12:30 p.m., Tuesday, March 4, 2003 for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

CONTINUING NATIONAL EMERGENCY RELATING TO CUBA AND REGULATION, ANCHORAGE AND MOVEMENT OF VESSELS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 108–42)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 2003, to the Federal Register for publication.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 27, 2003.*

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 2003.

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

MR. SPEAKER: Effective February 27, 2003, I hereby take a leave of absence from my position on the House Small Business Committee due to my appointment to the Committee on House Administration.

Sincerely,

ROBERT BRADY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute speeches.

HONORING G. FRANKLIN CRUMPLER, HOKE COUNTY CORONER

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

Mr. HAYES. Mr. Speaker, today I rise to recognize the accomplishments of G. Franklin Crumpler, coroner for Hoke County, North Carolina. Mr. Crumpler holds the distinction of being the longest-serving elected official in North Carolina.

In 1960, G. Franklin Crumpler was appointed coroner for Hoke County after the serving coroner moved away. He served the unexpired term for 3 years and then ran for the office to which he was elected and has served in this capacity consecutively for the past 42 years.

He is married to the former Dayne Capps and has two sons, a daughter, and 11 grandchildren. Frank and his wife moved to Raeford in April of 1960 and opened a funeral home. Since then they have purchased a funeral home in Red Springs, North Carolina, and are part owners of LaFayette Funeral Home in Fayetteville.

Frank was born in nearby Sampson County in 1934 to the late Margaret Bradshaw and Gordon Crumpler. Frank graduated from Clinton High School in Clinton, North Carolina; Cincinnati College of Embalming; and Missouri Auction School in Kansas City, Missouri. He is a funeral service licensee, an auctioneer, and sells insurance.

He is a member and lifetime deacon of Raeford Baptist Church, past president and lieutenant governor of Raeford Kiwanis Club of which he was awarded ''Man of the Year.'' He is on the board of directors of Raeford-Hoke Chamber of Commerce and past president of Red Springs Chamber of Commerce. He is also a mason and a Shriner.

Please join me in expressing the appreciation of the House to Mr. G. Franklin Crumpler for over 4 decades of dedicated service to the citizens of Hoke County, North Carolina.

□ 1745

AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, $100 billion, thousands of innocent lives of Iraqi women and children and the lives of our United States military and other military, I do not consider that to be collateral damage. Mr. Speaker, I believe it is imperative that this Congress engage in a debate that is being asked of the United Nations Security Council.

So today I am asking the Speaker to bring to the floor for our debate H. Con. Res. 2, a simple resolution that simply allows us to redebate the Iraqi war resolution in light of the information regarding North Korea, in light of the information and question as to whether or not the United States is under imminent danger of attack, in light of the question being raised whether the United States should engage in a preemptive unilateral attack against Iraq, and in light of the fact that the Constitution does say that it is the United States Congress under Article I, section 8 that should declare war, but most importantly, Mr. Speaker, in order to save lives.

It is imperative for this Congress to stand up and be heard and be counted and not to abdicate its duty to save lives on behalf of the American people and on behalf of world peace.

I include this letter for the RECORD.

WASHINGTON, DC,
February 27, 2003.

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

DEAR MR. SPEAKER: We are writing to request floor consideration for H. Con. Res. 2, which expresses the sense of Congress that the Authorization for Use of Military Force Against Iraq Resolution of 2002 be repealed. I introduced this legislation on January 7, 2003 to bring renewed debate and to re-examine the decision to authorize force against Iraq.

Since the passage of Public Law 107–243, which authorizes the President to use force against Iraq, the world is a different place. We have a dire situation in North Korea and our policies dealing with nations accused of having weapons of mass destruction should be consistent. In addition, many of our longtime allies are advocating that the U.N. inspections should be given more time to continue their work in Iraq. If the President intends to seek a new resolution in the United Nations, thereby allowing the U.N. Security Council to re-debate the question of force against Iraq, then it is more than reasonable for Congress to re-examine its decision based upon all the information available now, so as not to abdicate its constitutional duty.

Congress is constitutionally obligated to debate and to vote on any decision to go to war. Article I, 8 of the U.S. Constitution vests the authority to declare war solely with Congress. We are calling for a vigorous debate before we launch a probable preemptive unilateral strike against Iraq. It is Congress that must ultimately decide to go to war.

We would like to request that H. Con. Res. 2 be brought to the floor for debate. Before the President uses force against Iraq, approval and considered debate should occur in the Congress.

Sincerely,

Sheila Jackson-Lee, Diane E. Watson, John Conyers, Jr., Raúl M. Grijalva, Danny K. Davis, Jim McDermott, Bob Filner, Bert Saunders, José E. Serrano,

Carolyn C. Kilpatrick, Frank W. Ballance, Jr., Bobby Scott, Lynn C. Woolsey, Pete Stark, Maurice D. Hinchey, Hilda L. Solis.

MOVING EXPENSES FOR FEDERAL EMPLOYEES

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

Mr. DUNCAN. Mr. Speaker, the Associated Press has now reported that the Federal Government has paid out over $100,000 each in moving expenses to hundreds of Federal employees.

Investigators found 388 moves that cost taxpayers over $100,000 each. One FBI employee got $203,000, and three IRS workers got over $190,000 each for their moves. In addition to these hundreds of moves that have already been paid for, 81 other Federal employees have been authorized to receive over $100,000 each for their moves.

Mr. Speaker, this is ridiculous. It is excessive. It is a rip-off of the taxpayers, and Congress should stop it. Federal employment used to be called government service. However, it is anything but public service when employees seem to care less and less about what a move costs as long as it does not come out of their own pockets.

CONGRESSIONAL BICYCLE CAUCUS

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

Mr. BLUMENAUER. Mr. Speaker, I would hope that as we are dealing with some weighty matters here before us that we also may be able to pause for a moment and deal with one simple little item that can help bring us together. We are in the midst now of encouraging Members to renew their membership in the bipartisan Bicycle Caucus.

The gentlewoman from New York (Mrs. KELLY) and I have issued a letter that is circulating to the Members. Last year, we had over a hundred Members, representing 37 States, that worked to help promote cycling policies around the country, to do work here in Washington, D.C., to promote that opportunity to make the cycling-friendly environment and to have some positive experiences for Members, family, and staff using cycles here.

Next week, there will be a bicycle summit with participation from virtually every State in the Union, over 500 people. We encourage Members to renew their membership. They will get the certified bicycle membership pen, and we will have an opportunity to work together on something that we will enjoy that will be good for the environment, good for health, and good for our country.

SUPPORT OUR TROOPS

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to thank my colleagues and the American people for supporting our men and women who have volunteered to stand in harm's way. While no one desires to go to war, the threat to America posed by Iraq and international terrorism is real, and many of those in the Armed Forces may be asked to make the ultimate sacrifice.

I am especially appreciative of our servicemembers because I recently served on a delegation led by the gentleman from Georgia (Mr. COLLINS) to visit the courageous troops in Kuwait, Uzbekistan and Kyrgyzstan.

Already nearly 170,000 members of the National Guard and Reserves have been called up for deployment. These brave people have volunteered to leave their jobs and families to help secure our liberty.

Many of our military families struggle to make ends meet, and I ask Americans to reach out to them. Every helping hand is greatly appreciated, even if just a word of encouragement. I ask everyone across this great land to support our troops by assisting their families while they are defending freedom.

DIVIDEND TAX CUT

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

Mr. BEAUPREZ. Mr. Speaker, in coming days and weeks, this body will take up issues of economic growth and taxation fairness. The President has suggested the elimination of the tax on dividends, a tax paid of course by investors, half of which I am told are senior citizens, treated as ordinary income.

This tax is rightly referred to as a double tax because companies that pay dividends have already been subjected to a corporate income tax. Thus 60 percent or more of every dollar of business profit, when taxed both at the corporate and personal level, could end up in the Federal tax bucket.

This seems excessive. It seems unfair. It seems a penalty on success. This is clearly a disincentive to capital investment which is critical, of course, to job creation; capital investment, which declined for eight consecutive quarters of our battered economy.

Mr. Speaker, I am certain every Member of this body is committed to more job availability for Americans, especially now. Elimination of the dividend tax would be an incentive for capital investment which is necessary for job creation.

Let us do American workers a favor and eliminate the dividend tax now.

JOBS AND ECONOMIC GROWTH PACKAGE

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

Mrs. BLACKBURN. Mr. Speaker, I rise in support of the President's jobs and economic growth package because of the immediate benefits that it will provide for our small business owners.

Under current law, businesses can only deduct a fraction of new investment expenses and are forced to wait years to deduct the full cost. The President's jobs and economic growth package will help reduce this anti-investment bias by immediately increasing the amount of investment that can be deducted from $25,000 to $75,000 per year. Increasing by 300 percent the amount that small businesses can invest in their company will have an immediate and positive impact on our Nation's economy. This package is projected to return an average of $2,042 to over 23 million small business owners this year.

This legislation will help increase the bottom line, and I hope my colleagues will support it when it comes before the House.

SUPPORT FOR THE NATIONAL GUARDSMEN AND RESERVES

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

Mr. PENCE. Mr. Speaker, as our Nation mobilizes in every way, and most especially our military, to confront the war on terror, as our soldiers in numbers exceeding 150,000 prepare in a theater overseas for possible confrontation, a brief word about the citizen-soldier and their role, National Guardsmen and Reserves in this effort, fully 60,000 of which have not only been activated but deployed to that theater overseas.

This week, the historic base, Camp Atterbury in my own district, became the very first State-owned National Guard facility to be activated as a mobilization site in the war on terror. My congratulations to Governor Frank O'Bannon and the Indiana Army National Guard and the 38th Division for their stewardship of this facility, and it is all of our hope and prayer that the men who pass through that place through mobilization go with God and go prepared and come home to their families and their grateful communities soon.

PRESIDENT BUSH'S ECONOMIC PLAN

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

Mr. GINGREY. Mr. Speaker, Ronald Reagan once said that the best thing that the government can do to stimulate the economy is get out of the way, and I agree completely. President Bush's economic growth and jobs creation plan is a perfect blueprint for

what elected officials should do to stimulate this economy and create jobs.

I want to just tell my colleagues briefly about a small company in my district, the 11th of Georgia, the Daisaka company owned by Patty and Carlos Suarez. This is a glass-decorating company. They started 5 or 6 years ago with 6 employees and now have 45, but the Suarezes want to grow that company. With the increase of the capital credit from $25,000 to $75,000 a year they are going to be able to do that and create 10 or 12 additional jobs and grow that company.

We need to pass this economic growth and job creation package now so that more and more small businesses in this country, we estimate 23 million of them, will benefit from this growth package and end up creating 1.2 million jobs.

I commend the President and we need to get on with that business and pass that package.

COMPLETE DEATH TAX ELIMINATION

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

Mr. BURNS. Mr. Speaker, I rise today in favor of tax relief for small business owners and farmers in the 12th District of Georgia and in America.

Small business owners and farmers in my State have always assumed their fair share of our Nation's tax burden. Fortunately, because of the Economic Growth and Tax Relief Reconciliation Act of 2001, these hardworking men and women will not bear the burden of additional taxation in death, at least not for a few more years.

Unfortunately, Congress did not finish the job, and many of my constituents, real working Americans, will face the so-called death tax once again in 2011. That is why this morning I signed on as a cosponsor of H.R. 57, the Death Tax Permanency Act of 2003. I believe that the gentlewoman from Washington (Ms. DUNN) has put together a fine piece of legislation, and I am proud to cosponsor this legislation.

Mr. Speaker, my constituents are not rich. They work hard, building on the American dream of freedom in pursuit of happiness. They also expect to leave something to their children. Without complete death tax elimination, farmers and small business owners are left out of that dream. The death tax is restrictive. It is an obstacle to the American dream and it is unfair and inappropriate.

□ 1800

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BEAUPREZ). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO PAINE COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BURNS) is recognized for 5 minutes.

Mr. BURNS. Mr. Speaker, I would like to take time to offer praise to one of Augusta, Georgia's most prized and valuable educational institutions. A recent guest of Travis Smiley's C–SPAN program ventured that Paine College was among several Historically Black Colleges in serious trouble financially and was in danger of dissolving. This could not be farther from the truth for Paine, which has experienced the largest growth in its 70 years of accredited education, with an average enrollment of 850 young men and women for the past 5 years.

As a college professor, I know the challenges that today's institutions of higher education face. The rising cost of education and the ever-growing competition between schools to recruit and retain students are difficult to manage, but among these and other trials Paine College has not only held its ground but has grown and it has prospered.

Paine students hail not just from Georgia but from all corners of our great Nation and from foreign lands, including Zambia and Cameroon. Gate Millennium Scholars, recognized for their achievements in high school, are given the chance to attend the college of their choice with full funding. This year, two of these students chose to continue their education in Augusta and build a foundation of a successful life with a degree from Paine College.

Like many colleges and universities throughout the country, many of Paine's students qualify for Federal scholarships and grants. Additionally, 227 students are currently studying at Paine with the assistance of the Georgia HOPE Scholarship, for which they have to maintain at least a 3.0 grade point average.

With so many choices among institutions of higher education, students will go where they can find the best educational value. Paine College has experienced its recent growth by recognizing that fact and providing a low-cost education that produces excellent results. Graduates of Paine College often move across town to attend the Medical College of Georgia or to study at other prestigious graduate programs across the country, such as Penn State University, the Claremont School of Theology, or the University of Maryland.

Those of us who have served as teachers know that it is not only the job of a school to help shape and educate the mind but to develop a member of a community who will offer something in return to his neighbors. Paine's students can be seen volunteering to give back to the Augusta community every day. The Boys' and Girls' Clubs, Shiloh Senior Community Center, and the area public schools have all benefited from the generosity of Paine College students and alumni who give their time to volunteer in areas where they can have a positive impact on the lives of Augusta's youth.

Academically, Paine College provides an outstanding curriculum run by a top-notch faculty. Business, education, natural sciences, mathematics, social sciences and humanities programs all offer programs of study to prepare students to not only compete but to excel in their chosen fields. To appreciate the quality of a Paine College education, all you have to do is see a short list of the achievements of Paine's alumni. Frank Yerby has published 32 novels. Charles Goode Gommillion argued and won a United States Supreme Court case. Mack Gibson was the first African American to receive a Ph.D. from the University of Chicago and works for NASA.

Paine College has served as a great resource for the development of great minds and members of the community both for Augusta and for our country and the world as a whole. I can see nothing but more growth and continued great achievements for Paine in the future, and I am proud to represent its students and faculty in the House of Representatives. Students seeking a quality-centered education can be confident in choosing Paine College and being a proud part of America's future.

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 Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

(Mr. MURPHY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, ''O, let America be America again, the land that never has been yet, and yet must be; the land where every man is free. The land that's mine, the poor man's, Indian's, Negro's, me, who made America, whose sweat and blood, whose faith and pain, whose hand at the foundry, whose plow in the rain, must bring back our mighty dream again.''

Mr. Speaker, those eloquent words of celebrated African American poet and writer Langston Hughes resound today as we celebrate Black History Month 2003. On February 1, 2002, Mr. Hughes joined the other 24 prominent African

Americans distinguished by having a stamp issued in their honor as part of the United States Postal Service's Black Heritage Stamp series.

There was certainly a time in our not-so-distant past when this would not have been possible, issuing stamps depicting prominent African Americans. Indeed, this was the case in February 1926, when renowned African American educator and scholar Carter G. Woodson, founder of the Association for the Study of African American History and Life, designated a week in February coinciding with the birthdays of two great Americans, Frederick Douglass and Abraham Lincoln, as Negro History Week. Mr. Woodson hoped that the contributions of African Americans would be studied as integral to our shared American history. Fifty years later, in 1976, the observance was expanded to embrace the entire month of February, and here we are again today commemorating yet another Black History Month.

In 1926, the landscape in this country for African Americans was demonstrably different than it is today. At that time, separate but equal, a doctrine that afforded Black Americans second-class citizenship, was the law of the land, albeit an immoral one. Through the heroic efforts of many Americans of all races, legalized discrimination became a thing of the past. This body passed landmark legislation, most notably the Civil Rights Act of 1964 and the Voting Rights Act of 1965. However, the story of racial discrimination did not end in 1965.

Here we are in 2003, and we must continue to ask the question: Is race still a factor in quality of life in America? And is racism dead? African Americans, despite our robust laws, face a daily dosage of humiliation as a result of racism. Thousands of African Americans and other racial and ethnic minorities have been the victims of racial, ethnic or national origin profiling: targeted, identified, stopped, questioned and searched by law enforcement officials under the guise of committing a crime, when in reality the only crime was the color of their skin or their country of origin. Young black and Latino men are particularly prone to DWB, driving while black or brown. And since September 11, law-abiding Arab-American citizens have been targeted for profiling by law enforcement officials.

Racial profiling violates the equal protection provisions of our great Constitution. Not only is it un-American, it is also bad law enforcement. Wade Henderson, executive director of the Leadership Conference on Civil Rights, states that most Americans think that the most blatant forms of discrimination and segregation have ended; that we are now dealing with a much more complex, often more subtle, form of discrimination. Yet incidents like the ones we are discussing now seem to belie that point. They seem to suggest that even the more blatant forms of discrimination, though not as institutionalized as they once were, are still occurring, and I think stand in mockery of the perception that America has become a color-blind Nation.

Since June of year before last, the End Racial Profiling Act of 2001 has been pending in this body. This 108th Congress could put an end to racial profiling by passing this act and sending it to the President for signature. Then we would have another dimension as we celebrate Black History Month and as we come closer to ending racial profiling.

So I end, Mr. Speaker, as I started: Let America be America again, the land that never has been yet, and yet must be. The land where every man is free, the land where every man and woman has his or her chance, his or her golden opportunity to become whatever their manhood or womanhood talents and ambitions combine to make them. That, Mr. Speaker, is the promise of America, and that is our hope as we end the observance of this Black History Month celebration.

PUBLICATION OF THE RULES OF THE COMMITTEE ON ENERGY AND COMMERCE, 108TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes.

Mr. TAUZIN. Mr. Speaker,

Mr. TAUZIN. Mr. Speaker, pursuant to clause 2(a)2 of Rule XI of the Rules of the House of Representatives, I hereby submit the Rules of the Committee on Energy and Commerce for the 108th Congress for publication in the CONGRESSIONAL RECORD. The Committee adopted Rules on January 29, 2003, and amended the Rules on February 12, 2003, both in meetings that were open to the public.

RULES FOR THE COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, 108TH CONGRESS

Rule 1. General Provisions. (a) Rules of the Committee. The Rules of the House are the rules of the Committee on Energy and Commerce (hereinafter the ''Committee'') and its subcommittees so far as is applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, is nondebatable and privileged in the Committee and its subcommittees.

(b) Rules of the Subcommittees. Each subcommittee of the Committee is part of the Committee and is subject to the authority and direction of the Committee and to its rules so far as applicable. Written rules adopted by the Committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the Committee.

Rule 2. Time and Place of Meetings. (a) Regular Meeting Days. The Committee shall meet on the fourth Tuesday of each month at 10 a.m., for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The chairman of the Committee may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the ranking minority member.

(b) Additional Meetings. The chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purposes pursuant to that call of the chairman.

(c) Vice Chairmen; Presiding Member. The chairman shall designate a member of the majority party to serve as vice chairman of the Committee, and shall designate a majority member of each subcommittee to serve as vice chairman of each subcommittee. The vice chairman of the Committee or subcommittee, as the case may be, shall preside at any meeting or hearing during the temporary absence of the chairman. If the chairman and vice chairman of the Committee or subcommittee are not present at any meeting or hearing, the ranking member of the majority party who is present shall preside at the meeting or hearing.

(d) Open Meetings and Hearings. Except as provided by the Rules of the House, each meeting of the Committee or any of its subcommittees for the transaction of business, including the markup of legislation, and each hearing, shall be open to the public including to radio, television and still photography coverage, consistent with the provisions of Rule XI of the Rules of the House.

Rule 3. Agenda. The agenda for each Committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the Committee at least 36 hours in advance of such meeting.

Rule 4. Procedure. (a)(1) Hearings. The date, time, place, and subject matter of any hearing of the Committee or any of its subcommittees shall be announced at least one week in advance of the commencement of such hearing, unless the Committee or subcommittee determines in accordance with clause 2(g)(3) of Rule XI of the Rules of the House that there is good cause to begin the hearing sooner.

(2)(A) Meetings. The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours (exclusive of Saturdays, Sundays, and legal holidays except when the House is in session on such days) in advance of the commencement of such meeting.

(B) Other Meetings. The date, time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b)(1) Requirements for Testimony. Each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the chairman of the Committee or a subcommittee, of a written statement of his or her proposed testimony to provide to members and staff of the Committee or subcommittee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the chairman. Each witness shall limit his or her oral presentation to a brief summary of the argument. The chairman of the Committee or of a subcommittee, or the presiding member, may waive the requirements of this paragraph or any part thereof.

(2) Additional Requirements for Testimony. To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(c) Questioning Witnesses. The right to interrogate the witnesses before the Committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee or subcommittee is operating under the 5–minute rule for the interrogation of witnesses, the chairman shall recognize in order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee or subcommittee, as the case may be.

(d) Explanation of Subcommittee Action. No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full Committee unless the text of the matter reported, together with an explanation, has been available to members of the Committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the Committee to all members of the Committee.

(e) Opening Statements. Opening statements by members at the beginning of any hearing or markup of the Committee or any of its subcommittees shall be limited to 5 minutes each for the chairman and ranking minority member (or their respective designee) of the Committee or subcommittee, as applicable, and 3 minutes each for all other members. With the consent of the Committee, prior to the recognition of the first witness for testimony, any Member, when recognized for an opening statement, may completely defer his or her three-minute opening statement and instead use those three minutes during the initial round of witness questioning.

Rule 5. Waiver of Agenda, Notice, and Layover Requirements. Requirements of rules 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the Committee or subcommittee, as the case may be.

Rule 6. Quorum. Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee or subcommittee in question. A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, or of closing a meeting or hearing pursuant to clause 2(g) of Rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)). For the purposes of taking any action other than those specified in the preceding sentence, one-third of the members of the Committee or subcommittee shall constitute a quorum.

Rule 7. Official Committee Records. (a)(1) Journal. The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the vote on any question on which a record vote is demanded and a description of the amendment, motion, order, or other proposition voted. A copy of the journal shall be furnished to the ranking minority member.

(2) Record Votes. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a quorum, by any one member. No demand for a record vote shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each record vote in any meeting of the Committee shall be made available in the Committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

(b) Archived Records. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee. The chairman shall consult with the ranking minority member on any communication from the Archivist of the United States or the Clerk of the House concerning the disposition of noncurrent records pursuant to clause 3(b) of the Rule.

Rule 8. Subcommittees. There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the Committee. The jurisdiction, number, and size of the subcommittees shall be determined by the majority party caucus prior to the start of the process for establishing subcommittee chairmanships and assignments.

Rule 9. Powers and Duties of Subcommittees. Each subcommittee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the Committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only with the approval of the chairman of the Committee with a view toward assuring the availability of meeting rooms and avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings whenever possible.

Rule 10. Reference of Legislation and Other Matters. All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks of the date of receipt by the Committee unless action is taken by the full committee within those two weeks, or by majority vote of the members of the Committee, consideration is to be by the full Committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the Committee may, in his discretion, refer the matter simultaneously to two or more subcommittees for concurrent consideration, or may designate a subcommittee of primary jurisdiction and also refer the matter to one or more additional subcommittees for consideration in sequence (subject to appropriate time limitations), either on its initial referral or after the matter has been reported by the subcommittee of primary jurisdiction. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the Committee, from the members of the subcommittee having legislative or oversight jurisdiction.

Rule 11. Ratio of Subcommittees. The majority caucus of the Committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of party members on each subcommittee shall be no less favorable to the majority than that of the full Committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 12. Subcommittee Membership. (a) Selection of Subcommittee Members. Prior to any organizational meeting held by the Committee, the majority and minority caucuses shall select their respective members of the standing subcommittees.

(b) Ex Officio Members. The chairman and ranking minority member of the Committee shall be ex officio members with voting privileges of each subcommittee of which they are not assigned as members and may be counted for purposes of establishing a quorum in such subcommittees.

Rule 13. Managing Legislation on the House Floor. The chairman, in his discretion, shall designate which member shall manage legislation reported by the Committee to the House.

Rule 14. Committee Professional and Clerical Staff Appointments. (a) Delegation of Staff. Whenever the chairman of the Committee determines that any professional staff member appointed pursuant to the provisions of clause 9 of Rule X of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Minority Professional Staff. Professional staff members appointed pursuant to clause 9 of Rule X of the House of Representatives, who are assigned to the ranking minority member of the Committee and not to the chairman of the Committee, shall be assigned to such Committee business as the minority party members of the Committee consider advisable.

(c) Additional Staff Appointments. In addition to the professional staff appointed pursuant to clause 9 of Rule X of the House of Representatives, the chairman of the Committee shall be entitled to make such appointments to the professional and clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointee shall be assigned to such business of the full Committee as the chairman of the Committee considers advisable.

(d) Sufficient Staff. The chairman shall ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee.

(e) Fair Treatment of Minority Members in Appointment of Committee Staff. The chairman shall ensure that the minority members of the Committee are treated fairly in appointment of Committee staff.

(f) Contracts for Temporary or Intermittent Services. Any contract for the temporary services or intermittent service of individual consultants or organizations to make studies or advise the Committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the Committee if approved by the chairman and ranking minority member of the Committee. Such approval shall not be deemed to have been given if at least one-

third of the members of the Committee request in writing that the Committee formally act on such a contract, if the request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members, approve such contract.

Rule 15. Supervision, Duties of Staff. (a) Supervision of Majority Staff. The professional and clerical staff of the Committee not assigned to the minority shall be under the supervision and direction of the chairman who, in consultation with the chairmen of the subcommittees, shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) Supervision of Minority Staff. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the Committee, who may delegate such authority as they determine appropriate.

Rule 16. Committee Budget. (a) Preparation of Committee Budget. The chairman of the Committee, after consultation with the ranking minority member of the Committee and the chairmen of the subcommittees, shall for the 108th Congress prepare a preliminary budget for the Committee, with such budget including necessary amounts for professional and clerical staff, travel, investigations, equipment and miscellaneous expenses of the Committee and the subcommittees, and which shall be adequate to fully discharge the Committee's responsibilities for legislation and oversight. Such budget shall be presented by the chairman to the majority party caucus of the Committee and thereafter to the full Committee for its approval.

(b) Approval of the Committee Budget. The chairman shall take whatever action is necessary to have the budget as finally approved by the Committee duly authorized by the House. No proposed Committee budget may be submitted to the Committee on House Administration unless it has been presented to and approved by the majority party caucus and thereafter by the full Committee. The chairman of the Committee may authorize all necessary expenses in accordance with these rules and within the limits of the Committee's budget as approved by the House.

(c) Monthly Expenditures Report. Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by the Committee and subcommittees, anticipated expenditures for the projected Committee program, and detailed information on travel.

Rule 17. Broadcasting of Committee Hearings. Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of clause 4 of Rule XI of the Rules of the House. The coverage of any hearing or other proceeding of the Committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the Committee, the subcommittee chairman, or other member of the Committee presiding at such hearing or other proceeding and may be terminated by such member in accordance with the Rules of the House.

Rule 18. Comptroller General Audits. The chairman of the Committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94–163), after consultation with the members of the Committee.

Rule 19. Subpoenas. The Committee, or any subcommittee, may authorize and issue a subpoena under clause 2(m)(2)(A) of Rule XI of the House, if authorized by a majority of the members of the Committee or subcommittee (as the case may be) voting, a quorum being present. Authorized subpoenas may be issued over the signature of the chairman of the Committee or any member designated by the Committee, and may be served by any person designated by such chairman or member. The chairman of the Committee may authorize and issue subpoenas under such clause during any period for which the House has adjourned for a period in excess of 3 days when, in the opinion of the chairman, authorization and issuance of the subpoena is necessary to obtain the material set forth in the subpoena. The chairman shall report to the members of the Committee on the authorization and issuance of a subpoena during the recess period as soon as practicable but in no event later than one week after service of such subpoena.

Rule 20. Travel of Members and Staff. (a) Approval of Travel. Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the chairman in writing the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) the location of the event for which the travel is to be made; and (4) the names of members and staff seeking authorization.

(b) Approval of Travel by Minority Members and Staff. In the case of travel by minority party members and minority party professional staff for the purpose set out in (a), the prior approval, not only of the chairman but also of the ranking minority member, shall be required. Such prior authorization shall be given by the chairman only upon the representation by the ranking minority member in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

WE SHOULD STEP AWAY FROM THE BRINK OF WAR WITH IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL of Colorado. Mr. Speaker, is this really the time for the United States to lead an attack on Iraq and to make this the immediate centerpiece of our war on terrorism? I think not.

This is not to suggest that military action and war are never justified. Clearly, there are times when force is not only justified but is the most effective means of securing human rights, freedom and security. Knowing when to go to war is as important, however, as recognizing when a war is justified.

Liberating the people of Iraq from one of the world's most repressive regimes and preventing Saddam Hussein from acquiring nuclear weapons and other weapons of mass destruction are all worthy goals that are beyond reasonable argument. But are we certain that we have reached the point where war is the only means of achieving these goals?

A few weeks ago I joined Senator MCCAIN and other legislators at the Wehrkunde Conference. During the conference, Defense Secretary Rumsfeld confronted the Europeans, challenging them to join in military action to disarm Saddam. Most Europeans balked, and they continue to balk today. We may not be entirely alone, but we remain largely isolated, and that will not only make success in Iraq harder. It will also risk our long-term success in the war against al Qaeda and terrorism.

The administration speaks of a short war and assured success. But success in Iraq is not just about eliminating Saddam. Many military experts believe that that will be the easy part. Success in Iraq also means managing the ensuing social chaos, keeping a lid on the Middle East powder keg, thwarting terrorist attacks at home, rebuilding Iraq, and doing all of this when our own economy is faltering. Energy prices are rising and domestic priorities like health care and education are crying out for attention.

The President should be commended for deciding to act through the United Nations with respect to Iraq. And Secretary of State Powell performed admirably in achieving the unanimous Security Council vote giving Iraq a last chance to disarm and instituting renewed inspections. Those were steps that earned us the support of the world community. But that support has dwindled as the administration presses for early action on a timetable that seems to be largely driven by the rising temperatures in the Iraqi desert rather than the degree to which we have built international support. In fact, this has gone so far that some members of the Security Council seem prepared to repudiate the resolution they so recently approved.

The President's rhetoric has fueled the perception that America is eager for invasion, no matter what the rest of the world thinks. This perception has been compounded by seemingly shifting goals and rationales. President Bush did finally specify disarmament as opposed to regime change as the official goal of any U.S. invasion of Iraq. But the administration's emphasis has changed as it suited the President's case. It has been weapons of mass destruction one day, potential links to al Qaeda the next, and Saddam's atrocious human rights record the day after that.

The point is not that these rationales are unfounded. Saddam is a ruthless tyrant who has attacked his neighbors and terrorized and murdered his own people. He has defied U.N. resolutions and has given every sign of trying to continue to evade disarmament.

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The point is that it is difficult to believe the administration did not opt for war long ago whatever the consequences. Although we could be left virtually alone to bear the costs of winning the war and securing the peace, the administration has appeared intent on moving forward, seemingly with contempt for international opinion.

Although it seems that we are beyond the 11th hour and the clock is ticking, there are things we can and must do before taking military action against Iraq. I think continued diplomatic pressure and the threat of military action can force Saddam Hussein to disarm or seek permanent exile abroad. We should continue to apply this pressure through the United Nations.

Further, I think we must be more open to the idea of so-called coercive inspections, using our military buildup in coordination with the U.N. to test the effectiveness of a more robust inspection and disarmament process in Iraq. This would involve putting the most qualified people in the field, providing them with real-time intelligence, destroying forbidden items as soon as they are detected, strictly prohibiting Iraqi flying in the designated no-fly zones and reinforcing the authority of inspectors with ground troops if necessary.

Mr. Speaker, I am an optimist by nature, but I am not naive. Coercive inspections alone may not be enough to disarm Saddam. But I believe they may be the best step now to build greater international support for forcing him to disarm. And as a strategic move in our larger role against terrorism, tightening the international noose on Saddam strikes me as a smarter option, at least in the short term, than opting now for a war with all its known and unknown consequences.

The SPEAKER pro tempore (Mr. BEAUPREZ). Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO THE LATE DR. WILLIAM ''BILL'' PERRY, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

Mr. MEEK of Florida. Mr. Speaker, I rise today to pay honor to a fallen soldier in our country. I rise to pay tribute to one of Florida's unsung heroes, the late Dr. William B. Perry, Jr. who was truly one of the most outstanding civil rights leaders of our time. His passing on Wednesday, February 12, 2003, in Miami-Dade County leaves a deep void in our community as it relates to being an outstanding protector of justice and protecting civil rights in our community for disenfranchised African Americans and people of color.

He was a grassroots person. He was beyond what you may call an elected official or someone that felt that they should do a good thing every once in a while. He was an individual that had many individuals come who celebrated his life on February 17, and it so happens to be Black History Month, of his contributions not only in south Florida but also in other parts of our Nation.

He was noted for being an educator, an educator of young and old, someone that continued to fight a good fight, day in and day out, on behalf of those that were disenfranchised. I think it is important that we remember his work as untraditional and uncommon, doing uncommon things uncommonly well in a way that everyday people could be able to grab on and hold on to his dream. He stood up in a time in the 1980s when there was a gentleman by the name of Arthur McDuffie that was killed by police officers in Miami-Dade County that then sparked off several days of rioting, and he was a part of bringing calmness to that situation and moving forth to help move Miami forward and what we have to do as it relates to fair play for all.

I think it is important, Mr. Speaker, for us to note that he attended college at Coppin State College and Loyola College for his undergraduate studies, and then went on to earn his doctorate degree in education from the University of Massachusetts. He served as an ordinary classroom teacher with the Baltimore City Public Schools. After that, he then went on and was awarded a national fellowship in the school superintendency by the Rockefeller Foundation in 1996, one of the Nation's most prestigious academic honors given to postdoctoral scholars.

I think it is also important for us to be able to note his contributions within the NAACP. He served as one of the Presidents of the Greater Miami-Dade NAACP where he was at the forefront and was ready to be able to move forth on behalf of those individuals that needed a voice in the community and in our Nation. Dr. Perry went on to educate many other leaders that are in our community today. He was a man who believed in family. He believed in commitment. He believed in the American way and making sure that everyone, and I do mean everyone, had an opportunity of the American dream. He left behind a family of great love and appreciation not only for public service but for education, making sure that they were the beacon for other families to follow. He left several grandchildren and children behind to carry on his legacy, and even those that are not in his bloodline, Mr. Speaker, that can continue his way of thinking, his uncanting will to represent those that needed the representation.

Words are truly inadequate, Mr. Speaker, to try to describe all the contributions that Dr. Perry gave to our country and also to Miami-Dade County in Florida. But we must say that we only have a Dr. William Perry to come our way every once in a while. I must say that we need to continue to carry on, and America should move along in standing for those that need individuals to stand for them, and also make sure that we keep Dr. King's dream alive and Dr. Perry's dream alive in equality for everyone, Dr. Perry also was a drum major, to make sure to tell young and old never to give up on what they believe in and what they think is right.

Mr. Speaker, I would close by saying that it is important that we have fallen heroes, be it elected or selected or, we may say in the Christian community, anointed to lead, that we remember their contributions so that others can follow their track.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

(Mr. RUSH 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 North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

(Mr. ETHERIDGE 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.)

THE IRAQ CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, President Bush, from all appearances, seems poised to attack the country of Iraq sometime in the next 2 or 3 weeks according to news reports, according to reading a bit between the lines of statements coming from the Bush administration. The fundamental question about whether or not the United States should launch a preemptive strike without U.N. support against Iraq, the fundamental question is whether that attack against Iraq makes the United States a safer country and whether it makes American civilians traveling abroad, living abroad more importantly, perhaps, living in the United States, whether it makes all of us safer. The CIA says no.

A CIA analysis said that the chances of what they call a blowback, meaning attacks against civilians from terrorists abroad or terrorists inside the

United States, that attacks against civilians, the chances increase according to the CIA, so-called blowback, the term they used, the chances increase if we launch a preemptive strike against Iraq without U.N. support. Several four-star generals testified in the other body and said that an attack against Iraq without U.N. support, a preemptive attack will, in their words, supercharge al Qaeda recruiting. Common sense simply tells you that the U.S. will not be a safer place, will be a more dangerous place, that civilians in this country will in fact be in more danger if we unilaterally attack Iraq. Common sense says that, Mr. Speaker, because if Saddam Hussein is backed into a corner, Saddam Hussein, who has not attacked anyone in the last 10 years, if he is backed into a corner with whatever weapons he might have, the chances are he is much more likely to attack the United States if in fact that happens.

Mr. Speaker, this country for the last five decades has followed a military doctrine of containment and deterrence and diplomacy. Dwight Eisenhower when urged by some advisers and some newspapers similar to the actions of the Washington Post, those kind of jingoist, expansion, let's-get-into-war newspapers that encouraged him, Dwight Eisenhower, to go to war against Stalin and the Soviets, Dwight Eisenhower said, ''That's not what we do in this country. We don't launch preemptive attacks against people. Instead we contain, we deter, we use diplomacy.''

Dwight Eisenhower and others contained and deterred and used diplomacy with Joseph Stalin and the Soviets to contain them. We used the same containment and deterrence and diplomacy with the People's Republic of China and Mao Zedong. John Kennedy used the same kind of deterrence and containment against Fidel Castro and the Cubans to keep them in check, to keep them from expanding. And the United States Government, George Bush, Sr., President Clinton, and the first couple of years of President Bush, we have done the same containment and deterrence to keep Saddam Hussein in check.

Now if we launch a preemptive attack against Iraq, go against a country that has not attacked us, a country that we know has no ties to the terrorists who attacked our country, we know Saudi Arabia has ties. In fact the people who attacked our country, most of them were from Saudi Arabia. We also know that the Saudi royal family happens to be friends of the Bush family. Saudi Arabia is still our friend. We do not attack them even though they have ties to al Qaeda.

We are not attacking North Korea, even though we know they have nuclear weapons. We are not attacking Iran, even though they are a part of the axis of evil. The President has decided that we are about to attack Iraq, a country where we have contained and deterred and kept Saddam Hussein in check.

But, Mr. Speaker, if we decide to change our military doctrine of containment, deterrence and diplomacy, to change our military doctrine that we have followed for the last five or six decades, and preemptively strike a country that has not attacked us, the message around the world, the message to the Russians is going to be, it is okay to chase down Chechen terrorists and go into Georgia and attack them. The message to the Chinese will be, it is okay to clamp down harder on Tibet, it is okay maybe to invade Taiwan because the United States launched a preemptive attack, and maybe it is okay for the world powers to engage in that kind of lawlessness. And most problematically and most dangerously and most frighteningly, Mr. Speaker, it will say to India that maybe it is okay to launch a preemptive strike against Pakistan over Kashmir. It will say to Pakistan, maybe it is okay to launch a preemptive strike against India over Kashmir. Those happen to be, Mr. Speaker, two countries that have nuclear weapons.

So if we go against the U.N. decision, if we go into Iraq without U.N. support preemptively, first of all it clearly makes our country more dangerous because you can count on as we attack Iraq, you can count on Al-Jazeera taping hostilities and taping casualties of Iraqi civilians and the message that that is going to send to the Arab world of destabilization, making the world a more dangerous place to be.

LIONS CLUB FOUNDER MELVIN JONES AND LIBERTY DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 60 minutes as the designee of the majority leader.

Mr. KENNEDY of Minnesota. Mr. Speaker, over 200 years ago, at the end of the Constitutional Convention in Philadelphia, a curious woman asked Benjamin Franklin, ''Sir, what have you given us?'' He replied, ''A republic, if you can keep it.''

That is our challenge today. A couple of things that are vital to maintaining, to help that republic, include the active involvement of our citizens in our government and the active community service of others, reaching out to others in their communities. No one understands this better than a man named Melvin Jones who I would like to honor here today, the club he started, the Lions Club, as well as a program that the Lions Club are undertaking called Liberty Day.

This man, Melvin Jones, is a living example of what it means to be a community servant. As he went out and founded the world's largest network of community service organizations, the Lions Club International, I am proud to be a member of the Watertown, Minnesota, Lions Club.

Melvin Jones was born on January 13, 1879, in the cavalry outpost at Fort Thomas in what was then Arizona Territory, to Captain Calvin Jones and Lydia Gibler Jones. Like many children growing up in the Wild West, his early years were filled with memories of horses, blue-clad troopers, bugles and war cries, wagon trains, rugged settlers and windswept dust. At the age of 7 his father was transferred east to St. Louis and later to Quincy, Illinois. Marked by the effects of growing up during times of war, Melvin's attendance in school was sporadic.

□ 1830

After the move east, he attended public schools in both Quincy and St. Louis and attended Union Business College and Chaddock College in Quincy. After college, he moved to Chicago and took a job with the insurance agency Johnson and Higgins. In 1909 he married women's professional golfer, Rose Amanda Freeman, who later unqualified as Melvin worked tirelessly to get Lions Club rolling. In 1913 Melvin's success in the insurance industry opened the doors of his being the sole owner of Melvin Jones Insurance Agency.

Later in 1913 an acquaintance invited Melvin to meet some of the boys who turned out to be a members group of businessmen called the Business Circle who welcomed Melvin to the club with open arms. Like many such groups during that time, the Business Circle was a scratch-my-back-and-I-will-scratch-yours club. Although Jones enjoyed the club, he was uncomfortable with the exclusivity and introduced new ideas to expand the group's membership and purpose. In 1915 Melvin Jones was elected secretary of the Business Circle. As secretary, he pondered how much could be accomplished if everyone redirected their energy and pooled their abundant intelligence, talents, and ambition towards the greater good of their communities.

Jones broached this idea with other similar organizations with mixed reviews at best. So Melvin Jones set out to launch his own organization to put this unique vision into action. Although the reviews of this novel idea were mixed, Melvin Jones trudged on; and on June 17, 1917, he assembled 20 delegates representing 27 clubs nationwide in the east room of the Hotel LaSalle in Chicago. A consensus was easily reached that a national organization should be formed dedicated to community service. After spirited debate, the group voted by secret ballot to name this new organization the Association of Lions Clubs. Jones advocated for the name Lions because it was a symbol of courage, strength, fidelity, and vital action. It helped set the standard for the club. Jones insisted during the draft of the organization's constitution that no club shall hold out as one of its objects financial benefits to its members. He followed this model throughout his life.

The novel idea of a national organization committed to community service caught on fast. In 1920, the club became international when it chartered a new club in Windsor, Ontario. One of the profound moments of the club's history occurred at the 1925 Lions international convention in Cedar Point, Ohio. At the Cedar Point convention, Helen Keller addressed the members challenging the Lions to become ''knights of the blind in the crusade against darkness.'' From then on the Lions Clubs have made one of their biggest priorities to serve the blind and the visually impaired.

By 1927, the Lions Club had grown to 11,083 local clubs supporting 60,000 members performing charitable service in communities all over the world. In 1950 when Lions membership surpassed the 400,000 mark, the International Board of Directors conferred upon Melvin Jones the title of secretary general of Lions International, which was changed to founder and secretary general in 1958. The 1950s and 1960s were marked by major international expansion by the Lions of Europe, Asia, and Africa. Melvin Jones played a central role in the Lions operation until the time of his death.

Throughout his life, Jones's refusal to accept the limitations of old age was an inspirational reminder to his peers of his dedication to serving others. At the age of 81, even after several strokes the year before, he commuted alone on a daily basis from his suburban Chicago home, never missing a moment of the Lions 1960 international convention where thunderous applause for the founding father shook the rafters.

On June 1 of 1961, Jones's perfect attendance record ended with his passing into the next life and joining his maker. Soon after his passing, the International Board of Directors proclaimed January 13, Melvin Jones's birthday, as a day of memory each year through the world. In 1965 the Melvin Jones's Lions International Memorial was erected and dedicated near his birthplace at Fort Thomas, Arizona. In June of 1999, the Lions International Board dedicated a prestigious 50-foot spire, recognition as an international shrine. During his remarkable life, Melvin Jones accumulated dozens of awards, honors, and accolades. In 1932 Herbert Hoover invited him to the White House as part of the conference of business leaders to discuss the economic problems of that time. In 1945 he represented the Lions Club at a conference in Washington, D.C. for preliminary planning of the United Nations and later that year in San Francisco as a consultant at the historic organization of the United Nations. And in 1953 after 32 years in cramped quarters of the McCormick Building in Chicago, the Lions Club International's very own building was dedicated on Michigan Avenue, a beautiful symbol and living monument to the founder.

Lions Club International is the largest network of service clubs in the world. Today there are more than 44,600 clubs and 1.4 million members throughout the world spanning 190 countries. Lions Clubs continue to embrace, giving back to their communities by building a brighter future for their communities. Lions Clubs perform a wide range of services from simple things such as cleaning up local parks to helping with medical advances. And ever since Helen Keller addressed that convention, they have had a dedication to helping those with sight issues and advancing those with blindness.

This brings us to the Lions' role in a new project for the new century. As many of us are well aware, over the years civics has become only a voluntary study in many schools around the country. In fact, many history books have left out the two most important documents in our Nation's history: the Declaration of Independence and the Constitution. This is very unfortunate and will have detrimental effects on our Republic as young people are learning less and less about government and about our beginning as a country. This leads to the apathy and cynicism about our government often associated with our younger generations. If we educate our children about our foundation, it is more likely that they will take a stronger interest in our government and be more attentive, informed voters when they become adults.

In the summer of 1966, two members of the Youth Service Committee of the Lions Club in Denver, Colorado, decided to start a small program in Denver schools to distribute books containing just the Declaration of Independence and the Constitution. The program immediately got traction and volunteers sought out private donations for the printing of these little booklets.

Teachers loved the concept, but they lacked an appropriate day on which to teach about the Declaration of Independence and the Constitution because students were out of schools on the most logical day, the July 4 holiday. A theme day was established and through a contest it was named Liberty Day. The first official celebration of Liberty Day was September 17, 1999, the same day as the signing of the Constitution. However, many thought it was celebrated too close to the start of a school year. It was moved to December 15, the day of the ratification of the Bill of Rights. Many thought it was too close to Christmas. It was then decided that the best day would be the Father of the Constitution's, James Madison's, birthday on March 16. However, this day still lacked significance to many students. Lions Club members and volunteers recruited elected State officials in Colorado that included the Speaker of the Statehouse, Russell George, former Senator Gary Hart, and Attorney General Gale Norton, and others to go to the schools, speak to the classes, and distribute the books. The response was unbelievable. Instead of doodling, scribbling, or discarding the books, students lined up to have their books autographed and flooded the speakers with thank you notes for what they had learned. To make things easier for teachers, Lions Club members and volunteers have taken on the role of schedulers for both the officials and teachers.

An idea this powerful could not stay in one place for very long. Almost immediately, the little Denver project began expanding across the country. Today, every State has its own booklet on Liberty Day, and many have appointed statewide Liberty Day coordinators who are raising money to print these books; and I am proud to be the State chairman of Minnesota's Liberty Day program. Other national service organizations have even chimed in to contribute to the Liberty Day cause. Liberty Day is not just spread all over the United States. It is spread all over the calendar. Although March 16 is still the official date, Liberty Days are now being celebrated practically every week of every month somewhere around. Liberty Day has evolved into more than just a celebration for students. It is a celebration in which the whole community can participate.

Many communities celebrate by holding public lectures, displaying sections of the Declaration of Independence and Constitution in public places, staging mock debates on issues our Founding Fathers grappled with more than 200 years ago. The little booklets that started with Liberty Day are used for far more than just Liberty Day celebrations and educating students on our founding documents. Boy Scouts use them to study for their merit badges, immigrants to study for their citizenship tests, even Congressmen use them to distribute at town meetings, and grandparents to give to their grandchildren. As in many parts of the country, Liberty Day has taken on an importance to thousands of students in Minnesota.

Liberty Day celebrations are terrific opportunities to connect with our constituents and to provide an example and opportunity to give back something to our community. It is also a chance to leave a lasting impression in the minds of young and old alike and erase some of the cynicism that they may have towards government and public officials. In my district, I have had the honor of participating in about a dozen of these celebrations, talking to thousands of students and hundreds of adults, and the results have been overwhelmingly positive.

I really challenge all of my colleagues, many of whom already do this, to take advantage of this wonderful opportunity to give so much back to the community with the minimum commitment of time. To learn more about this exciting program, I highly encourage everyone to contact the National Liberty Day organization and visit their Web site at www.LibertyDay.org.

In many of my programs, we do in fact involve the whole community. The

VFW, the American Legion often participate in bringing the flags up. The schools often participate by singing a patriotic song or the band playing patriotic music. Local officials such as school board members, the mayor, or legislators or members of the Lions Club would come and participate, giving their message as to what liberty means for them. And there is a very powerful message that these students really appreciate hearing.

In my remarks at these Liberty Day programs, I remind them that, in fact, President Bush reminded us that in every generation the world has raised up enemies of human freedom and that they have attacked America, as he said, because we are freedom's home and defenders. I tell them that their grandparents' generation will all remember where they were on that Day of Infamy on December 7, 1941; and I encourage them to talk to their grandparents about that memory and what it meant to them and how they valued freedom ever since.

I tell them that people of their parents' generation, of my generation, will remember where we were on November 22, 1963, when we first heard that John F. Kennedy was shot. I tell them of my memory of being in first grade in a four-room schoolhouse and our teacher coming in and telling us that and looking to the back of the room and seeing the picture of President Kennedy on top of the bookcase. And I tell them that in a similar way, all of them, indeed everyone today that was living at the time of September 11, will remember the vicious and cowardly attacks on our country on that day. I describe to them how I will never forget that day, in being in my office here in Washington, D.C., seeing smoke from our Nation's military headquarters, the Pentagon, out of my office window, having the Capitol as a prime target across the street and a fourth hijacked plane heading our way.

□ 1845

How I will never forget returning to the Capitol after being evacuated later that day and seeing, even though it was a bright sunshiny day, that instead of the crowds of students and others that usually throng the Capitol, there was only beefed-up security forces, and F–16s flying overhead, making it seem more like the movie set of a science fiction film than our Nation's Capital.

And how I will never forget going to the Pentagon 2 days after the attack and having the workers there tell me that they had not yet found a piece of the airplane longer than 6 feet long. How I would never forget going with several Members of Congress to Ground Zero at the World Trade Center site in New York City and the utter devastation that I witnessed, with seven buildings totally destroyed and the others looking as if a giant had taken a can opener and pried away at the edges.

But I tell them that in New York City if you stopped and turned up towards the harbor, that you could see that the Statue of Liberty still held that Flame of Liberty high. And that as you talked to the people there in New York, and for me back home in Minnesota and all my other colleagues, I know you experience the same thing back in your own States, you could tell that the spirit of America was as strong as it has ever been.

I asked them to think about where do we get that source of the spirit of America? In answering that question, I describe to them a vacation that I took where I learned about the spirit of America, the first vacation in fact that I took outside of the State of Minnesota when I was 10 years old.

I took a vacation with my family to visit my uncle and his family in Virginia. My uncle Earl was a World War II veteran of Pearl Harbor, was in the Navy at the time, did not really enjoy the fact you could not dig a foxhole in the middle of the ocean, so switched to the Army, retired working with the Army in Newport News at Fort Eustis.

He was a history buff. He took us all around the Tidewater, Virginia area to the historic sites there, to Williamsburg, Jamestown, and Yorktown. And I describe Jamestown as the place where the first settlers came over and braved the treacherous crossing on the ocean to come and settle this land back in 1607, and how a young captain there, John Smith, got in trouble with the natives, but that a young lady came and helped him out. And, you know, it is true, thanks to the movie, all of our students can tell us who that young lady was. Pocahontas. I, of course, kid them that their younger brothers and sisters were the ones that made them watch the movie.

Then I talk about Williamsburg, the colonial capital of Virginia, right nearby and describe that it is a lot like my State capital, in my case in St. Paul in Minnesota, but that instead of having the legislators, several of which are often there at the Liberty Day programs, how they had people like George Washington, Thomas Jefferson, and a guy who said, ''Is life so dear or peace so sweet as to be purchased by the bonds of chains and slavery? Forbid it, Almighty God. I know not what course others may take, but as for me, give me liberty or give me death.'' And many of these students do know who said that: Patrick Henry. And it is good to have many of them reminded of the historic events that took place there.

Then I talk to them about the fact that that was the place where the Virginia legislature made the motion for independence that was carried to the Continental Congress, a place similar to our body here, that made the motion for independence that led to the Declaration of Independence. And how just a few miles away from there, in Yorktown, is where we ultimately won the Revolutionary War, our battle for independence, when General Cornwallis surrendered to George Washington.

And I describe that clearly in those historic places and the events that took place there, that that is part of the source of our American spirit, but that I learned more about the American spirit than its strengths later on in that trip. How my uncle took me to the Newport News shipyards and how I could see, looking through the chain-link fence, them building a ship. The ship happened to be pretty big. It was the USS *John F. Kennedy* aircraft carrier. And I described that one of the biggest honors that I have had in my term in Congress, my first term in Congress, was having the opportunity to fly out aboard that same carrier many years later.

And I asked the students, do you know how a plane stops on an aircraft carrier in the middle of the ocean on such a short runway? There is always at least one or several smart young students that know. And they are enthralled when you talk about the risks that these pilots take, how an arm drops down from a plane with a hook on the end of it and has to catch one of the cables strung along the flight deck. How you go from 150 miles an hour to zero on the way in. And the experience that you have when you come out aboard this heaving, windblown flight deck, with the Hornets and the Tomcats crowded in around you, and the sailors in their multicolored suits standing at attention to salute you.

I tell them I have never seen a more dedicated, capable, committed group of young men and women than those I have seen defending our freedom here in America today, and say that clearly that is also part of the source of America's strength, the strength of the American spirit.

But I say I found out even more about that source of the strength of the American spirit later on that same trip, when we had one day where we came here to Washington, DC. I tell how I was really inspired by coming to the Capitol and the White House and seeing the Washington Monument and the Jefferson Memorial and Lincoln Memorial.

But I say the one place that inspired me most and that in my mind had the deepest source of that American spirit was in a building that has a room in it as big as the auditorium that we are normally giving these presentations in, and I say in this room its prime purpose is to house just two documents, and that those two documents are so vital and critical that they are kept in an environmentally controlled case that will recede down into a vault in the evenings or when it is threatened.

Then I ask them to guess what are those documents? And by that time they always know, and they are impressed with how much we hold these documents in reverence, the Declaration of Independence and the Constitution.

To help them better understand those documents, I use the example of football. Since we are in the State of

Minnesota and the people we love to compete against and beat are the Green Bay Packers, I always put it in the context of the Minnesota Vikings and the Green Bay Packers and say, you know, if you are going to play football, the first thing you need to do is you need to agree on what the goal is. And if the Packers say it is the team with the least points that wins and we think it is the one with the most, and you do not decide that ahead of time, you really do not get much out of the game of football.

But I describe that that is the role of the Declaration of Independence. It tells everybody what our goal is, what is the goal of government. And the goal of government is that governments are instituted amongst men to secure our rights, and that they derive their just power from the consent of the governed; you, the students, I say, as you turn 18.

That is what the Declaration of Independence tells us. It talks about our rights, those inalienable rights of life, liberty, and the pursuit of happiness. And I tell the students that even though you have heard this so many times, seemingly from before you were born, that you think that there is nothing big about that. But that back in 1776 those words, those ideas, were radical.

Back then, they still had a Holy Roman Emperor in Europe, the Manchu Dynasty still ruled in China, the Shoguns still ruled in Japan, and the Declaration of Independence brought to birth for the first time the idea that we were free and that governments got their power from the governed.

But getting back to the football example, I say, okay, now that we all agree on what the goal is, you need to know more, and you need to know the rules of engagement. And let us just say the Packers say, okay, they get five downs to make a first down and the Vikings only get three, that would not be fair. The students understand that. And in a similar way we cannot decide that one party gets 5 years if they get elected as a President and the other party's candidate would only get 3. We have to all do it the same.

I describe that in the case of Minnesota, that our coach, Vikings Coach Tice, cannot all of a sudden decide he wants to switch with the referee, or the referee cannot decide that he just wants to switch and be quarterback instead of Dante Culpepper; that there has to be rules, and that the Constitution defines those rules.

I say that we here, colleagues, are very much like the coach; we pass the laws, which is very similar to calling the plays. How the President and the administration are very much like the quarterback and the team. They carry out those laws, carry out those plays. And how the court system is very much like the referees, how they blow the whistle when we go out of bounds.

I talk about how it is for this understanding that Liberty Day was established, and how George Washington was the father of our country, but that James Madison was really the father of the Constitution and therefore the father of our government. And that even though we declared independence in 1776 and we won the Revolutionary War at Yorktown in 1781, it was not until that Constitution was ratified that we began having Presidents and Congresses.

I tell them how Madison was elected to that very first Congress. And one of the things that always captures their attention, even if it is 4,000 students in an auditorium, is when I put the microphone in front of a student and bend down and show them the pin that recognizes us as Members of Congress.

I ask the student, What is the only thing it says on this pin? Everybody is focused, because they are waiting to hear what the child has to say, and they always get it right, sooner or later. The only thing on our pins is it says 108. And that 108 means that we are a Member of the 108th Congress. I tell them, James Madison was in the First, we are in the 108th.

Our Congresses last every 2 years. That is why we have campaigns every 2 years, which makes sense to them. So how long has our Constitution been functioning? Two times 108; and, you know what? There is always a smart kid, they always get the answer right, 216 years.

I congratulate the math teachers and I describe to them how significant that is, how our Constitution is a century longer than most other countries' constitutions. How during that same time, France has had five constitutions.

I tell them that just as their football team, their school football team, needs fans in the stands that are engaged, that know what the goal is, to get the most points, and know what the rules of the game are, they need all of that for their team to be successful; that for our government, for our country to be strong and successful, that we need to have people that are engaged in a similar way, that know what the goal is, independence, and that know what the rules are, our Constitution.

I challenge them to renew their commitment to learn more about our heritage, to learn more about the Declaration of Independence and the Constitution and the ideas behind it, and to continue to be informed about their government, about civic life, and challenge them to be involved.

Finally, given the times we are in, I tell them, you know, we are in scary times. You hear and see scary things. But I encourage them to remember what President Bush said: that we are in a battle between fear and freedom, and that if we succumb to that fear and lose all our freedoms, that the terrorists have won, and that we need to be strong in that.

I tell them that not did just President Bush tell us not to be fearful, but another guy told us not to be fearful. When I tell them that this other guy's name was in a movie series called Star Wars and his name is Yoda, and encourage them to do the same that he told Anikan before the Jedi Council, which I describe is very similar to the group that they are viewing, and they always get a good chuckle out of that; but I tell them, Remember what Yoda said, that fear is the path to the dark side; that fear leads to anger and anger leads to hate and hate leads to suffering.

I encourage them to follow the words of their President, to follow the words of Yoda, to follow the words and example of the veterans, many of which are at the events, and as described by President Reagan, those veterans, the men of Normandy, and tell them as Reagan said of the men of Normandy, that they had faith that what they were doing was right; that they had faith that they fought for all humanity; and they had faith that a just God would show them mercy on this beachhead or the next. And how they knew that word was spreading back home in the dark, and that they could feel in their hearts that the people in Georgia were filling the churches at 4 o'clock in the morning; that the people in Kansas were kneeling on their porches and praying; and that the people in Philadelphia were ringing the Liberty Bell.

□ 1900

I remind them that we have been given the responsibility and the honor to again fight freedom's fight. But that if we redouble our efforts to understand what our Constitution and what our Declaration of Independence tell us today, to follow through with the strong active civic involvement, and that if we follow the examples of those that came before us, by filling our churches, kneeling on the porches and praying and ringing the Liberty Bell, that we will do, as John F. Kennedy said, by having the energy and the faith and the devotion that we bring to this task light our country and all who serve it and that the glow from that fire can truly light the world.

Mr. Speaker, that is a powerful message that our students appreciate hearing and really need to hear. We need to make sure that we are inspiring the next generation with the message of the Constitution, the message of the Declaration of Independence, the message of our Founders, and the heritage that has been built up by so many people over the centuries of this country.

I would really like to thank the Lions Club, the members, all of those whom have been involved in bringing this Liberty Day to the success that it enjoys today. Specifically, I would like to mention Andy McKean, the director of Liberty Day, Colorado and a member of the Denver Lions Club, who has played a vital role in promoting Liberty Day nationwide. I would also like to thank our very own Frank Loreno, the Minnesota Lions Club Liberty Day coordinator. He has been tireless in his working to promote this program

throughout Minnesota. However, it is with great sadness I report that Frank has recently been diagnosed with cancer. He is recovering well, but I ask that he and his family be kept in our thoughts and prayers.

It is important for all of us to remember our veterans, many of whom gave the ultimate sacrifice to ensure our liberty, to ensure that it is protected. And it is the volunteers of Liberty Day, it is these veterans, it is individuals who have sacrificed their own time and effort for the good of their neighbors, these are the true inspiration for the importance of Liberty Day.

Mr. Speaker, Liberty Day is a wonderful concept and a valuable part of teaching all Americans about the importance of civics. I strongly encourage everyone to support Liberty Day and to volunteer to help advance this noble cause.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. DEFAZIO (at the request of Ms. PELOSI) for today after 4:00 p.m. on account of official business in the district.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. BOYD (at the request of Ms. PELOSI) for today after 5:00 p.m. on account of business in the district.

Ms. WATERS (at the request of Ms. PELOSI) for today after 4:00 p.m. on account of business in the district.

Mr. HYDE (at the request of Mr. DELAY) for today on account of influenza.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. UDALL of Colorado, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. KENNEDY of Minnesota) to revise and extend their remarks and include extraneous material:)

Mr. MURPHY, for 5 minutes, today.

Mr. TAUZIN, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on February 27, 2003 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 19. Recognizing the 92nd birthday of Ronald Reagan.

H.R. 395. To authorize the Federal Trade Commission to collect fees for the implementation and enforcement of a ''do-not-call'' registry, and for other purposes.

ADJOURNMENT

Mr. KENNEDY of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Monday, March 3, 2003, at noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second and fourth quarters of 2002, pursuant to Public Law 95–384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Mica	11/30	12/4	United Kingdom		1,544.00		668.17				2,212.17
	12/4	12/8	Italy		2,080.00		(3)				2,080.00
Sharon Pinkerton	11/30	12/4	United Kingdom		1,544.00		5,445.42				6,989.42
	12/4	12/6	Italy		1,248.00		(3)				1,248.00
Hon. Mike Rogers	11/18	11/19	Turkey		273.00		6,776.39				7,049.39
	11/19	11/21	Qatar		468.00		(3)				468.00
	11/21	11/23	Bahrain		542.00		(3)				542.00
	11/23	11/25	Kuwait		778.00		(3)				778.00
	11/25	11/27	United Kingdom		772.00						772.00
Committee total					9,249.00		12,899.98				22,138.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DON YOUNG, Chairman, Feb. 10, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND MAY 19, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Kolbe, Chairman	5/16	5/19	Mexico		345.65		(3)				345.65
Hon. David Dreier	5/16	5/19	Mexico		252.72		(3)				252.72
Hon. Charles Stenholm	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Joe Barton	5/16	5/19	Mexico		168.48		(3)				168.48
Hon. Chris Cannon	5/16	5/19	Mexico		168.48		(3)				168.48
Hon. Tom Tancredo	5/16	5/19	Mexico		186.96		(3)				186.96
Hon. Howard Berman	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Calvin Dooley	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Ed Pastor	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Bob Filner	5/16	5/19	Mexico		252.72		(3)				252.72
Hon. Lucille Roybal-Allard	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Silverstre Reyes	5/16	5/19	Mexico		280.44		(3)				280.44
Hon. Tom Udall	5/16	5/19	Mexico		280.44		(3)				280.44

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 16 AND MAY 19, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fran McNaught	5/16	5/19	Mexico		252.72		(3)				252.72
Patrick Baugh	5/16	5/19	Mexico		252.72		(3)				252.72
Caleb McCarry	5/16	5/19	Mexico		252.72		(3)				252.72
Jim Farr	5/16	5/19	Mexico		252.72		(3)				252.72
Linda Solomon	5/16	5/19	Mexico		252.72		(3)				252.72
Jean Carroll	5/16	5/19	Mexico		252.72		(3)				252.72
Paul Oostburg Sanz	5/16	5/19	Mexico		252.72		(3)				252.72
Brad Smith	5/16	5/19	Mexico		252.72		(3)				252.72
Delegation expenses									4,077.62		4,077.62
Interpreters									3,120.00		3,120.00
Committee total					5,359.85				7,197.62		12,557.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM KOLBE, Chairman, June 18, 2002.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Henry E. Moore	10/19	10/25	France		1,410.29						1,410.29
Commercial airfare							7,008.07				7,008.07
John T. Blazey	11/17	11/21	Turkey		1,072.00						1,072.00
	11/21	11/25	Tunisia		656.00						656.00
	11/25	11/28	Italy		1,248.00						1,248.00
									86.00		86.00
Commercial airfare							6,856.09				6,856.09
Therese McAuliffe	11/17	11/21	Turkey		1,072.00						1,072.00
	11/21	11/25	Tunisia		656.00						656.00
	11/25	11/28	Italy		1,248.00						1,248.00
									86.00		86.00
Commercial airfare							6,856.09				6,856.09
Hon. Bud Cramer	11/17	11/21	Turkey		1,072.00						1,072.00
	11/21	11/25	Tunisia		656.00						656.00
	11/25	11/28	Italy		1,248.00						1,248.00
									86.00		86.00
Commercial airfare							6,856.09				6,856.09
Rob Nabors	11/16	11/19	England		840.00						840.00
	11/19	11/21	Germany		670.00						670.00
	11/21	11/23	Netherlands		490.00						490.00
									100.00		100.00
Commercial airfare							1,315.83				1,315.83
Leslie F. Albright	11/16	11/19	England		840.00						840.00
	11/19	11/21	Germany		670.00						670.00
	11/21	11/23	Netherlands		490.00						490.00
									128.02		128.02
Commercial airfare							1,315.83				1,315.83
Hon. David L. Hobson	11/23	11/29	Italy		2,496.00						2,496.00
	11/29	12/1	Greece		236.00						236.00
	12/1	12/2	Spain		196.00						196.00
Part commercial airfare							530.05				530.05
Hon. Robert Aderholt	11/24	11/29	Italy		2,080.00						2,080.00
	11/29	12/1	Greece		236.00						236.00
	12/1	12/2	Spain		196.00		(3)				196.00
John Scofield	11/24	11/29	Italy		2,080.00						2,080.00
	11/29	12/1	Greece		236.00						236.00
	12/1	12/2	Spain		196.00		(3)				196.00
Brian Potts	11/23	11/29	Italy		2,080.00						2,080.00
	11/29	12/1	Greece		236.00						236.00
	12/1	12/2	Spain		196.00		(3)				196.00
Jennifer Miller	11/24	11/29	Italy		2,080.00						2,080.00
	11/29	12/1	Greece		236.00						236.00
	12/1	12/2	Spain		196.00		(3)				196.00
Hon. C.W. Bill Young	12/2	12/4	Germany		210.00						210.00
	12/4	12/6	Italy		600.00						600.00
							(3)		426.96		426.96
Hon. Rodney Frelinghuysen	12/2	12/4	Germany		210.00						210.00
	12/4	12/6	Italy		832.00						832.00
							(3)		426.96		426.96
Douglas Gregory	12/2	12/4	Germany		210.00						210.00
	12/4	12/6	Italy		832.00						832.00
							(3)		426.96		426.96
David Jolly	12/2	12/4	Germany		210.00						210.00
	12/4	12/6	Italy		600.00						600.00
							(3)		426.96		426.96
Hon. Charles Taylor	12/4	12/7	Russia		1,032.00						1,032.00
Part military airfare							(3)				
Mark Murray	12/7	12/11	Russia		1,400.00						1,400.00
	12/11	12/15	Turkey		900.00						900.00
Part commercial airfare							5,659.00				5,659.00
John Shank	12/10	12/15	Turkey		1,100.00						1,100.00
Commercial airfare							5,178.69				5,178.69
Michelle M. Burkett	12/3	12/7	Japan		1,356.00						1,356.00
Commercial airfare							7,155.21				7,155.21
Kevin Roper	12/20	12/21	Qatar		234.00						234.00
	12/21	12/23	Kuwait		778.00		(3)				778.00
Committee total					37,818.29		48,750.95		2,193.86		88,743.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

C.W. BILL YOUNG, Chairman, Jan. 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Travel to Turkey, Qatar, Bahrain, Kuwait and the United Kingdom, November 18–27, 2002:											
Hon. Joe Wilson	11/18	11/19	Turkey		273.00						273.00
	11/19	11/21	Qatar		467.99						467.99
	11/21	11/23	Bahrain		542.00						542.00
	11/23	11/25	Kuwait		779.40						779.40
	11/25	11/27	United Kingdom		772.00						772.00
Commercial airfare							5,034.95				5,034.95
Hon. Mark Kirk	11/19	11/21	Turkey		536.00						536.00
	11/21	11/23	Bahrain		542.00						542.00
	11/23	11/25	Kuwait		779.40						779.40
	11/25	11/27	United Kingdom		772.00						772.00
Commercial airfare							4,904.00				4,904.00
Travel to Colombia and Bolivia, November 19–23, 2002:											
Hon. Jo Ann Davis	11/19	11/20	Colombia		225.00						225.00
	11/20	11/23	Bolivia		492.00						492.00
Commercial airfare							1,067.20				1,067.20
Travel to Georgia, Belarus and Russia, December 1–7, 2002:											
Hon. Curt Weldon	12/1	12/3	Georgia		536.00						536.00
	12/3	12/4	Belarus		194.00						194.00
	12/4	12/7	Russia		1,032.00						1,032.00
Hon. Roscoe Bartlett	12/1	12/3	Georgia		536.00						536.00
	12/3	12/4	Belarus		194.00						194.00
	12/4	12/7	Russia		1,032.00						1,032.00
Mr. Douglas C. Roach	12/1	12/3	Georgia		536.00						536.00
	12/3	12/4	Belarus		83.34						83.34
	12/4	12/7	Russia		1,032.00						1,032.00
Travel to Ecuador, Colombia and Argentina, December 15–21, 2002:											
Hon. Loretta Sanchez	12/15	12/17	Ecuador		337.20						337.20
	12/17	12/19	Colombia		350.00						350.00
	12/19	12/21	Argentina		703.00						703.00
Commercial airfare							4,181.00				4,181.00
Committee total					12,746.33		15,187.15				27,933.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, Jan. 31, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN BOEHNER, Chairman, Feb. 4, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Paul Kangas	10/26	11/01	Belgium		660.00		825.47				1,485.47
Hon. Patrick Tiberi	11/24	11/29	Italy		2,080.00		(3)				2,080.00
	11/29	12/1	Greece		236.00		(3)				236.00
	12/1	12/2	Spain		196.00		(3)				196.00
Hon. Melvin Watt	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		1,180.00		(3)				1,180.00
Committee total					5,369.00		825.47				6,194.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

MICHAEL G. OXLEY, Chairman, Jan. 30, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bob Barr	10/10	10/15	Colombia		750.00						
Marc Chretien	10/11	10/15	Colombia		450.00		1,877.50				
Hon. Benjamin Gilman	10/10	10/15	Colombia		750.00						
Gilbert Macklin	10/9	10/15	Colombia		900.00		1,574.50				
Pablo Carrillo	10/10	10/15	Colombia		750.00						
Hon. Christopher Shays	11/19	11/20	Netherlands		490.04		5,140.06				
	11/21	11/22	Italy		573.70						
Nicholas Palarino	11/19	11/20	Netherlands		490.04		5,542.00				
	11/21	11/22	Italy		573.70						
Hon. Mark Souder	11/19	11/21	Canada		410.00		1,748.04				
Christopher Donesa	11/19	11/21	Canada		410.00		1,914.71				
Hon. Mark Souder	12/11	12/14	England		1,233.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	12/14	12/16	Italy		882.00						
	12/16	12/17	Switzerland		345.00						
	12/17	12/18	Netherlands		345.00						
Hon. JoAnn Davis	12/11	12/14	England		1,233.00						
	12/14	12/16	Italy		882.00						
	12/16	12/17	Switzerland		345.00						
	12/17	12/18	Netherlands		345.00						
Christopher Donesa	12/11	12/14	England		1,233.00						
	12/14	12/16	Italy		882.00						
	12/16	12/17	Switzerland		345.00						
	12/17	12/18	Netherlands		345.00						
Nicholas Coleman	12/11	12/14	England		1,233.00						
	12/14	12/16	Italy		882.00						
	12/16	12/17	Switzerland		345.00						
	12/17	12/18	Netherlands		345.00						
Gilbert Macklin	12/3	12/6	Colombia		450.00		2,151.50				
	12/3	12/6	Colombia		450.00		2,151.50				
Orly Isaacson	12/11	12/17	Thailand		1,624.00		5,259.50				
Committee total					20,291.48		27,629.31				47,920.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, Jan. 30, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Blaine Aaron	12/5	12/8	Japan		1,017.00						1,017.00
	12/8	12/12	China		1,180.00						1,180.00
David Abramowitz	12/5	12/8	Japan		907.00						907.00
	12/8	12/12	China		1,060.00						1,060.00
Commercial and military transportation							1,906.30				1,906.30
David Adams	11/18	11/19	Turkey		273.00						273.00
	11/19	11/21	Qatar		468.00						468.00
	11/21	11/23	Bahrain		542.00						542.00
	11/23	11/25	Kuwait		778.00						778.00
	11/25	11/27	United Kingdom		772.00						772.00
Commercial and military transportation							5,034.95				5,034.95
Douglas Anderson	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		1,180.00						1,180.00
Deborah Bodlander	11/16	11/19	Turkey		819.00						819.00
	11/19	11/21	Qatar		468.00						468.00
	11/21	11/23	Bahrain		542.00						542.00
	11/23	11/25	Kuwait		780.00						780.00
	11/25	11/27	United Kingdom		772.00						772.00
Commercial and military transportation							3,883.69				3,883.69
Malik Chaka	10/28	11/1	South Africa		332.00						332.00
	11/1	11/5	Mozambique		744.00						744.00
	11/5	11/7	Swaziland		206.00						206.00
R/T commercial airfare							6,426.94				6,426.94
	12/9	12/12	Zimbabwe		414.00						414.00
	12/12	12/14	Zambia		302.00						302.00
	12/14	12/18	Ethiopia		762.00						762.00
	12/18	12/19	Djibouti		199.00						199.00
	12/19	12/21	Eritrea		368.00						368.00
R/T commercial airfare							7,648.17				7,648.17
Joan Condon	12/14	12/18	Ethiopia		683.00						683.00
	12/18	12/19	Djibouti		229.00						229.00
	12/19	12/21	Eritrea		368.00						368.00
R/T commercial airfare							7,108.52				7,108.52
Hon. William Delahunt	11/19	11/21	Qatar		468.48						468.48
	11/21	11/23	Bahrain		542.00						542.00
	11/23	11/25	Kuwait		780.06						708.06
	11/25	11/26	United Kingdom		386.00						386.00
Commercial and military transportation							6,364.48				6,364.48
Hon. Eni Faleomavaega	12/5	12/8	Japan		1,017.00		(3)				1,107.00
	12/8	12/12	China		1,180.00						1,180.00
James Farr	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		1,180.00						1,180.00
David Fite	11/18	11/19	Turkey		218.00						218.00
	11/19	11/21	Qatar		358.00						358.00
	11/21	11/23	Bahrain		407.00						407.00
	11/23	11/25	Kuwait		630.63						630.63
	11/25	11/27	United Kingdom		772.00						772.00
Commercial and military transportation							5,034.95				5,034.95
Daniel Freeman	11/18	11/21	Chile		1,316.00						1,316.00
R/T commercial airfare							4,479.19				4,479.19
Paul Gallis	11/16	11/20	Turkey		1,357.00		(3)				1,357.00
	11/20	11/23	Italy		1,260.00						1,260.00
Kirsti Garlock	11/18	11/21	Chile		1,316.00						1,316.00
R/T commercial airfare							5,664.50				5,664.50
Kristen Gilley	12/3	12/8	Turkey		1,100.00						1,100.00
	12/8	12/10	Germany		510.00						510.00
R/T commercial airfare							4,595.45				4,595.45
Dennis Halpin	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		1,180.00						1,180.00
Hon. Henry Hyde	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		1,180.00						1,180.00
Hon. Darrell Issa	11/18	11/19	Turkey		273.00						273.00
	11/19	11/21	Qatar		1,703.50						1,703.50
	12/21	11/23	Bahrain		542.00						542.00
	11/23	11/25	Kuwait		783.18						783.18
	11/25	11/27	United Kingdom		772.00						772.00
Commercial and military transportation			Commercial/Milair				7,431.88				7,431.88
	12/5	12/8	Japan		1,017.00						1,017.00
	12/8	12/12	China		1,180.00		(3)				1,180.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robert Jones	12/5	12/8	Japan		1,017.00						1,017.00
	12/8	12/12	China		1,180.00		(3)				1,180.00
Hon. Brian Kerns	10/11	10/15	Colombia		1,018.00		(3)				1,018.00
David Killion	11/8	11/12	Korea		1,376.00						1,376.00
R/T commercial airfare							4,107.71				4,107.71
Kay King	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		571.18						571.18
Robert King	12/5	12/8	Japan		566.44		(3)				566.44
	12/8	12/12	China		1,180.00						1,180.00
Sheila Klein	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		1,180.00						1,180.00
Hon. Tom Lantos	11/22	12/4	Hungary		1,296.00						1,296.00
R/T commercial airfare							2,173.95				2,173.95
Noelle Lusane	12/9	12/12	Zimbabwe		414.00						414.00
	12/12	12/14	Zambia		302.00						302.00
	12/14	12/18	Ethiopia		816.00						816.00
	12/18	12/19	Djibouti		229.00						229.00
	12/19	12/21	Eritrea		368.00						368.00
R/T commercial airfare							7,648.17				7,648.17
John Mackey	10/11	10/15	Colombia		1,018.00		(3)				1,018.00
	12/2	12/3	Ireland		312.00						312.00
	12/3	12/4	United Kingdom		268.00						268.00
	12/4	12/5	Ireland		312.00						312.00
	12/5	12/8	Turkey		654.00						654.00
	12/8	12/10	Germany		510.00						510.00
R/T commercial airfare							5,622.33				5,622.33
Alan Makovsky	11/16	11/19	Turkey		739.00						739.00
	11/19	11/21	Qatar		440.00						440.00
	11/21	11/23	Bahrain		542.00						542.00
	11/23	11/25	Kuwait		660.00						660.00
	11/25	11/27	United Kingdom		729.00						729.00
R/T commercial airfare							3,883.69				3,883.69
Pearl-Alice Marsh	10/28	11/1	South Africa		281.58						281.58
	11/1	11/5	Mozambique		744.00						744.00
	11/5	11/7	Swaziland		204.00						204.00
R/T commercial airfare							6,426.94				6,426.94
	12/9	12/12	Zimbabwe		414.00						414.00
	12/12	12/14	Zambia		302.00						302.00
	12/14	12/18	Ethiopia		812.00						812.00
R/T commercial airfare							8,316.60				8,316.60
Caleb McCarry	11/18	11/20	Chile		234.00						234.00
	11/21	11/23	Nicaragua		382.50						382.50
R/T commercial airfare							5,274.60				5,274.60
Hon. Cynthia McKinney	10/18	10/19	Amsterdam		230.00						230.00
	10/19	10/20	Burundi		197.00						197.00
R/T commercial airfare							9,342.68				9,342.68
	10/28	10/31	Kenya		606.00						606.00
	10/31	11/3	Ethiopia		263.00						263.00
R/T commercial airfare							7,458.57				7,458.57
Thomas Mooney	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		1,180.00						1,180.00
R/T commercial airfare							7,458.57				7,458.57
Dana Mott	10/18	10/19	Amsterdam		230.00						230.00
	10/19	10/20	Burundi		197.00						197.00
R/T commercial airfare							9,342.68				9,342.68
	10/28	10/31	Kenya		606.00						606.00
	10/31	11/3	Ethiopia		263.00						263.00
R/T commercial airfare							7,458.57				7,458.57
Paul Oostburg-Sanz	11/18	11/21	Chile		390.00						390.00
R/T commercial airfare							5,664.50				5,664.50
Marilyn Owen	12/05	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	11/12	China		1,180.00						1,180.00
Yleem Poblete	11/8	11/12	Korea		1,376.00						1,376.00
R/T commercial airfare							4,107.71				4,107.71
Record, Frank	11/18	11/20	Chile		1,266.00						1,266.00
R/T commercial airfare							5,664.50				5,664.50
Hon. Dana Rohrabacher	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		1,180.00						1,180.00
J. Walker Roberts	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		1,180.00						1,180.00
Douglas Seay	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		1,180.00						1,180.00
Sam Stratman	11/18	11/19	Turkey		123.00		(3)				123.00
	11/19	11/21	Qatar		468.00						468.00
	11/21	11/23	Bahrain		542.00						542.00
	11/23	11/25	Kuwait		778.00						778.00
	11/25	11/27	United Kingdom		772.00						772.00
Commercial and military transportation							7,653.81				7,653.81
	12/5	12/8	Japan		1,017.00		(3)				1,017.00
	12/8	12/12	China		1,180.00						1,180.00
Valerie Van Buren	10/28	11/1	South Africa		332.00						332.00
	11/1	11/5	Mozambique		744.00						744.00
	11/5	11/7	Swaziland		266.00						266.00
R/T commercial airfare							6,426.94				6,426.94
	12/9	12/12	Zimbabwe		414.00						414.00
	12/12	12/14	Zambia		302.00						302.00
	12/14	12/18	Ethiopia		812.00						812.00
	12/18	12/19	Djibouti		229.00						229.00
	12/19	12/21	Eritrea		368.00						368.00
R/T commercial airfare							7,648.17				7,648.17
Hillel Weinberg	11/18	11/19	Turkey		223.00						223.00
	11/19	11/21	Qatar		418.00						418.00
	11/21	11/23	Bahrain		492.00						492.00
	11/23	11/25	Kuwait		678.00						678.00
	11/25	11/27	United Kingdom		672.00						672.00
Commercial and military transportation							7,668.38				7,666.38
Committee total					94,206.55		194,926.09				289,132.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

HENRY HYDE, Chairman, Jan. 31, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	12/10	12/12	New Zealand		638.00		(3)				638.00
	12/13	12/16	Australia		993.00		(3)				993.00
	12/17	12/18	Micronesia		180.00		(3)				180.00
	12/18	12/19	Marshall Islands		280.00		(3)				280.00
Hon. Pete Sessions	12/10	12/12	New Zealand		638.00		(3)				638.00
	12/13	12/16	Australia		993.00		(3)				993.00
	12/17	12/18	Micronesia		180.00		(3)				180.00
	12/18	12/19	Marshall Islands		280.00		(3)				280.00
Matt Reynolds	12/10	12/12	New Zealand		638.00		(3)				638.00
	12/13	12/16	Australia		993.00		(3)				993.00
	12/17	12/18	Micronesia		180.00		(3)		120.05		300.05
	12/18	12/19	Marshall Islands		280.00		(3)				280.00
Brad Smith	12/10	12/12	New Zealand		638.00		(3)				638.00
	12/13	12/16	Australia		993.00		(3)				993.00
	12/17	12/18	Micronesia		180.00		(3)				180.00
	12/18	12/19	Marshall Islands		280.00		(3)				280.00
Committee total					8,364.00				120.05		8,484.05

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID DREIER, Chairman, Jan. 27, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted aboved, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SHERWOOD BOEHLERT, Chairman, Jan. 23, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Matthew Szymanski	11/8	11/15	England				5,800.00		1,700.00		7,500.00
Ian Deason	12/1	12/12	China				5,000.00		7,250.00		12,250.00
Matthew Szymanski	12/1	12/12	China				5,000.00		7,250.00		12,250.00
Committee total							15,800.00		16,200.00		32,000.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DONALD A. MANZULLO, Chairman, Jan. 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, Jan. 30, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Castellano	12/9	12/12	Switzerland		849.00		4,840.78				5,689.78
Committee total					849.00		4,840.78				5,689.78

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Feb. 11, 2003.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of June 18, 2002 through January 7, 2003, shall be treated as though received on February 27, 2003. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORDs.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

785. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP-2002-0336; FRL-7284-8] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

786. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations — Requirement that Currency Dealers and Exchangers Report Suspicious Transactions (RIN: 1506-AA34) received February 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

787. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Authority to Waive the Market-to-Market Regulations [Docket No. FR-4791-F-01] received February 10, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company 200, 300, and 1900 Series, and Models F90 and A100-1 Airplanes [Docket No. 2001-CE-AD; Amendment 39-12955; AD 2002-23-11] (RIN: 2120-AA64) received January 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

789. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware, the District of Columbia, Allegheny County and Philadelphia, Pennsylvania; Control of Emissions from Existing Small Municipal Waste Combustion Units [DC051-7003a; DE068-7003a; PA187-7003a, PA186-7003a; FRL-7434-5] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

790. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Delaware, the District of Columbia, and Philadelphia, Pennsylvania; Control of Emissions from Existing Commercial/Industrial Solid Waste (CISWI) Incinerator Units [DC051-7004a; DE068-7004a; PA186-7004a; FRL-7434-4] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

791. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Oregon [OR-01-003; FRL-7429-5] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

792. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Arizona; Motor Vehicle Inspection and Maintenance Programs [AZ 106-0064; FRL-7418-8] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

793. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval Implementation Plans; Ohio [OH118-1a; FRL-7428-5] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

794. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Idaho Designation of Areas for Air Quality Planning Purposes; Idaho [ID-02-002; FRL-7422-3] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

795. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Oxides of Nitrogen Regulations [OH155-1a; FRL-7425-8] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

796. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revision to the Control of Volatile Organic Compound Emissions from Screen Printing and Digital Imaging [MD137-3090a; FRL-7420-8] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

797. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of Volatile Organic Compounds From Solvent Cleaning Operations [PA185-4197; FRL-7437-5] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

798. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida: Approval of Revisions to the Florida State Implementation Plan [FL-69-1-9940a; FRL-7439-2] received January 21, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

799. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Motor Vehicle Inspection and Maintenance Program — Request for Delay in the Incorporation of On-Board Diagnostics Testing [MD 137-3093a; FRL-7436-9] received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

800. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District and Monterey Bay Unified Air Pollution Control District [CA 273-0370a; FRL-7441-5] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

801. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Polychlorinated Biphenyls; Manufacturing (Import) Exemptions [OPPT-2002-0013; FRL-7288-6] (RIN: 2070-AB20) received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

802. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Interim Final Determination to Stay and/or Defer Sanctions, Imperial County Air Pollution Control District [CA 273-0370C; FRL-7441-7] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

803. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Nonattainment as of November 15, 1996, and Reclassification of the St. Louis Ozone Nonattainment Area; States of Missouri and Illinois [MO 169-1169; IL 187-2; FRL-7444-4] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

804. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plan for Designated Facilities and Pollutants: Alabama [AL-058-1-200312a; FRL-7444-9] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

805. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado [SIP No. CO-001-0068; FRL-7443-8] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

806. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Alabama Update to Materials Incorporated by Reference [AL-200311; FRL-7444-7] received January 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

807. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2003 [FRL-7430-7] (RIN: 2060-AK48) received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

808. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: North Carolina: Nitrogen Oxides Budget and Allowance

Trading Program [NC-94; 100-200305; FRL-7429-7] received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

809. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans for Kentucky: Air Permit Regulations [KY 125-2-200308(a); FRL-7430-9] received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

810. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending September 30, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

811. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Change of Physical Location of EPA's Environmental Appeals Board [FRL-7439-7] received January 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

812. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. TPE331-3, -5, -6, -8, -10, and -11 Series Turboprop and TSE331-3 Series Turboshaft Engines [Docket No. 2001-NE-11-AD; Amendment 39-12977; AD 2002-25-02] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

813. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc. RB211-535 Turbofan Engines; Correction [Docket No. 2002-NE-16-AD; Amendment 39-12952; AD 2002-23-08] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

814. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Univair Aircraft Corporation Models (ERCO) 415-C, (ERCO) 415-CD, (ERCO) 415-D, (ERCO) 415-E, (ERCO) 415-G, (Forney) F-1, and (Forney) F-1A Airplanes [Docket No: 2000-CE-79-AD; Amendment 39-12843; AD 2002-16-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

815. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 Series Airplanes [Docket No. 2002-NM-135-AD; Amendment 39-12841; AD 2002-16-02] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

816. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2002-NM-141-AD; Amendment 39-12844; AD 2002-16-05] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

817. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautics S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No: 2002-NM-166-AD; Amendment 39-12845; AD 2002-16-06] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

818. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600; -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-148-AD; Amendment 39-12842; AD 2002-16-03] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

819. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters [Docket No. 2002-SW-15-AD; Amendment 39-12817; AD 2002-14-17] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

820. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365N, SA-365N1, AS-365N2, and AS 365 N3 Helicopters [Docket No. 2001-SW-34-AD; Amendment 39-12948; AD 2002-23-04] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

821. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-200 Series Turbofan Engines [Docket No. 2001-NE-30-AD; Amendment 39-12958; AD 2002-23-14] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

822. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada PT6A Series Turboprop Engines [Docket No. 99-NE-44-AD; Amendment 39-12957; AD 2002-23-13] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

823. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Britten Norman (Bembridge) Limited BN2A Mk. III Series Airplanes [Docket No. 2002-CE-36-AD; Amendment 39-12966; AD 2002-24-01] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

824. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-375-AD; Amendment 39-12960; AD 2002-23-16] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

825. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -200B, -200C, -200F, -300, -400, -400F, and 747SR Series Airplanes, Equipped with a Main Deck Side Cargo Door (MDSCD) Manufactured by Boeing [Docket No. 2002-NM-270-AD; Amendment 39-12959; AD 2002-23-15] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

826. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes [Docket No. 2001-NM-84-AD; Amendment 39-12961; AD 2002-23-17] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

827. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc. RB211-535 Turbofan Engines [Docket No. 2002-NE-16-AD; Amendment 39-12952; AD 2002-23-08] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

828. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-11, -12, -13, -14, -15, and -15F Airplanes; Model DC-9-21 Airplanes; Model DC-9-31, -32, -32(VC-9C), -32F, -32F(C-9A, C-9B), -33F, -34, and -34F Airplanes; Model DC-9-41 Airplanes; Model DC-9-51 Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; and Model MD-88 Airplanes [Docket No. 99-NM-90-AD; Amendment 39-13001; AD 2002-26-13] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

829. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2002-NM-67-AD; Amendment 39-12999; AD 2002-26-11] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

830. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2001-NM-396-AD; Amendment 39-13000; AD 2002-26-12] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

831. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-84-AD; Amendment 39-13005; AD 2002-26-17] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

832. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-250, AT-300, AT-301, AT-302, AT-400, AT-400A, AT-401, AT-401A, AT-402, AT-402A, AT-501, AT-502, and AT-502A Airplanes [Docket No. 2000-CE-60-AD; Amendment 39-12985; AD 2002-25-09] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

833. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Textron Lycoming Division, AVCO Corporation Fuel Injected Reciprocating Engines [Docket No. 92-ANE-56-AD; Amendment 39-12986; AD 2002-26-01] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

834. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace

LP Model Astra SPX and 1125 Westwind Astra Series Airplanes [Docket No. 2002-NM-114-AD; Amendment 39-12902; AD 2002-20-06] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

835. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerostar Aircraft Corporation Models PA-60-601 (Aerostar 601), PA-60-601P (Aerostar 601P), PA-60-602P (Aerostar 602P), and PA-60-700P (Aerostar 700P) Airplanes [Docket No. 99-CE-86-AD; Amendment 39-12972; AD 2002-24-07] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS332C, AS332L, AS332L1, SA330F, SA330G, and SA330J Helicopters [Docket No. 2001-SW-35-AD; Amendment 39-12976; AD 2002-25-01] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206L, L-1, L-3, and L-4 Helicopters [Docket No. 99-SW-80-AD; Amendment 39-12983; AD 2002-25-07] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE) CF6-45, -50, -80A, -80C2, and -80E1 Turbofan Engines [Docket No. 2001-NE-26-AD; Amendment 39-12984; AD 2002-25-08] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Univair Aircraft Corporation Models Alon A-2 and A2-A; ERCO 415-C, 415-CD, 415-D, 415-E, and 415-G; Forney F-1 and F-1A; and Mooney M10 Airplanes [Docket No. 2001-CE-45-AD; Amendment 39-12987; AD 2002-26-02] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Beech Models 36, A36, A36TC, B36TC, 58, and 58A Airplanes [Docket No. 2002-CE-07-AD; Amendment 39-13012; AD 2003-01-01] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000, SAAB SF340A, and SAAB 340B Series Airplanes [Docket No. 2002-NM-104-AD; Amendment 39-13007; AD 2002-26-19] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. 2000-NM-402-AD; Amendment 39-12997; AD 2002-26-09] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2002-NM-85-AD; Amendment 39-1003; AD 2002-26-15] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes; and Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 2002-NM-53-AD; Amendment 39-12996; AD 2002-26-08] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

845. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Model ( )HC-()2Y( )—( ) propellers [Docket No. 2002-NE-25-AD; Amendment 39-13014; AD 2003-01-03] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

846. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas DC-9-10, -20, -30, -40, and -50 Series Airplanes [Dcoket No. 2001-NM-78-AD; Amendment 39-12998; AD 2002-26-10] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

847. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2001-NM-290-AD; Amendment 39-13004; AD 2002-26-16] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

848. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2002-NM-44-AD; Amendment 39-13006; AD 2002-26-18] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

849. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2002-NM--77-AD; Amendment 39-13010; AD 2002-26-21] (RIN: 2120-AA64) received January 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

850. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Brackett Aircraft Company, Brackett Single Screen Air Filter [Docket No. 2002-CE-38-AD; Amendment 39-12988; AD 2002-26-03] (RIN: 2120-AA64) received January 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

851. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives [Docket No. 2002-NE-13-AD; Amendment 39-12946; AD 2002-23-02] (RIN: 2120-AA64) received January 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Model 750 Airplanes [Docket No. 99-NM-218-AD; Amendment 39-12949; AD 2002-23-05] (RIN: 2120-AA64) received January 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

853. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Regulatory Innovations: Pilot-Specific Rule for Electronic Materials in the EPA Region III Mid-Atlantic States; Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes [FRL-7429-3] (RIN: 2003-AA00) received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

854. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Control, transmitting the Agency's final rule — National Pollutant Discharge Elimination System-Amendment of Final Regulations Addressing Cooling Water Intake Structures for New Facilities [FRL-7430-4] received February 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

855. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Physician Fee Schedule Update for Calendar Year 2003 [CMS-1204-F2] (RIN: 0938-AL21) received February 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

856. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's Budget Justification for Fiscal Year 2004, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

857. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2004, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, Ways and Means, and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 2. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island (for himself, Mr. RAMSTAD, Mr. SMITH of New Jersey, Mr. STARK, Mr. MURTHA, Mr. LANGEVIN, Mr. SERRANO, Mr. ABERCROMBIE, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. JACKSON-LEE of Texas, Mr. ANDREWS, Mr. BECERRA, Ms. BERKLEY, Ms. CARSON of Indiana, Mr. FARR, Mr. FATTAH, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HOLDEN, Mr. LARSON of Connecticut, Ms. LEE, Mrs.

MALONEY, Mr. MATSUI, Mr. MEEHAN, Mr. MENENDEZ, Mr. MOLLOHAN, Mr. MORAN of Virginia, Ms. NORTON, Mr. PALLONE, Ms. PELOSI, Mr. UDALL of New Mexico, Mr. WEINER, Mr. BISHOP of New York, Mr. CAPUANO, Mr. HOLT, Mr. MCDERMOTT, Mr. OWENS, Mr. STRICKLAND, Mr. BALLANCE, Mr. COSTELLO, Mr. GARY G. MILLER of California, Mr. RYAN of Ohio, Ms. WOOLSEY, Mr. LEVIN, Mr. CARDIN, Mr. CASE, Mrs. CHRISTENSEN, Mr. EMANUEL, Mr. ENGLISH, Mr. FOLEY, Mr. FRELINGHUYSEN, Mr. GILCHREST, Mr. HOEFFEL, Mr. HONDA, Mr. INSLEE, Mr. KIND, Mr. LATOURETTE, Mr. LEACH, Mr. MCNULTY, Mr. OBERSTAR, Mr. OLVER, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. WAXMAN, Mr. WYNN, Mr. DEFAZIO, Ms. DELAURO, Mr. DOGGETT, Mr. FROST, Mrs. JONES of Ohio, Mr. KILDEE, Mr. KLECZKA, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. NADLER, Mr. PASTOR, Mr. SCOTT of Virginia, Mr. SKELTON, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. ACKERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. DEGETTE, Mr. DICKS, Mr. DINGELL, Mr. LOBIONDO, Ms. MCCOLLUM, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SHAYS, Ms. SOLIS, Mr. BERRY, Ms. BORDALLO, Mr. BROWN of Ohio, Mr. DELAHUNT, Mr. GREENWOOD, Mr. GRIJALVA, Mr. PASCRELL, Mr. PLATTS, Mr. QUINN, Mr. SAXTON, Mr. SIMMONS, Mrs. TAUSCHER, Mr. DOYLE, Mr. FORD, Mr. HINCHEY, Mr. RODRIGUEZ, Mr. VISCLOSKY, Mr. BURNS, Mr. DEUTSCH, Mr. ENGEL, Mr. ETHERIDGE, Ms. KILPATRICK, Mr. ROTHMAN, Mr. ALLEN, Mr. DAVIS of Florida, Mr. FALEOMAVAEGA, Mr. NORWOOD, Mr. TOWNS, Mr. BACA, Mr. CARSON of Oklahoma, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. THOMPSON of California, Ms. WATSON, Mr. BERMAN, Mr. COOPER, Mr. DAVIS of Illinois, Mr. DAVIS of Tennessee, Mrs. KELLY, Mr. KIRK, Mr. LARSEN of Washington, Mr. RAHALL, Ms. LORETTA SANCHEZ of California, Mr. WAMP, Mr. CLYBURN, Ms. HOOLEY of Oregon, Mr. KUCINICH, Mr. BOEHLERT, Mr. MATHESON, Mr. ORTIZ, Ms. SLAUGHTER, Mr. SNYDER, Mr. WALSH, Mr. MURPHY, Mr. SWEENEY, Mr. LIPINSKI, Mr. MCGOVERN, Mr. BAIRD, Mr. STUPAK, Mr. WILSON of South Carolina, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CONYERS, Mrs. DAVIS of California, Mrs. LOWEY, Mr. PETERSON of Minnesota, and Mr. SABO):

H.R. 953. A bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOUDER:

H.R. 954. A bill to confirm Federal recognition of the Miami Nation of Indiana; to the Committee on Resources.

By Mr. FARR (for himself, Mr. KIND, Mr. SHERWOOD, Ms. WOOLSEY, Ms. ESHOO, Mr. HONDA, Mr. OLVER, Mr. SHERMAN, Mr. PRICE of North Carolina, Ms. LEE, Mr. DEFAZIO, Mr. THOMPSON of California, Mrs. CAPPS, Mr. FILNER, Mr. GEORGE MILLER of California, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Ms. LORETTA SANCHEZ of California, Mr. DELAHUNT, Ms. BALDWIN, Mr. NETHERCUTT, Mr. KUCINICH, Mr. HINCHEY, and Mr. BOEHLERT):

H.R. 955. A bill to amend the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003, to reinstate the requirement that a farm, in order to be certified as an organic farm with respect to livestock produced on the farm, feed the livestock with organically produced feed; to the Committee on Agriculture.

By Mrs. MALONEY (for herself, Mr. FROST, Mr. CROWLEY, Mr. SERRANO, Mr. NADLER, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. MCDERMOTT, Mr. OWENS, and Mr. FRANK of Massachusetts):

H.R. 956. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental invlovement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities and to clarify that leave may be taken for routine medical needs and to assist elderly relatives, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, 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. RENZI (for himself, Mr. OXLEY, and Mr. BAKER):

H.R. 957. A bill to enhance investor confidence by providing investors with easy online access to complete information about securities firms and their brokers; to the Committee on Financial Services.

By Mr. YOUNG of Alaska:

H.R. 958. A bill to authorize certain hydrographic services programs, to name a cove in Alaska in honor of the late Able Bodied Seaman Eric Steiner Koss, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 959. A bill to improve the conservation and management of coastal and ocean resources by authorizing National Oceanic and Atmospheric Administration oceanographic programs; to the Committee on Resources, and in addition to the Committee on Science, 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. ISSA:

H.R. 960. A bill to amend part C of title XVIII of the Social Security Act to consolidate and restate the Federal laws relating to the social health maintenance organization projects, to make such projects permanent, to require the Medicare Payment Advisory Commission to conduct a study on ways to expand such projects, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. GUTKNECHT, Mr. COSTELLO, Mr. LEACH, Mr. KILDEE, and Mr. KENNEDY of Minnesota):

H.R. 961. A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, and for other purposes; to the Committee on Resources.

By Mr. OBERSTAR (for himself, Mr. DINGELL, Mr. DEFAZIO, Mr. LEACH, Mr. HOEFFEL, Mr. KUCINICH, Mr. KILDEE, Mr. BROWN of Ohio, Ms. BALDWIN, Ms. NORTON, Ms. MCCOLLUM, Mr. PASCRELL, Mr. BOEHLERT, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. MARKEY, Mr. GEORGE MILLER of California, Mr. VISCLOSKY, Mr. INSLEE, Mr. NADLER, Mrs. NAPOLITANO, and Mrs. TAUSCHER):

H.R. 962. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Transportation and Infrastructure.

By Mr. FILNER (for himself and Mrs. DAVIS of California):

H.R. 963. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the ''Cesar E. Chavez Post Office''; to the Committee on Government Reform.

By Mr. OSE (for himself and Mr. HUNTER):

H.R. 964. A bill to amend the Federal Power Act to provide the Federal Energy Regulatory Commission with authority to order certain refunds of electric rates, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California (for himself, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Ms. BALDWIN, Mr. BERMAN, Mr. BOUCHER, Mr. BROWN of Ohio, Ms. CORRINE BROWN of Florida, Mr. CARDIN, Mr. CARSON of Oklahoma, Mr. CONYERS, Mr. COSTELLO, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DINGELL, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLT, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE, Mr. LEVIN, Ms. LOFGREN, Mr. MARKEY, Mr. MATSUI, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBEY, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. RANGEL, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Mr. SABO, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHERMAN, Ms. SOLIS, Mr. STARK, Mr. STUPAK, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, and Mr. WU):

H.R. 965. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. BROWN of South Carolina (for himself, Mr. RODRIGUEZ, Mr. SMITH of New Jersey, and Mr. EVANS):

H.R. 966. A bill to amend title 38, United States Code, to reinstate the vocational training program of the Department of Veterans Affairs for certain low-income veterans in receipt of pension from that Department; to the Committee on Veterans' Affairs.

By Mr. ALLEN (for himself, Mrs. CAPITO, Mr. FROST, Mr. TOWNS, Ms. BALDWIN, Mr. GOODE, Ms. WOOLSEY, Mr. MCHUGH, Mr. ABERCROMBIE, Mr. KILDEE, Mr. MORAN of Virginia, Mr. WOLF, Mr. LANGEVIN, Ms. MCCOLLUM,

Mr. HOLDEN, Mr. SANDERS, Mr. VAN HOLLEN, Ms. SCHAKOWSKY, Mr. COSTELLO, Mr. ORTIZ, Ms. DELAURO, Mrs. NAPOLITANO, Mr. CARDOZA, Mr. HINCHEY, Mr. KIND, Ms. JACKSON-LEE of Texas, Mrs. EMERSON, Mr. MCINTYRE, Mr. MCNULTY, Mr. INSLEE, Mr. BERRY, and Mr. LUCAS of Kentucky):

H.R. 967. A bill to extend for 3 additional years a temporary increase in payment for skilled nursing facility services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 968. A bill to amend title 23, United States Code, to provide incentives to States for the development of traffic safety programs to reduce crashes related to driver fatigue and sleep deprivation; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 969. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of infertility treatment services for individuals entitled to health insurance benefits under that program by reason of a disability; 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. KIND (for himself, Mr. ISAKSON, Mr. HOLT, Mr. NEAL of Massachusetts, Mr. BOSWELL, Mr. ANDREWS, Mr. FILNER, Mrs. MALONEY, Ms. BALDWIN, Mr. LYNCH, Mrs. CAPITO, Mr. ADERHOLT, Mrs. BIGGERT, and Mrs. MCCARTHY of New York):

H.R. 970. A bill to provide competitive grants for training court reporters and realtime writers to meet requirements for closed captioning under the Telecommunications Act of 1996, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BACHUS:

H.R. 971. A bill to amend the Internal Revenue Code of 1986 to exclude $100 of interest from gross income and to raise the threshhold for reporting interest paid to $100; to the Committee on Ways and Means.

By Ms. BALDWIN (for herself, Mr. KENNEDY of Rhode Island, Ms. LEE, Mr. BROWN of Ohio, Ms. MILLENDER-MCDONALD, Mr. LYNCH, Mr. SERRANO, Mr. DINGELL, Mr. RODRIGUEZ, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. MCGOVERN, Mrs. MALONEY, Mr. FROST, Mr. SANDERS, Ms. DELAURO, Mr. MENENDEZ, Mr. KIND, Mrs. JONES of Ohio, Mrs. NAPOLITANO, Mr. STRICKLAND, Ms. WOOLSEY, Mr. OWENS, and Mr. FARR):

H.R. 972. A bill to clarify the effective date of the modification of treatment for retirement annuity purposes of part-time service before April 7, 1986, of certain Department of Veterans Affairs health-care professionals; to the Committee on Veterans' Affairs.

By Mr. CAMP (for himself, Mr. LEVIN, Mr. ROGERS of Michigan, Mr. MATSUI, Mr. RYAN of Wisconsin, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. DELAHUNT, Mr. WYNN, Mr. HINCHEY, Mr. MCNULTY, and Mr. EHLERS):

H.R. 973. A bill to amend the Internal Revenue Code of 1986 to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 974. A bill to amend the Internal Revenue Code of 1986 to provide capital gain treatment under section 631(b) of such Code for outright sales of timber by landowners; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. BOUCHER, Mr. CANNON, Mr. ANDREWS, Mr. BACHUS, Mr. CASTLE, Mr. CHABOT, Mr. COBLE, Mr. CRAMER, Mr. CROWLEY, Mr. DOOLEY of California, Mr. DREIER, Mr. ENGLISH, Mr. FEENEY, Mr. FLAKE, Mr. FOLEY, Mr. GOODLATTE, Ms. HART, Mr. ISSA, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. LUCAS of Kentucky, Mr. MENENDEZ, Mrs. MYRICK, Mr. NEY, Mr. OXLEY, Mr. PENCE, Mr. PITTS, Ms. PRYCE of Ohio, Mr. ROTHMAN, Mr. ROYCE, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SMITH of Washington, Mr. SMITH of Michigan, Mr. TAUZIN, Mr. TERRY, Mr. TIBERI, Mr. TOOMEY, Mr. FROST, Mrs. BIGGERT, Mr. REYNOLDS, Mrs. NORTHUP, Mr. LATOURETTE, Mrs. TAUSCHER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GIBBONS, Mr. BLUNT, Mr. SIMPSON, and Mr. KINGSTON):

H.R. 975. A bill to amend title 11 of the United States Code, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO (for himself, Mr. TOWNS, Mr. BROWN of Ohio, Mr. HOLDEN, Mr. PAUL, Ms. KAPTUR, Mr. ACEVEDO-VILA, Mr. GUTIERREZ, Ms. NORTON, Ms. DELAURO, Mr. JOHN, Mr. RUSH, Mr. CARSON of Oklahoma, Mr. FROST, Mr. CLAY, Mr. MCNULTY, Mr. ACKERMAN, Ms. WATSON, Ms. BORDALLO, Mr. GRIJALVA, Mr. EVANS, Mr. GREEN of Wisconsin, Mr. LIPINSKI, Mr. GREEN of Texas, Ms. SCHAKOWSKY, Mr. KILDEE, Mr. FORD, Mrs. NAPOLITANO, and Ms. WOOLSEY):

H.R. 976. A bill to amend title II of the Social Security Act to provide that the waiting period for disability insurance benefits shall not be applicable in the case of a disabled individual suffering from a terminal illness; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself and Mr. ISSA):

H.R. 977. A bill to amend the Federal Land Policy and Management Act of 1976 to provide death and disability benefits for aerial firefighters who work on a contract basis for the Forest Service or an agency of the Department of the Interior and suffer death or disability in the line of duty, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and the Judiciary, 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 Mrs. JO ANN DAVIS of Virginia (for herself and Mr. GREENWOOD):

H.R. 978. A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes; to the Committee on Government Reform.

By Ms. DELAURO (for herself, Mr. HINCHEY, Mr. DEFAZIO, Mr. OLVER, Mr. PAYNE, Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. WEXLER, Mr. FORD, Mr. ISRAEL, Mr. MARKEY, Mr. PASCRELL, Mr. HONDA, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mrs. DAVIS of California, Mrs. TAUSCHER, Mr. INSLEE, Mr. GUTIERREZ, Mrs. JONES of Ohio, Mr. HOLT, Mrs. MALONEY, Ms. WOOLSEY, Mr. CLAY, Mr. BOUCHER, Mr. MORAN of Virginia, Ms. NORTON, Mr. MCDERMOTT, Mr. BLUMENAUER, Mr. DELAHUNT, Mrs. CAPPS, Mr. LANTOS, Mr. KLECZKA, Ms. BALDWIN, Mr. OWENS, Ms. JACKSON-LEE of Texas, Ms. CORRINE BROWN of Florida, Mr. ENGEL, Mr. SERRANO, Mr. CARDIN, Mr. FILNER, Mr. DEUTSCH, Mr. LEVIN, Mr. WYNN, Ms. MCCARTHY of Missouri, Mr. NADLER, Mr. RODRIGUEZ, Mr. SCHIFF, Mr. PRICE of North Carolina, Mr. FRANK of Massachusetts, Mr. UDALL of Colorado, Ms. LEE, Mr. VAN HOLLEN, Mr. HOEFFEL, Mr. COOPER, Mrs. LOWEY, Ms. SCHAKOWSKY, Mr. MICHAUD, Mr. WEINER, Mr. BAIRD, Mr. ACKERMAN, Ms. CARSON of Indiana, Mr. SANDERS, Ms. SOLIS, Mr. STARK, Mr. MATSUI, Ms. MCCOLLUM, Mr. EVANS, Mr. BISHOP of New York, Mr. DOGGETT, Mr. SHAYS, Mr. BROWN of Ohio, Mr. RYAN of Ohio, Mr. CROWLEY, Mr. LEACH, Mr. PALLONE, Ms. SLAUGHTER, Mr. LANGEVIN, Mr. CASE, Mr. WATT, Mr. ALLEN, Mr. GONZALEZ, Mr. GRIJALVA, Mr. WAXMAN, Mr. JACKSON of Illinois, Mr. ROTHMAN, Mrs. JOHNSON of Connecticut, Mr. RUSH, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. FARR, Mr. DAVIS of Florida, Mr. CUMMINGS, Mr. KENNEDY of Rhode Island, Mr. LYNCH, Ms. HOOLEY of Oregon, Mr. CONYERS, Mr. BERMAN, Mr. UDALL of New Mexico, Mr. SABO, Ms. VELAZQUEZ, and Mr. CLYBURN):

H.R. 979. A bill to provide additional protections for National Forest System lands in Alaska through the designation of wilderness areas, wilderness study areas, Land Use Designation II management areas, restoration areas, special management areas, and additional components of the national wild and scenic rivers system; to the Committee on Resources.

By Ms. DUNN (for herself, Mr. MCDERMOTT, Mr. PICKERING, Mrs. CAPPS, Mr. INSLEE, Mr. CRANE, Mr. GREENWOOD, Mr. DICKS, Mr. HASTINGS of Washington, Mr. ABERCROMBIE, Mr. MCNULTY, Mr. KLECZKA, Mr. PAUL, and Mr. FROST):

H.R. 980. A bill to amend title XVIII of the Social Security Act to expand Medicare coverage of certain self-injected biologicals; 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. ENGLISH (for himself, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. FATTAH, Mr. GERLACH, Mr. GREENWOOD, Ms. HART, Mr. HOEFFEL, Mr. HOLDEN, Mr. KANJORSKI, Mr. MURPHY, Mr. MURTHA, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PLATTS, Mr. SHERWOOD, Mr. SHUSTER, Mr. TOOMEY, and Mr. WELDON of Pennsylvania):

H.R. 981. A bill to designate the facility of the United States Postal Service located at 141 Erie Street in Linesville, Pennsylvania, as the ''James R. Merry Post Office''; to the Committee on Government Reform.

By Mr. FALEOMAVAEGA:

H.R. 982. A bill to clarify the tax treatment of bonds and other obligations issued by the

Government of American Samoa; to the Committee on Resources, and in addition to the Committee on the Judiciary, 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. GALLEGLY (for himself, Mr. ISSA, Ms. MILLENDER-MCDONALD, Mr. COX, Mr. DREIER, and Mr. ROHRABACHER):

H.R. 983. A bill to amend part C of title XVIII of the Social Security Act to consolidate and restate the Federal laws relating to the social health maintenance organization projects, to make such projects permanent, to require the Medicare Payment Advisory Commission to conduct a study on ways to expand such projects, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:

H.R. 984. A bill to improve the conservation and management of coastal and ocean resources by reenacting and clarifying provisions of a reorganization plan authorizing the National Oceanic and Atmospheric Administration; to the Committee on Resources, and in addition to the Committee on Science, 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. GILLMOR (for himself, Mr. CHABOT, Mr. PORTMAN, Mr. TURNER of Ohio, Mr. OXLEY, Mr. STRICKLAND, Mr. HOBSON, Mr. BOEHNER, Ms. KAPTUR, Mr. KUCINICH, Mrs. JONES of Ohio, Mr. TIBERI, Mr. BROWN of Ohio, Mr. LATOURETTE, Ms. PRYCE of Ohio, Mr. REGULA, Mr. RYAN of Ohio, and Mr. NEY):

H.R. 985. A bill to designate the facility of the United States Postal Service located at 111 West Washington Street in Bowling Green, Ohio, as the ''Delbert L. Latta Post Office Building''; to the Committee on Government Reform.

By Mr. GOODE (for himself, Mr. LEWIS of Kentucky, and Mr. JONES of North Carolina):

H.R. 986. A bill to replace the existing Federal tobacco program with a federally chartered corporation to ensure the stability of the price and supply of domestically produced tobacco, to compensate quota holders for the loss of tobacco quota asset value, to provide transition assistance for active tobacco producers, to increase the competitiveness of domestically produced tobacco, and for other purposes; to the Committee on Agriculture, 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. HERGER (for himself and Mr. DOOLITTLE):

H.R. 987. A bill to amend the Wild and Scenic Rivers Act to ensure congressional involvement in the process by which a river that is designated as a wild, scenic, or recreational river by an act of the legislature of the State or States through which the river flows may be included in the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. HERGER:

H.R. 988. A bill to provide compensation to individuals who are injured by an escaped prescribed fire and to amend the tort procedure provisions of title 28, United States Code, relating to claims for such fires, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 989. A bill to require the issuance of regulations pursuant to the National Invasive Species Act of 1996 to assure, to the maximum extent practicable, that vessels entering the Great Lakes do not discharge ballast water that introduces or spreads non-indigenous aquatic species and treat such ballast water and its sediments through the most effective and efficient techniques available, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HOSTETTLER (for himself, Mr. HAYWORTH, Mrs. JO ANN DAVIS of Virginia, Mr. CRANE, Mr. DOOLITTLE, Mr. WAMP, Mr. OTTER, Mr. GIBBONS, Mr. LEWIS of Kentucky, Mr. NEY, Mr. CANNON, Mr. GOODE, Mr. BOUCHER, Mr. SOUDER, Mr. PETERSON of Pennsylvania, Mr. GOODLATTE, Mr. HALL, Mr. ADERHOLT, Mr. ENGLISH, Mr. BISHOP of Georgia, Mrs. MUSGRAVE, Mr. PENCE, and Mr. BRADLEY of New Hampshire):

H.R. 990. A bill to amend title 18 of the United States Code to provide for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms in that State; to the Committee on the Judiciary.

By Mr. HUNTER (for himself and Mr. UDALL of Colorado):

H.R. 991. A bill to amend the Internal Revenue Code of 1986 to expand the renewable resources production tax credit to include additional forms of renewable energy, and to expand the investment tax credit to include equipment used to produce electricity from renewable resources; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BALLENGER, Mr. NORWOOD, Mr. MCKEON, Mr. CARTER, and Mrs. MUSGRAVE):

H.R. 992. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to inform union members of their rights; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BALLENGER, Mr. NORWOOD, Mr. MCKEON, Mr. CARTER, and Mrs. MUSGRAVE):

H.R. 993. A bill to provide for civil monetary penalties in certain cases; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. BALLENGER, Mr. NORWOOD, Mr. MCKEON, Mr. CARTER, and Mrs. MUSGRAVE):

H.R. 994. A bill to enhance notification to union members of their rights under the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and the Workforce.

By Mr. JONES of North Carolina:

H.R. 995. A bill to amend title 37, United States Code, to provide a dislocation allowance under section 407 of such title to retired members of the uniformed services, including members placed on the temporary disability retired list, moving from their last duty station to their designated home; to the Committee on Armed Services.

By Mr. JONES of North Carolina (for himself, Mr. ROSS, and Ms. HOOLEY of Oregon):

H.R. 996. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Financial Services.

By Mr. KING of Iowa:

H.R. 997. A bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid mis-constructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a uniform rule of naturalization under article I, section 8, of the Constitution; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, 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. KLECZKA:

H.R. 998. A bill to amend title 38, United States Code, to require Department of Veterans Affairs pharmacies to dispense medications to veterans for prescriptions written by private practitioners, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARTON of Texas (for himself and Mr. TAUZIN) (both by request):

H.R. 999. A bill to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOEHNER (for himself, Mr. SAM JOHNSON of Texas, Mr. GREENWOOD, Mr. GIBBONS, Mr. KELLER, Mr. WILSON of South Carolina, Mr. NORWOOD, Mr. PLATTS, Mr. TIBERI, Mr. SHAYS, Mr. SIMMONS, Mr. MCKEON, Mrs. BIGGERT, Mr. FRELINGHUYSEN, Mr. ISAKSON, Ms. GINNY BROWN-WAITE of Florida, Mr. LATOURETTE, Ms. NORTON, Mr. SOUDER, Mr. SENSENBRENNER, Mr. ENGLISH, Mr. GREEN of Wisconsin, Mr. HERGER, Mr. WELDON of Pennsylvania, Mr. BEAUPREZ, Mr. FEENEY, Mr. NEY, Mr. BALLENGER, Mr. SWEENEY, Mr. BRADY of Texas, Mr. BURR, Mrs. MUSGRAVE, Mr. DEMINT, Mr. CRANE, Ms. HART, Mr. OXLEY, Mr. UPTON, Mrs. BLACKBURN, Mr. KLINE, Mr. COLE, Mr. CASTLE, Mr. PETERSON of Pennsylvania, Mr. TANCREDO, Mr. ROGERS of Michigan, Mr. KOLBE, Mr. JANKLOW, Mr. REYNOLDS, Mr. REHBERG, Mr. HILL, Mr. FOSSELLA, Mr. BOOZMAN, Mr. CULBERSON, and Mr. WALSH):

H.R. 1000. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Education and the Workforce, 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. LAMPSON (for himself, Mr. GORDON, and Mr. HALL):

H.R. 1001. A bill to amend the Iran Nonproliferation Act of 2000 to allow extraordinary payments in connection with the International Space Station to be made to the Russian Aviation and Space Agency for

safety and maintenance purposes during any period in which the United States Space Shuttle fleet is grounded, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Science, 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. LEACH (for himself, Mr. RANGEL, Mr. FROST, and Ms. BORDALLO):

H.R. 1002. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Mr. THOMPSON of Mississippi, Mr. BROWN of Ohio, Ms. DELAURO, and Mr. GEORGE MILLER of California):

H.R. 1003. A bill to expand the enforcement options under the Federal Meat Inspection Act and the Poultry Products Inspection Act to include the imposition of civil money penalties, and to amend the Federal Food, Drug, and Cosmetic Act to expand enforcement options to include such penalties with respect to meat and poultry; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Ms. DUNN, Mr. LEWIS of Georgia, Mr. CUMMINGS, Mr. DICKS, Mr. RANGEL, Mr. MCNULTY, Mr. GOODE, Mr. HASTINGS of Washington, Mr. INSLEE, Mr. KIRK, and Mrs. CHRISTENSEN):

H.R. 1004. A bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for more frequent hemodialysis treatments; 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. MCINNIS (for himself, Mr. TANCREDO, Mr. CANNON, Mr. OTTER, Mr. HERGER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mrs. CUBIN, Mr. HEFLEY, Mr. REHBERG, Mr. HOUGHTON, Ms. DUNN, Mr. GIBBONS, Mr. PETERSON of Pennsylvania, and Mr. OSE):

H.R. 1005. A bill to provide permanent funding for the payment in lieu of taxes program, and for other purposes; to the Committee on Resources.

By Mr. MCKEON (for himself and Mr. GEORGE MILLER of California):

H.R. 1006. A bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species; to the Committee on Resources.

By Mr. MCNULTY (for himself and Ms. LORETTA SANCHEZ of California):

H.R. 1007. A bill to provide for homeland security block grants; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, Energy and Commerce, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN of Kansas:

H.R. 1008. A bill to amend the National Highway System Designation Act of 1995 relating to the maximum hours of service for operators of ground water well drilling rigs; to the Committee on Transportation and Infrastructure.

By Mr. NADLER (for himself, Mr. SERRANO, and Mr. TOWNS):

H.R. 1009. A bill to require Federal law enforcement agencies to expunge voidable arrest records, to provide incentive funds to States that have in effect a system for expunging such records, and for other purposes; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 1010. A bill to amend title 46, United States Code, to require inspection of cargo destined for the United States; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NETHERCUTT:

H.R. 1011. A bill to amend the Internal Revenue Code of 1986 to provide a 10-year extension of the credit for producing electricity from wind; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 1012. A bill to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes; to the Committee on Resources.

By Mr. RADANOVICH (for himself, Mr. HASTINGS of Washington, and Mr. WALDEN of Oregon):

H.R. 1013. A bill to amend the Federal Power Act to provide for alternative conditions and alternative fishways in hydroelectric dam licenses, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RADANOVICH (for himself, Mrs. CHRISTENSEN, Mr. MCINNIS, Mrs. CUBIN, Mr. CANNON, Mr. SIMPSON, Mr. OTTER, and Mr. BISHOP of Utah):

H.R. 1014. A bill to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 1015. A bill to require the Secretary of the Treasury to mint coins in commemoration of Associate Justice Thurgood Marshall; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1016. A bill to require the Secretary of the Treasury to redesign the $1 coin to commemorate Dr. Martin Luther King, Jr; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1017. A bill to authorize the President to award a gold medal on behalf of the Congress to Jesse L. Jackson, Sr. in recognition of his outstanding and enduring contributions to the Nation; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 1018. A bill to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building''; to the Committee on Transportation and Infrastructure.

By Mr. ROYCE (for himself and Ms. LOFGREN):

H.R. 1019. A bill to promote the freedom of information in Vietnam; to the Committee on International Relations.

By Mr. RYAN of Wisconsin (for himself, Mr. GREEN of Wisconsin, and Mr. SENSENBRENNER):

H.R. 1020. A bill to amend the Clean Air Act requirements relating to gasoline to prevent future supply shortages and price spikes in the gasoline market, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. CUMMINGS, Mrs. EMERSON, Mr. FROST, Mr. HINCHEY, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. LARSON of Connecticut, Mr. LEVIN, Mr. LIPINSKI, Ms. LOFGREN, Mr. MCNULTY, Mr. PAYNE, Mr. SHERMAN, Ms. WATSON, and Mr. UDALL of Colorado):

H.R. 1021. A bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes; to the Committee on Agriculture.

By Mr. SANDERS (for himself, Ms. MILLENDER-MCDONALD, and Mr. TOWNS):

H.R. 1022. A bill to provide assistance for the development of indoor disease prevention and health promotion centers in urban and rural areas throughout the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 1023. A bill to prohibit, through the period ending on December 31, 2007, any Department of Defense participation in any international aviation trade exhibition (known as an ''air show'') to be held in France; to the Committee on Armed Services.

By Mr. SAXTON:

H.R. 1024. A bill to establish in the National Marine Fisheries Service a pelagic longline highly migratory species bycatch and mortality reduction research program, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1025. A bill to amend the Coastal Zone Management Act of 1972 to establish the National Estuarine Reserve System, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1026. A bill to amend the Coastal Zone Management Act of 1972 to reauthorize coastal services, training, education, and technical support programs of the National Oceanic and Atmospheric Administration, to establish a performance evaluation system for such administration, and for other purposes; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1027. A bill to amend the Federal Water Pollution Control Act relating to marine sanitation devices; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 1028. A bill to amend the Coastal Zone Management Act of 1972 to authorize grants to coastal States under that Act, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself, Mr. FRANK of Massachusetts, Mr. SANDERS, and Mr. MCDERMOTT):

H.R. 1029. A bill to authorize the President to detain an enemy combatant who is a United States person or resident who is a member of al Qaeda or knowingly cooperated with members of al Qaeda, to guarantee timely access to judicial review to challenge the basis for a detention, to permit the detainee access to counsel, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SESSIONS:

H.R. 1030. A bill to reduce overpayments of subsidies in Department of Housing and Urban Development housing assistance programs by providing for more accurate verification of employment and income of participants in such programs; to the Committee on Financial Services, 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. SHAW (for himself, Mr. CONYERS, Mr. CRANE, Mr. RANGEL, Mr. FOLEY, Ms. JACKSON-LEE of Texas, Mr. GOSS, Ms. LEE, Mr. MEEK of Florida, Ms. WATSON, and Mrs. CHRISTENSEN):

H.R. 1031. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Ways and Means.

By Mr. SHAW:

H.R. 1032. A bill to amend title XVIII of the Social Security Act to provide for special treatment for certain drugs and biologicals under the prospective payment system for hospital outpatient department services under the Medicare Program; 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. SIMPSON (for himself, Mr. WALDEN of Oregon, Mr. NETHERCUTT, and Mr. OTTER):

H.R. 1033. A bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Ms. SOLIS (for herself, Mr. PASTOR, Ms. DELAURO, Mr. HOEFFEL, Mr. BECERRA, Mr. OWENS, Ms. BERKLEY, Mr. MENENDEZ, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Mrs. NAPOLITANO, and Mr. ACEVEDO-VILA):

H.R. 1034. A bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement; to the Committee on Resources.

By Mr. STEARNS:

H.R. 1035. A bill to amend the Communications Act of 1934 to reduce restrictions on media ownership, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. JOHN, Ms. HART, Mr. BOUCHER, Mr. PEARCE, Mr. JOHNSON of Illinois, Mr. SIMMONS, Mr. LEWIS of Kentucky, Mr. KNOLLENBERG, Mr. PUTNAM, Mr. BISHOP of Georgia, Mrs. CAPITO, Mr. BOEHLERT, Mr. FORBES, Mr. GOODE, Mr. ROGERS of Alabama, Mr. BISHOP of Utah, Mr. PICKERING, Mr. COSTELLO, Mr. BROWN of South Carolina, Mr. HILL, Mr. MICA, Mr. HOSTETTLER, Mr. BURGESS, Mr. LAMPSON, Mr. MILLER of Florida, Mr. TURNER of Ohio, Mr. MURPHY, Mr. HALL, Mrs. NORTHUP, Mr. GARY G. MILLER of California, Mr. BRADY of Texas, Mr. RYAN of Ohio, Mr. MICHAUD, Mr. GERLACH, Mr. BALLENGER, Mr. GINGREY, Mr. RADANOVICH, Mr. PITTS, Mr. MCINNIS, Mr. AKIN, Mr. MARSHALL, Mr. RYAN of Wisconsin, Mr. FOLEY, Mr. EVERETT, Mr. KENNEDY of Minnesota, Mr. MURTHA, Mr. NETHERCUTT, Mr. LARSEN of Washington, Mr. NEY, Mr. WILSON of South Carolina, Ms. PRYCE of Ohio, Mr. REHBERG, Mr. VITTER, Mr. CANNON, Mr. KOLBE, Mr. STRICKLAND, Mr. HAYWORTH, Mr. SCHROCK, Mr. ROSS, Mr. YOUNG of Alaska, Mr. FLAKE, Mr. PETERSON of Minnesota, Mr. CRANE, Mr. HERGER, Mr. PENCE, Mr. DOOLITTLE, Mr. CHOCOLA, Mr. BOYD, Mr. HOLDEN, Mr. TOOMEY, Mr. CARSON of Oklahoma, Mr. MCINTYRE, Mr. KINGSTON, Mr. KELLER, Mr. SIMPSON, Mr. CUNNINGHAM, Mr. GREEN of Texas, Mr. TERRY, Mr. TANCREDO, Mr. CALVERT, Mr. WICKER, Mr. ORTIZ, Mr. BUYER, Mr. BEAUPREZ, Mr. DINGELL, Mr. ROGERS of Kentucky, Mrs. MILLER of Michigan, Mr. MATHESON, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Tennessee, Mr. LUCAS of Kentucky, Mr. LATHAM, Mr. BACA, Mr. WALDEN of Oregon, Mr. GIBBONS, Mr. SHUSTER, Mr. BACHUS, Mr. ISSA, Mr. DEMINT, Mr. MORAN of Kansas, Mr. RAHALL, Mr. SMITH of Michigan, Mr. WELLER, Mr. RENZI, Mr. UPTON, Mr. BARTON of Texas, Mr. COBLE, Mr. ROGERS of Michigan, Mr. BASS, Mr. SHADEGG, Mr. SOUDER, Mr. BURR, Mr. BURTON of Indiana, Mr. CANTOR, Mrs. MYRICK, Mr. BERRY, Mr. JANKLOW, Mr. TIBERI, Mrs. JO ANN DAVIS of Virginia, Mr. FRANKS of Arizona, Mr. HUNTER, Mr. TAYLOR of Mississippi, Mr. JENKINS, Mr. POMBO, Mr. KANJORSKI, Mr. CARTER, Mr. NORWOOD, Mr. ADERHOLT, Mr. ISAKSON, Mr. GOODLATTE, Mr. LUCAS of Oklahoma, Mr. HEFLEY, Mr. THOMPSON of California, Mr. KING of Iowa, Mr. WELDON of Florida, Mr. BOSWELL, Mr. NUNES, Mr. COX, Mr. OTTER, Mrs. CUBIN, Mr. DELAY, Mr. KLINE, Mr. BARTLETT of Maryland, Mr. GRAVES, Mr. REYNOLDS, Mr. BRADLEY of New Hampshire, Mr. MARIO DIAZ-BALART of Florida, Mr. LINDER, Mr. STENHOLM, Mr. CRAMER, Mr. BOEHNER, Mr. WHITFIELD, Mr. HAYES, Mr. GORDON, Mr. CRENSHAW, Mr. FLETCHER, Mr. COLE, Mr. SULLIVAN, Mr. CARDOZA, Mr. WAMP, Mr. THORNBERRY, Mr. TAYLOR of North Carolina, Mr. CULBERSON, Mr. BLUNT, Mr. STUPAK, Mr. EHLERS, Mr. MCHUGH, Mr. OXLEY, Mr. GUTKNECHT, Mr. ISTOOK, Mr. GREEN of Wisconsin, Mr. LAHOOD, Mr. GREENWOOD, Mr. HULSHOF, Mr. NUSSLE, Mr. BARRETT of South Carolina, Mr. MCCOTTER, Mr. BONNER, Mr. HASTINGS of Washington, Mr. SWEENEY, Mr. REYES, Mr. WOLF, Mr. DAVIS of Alabama, Mr. GOSS, Mr. SKELTON, Mr. TOM DAVIS of Virginia, Mr. LOBIONDO, Mr. HOEKSTRA, Mr. HYDE, Mr. SMITH of Texas, Mrs. EMERSON, Mr. SANDLIN, Mrs. BLACKBURN, Mr. MANZULLO, Mr. REGULA, Mr. MCKEON, Mr. ALEXANDER, Mr. BAKER, Mr. DUNCAN, Mr. TANNER, Mr. HENSARLING, Mr. BONILLA, Mr. SESSIONS, Ms. HARRIS, Mr. BOOZMAN, Mr. MCCRERY, Mr. COLLINS, Mr. DREIER, Mr. FEENEY, Mrs. BONO, Mr. TAUZIN, Mr. LEWIS of California, Mr. ENGLISH, Mr. PLATTS, Mr. SHIMKUS, Mr. CAMP, Mr. GARRETT of New Jersey, Mr. TURNER of Texas, Mr. OSE, Mr. OSBORNE, Mr. PORTMAN, Mr. WELDON of Pennsylvania, Mr. HOBSON, Mr. PETERSON of Pennsylvania, Mr. MOLLOHAN, Mrs. MUSGRAVE, Mr. COMBEST, Mr. CHABOT, Ms. GRANGER, Mr. SHERWOOD, Mrs. BIGGERT, Mr. SAM JOHNSON of Texas, Mrs. KELLY, Mr. BURNS, Mr. ROYCE, Mr. LATOURETTE, Mr. SAXTON, Mr. GILLMOR, Mr. JONES of North Carolina, Mr. PORTER, Mr. THOMAS, Mr. TIAHRT, and Mr. RYUN of Kansas):

H.R. 1036. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; to the Committee on the Judiciary.

By Mr. SWEENEY:

H.R. 1037. A bill to prevent terrorists and money launderers from establishing accounts for illegal money transfers through the use of false Social Security numbers or taxpayer identification numbers, and for other purposes; to the Committee on Financial Services.

By Mr. TANCREDO (for himself, Mr. MCINNIS, Mr. UDALL of Colorado, Mr. BEAUPREZ, Mrs. MUSGRAVE, and Mr. HEFLEY):

H.R. 1038. A bill 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, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Ms. WOOLSEY, Mrs. CAPPS, Mr. CASE, Mr. MCINTYRE, Mr. BERMAN, Mr. DEFAZIO, Ms. CARSON of Indiana, Mr. FILNER, Mr. WEINER, Mrs. DAVIS of California, Mr. LIPINSKI, Ms. NORTON, Mrs. NAPOLITANO, Mr. MCGOVERN, Mr. KUCINICH, Mr. GUTIERREZ, Mr. HONDA, Ms. BERKLEY, and Mr. CAPUANO):

H.R. 1039. A bill to prohibit certain discriminatory pricing policies in wholesale motor fuel sales, and for other purposes; to the Committee on Energy and Commerce.

By Ms. LEE:

H.R. 1040. A bill to establish a living wage, jobs for all policy for all peoples in the United States and its territories, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on the Budget, Armed Services, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 1041. A bill to direct the Secretary of Energy to develop and implement a strategy for research, development, demonstration, and commercial application of distributed power hybrid energy systems, and for other purposes; to the Committee on Science.

By Mr. UDALL of Colorado (for himself and Mr. UDALL of New Mexico):

H.R. 1042. A bill to authorize collaborative forest restoration and wildland fire hazard

mitigation projects on National Forest System lands and other public and private lands, to improve the implementation of the National Fire Plan, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH (for himself, Mr. HOYER, Mr. ABERCROMBIE, Mr. BELL, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CASE, Mr. CLAY, Mr. CONYERS, Mr. COSTELLO, Mr. CRANE, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DINGELL, Mr. DOYLE, Mr. FARR, Mr. FILNER, Mr. FORD, Mr. FOSSELLA, Mr. FROST, Mr. GILLMOR, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HEFLEY, Mr. HINCHEY, Mr. HOBSON, Mr. HOLDEN, Ms. NORTON, Mr. HOUGHTON, Mr. ISAKSON, Mr. JANKLOW, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KILDEE, Mr. LAMPSON, Ms. LEE, Mr. LEVIN, Mrs. LOWEY, Mr. LUCAS of Kentucky, Mr. GRIJALVA, Mrs. MALONEY, Mrs. MCCARTHY of New York, Ms. MILLENDER-MCDONALD, Mr. MICA, Mrs. MILLER of Michigan, Mr. MOORE, Mrs. NAPOLITANO, Mr. PAUL, Mr. PORTER, Mr. PUTNAM, Mr. QUINN, Mr. REGULA, Mr. REYES, Mr. RODRIGUEZ, Mr. ROGERS of Michigan, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. TERRY, Mr. TOWNS, Mr. UPTON, Mr. WILSON of South Carolina, and Ms. WOOLSEY):

H.R. 1043. A bill to grant a Federal charter to Korean War Veterans Association, Incorporated; to the Committee on the Judiciary.

By Mr. WYNN:

H.R. 1044. A bill to establish the Commission on Medical Malpractice Insurance; to the Committee on Energy and Commerce.

By Mr. LUCAS of Oklahoma:

H.J. Res. 26. A joint resolution proposing an amendment to the Constitution of the United States to protect the Pledge of Allegiance; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mrs. BIGGERT, Ms. PELOSI, Mr. LANTOS, Mrs. CAPITO, Mr. KIRK, Ms. SLAUGHTER, Ms. SOLIS, Mr. GEORGE MILLER of California, Ms. DELAURO, Ms. WOOLSEY, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, Ms. KILPATRICK, Mr. CROWLEY, Ms. WATSON, Mr. SIMMONS, Mr. FILNER, Mrs. CAPPS, Ms. CARSON of Indiana, Ms. MCCOLLUM, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Ms. KAPTUR, Ms. LEE, Mrs. MALONEY, Mr. BROWN of Ohio, Ms. NORTON, Mr. FROST, Mr. SANDERS, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. BALLANCE, Mr. NADLER, Ms. LINDA T. SANCHEZ of California, Mr. EVANS, Mr. LEVIN, Mr. GUTIERREZ, Ms. ROYBAL-ALLARD, Mr. DAVIS of Illinois, Mr. EMANUEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNULTY, Mr. MCDERMOTT, Mr. KUCINICH, Mr. BOSWELL, Mr. FALEOMAVAEGA, Ms. BERKLEY, Mr. LAHOOD, Mr. LIPINSKI, Mr. MANZULLO, Mr. JOHNSON of Illinois, and Mr. RUSH):

H. Con. Res. 57. Concurrent resolution supporting the goals of International Women's Day; to the Committee on International Relations, and in addition to the Committee on the Judiciary, 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. ETHERIDGE (for himself, Mr. MCINTYRE, Mr. BALLANCE, Mr. BALLENGER, Mrs. MYRICK, Mr. WATT, Mr. MILLER of North Carolina, Mr. HAYES, Mr. COBLE, Mr. BURR, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, and Mr. TAYLOR of North Carolina):

H. Con. Res. 58. Concurrent resolution honoring the City of Fayetteville, North Carolina, and its many partners for the Festival of Flight, a celebration of the centennial of Wilbur and Orville Wright's first flight, the first controlled, powered flight in history; to the Committee on Government Reform.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. CARSON of Indiana, Mr. FROST, Mr. WYNN, Ms. JACKSON-LEE of Texas, Mr. MEEK of Florida, Mr. BROWN of Ohio, Mr. PAYNE, Mr. FATTAH, Ms. LEE, Mr. RUSH, Ms. NORTON, Mr. CUMMINGS, Mr. JEFFERSON, Ms. KILPATRICK, Ms. CORRINE BROWN of Florida, Mr. CLYBURN, Mr. BALLANCE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. GRIJALVA, Mr. OWENS, Mr. RANGEL, Mr. DAVIS of Illinois, Mrs. JONES of Ohio, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. WATSON, Ms. MAJETTE, Mr. BISHOP of Georgia, Mr. SCOTT of Virginia, Mr. HASTINGS of Florida, Mr. MCDERMOTT, and Mr. WATT):

H. Con. Res. 59. Concurrent resolution recognizes the significant achievements and contributions of African-American scientists, mathematicians, and inventors, and supporting the establishment of a special day on which these great minds may be honored and esteemed; to the Committee on Science.

By Mr. JONES of North Carolina:

H. Con. Res. 60. Concurrent resolution requesting the United States Government to take appropriate action to urge the Government of the People's Republic of China to provide for a fair resolution of the claims of United States citizens who hold Chinese Government bonds on which that Government has defaulted; to the Committee on International Relations.

By Ms. MCCOLLUM (for herself, Mr. FARR, Mr. BERMAN, Mr. CROWLEY, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. LEE, Mr. MCNULTY, Ms. NORTON, Mr. OBERSTAR, Mr. OWENS, Mr. PALLONE, Mr. HOEFFEL, Mr. UDALL of New Mexico, Ms. CARSON of Indiana, Mr. CASE, Mrs. JONES of Ohio, Mr. KUCINICH, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. NADLER, Mr. MCDERMOTT, and Mr. HONDA):

H. Con. Res. 61. Concurrent resolution recognizing the need to double Federal funding for the Peace Corps from fiscal year 2002 funding levels to $550,000,000 by 2007, and for other purposes; to the Committee on International Relations.

By Mr. RANGEL:

H. Con. Res. 62. Concurrent resolution expressing the sense of Congress that Katherine Dunham should be recognized for her groundbreaking achievements in dance, theater, music, and education, as well as for her work as an activist striving for racial equality throughout the world; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Con. Res. 63. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Con. Res. 64. Concurrent resolution expressing the sense of Congress that Zora Neale Hurston should be recognized for her achievements as a novelist and anthropologist, and for her contributions to the Harlem Renaissance movement; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 65. Concurrent resolution expressing the sense of Congress that Madame C. J. Walker should be recognized for her achievements in business, her inventions, and her commitment to the African-American community; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 66. Concurrent resolution expressing the sense of Congress that Shirley Chisholm should be recognized for her activism and groundbreaking achievements in politics during the civil rights era, and for her efforts to reform the Nation's political system and legislatures so that they better represent the needs of a greater number of Americans; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 67. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Arthur Ashe, and that the Citizens Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 68. Concurrent resolution expressing the sense of Congress that Dorothy I. Height should be recognized for her achievements as a civil rights leader, dedicated activist working to fight racial and social prejudice, and for her lifetime commitment to improving the opportunities available to the most vulnerable in society; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 69. Concurrent resolution expressing the sense of Congress that Althea Gibson should be recognized for her ground breaking achievements in athletics and her commitment to ending racial discrimination and prejudice within the world of sports; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 70. Concurrent resolution expressing the sense of Congress that the anniversary of the birth of Malcom X should be observed as a day of prayer, remembrance, and reflection on the life of Malcolm X; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 71. Concurrent resolution recognizing the importance of Ralph Bunche as one of the great leaders of the United States, the first African-American Nobel Peace Prize winner, an accomplished scholar, a distinguished diplomat, and a tireless campaigner of civil rights for people throughout the world; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 72. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue a postage stamp commemorating Congressman Adam Clayton Powell, Jr; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 73. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued by the United States Postal Service honoring Roy Campanella, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Government Reform.

By Mr. RANGEL:

H. Con. Res. 74. Concurrent resolution expressing the sense of Congress with respect to Marcus Garvey; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 75. Concurrent resolution expressing the sense of Congress that Arthur Schomburg should be recognized for his leadership and contributions in documenting, recording, and researching the historical contributions to society of peoples of African descent and for his efforts to combat racial and ethnic discrimination in the United States; to the Committee on the Judiciary.

By Mr. TIBERI:

H. Con. Res. 76. Concurrent resolution recognizing the health risks associated with childhood obesity and encouraging parents to promote healthy weight and increased physical activity to their children; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. PITTS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CHABOT, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. BEREUTER, Mr. HOEFFEL, Mr. WEXLER, Mr. MARKEY, Ms. BORDALLO, Mr. LEACH, Mr. FALEOMAVAEGA, Mr. GALLEGLY, and Mr. WAMP):

H. Res. 109. A resolution urging passage of a resolution addressing human rights abuses in North Korea at the 59th session of the United Nations Commission on Human Rights, and calling on the Government of North Korea to respect and protect the human rights of its citizens; to the Committee on International Relations.

By Mr. COX:

H. Res. 110. A resolution providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Eighth Congress; to the Committee on House Administration.

By Mr. DOYLE (for himself, Mr. MURPHY, Mr. HOLDEN, Mr. FATTAH, Mr. SHUSTER, Mr. MURTHA, Mr. GREENWOOD, Ms. HART, Mr. KANJORSKI, Mr. PETERSON of Pennsylvania, Mr. HOEFFEL, Mr. PLATTS, Mr. BRADY of Pennsylvania, Mr. SHERWOOD, Mr. ENGLISH, and Mr. STUPAK):

H. Res. 111. A resolution honoring the legacy of Fred Rogers and his dedication to creating a more compassionate, kind, and loving world for children and adults; to the Committee on Government Reform.

By Mr. BACA (for himself, Mr. RODRIGUEZ, Mrs. NAPOLITANO, Mr. HINOJOSA, Ms. LINDA T. SANCHEZ of California, Mr. CUMMINGS, Mr. ABERCROMBIE, Mr. ORTIZ, Ms. SOLIS, Mr. BERMAN, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PASTOR, Ms. WATSON, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. REYES, Mr. GONZALEZ, Mr. BECERRA, Ms. VELAZQUEZ, Mr. SERRANO, Mr. MENENDEZ, Mrs. CAPPS, Mr. GRIJALVA, Mr. ACEVEDO-VILA, Mr. CARDOZA, Mr. GUTIERREZ, and Mr. HONDA):

H. Res. 112. A resolution urging the establishment and observation of a legal public holiday in honor of Cesar E. Chavez.

By Mr. HAYWORTH:

H. Res. 113. A resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Res. 114. A resolution honoring the life of Betty Shabazz; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 115. A resolution expressing the sense of the House of Representatives that Sugar Ray Robinson should be recognized for his athletic achievements and commitment to young people; to the Committee on Government Reform.

By Mr. RANGEL:

H. Res. 116. A resolution expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work to end discrimination and secure equal employment and labor opportunities for all Americans; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES (for himself, Mr. ACEVEDO-VILA, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PASTOR, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Ms. SOLIS, and Ms. VELAZQUEZ):

H. Res. 117. A resolution commending the Latino and immigrant workers who participated in the completion of the Pentagon renovation project, referred to as the Phoenix Project; to the Committee on Education and the Workforce.

By Mr. WELDON of Pennsylvania (for himself, Mr. CARDIN, Mr. HOYER, Mr. ORTIZ, Mr. REYES, Mr. RODRIGUEZ, Mr. BALLENGER, Mr. CUNNINGHAM, Mr. UPTON, Mr. WALDEN of Oregon, Mr. GOODE, Mr. HOSTETTLER, Mr. PLATTS, Mr. WILSON of South Carolina, Mr. PETERSON of Pennsylvania, Mr. TOOMEY, Mr. BARTLETT of Maryland, Mr. SIMMONS, Mr. DELAHUNT, Mr. SWEENEY, Mr. COBLE, Mr. SANDLIN, Mr. HUNTER, Mr. SAXTON, Mr. SMITH of Michigan, Mr. EDWARDS, Mr. CRENSHAW, Mr. PITTS, Mr. HOBSON, Mr. KIRK, Mr. HOLDEN, Mr. RYUN of Kansas, Mr. HAYES, Mr. SHUSTER, Mr. SHERWOOD, Mr. SOUDER, Mr. WELLER, Mr. SKELTON, Mr. MCHUGH, Mr. HALL, Mr. NORWOOD, Mr. SAM JOHNSON of Texas, Mr. DUNCAN, Mr. CAMP, Mr. GREENWOOD, Mr. TERRY, and Mr. CROWLEY):

H. Res. 118. A resolution calling for the establishment of 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 criminal violations of international law; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. STARK, Mr. MCDERMOTT, Mrs. JONES of Ohio, Mr. MENENDEZ, Mr. ABERCROMBIE, Mr. BISHOP of New York, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mr. FATTAH, Mr. FORD, Mr. FROST, Mr. FRANK of Massachusetts, Mr. GREEN of Texas, Mr. HINOJOSA, Mr. HOEFFEL, Mr. HOLDEN, Mr. KILDEE, Mr. LANTOS, Ms. LOFGREN, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEHAN, Mr. NADLER, Ms. NORTON, Mr. REYES, Ms. LINDA T. SANCHEZ of California, Mr. SERRANO, Ms. SCHAKOWSKY, Ms. SOLIS, and Mr. TOWNS.

H.R. 49: Ms. HOOLEY of Oregon, Mr. CHOCOLA, Mr. ROGERS of Michigan, and Mr. FOSSELLA.

H.R. 50: Mr. CULBERSON, Mr. CHOCOLA, Mr. CANNON, Mrs. BLACKBURN, Mr. ISSA, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 52: Mr. REHBERG, Mr. GRAVES, Mr. CRANE, Mr. OTTER, Ms. ROS-LEHTINEN, Mr. RANGEL, Mr. WILSON of South Carolina, Mr. ROGERS of Michigan, Mr. CARSON of Oklahoma, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 55: Mr. FLAKE.

H.R. 58: Mr. GALLEGLY, Mr. NEAL of Massachusetts, Mrs. BONO, Mr. SOUDER, Mr. WU, Mr. BILIRAKIS, Ms. LOFGREN, Mr. TERRY, Mr. DOYLE, Mr. OLVER, Mr. FORBES, Mr. LAHOOD, and Mr. OBERSTAR.

H.R. 73: Mr. KUCINICH, Mr. BRADY of Texas, and Mr. ROTHMAN.

H.R. 119: Mrs. CUBIN.

H.R. 140: Mr. BALLANCE.

H.R. 155: Mr. DUNCAN.

H.R. 157: Mr. STENHOLM.

H.R. 167: Ms. ROS-LEHTINEN.

H.R. 168: Mr. GERLACH, Mr. GILLMOR, Ms. GINNY BROWN-WAITE of Florida, and Mr. KLINE.

H.R. 173: Mr. MCGOVERN, Mr. PETERSON of Minnesota, Mr. ETHERIDGE, Mr. NEAL of Massachusetts, Mr. ROGERS of Kentucky, Mr. HOEFFEL, and Mr. WEXLER.

H.R. 180: Mr. BARRETT of South Carolina.

H.R. 200: Mr. FALEOMAVAEGA.

H.R. 201: Mr. ROGERS of Michigan.

H.R. 208: Mr. STENHOLM.

H.R. 210: Mr. HOBSON, Mr. GILLMOR, Mrs. MUSGRAVE, Mr. KELLER, Mr. CANNON, Mr. FRANKS of Arizona, and Mr. SESSIONS.

H.R. 224: Mr. DUNCAN.

H.R. 240: Mr. FILNER.

H.R. 241: Mr. KILDEE.

H.R. 300: Mr. TERRY.

H.R. 303: Mr. LUCAS of Kentucky, Mrs. TAUSCHER, and Mr. DAVIS of Alabama.

H.R. 323: Mr. OLVER.

H.R. 331: Ms. LOFGREN, Mr. CARSON of Oklahoma, and Mr. LAHOOD.

H.R. 339: Mr. LOBIONDO and Mr. HASTINGS of Washington.

H.R. 361: Mr. WALSH and Ms. WATSON.

H.R. 373: Mr. SANDERS.

H.R. 375: Mr. CANTOR and Mr. HOUGHTON.

H.R. 383: Mr. OSE.

H.R. 396: Mr. LIPINSKI.

H.R. 401: Mr. WEXLER, Mr. PENCE, Mr. LOBIONDO, and Mr. VAN HOLLEN.

H.R. 412: Mrs. LOWERY and Mr. CLYBURN.

H.R. 414: Mr. LAMPSON and Ms. SCHAKOWSKY.

H.R. 433: Mr. PRICE of North Carolina.

H.R. 434: Mr. REYNOLDS, Mr. SIMMONS, Mr. POMBO, Mr. PAUL, Mr. LEACH, Mr. LINDER, Mr. BONILLA, Mr. GRAVES, and Mr. HAYWORTH.

H.R. 442: Mr. OWENS.

H.R. 462: Mr. PAUL and Mr. TERRY.

H.R. 466: Mr. GUTIERREZ, Mr. SANDERS, Ms. WATERS, Mr. TOWNS, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. WEXLER, Mr. SHERMAN, Mr. BONILLA, Mr. CAPUANO, Mr. FILNER, Mr. MARKEY, Mr. TIERNEY, Mr. GREEN of Texas, Ms. MILLENDER-MCDONALD, Mr. CASE, Mr. DAVIS of Illinois, Mr. PICKERING, Mr. GINGREY, and Mrs. CAPPS.

H.R. 467: Mr. PALLONE, Ms. KAPTUR, Mr. FROST, Mr. STARK, Mr. GEORGE MILLER of California, Ms. WOOLSEY, and Mr. SANDERS.

H.R. 468: Ms. KAPTUR, Ms. CORRINE BROWN of Florida, and Mr. OWENS.

H.R. 469: Mr. FROST, Mr. ETHERIDGE, Mr. MCNULTY, and Mr. OWENS.

H.R. 470: Mr. FRANK of Massachusetts, Mr. OTTER, Ms. WATERS, Mr. MCNULTY, Mr. KUCINICH, and Mr. OWENS.

H.R. 471: Mr. FRANK of Massachusetts, Mr. OTTER, Ms. WATERS, Mr. MCNULTY, Mr. KUCINICH, and Mr. OWENS.

H.R. 472: Mr. FRANK of Massachusetts, Mr. OTTER, Ms. WATERS, Mr. MCNULTY, Mr. KUCINICH, and Mr. OWENS.

H.R. 473: Ms. WATSON, Mr. MCNULTY, Mr. OWENS, and Mr. CLYBURN.

H.R. 474: Mr. FRANK of Massachusetts, Mr. OTTER, Ms. WATERS, Mr. MCNULTY, Mr. KUCINICH, and Mr. OWENS.

H.R. 476: Ms. DELAURO and Mr. MCDERMOTT.

H.R. 489: Mr. DUNCAN and Mr. GOODE.

H.R. 491: Mr. BONNER, Mr. NORWOOD, Mr. OTTER, Mr. TAYLOR of Mississippi, Mr. DEFAZIO, Mr. BOOZMAN, Mr. TAYLOR of North Carolina, and Mr. BURNS.

H.R. 522: Mr. OSBORNE.

H.R. 528: Mr. VISCLOSKY, Mr. TIERNEY, and Mr. COSTELLO.

H.R. 531: Mr. KING of New York, Mr. GREEN of Wisconsin, Mr. STARK, Mr. CASTLE, Ms. WOOLSEY, Mr. WALSH, Mr. FARR, Mr. UPTON, Mr. SANDERS, Mr. MATSUI, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. STUPAK, Mr. MCDERMOTT, Mr. SHADEGG, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. REYNOLDS, Mr. GORDON, Mr. ISSA, Mr. GREEN of Texas, Mr. COSTELLO, Mr. HALL, Mr. MCGOVERN, Ms. DELAURO, Ms. SCHAKOWSKY, and Mr. PASCRELL.

H.R. 545: Mr. UPTON and Mr. MCCRERY.

H.R. 548: Mrs. MALONEY, Mr. BISHOP of Georgia, Mr. REYES, Mr. LARSEN of Washington, Mr. FALEOMAVAEGA, Mrs. JO ANN DAVIS of Virginia, Mr. DICKS, Mr. GALLEGLY, Mr. GILLMOR, Mr. WEXLER, and Mr. PORTER.

H.R. 569: Mr. ENGLISH.

H.R. 572: Mr. SOUDER and Mr. ISAKSON.

H.R. 584: Mr. HOBSON.

H.R. 585: Mr. MCDERMOTT, Mr. GRIJALVA, Ms. CARSON of Indiana, and Mr. SANDERS.

H.R. 588: Mr. STARK.

H.R. 591: Mr. KNOLLENBERG.

H.R. 594: Mr. VISCLOSKY, Mr. LANGEVIN, Mr. REYES, Mr. HOEFFEL, Mr. JEFFERSON, Mr. CAPUANO, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 664: Ms. WOOLSEY, Mrs. NAPOLITANO, Mr. DOOLEY of California, Ms. LINDA T. SANCHEZ of California, Mr. GUTIERREZ, Mr. CASE, Mr. WAXMAN, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. LIPINSKI, Mr. FOSSELLA, Mr. FALEOMAVAEGA, Mr. VAN HOLLEN, and Mr. EMANUEL.

H.R. 678: Mr. PICKERING, Mr. ROGERS of Alabama, and Mr. THOMPSON of Mississippi.

H.R. 680: Mr. LAMPSON.

H.R. 684: Mrs. MUSGRAVE and Mr. FOSSELLA.

H.R. 692: Mr. KUCINICH.

H.R. 693: Mr. TAYLOR of Mississippi, Mr. UDALL of Colorado, and Mr. SCHIFF.

H.R. 713: Mr. MCNULTY.

H.R. 715: Mrs. MALONEY, Ms. BERKLEY, and Ms. LOFGREN.

H.R. 720: Mr. MARIO DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Florida, Mr. FORD, Mr. GORDON, Mr. BELL, Mr. EDWARDS, Mr. RODRIGUEZ, Mr. SMITH of Washington, Mr. DEUTSCH, Mr. JENKINS, and Ms. GRANGER.

H.R. 722: Mr. MCHUGH, Mr. REYNOLDS, Mr. BARRETT of South Carolina, Mr. JOHNSON of Illinois, Mr. DOOLITTLE, Mr. JONES of North Carolina, Mr. JEFFERSON, Mr. FOLEY, and Mr. STENHOLM.

H.R. 727: Mr. MCGOVERN, Mr. VAN HOLLEN, and Ms. LOFGREN.

H.R. 729: Mrs. MYRICK and Ms. WOOLSEY.

H.R. 730: Mr. GARY G. MILLER of California.

H.R. 735: Mr. SULLIVAN.

H.R. 740: Ms. NORTON.

H.R. 752: Mr. MARKEY, Mr. ACKERMAN, and Mr. KUCINICH.

H.R. 760: Mr. JOHNSON of Illinois.

H.R. 762: Mr. GIBBONS.

H.R. 766: Mr. ETHERIDGE, Ms. HART, Mr. WELDON of Pennsylvania, and Mr. BELL.

H.R. 768: Mr. CANNON and Mr. DEAL of Georgia.

H.R. 776: Mr. MEEHAN and Ms. NORTON.

H.R. 779: Mr. SCHIFF, Mr. CONYERS, and Mr. FROST.

H.R. 785: Mr. BOEHLERT.

H.R. 786: Mr. REHBERG, Mr. OSE, Mr. BURNS, Ms. HART, Mr. FEENEY, Mr. HULSHOF, Mr. FERGUSON, Mr. TIBERI, Mr. CANTOR, and Mr. SHAW.

H.R. 794: Mr. GIBBONS.

H.R. 797: Ms. GINNY BROWN-WAITE of Florida.

H.R. 802: Ms. WOOLSEY.

H.R. 804: Mr. WALDEN of Oregon, Mr. FOLEY, and Mr. DOOLITTLE.

H.R. 809: Mr. BOEHLERT and Mr. DOOLEY of California.

H.R. 813: Mr. TAYLOR of Mississippi.

H.R. 830: Mr. STUPAK.

H.R. 834: Mr. COX, Mr. LARSEN of Washington, and Mr. FOLEY.

H.R. 841: Mr. HAYWORTH.

H.R. 844: Mr. OWENS, Mr. SANDERS, Mr. GRIJALVA, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. ORTIZ, Mr. UPTON, and Ms. SOLIS.

H.R. 846: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEXLER, Mr. CLYBURN, and Mrs. NAPOLITANO.

H.R. 847: Ms. NORTON, Mr. LATOURETTE, Mr. HASTINGS of Florida, and Mr. FRANK of Massachusetts.

H.R. 857: Mr. EVANS.

H.R. 859: Mr. NEY, Mr. FROST, and Mr. SOUDER.

H.R. 876: Mr. BACHUS.

H.R. 877: Mr. PORTMAN, Mr. MCCRERY, and Mr. POMEROY.

H.R. 878: Mr. WILSON of South Carolina and Mr. REYNOLDS.

H.R. 887: Mr. BAIRD, Mr. ACEVEDO-VILA, and Mr. FILNER.

H.R. 894: Mr. ACKERMAN.

H.R. 919: Ms. JACKSON-LEE of Texas, Mr. PASCRELL, Mr. HOLDEN, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. DELAURO, Mr. OLVER, Mr. DOGGETT, and Mr. SIMMONS.

H.R. 933: Ms. LINDA T. SANCHEZ of California.

H.R. 941: Mr. HAYWORTH.

H.J. Res. 20: Mr. BLUMENAUER and Mr. HINCHEY.

H.J. Res. 22: Mr. FORBES.

H.J. Res. 24: Ms. JACKSON-LEE of Texas, Mr. FARR, Ms. LOFGREN, and Mr. DEFAZIO.

H. Con. Res. 29: Mr. BARTLETT of Maryland, Mr. BOOZMAN, Ms. GINNY BROWN-WAITE of Florida, and Mr. ROGERS of Kentucky.

H. Con. Res. 30: Mr. WEXLER.

H. Con. Res. 47: Mr. ACEVEDO-VILA, Ms. SOLIS, Mr. MCNULTY, Mr. CLAY, Ms. VELAZQUEZ, Mr. WATT, Mr. LEWIS of Georgia, Mr. WYNN, Ms. CARSON of Indiana, Ms. CORRINE BROWN of Florida, Mr. RUSH, Mr. FATTAH, Mr. GUTIERREZ, and Ms. MILLENDER-MCDONALD.

H. Con. Res. 49: Mr. LINDER, Mr. VAN HOLLEN, Mr. WEINER, Mr. ACKERMAN, Mr. HOEFFEL, Mr. SENSENBRENNER, Mr. WAXMAN, Mr. FOLEY, Mr. BLUNT, Mr. SULLIVAN, Ms. ROS-LEHTINEN, Mr. CARSON of Oklahoma, Mr. MCDERMOTT, Mr. SWEENEY, Mr. FORBES, Mr. CLAY, Mr. PAYNE, Mr. EVANS, Mr. FROST, Ms. SCHAKOWSKY, Mr. FARR, and Mr. BERMAN.

H. Res. 19: Mr. BURGESS.

H. Res. 21: Mr. DAVIS of Illinois, Mr. OWENS, Mr. FRANK of Massachusetts, Mr. ENGEL, Mr. OLVER, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, Mr. DOGGETT, Mr. ALLEN, Mr. UDALL of New Mexico, and Ms. LOFGREN.

H. Res. 38: Mrs. MALONEY.

H. Res. 49: Mr. BISHOP of New York, Ms. HOOLEY of Oregon, Mr. BISHOP of Georgia, Mr. MCHUGH, Mr. MENENDEZ, Mr. UPTON, Mr. BARRETT of South Carolina, Mr. BALLANCE, Mr. MURPHY, and Mr. LIPINSKI.

H. Res. 56: Mr. LEVIN, Mr. ENGEL, Mr. WATT, and Mrs. LOWEY.

H. Res. 58: Mr. EMANUEL.

H. Res. 60: Mr. WEINER, Mr. GREEN of Texas, Mr. KING of New York, Mr. OXLEY, Mr. WOLF, Mrs. NAPOLITANO, Mr. BURTON of Indiana, and Mr. SAXTON.

H. Res. 72: Mr. DOGGETT.

H. Res. 86: Ms. MILLENDER-MCDONALD, Mr. COOPER, Mr. BOYD, Mr. SPRATT, Mr. FROST, Mr. ETHERIDGE, and Mr. SOUDER.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, FEBRUARY 27, 2003 No. 32

Senate

The Senate met at 12 noon and was called to order by the Honorable NORM COLEMAN, a Senator from the State of Minnesota.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Dr. Ruben Diaz, of the Bronx, NY.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Heavenly Father, Creator of the heavens and the earth, God of our beloved Nation. The men and women of the United States Senate come before You today to ask that You bless this legislative body with Your wisdom, and guidance.

We ask that You keep its Members in Your holy presence. Psalms 105 says that ''Your word is a lamp to our feet, and light to our path.'' We ask that You light our path especially during the difficult and challenging times of our Nation.

Oh God, we seek Your vision and we want to do Your will that is pleasing to You, and right for our country. We want our decisions to be unified, in step with justice, righteousness, and that which best serve the people of this Nation.

Father, we thank You for allowing us the honor and privilege of living in this great Nation, where our rights and freedoms are protected as ''one Nation under God,'' with a government ''of the people, by the people, and for the people.'' We thank You for allowing us the opportunity to serve.

We humble ourselves, and ask that You bless this Senate, its distinguished Members, and all those who work to insure that America continues to be a great Nation in Your eyes and the eyes of the world.

We praise and bless Your Holy Name. In Your Holy Name, we ask, amen.

PLEDGE OF ALLEGIANCE

The Honorable NORM COLEMAN 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. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 27, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable NORM COLEMAN, a Senator from the State of Minnesota, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. COLEMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. FRIST. Mr. President, I welcome our guest Chaplain today and the many people who have accompanied him from his home community. It gives great meaning, as we all know, to listen to and to rely upon the words as expressed so meaningfully and so aptly by our guest Chaplain today.

I yield the floor to the distinguished Senator from New York to also welcome our guest Chaplain.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, first, let me thank our majority leader for the grace and hospitality he has shown our honored guest today, and all of our guests from the Bronx and the New York area who are present.

We are graced, of course, by God's presence but also by the presence of one of the great leaders in New York, the Reverend Diaz.

Visitors are not allowed to applaud, but we are applauding in our hearts—en nuestros corazones. And we are honored and blessed to have a leader such as Reverend Diaz. He is a leader in both the temporal world—God's world—and our secular world. And he brings the two together in such a beautiful and exquisite way that he is admired from one end of our State to the other.

He has been my friend for a very long time. We are honored that he serves us in our legislature, but we are even more honored that he brings the word of God to all of us here in the Senate as well as in New York. And may he be granted many, many more years of leadership and good health.

Mr. President, I thank the majority leader.

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. FRIST. Mr. President, the Senate will spend the day in executive session trying to reach an agreement for a time to vote on the Estrada nomination.

Yesterday, every issue raised by my colleagues on the other side of the aisle was answered by Chairman HATCH and my Republican colleagues in a 2-hour, rapid paced, very responsive question-and-answer colloquy, designed to further clarify the RECORD. We continued the discussion well into the evening. I think we closed the Senate at about 2 o'clock in the morning. That partly explains starting a bit later today.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. President, the Miguel Estrada nomination was submitted by President Bush in May 2001—almost 2 years ago. We know that he has not only the support of the majority party, but he has support from a majority of the Members—more than 51 Senators—in this body. And that was demonstrated in a letter that was sent by Senator MCCONNELL and 51 other colleagues to the President, dated February 25, 2003.

Yet my colleagues on the other side of the aisle continue to practice justice delayed, which, incidentally, is increasingly being called, by the American people, justice denied, because that delay is denying the majority will of this body.

My objective, since February 5—since this nomination came to the floor of the Senate—has been to provide all of our Senators with a forum for informed deliberation, for tempered deliberation, for thorough consideration. I have been very clear from the beginning that my intention was to have a vote—an up-or-down vote—and to move this nomination to the constitutionally mandated question: Will the Senate advise and consent to this nomination—yes or no, yea or nay, up or down? That is all that we ask.

It is the majority leader's job, after consultation with the minority leader, to schedule this yea or nay vote. I have asked, on numerous occasions, for a time certain for this vote. Again and again, each of my requests has been rejected.

The nomination has been pending now for 3 weeks—or more than 3 weeks—and I do believe there has been ample time for Members to deliberate on this nominee. There is no doubt about the outcome if we are allowed to vote on it. The sheer number of signatures on that February 25 letter reflects that the confirmation would occur. Yet Democrats continue to refuse to set a time for this dispositive vote.

So, once again, I say: Let's vote. I hope that Members do come to the floor during today's proceedings to discuss this important nomination.

With respect to rollcall votes—because I know a number of our colleagues are very interested in what the plans will be for both today, tomorrow, and on Monday—I will be discussing the schedule with the Democratic assistant leader or the Democratic leader today in relation to the schedule so that very shortly we can determine when these votes will be scheduled.

The Judiciary Committee is still meeting as we speak. But I hope to have some information here within the next hour or hour and a half so we can set up votes over the next couple days.

The ACTING PRESIDENT pro tempore. The Democratic whip.

Mr. REID. Mr. President, the two leaders have met several times in the last 12 hours. That is fair. And there is progress being made as to what the majority leader is going to do next week. We will be happy to cooperate in any way we can. We have this little dust-up here. We have to work around that.

As I indicated—the leader was not on the floor at the time yesterday—we know we have a problem with the Estrada nomination.

But we are not trying to delay. We have allowed the committees to go forward. We have tried to cooperate with the majority leader anytime he has had other legislation to bring forward. We will continue to do that. We just need to figure out some way to get through the parliamentary problem we have now with the Estrada nomination. We will continue to be advocates for our position in that regard, but we stand ready, as the majority leader has been told by Senator DASCHLE, to work with him in any way we can to help move legislation.

Mr. FRIST. Mr. President, we will continue to work aggressively. I think everybody in this body understands our goal. I appreciate the good nature. We will continue to push forward for a vote. I did have the opportunity to talk to the leader on the other side of the aisle. The Democratic leader and I discussed plans over the next several weeks. That discussion is very important. I believe we are making progress there. Again, in terms of votes, either later today or tomorrow morning, hopefully within an hour or hour and a half, we can make decisions. In all likelihood, we will be voting Monday afternoon and throughout Tuesday.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF MIGUEL ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar No. 21, which the clerk will report.

The assistant legislative clerk read the nomination of Miguel Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. CORZINE. Mr. President, for the past several weeks, as we have heard this morning, this body has done very little beyond the debate on the nomination of Miguel Estrada. Hour upon hour, day upon day, week upon week, the debate has continued. We have heard every argument there is to make on both sides of the issue. We have heard them from just about every Senator, and we have heard them over and over. It has been pretty repetitious.

I don't mean to diminish the importance of this debate about a single, very important job. After all, it goes to the heart of the Senate's role under the constitutional system of government. The question is whether this constitutionally responsible body will be diminished to such an extent that we just become a rubberstamp for White House judicial nominations; that is, whether we will agree to automatically confirm nominees even if they refuse to answer publicly the most basic of our questions on their jurisprudential perspectives. It is hard to understand how we can give a lifetime appointment to a job without having a job interview.

This is an important debate. All of us believe that. That is why we have had 3 weeks of consideration. It is one that reaches well beyond the specifics of the individual candidate. It deserves our careful consideration. The Constitution charges the Senate with the responsibility to provide advice and consent on judicial nominations. Those of us on this side will attend to that responsibility.

Of all the issues facing our Nation at this most challenging time in our history, there are other—certainly in my view and I suspect the view of most of my colleagues—issues that are of a higher priority. It is a profound mistake on the part of the majority to insist on staying on this nomination indefinitely while Mr. Estrada and the administration, with all due respect, continue what some would term ''stonewalling'' while there are so many vital issues our Congress should be addressing.

THE ECONOMY

Today, I will focus in particular on the problem, along with the drastic, dramatic threat of terrorism we face daily and the prospect of war with Iraq, which we heard the President talked about last evening, that is probably uppermost in the minds of my constituents in New Jersey and, I suspect, across the country, and that is the state of our economy. It is in serious need of attention.

I have been listening to New Jerseyans from around the State, from all walks of life, all ethnic, religious, racial backgrounds, the long-term unemployed, to manual laborers, to mid-level managers, to CEOs, to retirees and soccer moms. For just about all of them, there is a tremendous sense of anxiety with respect to the state of our economy and their families' economic security. People are concerned about whether they will have a job, whether their savings will be there when they retire, whether they will be able to pay for their college educations, whether they will be able to have health care. There are serious concerns, flat-out kitchen table concerns for all Americans. I know that is the case in my home State.

An anecdotal perspective on this country's anxiousness has now been backed up by hard statistics from the conference board released this week.

Sometimes we divorce these statistics from the reality. I certainly see it in people's faces and the words, but we saw it actually monitored in a statistic released by the conference board this week. We saw consumer confidence drop from 78, almost 79 percent, of the population last month to 64 percent. That is the lowest level since October of 1993. That is probably one of the sharpest drops in history; I did not check the actual number, but far greater than post-September 11, and it is reflective of a dramatic undermining of the strength of well-being felt by most Americans.

Americans around the country are deeply concerned about our Nation's economy. They have a good reason to be. After all, since January 2001, the number of unemployed has increased by nearly 40 percent—almost 8.5 million people. About 2.5 million private sector jobs have been lost in that period, and there are now about 2.5 job seekers for every job opening in America. Think about that, 2.5 people applying for every job now available.

Not only have the number of unemployed Americans increased, those out of work are now jobless for longer periods of time. Over the past year, the average number of weeks individuals have spent unsuccessfully seeking work has increased by about a month, and 20 percent of the unemployed have been looking for work more than 6 months. There are 1 million of these long-term unemployed workers in America and almost 100,000 falling off the rolls for unemployment insurance benefits each month. Just slightly fewer than 100,000 each month are dropping off the benefits because they can't find jobs.

While there are no great and solid statistics on it, there are a lot of people dropping out of the job market. The job market is not growing, and it is one of the reasons—the statistics show the unemployment rate certainly up dramatically and skyrocketing—a lot of people have just stopped looking. The lack of jobs has also slowed wage growth. Recently, only those workers with the very highest of incomes have experienced any wage increases in the economy, any wage increases at least that have outpaced inflation. For lower wage earners, that growth has absolutely stalled to zero. That is not, obviously, helping create the demand that will drive our economy and make a real difference in people's lives.

The Bush administration's record on job creation is on track to be the worst in 58 years. In fact, to just equal what transpired during the Eisenhower administration, which currently has the worst record, you would have to create 96,000 new jobs each month starting today and continuing each month for the remainder of this President's term; 96,000 is a lot of jobs to create, particularly when we have been losing jobs at a rate almost that fast each month.

It is extraordinary what we have to do to turn the economy around. Without a significant increase in job creation, we will have the worst 4-year record in the history of any President.

Unfortunately, there is little evidence to suggest that it will turn around. For instance, according to the employment outlook survey conducted by Manpower, Inc., which came out this week, which is the private sector's best gauge of what is going on in the employment market, only 22 percent of America's employers are going to increase the number of jobs in the upcoming two quarters. The rest of them are either going to reduce jobs or stay the same.

Mr. President, 22 percent is a very low number by any historical measure. I don't understand why we are debating one job on the floor of the Senate when we are failing to address the fundamental needs and requirements for all American families, their jobs, and their well-being.

Of course, the problems with the economy are much deeper than just reflected in what is probably the most important place—the job market. But there is a lack of confidence in a whole host of sectors in the American economy. Our businesses are now operating at only about 75 percent of capacity. That is well below any of the averages we have had historically, which is about 81 percent. Our States are suffering with some of the most severe fiscal crises they faced in decades, forcing Governors and State legislators to approve steep tax increases. In my State, the average increase in property taxes was 7.1 percent. New York City increased property taxes 18.5 percent, and they are trying to put a commuter tax on so everybody who surrounds the city is helping to bail it out with lots of legitimate needs on homeland defense and first responders. We are putting unbelievable pressure on those individuals who are responsible for State and local governments.

In the upcoming fiscal year, estimates of the total State deficits are roughly $90 billion cumulatively. And we are talking about a $36 billion tax cut to be administered this year. That is way overblown by what is happening at our State and local levels.

Briefly, I will mention that investors are in a state of shock. The stock market has declined dramatically in the last 2 years and couple of months, losing almost $5 trillion in value in that period of time. Those are unbelievable numbers, but when you translate that into 401(k)s and IRAs of individuals—at least in my State—I think that is about a 40 percent decline in value, on average. It is a huge loss of the retirement security that many families have seen happen in their financial well-being. When the President's program was announced in early January, actually the Dow Jones Industrial Average was supposed to be benefited by that program, but it dropped by over 10 percent.

Our Federal budget, which 2 years ago was projected to enjoy a 10-year surplus at $5.6 trillion, now looks at record deficits for absolutely years to come—as far as the eye can see, some would say—and will be increasing the public debt over the same horizon as we projected that $5.6 billion surplus to $2 trillion worth of public debt. That is a fiscal reversal in this country of $8 trillion. It is an $8 trillion negative cash swing in the country's cashflow.

I don't want to tell you what I would do if I were back running a company and we had an $8 trillion negative cashflow, but it would probably be grounds for change in policies and programs—maybe even a change in CEOs.

When you add all these concerns together, it is clear that the economic record of the Bush administration is bordering on abject failure. Now the administration's response to the problem is, let's do more of the same. Having based its economic policy on large tax breaks for the most fortunate among us, the President's response to that failed policy is let's stay the course, let's have more tax breaks targeted for those with the highest income, and let's run larger budget deficits and increase our national debt even more, and let's reduce national savings—which is the way we create growth in this country—even more.

Whatever happened to the simple view that I think there has been a bipartisan sense of, which is that rising tides lift all boats? Are we not thinking about the economy in its totality? Why don't we have everybody participating? I don't understand why we are sticking with policies that look to be not serving the country well.

As I have suggested, there used to be a business leader who said, ''If it's broke, fix it.'' It is really nothing more than common sense. If things are not working, I think you have to adjust policies; you have to think about doing something differently if you are stuck in a rut. This administration is doing just the reverse. It has dug itself into a hole, and its response is to dig deeper. If we don't challenge these policies, the long-term implications could reduce our Nation's standard of living not just in the near term but for decades to come.

At a time when we are challenged with domestic security and international security, when we are asking for sacrifice from our men and women in uniform, for all of the country to understand we have serious challenges to our national security, why we are not understanding that this is a time for us to pull together and have shared sacrifice is hard for me to understand.

Frankly, if one projects the cost of the President's tax cut package beyond 10 years—if you put that structure in place while the demographic bubble of the baby boomers comes into play, frankly—I don't care about dynamic scoring—we will end up running, by almost all objective analyses, catastrophic deficits, as Chairman Alan Greenspan testified just this morning at a House hearing on aging. It will be

a real challenge to be able to maintain Social Security and Medicare at anything similar to today's programs for the future seniors of America.

We are putting those programs at risk, we are putting our fiscal position at risk, if we stay the course with the policies we have today. Considering all these facts, unfortunately, it is difficult for the administration to provide effective leadership, in my view, on the economy because its credibility has been badly eroded. There is a tremendous credibility gap, and it results from the repeated use of figures and claims that are just badly misleading in many ways. As a matter of fact, starting to come out are regular analyses by economists, people in the press, and I think one needs to honestly look at and challenge what some of these predictions and analyses point to and compare them with the facts.

Let me provide a few examples. The President's rhetoric would lead one to believe that his tax plan will provide a meaningful economic stimulus, get jobs growing, and it is all about jobs. When you dig into the numbers, it turns out that the reality is very different. In fact, only $36 billion of the President's planned $675 billion on the table would kick in this year—$36 billion in a $10 trillion economy. It is just an absolute drop in the bucket relative to what would be needed to actually drive this economy forward, by anybody's measure, any objective measure of what it takes to get an economy moving.

There is virtually no one in Congress I have been able to find who would argue that this is a program that will stimulate or revitalize this economy, nor does it make sense to argue that the President's dividend exclusion somehow is going to stimulate the economy, when its real effect will be to shift cash off the corporate balance sheet. If corporations are going to invest in jobs and research and development, and if they are going to put money to work in building, plant, and equipment, they need cash. You cannot go to a bank unless you have margin to put down. You need to invest in those things to drive our economy.

By definition, dividend exclusion is going to take money off the balance sheets of companies, and the capacity to invest and retain and create jobs is going to be diminished. That is why there is this argument about whether, if you are going to have a dividend exclusion, you ought to at least do it at the corporate side of the income statement as opposed to through an exclusion.

We have heard that from Chairman Greenspan. We see that from almost any reasonable economic analysis. Cash on the balance sheets is how you get business done, as far as investment and creating jobs. It is almost a truism. Instead of driving economic growth, it is actually antigrowth, and I think we will end up with less economic stimulus by the nature of the structure, even if we thought it was an appropriate time for that reform on something other than a revenue-neutral basis. In other words, the President's claims about the stimulative impact of his proposal, in my view, and I think a vast majority of independent analysts, is little more than rhetoric. The reality is quite different.

There are other elements with which people can deal with regard to the credibility of the proposals of the administration claiming benefits of this tax cut are going to go—I think this is the quote—''92 million Americans receive an average tax cut of $1,083.'' That is the claim.

As we are hearing over and over, that is pretty misleading because the average tax cut is inflated by the huge breaks going to a very narrow set of folks, while a lot of other people are getting very small tax cuts. In fact, a half of all taxpayers would get a tax cut not of $1,083, but less than $100. This is a difference between mean and average, and 78 percent of Americans would get reductions of less than $1,000.

When I went to business school, our required reading included the book ''How to Lie with Statistics.'' There are some spinmeisters who must have reviewed this work and learned it well, as far as I can tell. I am sure Americans understand how averages are put together, and they can cover great sins.

Similarly, the White House likes to claim the amount of income tax paid by high-income Americans would actually rise under this proposal. We hear this under the arguments of class warfare. When you consider the real measure of who benefits in terms of increases in something that is simple for people to understand, aftertax take-home pay—the stuff people can actually buy groceries with or pay the bills with—it turns out that—no surprise—it is the most fortunate who do best under the Bush plan.

The tax reduction for those making $45,000 would amount to less than 1 percent of their aftertax take-home pay. Those making more than $525,000 would see an increase of more than three times that rate, and in real dollars those are substantial numbers. But with the aftertax, what people can actually use in their everyday lives, the opposite is being promoted from what the reality is. Again, there is a credibility gap.

I also argue the credibility gap applies to the administration's claims that their plan will help seniors. In fact, over half of all dividends paid to the elderly go to seniors with incomes over $100,000. I think it is great they planned and saved, but the number of seniors out of the roughly 40 million seniors who have incomes over $100,000 is about 3.5 million. That is where over half of this dividend exclusion benefit would go. By the way, only about a quarter of all seniors would receive any benefit.

To say this is going to somehow vastly improve the position of seniors in America is just a gross overstatement. I wish to revert back to comments I made earlier. The vast majority of seniors depend on Social Security and Medicare as the basis for protecting their economic security and their well-being over a period of time, and we are doing just the opposite of what is necessary to protect Social Security and Medicare in the future years. It is depressing. That is what Chairman Greenspan talked about an hour ago in a hearing of the House Committee on Aging: the risks to Social Security and Medicare if we do not change our economic policies and do something to straighten out our fiscal policies in this country.

Let's consider the administration's claims about how cutting taxes on dividends will benefit millions of Americans. The truth is, only 22 percent of those with incomes under $100,000—this is the vast majority of income-tax-paying Americans—reported any dividends in the year 2000, and the average tax cut from the dividend exclusion for those with modest incomes of between $30,000 and $40,000—by the way, the average income for individuals in America is something close to $40,000—those people are going to get a $29 tax cut associated with this dividend exclusion.

There is a real credibility gap. We are exaggerating and distorting the claims about the power of this tax cut. We are talking in terms that really do not relate to the vast majority of Americans. I think the word is starting to get out. There are serious questions in the minds of Americans that at a time when we have the potential for war offshore, and we certainly have threats of terrorism at home, why are we focusing so much of our benefits of what we are doing with regard to tax proposals on such a narrow segment when the broad economy, that rising tide that would help everyone, is suffering and there is no stimulus going to it?

This is not the only area, by the way, where some of these claims, relative to reality, are setting up a real pattern of a credibility gap for the administration. The Secretary of Defense, on a number of occasions, argued the cost of war in Iraq might be $50 billion to $60 billion, something in that neighborhood. But when the President's top economic adviser last December—maybe it was in November—to his credit suggested this figure was far too low and the actual cost could be as high as $200 billion, what happened? He got fired.

The dissidence between what is talked about in the public relative to what the analysis is by a lot of people who are trying to look at this in a serious-minded way so we understand what our needs are as a nation is troubling to a lot of folks and accentuates this credibility gap.

It is time for the administration to be more forthcoming about the real costs of the impending war. The American people have a right to know. I am glad this week we started to see a little

of that discussion, but even in that context, we need to consider the ongoing costs of rebuilding Iraq in the aftermath of a war, presuming that war goes the way we expect, presuming that it is relatively short in nature.

Even yesterday's estimate of $60 billion to $95 billion that we read about in the papers included only 1 year of reconstruction costs—1 year—when almost every expert I have heard come before the Foreign Relations Committee has talked about a decade, maybe a little bit more, but a very long-term program. By the way, all we have to do is think about Korea. We are still in Korea 53 years after a war on that peninsula.

The administration should play it straight with everyone about the costs we are going to face, just as we ought to play it straight with regard to our budget, with regard to tax cuts. In my view, we need to talk straight so we can build up the trust of the American people and those who watch us around the world. Trust does matter. It is important. That is what we are asking corporate America to do, to clean up its act. That is why we want accounting statements that are true. I think people expect to truly understand what the nature of the current situation is as we go forward.

Actually there is a serious credibility problem that is causing us problems abroad as well. I think whether or not we are believed by some of the populations abroad is reflected in how much opposition we have seen from a lot of countries, not just in their political establishment but by literally millions of people who have shown up, probably most clearly in Great Britain, which has been our strongest supporter with regard to the Iraqi situation. The population is someplace else. Why is it we are not able to make our case clear?

I think part of this comes from credibility in how we frame these issues, how the information has been brought forward. All one has to do is look at what is going on in the economy to bring about some credibility questions, when we get on to some of these issues of national security.

In this context, let me return to the issue of the nomination of Miguel Estrada. As with many of the claims about the Bush budget, too many of the claims from the other side on this issue simply lack credibility. One of those—probably the most irritating—is the claim that somehow those who oppose the Estrada nomination, or at least would like to have information to prepare ourselves for a vote, are somehow anti-Hispanic.

Does that suggest that groups such as the Congressional Hispanic Caucus, the National Association of Latino Elected and Appointed Officials, the Mexican American Legal Defense and Education Fund, the National Puerto Rican Coalition are anti-Hispanic? I do not get it.

We are making a judgment about how the constitutional process is supposed to work, not talking about whether or not someone is qualified or disqualified because of ethnic background. As far as I am concerned, these kinds of demagogic attacks on Hispanic groups and those who show common cause with them lack credibility. The facts do not meet the circumstance, and they are part of an attempt to intimidate opponents of Mr. Estrada's nomination to stay silent in fulfilling our rightful and responsible position of advice and consent in selecting judges for lifetime appointments to the courts of our country.

It is not going to work, and one reason it is not going to work is the American people expect us to do our job—it is very simple—just as they expect us to pay attention to the economy and do those things that will get us flat off our back and get the economy moving. These things really are common sense, in my view. We are spending weeks upon weeks debating whether one individual is appropriate for a job because many of us do not understand what his views are, and he is unwilling to answer questions, unwilling to have a job interview, and we are forgetting about the 2½ million private sector jobs that we have lost and the 8 million-plus people who are searching for a job. One job versus 8 million.

I have a very hard time understanding where those priorities come out. What is more important to the American people?

A couple of days ago, I asked the distinguished Democratic leader about some conversations he had with the Governors who have been around town from both sides of the aisle. We have all met with them. We have sympathized with some of their needs. I asked if one single Governor lobbied the leader about the Estrada nomination, either to move it on or take it off, or what is happening. Not a single one spoke to the distinguished leader about that nomination.

It should not surprise anyone that our Nation's Governors are more concerned about the economy and the terrible fiscal crisis they face, and here we are talking about this one individual who has been nominated for this one seat on the Court of Appeals for the District of Columbia.

I know from my conversations with people in New Jersey that they feel the same way, and I am sure Americans across America agree. Why is the Senate spending all this time worrying about this one job—I do not get it—while we ignore the millions of Americans who have lost their jobs? We see the consumer confidence falling off the charts. We see our stock market reeling. We see the dollar declining. We are not paying attention to the real things that people are concerned about that make a difference to their lives, their kids' lives, their families' lives. This Estrada nomination is not the priority of the American people, and I do not think it is the priority of my Democratic colleagues.

In a moment, I am going to make a unanimous consent request that we at long last make the economy our top priority. I am going to ask that at least for now we move off the Estrada nomination, as we have done for other concerns—we have passed the omnibus appropriations bill. We were able to take up the child pornography issue this week. We ought to focus on our economy.

The bill for which I will ask unanimous consent was proposed by the distinguished Democratic leader. It includes, among other things, middle-class tax cuts, aid to the States, an expansion of benefits for unemployed Americans, those 100,000 people a week who are dropping off the unemployment rolls right now, and establish rules to restore long-term fiscal discipline and health in our economy.

I recognize my colleagues on the other side of the aisle are not likely to agree to this proposal, but as Democrats continue to emphasize the importance of dealing with our economy, I hope someone on the other side will begin to question the decision to spend days upon days and weeks upon weeks on the nomination of this one individual. I hope they will come to appreciate that there is little time to waste when it comes to boosting our economy and taking care of America's families and getting on to the priority of creating jobs for Americans. I hope they will adapt their priorities, the priorities of the Senate, to those of the American people, which is jobs and economic security.

UNANIMOUS CONSENT REQUEST

I ask unanimous consent that the pending nomination be set aside and that the Senate take up and begin debate on Calendar No. 21, S. 414, a bill to provide an immediate stimulus to our Nation's economy.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Nevada.

Mr. ENSIGN. Reserving the right to object, the way to resolve the nomination is to schedule an up-or-down vote. I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

The Senator from New Jersey has the floor.

Mr. CORZINE. With full expectation and understanding of the position, I am disappointed with the objection that has been raised, but I am not surprised. We have a critical need to get focused on our economy in this country. The needs of the American people are not being addressed. It is not because we are having this debate. We could move off this debate and move to the economy today, then come back to it like we did with regard to the omnibus appropriations.

The American people should know there are proposals on the table that would stimulate this economy and get it moving, instead of seeing unemployment rates skyrocket, instead of seeing deficits as far as the eye can see being

put in place, with no attention being drawn to them, without dealing with the core things that matter in families' lives, in real people's lives. We could do that and still come back to this and have a full constitutional and responsible debate about what is needed to review a candidate and get on with the real needs facing our country.

I find it very difficult to understand where we are with regard to a lot of these priorities at this point in time, and I hope we will see the light before we have to go further with more of these serious problems that our American families face with their economic security.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, it is my pleasure today to come before the Senate to lend my support to a man of tremendous character and extraordinary legal credentials, Mr. Miguel Estrada. We have heard a lot about this nominee. We have heard a lot about why we should be focusing, why we shouldn't. As I discussed before, I would like to see us get on to things like the economy, like the budget. The simplest way to do that is to have an up-or-down vote on Miguel Estrada.

I will share a few facts about Mr. Estrada and the importance of the nomination to our legal system. Mr. Estrada is an American success story. He came to this country at the age of 17 as an immigrant from Honduras, speaking very little English. He overcame amazing obstacles to rise to the top of the legal profession. After graduating magna cum laude from Harvard Law School, Miguel became a law clerk to the Supreme Court Justice Anthony Kennedy. Since that time, he served as a Federal prosecutor in New York and Assistant Solicitor General of the United States for 1 year in the Bush Administration and 4 years in the Clinton administration. He was handed nothing, and his achievements are the product of hard work, perseverance, and a commitment to education. He is actually living the American dream.

Among other accomplishments, Mr. Estrada has argued 15 cases before the Supreme Court of the United States, including one case in which he represented a death row inmate pro bono. The American Bar Association unanimously rated Mr. Estrada as well qualified for the DC Circuit. This is the ABA's highest possible rating, and the rating typically used as the gold standard for judicial nominees in the Senate Judiciary Committee, especially on the Democrat side.

Mr. Estrada served as a member of the Solicitor General's Office in both the Bush and Clinton administrations. He is enthusiastically supported by both President Bush and President Clinton. The long list of Hispanic groups backing Miguel Estrada's nomination includes the League of United Latin American Citizens, the U.S. Hispanic Chamber of Commerce, the Latino Coalition, the Hispanic Bar Association, and the National Association of Small Disadvantaged Businesses.

Sadly, Mr. Estrada's extraordinary accomplishments and his desire to serve our country have not been enough to protect him from the baseless, vicious, and partisan attacks he has endured through this process. Now is not the time to play partisan games with the United States judicial system. America is facing a judicial vacancy crisis in our Federal courts. The U.S. Courts of Appeals are currently 15 percent vacant, with 25 vacancies out of 167 authorized seats. The DC court, which is the court we are trying to get Miguel Estrada onto, has four vacancies on a 12-judge court.

Adding to this crisis, caseloads in the Federal courts continue to grow dramatically. Filings in the Federal appeals court reached an all-time high last year. The Chief Justice recently warned that the current number of vacancies, combined with the rising caseloads, threatens the proper functioning of the Federal courts. He has asked the Senate to provide every nominee with a prompt up-or-down vote.

Chief Rehnquist is right. Every judicial nominee deserves a prompt hearing and a chance at an up-or-down vote on the Senate floor. This nominee is not being assessed by the traditional standards of quality or by his ability to follow the law as a judge. There is no question that this nomination is being delayed and possibly blocked because of a distorted analysis of his qualifications, policies, and personal views. My colleagues on the other side of the aisle are blocking this nomination simply because he is President Bush's nominee. This is a detriment to the integrity of this body. It is unfair to the nominee. And it is unfair to the American people.

I am asking my colleagues in the Senate today to do what we were elected to do, to allow this body to work its will, and to give Mr. Estrada the up-or-down vote he deserves. I add that the precedent we are setting, this 60-vote threshold for circuit court nominees, is a dangerous precedent. Right now the Republicans are in the majority and we have the Presidency. At some point the Democrats are going to be back in the majority. At some point the Democrats are going to hold the Presidency again. Paybacks are very ugly. But make no mistake about it, with the precedent being set here, unless this can be worked out, those paybacks will come back to haunt the other side of the aisle.

It is vitally important we work this out for the health of the judiciary in this country. It should not become a political tool to be bandied about just because somebody thinks that somebody may have a particular ideology.

We realize that having a Republican Hispanic on the DC Circuit Court of Appeals is something the other side does not like.

But just because they don't like the politics of that does not mean that they should object to him getting on the court. He deserves this. He is qualified for it. He has the integrity to carry it out. And we, as a body, should give this man an up-or-down vote. If we give him an up-or-down vote he will be confirmed by the Senate.

I believe it is our constitutional duty to give him an up-or-down vote. He has had all the hearings he needs to have. We have been doing this for almost 2 years now. We need to give this well-qualified candidate the vote he deserves.

I want to raise a couple of points. The Senator from New Jersey was talking about the economy. He says we have to get on the economy. I agree, we need to take care of the economy. I have some proposals. The President has some proposals. There are going to be other Senators who will have proposals to try to stimulate the economy. The Senator from New Jersey indicated he doesn't think what the President is doing is going to have enough of an impact. I have a proposal that actually, the first year alone, according to the Joint Tax Committee, will bring $135 billion worth of investment into this country. I hope the other side of the aisle is going to join us in that. That is significant even in the size economy that we have.

What the President has laid out as part of his plan—I don't agree with all of it, but there are some good things in it. He has laid out a plan, not only for this year but for solid growth and, in future years, to have good, solid, long-term fiscal policy and long-term growth.

I agree with some of the things the other side of the aisle is talking about with respect to budget deficits. We do have a problem in the outyears with budget deficits. But if we do not fix the economy, we know we will never fix the deficits. We will continue to go further and further into debt. That is why it is critical for us to fix the economy, so we produce more tax revenues so we don't have these huge deficits and threats to Medicare and threats to Social Security and threats to our defense spending in the future.

We have proven here in Washington, DC, we can't cut spending. We can maybe slow down the rate of growth sometimes, but we can't cut spending. As Ronald Reagan talked about—I don't remember the exact quote, but as he said in the early 1980s: The best way to eternal life is to become a Federal agency or department in Washington. He said that because he realized once a program starts, it develops a constituency and it is impossible to cut it. So I believe if the other side is concerned

about the deficit, they should join some of us on this side of the aisle and start cutting out some of the waste and overspending in certain parts of our Government.

Having said that, let me conclude by saying let's have an up-or-down vote on Miguel Estrada so we can get on to some of the other important issues. Make no mistake about it, though; the judiciary and this part of what we do is a very important part of our role as Senators in fulfilling our obligation, our oath of obligation to defend and support the Constitution. We can get on to other things. The budget was not enacted last year. For the first time since 1974 we did not have a budget. Because of that, we ended up with some serious problems last year. The appropriations bills didn't get finished until just a couple of weeks ago.

We are asking the other side to not continue to obstruct the will and the work of this body, to join us, have an up-or-down vote, let the Senate work its will on this nomination so we can get on to other important business of the country. We have a lot of things to do. Let's join together. Let's work across the aisle. Let's join hands. There are a lot of good things we can do for the American people.

I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise to express my great dismay at the policy of the President of the United States that he seems to be attempting to impose on the Senate, which would require each and every one of us in this body to betray the Constitution, to betray our oath of office, and to ignore the constitutional mandate that we give meaningful advice and consent on judicial nominees coming before this body.

I will never betray the Constitution and my oath. I don't care whether we have to be here night after night. I am not going to go down that road. I speak as a Senator who has voted in favor of somewhere in the range of 100 judicial nominees that President Bush has sent to this body, virtually all conservative Republicans. I wish it were different. I wish there were more progressive judges before us. But I understand the President's prerogative, and I respect his right to nominate whomever he may wish.

But this nomination before us is unprecedented. It is not only a matter of Mr. Estrada, it is a matter of the sanctity of our Constitution. It goes to the very oath of office we have taken. It would make a travesty of this body and of the Constitution for us to do otherwise than to object to the manner in which this particular nominee has been presented to the Senate.

The other nominees who have come before this body—for whom I have voted over and over again, somewhere in the range of 100 already—we at least knew what was their legal philosophy. They tended to be conservative Republicans and that is the President's prerogative and I voted for them, but they had either been Federal judges or State judges, allowing us to look at their rulings in the past, or they had been legal scholars with a significant body of work that allowed us to view what the inner workings of their minds were and allowed us to determine whether they were, in fact, within the mainstream of American jurisprudential thought. This nominee stands unique. The precedent would be catastrophic to our Republic if we start, for the first time ever, to approve secret judges, stealth judges, judges who have no record and who will disclose no record to the Senate.

We have no way of knowing what this individual's legal philosophy might be. We have reason to believe he is undoubtedly a capable lawyer, in terms of his technical skills as a Solicitor, but we have no idea where he stands otherwise. The question is not whether we will have Hispanic Republican judges on the District of Columbia Court of Appeals. That is irrelevant. I voted repeatedly, as have my colleagues on my side of the aisle, for Hispanic judges and other high officials in our Government. I am proud to have played a role in supporting our Hispanic colleagues in issue after issue, and position after position. But this, this is a sham. This is a travesty. I believe any Senator who thinks seriously about his oath and reads the Constitution, the obligation—not the right but the obligation of the Senate to provide advice and consent on these offices is a profoundly important role.

It is one thing to approve or not approve Cabinet appointees and other advisers to the President; they come and they go. It is a serious matter, but at least there is not a lifelong appointment involved. In this case, we have a lifetime appointment to the second highest court in the land. What is worse, if we submit to this failure to abide by our constitutional obligations to make a meaningful decision about advice and consent, we will have opened the floodgate because it will become apparent to this President that the strategy to use from here on out is to continue to find individuals who have no track record, who may have a secret ideological agenda, and to send them one after another through the Senate to be rubberstamped by this institution. That is not acceptable. This is a matter of enormous importance.

These individuals, and this particular individual about whom we are debating today, if confirmed, will likely serve on this bench for the rest of our lifetimes, for many of us in this body. President Bush may come and he may go, but these appointments will last a lifetime.

So it is with enormous concern that I rise to express my opposition to this strategy because that is what this is about. It is about a strategy. It is not about whether a Hispanic Republican should be on the bench. It is not about whether a conservative should be on the bench, so long as they fall within the mainstream of American juris prudential thought. The question is, Should this Senate be allowed any idea about this individual's ideology, about his legal philosophy? There we know nothing. We would be surrendering our constitutional prerogatives and our constitutional obligations were we to respond any other way than we have attempted to do on this side. Obviously, we can move on to other agenda items, whether it be stimulating the economy, education, health care, or what have you. All that is required is for leadership of our colleagues on the other side of the aisle in support of the President to either withdraw this nominee or to have him respond to reasonable questions about his philosophy. There is no effort here to require this individual to answer questions that have not been put to other judges. The question is not his response to specific items before the Court. It would be inappropriate to ask those kinds of questions. But this is astonishing. This is stonewalling. That is what this is. It is unacceptable.

Again, over 100 judges that President Bush has nominated have been confirmed by this body, and most have gone through with my support. Most of them were conservative Republican judges. That is fine. But this is different. I hope the American public understands the profound consequences that would flow from our surrendering of our constitutional obligation to at least make meaningful decisions about whether to confirm a particular nominee.

THE BUDGET

Mr. President, I also want to express my great frustration and my great sadness in many ways over priorities that President Bush has recently exhibited relative to our young men and women in uniform and the likely war we are about to embark upon.

Americans all across this country, including my wife and myself, are about to send our finest young men and young women into harm's way in the Iraq region. We can debate the wisdom of that. But that is the reality. I think we all see this coming. We can take great pride in these men and women in uniform, the courage they show, and their commitment to America. They are asking for so little and, yet, they are willing to do whatever is required of our American military. They are the greatest military ever fielded in terms of the sophistication of technology they deal with and the requirements they meet.

But while we put this military together and send them on their way with flags flying and salutes and the prayers of all of us, the President simultaneously has recommended now in his 2004 budget recommendation that we cut impact aid education funding for the children of these very troops who we are sending into war. Is it because we can't afford to finance quality

education of the children of our military? No. President Bush also, as we recall, has called for over $100 billion of tax cuts for primarily the very wealthiest of Americans—primarily on Wall Street. So rather than asking America's wealthiest families to sacrifice at a time of war, the request seems to be of the middle class and the working family, send your sons and daughters into combat, and we will ask America's wealthiest no sacrifice whatever. In fact, we will cut their taxes and we will come back to these families who are sending their sons and daughters into combat and tell them we can't afford to educate your kids while you are gone. And these spouses remain. The Guard and Reserve and active-duty spouses in South Dakota and across every State in our land are worried to death about the prospects of their loved ones, but proud, and upholding America's ideals as they go into heaven knows what kind of combat circumstance they will face with weapons of mass destruction arrayed against them. We hope whatever combat occurs will be swift and decisive and conclude positively for us. But obviously we all know there is great risk for everyone's sons and daughters who go into circumstances such as this.

Is it asking too much of President Bush to at least not cut the education funding for the children who are left behind? Is that asking too much? It says a lot about the priorities of this administration, that we would array the world's finest military on the one hand, provide tax relief for the world's wealthiest people on the other hand, and simultaneously beg poverty when it comes to the schools for the children of our military personnel. Shame on the President. Shame on the President for these kinds of priorities. America deserves better. Our fighting men and women deserve better than this. Fiscal responsibility is not the issue. Priority is the issue.

Then when our military personnel come home again, what do they find but the Veterans Administration underfunded yet again. The administration is asking for higher copayments, higher deductibles, and denies hundreds of thousands of our veterans access to VA health care they were promised. What kind of signal does that send? How are you going to continue to attract the very best of America's young men and women to wear our Nation's uniform when they find that while we do that and pat them on their back and salute them and send them onto combat—4 years, 5 years—at the same time we are not going to take care of their kids. When they come home, we are not going to take care of their health care obligations as we promised we would.

It is long overdue that some of these priorities be met off the top of the barrel, rather than the bottom of the barrel and the crumbs that are left over half doing other things.

I don't know how we can expect in the day and age of a voluntary military to continue to attract the best and the brightest of our young people who deal with the sophisticated kinds of technology they are requested to do now, if they know simultaneously—and they increasingly do—that once they leave home and once they come back, they will in too many cases be treated shabbily by our government, which is too busy stuffing its pockets with cash rather than meeting its obligations to those who are laying their lives literally on the line for America's freedom and American values.

As a member of the Senate Budget Committee, today I also expressed alarm at recent news reports of still larger than expected Federal budget deficits, after an unprecedented 4 years in a row of budget surpluses during the final 4 years of the past Clinton administration—the years in which we were in the black. We were paying down on the accumulated national debt. We were not borrowing from the Social Security trust fund. We now find the bipartisan Congressional Budget Office telling us this red ink will be an astonishing $199 billion. As recently as 2001, we had a surplus of $127 billion.

Mr. President, in 2001—2 years ago—we had a surplus of $127 billion, which followed 3 preceding surplus years in the black. That was responsible budgeting. Some experts now are saying that the 2004 deficit is going to break all records, at over $350 billion, if war expenses and the cost of the Bush tax policies are assumed.

The budget surplus, the paying down of the national debt, and the preservation of the Social Security trust funds—which was what we all had when this administration commenced—have all gone away. The days of not borrowing from the Social Security trust fund are over. We are back. And we are told by the White House budget people at OMB that we will continue to borrow under the President's budget and tax plans out of the Social Security trust fund for the remainder of the decade.

The paying down of the national debt has gone away. The ability to avoid continued high debt service so we can redirect those dollars, instead, to education, to health care, to our veterans, to our military, whatever it might be, has all gone away, because we are going to increasingly pay debt service under the President's budget plan.

The CBO indicates that our Nation will not see a budget surplus again until 2007, and then only if there are no war expenses, no additional tax cuts, and no Medicare prescription drug legislation. We all know that is not going to happen. We are going to have war expenses. We do not know what they will be. We will pay whatever it takes to make sure our men and women in uniform are supported. Whatever the cost is, we will pay it. But the war and the follow-on occupation is likely to cost at least $100 billion.

We know the President has tax cut after tax cut lined up primarily for his wealthiest contributors. And then we know, as well, that we need to move on to prescription drug legislation that is long overdue. We are the only major democratic society in the world that does not have some kind of prescription drug or national health care strategy.

So what we find here is President Bush's proposal to borrow yet another $1 trillion. Now we are not even talking ''B,'' we are talking the ''T'' word. Mr. President, $1 trillion over the coming decade in order to finance Wall Street tax breaks has to be approached with great caution. This seems, to me, to be part of an agenda designed to make it impossible to have strong Federal funding for education, veterans, agriculture, and seniors for generations to come.

This overall strategy strikes me as one that we saw a glimmer of in the 1980s; and that is, a strategy designed to primarily break the Federal Government, to deny all resources. Because when our friends in the far political right try to advance the cause of eliminating Medicare, downsizing Social Security, downsizing or eliminating veterans health care, withdrawing from supporting our schools, getting out of the afterschool and daycare programs, getting away from rural electricity and rural development programs—when they try to do that, they are always met with resistance from the American people, Democrats and Republicans alike.

They have never been able to win that war because Americans want that kind of partnership—that constructive partnership—between Washington and our communities and our States. So in a very cynical tactic, what has been discovered here is that while they cannot win the war on the merits of eliminating that partnership, they can try to break the Government, to deny it the revenue it needs, so that they can come to the American public and say: Well, we would love to support those afterschool programs, we would love to have more police on the beat, we would love to help our fire departments, and we would love to make sure all our young people could afford to go to college or technical programs, but, oh, we are broke; we don't have the money.

That is apparently how some people hope this debate will conclude. They cannot win on the merits of the policy, but what they can try to do is come up with a tax policy that enriches the wealthiest contributors while simultaneously making it increasingly impossible for this Federal Government to live up to its obligations to its people and to build a stronger society, offering more opportunity for every young American—Black, Hispanic, Native American, Caucasian, whoever they might be.

I feel great frustration. I hope the American public understands what really is going on here relative to the President's budget-and-tax agenda. It is a radical agenda. If you don't believe

it is a radical agenda, look at what this President is willing to do, even to the children of our men and women in uniform. It is appalling.

Look at what the President is willing to do to try to stack the court, possibly with ideologues, far outside the mainstream of American jurisprudential thought, to bend the Constitution, to break the Constitution, by bringing nominees to this body who will not share with us their judicial thoughts, who have no scholarly writings, who have no past judicial decisions to look to. They are stealth judges, secret judges.

We cannot allow that to stand. We cannot allow that to happen in our Nation. Our country has been a beacon of democracy, a beacon of openness, a beacon of opportunity. We cannot walk away from that. The Constitution has been the bulwark of making sure that those remain our ideals. For this body to walk away, and to allow for a rubberstamp process to go on, that any individual can come before the Senate Judiciary Committee and the full Senate without the Senate or the committee having any idea who he is or what his agenda really is would be a travesty. It is completely unacceptable.

So, again, I have been proud to work in a bipartisan manner on the confirmation of roughly 100 judges—virtually all conservative Republican judges. But I draw the line here. This is unprecedented, and the constitutional ramifications of what would occur and what precedent would be set would be devastating to this Nation. It would make a mockery of our oath, a mockery of the Constitution, for this body to do anything other than to insist that this nominee share with the body his philosophy relative to legal issues, his jurisprudence.

So I hope we can soon either get to the bottom of who this individual is or move on to other issues that are pressing before our Republic—ranging from health care, education, support of our men and women in uniform. There is much we need to be doing.

Frankly, there is very little pending on the floor at this time, but there is much that ultimately we need to be doing. I hope, in the context of taking on these additional issues, we will do it with fiscal responsibility, which not only involves not succumbing to the temptation to sink our country deeper and deeper and deeper into red ink as far as the eye can see, but also involves correcting President Bush's budget priorities to the degree that we take care of these kids of our military men and women, that we resist the President's temptation to take money away from these schoolhouses in order to give it to Wall Street and to wealthy contributors for political campaigns.

That isn't what we are here for. Those aren't the people we represent. Those aren't the ideals we represent. And this Nation deserves better.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

MEDICAID

Mr. BINGAMAN. Mr. President, I rise to address two or three issues this afternoon. I very much appreciate the chance to do so. First, let me begin with a subject that is extremely important to my State and to many of our States. That is Medicaid. I want to address two different proposals there. First, there is a proposal the administration has made related to Medicaid.

We don't have a written proposal as yet, but we do have various statements from Secretary Thompson. We had a hearing this morning in the Finance Committee that the Presiding Officer attended, as did I. We have had testimony and oral statements and very brief descriptions, but we do not have a written proposal or even a detailed outline of what might be proposed by the administration. But in what they are proposing, I find some real serious concerns.

The other proposal I want to discuss is one I am working on with Congressman DINGELL—we hope to introduce it probably early next week—entitled ''Saving Our States.'' I will try to describe a little bit each of these.

The Nation's Governors have been here this week. I had the good fortune to speak to them last Sunday at one of their subcommittee meetings on human resources about Medicaid. It is clear that they are under severe stress at this point fiscally. It is estimated the States are facing nearly a $30 billion shortfall this year and an $80 billion shortfall in fiscal year 2004. In my view, it is important that the Federal Government respond to that. We cannot just ignore the fact that a growing number of our citizens are uninsured and that more and more people are being dropped from the Medicaid Program and the SCHIP program.

The Federal Government needs to fundamentally reassess its own role in providing health care and reassess its relationship to the States in this regard. As I indicated, I am working with Congressman DINGELL to prepare legislation to do just that.

Let me talk first about the administration's proposal in very broad terms, as I understand it. It contains two parts. One is a set of reforms where, as the Secretary very eloquently described, it would allow States to adopt the best practices. It would allow States to put more emphasis on preventive care for seniors. It would allow States to have the flexibility they need to meet their particular needs. All of that is, of course, very good public policy, at least as stated in its most general form.

As a general matter, I certainly believe the President and the Secretary will find strong support in Congress for that effort. But the second part of their proposal is the one that gives me concern. That is the restructuring of the financing. This part is much more difficult. What this does is basically say that for optional groups and for optional services—and that is an interesting definition as to what is optional; you will find that most of the services and groups currently covered by Medicaid turn out to be optional, and most of the funding that is currently spent on Medicaid turns out to be funding for optional groups and optional services—States would have the ability to get extra money for the first 7 years if they agreed that they would essentially live by a capped amount of Federal funding from now on. It would be about what they were getting in the year 2000 plus a 9-percent increase per year. That is the basic proposal.

In addition to that, they are saying not only are we going to give the States a little extra money, we will reduce the amount of growth in that portion that the State in fact provides. So this is going to save money for the Federal Government. It will save money for the States.

The one thing that is not discussed and that I have great concern about is the effect on the people who are supposed to be getting the health care services under this program; that is, the low-income children and the seniors.

When you look at these definitions, optional groups, which seniors would you think might be in an optional group? Well, under the definition I have been given, if your income is over 74 percent of the Federal poverty rate, you are in an optional group. That means if your income gets anywhere up over about $7,500 or $8,000 per year, somewhere in that range—and I can get the exact figure—you are in an optional group. That means the total resources going to assist in your health care are being capped and are not going to grow as the population needing those services grows, are not going to grow as the usage of those services grows, are not going to grow as the health care cost of those services grows. We all know that there is growth in all three of those areas. That concerns me greatly.

The other part of this which I can understand and makes it somewhat attractive to Governors, some of the Governors who were here this week, is that the Federal proposal says, if you agree to this, not only do you get a little extra Federal money but the amount of State money that you are going to have to put in is also going to be capped. The growth in that is also going to be capped. In other words, we will be able to save you money in your State budget.

This is great for the States; it is great for the Federal Government. The problem is that the health care services available to low-income children and to seniors in our society are going to be reduced and reduced very substantially over the next 10 years under this proposal. So that has been my concern.

Allow me to cite a couple of quotations from people who have spent

a lot of time studying this. The AARP executive director and CEO, Bill Novelli, has said, in relation to the administration's proposal:

> This proposal handcuffs states because it leaves people more vulnerable in future years as states struggle to meet increased needs with decreased dollars.

Another quote, from the Consortium for Citizens with Disabilities:

> The Bush Administration proposal fails people with disabilities and dishonors the nation's commitment to its residents—it is not in the national interest. . . .What the Medicaid program calls ''optional'' services are, in reality, mandatory disability services for the children and adults who need them. These services often are not only life-saving, but also the key to a positive quality of life—something everyone in our nation deserves.

I believe strongly that the Federal Government at this particular time in our Nation's history should not be stepping away from its commitment to seniors, to people with disabilities, and to low-income children. It should not be leaving the States with the primary responsibility for dealing with growth in the cost of the services to these groups in the future.

The administration will point out that the proposal does provide more funding up front to the States. The proposal is to give $12.7 billion more over the first 7 years to help the States. But there is something of an element of bait and switch in that after the first 7 years, that additional funding goes away.

Secretary Thompson noted in his press conference that is after he has left his position, and I am sure it is after most of the Governors will have left their positions and probably after many of us will have left the Senate. That does not give us an adequate justification for putting in place a system that cuts funding for these vitally needed services in future years.

The administration points out that they are promising the block grant for optional populations in a way that will increase at the same percentages that are projected in its budget. This is difficult to respond to, frankly, until we see a written proposal. We need a written proposal from the administration. We do not have that as yet. We do not have that on the Medicaid subject. We do not have that on Medicare either. And I hope those will be forthcoming soon because they are extremely vital programs for all of our States.

Let me also talk a little about the proposal that I have, along with Congressman DINGELL, that we are going to introduce next week. And I will go into more detail about it next week.

Our idea is that there are certain groups that receive health care services under Medicaid, where the Federal Government needs to step up and pay the full cost of those services—or something very close to the full cost. One such group is so-called dual eligibles. These are people who are eligible for Medicare benefits, but are also low income enough that they are eligible for Medicaid at the same time.

Current law says for those who are covered under the Medicaid law the States pay the lion's share of that cost. We are saying the States should not have to pay the lion's share of that cost. This is something where these folks have become eligible for Medicare. We should be paying 100 percent of that cost at the Federal level.

Another group the Federal Government should be underwriting the cost of providing services for are illegal immigrants who come to our health care providers needing emergency attention. Here you can get into quite a philosophical argument as to whether or not these services should be provided. The reality is, if you are a doctor, if you are working in an emergency room and someone shows up who needs emergency care, you are obligated under your Hippocratic oath and the laws of decency, basically, to provide that care, if you are able to do so. To turn a person away because they do not have the right health insurance coverage, or they cannot demonstrate to you their financial solvency, when their circumstance is critical, is just not the way we should do business.

The question is, Once that person has come into that emergency room and asked for that emergency care, who should reimburse the hospital for it? Who should pay the cost of that physician? At the current time, the States are picking that up, or the counties are picking that up, or the health care providers themselves are doing this on a pro bono basis. The reality is the Federal Government should be responsible for that, and we are proposing that in our legislation.

Another group, of course, is Native American citizens. We have a great many Native Americans in my home State. The Federal Government should be stepping up to its responsibility to ensure that health care for these individuals is provided. We propose that as part of our proposal for saving our States as well.

I will have another chance to talk this ''saving our States'' proposal when we introduce it early next week. I very much wanted to make reference to it today and indicate my great concern about the proposal I understand the administration is about to present to us. The truth is, the cost of providing health care is very high, and it is not getting any cheaper. We need to budget that in and we need to acknowledge that and we need to recognize that as a matter of public policy in this country, we should provide that basic care to seniors, to low-income children, to those who are disabled. The Medicaid Program does that. We need to keep the Medicaid Program sound and not undermine it by rationing back on the dollars we are willing to spend on those basic services.

SOUTHWEST REGIONAL BORDER AUTHORITY ACT

Mr. President, let me also talk about a bill I introduced yesterday. This is a bill entitled Southwest Regional Border Authority Act. We offered this same bill last May. I am very pleased this year I am joined by Senator KAY BAILEY HUTCHISON, and also Senator BARBARA BOXER. This legislation would create an economic development authority for the Southwest border region that would be charged with awarding grants to border communities in support of local economic development projects. The need for a regional border authority is acute. The poverty rate in the Southwest border region is over 20 percent, nearly double the national average of 11.7 percent. The unemployment rate in Southwest border counties can reach as high as six times the national unemployment rate. The per capita personal income in the region is greatly below the national average. In many border counties, the per capita personal income is less than 50 percent of the national average. There is a lack of adequate access to capital that has made it difficult for businesses to get started in this region.

In addition, the development of key infrastructures, such as water, waste water, transportation, public health, and telecommunications—all of these areas of infrastructure need have failed to keep pace with the population explosion and the increase in commerce across our border with Mexico.

Mr. President, the counties in the Southwest border region are among the most economically distressed in the Nation. It should be noted that there are only a few such regions of economic distress throughout the country. Virtually all of the other regions that face this same economic distress are, in fact, served by regional economic development commissions today. These commissions include the Appalachian Regional Commission, the Delta Regional Authority, the Denali Commission in Alaska, and the Northern Great Plains Regional Authority.

In order to address the needs of the border region in a similar fashion, we are proposing this Regional Economic Commission for the Southwest border. The bill is based on four guiding principles.

First, it starts from the premise that people who live on the Southwest border know best when it comes to making decisions as to how to improve their own communities.

Second, it employs a regional approach to economic development and encourages communities to work across county and State lines where appropriate. All too often in the past, the efforts to improve our region have hit roadblocks as a result of poor coordination and communication between communities.

Third, it creates an independent agency, meaning it will be able to make decisions that are in the best interest of the border communities, without being subject to the politics of Federal agencies.

Finally, it brings together representatives of the four Southwest border States and the Federal Government as partners to work on improving the

standard of living for people living on the border.

This is not just another commission, and it is certainly not just another grant program. I believe this Southwest regional border authority not only will help leverage new private sector funding, it will also help to better target the Federal funds that are available to those projects that are most likely to produce results.

The legislation accomplishes this through a sensible mechanism of development planning. The purpose of the planning process is to ensure that priorities are reflected in the projects funded by the authority. It also is to provide flexibility to the authority to fund projects that are regional in nature.

I think the process has various advantages, and there are great benefits that can be derived from setting up this border authority. I believe very strongly this legislation is overdue. It is something that should have happened several years ago. For too long, the needs of the Southwest border have been ignored, overlooked, and underfunded.

I am confident the creation of a Southwest regional border authority not only will call attention to the great needs that exist on the border, but will help us to meet those needs. I urge my colleagues to give attention to this legislation that we have introduced. I hope other colleagues will choose to support it. I hope we can have a hearing on it in the near future and move the legislation through the Senate and through the House to the President for signature.

Mr. President, let me say a few words about the Estrada nomination as well. I know that is a subject of great concern to many on both sides of the aisle. I have taken some time in the last couple of days to review the transcript of the testimony that Mr. Estrada gave in the Judiciary Committee.

I have been struck by his position, as stated numerous times in that testimony, that he was not willing to share his views on any issue related to judicial philosophy or court decisions with the committee.

I was particularly struck by the discussion he had with our colleague, Senator SCHUMER. Senator SCHUMER was asking about Mr. Estrada's earlier statement that he saw as part of his job working for Justice Kennedy recommending law clerks and asking them questions, of course, interviewing them before he made the recommendation.

Senator SCHUMER said:

> Isn't it appropriate that you would ask those questions? Isn't it also appropriate that we would be asking you some questions to try to determine your views?

Mr. Estrada said in response to that question:

> Questions that I asked in doing my job for Justice Kennedy were intended to ascertain whether there were any strongly felt views that would keep that person from being a good law clerk to the Justice.

That is entirely appropriate, in my view, and a very well-stated position. That, in my view, is the exact job we have to perform as we screen and consider the various nominees for Federal court positions that the President sends us. We need to determine whether they have any strongly felt views that would keep them from being good members of the Court of Appeals for the District of Columbia, good members of the district court, or good members of the Supreme Court.

My own position is that I am willing, and have demonstrated many times on the Senate floor my willingness, to support conservative nominees to the court. I believe many of those people are making excellent judges in our Federal court system. But I also want to be sure their views on issues that relate to their duties are mainstream, that they are not extreme. The only way I know to carry out that responsibility is to ask some questions to determine whether they have strongly felt views, as Mr. Estrada said, that would keep them from being, as he said in the case he was referring to, a good law clerk to the Justice.

In the Senate, when we are considering people for lifetime appointments to the Federal judiciary, we have a heavier responsibility to be sure there are no strongly held views that would keep these individuals from being good judges in our Federal court system for the remainder of their lives. That is what I believe we should be trying to do. I think that is what many members of the Judiciary Committee were trying to do in the hearing that took place on Mr. Estrada.

His view was that he would not respond to questions that were put to him about any such views, and he repeatedly said he did not think it was appropriate for him to comment on any personal views he might have. Since, of course, he would not comment on his personal views, there is no way to determine whether any of them are extreme.

I do not think that is an adequate carrying out of responsibilities by the Judiciary Committee. I do not think it is an adequate carrying out of responsibilities by the Senate. And I think we do need more information. That has been my position. Before we move ahead with this nomination, we should get more information.

I hope the Judiciary Committee will consider reconvening a hearing, once again providing the nominee with an opportunity to respond, as other nominees have traditionally responded. That is all we are asking, not that he give us information others were not asked to give or others did not give, but that he essentially provide basic information.

He may express some views with which I do not agree. That is fine. Many judges for whom I have voted also, I believe, expressed views with which I did not agree. At least I was confident their views were not extreme. At least I was confident their views were mainstream and that they were within the mainstream as far as their conception of where the law is and where the law ought to go.

I hope very much we can get the additional information we have been asking for and can proceed to dispose of this nomination. That would be my great hope. I do not know what the intent of the majority leader is at this point or the intent of the Judiciary Committee. I hope we can proceed in that manner.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

Mr. REID. Mr. President, last evening, there was a lot of talk about whether memos at the Solicitor General's Office had ever been made public. I am going to talk about that, but I think we should put this whole debate involving Miguel Estrada in a framework that people who are watching the debate who are not familiar with Senate procedure can better understand what is going on.

In effect, Miguel Estrada has asked his employer, the Federal Government, to give him a job to last for life. As with any job, one usually has to have an interview. In this instance, in addition to an interview, you bring whatever papers you have, whether it is a resume or other documents that your employer may want to find out if you should be hired. In the instance of Miguel Estrada, he simply has not filled out the requisite papers, he has not answered the questions or supplied the necessary information.

An employer in Nevada, whether a company that sold tires or a company that sold food—it would not matter what it is—if somebody applied for a job, they would have to answer the questions that employer asked and give the requisite papers. In this instance, Democratic members of the Judiciary Committee believe he has not answered the questions. By reading the transcript, it is quite clear that is true.

But yesterday, the distinguished Senator from Utah, Mr. HATCH, engaged in extensive discussion regarding the release of Solicitor General memoranda. As everyone by this time knows, we have asked that Miguel Estrada release memos he wrote while he was an attorney in the Solicitor General's Office. The administration has refused to provide these documents.

There are two basic charges raised by my distinguished colleagues on the other side of the aisle about these memoranda: First, the distinguished chairman of the committee, Senator HATCH, has argued that when such

memos were provided in the past, they were leaked.

My colleague argued that they have never, ever been given to anyone on Capitol Hill.

Second, he qualified his remarks by saying to the extent memos had been provided, they were provided because there was some allegation of improper behavior by the nominee in connection with the memo.

I will place in the RECORD a series of correspondence between the Judiciary Committee and the Justice Department from 1987 that demonstrates in fact such documents were provided. This is only one instance. These letters show that these memoranda were not leaked. They show that they were in fact provided freely by the Justice Department.

In a letter dated August 10, 1987, then Judiciary Committee Chairman BIDEN set forth a request for several types of documents relating to the nomination of Judge Bork to the Supreme Court. In the letter, Senator BIDEN requested four classes of Bork-related memos: He requested those that related to the Watergate controversy; second, all documents generated or involving Solicitor General Bork relating to the constitutionality, appropriateness, or use of the pocket veto; third, all documents generated to or involving then Solicitor General Bork regarding school desegregation; fourth, all documents generated to or involving then Solicitor General Bork in forming the U.S. position in a series of specific cases.

These requests involved memoranda provided by attorneys in the Solicitor General's Office to the Solicitor General recommending such things as whether to file amicus briefs in particular cases.

In this instance, what happened to Senator BIDEN's request? Well, in fact a letter came to him dated August 24 from then Republican Assistant Attorney General Bolton to Democratic Senator JOE BIDEN. In that letter, the Justice Department declined to provide documents relating to the Watergate controversy. This denial of documents was based on executive privilege. The documents involved did not include Bork but, rather, related to communications between and among close advisers to the President and the President.

Yesterday, Senator CRAPO made reference to the fact that some documents were not turned over to the committee during this time. While it is true that the Watergate documents were not turned over, and this is based on executive privilege, that does not affect our debate. Solicitor General memoranda from Estrada to his supervisors are not covered by executive privilege. No one has ever claimed they are.

In 1987, however, the Justice Department did provide the other documents I described above which were requested in the Biden letter. In these materials, the Justice Department noted in the letter: The vast majority of the documents that have been requested reflect or disclose internal deliberations within the executive branch. We wish to cooperate to the fullest extent with the committee and to expedite Judge Bork's confirmation process. The letter concludes that the documents referred to above would be provided. The letter confirms the nature and circumstances under which the Solicitor General memoranda were provided to the Judiciary Committee during Bork's hearings.

So what about the argument that to the extent memoranda have been provided, they were only provided when the request alleged misconduct or malfeasance on the part of the nominee or other attorneys involved in the matter? This simply is not true.

I have a list of internal attorney memoranda provided during the Bork, Reynolds, and Rehnquist nominations. These documents, some of which are from the Solicitor's Office, others from other parts of the Justice Department, were made public and given to Senator BIDEN, and in other instances given to others. For example, all documents related to school desegregation between 1969 and 1977 relating to Bork in any way, there was no allegation of misconduct; documents related to Halpren v. Kissinger, no allegation of misconduct.

I have about 14 of these that were made a part of proceedings before the Senate.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

All documents related to school desegregation between 1969 and 1977 relating to Bork in any way (disclosure included, among others, the SG Office memos about *Vorcheimer* v. *Philadelphia*, known as ''the Easterbrook memo''; *United States* v. *Omaha; United States* v. *Demopolis City* (school desegregation in Alabama)): No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Documents related to *Halperin* v. *Kissinger* (civil suit for 4th Amendment violations for wiretapping): No allegation of misconduct or malfeasance by the nominee.

Memos about whether to file an amicus brief in *Hishon* v. *King & Spaulding* (gender discrimination at a law firm): No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Memos regarding *Wallace* v. *Jaffree* (school prayer in Alabama): No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Memos about Congressional reapportionment in Louisiana and one-person, one-vote standard: No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Memos regarding possible constitutional amendment in 1970 to overturn *Green* v. *New Kent County*, and preserve racial discrimination in Southern schools: No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Memo of November 16, 1970 from John Dean: No allegation of misconduct or malfeasance by the nominee.

Memos of William Ruckelshaus of December 19, 1969 and February 6, 1970: No allegation of misconduct or malfeasance by the nominee.

Memos of Robert Mardian of January 18 1971: No allegation of misconduct or malfeasance by the nominee.

Memos of law clerk to Justice Jackson: No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Memos about whether or not to seek Supreme Court review in *Kennedy* v. *Sampson* (pocket veto): No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Memos about *Hills* v. *Gautreaux* (racial discrimination in housing in Chicago): No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Memos about *DeFunis* v. *Odegaard* (affirmative action program at the University of Washington law school): No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Memos about *Morgan* v. *McDonough* (public school desegregation in Boston): No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Memos about *Pasadena* v. *Spengler* (public school desegregation): No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Memos about *Barnes* v. *Kline* (military assistance in El Salvador): No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Memos about *Kennedy* v. *Jones* (pocket veto and the mass transit bill and bill to assist the disabled): No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Documents related to Supreme Court selection process of Nixon and Reagan: No allegation of misconduct or malfeasance by the nominee or anyone else at the Justice Department.

Mr. REID. I say respectfully that the statements made by the distinguished Senator from Utah were without basis of fact. Here we have records that were not leaked, they are directly as we said they were last night. We were unable to get the floor, but in fact that is what the story was.

So now that we do have the floor, I ask unanimous consent that the letter dated August 10, 1987, to Attorney General Ed Meese from JOSEPH BIDEN be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, August 10, 1987.

Hon. EDWIN MEESE III,
Attorney General, Department of Justice, Washington, DC.

DEAR GENERAL MEESE: As part of its preparation for the hearings on the nomination of Judge Robert Bork to the Supreme Court, the Judiciary Committee needs to review certain material in the possession of the Justice Department and the Executive Office of the President.

Attached you will find a list of the documents that the Committee is requesting. Please provide the requested documents by August 24, 1987. If you have any questions about this request, please contact the Committee staff director, Diana Huffman, at 224–0747.

Thank you for your cooperation.

Sincerely,

JOSEPH R. BIDEN, Jr.,
Chairman.

REQUEST FOR DOCUMENTS REGARDING THE NOMINATION OF ROBERT H. BORK TO BE ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT

Please provide to the Committee in accordance with the attached guidelines the following documents in the possession, custody or control of the United States Department of Justice, the Executive Office of the President, or any agency, component or document depository of either (including but not limited to the Federal Bureau of Investigation):

1. All documents generated during the period from 1972 through 1974 and constituting, describing, referring or relating in whole or in part to Robert H. Bork and the so-called Watergate affair.

2. Without limiting the foregoing, all documents generated during the period from 1972 through 1974 and constituting, describing, referring or relating in whole or in part to any of the following:

a. any communications between Robert H. Bork and any person or entity relating in whole or in part to the Office of Watergate Special Prosecution Force or its predecessors- or successors-in-interest;

b. the dismissal of Archibald Cox as Special Prosecutor;

c. the abolition of the Office of Watergate Special Prosecution Force on or about October 23, 1973;

d. any efforts to define, narrow, limit or otherwise curtail the jurisdiction of the Office of Watergate Special Prosecution Force, or the investigative or prosecutorial activities thereof;

e. the decision to reestablish the Office of Watergate Special Prosecution Force in November 1973;

f. the designation of Mr. Leon Jaworski as Watergate Special Prosecutor;

g. the enforcement of the subpoena at issue in *Nixon* v. *Sirica*;

h. any communications on October 20, 1973 between Robert H. Bork and then-President Nixon, Alexander Haig, Leonard Garment, Fred Buzhardt, Elliot Richardson, or William Ruckelshaus;

l. any communications between Robert H. Bork and then-President Nixon, Alexander Haig and/or any other federal official or employee on the subject of Mr. Bork and a position or potential position as counsel to President Nixon with respect to the so-called Watergate matter;

m. any action, involvement or participation by Robert H. Bork with respect to any issue in the case of *Nader* v. *Bork*, 366 F. Supp. 104 (D.D.C. 1975), or the appeal thereof;

n. any communication between Robert H. Bork and then-President Nixon or any other federal official or employee, or between Mr. Bork and Professor Charles Black, concerning Executive Privilege, including but not limited to Professor Black's views on the President's ''right'' to confidentiality as expressed by Professor Black in a letter or article which appeared in the *New York Times* in 1973 (see Mr. Bork's testimony in the 1973 Senate Judiciary Committee hearings on the Special Prosecutor);

o. the stationing of FBI agents at the Office of Watergate, Special Prosecution Force on or about October 20, 1973, including but not limited to documents constituting, describing, referring or relating to any communication between Robert H. Bork, Alexander Haig, or any official or employee of the Office of the President or the Office of the Attorney General, on the one hand, and any official or employee of the FBI, on the other; and

p. the establishment of the Office of Watergate Special Prosecution Force, including but not limited to all documents constituting, describing, referring or relating in whole or in part to any assurances, representations, commitments or communications by any member of the Executive Branch or any agency thereof to any member of Congress regarding the independence or operation of the Office of Watergate Special Prosecution Force, or the circumstances under which the Special Prosecutor could be discharged.

3. The following documents together with any other documents referring or relating to them:

a. the memorandum to the Attorney General from then-Solicitor General Boark, dated August 21, 1973, and its attached ''redraft of the memorandum intended as a basis for discussion with Archie Cox'' concerning ''The Special Prosecutor's authority'' (typeset copies of which are printed at pages 287–288 of the Senate Judiciary Committee's 1973 ''Special Prosecutor'' hearings);

b. the letter addressed to Acting Attorney General Bork from then-President Nixon, dated October 20, 1973., directing him to discharge Archibald Cox;

c. the letter addressed to Archibald Cox from then-Acting Attorney General Bork, dated October 20, 1973, discharging Mr. Cox from his position as Special Prosecutor;

d. Order No. 546–73, dated October 23, 1973, signed by then-Acting Attorney General Bork, entitled ''Abolishment of Office of Watergate Special Prosecutor Force'';

e. Order No. 547–73, dated October 23, 1973, signed by then-Acting Attorney General Bork, entitled ''Additional Assignments of Functions and Designation of Officials to Perform the Duties of Certain Offices in Case of Vacancy, or Absence therein or in Case of Inability or Disqualification to Act'';

f. Order No. 551–73, dated November 2, 1973, signed by then-Acting Attorney General Bork, entitled ''Establishing the Office of Watergate Special Prosecution Force'';

g. the Appendix to Item 2.f., entitle ''Duties and Responsibilities of Special Prosecutor'';

h. Order No. 552–73, dated November 5, 1973, signed by then-Acting Attorney General Bork, designating ''Special Prosecutor Leon Jaworski the Director of the Office of Watergate Special Prosecution Force'';

i. Order No. 554–73, dated November 19, 1973, signed by then-Acting Attorney General Bork, entitled ''Amending the Regulations Establishing the Office of Watergate Special Prosecution Force''; and

j. the letter to Leon Jaworski, Special Prosecutor, from then-Acting Attorney General Bork, dated November 21, 1973, concerning Item 2.i.

4. All documents constituting, describing, referring or relating in whole or in part to any meetings, discussions and telephone conversations between Robert H. Bork and then-President Nixon, Alexander Haig or any other federal official or employee on the subject of Mr. Bork's being considered or nominated for appointment to the Supreme Court.

5. All documents generated from 1973 through 1977 and constituting, describing, referring or relating in whole or in part to Robert H. Bork and the constitutionality, appropriateness or use by the President of the United States of the ''Pocket Veto'' power set forth in Art. I, section 7, paragraph 2 of the United States Constitution, including but not limited to all documents constituting, describing, referring or relating in whole or in part to any of the following:

a. The decision not to petition for certiorari from the decision of the United States Court of Appeals for the District of Columbia Circuit in *Kennedy* v. *Sampson*, 511 F.2d 430 (1947);

b. the entry of the judgment in *Kennedy* v. *Jones*, 412 F. Supp. 353 (D.D.C. 1976); and

c. the policy regarding pocket vetoes publicly adopted by President Gerald R. Ford in April 1976.

6. All documents constituting, describing, referring or relating in whole or in part to Robert H. Bork and the incidents at issue in *United States* v. *Gray, Felt & Miller*, No. Cr. 78–00179 (D.D.C. 1978), including but not limited to all documents constituting, describing, referring or relating in whole or in part to any of the exhibits filed by counsel for Edward S. Miller in support of his contention that Mr. Bork was aware in 1973 of the incidents at issue.

7. All documents constituting, describing or referring to any speeches, talks, or informal or impromptu remarks given by Robert H. Bork on matters relating to constitutional law or public policy.

8. All documents constituting, describing, referring or relating in whole or in part either (i) to all criteria or standards used by President Reagan in selecting nominees to the Supreme Court, or (ii) to the application of those criteria to the nomination of Robert H. Bork to be Associate Justice of the Supreme Court.

9. All documents constituting, describing, referring or relating in whole or in part to Robert H. Bork and any study or consideration during the period 1969–1977 by the Executive Branch of the United States Government or any agency or component thereof of school desegregation remedies. (In addition to responsive documents from the entities identified in the beginning of this request, please provide any responsive documents in the possession, custody or control of the U.S. Department of Education or its predecessor agency, or any agency, component or document depository thereof.)

10. All documents constituting, describing, referring or relating in whole or in part to the participation of Solicitor General Robert H. Bork in the formulation of the position of the United States with respect to the following cases:

a. *Evans* v. *Wilmington School Board*, 423 U.S. 963 (1975), and 429 U.S. 973 (1976);

b. *McDonough* v. *Morgan*, 426 U.S. 935 (1976);

c. *Hills* v. *Gautreaux*, 425 U.S. 284 (1976);

d. *Pasadena City Board of Education* v. *Spangler*, 427 U.S. 424 (1976);

e. *Roemer* v. *Maryland Board of Public Education*, 426 U.S. 736 (1976);

f. *Hill* v. *Stone*, 421 U.S. 289 (1975); and

g. *DeFunis* v. *Odegaard*, 416 U.S. 312 (1975).

GUIDELINES

1. This request is continuing in character and if additional responsive documents come to your attention following the date of production, please provide such documents to the Committee promptly.

2. As used herein, ''document'' means the original (or an additional copy when an original is not available) and each distribution copy of writings or other graphic material, whether inscribed by hand or by mechanical, electronic, photographic or other means, including without limitation correspondence, memoranda, publications, articles, transcripts, diaries, telephone logs, message sheets, records, voice recordings, tapes, film, dictabelts and other data compilations from which information can be obtained. This request seeks production of all documents described, including all drafts and distribution copies, and contemplates production of responsive documents in their entirety, without abbreviation or expurgation.

3. In the event that any requested document has been destroyed or discarded or otherwise disposed of, please identify the document as completely as possible, including without limitation the date, author(s), addressee(s), recipient(s), title, and subject matter, and the reason for disposal of the document and the identity of all persons who authorized disposal of the document.

4. If a claim is made that any requested document will not be produced by reason of a privilege of any kind, describe each such document by date, author(s), addressee(s), recipient(s), title, and subject matter, and set forth the nature of the claimed privilege with respect to each document.

Mr. REID. Mr. President, this outlines seven pages of documents he wants and certain guidelines that would be followed so that the Attorney General's Office would be protected.

In addition, I ask unanimous consent that a letter dated August 24 of that same year to JOSEPH R. BIDEN from Mr. Bolton, the Assistant Attorney General, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE, OFFICE OF LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS,
Washington, DC.

Hon. JOSEPH R. BIDEN, Jr.
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR CHAIRMAN BIDEN: This responds further to your August 10th letter requesting certain documents relating to the nomination of Judge Robert Bork to the Supreme Court. Specifically, this sets forth the status of our search for responsive documents and the methods and scope of review by the Committee.

As we have previously informed you in our letter of August 18, the search for requested documents has required massive expenditures of resources and time by the Executive Branch. We have nonetheless, with a few exceptions discussed below, completed a thorough review of all sources referenced in your request that were in any way reasonably likely to produce potentially responsive documents. The results of this effort are as follows:

In response to your requests numbered 1–3, we have conducted an extensive search for documents generated during the period 1972–1974 and relating to the so-called Watergate affair. We have followed the same procedure, in response to request number 4, for all documents relating to consideration of Robert Bork for the Supreme Court by President Nixon or his subordinates. We have completed our search of relevant Department of Justice and White House files for documents responsive to these requests. The Federal Bureau of Investigation also has completed its search for responsive documents, focusing on the period October–December 1973 and on references to Robert Bork generally.

Most of the documents responsive to requests numbered 1–4 are in the possession of the National Archives and Records Administration, which has custody of the Nixon Presidential materials and the files of the Watergate Special Prosecution Force. The Archives staff supervised and participated in the search of the opened files of the Nixon Presidential materials and the files of the Watergate Special Prosecution Force, which was directed to those files which the Archives staff deemed reasonably likely to contain potentially responsive documents.

Pursuant to a request by this Department under 36 C.F.R. 1275, the Archives staff also examined relevant unopened files of the Nixon Presidential materials, and, as required under the pertinent regulations, submitted the responsive documents thus located for review by counsel for former President Nixon. Mr. Nixon's counsel, R. Stan Mortenson, interposed no objection to release of those submitted documents that (a) reference, directly or indirectly, Robert Bork, or (b) were received by or disseminated to persons outside the Nixon White House. Mr. Mortenson on behalf of Mr. Nixon objected to production of the documents which are described in the attached appendix. Mr. Mortenson represents that these documents constitute purely internal communications within the White House and contain no direct or indirect reference to Robert Bork.

Mr. Mortenson also objected on the same grounds to production of unopened portions of two documents produced in incomplete form from the opened files of the Nixon Presidential materials:

1. First page and redacted portion of fifth page of handwritten note of John D. Ehrlichman dated December 11, 1972.

2. All pages other than the first page of memorandum from Geoff Shepard to Ken Cole dated June 19, 1973.

Mr. James J. Hastings, Acting Director of the Nixon Presidential Materials Project, has reviewed these two documents and has advised us that the unopened portions of neither document contain any direct or indirect reference to Judge Bork.

Our search has not yielded a copy of the document referenced in paragraph ''a'' of your request numbered 3, which, as you correctly note, is printed at pages 287–288 of the Judiciary Committee's 1973 ''Special Prosecutor'' hearings.

Among the documents collected by the Department are certain documents generated in the defense of *Halperin* v. *Kissinger*, Civil Action No. 73–1187 (D. D.C.), a suit filed against several federal officials in their individual capacity, which remains pending. The Department has an ongoing attorney-client relationship with the defendants in *Halperin*, which precludes us from releasing certain documents containing client confidences and litigation strategy, without their consent. 28 C.F.R. 50.156(a)(3).

All documents responsive to request number 5, concerning the pocket veto, have been assembled.

All documents responsive to request number 6 have been assembled. The exhibits filed by counsel for Edward S. Miller on July 12, 1978 and referred to in your August 10 letter, remain under seal by order of the United States District Court for the District of Columbia. However, a list of the thirteen documents has been unsealed. We have supplied copies of eleven of these documents, including redacted versions of two of the documents (a few sentences of classified material have been deleted). We have supplied unclassified versions of two of these eleven documents, as small portions of them remain classified. We are precluded by Rule 6(e) of the Rules of Criminal Procedure from giving you access to two other exhibits—classified excerpts of grand jury transcripts—filed on July 12, 1978. We also searched the files of several civil cases related to the Felt and Miller criminal prosecution, as well as the documents generated during the consideration of the pardon for Felt and Miller.

With respect to request number seven, Judge Bork has previously provided to the Committee a number of his speeches, which we have not sought to duplicate. We have sought and supplied any additional speeches, press conferences or interviews by Mr. Bork, as well as any contemporaneous documents which tend to identify a date or event where he gave a speech or press interview during his tenure at the Department.

On request number eight, there are no documents in which President Reagan has set forth the criteria he used to select Supreme Court nominees, or their application to Judge Bork, other than the public pronouncements and speeches we have assembled.

Our search for documents responsive to request number nine has been time-consuming and very difficult, and is not at this time entirely complete. In order to conduct as broad a search as possible, we requested the files in every case handled by the Civil Rights Division or Civil Division, between 1969–77, which concerned desegregation of public education. Although most of these case files have been retrieved, several remain unaccounted for and perhaps have been lost. We expect to have accounted for the remaining files (which may or may not contain responsive documents) in the next few days. We have also assembled some responsive documents obtained from other Department files. The Department of Education is nearing completion of its search of its files, and those of its predecessor agency, HEW.

We have assembled case files for the cases referred to in question ten, with the exception of *Hill* v. STONE, for which there is no file. We have no record of the participation of the United States in *Hill* v. *Stone*, or consideration by the Solicitor General's office of whether to participate in that case.

A few general searches of certain front office files are still underway, and we expect those searches to be concluded in the next few days. We will promptly notify you should any further responsive documents come into our possession.

As you know, the vast majority of the documents you have requested reflect or disclose purely internal deliberations within the Executive Branch, the work product of attorneys in connection with government litigation or confidential legal advice received from or provided to client agencies within the Executive Branch. The disclosure of such sensitive and confidential documents seriously impairs the deliberative process within the Executive Branch, our ability to represent the government in litigation and our relationship with other entities. For these reasons, the Justice Department and other executive agencies have consistently taken the position, in response to the Freedom of Information Act and other requests, that it is not at liberty to disclose materials that would compromise the confidentiality of any such deliberative or otherwise privileged communications.

On the other hand, we also wish to cooperate to the fullest extent possible with the Committee and to expedite Judge Bork's confirmation process. Accordingly, we have decided to take the exceptional step of providing the Committee with access to responsive materials we currently possess, except those privileged documents specifically described above and in the attached appendix. Of course, our decision to produce these documents does not constitute a waiver of any future claims of privilege concerning other documents that the Committee request or a waiver of any claim over these documents with respect to entities or persons other than the Judiciary Committee.

As I have previously discussed with Diana Huffman, the other documents will be made available in a room at the Justice Department. Particularly in light of the voluminous and privileged nature of these documents, copies of identified documents will be produced, upon request, only to members of the Judiciary Committee and their staff and only on the understanding that they will not be shown or disclosed to any other persons. Please have you staff contact me to arrange a mutually convenient time for inspection of the documents.

As I stressed in my previous letter, if the Committee is or becomes aware of any documents it believes are potentially responsive but have not been produced, please alert us as soon as possible and we will attempt to locate them.

Should you have any questions or comments, please contact me as soon possible. Thank you for your cooperation.

Sincerely,

LAURA WILSON
(for John R. Bolton, Assistant Attorney General)

APPENDIX

DOCUMENTS SUBJECT TO OBJECTION BY MR. NIXON'S COUNSEL

1. Memorandum to Buzhardt and Garment, from Charles Alan Wright, January 7, 1973. Subject: June 6th meeting with the Special Prosecutor. (Document No. 8)
2. Memorandum to Buzhardt and Garment, from Charles Alan Wright, January 7, 1973. Subject: June 6th meeting with the Special Prosecutor. (Document No. 9)
3. Memorandum to Garment, from Ray Price, July 25, 1973. Subject: Procedures re: Subpoena. (Document No. 13)
4. Memorandum to General Haig, from Charles A. Wright, July 25, 1973. Subject: Proposed redrafts of letters. (Document No. 14)
5. Draft letter to Senator Ervin, dated July 26, 1973. Subject: two subpoenas from Senator Ervin. (Document No. 15)
6. Draft letter to Judge Sirica, dated July 26, 1973. Subject: subpoena duces tecum. (Document No. 16)
7. Memorandum to The Lawyers, from Charlie Wright, dated July 25, 1973. Subject: Thoughts while shaving. (Document No. 17)
8. Memorandum to The President, from J. Fred Buzhardt, Leonard Garment, Charles A. Wright, dated July 24, 1973. Subject: Response to Subpoenas. (Document No. 18)
9. Memorandum to Ray Price, from Tex Lezar, dated October 17, 1973. Subject: WG Tapes. (Document No. 20)
10. Memorandum to Leonard Garment and J. Fred Buzhardt, from Charles A. Wright, dated August 3, 1973. Subject: Discussions with Philip Lacovara. (Document No. 25)
11. Memorandum to the President, from Leonard Garment, J. Fred Buzhardt, Charles A. Wright, dated August 2, 1973. Subject: Brief for Judge Sirica. (Document No. 26)
12. Memorandum to Len Garment, Fred Buzhardt, Doug Parker and Tom Marinis, From Charlie Wright, dated August 1, 1973. Subject: note regarding brief. (Document No. 27)
13. Memorandum to The President, from J. Fred Buzhardt, Leonard Garment and Charles A. Wright, dated July 24, 1973. Subject: Response to Subpoenas. (Document No. 28)
14. Draft letter to Senator Ervin, dated July 26, 1973. Subject: two subpoenas issued July 23rd. (Document No. 29)
15. Draft letter to Judge Sirica, dated July 26, 1973. Subject: subpoena duces tecum. (Document No. 30)
16. Memorandum to J. Fred Buzhardt, Leonard Garment and Charles Alan Wright, from Thomas P. Marinis, Jr. (undated). Subject: Appealability of Cox Suit. (Document No. 31)
17. Notes (handwritten) (undated). Subject: [appears to be notes of oral argument]. (Document No. 32)
18. Memorandum to The President, from Charles Alan Wright, dated September 14, 1973. Subject: Response to Court's memorandum. (Document No. 34)
19. Handwritten notes. (Document No. 36)
20. Memorandum to J. Frederick Buzhardt, from Charles Alan Wright, dated June 2, 1973. Subject: Executive privilege. (Document No. 41)
21. Memorandum to J. Frederick Buzhardt and Leonard Garment, from Charles Alan Wright, dated June 7, 1973. Subject: June 6th meeting with Special Prosecutor. (Document No. 42)
22. Memorandum to J. Fred Buzhardt from Robert R. Andrews, dated June 21, 1973. Subject: Executive Privilege. (Document No. 43)
23. Memorandum to J. Fred Buzhardt and Leonard Garment, from Thomas P. Marinis, Jr., dated June 20, 1973. Subject: Professor Wright's attempt to obtain document. (Document No. 44)
24. Memorandum to J. Fred Buzhardt and Leonard Garment, from Charles Alan Garment (sic), dated June 7, 1973. Subject: June 6th meeting with the Special Prosecutor. (Document No. 46)
25. Draft letter to Senator, from Alexander Haig, dated December 12, 1973. Subject: Response to letter of the 5th. (Document No. 60)
26. Draft Letter to Senator, from Alexander Haig, dated December 12, 1973. Subject: Response to letter of the 5th. (Document No. 61)
27. Proposal re: transcription of tapes, dated October 17, 1973. (Document No. 63)
28. Typed note with handwritten notation: Sent to Buzhardt 12/11/73, undated. Subject: papers Buzhardt sent to Jaworski. (Document No. 66)
29. Chronology—Presidential Statements, Letters, Subpoenas, dated March 12, 1973. Subject: chronology of same. (Document No. 71)
30. Handwritten note, dated 1/31/74 (January 31, 1974). Subject: Duties and responsibilities of Special Prosecutor. (Document No. 82)
31. Memorandum to Fred Buzhardt, from William Timmons, dated 7/30/73 (July 30, 1973). Subject: refusal to release taped conversations. (Document No. 91)
32. Memorandum to Fred Buzhardt, from Paul Trible, dated October 30, 1973. Subject: Cox's diclosure of Kleindienst's confidential communication. (Document No. 92)
33. Proposal regarding transcription of tape conversations, dated 10/17/73 (October 17, 1973). (Document No. 94)

Mr. REID. These clearly indicate that Bolton acknowledged materials would be forthcoming.

The reason these are important is that we have said this man who has no judicial record whatsoever—and I heard the distinguished Presiding Officer give a statement yesterday about the many judges who have been distinguished who have not had judicial experience. We have never debated that. We agree, one does not have to have judicial experience to be a good judge. If that were the case, there would never be any good judges, quite frankly. Somebody has to start someplace. In fact, we would never have judges. That is what is referred to as a red herring.

We have never alleged that Miguel Estrada is disqualified from being a judge because he has not been a judge. That is something that the majority has talked about a lot, but we have never raised that as an issue.

What we have said is that those instances where we can learn something about his political philosophy and his philosophy as it relates to jurisprudence, we need to know something about that. The only place we can go to look is in relation to when he worked at the Solicitor's Office because he has not answered the questions we have asked him about the cases he prepared and took to trial when he was an Assistant Attorney General or when he argued cases before appellate courts.

As I have said on a number of different occasions, I have been to court lots of times. I have represented all kinds of different people. In all the cases I took, when I argued a case before a jury and before a court, one could not find out what my political or judicial philosophy was. The reason was I was being paid to represent somebody and carrying out my responsibilities as a lawyer.

So the fact that he has been before the Supreme Court and other appellate courts and has tried cases adds to someone's capabilities, but it does not allow us to find out about a person who is going to the second highest court in the land, if he passes this test. That is not enough. We need to know something about him. That is the reason we have raised these issues.

One thing my friend from Vermont raised, and I thought it was so good last evening: One does not have to graduate first in their class at Harvard to be a judge, but we heard assertions that Miguel Estrada has graduated first in his class. He has not. But he could graduate last in his class. He went to Harvard, which is one of the top two or three law schools in the entire country. The mere fact he went to Harvard means he is really smart.

He did not graduate first in his class. He was not editor of the Law Review. He was, with 71 other men and women at Harvard, part of the Law Review. He was 1 of 71. That is a pretty large group. As I have indicated, they are all smart.

The fact that he was an editor adds to his qualifications, but do not try to puff him up to make him something that he is not. He was not editor of the Law Review.

I think we are off on a lot of tangents. As Senator HATCH laid out so clearly last night, I think it is tremendous that a man came from Central America when he was 17 years old, went to Columbia University, also a school that is hard to get in, so he must have done well on his tests. I think it is tremendous that he was able then to go to Harvard. But let's not try to make this a rags-to-riches story because it was not. He did well, and that is tremendous. He is an immigrant to this country who has done well academically, but let's not build this up to some kind of a Horatio Alger story as some have said. I think the guy has done very well, and that is commendable. But we have heard all of these assertions that he graduated first in his class and he was editor of the Law Review, which is not true. It does not take away from what a smart man he must be.

We heard a lot last night, with Senators asking questions of Senator HATCH about all the editorials from around the country. Of course, there are lots of editorials that oppose Miguel Estrada. There is no need to read all of them, but I would like to read one from the New York Times. It may only be one newspaper, but the circulation makes up for a lot of smaller newspapers.

This editorial is 411 words long and is entitled ''Full Disclosure for Judicial Candidates.''

The Constitution requires the Senate to give its advise and consent on nominees for federal judgeships. But in the case of Miguel Estrada, the Bush administration's choice for a vacancy on the powerful United States Court of Appeals for the District of Columbia Circuit, the Senate is not being given the records it needs to perform its constitutional role. The Senate should not be bullied into making this important decision in the dark.

Mr. Estrada, who has a hearing before the Senate Judiciary Committee tomorrow, has made few public statements about controversial legal issues. But some former colleagues report that his views are far outside the legal mainstream.

The best evidence of Mr. Estrada's views is almost certainly the memorandums he wrote while working for the solicitor general's office, where he argued 15 cases before the Supreme Court on behalf of the federal government. In these documents, he no doubt gave his views on what position the government should take on cases before the Supreme Court and lower federal courts. Reading them would give the Senate insight into how Mr. Estrada interprets the Constitution, and in what direction he believes the law should head.

There are precedents for this. When Robert Bork was nominated to the Supreme Court in 1987, the Senate was given access to memos prepared while he was solicitor general. The administration has no legal basis for its refusal to supply these documents. Congress has oversight authority over the solicitor general's office, which is part of the Justice Department, and therefore has a right to review its records. Attorney-client privilege and executive privilege are inapplicable for many reasons, including their inability to override the Senate's constitutional duty to investigate fully this judicial nomination.

This is an administration that loves secrecy, on issues ranging from the war in Iraq to Vice President Dick Cheney's energy task force. And it seems to think that if Congress is ignored, it will simply go away. Congress must insist on getting the documents it needs to evaluate Mr. Estrada, and it should not confirm him until it does.

There are three things that can be done and we have been saying this for the 3 weeks we have been on this matter. No. 1, pull the nomination. What does that mean? That means go to something else. No. 2, try to invoke cloture. File a motion to invoke cloture and to do that you need 60 votes. That certainly is within the framework of the Senate for these many years. I also recognize the other way to do this is for Mr. Estrada to come before the Senate and answer the questions that we ask and also supply the memoranda that the New York Times says he should supply. That would be the way to get over this.

We have had now for several days statements made that we should not be on this, that Miguel Estrada is making hundreds of thousands of dollars a year as a lawyer, fully employed at a large law firm here in Washington, DC. We believe that for the many people who are unemployed, the many people who have lost their jobs, 2.8 million during the 2 years of this administration, we should be dealing with those people who are not employed and underemployed people with no health insurance or who are underinsured, people who are trying to make it educationally and otherwise in this society. That is what we should be dealing with. Rather than spending 3 weeks on a man who is fully employed, making hundreds of thousands of dollars a year, we think we should get off this and go to something else.

We are, as has been indicated, here for the duration. If the majority decides they would rather spend the Senate's valuable time on Miguel Estrada, they can do that. But I say that idle time is time we cannot make up later. There is a limited amount of time and a limited amount of legislative days that we have. We could be going to something else.

These filibusters occur very infrequently. I have been here more than two decades now and filibusters are very rare. Once in a while you have to stand for what you believe is right. As the New York Times indicated, we believe we are right.

Now, there was a lot of name calling last night. Both my friend from Colorado and my friend from Tennessee have the absolute right to voice their opinion. I don't think any less of Members for voicing opinions because they disagree with me. I don't think this is the time to name call. We have an actual factual dispute in the Senate. It is now in a procedural bog. We have to figure a way out of this. It should be a debate that is worthy of the traditions of the Senate. That is what this is all about. The Senate traditionally has had debate we read about in our history books. That is what I want the people who read about this debate to see in years to come—not calling each other names, negative in nature but, rather, referring to a person's position as one of conviction.

I listened to the speech of the Presiding Officer who indicated he would wait until next Tuesday to give his maiden speech, but he felt so passionate—that is my word, not his—about this issue that he wanted to give it a few days early. More power to the Senator from Tennessee. That is certainly fine. That is tremendous that the Senator from Tennessee made his speech and he feels strongly about the issue. It does not mean I have to agree with him. But I admire and respect his position.

Everyone on the other side should understand we also have conviction and feel passionately about this issue, and sometimes there are stalemates. This may be one of those. There may be a very tough decision that the majority leader has to make to pull this nomination. If he wants to go through a cloture vote, second cloture vote, a third cloture vote, eat up more time of the Senate, we are here. We are here for the duration. I don't think because we are involved in this debate that people suddenly need to say the Senate will never be the same. Of course it will be the same. We survived the filibuster with the Abe Fortas nomination. We survived that. It was very tough at the time. I watched that from the sidelines. We survived the filibusters conducted against President Clinton's nominees. The problem the Republicans had at that time, they did not have enough votes to stop cloture from being invoked because there were Republicans of good will who decided it was the wrong thing to do. That is good.

The fact there were filibusters and some people felt so strongly is hard to comprehend, but even after the filibuster was ended with the cloture vote then people still moved to postpone that nomination. It went that far.

The Senate survived that. And the Senate will survive this little dustup that is going on here.

The point I am trying to make, let's feel good about other people's positions. You do not have to be mean spirited about someone disagreeing with you. I hope, however long this debate takes, whether it is ended today, Friday, next week, or a month from now, that people will speak well about each other in the Senate and not resort to name calling. That is not good at all.

I hope we can move on to some of the other important issues now facing this country.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Colorado.

Mr. ALLARD. Mr. President, I stand in support of Miguel Estrada, and the need for a vote on his nomination. I listened to the comments of my colleague from Nevada, and I ask myself, what is this debate really about? The debate is about whether a majority of Senators should have the opportunity to voice their opinion through a vote on Miguel Estrada. I, for one, feel like I have adequate information. There is more than a majority of Senators in this body who obviously feel they have adequate information to take a vote on Miguel Estrada.

This filibuster is unprecedented. We have never had a filibuster of this nature before on a circuit court judge up for consideration before this body. I think it is time we recognize that in the Constitution there is an advise and consent provision. Many of us feel the debate has reached the point where enough questions have been asked and now the full body of the Senate is ready to proceed to a vote.

When a judge starts through the nomination process, he is introduced to the Senate through resolution. The nomination goes to the committee. There is also a process where individual Senators can express their concerns through a blue slip process. Then there are hearings and votes in committee, and then the nomination comes to the floor for a vote.

Miguel Estrada has gone through this process. He has even received the highest recommendation from the American Bar Association. That is a body of peers, peers he has done business with on a regular basis, who understand his

record, who know him personally, and who appreciate and respect his professional competence to the point they are willing to give him the highest rating the American Bar Association will give to any nominee.

I think he has a great story. He came to this country with a limited English language ability at the age of 17. He could speak Spanish hardly any English at all. If you come here at 17 and don't know the language and you graduate from a university magna cum laude and then go and serve on the Harvard Law Review—it is simply an outstanding academic accomplishment.

This individual's accomplishments did not stop with graduation; they continued through his professional life. Not just anybody gets to argue before the Supreme Court of the United States. That is a select group of people. So as far as I am concerned, let's simplify this debate, as my colleague suggested. Let's have a vote. That is what we are talking about. Let's just bring up Miguel Estrada for a vote in the Senate. I think it is time. I think a lot of debate has been going on. There are some differences of opinion about things that can be argued about. But if we have a vote, each individual Senator has an opportunity to make up his or her mind as to how they feel, as to whether or not there is enough information, to make up their minds as to whether they think this is the quality of person they would like to have on the DC Court of Appeals.

The assistant Democratic leader suggested there are three ways to resolve this problem. He said we can pull the nomination, file cloture, or submit the nominee to additional questioning. I suggest another: To do what we do for most nominees; that is, have the debate, which we are having and have done, set a time certain for a vote, which the other side simply has refused to do, and then vote up or down. Unfortunately, they are not going to permit that to happen.

Last night I joined a majority of my colleagues to display our unity in support for Miguel Estrada, a display of support that is particularly important in the midst of this Democrat-led filibuster. But last night was more than just a display. It was an attempt to break the logjam, a good will invitation to carry out the Senate's duties as commanded by the advice and consent clause of the Constitution. My colleagues and I gathered here on the floor last night, ready to act. A majority of this body is willing to move forward on the nomination of Miguel Estrada by taking a simple up-or-down vote. That is all we are asking for, a simple up-or-down vote on a nominee who is more than qualified to assume the judgeship of the DC Circuit Court, the second most important court in the United States.

Hoping to proceed, my colleagues and I participated in a dialog with Chairman HATCH, a back-and-forth exchange of questions and answers. I admire, I have to say, the ability and knowledge of Chairman HATCH and his dedication to this cause, especially as it became apparent that we, once again, would be denied the opportunity to vote, held hostage by a game of entrenchment politics.

Every time I hear one of my colleagues address the nomination of Mr. Estrada, I cannot help but to be both impressed and shocked, impressed with the character and integrity, the intellect and principles of Mr. Estrada; and shocked that such a capable man, who has the opportunity to become the first Hispanic judge on the DC Circuit Court, cannot even receive a vote, a simple up-or-down vote.

The majority of my colleagues are ready to move forward on the nomination. We are ready to vote. I cannot cast judgment on those who oppose Mr. Estrada. If they want to vote no, that is their choice. I respect that. It is their right. I understand that. I voted against judges whom I believed were not fit to serve. But it is implausible to think he should be denied a vote entirely.

Newspapers, radio stations, television programs across the country are demanding that the stalemate end, and that the minority party allow the Senate to proceed and to break off a filibuster that could amount to a major shift in constitutional authority.

Last week I spent the Presidents Day recess traveling across the State of Colorado. In every community, big or small, concerned citizens shared their beliefs on the importance of this nomination and the need to provide a vote for Miguel Estrada. They were appalled that we were not moving forward, that their representative in the Senate would not have an opportunity to vote on a very important consideration for the judiciary. Perhaps some disagree on whether he should be confirmed, but they all agree there should be at least a vote, and they agree it should be done without shifting constitutional authority in a manner that imposes a supermajority requirement on all judicial nominations. I am afraid that is where we are headed.

Let me share with you a couple of editorials that ran in Colorado's two major newspapers, one published in the Denver Post, the other appearing in the Rocky Mountain News.

The Denver Post, a paper that endorsed Al Gore in 2000, and by no means an arm of the Republican party, demands that Estrada be given his day in court, that the Senate be provided a vote. The paper confirms the outstanding quality of the nominee, noting that he is a picture book example of an immigrant pursuing the American dream.

The Denver Post also recognizes his outstanding credentials, stating that while he may lack judicial experience, so, too, do a majority of those now sitting on the DC Circuit Court, some of whom were nominated by Presidents Carter and Clinton.

I have a statement here from the editorial in the Denver Post on the posterboard beside me.

> The key point is that there should be a vote . . . a filibuster should play no part in the process.

The Rocky Mountain News simply described the Democrats tactics as ''ugly,'' commenting on their attempt to thwart the Senate's majoritarian decisionmaking.

The editorial calls the filibuster:

> . . . irresponsible, a hysteria being acted out to keep Estrada from serving on the US Court of Appeals for the District of Columbia.

On the chart I have a quote from both papers highlighting the need to end the filibuster and to proceed to a vote.

The Denver Post:

> The key point is that there should be a vote . . . a filibuster should play no part in the process.

The Rocky Mountain News concludes that:

> The Democrats have no excuse. Keeping others from voting their consciences on this particular matter is simply out of line.

Editorial boards across the country echo this very same sentiment. More than 60 major newspapers are calling for an end to the filibuster.

I would like to share with my colleagues here this afternoon a few of those. Let me name a few:

The Arkansas Democrat-Gazette; in California, Redding, and The Press Enterprise; The Hartford Courant; The Washington Post; in Florida, The Tampa Tribune and The Florida Times-Union; The Atlanta Journal Constitution and the Augusta Chronicle; the Chicago Tribune in Illinois, along with the Chicago Sun-Times, and Freeport Journal Standard; The Advocate in Baton Rouge, Louisiana; The Boston Herald; The Detroit News and Grand Rapids Press; in New Mexico the Albuquerque Journal; in Nevada, the Las Vegas Review Journal; the Winston-Salem Journal in North Carolina; in North Dakota, the Grand Forks Herald; the Providence Journal in Rhode Island; in West Virginia, the Wheeling News Register/Intelligencer; and nationally, the Investor's Business Daily and the Wall Street Journal.

I would also like to refute one of the arguments being put forward by the Democrats against Mr. Estrada.

For 11 days we have heard statements that the nominee is not qualified to serve because he lacks judicial experience. This standard is simply ridiculous.

Had it applied to their own Democratic nominees, it would have prevented some of the most capable attorney's from being seated on the federal bench.

Under the experience litmus test, the late Justice Byron ''Whizzer'' White, a great Coloradan, who was nominated to the Supreme Court by President John F. Kennedy, would never have been confirmed.

Nor would another great Coloradan, Judge Carlos Lucero, who was nominated by President Bill Clinton to the

Tenth Circuit Court of Appeals, have been confirmed.

To consider a lack of judicial experience as the poison pill of the Estrada nomination while ignoring the confirmation of Democratic nominees Justice White and Judge Lucero, is a double standard of the highest order.

The majority of this body, a majority elected by the American people, is ready to proceed with the nomination of Miguel Estrada.

I have no doubt that the obstructionists have their own reason to vote against the nominee. But they have no reason to prevent a vote entirely.

I hope that my colleagues will realize the danger of the path they have chosen, and will end this course of obstruction.

While I believe a full and fair debate of Presidential nominees is of paramount importance, obstructing an up-or-down vote fails the public trust and is a disservice to our system of justice.

I know how I am going to vote. I am voting for a highly qualified individual. A nominee who the American Bar Association has stated is ''highly-qualified.'' That individual is Miguel Estrada, and he deserves a vote by the United States Senate.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TITLE IX

Mrs. CLINTON. Mr. President, yesterday, the President's Commission on Opportunity in Athletics released its recommendations for Title IX and some of the findings are a haunting reminder of the way things used to be.

It seems that many of the Commissioners believe that men's sports have suffered because of women's programs. They believe that it is okay to count ''slots'' instead of actual women players. And some believe that since men are better ''naturally'' at sports compared to women—that is their word and not mine. That is a true statement if it comes from me, but it is not a true statement when it comes from other women who are more athletically different—and, therefore, men deserve more funding and support. I don't think we should forget that was the excuse used for decades and for generations to keep women out of college, out of math and science classes, and out of the workplace.

I remember as a young girl reading stories of the first women back in the 19th century who wanted to go to medical school to become a doctor or to a law school to become lawyers and who wanted to go to college to further their education. There were court decisions which said women naturally were not suited for higher education. It will wear out their brain. It will undermine their health, and they certainly are not fit to go into the courtroom or into the operating room. Thank goodness we have come a long way from those days.

But I think about it frequently because my mother was born before women could vote. Lest we forget that many of the changes which we now take for granted did not come about just because somebody changed their mind. It is because we had to fight for work and for the kind of progress which we can see all around us.

For 30 years, title IX has encouraged millions of girls and women to participate in sports. In 1972, only 1 out of every 27 women participated in sports. Today, that number is 1 in 2. The program works. I think we should recognize the extraordinary progress we have made.

I remember very well that although I loved playing sports and athletics as a young girl, I was never very good at it. But I played hard, and it was a major influence on my understanding of my abilities, my limits, teamwork, and sportsmanship. It was hard for me to accept the fact that many of my friends and colleagues who were more talented really hit a wall. There were not the kind of interscholastic teams available at the high school level which we now take for granted. There were not scholarships available in most sports for most girls who had the capacity to compete and be good. The colleges were in no way fulfilling the need and desire that young women had to further their athletic pursuits. There really wasn't anything that you could point to as being professional athletic options for extremely well-qualified and motivated women.

I believe passionately that title IX changed the rules on the playing field and opened up the opportunities so more girls and women could see themselves on that field—and create conditions that would encourage our institutions actually to respond to those needs and desires.

I was very pleased to hear last night that Secretary Paige announced he would only consider the recommendations of the Commission that the Commission unanimously agreed upon. And I applaud that announcement.

But I believe that the minority report, which was written by Julie Foudy, the captain and 9-year veteran of the U.S. Women's National Soccer Team, and Donna de Varona, an Olympic swimmer with two gold metals, raises questions about whether any of these recommendations can actually be described as unanimous.

The introduction of the report reads as follows:

> After . . . unsuccessful efforts to include . . . our minority views within the majority report, we have reached the conclusion that we cannot join the report of the Commission.

And Julie Foudy and Donna de Varona go on to say:

> Our decision is based on our fundamental disagreement with the tenor, structure and significant portions of the content of the Commission's report, which fails to present a full and fair consideration of the issues or a clear statement of the discrimination women and girls still face in obtaining equal opportunity in athletics—

They go on to say:

> [secondly,] our belief that many of the recommendations made by the majority would seriously weaken Title IX's protections and substantially reduce the opportunities to which women and girls are entitled under current law; and, [third,] our belief that only one of the proposals would address the budgetary causes underlying the discontinuation of some men's teams, and that others would not restore opportunities that have been lost.

Their goal in issuing this minority report was to make sure it was included in the official record of the Commission. Unfortunately, it is my understanding that the Secretary of Education today has refused to include the minority report. I think that is fundamentally unfair. To me, that report should belong with the majority report, especially since those two women, probably between them, have more direct personal experience in what athletics can mean to a woman's life and what it was like before IX, when Donna was competing, and what it was like after IX was enacted, when Julie helped to lead our women's soccer team to the World Cup Championship.

Therefore, Mr. President, I am going to ask unanimous consent to have printed in the RECORD this minority report. I am doing so because I believe it is important that on this issue we hear from the people who have the most to lose: women athletes, women students. Julie and Donna were invited to join the Commission to represent that point of view, and their voices should be heard. For the information of my colleagues, the minority report can be found at http://www.womensportsfoundation.org/binary-data/WSF—Article/pdf—file/944.pdf.

Now, along with my colleagues, Senator DASCHLE, Senator KENNEDY, Senator MURRAY, Senator SNOWE, and Senator STEVENS, who care so deeply about this issue, we will continue to keep a watchful eye on the Department of Education because the truth is, they do not need permission from the Commission or anyone else to adopt the changes the Commission has proposed; they can propose to change the regulations or offer guidance at any time.

So I am here today in the Chamber to say that I, and many of my colleagues on both sides of the aisle—men and women alike; athletes and nonathletes alike—will fight to protect title IX for our daughters and our granddaughters and generations of girls and women to come.

But let me also add, my support of title IX and my support of the right of the minority to be heard with respect to the Commission's recommendations does not, in any way, suggest that I do not believe in the importance of sports for young men, because I do. I strongly support sports for all young people.

In fact, I think it is very unfortunate that physical education has been dropped from so many of our schools, that so many of our youngsters not only do not have the opportunity to discharge energy and engage in physical activities, but to learn about sports, to find out that maybe something would inspire their passion and their commitment.

There are other ways to ensure that all boys and girls, all men and women have the opportunity for athletic experiences, to participate on teams.

I was somewhat distressed, when the Commission was appointed, with the number of Commissioners who represented an experience that is not the common experience; namely, the experience of very high stakes, big college and university football, which of course is important; I very much believe that. But that is only one sport, and it is a very expensive sport.

I think there are ways, without taking anything away from anyone—boys, girls, men, women—that we can listen to the voices of experience, such as Julie's and Donna's, and come to recognize that there may be other reasons, besides the law, that some men's teams have been discontinued, which I am very sorry about and wish did not have to happen and believe should not have happened if there had been a fairer allocation of athletic resources across all sports.

So I think we can come to some agreements that would serve perhaps to create additional opportunities, but we should not do it to the detriment of girls and women.

I appreciate the opportunity to come to the floor to recognize this very important piece of legislation which has literally changed the lives of girls and women and should continue to do so. What we ought to be doing is looking for ways we can enhance the physical activity, the athletic, competitive opportunities of boys and girls.

One of the biggest problems we have confronting us now is obesity among young people. We need to get kids moving again. We need to get them in organized physical education classes, intramural sports, interscholastic sports, afterschool sports, and summer sports, so they can have an opportunity to develop their bodies and their athletic interests, as well as their minds and their academic pursuits.

Mr. KYL. Mr. President, also, for the information of my colleagues, ''Open to All,'' the report of the Secretary of Education's Commission on Opportunity in Athletics can be found at http://ed.gov/pubs/titleixat30/index.html.

HOMELAND SECURITY

Mrs. CLINTON. Now, Mr. President, on another issue that is of deep concern to me, I come also to raise questions about our commitment to homeland security. This is something I have come to this Chamber to address on numerous occasions, starting in those terrible days after September 11, 2001. And it is an issue I will continue to address in every forum and venue that I possibly can find because, unfortunately, I do not believe we have done enough to protect ourselves here at home.

On February 3, Mitch Daniels, the Director of the Office of Management and Budget, said:

> There is not enough money in the galaxy to protect every square inch of America and every American against every conceived threat.

This statement bothered me at the time. It has continued to bother me. I suppose, on the face of it, it is an accurate statement. Not only isn't there enough money in the United States, the world, or the galaxy to protect every square inch, but what kind of country would we have if we were trying to protect every square inch? That would raise all sorts of issues that might possibly change the character and quality of life here in America.

But I do not think that is what really motivated the statement. The statement was a kind of excuse, if you will, as to why this administration has consistently failed to provide even the rudimentary funding that we have needed for our first responders and to deal with national security vulnerabilities.

We have learned, in the last few months, that threats do exist all over our country. It is not just New York City or Washington, DC, that suffered on September 11. We know that in the months since then, we have seen many other parts of our country respond to alerts—our latest orange alert—which have required huge expenditures of resources in order to protect local water supplies, bridges, chemical plants, nuclear powerplants, to do all that is necessary to know that we have done the best we can.

Life is not certain. There is no way any of us knows where we will be in an hour or in a day or in a year. But what we try to do is to plan for the worst, against contingencies that might undermine our safety. And then we have to just hope and trust and have faith that we have done enough. But if we do not try, if we do not make the commitment, if we do not provide the resources, then we have essentially just put up our hands and surrendered to what did not have to be the inevitable.

When I heard Mr. Daniels make that comment, I thought to myself, if you had made a list of every community in America that might possibly be a site for an al-Qaida terrorist cell, I am not sure that Lackawanna, NY, would have made that list. It is a small community outside of Buffalo where the FBI, in cooperation with local law enforcement, uncovered such a cell of people who had gone to Bin Laden's training camps in Afghanistan and then come back home, most likely what is called a sleeper cell. Their leader was in Yemen where one of our predator aircraft found him and took action against him and his compatriots who are part of the al-Qaida terrorist campaign against us. If we were just thinking, where should we put money to protect ourselves, I am not sure Lackawanna, NY, would have been on that list. Yet we have reason to believe it should be on any list anywhere. Just yesterday four men in Syracuse, NY, were accused of sending millions of dollars to Saddam Hussein.

I don't know that we can sit here in Washington and say: Well, we can't possibly protect everybody so we shouldn't protect anybody. But that seems to be the attitude of this administration. That is what concerns me most. We should be doing everything we possibly can to make our country safer. We should be thinking 24 hours a day, 7 days a week about new steps, smart steps that we should be taking. Why? Because that is what our enemies do when they think about how to attack us. If somebody is on CNN or the Internet, it doesn't stop at our borders. That is viewed and analyzed in places all over the world. We know that they are working as hard as they possibly can to do as much harm to us and our way of life as they possibly can.

Since September 11, our first responders, our mayors, police and fire chiefs have said over and over again they need Federal support so they can do their jobs to protect the American people. During this recent code orange alert, they have done a remarkable job. They have responded to their new responsibility as this country's frontline soldiers in the war against terrorism with grace, honor, and a dedication that Washington should emulate.

We have had the opportunity to do so. We could have already had in the pipeline and delivered more dollars to pay for needed training, personnel, overtime costs, equipment, whatever it took as determined by local communities that they require to do the job we expect them to do. But every time the Senate has tried to do more for our first responders, the administration and some in Congress have said we should do less.

Senator BYRD stood right over there last summer and offered an amendment, which the Senate supported, that would have provided more than $5.1 billion in homeland security funding. It included $585 million for port security; $150 million to purchase interoperable radio so that police, firefighters and emergency service workers can communicate effectively, a problem we found out tragically interfered with communication on September 11 in New York City; another $83 million to protect our borders. But in each case, despite having passed it in the Senate, the administration and Republican leaders settled for far less. They called such spending ''unnecessary.'' In some cases, such as the funding for interoperable radios, not only did we not get the increase to buy this critical equipment, the funding was cut by $66 million.

It was during that debate that we needed the administration's support. But instead, they opposed such efforts,

and the President himself refused to designate $5.1 billion last August as an emergency to do the kinds of things that mayors and police chiefs and fire chiefs and others have been telling me and my colleagues they desperately need help doing.

The paper today says the President acknowledges we need to do more. I welcome that acknowledgment. But I have learned that we have to wait to see whether the actions match the words. We have to make sure this new awareness about having shortchanged homeland security doesn't translate into taking money away from the functions that firefighters and police officers are called upon to do every day, transferring it across the government ledger, relabeling it counterterrorism, and wiping our hands of it and saying: We did it.

That just doesn't add up. That is what they tried to do for the last year, take money away from the so-called COPS program, which put police on the beat onto our streets, which helped to lower the crime rate during the 1990s, taking money away from the grants that go to fire departments to be well prepared to get those hazardous materials, equipment, and suits that will protect them and claiming that we take that money away, we put it over here, and we say we have done our job. That is just not an appropriate, fair-minded response.

We cannot undo the past, but every day we don't plan for the future is a lost day. I don't ever want to have a debate in the Senate about what we should have done or we could have done or we would have done to protect ourselves, if only we had taken as seriously our commitment to homeland security as the administration takes our commitment to national security.

Last month I issued a report about how 70 percent of the cities and counties in New York are not receiving any Federal homeland security funding. I commissioned this study because I wanted to know for myself whether maybe some money had trickled down into their coffers that I was not aware of. Well, 70 percent say they had gotten nothing; 30 percent say they had gotten a little bit of the bioterrorism money that we had appropriated. But then I also asked them, how much did they need and what did they need it for and how did they justify their needs. And I must say, most of the requests were very well thought out, prudent requests for help that in this time of falling revenues and budget crunches, city and county governments just cannot do themselves.

When that orange alert went out a week or so ago, what happened? I know in New York City, if you were there, you would have seen an intense police presence because our commissioner of police, our mayor, knew they had to respond. They had to get out there and keep a watchful eye. But there was no help coming from Washington for them to do that. It may be a national alert, but it is a local response. And we are not taking care of the people we expect to make that response for us.

Then I was concerned to see that in so many of the discussions of potential weapons of mass destruction, doctors and nurses and hospital administrators are saying: We are not ready. We do not have the funding. We don't even have the funding to do the preventive work, the smallpox vaccination. We don't have the means to be ready for some kind of chemical or biological or radiological attack.

When we had the incident a few months ago of the shoulder-fired missile that was aimed at the Israeli airline in Kenya—thankfully it missed—I called the people in the new Department of Homeland Security. I said: What are our plans? How do we respond to the threat posed by shoulder-fired missiles?

The response I got back was: Well, that is a local law enforcement responsibility.

Are we going to provide more funding so we can have more police patrols on the outskirts of large airports similar to the ones we have in New York and other States have?

Well, no, that is not in the cards. You just go out there and keep an eye out for those shoulder-fired missiles.

Time and time again we hear about a threat. We hear the conversations from our government officials. We listen to the experts tell us what we have to be afraid of. And if you are a police chief or a fire chief sitting in any city in our country, you are sitting there in front of the television set saying to yourself: My goodness, how am I going to protect my people? How am I possibly going to do the work I need to do when my State budget is being cut, when my local budget is being cut, when the Federal budget is not providing me any resources? How am I going to do that?

It is a fair question. Yet when we dial 911, we expect that phone to be answered, not in this Chamber, not down at the other end of Pennsylvania Avenue in the White House, but right in our local precinct and our local firehouse. Yet in place after place around America, we read stories about police being laid off or being enticed into early retirement to save money, firehouses being closed or firefighters being encouraged to take early retirement, not filling classes in the police and fire academy.

There is something wrong with this picture. Now, we have done all we know to do to give our men and women who wear military uniforms every bit of support we believe they need. If we are going to put them in harm's way, then we owe it to them, to their families, to equip them and train them, and give them the best possible protection so they can fulfill their mission without harm to themselves.

But this is a two-front war. We hear that all the time. My gosh, there is nothing else coming across the airwaves except about what is happening in the Persian Gulf and on the Korean peninsula and what is happening with al-Qaida. We know we are in a global war against terror and against weapons of mass destruction. That is good offense. We need to be out there trying to rid the world of weapons of mass destruction, rid the world of tyrants and dictators who would use such weapons.

But what about defense? What about what happens here at home? We have not done what we need to do to protect our homeland or our hometowns. That is absolutely unacceptable. The one thing we have learned from the horrors of September 11 is that in this new globalization of transportation and information we now live in, boundaries mean very little. Part of the reason we were immune from attack through many decades—with the exception of Pearl Harbor and the attack on this city and on Baltimore in the War of 1812—is we were protected by those big oceans, and with friendly neighbors to the north and south. But those days are gone. You can get on a jet plane from anywhere. You can be in a cave in Afghanistan and use your computer. You can transfer information about attacks and about weapons of mass destruction with the flick of a mouse.

So we have to upgrade and transform our homeland defense, just as we have to think differently about our military readiness and capacity. This does not come cheaply. This is not easy to do. I spend a lot of time talking with police, firefighters, hospital administrators, and front line doctors and nurses; they are ready to make the sacrifice to perform in whatever way they are expected to do so to protect us. But we are not giving them the help they need.

Now, we can remedy this. It was a good sign when the President admitted today that he and his administration have not funded homeland security, and I am glad to hear they have finally admitted that. But now we have to do something about that admission. It cannot be just a one-day headline. We have to figure out, OK, now that you are seeing what we see, what we have been worried about, let's do something. Let's make sure that whatever budget is sent up here has money in it for these important functions, so we can look in the eyes of our police officers, firefighters, and emergency providers, and say we have done the best we know how to do.

That doesn't mean we are 100 percent safe. There is no such thing. That is impossible. That is not something we can possibly achieve. But we have to do the best we can. I believe it is probably a good old adage to ''hope for the best, but prepare for the worst.'' When you have done all you knew how to do, when something does happen, hopefully, you are prepared to deal with it.

From my perspective, Mr. President, this is a national priority that cannot wait. Many of the commentators and pundits of the current theme talk about the likely military action necessitated by Saddam Hussein's refusal to

disarm, and point to the possibility that such action will trigger an upsurge in potential attack not only here at home but on American assets and individuals around the world. It would be impossible to write any scenario about the next 10 years without taking into account the potential of future terrorism.

But what is not impossible—in fact, what is absolutely necessary—is for us to be able to say to our children and the children of firefighters and police officers and emergency responders that we did all we knew to do; we were as prepared as we possibly could be. That is what I want to be able to say, and I know we cannot do that without the resources that will make it a real promise of security, instead of an empty promise.

So, Mr. President, it is my very strong hope that in the wake of the administration's recognition of the failure thus far to fund homeland security, now we can get down to business; that we not only can fund it, but do it quickly, get the money flowing, and get local communities ready to implement it, and we can get about the business of making America safer here at home. I will do everything I can to realize that goal. I look forward to working with my colleagues on both sides of the aisle as we provide the kind of homeland security Americans deserve.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that I be permitted to speak in morning business for up to 25 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator from Arkansas is recognized.

(The remarks of Mr. PRYOR are printed in today's RECORD under "Morning Business.")

Mr. SUNUNU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise once again to speak in support of the confirmation of Miguel Estrada, an exceptionally well qualified nominee who does not deserve to have his nomination obstructed by this filibuster. I have been a strong supporter of Mr. Estrada's since he came before the Judiciary Committee last year. At that time, I argued that his nomination should come up for a floor vote, but we were not allowed to vote on his nomination then. Here we are a year later, and I am still strongly supporting Mr. Estrada, and I am still arguing for a floor vote, and that vote is still being refused. I think it is shameful to continue holding up the vote on this very qualified judicial nominee, who, by the way, will make an excellent member of the US Court of Appeals for the DC Circuit.

I know my colleagues heard Mr. Estrada's credentials many times last week. In fact, I am pretty sure that some of my colleagues could quote his credentials in their sleep. However, I think it is important that the Senate is reminded of how qualified this nominee is who is being filibustered. Not only is he regarded as one of the Nation's top appellate lawyers, having argued 15 cases before the Supreme Court of the United States, but the American Bar Association, which I think Democrats consider the gold standard of determination of the person's qualifications to be a judicial nominee, has given him a unanimous rating of, in their words, "well qualified." This happens to be the highest American Bar Association rating. It is a rating they would not give to just any lawyer who comes up the pike. According to the American Bar Association, quoting from their standard:

> To merit a rating of well qualified, the nominee must be at the top of the legal profession in his or her legal community, having outstanding legal ability, breadth of experience, the highest reputation for integrity and either have demonstrated or exhibited the capacity for judicial temperament.

We ought to demand that more qualified people like Miguel Estrada be appointed to the bench rather than fighting his nomination.

As my colleagues know, I am not a lawyer. There is nothing wrong with going to law school, but I did not. I have been on the Judiciary Committee my entire time in the Senate. I know some of the qualifications that are needed to be a Federal judge, particularly a Federal judge on this DC Circuit that handles so many appeals from administrative agencies and is often considered, by legal experts, to be the second highest court of our land.

Mr. Estrada's academic credentials are stellar. He graduated from Columbia University with his bachelor's degree magna cum laude and was also a member of Phi Beta Kappa. Then he earned his juris doctorate from Harvard University, also magna cum laude, where he was editor of the Harvard Law Review. Mr. Estrada did not just attend Harvard Law School; he graduated with honors. He also served as the editor of the Harvard Law Review. To be selected as the editor of a law review is a feat that only the most exceptional of law students attain.

While Mr. Estrada certainly has the intellect required to be a Federal judge, his professional background also gives testament to his being qualified for a Federal Court of Appeals judgeship as opposed to just any judgeship.

After law school, Mr. Estrada served as a law clerk to the Second Circuit Court of Appeals and as a law clerk to Justice Kennedy, on the United States Supreme Court. Subsequently, he served as an Assistant US Attorney and deputy chief of the appellate section of the US Attorney's Office of the Southern District of New York, and then as assistant to the Solicitor General of the United States of America.

Mr. Estrada has been in the private sector as well. He is a partner with the Washington, DC, office of the law firm of Gibson, Dunn & Crutcher. In this exceptional career, Mr. Estrada has argued 15 cases before the United States Supreme Court. He won nine of those cases. Mr. Estrada is not just an appellate lawyer; he is one of the top appellate lawyers in the country. So for a young lawyer, I think I can give my colleagues a person who can truly be labeled an American success story. In fact, instead of degrading his ability to serve as a circuit court judge, we should all be proud of Mr. Estrada's many accomplishments.

This is the nominee that the Democrats are filibustering. I fail to understand why a nominee of these outstanding qualifications, and who has been honored by the ABA with its highest rating, would be the object of such obstruction. In all my years on the Judiciary Committee—and that has been my entire tenure in the Senate—Republicans never once filibustered a Democratic President's nominee to the Federal bench. There are many I may have wanted to filibuster, but I did not do it—we did not do it—because it is not right.

In fact, as I understand it, in the entire history of the Senate neither party has ever filibustered a judicial nominee. Going back over 200 years, Republicans and Democrats have resisted the urge to obstruct a nominee by filibustering. Good men of sound judgment have come to the conclusion that to use this tool of last resorts to obstruct a nomination is, at best, inappropriate, and, at worst, just down right wrong.

This nominee, like all nominees, deserves an up-or-down vote. Anything less is absolutely unfair. I hope my colleagues on the other side of the aisle will reconsider this filibuster. The Senate should not cross this Rubicon and establish new precedent for the confirmation process.

Over 40 newspapers from across the country have published editorials advocating that the Senate give Mr. Estrada a vote. Even the Washington Post, which is not exactly a bastion of conservatism, published an editorial last week entitled, "Just Vote." In that editorial, the Post correctly characterized the Democrats obstructionist efforts. With regard to the Democrat request for the internal memos Mr. Estrada drafted while he was in the Solicitor General's Office, the Post said

that this filibuster of Mr. Estrada goes beyond the normal political confirmation games, because,

> Democrats demand, as a condition of a vote, answers to questions that no nominee should be forced to address—and that nominees have not previously been forced to address.

I agree with the Post:

> It's long past time to stop these games and vote.

I make a unanimous consent request that this Washington Post editorial, ''Just Vote'' be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. GRASSLEY. Those denying the Senate an up-or-down vote on Mr. Estrada's nomination claim that he has not answered questions or produced documentation, and so he should not be confirmed to the Federal bench. I can think of a number of Democratic nominees who did not sufficiently answer question that I submitted to them, but that did not lead me to filibuster. As far as I know, Mr. Estrada has answered all questions posed to him by the Judiciary Committee members.

His opponents claim that he has refused to hand over certain in-house Justice Department memoranda. What actually is happening is that the Democrats on the Judiciary Committee have requested that the Department of Justice submit to the Committee, internal memoranda written by Miguel Estrada when he was an attorney in the Solicitor General's Office. These internal memos are attorney work product, specifically appeal, certiorari, and amicus memoranda, and the Justice Department has rightly refused to produce them.

The Department of Justice has never disclosed such sensitive information in the context of a Court of Appeals nomination. These memoranda should not be released, because they detail the appeal, certiorari and amicus recommendations and legal opinions of an assistant to the Solicitor General. This is not just the policy of this administration, the Bush administration, a Republican administration. This has also been the policy under Democratic Presidents.

The inappropriateness of this request prompted all seven living former Solicitors General to write a bipartisan letter to the Committee to express their concern regarding the Committee's request and to defend the need to keep such documents confidential. The letter was signed by Democrats Seth Waxman, Walter Dellinger, Drew Days III and Republicans Ken Starr, Charles Fried, Robert Bork and Archibald Cox. The letter notes that when each of the Solicitors General made important decisions regarding whether to seek Supreme Court review of adverse appellate decisions and whether to participate as amicus curiae in other high profile cases, they:

> relied on frank, honest and thorough advice from [their] staff attorneys like Mr. Estrada . . .

and that the open exchange of ideas which must occur in such a context

> Simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure.

The letter concludes that

> Any attempt to intrude into the Office's highly privileged deliberations would come at a 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.

The Democratic committee member's request has even drawn criticism from the editorial boards of the Washington Post and Wall Street Journal. On May 28, 2002, in an editorial entitled ''Not Fair Game'' the Washington Post editorialized that the request

> For an attorney's work product would be unthinkable if the work had been done for a private client. . . . [and] legal advice by a line attorney for the federal government is not fair game either.

According to the Post editorial

> . . . In elite government offices such as that of the solicitor general, lawyers need to speak freely without worrying that the positions they are advocating today will be used against them if they ever get nominated to some other position.

On May 24, 2002, the Wall Street Journal in an editorial entitled ''The Estrada Gambit'' also criticized the request, calling it ''one more attempt to delay giving Mr. Estrada a hearing and a vote.'' The Journal further criticized the Committee's request in a later editorial, entitled ''No Judicial Fishing'', calling the request ''outrageous'' and noting that the goal of the request ''is to delay, trying to put off the day when Mr. Estrada takes a seat on the D.C. Circuit Court of Appeals.''

Mr. President, I ask unanimous consent that these two editorials also be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 2.]

Mr. GRASSLEY. Mr. Estrada is not the only former deputy or assistant to the Solicitor General nominated to the Federal bench. In fact, there are seven others now serving on the Federal Courts of Appeals. None had any prior judicial experience, and the committee did not ask the Justice Department to turn over any confidential internal memoranda those nominees prepared while serving in the Solicitor General's Office. The seven nominees were: Samuel Alito on the 3rd Circuit, Danny Boggs on the 6th Circuit, William Bryson and Daniel Friedman on the Federal Circuit, Frank Easterbrook and Richard Posner on the 7th Circuit, and A. Raymond Randolph on the D.C. Circuit. Why should Mr. Estrada be treated any differently?

During Mr. Estrada's hearing, Judiciary Committee Democrats alleged that the committee has reviewed the work product of other nominees, including memos written by Frank Easterbrook, by Chief Justice Rehnquist when he served as a clerk to Justice Jackson, and by Robert Bork when he was an official at the Justice Department.

For the record, there is no evidence that the Department of Justice ever turned over confidential memoranda prepared by Frank Easterbrook when he served in the Solicitor General's Office. There also is no evidence that the committee even requested such information.

During Robert Bork's hearings, the Department did turn over memos Judge Bork wrote while serving as Solicitor General, but none of these memos contained the sort of deliberative materials requested of Mr. Estrada and the Justice Department. The Bork materials include memos containing Bork's opinions on such subjects as the constitutionality of the pocket veto, and on President Nixon's assertions of executive privilege and his views of the Office of Special Prosecutor. None of the memos contain information regarding internal deliberations of career attorneys on appeal decisions or legal opinions in connection with appeal decisions. Moreover, the Bork documents reflected information transmitted between a political appointee, namely the Solicitor General, and political advisors to the President, rather than the advice of a career Department of Justice attorney to his superiors, as is the case with Mr. Estrada.

You see, the Judiciary Committee has never requested and the Department of Justice has never agreed to release the internal memos of a career line attorney. To ask that Mr. Estrada turn over his memos is unprecedented, and frankly unfair. No Member of this body would ever condone a request to turn over staff memos. What my staff communicates to me in writing is internal and private. I am sure every other Senator feels the same way as I do. This Democrat fishing expedition needs to stop. Miguel Estrada is a more than well qualified nominee and he deserves a vote on his nomination, today.

In conclusion, we are again seeing an attack on another very talented, very principled, highly qualified legal mind. It all boils down to this, Mr. Estrada's opponents refuse to give him a vote because they say they do not know enough about him. They further contend that the Justice Department memos, which they know will never be released, are the only way they can find out what they need to know about Mr. Estrada. It is a terrible Catch–22.

These obstructionist efforts are a disgrace and an outrage. We must put a stop to these inappropriate political attacks and get on with the business of confirming to the Federal bench good men and women who are committed to doing what judges should do, interpret law as opposed to making law from the bench, because it is our responsibility to make law as members of the legislative branch.

I yield the floor.

EXHIBIT 1

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

JUST VOTE

The Senate has recessed without voting on the nomination of Miguel Estrada to the U.S. Court of Appeals for the D.C. Circuit. Because of a Democratic filibuster, it spent much of the week debating Mr. Estrada, and, at least for now, enough Democrats are holding together to prevent the full Senate from acting. The arguments against Mr. Estrada's confirmation range from the unpersuasive to the offensive. He lacks judicial experience, his critics say—though only three current members of the court had been judges before their nominations. He is too young—though he is about the same age as Judge Harry T. Edwards was when he was appointed and several years older than Kenneth W. Starr was when he was nominated. Mr. Estrada stonewalled the Judiciary Committee by refusing to answer questions—though his answers were similar in nature to those of previous nominees, including many nominated by Democratic presidents. The administration refused to turn over his Justice Department memos—though no reasonable Congress ought to be seeking such material, as a letter from all living former solicitors general attests. He is not a real Hispanic and, by the way, he was nominated only because he is Hispanic—two arguments as repugnant as they are incoherent. Underlying it all is the fact that Democrats don't want to put a conservative on the court.

Laurence H. Silberman, a senior judge on the court to which Mr. Estrada aspires to serve, recently observed that under the current standards being applied by the Senate, not one of his colleagues could predictably secure confirmation. He's right. To be sure, Republicans missed few opportunities to play politics with President Clinton's nominees. But the Estrada filibuster is a step beyond even those deplorable games. For Democrats demand, as a condition of a vote, answers to questions that no nominee should be forced to address—and that nominees have not previously been forced to address. If Mr. Estrada cannot get a vote, there will be no reason for Republicans to allow the next David S. Tatel—a distinguished liberal member of the court—to get one when a Democrat someday again picks judges. Yet the D.C. Circuit—and all courts, for that matter—would be all the poorer were it composed entirely of people whose views challenged nobody.

Nor is the problem just Mr. Estrada. John G. Roberts Jr., Mr. Bush's other nominee to the D.C. Circuit, has been waiting nearly two years for a Judiciary Committee vote. Nobody has raised a substantial argument against him. Indeed, Mr. Roberts is among the most highly regarded appellate lawyers in the city. Yet on Thursday, Democrats invoked a procedural rule to block a committee vote anyway—just for good measure. It's long past time to stop these games and vote.

EXHIBIT 2

[From the Wall Street Journal, May 24, 2002]

THE ESTRADA GAMBIT

Senate Judiciary Chairman Patrick Leahy keeps saying he's assessing judicial nominees on the merits, without political influence. So why does he keep getting caught with someone else's fingerprints on his press releases?

The latest episode involves Miguel Estrada, nominated more than a year ago by President Bush for the prestigious D.C. Circuit Court of Appeals. Mr. Estrada scares the legal briefs off liberal lobbies because he's young, smart and accomplished, having served in the Clinton Solicitor General's office, and especially because he's a conservative Hispanic. All of these things make him a potential candidate to be elevated to the U.S. Supreme Court down the road.

Sooner or later even Mr. Leahy has to grant the nominee a hearing, one would think. But maybe not, if he keeps taking orders from Ralph Neas at People for the American Way. On April 15, the Legal Times newspaper reported that a ''leader'' of the anti-Estrada liberal coalition was considering ''launching an effort to obtain internal memos that Estrada wrote while at the SG's office, hoping they will shed light on the nominee's personal views.''

Hmmm. Who could that leader be? Mr. Neas, perhaps? Whoever it is, Mr. Leahy seems to be following orders, because a month later, on May 15, Mr. Leahy sent a letter to Mr. Estrada requesting the ''appeal recommendations, certiorari recommendations, and amicus recommendations you worked on while at the United States Department of Justice.''

It's important to understand how outrageous this request is. Mr. Leahy is demanding pre-decision memorandums, the kind of internal deliberations that are almost by definition protected by executive privilege. No White House would disclose them, and the Bush Administration has already turned down a similar Senate request of memorandums in the case of EPA nominee Jeffrey Holmstead, who once worked in the White House counsel's office.

No legal fool, Mr. Leahy must understand this. So the question is what is he really up to? The answer is almost certainly one more attempt to delay giving Mr. Estrada a hearing and vote. A simple exchange of letters from lawyers can take weeks. And then if the White House turns Mr. Leahy down, he can claim lack of cooperation and use that as an excuse to delay still further.

Mr. Leahy is also playing star marionette to liberal Hispanic groups, which on May 1 wrote to Mr. Leahy urging that he delay the Estrada hearing until at least August in order to ''allow sufficient time . . . to complete a thorough and comprehensive review of the nominee's record.'' We guess a year isn't adequate time and can only assume they need the labor-intensive summer months to complete their investigation. (Now there's a job for an intern.) On May 9, the one-year anniversary of Mr. Estrada's nomination. Mr. Leahy issued a statement justifying the delay in granting him a hearing by pointing to the Hispanic group's letter.

These groups, by the way, deserve some greater exposure. They include the Mexican American Legal Defense and Educational Fund as well as La Raza, two lobbies that claim to represent the interests of Hispanics. Apparently they now believe their job is to help white liberals dig up dirt on a distinguished jurist who could be the first Hispanic on the U.S. Supreme Court.

The frustration among liberals in not being able to dig up anything on Mr. Estrada is obvious. Nam Aron, president of the Alliance for Justice, told Legal Times that ''There is a dearth of information about Estrada's record, which places a responsibility on the part of Senators to develop a record at his hearing. There is much that he has done that is not apparent.'' Translation: We can't beat him yet.

Anywhere but Washington, Mr. Estrada would be considered a splendid nominee. The American Bar Association, whose recommendation Mr. LEAHY one called the ''gold standard by which judicial candidates have been judged,'' awarded Mr. Estrada its highest rating of unanimously well-qualified. There are even Democrats, such as Gore advisor Ron Klaim, who are as effusive as Republicans singing the candidate's praises.

When Mr. Estrada worked in the Clinton-era Solicitor General's office, he wrote a friend-of-the-court brief in support of the National Organization of Women's position that anti-abortion protestors violated RICO. It's hard to paint a lawyer who's worked for Bill Clinton and supported NOW as a right-wing fanatic.

We report all of this because it reveals just how poison judicial politics have become, and how the Senate is perverting its advise and consent power. Yesterday the Judiciary Committee finally to help fellow Pennsylvania Brooks Smith.

Mr. Estrada doesn't have such a patron, so he's fated to endure the delay and document-fishing of liberal interests and the Senate Chairman who takes their dictation.

Ms. MIKULSKI. Mr. President, I rise in opposition to the nomination of Miguel Estrada to the United States Circuit Court of Appeals for the District of Columbia.

The President has the right to make judicial nominations. The Senate has the Constitutional responsibility to advise and consent. I take this responsibility very seriously. This is a lifetime appointment for our nation's second most important court. Only the Supreme Court has a greater impact on the lives and rights of every American.

The District of Columbia Circuit is the final arbiter on many cases that the Supreme Court refuses to consider. That means it's responsible for decisions on fundamental constitutional issues involving freedom of speech, the right to privacy and equal protection.

In addition, the D.C. Circuit has special jurisdiction over Federal agency actions. That means the D.C. Circuit is responsible for cases on issues of great national significance involving labor rights, affirmative action, clean air and clear water standards, health and safety regulations, consumer privacy and campaign finance. The importance of this court highlights the importance of placing skilled, experienced and moderate jurists on the court.

I base my consideration of each judicial nominee on three criteria: competence, integrity and commitment to core Constitutional principles.

I don't question Mr. Estrada's character or competence. He is clearly a skilled lawyer. Yet the Senate does not have enough information to judge Mr. Estrada's commitment to core Constitutional principles.

He has refused to answer even the most basic questions during his hearing in Senate Judiciary Committee. For example, he was asked to give examples of Supreme Court decisions with which he disagreed. He refused to answer. He was asked basic questions on his judicial philosophy. He refused to answer.

The Constitution gives the Senate the responsibility to advise and consent on judicial nominations. This consent should be based on rigorous analysis. The nominee doesn't have to be an academic with a paper trail. Yet the nominee must be open and forthcoming. He or she must answer questions that seek to determine their commitment to core Constitutional principles.

This is a divisive nomination—at a time when our Nation should be united. Our Nation is preparing for a possible war in Iraq. We are already engaged in a war against terrorism. We are also facing a weak economy. Americans are stressed and anxious. The Senate should be working to reduce this stress—to make America more secure; to strengthen our economy and to deal with the ballooning cost of health care.

I urge the administration to nominate judicial candidates who are moderate and mainstream—and to instruct those nominees to be forthright and forthcoming with the Senate so the Senate can address the significant issues that face our Nation today.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Oklahoma.

Mr. NICKLES. Madam President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. NICKLES pertaining to the introduction of S. 2 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, one of our most important responsibilities as Senators is the confirmation of Federal judges. Federal judges are appointed for life, and they will be interpreting laws affecting the lives of all our citizens for many years to come. Yet my colleagues across the aisle suggest that something far less than a full review of a nominee's record is warranted. Republican Senators pretend that by seeking additional information to help us understand Mr. Estrada's views and judicial philosophy, we are upsetting the proper constitutional balance between the Senate and the executive branch. They claim the Senate has to consent to the President's judicial nominees, as long as they have appropriate professional qualifications.

In fact, the Constitution gives a strong role to the Senate in evaluating nominees. The role of the Senate is fundamental to the basic constitutional concept of checks and balances at the heart of the Federal Government. And when we say ''check'' we don't mean blank check.

The debates over the drafting of the Constitution tell a great deal about the proper role of the Senate in the judicial selection process. Both the text of the Appointments Clause of the Constitution and the debates over its adoption make clear that the Senate should play an active and independent role in selecting judges.

Given recent statements by Republican Senators, it is important to lay out the historical record in detail. The Constitutional Convention met in Philadelphia from late May until mid-September of 1787. On May 29, 1787, the Convention began its work on the Constitution with the Virginia Plan introduced by Governor Randolph, which provided ''that a National Judiciary be established, to be chosen by the National Legislature.'' Under this plan, the President had no role at all in the selection of judges.

When this provision came before the Convention on June 5, several members were concerned that having the whole legislature select judges was too unwieldy. James Wilson suggested an alternative proposal that the President be given sole power to appoint judges.

That idea had almost no support. Rutledge of South Carolina said that he ''was by no means disposed to grant so great a power to any single person.'' James Madison agreed that the legislature was too large a body, and stated that he was ''rather inclined to give [the appointment power] to the Senatorial branch'' of the legislature, a group ''sufficiently stable and independent'' to provide ''deliberate judgements.''

A week later, Madison offered a formal motion to give the Senate the sole power to appoint judges and this motion was adopted without any objection. On June 19, the Convention formally adopted a working draft of the Constitution, and it gave the Senate the exclusive power to appoint judges.

July of 1787 was spent reviewing the draft Constitution. On July 18, the Convention reaffirmed its decision to grant the Senate the exclusive power. James Wilson again proposed ''that the Judges be appointed by the Executive'' and again his motion was defeated.

The issue was considered again on July 21, and the Convention again agreed to the exclusive Senate appointment of judges.

In a debate concerning the provision, George Mason called the idea of executive appointment of Federal judges a ''dangerous precedent.'' The Constitution was drafted to read: ''The Senate of the United States shall have power to appoint Judges of the Supreme Court.''

Not until the final days of the Convention was the President given power to nominate Judges. On September 4, 2 weeks before the Convention's work was completed, the Committee proposed that the President should have a role in selecting judges. It stated: ''The President shall nominate and by and with the advice and consent of the Senate shall appoint judges of the Supreme Court.'' The debates, make clear, however, that while the President had the power to nominate judges, the Senate still had a central role.

Governor Morris of Pennsylvania described the provision as giving the Senate the power ''to appoint Judges nominated to them by the President.'' The Constitutional Convention adopted this reworded provision giving the President the power, with the advice and consent of the Senate, to nominate and appoint judges.

The debates and the series of events proceeding adoption of the ''advise and consent'' language make clear, that the Senate should play an active role. The Convention having repeatedly rejected proposals that would lodge exclusive power to select judges with the executive branch, could not possibly have intended to reduce the Senate to a rubber stamp role.

The reasons given by delegates to the Convention for making the selection of judges a joint decision by the President and the Senate are as relevant today as they were in 1787. The framers refused to give the power of appointment to a ''single individual.'' They understood that a more representative judiciary would be attained by giving members of the Senate a major role.

From the start, the Senate has not hesitated to fully exercise this power. During the first 100 years after ratification of the Constitution, 21 or 81 Supreme Court nominations—one out of four—were rejected, withdrawn, or not acted on. During these confirmation debates, ideology often mattered. John Rutledge, nominated by George Washington, failed to win confirmation as Chief Justice in 1795.

Alexander Hamilton and other Federalists opposed him, because of his position on the controversial Jay Treaty. A nominee of President James Polk was rejected because of his anti-immigration position. A nominee of President Hoover was rejected because of his anti labor view. Our Republican colleagues are obviously aware of this. Their recent statements attempting to downplay the Senate's role stand in stark contrast to the statements when they controlled the Senate during the Clinton administration. At that time, they vigorously asserted their right of ''advice and consent.''

Indeed, while public debate and a demand to fully review a nominee's record is consistent with our duty of ''advice and consent,'' many of the actions by Republicans were damaging to the nominations process. Democrats have made clear our concerns about whether Mr. Estrada has met the burden of showing that he should be appointed to the DC Circuit, but Republicans resorted to tactics such as secret holds to block President Clinton's nominees. For instance, it took four years to act on the nomination of Richard Paez, a Mexican-American, to the Ninth Circuit. Senate Republicans repeatedly delayed floor action on Judge Paez through use of anonymous holds.

Republicans voted to indefinitely postpone action on Judge Paez's nomination. Finally, in March 2000, 4 years after his nomination and with the Presidential election on the horizon, Judge Paez was confirmed, after cloture was invoked.

Reviewing Mr. Estrada's nomination is our constitutional duty. We take his nomination particularly seriously because of the importance of the DC Circuit, the Court to which he has been nominated. The important work we do in Congress to improve health care, protect workers rights, and protect civil rights mean far less if we fail to fulfill our responsibility to provide the

best possible advice and consent on judicial nominations. Tough environmental laws mean little to a community that can't enforce them in our federal courts. Civil rights laws are undercut if there are no remedies for disabled men and women. Fair labor laws are only words on paper if we confirm judges who ignore them.

What we know about Mr. Estrada leads us to question whether he will deal fairly with the range of important issues affecting everyday Americans that came before him.

Mr. Estrada has been actively involved in supporting broad anti-loitering ordinances that restrict the rights of minority residents to conduct lawful activities in their neighborhoods. Mr. Estrada has sought to undermine the ability of civil rights groups like the NAACP to challenge these broad ordinances which affect the ability of minority citizens to conduct activities such as drug counseling and voter outreach in their communities.

Information we need to know about Mr. Estrada's record has been hidden from us by the Department of Justice. Democratic Senators have asked for Mr. Estrada's Solicitor General Memoranda. We have moved for unanimous consent to proceed to a vote on his nomination, after those memoranda are provided. Yet, the White House refuses to provide any of Mr. Estrada's memos, even though there is ample precedent for allowing the Senate to review these documents.

Even as Republicans refuse to allow us to see Mr. Estrada's memos from his time in public office—and even as Mr. Estrada declined to answer many basic questions about his judicial philosophy and approach—Republicans repeatedly make clear that they are familiar with Mr. Estrada's views and judicial philosophy.

Since his nomination, Republican Senators have repeatedly praised Mr. Estrada as a ''conservative.'' A recent article from Roll Call states that the Republican Party is confident that Mr. Estrada will rule in support of big business. The article also states that the Republican Party has asked lobbyists to get involved in the battle over Mr. Estrada's nomination.

I have spoken in recent days about the importance of the DC Circuit and it's shift to the right in the 1980s and 1990s. In the 1960s and 1970s, the DC Circuit had a significant role in protecting public access to agency and judicial proceedings, protecting civil rights guarantees, overseeing administrative agencies, protecting the public interest in communications regulation, and enforcing environmental protections. In the 1980s, however, the DC Circuit changed dramatically because of the appointment of conservative judges. As its composition changed, it became a conservative and activist court—striking down civil rights and constitutional protections, encouraging deregulation, closing the doors of the courts to many citizens, favoring employers over workers, and undermining federal protection of the environment.

It seems clear that Mr. Estrada has been nominated to the DC Circuit in the hope that this court will continue to be more interested in favoring big business than in protecting the rights of workers, consumers, women, minorities, and other Americans.

Mr. Estrada's nomination is strongly opposed by those concerned about these rights. Republicans repeatedly praise Mr. Estrada as a Hispanic—but many Hispanic groups oppose his nomination. The Congressional Hispanic Caucus, the Mexican American Legal Defense Fund, the Southwest Voter Registration Project, 52 Latino Labor Leaders representing working families across the country, the California League of United Lationo Citizens, the California La Raza, the Puerto Rican Legal Defense Fund and fifteen past presidents of the Hispanic National Bar Association, whose terms span from 1972 until 1998 have stated their opposition to Mr. Estrada. As these Presidents write:

> Based upon our review and understanding of the totality of Mr. Estrada's record and life's experiences, we believe that there are more than enought reasons to conclude that Mr. Estrada's candidacy falls short. [These] reasons include: his virtually non-existent written record, his verbally expressed and un-rebutted extreme views, his lack of judicial or academic teaching experience (against which his fairness, reasoning skills and judicial philosophy could be properly tested), his poor judicial temperament, his total lack of connection whatsoever to, or lack of demonstrated interest in the Hispanic community, his refusals to answer even the most basic questions about civil rights and constitutional law, his less than candid responses to other straightforward questions of Senate Judiciary Committee Members.

I would like to include in the RECORD statements at the end of my remarks of two of the past National Presidents of the League of United Latin American Citizens opposing Mr. Estrada's nomination. The first statement is from Belen Robles, a native Texas who has a long and active involvement in the Latino civil rights community. He writes that he is ''deeply troubled with the nomination of Miguel Estrada.'' He is troubled by the positions that Mr. Estrada has taken on racial profiling, and on whether the NAACP had standing to put forward the claims of African-Americans arrested under an anti-loitering ordinance.

Mr. Robles writes:

> As a former National President of LULAC, I know very well that on many occasions LULAC has been a champion of the rights of its membership in civil rights cases. We asserted those rights on behalf of voters in voting cases in Texas, and in many other civil rights cases. Under his view, Mr. Estrada could decide that a civil rights organization such as LULAC would not be able to sue on behalf of its members. NO supporter of civil rights could agree with Mr. Estrada's confirmation.

Ruben Bonilla, an attorney in Texas who is also a past National president of LULAC, opposes the confirmation of Mr. Estrada.

Mr. Bonilla writes:

> I am deeply troubled with the double standard that surrounds the nomination of Mr. Estrada. It is particularly troubling that some of the Senators have accused Democrats or other Latinos of being anti-Hispanic, or holding the American dream hostage. Yet, these same Senators in fact prevented Latinos appointed by the Clinton Administration from ever being given a hearing. Notably, Corpus Christi lawyer Jorge Rangel, and El Paso attorney Enrique Moreno, and Denver attorney Christine Arguello never received hearings before the judiciary committee. Yet, these individuals who came from the top of their profession were schooled in the Ivy League, were raised from modest means in the Southwest, and in fact truly embodied the American Dream. These highly qualified Mexican-Americans never had the opportunity to introduce themselves and their views to the Senate, as Mr. Estrada did.

Mr. President, the Senate is entitled to see Mr. Estrada's full record. Both the Constitution and historical practices require us to ignore the Administration's obvious ideological nominations. Judicial nominees who come before the Senate should have professional qualifications and the right temperament to be a judge. They should be committed to basic constitutional principles. Many of us have no confidence that Mr. Estrada has met this burden. I urge the Senate to reject this nomination.

I ask unanimous consent that supporting material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HNBA'S PAST PRESIDENTS' STATEMENT, FEBRUARY 21, 2003

We the undesigned past presidents of the Hispanic National Bar Association write in strong opposition to the nomination of Miguel A. Estrada for judgeship on the Court of Appeals for the District of Columbia Circuit.

Since the HNBA's establishment in 1972, promoting civil rights and advocating for judicial appointments of qualified Hispanic Americans throughout our nation have been our fundamental concerns. Over the years, we have had a proven and respected record of endorsing or not endorsing or rejecting nominees on a non-partisan basis of both Republican and Democratic presidents.

In addition to evaluating a candidate's professional experience and judicial temperament, the HNBA's policies and procedures governing judicial endorsements have required that the following additional criteria be considered: The extent to which a candidate has been involved in, supportive of, and responsive to the issues, needs and concerns or Hispanic Americans, and the candidate's demonstrated commitment to the concept of equal opportunity and equal justice under the law.

Based upon our review and understanding of the totality of Mr. Estrada's record and life's experiences, we believe that there are more than enough reasons to conclude that Mr. Estrada's candidacy falls short in these respects. We believe that for many reasons including: his virtually non-existent written record, his verbally expressed and un-rebutted extreme views, his lack of judicial or academic teaching experience, (against which his fairness, reasoning skills and judicial philosophy could be properly tested), his

poor judicial temperament, his total lack of any connection whatsoever to, or lack of demonstrated interest in the Hispanic community, his refusals to answer even the most basic questions about civil rights and constitutional law, his less than candid responses to the other straightforward questions of Senate Judiciary Committee members, and because of the Administration's refusal to provide the Judiciary Committee the additional information and cooperation it needs to address these concerns, the United States Senate cannot and must not conclude that Mr. Estrada can be a fair and impartial appellate court judge.

Respectfully submitted,

JOHN ROY CASTILLO, ET AL.

[From The Oregonian, Feb. 24, 2003]

ESTRADA WOULD DESTROY HARD-FOUGHT VICTORIES

(By Dolores C. Huerta)

As a co-founder of the United Farm Workers with Cesar Chavez, I know what progress looks like. Injustice and the fight against it take many forms-from boycotts and marches to contract negotiations and legislation. Over the years, we had to fight against brutal opponents, but the courts were often there to back us up. Where we moved forward, America's courts helped to establish important legal protections for all farm workers, all women, all Americans. Now, though, a dangerous shift in the courts could destroy the worker's rights, women's rights, and civil rights that our collective actions secured.

It is especially bitter for me that one of the most visible agents of the strategy to erase our legal victories is being called a great role model for Latinos. It is true that for Latinos to realize America's promise of equality and justice for all, we need to be represented in every sector of business and every branch of government. But it is also true that judges who would wipe out our hard-fought legal victories—no matter where they were born or what color their skin—are not role models for our children. And they are not the kind of judges we want on the federal courts.

Miguel Estrada is a successful lawyer, and he has powerful friends who are trying to get him a lifetime job as a federal judge. Many of them talk about him being a future Supreme Court justice. Shouldn't we be proud of him?

I for one am not too proud of a man who is unconcerned about the discrimination that many Latinos live with every day. I am not especially proud of a man whose political friends—the ones fighting hardest to put him on the court—are also fighting to abolish affirmative action and to make it harder if not impossible for federal courts to protect the rights and safety of workers and women and anyone with little power and only the hope of the courts to protect their legal rights.

Just as we resist the injustice of racial profiling and the assumption that we are lesser individuals because of where we were born or the color of our skin, so too must we resist the urge to endorse a man on the basis of his ethnic background. Members of the Congressional Hispanic Caucus met with Miguel Estrada and came away convinced that he would harm our community as a federal judge. The Mexican American Legal Defense and Educational Fund and the Puerto Rican Defense and Education Fund reviewed his record and came to the same conclusion.

Are these groups fighting Miguel Estrada because they are somehow anti-Hispanic? Are they saying that only people with certain political views are ''true'' Latinos? Of course not. They are saying that as a judge this man would do damage to the rights we have fought so hard to obtain, and that we cannot ignore that fact just because he is Latino. I think Cesar Chavez would be turning over in his grave if he knew that a candidate like this would be celebrated for supposedly representing the Hispanic community. He would also be dismayed that any civil rights organization would stay silent or back such a candidate.

To my friends who think this is all about politicians fighting among themselves, I ask you to think what would have happened over the last 40 years if the federal courts were fighting against worker's rights and women's rights and civil rights. And then think about how quickly that could become the world we are living in.

As MALDEF wrote in a detailed analysis, Estrada's record suggests that ''he would not recognize the due process rights of Latinos,'' that he ''would not fairly review Latino allegations of racial profiling by law enforcement,'' that he ''would most likely always find that government affirmative action programs fail to meet'' legal standards, and that he ''could very well compromise the rights of Latino voters under the Voting Rights Act.''

Miguel Estrada is only one of the people nominated by President Bush who could destroy much of what we have built if they become judges. The far right is fighting for them just as it is fighting for Estrada. We must fight back against Estrada and against all of them. If the only way to stop this is a filibuster in the Senate, I say, Que viva la filibuster!

STATEMENT OF RUBEN BONILLA, IN OPPOSITION TO THE CONFIRMATION OF MIGUEL ESTRADA

I write to join other Latinos in opposing the confirmation of Miguel Estrada to the DC Circuit Court of Appeals. I have a long history of involvement in the Latino civil rights community. I am an attorney in Corpus Christi, Texas, and am a past National President of LULAC. I am deeply concerned with the betterment of my community.

I am deeply troubled with the double standard that surrounds the nomination of Miguel Estrada. It is particularly troubling that some of the senators have accused Democrats or other Latinos of being anti-Hispanic, or holding the American dream hostage. Yet, these same senators in fact prevented Latinos appointed by the Clinton Administration from ever being given a hearing. Notably, Corpus Christi lawyer Jorge Rangel, and El Paso attorney Enrique Moreno, and Denver attorney Christine Arguello never received hearings before the judiciary committee. Yet, these individuals who came from the top of their profession were schooled in the Ivy League, were raised from modest means in the Southwest, and in fact truly embodied the American Dream. These highly qualified Mexican Americans never had the opportunity to introduce themselves and their views to the Senate, as Mr. Estrada did.

In addition to my concerns regarding this double standard. I am also concerned that Mr. Estrada showed himself unwilling to allow the Senate to fully evaluate his record. He was not candid in his responses. Yet, Mr. Estrada, as every other nominee who is a candidate for a lifelong appointment, must be prepared to fully answer basic questions, particularly where there is no prior judicial record or scholarly work to scrutinize. By declining to give full and candid responses, he frustrated the process. Individuals with values should be called to explain those values honestly and forthrightly. We can demand no less from those who would hold a lifelong appointment in our system of justice.

Finally, I am also concerned with some of the answers that Mr. Estrada did give when he was pressed. For example, I understand that as an attorney he argued that the NAACP did not have legal standing to press the claims of African Americans who had been arrested under a particular ordinance. As a former National President of LULAC, I know that on many occasions LULAC has represented the rights of its membership in voting cases, and in other civil rights matters. I would be troubled that if he were confirmed, Mr. Estrada would not find a civil rights organization to be an appropriate plaintiff, and would uphold closing the courthouse door on them.

Given these concerns, I oppose the confirmation of Mr. Miguel Estrada.

STATEMENT OF BELEN ROBLES IN OPPOSITION TO THE CONFIRMATION OF MIGUEL ESTRADA

I write to join other Latino leaders and organizations in opposing the confirmation of Miguel Estrada to the DC Circuit Court of Appeals. As a native Texan, I have a very long and active involvement in the Latino civil rights community and have worked hard to ensure that Latinos have real choices about their lives. I am a past National President of the League of United Latin American Citizens (LULAC).

I am deeply troubled with the nomination of Miguel Estrada. I am very troubled with the positions he seems to have taken about our youth being subjected to racial profiling. As I understand his position, he does not believe that racial profiling exists, and has many times argued that the Constitution gives police officers unbridled authority and power. In our communities, racial profiling does exist and our children have been subjected to it. This is an issue that Latino organizations, including LULAC have long cared about. In all of the years that I was involved with civil rights, LULAC always stood to protect our community, including our youth when law enforcement exceeds their authority.

I am also concerned that Mr. Estrada did not allow the Senate to fully evaluate his record. He was not open in his responses, but instead was evasive. Yet, anyone appointed to a lifelong position has to be willing to answer questions fully. The American people have a right to know who sits in our seats of justice. And to demand that the person be fair.

Mr. Estrada has also taken actions against organizations that make me believe that he would not be fair. For example, as an attorney he argued that the NAACP did not have legal standing to put forward the claims of African Americans who have been arrested under a particular ordinance. As a former National President of LULAC, I know very well that on many occasions LULAC has been a champion of the rights of its membership in civil rights cases. We asserted those rights on behalf of voters in voting cases in Texas, and in many other civil rights cases. Under his view, Mr. Estrada could decide that a civil rights organization such as LULAC would not be able to sue on behalf of its members. No supporter of civil rights could agree with Mr. Estrada's confirmation.

I oppose the confirmation of Mr. Miguel Estrada.

HISPANIC BAR ASSOCIATION OF PENNSYLVANIA,

Philadelphia, PA, January 28, 2003.

Hon. Senator EDWARD M. KENNEDY,

Senate Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR HONORABLE SIR: I am writing on behalf of the Hispanic Bar Association of Pennsylvania (HBA) to inform you that we oppose the appointment of Miguel Angel Estrada to the United States Court of Appeals for the District of Columbia Circuit. For the reasons

that follow, we urge you to vote against Mr. Estrada's confirmation.

The HBA recognizes that Mr. Estrada's nomination was pending for some time prior to his hearing before the Senate Judiciary Committee on September 26, 2002. Nevertheless, it was the Hispanic National Bar Association's public endorsement of this candidate that prompted our organization to initiate its own evaluation of Mr. Estrada.

To that end, the HBA created a Special Committee on Judicial Nominations to develop a process for reviewing and potentially endorsing not only Mr. Estrada, but also all future candidates for the Judiciary. As part of the process, we contacted Mr. Estrada, asked to interview him, and invited him as a guest of the HBA to meet the members of our organization. Mr. Estrada, for stated good cause, declined our invitations. Notwithstanding Mr. Estrada's non-participation, the Committee completed its work and reported its findings to the HBA membership on November 14, 2002. Following the Committee's recommendation, the membership voted not to support Mr. Estrada's nomination.

The HBA recognizes and applauds Mr. Estrada for his outstanding professional and personal achievements. Indeed, the HBA adopts the American Bar Association's rating of ''well-qualified'' with regard to Mr. Estrada's professional competence and integrity. However, employing the ABA's seven established criteria for evaluating judicial temperament, the HBA finds Mr. Estrada to be lacking. Our organization could find no evidence that Mr. Estrada has demonstrated the judicial position. In addition, the HBA seeks to endorse individuals who have ''demonstrated awareness and sensitivity to minority, particularly Hispanic concerns.'' Sadly, we also could find no evidence of this quality in Mr. Estrada.

The HBA shares the concern of the president of the Judiciary Committee that only the best-qualified and most suitable individuals be appointed to the federal bench. Furthermore, the HBA appreciates the efforts, as evidenced by Mr. Estrada's nomination, to consider and promote members of the rapidly growing Latino population to positions of high visibility and importance. However, we believe that there are a myriad of other well-qualified Latinos whose integrity, professional competence, and judicial temperament would be beyond reproach and who would therefore be better suited for this position.

The Hispanic Bar Association of Pennsylvania regrets that it cannot support the nomination of Mr. Estrada to the United States Court of Appeals for the District of Columbia Circuit. We respectfully request that you oppose the confirmation of his nomination.

Respectfully submitted,

ARLENE RIVERA FINKELSTEIN,

President, and the Special Committee on Judicial Nominations on behalf of the Hispanic Bar Association of Pennsylvania.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, today is the 12th day, as remarkable as that seems, that the Senate is debating this nomination instead of doing what it has to for the important business of the American people, as I see it. It is quite clear the other side is just not going to get cloture on this nomination. So the choice is either bring forward a cloture motion or move on to other business.

The Nation's Governors are in Washington meeting with President Bush and Members of Congress to discuss critically important issues, such as homeland security, rising unemployment, and increasing State deficits. These are serious issues that need attention, but we are delaying tending to the needs of the American people with endless debate on a judicial nominee who is refusing to tell the Senate almost anything about his judicial philosophy or decisionmaking process.

This hide-the-ball strategy being used by Mr. Estrada, frankly, I think is an affront to the Senate and the American people. We have the right to get complete and thoughtful answers to legitimate concerns about his approach to his interpretation of the U.S. Constitution and the laws of the country.

I was formerly a businessman. Sometimes there are processes that are not dissimilar to our functions here. One of them is to be able to understand what a nominee or an appointment of a high-ranking executive might include and a review of that person's potential, that person's experience, that person's attitude before you put him to work.

My fellow Senators on the other side of the aisle would have the Senate, considered the most deliberative body in world history—and, I assume, also considered one of the most thoughtful places in the world in terms of Government and deliberative bodies—vote to confirm a nominee to a lifetime—lifetime, and it is important people realize that means you cannot be fired from the job; this means you can go as long as you want to, and when you are finished with your service, your salary continues at exactly the same level it did when you went to work every day—a lifetime appointment without disclosure of what I and my colleagues consider required information.

In the business world, this practice would have been unheard of, and the American people deserve better. If someone were seeking a post and they appeared before a congressional committee or a department head and said, I would like the job, but I am not willing to answer that questionnaire, that would make that aspirant unacceptable under any condition. It should be a requirement when a lifetime-tenured job is under discussion, something so important as the circuit court of appeals where people, after getting a decision from district court, go to get the judgment of wise and experienced people. His unwillingness to answer questions, to talk about what he stands for, and what he believes is a shocking disregard for appropriate behavior.

Responsible business owners do not hire senior managers without first conducting a complete and thorough review of that candidate's job application. The candidate would answer questions that give interviewers an opportunity to measure the candidate's decisionmaking process and views on work-related issues. A candidate cannot simply refuse to answer important questions of fitness, philosophy, or temperament. No business executive would hire a candidate who refused to answer basic inquiries. These are not private matters. They become the matters of the employer, be it government or business. Those in business would put their businesses at risk and leave themselves susceptible to future lawsuits based on negligent hiring practices.

No one is doubting the fact Mr. Estrada is bright and intelligent, but his repeated refusal to provide the Senate with any insight into his views on the law and the U.S. Constitution is incomprehensible. I just cannot understand it. How can we make an informed decision about a judicial nominee if the nominee refuses to provide the Senate with sufficient information about his judicial philosophy and, therefore, his temperament?

The questions being asked are not prohibited by law or judicial or professional ethics codes. Instead of entertaining continuing with these dilatory tactics, the Senate should simply move on to the important business of the American people concerned about the protection of their homeland; move on to repair a hemorrhaging Federal budget that under this administration has been converted from a $5.6 trillion surplus into a 2.$1 trillion deficit; move on to provide States that are experiencing dire economic conditions with more Federal assistance that would help them weather the storms during these times of increasing unemployment, threatening war with Iraq, and a sustained fear of potential terrorist acts.

In the most recent CNN Gallup poll, 50 percent of Americans believe the economy is the most pressing issue confronting the Nation. Thirty percent of Americans believe the war with Iraq is the most important issue, second to jobs and the economy.

The nomination of Mr. Estrada did not make the list of important concerns facing the Nation. Since January 2001, the number of unemployed Americans has increased by nearly 40 percent, with nearly 8.3 million Americans out of work.

Since President Bush took office, 2.3 million private sector jobs have been lost and the unemployment rate for Latinos by way of example has increased 33 percent. According to the Department of Labor, there are now 2.4 jobseekers for every job opening. So rather than focusing on creating jobs for 8.3 million Americans, the Senate is targeted on the job of one attorney, a very successful attorney who made a lot of money. But how does that influence what the American people see as their need?

This is the same thinking that has produced an economic stimulus package that overwhelmingly favors the top 1 percent of American taxpayers while giving very little to those who really need some economic help.

The Senate needs to move on to the important work of protecting the homeland. CIA Director Tenet and FBI Director Mueller have both testified that America is still vulnerable to terrorist attack, and we keep on hearing alarms described in different colors. The American public does not understand what the difference between red and yellow is. They just know it scares them. It panics them. They do not know what to do. I get phone calls from people in New Jersey asking, Should we stay out of New York City? Should we not take our children on a trip? Should we stay home? The answer to all of those is that we do not really know, but we ought to get on with finding out.

The omnibus appropriations bill provides less than half of the $3.5 billion in funding promised to law enforcement people, firefighters, and emergency medical personnel. Meanwhile, America's ports, borders, and critical infrastructure remain dangerously unprotected.

Once again, instead of focusing on protecting the homeland and funding our first responders, the work of the Senate is being delayed in order to secure the appointment of a judicial nominee who refuses to share his views with the American people.

I do not intend to demean or diminish the importance of this nomination. It is very important. To the contrary, the nomination at issue is to the U.S. Court of Appeals for the DC Circuit, which is the most powerful intermediate Federal appellate court, second only to the U.S. Supreme Court. The DC Circuit is more powerful, it is observed, than other Federal courts because it has exclusive jurisdiction over a broad array of far-reaching Federal regulations that enforce critical environment, consumer, and worker protection laws.

As history has shown, DC Circuit Court judges are often tapped to serve on the Supreme Court. Presently, three of the nine Supreme Court Justices—Justices Antonin Scalia, Clarence Thomas, and Ruth Bader Ginsburg—previously served on the DC Circuit.

The Senate has a constitutional responsibility. The constitutional judicial confirmation process grants authority to the President of the United States to make the nominations and gives the Senate an equally significant role to agree by advising and consenting with the President's recommendation before a nominee can sit on the Federal bench. These important, mutually coexisting roles of the President and the Senate are central to the democratic system of separation of powers and checks and balances.

Mr. Estrada must provide the Senate with a full and complete understanding of his views of the law and the Constitution, including important civil rights laws that protect all Americans, especially minorities, women, the elderly, and the disabled. However, if he is unwilling or the White House is unwilling to nominate judicial nominees who are willing to answer reasonable, nonintrusive, and legitimate inquiries of the Senate, then these nominees should not be confirmed.

The role of the Senate in the confirmation process is advise and consent. It does not say anyplace to rubberstamp all Presidential nominations. The Senate should not abdicate its responsibility to thoroughly review judicial nominations. It is a responsibility, it is an obligation, for each one of us. Rather, the Senate is dutybound to ensure that each nominee maintains the utmost commitment to upholding the Constitution of our country—following precedent, listening to arguments without fear or favor, and rendering judgment without personal bias. Miguel Estrada has failed to respond to legitimate inquiries to the Senate and the American people.

As I said before, it is time to move on to the important work of the American people, and let this appointment fall as it should unless Mr. Estrada has a reckoning with himself and his obligation and comes to the Senate to discuss his views in response to questions posed by the Senate.

Mr. REID. Will the Senator yield for a question?

Mr. LAUTENBERG. Yes.

Mr. REID. The Senator is from the State of New Jersey. Of course, the State of New Jersey is very aware of the news that is put out in the New York Times and the editorials put out in the New York Times. Is that a fair statement?

Mr. LAUTENBERG. It is a very important paper, yes.

Mr. REID. I do not know if the Senator is aware that I read into the RECORD this morning a New York Times editorial from last fall dealing with Estrada. I ask the Senator if he is aware of the first paragraph of an editorial written February 13, 2003, in the New York Times?

Is the Senator also aware that last night the majority read into the RECORD a number of editorials from around the country?

Mr. LAUTENBERG. I am aware of that.

Mr. REID. Does the Senator from New Jersey know the circulation of the New York Times?

Mr. LAUTENBERG. I do not know precisely, but it is in the——

Mr. REID. It is in the millions.

Mr. LAUTENBERG. I am sorry?

Mr. REID. It is over a million.

Mr. LAUTENBERG. Over a million certainly on the weekends.

Mr. REID. Yes, I am sure it is.

Is the Senator aware of this editorial that says, paragraph No. 1, ''The Bush administration is missing the point in the Senate battle over Miguel Estrada, its controversial nominee to the powerful DC Circuit Court of Appeals. Democrats who have vowed to filibuster the nomination are not engaging in 'shameful politics,' as the President has put it, nor are they anti-Latino, as Republicans have cynically charged. They are insisting that the White House respect the Senate's role in confirming judicial nominees''?

Mr. LAUTENBERG. I am. I am also aware of the fact that there are Latino organizations that are unalterably opposed to this nomination.

Mr. REID. If the Senator will yield for a question, is he aware that it is led by the Congressional Hispanic Caucus?

Mr. LAUTENBERG. I am aware of all that.

Mr. REID. If the Senator will yield for a further question, it would be difficult, would it not, to say that the Congressional Hispanic Caucus was anti-Hispanic?

Mr. LAUTENBERG. I absolutely agree that there would typically be a determination by them to support the nomination, but they are not. If the Senator will help sharpen my memory, I think they said keep on talking in the close of that editorial piece.

Mr. REID. We are going to find out. If the Senator would yield for another question?

Mr. LAUTENBERG. I would be happy to.

Mr. REID. I ask if the Senator from New Jersey agrees with that first paragraph of the editorial that I just wrote—read. I wish I had written it, but I read it.

Mr. LAUTENBERG. I agree with the Senator and wish I had written it as well.

Mr. REID. It is a short editorial. It is only three paragraphs. I will ask the Senator a question if he would yield.

Mr. LAUTENBERG. Yes.

Mr. REID. ''The Bush administration has shown no interest in working with Senate Democrats to select nominees who could be approved by consensus, and has dug in its heels on its most controversial choices. At their confirmation hearings, judicial nominees have refused to answer questions about their views on legal issues. And Senate Republicans have rushed through the procedures on controversial nominees. Mr. Estrada embodies the White House's scorn for the Senate's role. Dubbed the 'stealth candidate,' he arrived with an extremely conservative reputation but almost no paper trail. He refused to answer questions, and although he had written many memorandums as a lawyer in the Justice Department, the White House refused to release them.''

Does the Senator from New Jersey agree with the statement made in this editorial, second paragraph, by the New York Times?

Mr. LAUTENBERG. I agree with it fully. I read that editorial. I was in total agreement with their logic, coming from New Jersey where we had candidates who were recommended for the

appeals court languish—nothing happening for months and months and months. The protests we hear now from our friends on the other side about the process are a bit shameless because we had a nominee from California, Mr. Paez, who waited, I believe, 1,500 days.

Mr. REID. One thousand five hundred four days.

Mr. LAUTENBERG. Waiting for a review by the committee, and could not get that.

If we talk about obstinate approaches to the process about deliberate obstruction, the record is very clear.

When we presented candidates, when the Democrats were a majority, they could not move them because the Republican side of the Senate would not permit any action at all.

Mr. REID. Will the Senator yield for an additional question?

Mr. LAUTENBERG. I am happy to yield to my friend from Nevada.

Mr. REID. The final paragraph of this short but powerful editorial, does the Senator from New Jersey agree with this:

> The Senate Democratic leader, Tom Daschle, insists that the Senate be given the information it needs to evaluate Mr. Estrada. He says there cannot be a vote until senators are given access to Mr. Estrada's memorandums and until they get answers to their questions. The White House can call this politics or obstruction. But in fact it is Senators doing their jobs.

Would the Senator agree with this statement?

Mr. LAUTENBERG. I agree 100 percent with that statement, and I think we ought to get on with the business of the American people.

Mr. REID. If the Senator will yield for another question before he leaves the floor. The Senator mentioned there were aspirants to be appellate judges, and is the Senator aware that a number of these people were from New York? Is that true?

Mr. LAUTENBERG. Indeed, that is true.

I just got a letter from a district court judge in New Jersey, considered one of the most brilliant and able district court judges, who was recommended for the circuit court of appeals in our district and decided after a long wait that he was not going to get a chance to be heard for a circuit court job. He informs me in his letter that he is going back to the law firm after 10 years on the Federal bench—a distinguished jurist, a great loss. He could not get a hearing, so he decided to withdraw rather than sit there and be dangled like a kite in the wind.

Mr. REID. Is the Senator aware of the names of 79 Clinton judicial nominees who were not confirmed by the Republicans?

Mr. LAUTENBERG. I am fully aware of that. I listened when the distinguished Democratic whip read that list the first time, and I took the liberty of reading the list a second time to make sure it was clearly understood.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, it is very interesting to hear the discussions. It is very similar to what we have heard now for a couple of weeks. I could not agree more with the Senator from New Jersey who says let's get on with it. I have a suggestion as to how we can do that. There are more than a majority in this Senate who are satisfied with this candidate and ready to vote. All we need to do is have an up-or-down vote. Those who are opposing that are in the minority. They can study as many things as they choose. The fact is, the majority of the people on this floor are satisfied this candidate is the right candidate and it is time to go. I could not agree more.

We have a lot of things to do. We have gone through the hearings, we have gone through all the background, and certainly most of us would like to get away from this delay tactic and get on with our work. I have to say that when the majority is ready to go, that is what we ought to do. I suggest that.

I will discuss another subject for a moment.

THE PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 475 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, again I hope we find ourselves in a position to move forward. I don't think there is a soul here who would not admit we have talked enough about this judicial nomination. I don't think there is a soul here who would deny we have all made up our minds, we all know exactly what we are going to do. It is very clear that the majority on this floor is prepared to vote for this nominee and we are being held up over here by a minority that simply continues to ask for something that is not necessary because the majority has already been determined. So I hope we can move on and do the business of this country for these people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise today to submit a resolution.

(The remarks of Mr. CRAPO pertaining to the submission of S. Con. Res. 11 are printed in today's RECORD under "Submission on Concurrent and Senate Resolutions.")

JUDICIARY COMMITTEE ACTION

Mr. DASCHLE. Mr. President, I wanted to come to the floor this afternoon to discuss a matter that occurred in the Judiciary Committee today that is deeply troubling.

During a mark-up of 3 controversial circuit court nominees, the Chairman of the Judiciary Committee refused to observe the long-standing rules of the committee and brought two circuit court nominations to a vote despite the fact that there was a desire by several members of the minority to continue debate.

This situation is very specifically addressed by Committee Rule No. 4, which reads as follows:

> The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a rollcall vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the Minority.

At the time that the chairman attempted to bring the nominations of John Roberts and Deborah Cook to a vote, objections were lodged by at least 2 members of the committee.

In fact, I believe that this rule was read into the RECORD in an effort to make clear to the chairman that it was not appropriate under the committee rules to bring these matters to a vote.

Despite the fact that this action represented a clear violation of the committee rules, the chairman ended debate on these nominations and conducted a roll call vote.

This reckless exercise of raw power by a chairman without regard to the agreed-upon standards of conduct that members of the committee have agreed to is ominous.

Senate committees either have rules or they do not. It cannot be the case that the rules of a committee will apply unless the chairman deems them inconvenient or an obstacle to a goal he seeks at any given moment.

This body has, for over 200 years, operated on the principle that civil debate and resolution of competing philosophies require rules. If the actions taken today indicate the new standard to which the majority plans to hold itself, then I propose that we simply repeal committee rules altogether and acknowledge that "might makes right" and there is no respect for minority interests.

How can we expect the Judiciary Committee to place on the bench individuals who respect the rule of law if the very process that the committee uses to confirm those individuals violates the Senate rules themselves?

I hope that upon reflection the chairman of the Judiciary Committee will reconvene the committee and allow for the committee to report out these nominations in a manner that is consistent with the committee rules.

If not, he must recognize that he is setting a terrible precedent regarding the operation of Senate committees in the future, regardless of which party may be in control.

Mr. President, I am very deeply troubled. This is a body of rules. This is a

country of laws. I cannot imagine that there is ever a time that any one of us—any one of us—ought to be in a position to say: The rules in this case are not going to apply, the law in this case will not apply.

And how ironic—how ironic—that in the Judiciary Committee, the committee which passes judgment on those who will interpret the rule of law, that very committee violated the rule today.

So, Mr. President, we call attention to this extraordinary development with grave concern about its implications, about its precedent, about the message it sends. And I must say, it will not be tolerated.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HOMELAND SECURITY

Mr. REID. Mr. President, there have been a number of statements over the past many months about the fact that we should have been spending more money on homeland security.

For example, this week, I had a woman come to me from Las Vegas, who is in charge of the 9–1–1 center at the Metropolitan Police Department, a very large police department, with hundreds and hundreds of police officers representing that urban area of some 1.5 to 1.7 million people.

She indicated to me there is a real problem. If you have a telephone call coming from a standard telephone, that person can be identified. They know the location of that telephone. Or if it is a pay phone, they know the location of that pay phone. But today a lot of people are getting rid of their standard telephones, as we know them, and are using computers, and millions and millions of people are using cell phones.

She said that for virtually every place in the United States, including the Las Vegas area, if you call 9–1–1 from a cell phone, they have no idea who is making the phone call or where it is coming from. And, of course, with the computer, that is absolutely the case also.

She was lamenting the fact that the technology is there. It is easy to do what needs to be done to make sure that 9–1–1 calls that come from cell phones can be located.

People have lost their lives and have been injured and harm caused to them as a result of 9–1–1 not being able to identify when the emergency call comes in. This is only one example of how technology could handle the problem.

Why isn't it being done in Las Vegas and other places? There isn't enough money. With what happened on September 11, there is tremendous need for more money to be spent for homeland security. This was certainly the opinion of the Governors who were in town this week. They are having all kinds of problems.

So, Mr. President, I would like to refer again to the New York Times. I have talked about an editorial, as did my friend from Idaho, in the New York Times. I want to refer to a news story from the New York Times, dated today, February 27, 2003, written by one Philip Shenon, entitled ''White House Concedes That Counterterror Budget Is Meager.'' In effect, what this news article says is the White House now recognizes that there isn't enough money to take care of the problems of homeland security.

In this article, among other things, the President blames the leadership of the House and the Senate. And, of course, that does not include the Democratic leadership, because everyone knows, including the President, that we have been crying for more money for more than a year.

There are just a couple things from this news article I would like to point out to the Senate:

> . . . the long delayed Government spending plan for the year does not provide enough money to protect against terrorist attacks on American soil.

Mr. President, this is a statement from this administration. This is not a statement from the Senator from West Virginia, the senior member of the Appropriations Committee, who has spoken for hours and hours on the need for more money. This is not a statement from Senator DASCHLE, the Democratic leader. This is coming from the administration: White House concedes that counterterror budget is meager.

The article goes on to say:

> . . . because it had failed to provide adequate money for local counterterrorism programs.

Mr. President, throughout America today you can't have police agencies talking with each other. In Las Vegas, as an example, you have the Las Vegas Metropolitan Police Department, the city of Henderson, and Boulder City, and they can't talk to each other in an emergency. The technology is there. They can do that. But these governments simply don't have the money to do that. Fire departments can't talk to police departments all over America. It is not only a problem in Nevada.

We have been asking that the President help with these moneys, and he has been unwilling to do so. He, in effect, vetoed a multibillion dollar proposal we had in a bill just a short time ago. In the bill we had, the big omnibus bill, we asked for a small amount of money for all the demands in here. We asked for $3.5 billion, but it contains only, as this article indicates, about $1.3 billion in counterterrorism money for local governments.

Now, these remarks struck some of the audiences unusually sharp, given that ''both Houses of Congress are controlled by the President's party,'' as the article indicates.

Now, there is more in this article, and the day is late, and the snow is falling, but I do want to read this to make sure the picture is plain.

This is a quote from Governor Gary Locke of Washington, which is in the article:

> We have a lot of police agencies in the state that were assured by the administration, repeatedly, that this money was on the way.

Still quoting from the article:

> He said that many police and fire departments had bought [for example] hazardous-materials protective suits and other counterterrorism equipment in the expectation that they would be reimbursed by the federal government.
>
> ''And now,'' Governor Locke said, ''they're going to have to scramble to terminate other programs in order to cover those costs.''

It is not only Democratic Governors complaining. Republican Governors are complaining. Governor Bob Taft, a Republican, said lawmakers did not appropriate the amount that was recommended and earmarked for what they appropriated. So it is very clear there are things we need to do on this Senate floor that deal with more than the employment of one man, Miguel Estrada, a man who today, I am sure, is billing big hours down at his plush office here in Washington, a man who makes hundreds of thousands of dollars a year.

There have been statements made on this floor that it is extremely important that we shift from this man's employment, one man's employment, to the millions of people who are unemployed, and millions who are underemployed, people who have no health insurance and are underinsured and the many other problems we face.

UNANIMOUS CONSENT REQUEST—S. 466

Based upon the New York Times article and the fact that the President of the United States has now acknowledged that the counterterror budget is meager, I ask unanimous consent that the Senate return to legislative session and then proceed to the immediate consideration of S. 466, a bill to provide $5 billion for first responders, introduced today by Senator DASCHLE.

The PRESIDING OFFICER. Is there objection?

Mr. CRAPO. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, this is no surprise. I hope that people will understand the need to go to other legislation. When we have our own President who, for more than a year, has said we have enough money, there is money in the pipeline, now agreeing that we have a problem, that we don't have enough money. The State of Nevada, I spoke to the State legislature there a week ago last Tuesday, 10 days ago, 9 days ago. I told the legislature there, which is like 45 other State legislatures around America today, they have a State that is in red ink. I told them there are a number of reasons they are

in red ink. One is we have passed a bill called Leave No Child Behind, and we are leaving lots of children behind because we passed on to the State of Nevada and other States unfunded mandates that create financial problems for the States.

I also told the State legislature that what we have done in passing different measures dealing with terrorism, we have passed on to the State and local governments unfunded mandates, costing the State of Nevada and local governments millions of dollars, causing their budgets to be in the red significantly.

The President is wrong. He must help us address the problem. Senator DASCHLE's bill for $5 billion for first responders is not enough, but it is a step in the right direction.

We are fighting. We have now here the former chairman of the Armed Services Committee, now ranking member. As we speak, American forces are in a war in Afghanistan. People every day are being wounded and killed in Afghanistan. But that has been overwhelmed by what is going on in Iraq, or what soon will go on in Iraq.

We have lots of problems. We have problems in North Korea, which is a real serious one. They have started their second reactor there in the last few days. I was present at a briefing the other day with somebody from the administration who should know about how much the war is going to cost, and they don't know. The war in Iraq, they don't know. But we know we have a war going on here at home to fight terrorism, and we are not spending enough money to protect American people.

We have interests in the Middle East. We have interests in Afghanistan. We have interests on the Korean peninsula. We have interests here, and they are being neglected. The President acknowledges that. What are we doing here, spending 3 weeks dealing with Miguel Estrada. It is wrong. I am not surprised this unanimous consent request was objected to, but even though I am not surprised, it doesn't take away from the significance and really how depressed I am as a result of not having the adequate resources we need to take care of the problems dealing with homeland security.

Mr. LEVIN. I wonder if the Senator will yield for one question?

Mr. REID. I am happy to yield to my friend.

Mr. LEVIN. We have heard now with some regularity from the administration that they have no idea, no estimate as to what the cost of the war with Iraq will be, nor what the aftermath would cost; in other words, assuming there is a war, assuming that we occupy Iraq with or without others. According to General Shinseki, that could actually involve up to 100,000 troops there for some unlimited period of time. But even if they disagree with that, which apparently some members of the Pentagon do, we have not been able to obtain—and they claim there is none—an estimate of the cost of the aftermath of a war with Iraq at the same time that they are asking us to put in place an additional tax cut.

Does it not strike my good friend from Nevada as being irresponsible to put into place tax cuts with huge costs to the Treasury when we are likely on the verge of a war which has no particular estimated cost, and then the aftermath of that war, which could last years, in turn also has no estimated cost? Does it not strike the Senator from Nevada as simply not being the responsible thing to do to be imposing or putting into place tax reductions which means losses to the Treasury, when we are right on the verge of potential expenditures which could be literally hundreds of billions of dollars over a reasonably short period of time?

Mr. REID. Even though I would disagree with what the administration would do if they had the information and wouldn't give it to us, I wouldn't like that, but I would at least feel more comfortable that they were on top of their game. But for them to come to us and say, we don't know, that says it all. If they don't know and have no estimates as to the cost of what post-Iraq is going to be, we should all be concerned. If the general is 50 percent wrong, and it is only 100,000 troops, that is a lot of troops to keep there for a period of time. They don't know whether it is 2 days, 2 years or 2 decades.

Mr. LEVIN. And the answer we get is there is no way to know with certainty. These specifics are simply not available. There are too many imponderables. That is true, there are clearly some uncertainties. But it seems obvious to me the planners at the Pentagon must have some range of time or else there is no exit strategy, or else it is forever.

Previous administrations have been criticized for not having exit strategies, not having estimates in time, for making their estimate too short: They will be home by Christmas. But that is no excuse for not having some range—that we will be there from 1 to 3 years according to the best estimate. The worst case scenario is X number of years, best case scenario is such and such. The best case scenario is we won't have problems with the Kurds or the Shia will not be attacking the Sunni. The worst case scenario is we will have those kinds of civil wars. There are best case and worst case scenarios which allow planners who are working actually on estimated costs and exit strategies to come up with some kind of an estimate upon which we can base future resources and expenditures of this Nation.

Mr. REID. People in the administration who try to be candid with Congress get in trouble. Larry Lindsey, the chief economic adviser to the President, told us the war would cost $100 billion. He lost his job. I don't know if that is the only reason, but the general, a couple days ago, said: We will have to have 200,000 troops. There was a mad rush to that poor man to get him to change his opinion, and he changed his opinion and said: Maybe I was wrong, maybe it will be—and he mumbled around a little bit, but he gave an honest answer.

Mr. LEVIN. He did.

Mr. REID. Let's hope he doesn't lose his job. Let me also say this. We have all been impressed with this movie ''A Beautiful Mind,'' which a year ago won the Academy Award. The principle of that movie and the book that I read, written by a woman named Nasar, was that this brilliant man, Nash, figured out what was called the game theory. This doesn't necessarily mean playing checkers.

He was able to determine through this brilliant mind that he had what would happen if more than two people were engaged in an activity and, as a result of the work he did, that is what much of the cold war planning was based upon—his theory, his game theory.

Now, for me to be told that this mighty Nation, the United States of America, with 260 million people, with the finest educational institutions in the world—there are about 121 great universities in the world, and we have about 112 of them; basically they are all in America. So for someone to tell me that we don't know what it is going to cost postwar, that simply is not being candid. They know. There are different scenarios and they have them all in those computers, and they know what the different costs are going to be.

I say to my friend from Michigan that, through mathematics, through computer modeling, you can figure about anything out. As most everybody knows, my last election was real close. I won election night by 401 votes. By the time it was over, I picked up 27 more votes. But on election night, I had a computer man who worked with me for many years. He was a fine man. He had run a number of different models for the 17 counties in Nevada and he told me after the vote was out of Clark County: You cannot lose. I have run every model there is and you cannot lose. It will be close, but you cannot lose. He figured out with mathematical certainty that I could not lose. Now, I didn't believe him, but he knew because he believes math doesn't lie.

So without belaboring the point to the Senator from Michigan, somebody knows in this administration, but they are not going to tell us because they are afraid the American people are going to lose more confidence. As reported yesterday, the Wall Street Journal reports that soaring energy costs, the threat of terrorism, and a stagnant job market has sent consumer spirits plunging to levels only seen in recessions. That was from yesterday. That is why they are not telling us.

I have given the Senator a very long answer to a short question, but I believe the administration knows and

they are afraid to fess up to the Congress and to the American people what this war is going to cost.

Mr. LEVIN. Just to add one further thought, it seems to me it would be absolutely irresponsible not to have a range or an estimate of what the cost of a war would be in the best and worst case scenarios.

Mr. REID. Or middle case.

Mr. LEVIN. Yes, or at least a range on what is the worst case scenario and what is the best case scenario. I cannot believe the planners at the Pentagon and the OMB do not have a range. If they don't have a range, it would be irresponsible because how in heaven's name can the administration then say that we can afford a tax cut of the size they are proposing, when we have an impending demand for resources in a war that could be lengthy, costly, and then the aftermath could be lengthy and costly? It borders on the reckless, in terms of an economy, to say we don't have an estimate, we don't know whether or not it is going to be $20 billion, $40 billion, $100 billion—we don't have a range; yet they are trying to persuade a majority of the Congress that we ought to shrink the resources coming into the Government at the same time we are on the verge of war and the aftermath of a war, which doesn't have any estimated length, any estimated cost, and no troop estimate. We were given about a 200,000 estimate. Well, that is too high. OK, what is the ceiling that is more realistic to the people who say 200,000 is too high? We are completely devoid of that.

What we are not devoid of, though, is the effort to shrink resources to this Government through a tax cut, which has a number of problems to it. One of them is that when we are facing what we are in terms of expenditures, it is not the responsible thing to do.

Mr. REID. I would like to respond, not in a very direct way, but to point out problems the Senator has outlined in his statement to me. Is the Senator aware that yesterday I talked about a Pew Research Center poll? It is a nonpartisan organization. They are not for Democrats or Republicans. This was a real big poll, where 1,254 adults were contacted between February 12 and 18. For the first time in this administration, the American people do not approve of the way George W. Bush is handling the economy; 48 percent of the people disapprove. Is the Senator aware of that?

Mr. LEVIN. I wasn't aware of the Senator's remarks, but I was aware of the poll.

Mr. REID. And the Senator talked about tax policy. This same poll says that 44 percent of the American people disagree of George W. Bush's handling of tax policy. So the Senator said it all. I appreciate his asking me a question.

Mr. LEVIN. Mr. President, I am going to speak about the very budget document that the Senator from Nevada and I have been discussing, perhaps in an indirect way. I wish to share some thoughts with the Senate about the proposed budget for 2004, which the President has now sent to Congress.

As always, I wanted to see where the President's priorities were—not in sound bites, but the actual nitty-gritty numbers in the budget document. While every budget request is important, with the economy sputtering the way it is and with huge Federal deficits looming and critical domestic and international issues unresolved, particularly when we are facing the potential of a war and a very lengthy and complicated, expensive aftermath to that war, this budget requires special attention.

I have been keenly disappointed by what this attention revealed. The President's budget would do exactly what he recently said he did not want to do, which was to pass our problems along to the next generation. The President made a very eloquent statement in the State of the Union Address, saying that we are not going to pass our problems along to the next generation. But when you look at the details of the budget, that is precisely what this budget request does.

By the administration's own calculations, this budget would have us run a deficit of over a trillion dollars for the next 5 years, including record-setting deficits of over $300 billion for this year and next.

Now, the contrast here between this projection of deficit and the $5.5 trillion 10-year surplus that was projected in January of 2001 is simply stunning. That contrast between just what 2 years ago was projected for our economy—a $5.5 trillion surplus—now there are projections of deficits upon deficits upon deficits—a projected deficit of over a trillion dollars over the next 5 years.

The administration's plan estimates a non-Social Security deficit totaling over $2.5 trillion to the year 2008, which would leave us with an additional debt of $5 trillion in 2008, which is 150 times greater than what was projected just in the year 2001.

Why such dire fiscal predictions? First, while the tax cut in the year 2001 played a huge part in putting us into the current deficit ditch, the President's call for an additional $1.5 trillion in new tax cuts—most of which disproportionately benefits upper income folks—will help ensure that we not only stay in the deficit ditch, which we are back into, but that it will be a deep deficit ditch.

Even Federal Reserve Chairman Alan Greenspan recognized the danger of such cuts when he spoke of the importance of curbing the deficit, not increasing it.

That perhaps came as a surprise to some people in the administration who were looking to Alan Greenspan to give support to the tax cut proposal and minimize, they hoped, the impact of deficits on future economies. That is not what Chairman Greenspan did. He straightforwardly recognized the danger of the tax cuts when he spoke of the importance of reducing deficits and not increasing deficits.

Mr. President, I see the Democratic leader is in the Chamber. I withhold the remainder of my comments at this time because he has a very important message relative to North Korea, and I wish to participate with him in a colloquy and presentation. So I withhold the remainder of my comments relative to the President's budget at this time.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

NORTH KOREA

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Michigan for his courtesy and appreciate very much his comments with regard to the budget and his extraordinary leadership with regard to many issues involving our military challenges and priorities abroad.

Three weeks ago, I came to the Senate floor to address the intensifying crisis in North Korea, a country and a situation that I believe poses a risk to our Nation every bit as serious as that posed by Saddam Hussein. At the time, I urged President Bush immediately and directly to engage the North Korean Government in discussions to bring about a verifiable end to that country's nuclear weapons program.

Unfortunately, the administration so far has failed to act, and, in the meantime, the crisis in North Korea continues to escalate. In recent days, we have seen reports that North Korea test-fired a new missile, evidently that regime's idea of an inauguration present for South Korea's incoming President. Just today, the newspapers contain reports that North Korea has restarted one of the reactors at its primary nuclear complex, a reactor that produces spent plutonium which can then be converted into weapons grade material.

Let's be clear about what this latest provocation means. It means North Korea could have a nuclear production line up and running and producing weapons grade nuclear material in a matter of months. It means the world's worst proliferator could have enough nuclear material to produce six to eight nuclear weapons by summer.

According to Brent Scowcroft, President George Bush's National Security Adviser, if we fail to act, it means ''We will soon face a rampant plutonium production program that could spark a nuclear arms race in Asia and provide deadly exports to America's most implacable enemies.''

Unfortunately, the administration continues to insist on downplaying this threat. These latest developments should confirm for anyone watching that this is a crisis that only grows with each day the administration fails to act. I come to the floor today to join with my colleague, the ranking member of the Armed Services Committee, to urge the administration to act now.

The first step toward action is to acknowledge there is a problem. Based on a series of administration statements that play down the threat posed by North Korea's actions, it appears many in the administration are not even willing to take this step. For example, for quite some time now, the administration refused to call this situation even a crisis.

Last month, North Korea announced its intention to withdraw from the Nuclear Non-Proliferation Treaty, the cornerstone of the world's nonproliferation efforts, and the response from Under Secretary of State John Bolton, ''Not at all expected,'' and on Monday after the missile test, the administration is quoted as saying that this was ''just a periodic event.'' Secretary Powell called the test ''not surprising and fairly innocuous.''

So what do we do? I believe we must begin by making certain we are on the same page as our allies. Failure to do so will only produce a failed policy. Unfortunately, while the administration says the right things about the importance of coalitions, it is unwilling or unable to do the right things to build a coalition.

The administration continues to insist on multilateral discussions with the North Koreans while our friends and others have consistently and repeatedly urged President Bush to engage in bilateral talks. Therefore, the administration must redouble its efforts with our allies in South Korea, Japan, with the Chinese, and the Russians.

Second, we must make it clear to the North Koreans that separating plutonium from the spent fuel rods at Yongbyon represents an unacceptable threat to our collective security. We should tell North Korea what we expect of them directly: That if it verifiably freezes all nuclear activities, we and our allies are prepared to discuss the full range of security issues affecting the peninsula, as well as other steps North Korea can take to reenter the international community.

This is not news to the administration. In fact, the President himself has suggested he is prepared to have just these kinds of talks.

Yet, I must say, regrettably, the administration still delays. It allows the crisis to deepen and relations with our friends who are most directly threatened by North Korea to suffer. In fact, what would reward North Korea is to continue to stand by while it builds a nuclear arsenal. The danger within North Korea is too urgent for the President to delay this any further.

Finally, let me also take advantage of having my colleague, Senator LEVIN, in the Chamber to discuss a recent exchange of letters with the administration on this issue. Senators LEVIN, BIDEN, and I laid out our concerns to the administration about its North Korean policies and provided recommendations in a series of letters. I recently received a response from Dr. Rice, and I ask unanimous consent to print our January 31 letter and Dr. Rice's February 10 response in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 31, 2003.

Dr. CONDOLEEZZA RICE,
National Security Adviser, The White House, Washington, DC.

DEAR DR. RICE: We wrote to you earlier this month about our increased concern regarding the crises on the Korean peninsula. Our concern has deepended significantly as a result of a report in today's New York Times, which was confirmed by the Administration, that the U.S. government has evidence that North Korea is removing spent nuclear fuel rods from storage. These rods, which had been securely stored under IAEA monitoring from 1994 until recently, reportedly contain enough plutonium to produce roughtly a half dozen nuclear weapons.

As alarming as this report is, we are just as troubled by the Administration's reported reaction to these developments. Prior to this disclosure, the Administration said nothing publicly or privately to Congress about these activities. According to comments attributed to senior Administration officials, the Administration has consciously decided to hold this information in an effort to avoid creating a crisis atmosphere and distracting international attention from Iraq.

This muted response to the world's worst proliferator taking concrete steps that could permit it to build a nuclear arsenal stands in stark contrast to the President's statement on Tuesday evening that ''the gravest danger in the war on terror . . . is outlaw regimes that seek and possess nuclear, chemical, and biological weapons.'' It is also increasingly difficult to square the Administration's rehtroic on Iraq and decades of U.S. policy aimed at discouraging the emergence of declared nuclear powers with its continued downplaying of the threat posed by North Korea's blatant disregard for international rules on proliferation.

As the crisis with North Korea continues to escalate, the Administration's policy has not gotten any clearer. The Administration's lack of a clear, consistent policy and our failure to take concrete steps to address this growing crisis has produced consternation and confusion. One result is that our allies in the region appear to be taking a course directly at odds with the Administration's latest pronouncements.

Given the stakes of the situation and the ongoing confusion about the Administration's policy, we request that you come brief the Senate as early as is practical to discuss that we know about North Korea['s latest actions and what the United States is doing in response.

We look forward to hearing from you as soon as possible

Sincerely,

TOM DASCHLE.
JOSEPH R. BIDEN, Jr.
CARL LEVIN.

THE WHITE HOUSE,
Washington, DC, February 10, 2003.

Hon. THOMAS A. DASCHLE,
Democratic Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: Thank you for your letter regarding U.S. policy on North Korea.

I agree with you about the need to take effective action in light of North Korea's recent actions to restart its nuclear facilities at Yongbyon. The United States is working closely with friends and allies toward our objective of the elimination of North Korea's nuclear weapons program in a verifiable and irreversible manner.

However, I disagree with the assertion contained in your letter that, prior to the New York Times article on January 31 on recent North Korean activities, ''the Administration said nothing publicly or privately to Congress about these activities.'' I also reject any suggestion that the Administration consciously withheld information from Congress to avoid distracting attention from Iraq.

The Administration has regularly briefed and consulted Members of Congress regarding policy toward North Korea and Iraq. For example, Deputy Secretary Armitage briefed Senators on January 16 on recent intelligence on activities at North Korean nuclear facilities and steps taken by the Administration in response to these actions. He also testified before the Senate Foreign Relations Committee on February 4.

In addition, the CIA has routinely provided briefings and written reports to Members and its oversight Committees. CIA briefed Senate Foreign Relations staff on three occasions in December on North Korea WMD issues, and on January 29, published an article on North Korean nuclear-related activities in the Senior Executive Intelligence Brief (SEIB) that addressed the issues discussed in the New York Times on January 31. The January 29 article was one of nine such articles published in the SEIB on North Korea in January alone. The SEIB is delivered daily to the CIA's oversight Committees and to the Office of Senate Security where it is available to Senators and appropriately-cleared staff.

In the days and weeks ahead, it is my hope that we can work together to address the challenges we face on a range of critical national security issues, including North Korea and Iraq.

Sincerely,

CONDOLEEZZA RICE,
Assistant to the President for National Security Affairs.

Mr. DASCHLE. Unfortunately, little in Dr. Rice's letter addresses our policy concerns. Rather, the bulk of her comments are dedicated to rebutting a claim in our letter that Congress has not been adequately consulted about some explosive findings revealed in a January 31 New York Times article.

The article stated that the U.S. Government has evidence North Korea had begun moving spent fuel rods out of a secure storage area, a development that was subsequently confirmed by the administration. Movement of spent fuel rods would either suggest that North Korea was getting ready to reprocess that fuel to build new weapons or was trying to hide the spent fuel from the international community. In either case, this is a very significant finding that we believed then and still believe deserves to be brought to the Congress's attention.

While Dr. Rice rightly points out that Congress has been briefed on North Korea issues generally, including a briefing by Deputy Secretary Armitage on January 16, we are not aware of any administration briefing that provided us with information on this specific development prior to the New York Times story. And in recent testimony before the Senate Foreign Relations Committee, Deputy Secretary Armitage implicitly acknowledged that fact.

The reason to bring this up is because we are facing a crisis on the Korean peninsula, a crisis with extremely high stakes, a crisis that demands robust American response, a crisis that demands we be clear with each other and with the American people. Given the stakes of the situation and the ongoing confusion about the administration's policy, we should expect no less.

I yield the floor.

Mr. LEVIN. Mr. President, will the Democratic leader yield just for some questions?

Mr. DASCHLE. Before I yield the floor, I am happy to yield to the distinguished Senator from Michigan.

Mr. LEVIN. Is the Senator aware of a statement which was made before us—I do not know how he would be, but let me brief him on it. We had the head of the Defense Intelligence Agency in front of the Armed Services Committee a couple of days ago, and we asked him whether or not in his judgment there was a crisis on the Korean peninsula because of the actions of North Korea in removing these seals from the spent fuel, eliminating the cameras and kicking out the inspectors. Even though the administration is unwilling to put the label ''crisis'' on what is going on on the Korean peninsula, Admiral Jacoby was more than willing to say, yes, this is a crisis.

I am wondering if the Democratic leader would agree that part of the problem that we have in dealing with the North Korean situation is the unwillingness to see it for what it is, which is a major proliferation threat when there is a country that has been the world's greatest proliferator, including Libya and Iran, missiles and missile technology, when there is a country with a nuclear program that they acknowledge removes the inspectors from its country, whether or not that would represent progress if we could just at least get the administration to acknowledge what the head of the Defense Intelligence Agency says, which is that we have a crisis on the Korean peninsula?

Mr. DASCHLE. I think the Senator asks a very good question. This is more than just a semantical issue. Whether one calls it a crisis, an emergency, whatever volatile term one wishes to apply, clearly this deserves more of a response than this administration has provided.

I wonder what would have happened if Iraq had been the country with the evidence now to suggest that weapons of mass destruction, nuclear weapons, would be produced with the degree of certainty that we now see them in North Korea, what would the administration have said to that? If Iraq had fired a test missile within the last 2 weeks, what would the administration have said of that? My hunch, is that they would have used the word ''crisis'' and then some.

They have already claimed, of course, that North Korea is a member of the so-called axis of evil, an unfortunate term in my opinion. But to avoid using the word ''crisis,'' I believe, lends a real serious credibility question to the administration's foreign policy with regard to the region. This is a crisis. Every expert has acknowledged that it is a crisis. Unless we are willing to recognize the reality of the implications of this crisis, I believe the crisis will only worsen.

The Senator from Michigan has made a very important point with his question.

Mr. LEVIN. In addition to looking a problem square in the eye and not sugarcoating it, if we are going to solve it, another part of the administration's platform relative to Korea, or approach to the Korean problem, is to say that the multilateral approach is the right approach. I am always glad to hear when the administration is willing to work multilaterally. I have been a critic of the administration because their unilateral rhetoric activities, it seems to me, have been counterproductive in many parts of the world. So whenever the administration talks about a multilateral approach or consulting with allies and friends, that is good news. But when they do the consultation, when they talk to South Korea, both its former President and its new President, as well as when they talk to China, as well as when they talk to Japan, as well as when they talk to other allies in the area, they are told the same thing. When they do use the multilateral approach, they are told: Engage in direct discussions with North Korea. As a matter of fact, the representative of the new President of South Korea, the special envoy of new President Roh, visited us. His name is Dr. Chyung, and he visited with us on February 3.

That was, again, the open advice, he said, of the South Korean Government, is to have the United States talk directly with North Korea so that they can hear from us what our concerns are; so that both sides can avoid any kind of miscalculations; so that we do not fuel the paranoia this isolated regime has. They are paranoid. They are isolated. They actually believe we might strike them with one of our preemptive strikes. They actually believe it.

So the advice we are getting when we talk to our allies and follow this multilateral approach is engage with North Korea, and yet we refuse to do so.

I am wondering whether the Senator would agree that it is not only important that we consult with allies, not necessarily follow the advice but at least give serious consideration to the advice they give us when they talk to us about a direct engagement with North Korea to avoid miscalculation, so that the North can hear directly from us what our major concerns are?

Mr. DASCHLE. I appreciate the question posed by the Senator from Michigan. This whole experience has turned logic on its head. We have 220,000 troops in the gulf. We are told that there is almost an inevitability of war. We are told that the reason for this near inevitability is because of weapons of mass destruction that we have yet to find in Iraq and because of an unstable leader in Iraq.

These assertions have required the administration to go to great lengths to try to prove that their findings are ones that could be recognized by the world community. With all of their best effort, they have yet to demonstrate to the satisfaction of some of our allies that the threat exists to the extent the administration perceives it, and yet there is a clear set of circumstances that are undeniable in North Korea. There is a very questionable leader spurring development of nuclear weapons in the most rapid way, which we know could be sold quickly to terrorist organizations and used against us and the world community. Yet this administration chooses to ignore it.

The Senator asks the question, why would we not engage the community and recognize the importance of confronting North Korea? The administration says the answer to that is they do not want to reward bad behavior.

I argue that we are rewarding bad behavior by ignoring the circumstances as this administration has chosen to do. What could be worse behavior than what is going on right now?

As I understand it, we began to reship food assistance to the North Korean people within the last few days. We have no real guarantee that aid is going to get to the people, but it is a very unusual message they are sending to both Iraq and North Korea. Of all those who would be most confused it would be our allies. How do they explain all of this? What credibility do we have with them as we attempt to rationalize this odd position we find ourselves in today?

I appreciate the question, and I would simply say to my colleague that it begs further explanation by the administration which, again, because they refuse to call this a crisis, they have yet to provide.

Mr. LEVIN. This administration has blown hot and cold when it comes to policy relative to North Korea.

I just have one final question.

The Democratic leader points out just how confusing a policy it is, not just for North Korea but for our own allies. Our ally with the most at stake on the Korean peninsula is South Korea. They could be destroyed if there is a miscalculation. Their capital is within range of tens of thousands of artillery of North Korea.

On March 6, 2001, on the eve of a summit between then South Korean President Kim Jong-Il and President Bush, Secretary of State Powell said we plan to engage with North Korea and to pick up where President Clinton and his administration left off.

Within 24 hours was the Secretary of State's statement that we were going to engage with North Korea and pick

up where the Clinton administration left off because the Clinton administration obtained the framework agreement that resulted in the canning of that very material which is so dangerous which contains plutonium. Within 24 hours, at the summit the next day, President Bush basically said: We are not going to have any discussions with North Korea. We are not picking up where the Clinton administration left off. We do not trust North Korea.

No kidding. That is a mild statement, that we do not trust North Korea. If we did not talk to people we did not trust, we would not be talking to half of the world, including some of the most dangerous people in the world.

Talking to people does not mean we are going to reward anything. It simply means they will hear directly, eyeball to eyeball, from us as to what our concerns are, and also why we do not threaten them, and why, if they will terminate their nuclear program, they can rest assured they will get an agreement from us that there is not going to be any active aggression against them.

The blowing hot and cold, the erratic policy, the undermining not just of our own Secretary of State 24 hours after he said we would continue a policy, but undermining our South Korean allies with so much at stake, it seems to me has contributed to a very uncertain policy on the Korean peninsula, has sowed the seeds of confusion, and fueled and contributed to the paranoia that already existed in spades in North Korea.

I have been to Yongbyon, the place in North Korea where they were canning those fuel rods, where they had sealed them. I don't know that any other Member of the Congress got there, but I got there a couple years ago. I watched the International Atomic Energy Agency as they were sealing those fuel rods. That was a very positive thing to watch, to actually see, under IAEA inspection and supervision, those incredibly dangerous nuclear materials being canned instead of threatening to the rest of the world as potential proliferated material, to actually see it put under the supervision of the IAEA.

That is now out the window. We are starting from scratch. I understate my feelings on the matter when I say the Senator, the Democratic leader here, has so accurately stated the fact that we have a problem. Step 1 is to recognize we indeed have a crisis. Step 2 is not just to consult with allies but to seriously consider what they recommend when they talk about having direct engagement with the North Koreans.

I thank the Democratic leader for his constant determination to keep this Korean peninsula crisis in front of us. We cannot lose sight of it. It is a greater threat than Iraq because in North Korea you have a known proliferator who has removed the inspectors and who has nuclear material which could be so easily distributed, shipped, or sold to people who could do great harm with it.

I thank my friend from South Dakota.

Mr. DASCHLE. I thank the distinguished Senator from Michigan.

We can learn a lot from history. History, for most of my lifetime, involved a cold war, a cold war with an archenemy—the Soviet Union—which had thousands of nuclear warheads pointed toward the United States. They posed an imminent threat that could at any moment destroy all of civilization.

We made the choice, for good reason, Republican and Democratic administrations made the choice, that rather than engage in conflict, we would contain, negotiate, disarm, and ultimately wear down those leaders of the Soviet Union. That is ultimately what happened. The Soviet Union collapsed, negotiations for disarmament continued, and I recognize the contribution of many Presidents, from Harry Truman on.

But it was Ronald Reagan who said: Trust but verify. He did not say: I don't trust the Soviet Union, so I'm not going to enter into dialog with them. He was criticized at times, but he said: I'm going to engage in dialog. I'm going to continue the effort of my predecessors. I'm going to trust. But then I'm going to verify.

What the Senator from Michigan noted is that a couple of years ago that verification process was underway. We trusted. And we verified. His site visit was an indication of that verification.

I can only hope that those responsible for the day-to-day decisions made with regard to U.S. foreign policy will recognize the importance of past precedent, that we engage our enemies, we engage those whom there is ample reason to distrust, but we recognize that without some communication, without some engagement, the only other option is conflict.

The only other option is to see what is happening today. Nuclear weapons are being constructed. Nuclear weapons are being stockpiled. Nuclear weapons could be shipped. Nuclear weapons could be used not only in the region but against this country, as well. Every day we delay, every day we lack the will to confront and communicate, every day we lack the desire to verify, every day we create a problem more complex for future leaders and for future American policy.

I hope this administration will very carefully reconsider their position. I hope they will listen to our allies. I hope they will engage the North Koreans. I hope they can give us greater appreciation with greater clarity of their intentions with regard to that part of the world.

I yield the floor.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now return to legislative session and go into a period of morning business.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

IRAQ

Mr. BENNETT. Mr. President, this morning's Washington Post has an especially long editorial. Indeed, it takes up the entire length of the editorial page. It is entitled ''Drumbeat on Iraq, a Response to Readers.''

I have a dear friend in Utah who wrote me. She was distraught—is distraught, I am sure—about the prospect of going to war and expressed a great many concerns. I have been in the process of constructing what I hope is a responsible and thoughtful response to her concerns. As I read the editorial in this morning's Washington Post, I found that it does a better job than I could do of summarizing many, if not most, of the issues about which she is concerned. I want to read from sections of the editorial and then ask unanimous consent that it be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. In the editorial they say:

> The right question, though, is not, ''Is war risky?'' but ''Is inaction less so?'' No one can provide more than a judgment in reply. But the world is already a dangerous place. Anthrax has been wielded in Florida, New York and Washington. Terrorists have struck repeatedly and with increased strength over the past decade. Are the United States and its allies ultimately safer if they back down again and leave Saddam Hussein secure? Or does safety lie in making clear that his kind of outlaw behavior will not be tolerated and in helping Iraq become a peaceable nation that offers no haven to terrorists? We would say the latter. . . .

As I say, I could not have put it better, which is why I have quoted it. I have raised the question on the floor before: What are the consequences if we do not follow through in Iraq? Some have said let's just leave the troops in place. And that means Iraq remains contained.

Leaving the troops in place is not an option. We must understand that the troops are where they are, poised to move into Iraq, because of the agreement of the governments in Qatar, Turkey, and Saudi Arabia, among others. Those governments will not allow our troops to remain on their soil indefinitely. They will not allow those troops to remain there while we contain Saddam Hussein for 6 months or 12 months or 12 years, which has been the period of ''containment'' that we have seen up until now. We must either withdraw those troops and say we are

not going to move ahead militarily or, if Saddam Hussein does not disarm in accordance with the U.N. resolutions, those troops will move forward into his territory. We have no other choice: Move forward or withdraw.

For those who say the inspectors should be allowed to do their job, we must understand that the only reason the inspectors are there is because the troops are there. So we are coming down to the decision point, that is very clear.

Again, back to the editorial:

Some argue now that, because Saddam Hussein has not in the intervening half decade used his arsenal, Mr. Clinton was wrong. . . .

I should say that the editorial quotes President Clinton as outlining the case against Saddam Hussein in 1998.

Some would argue now that, because Saddam Hussein has not in the intervening half decade used his arsenal, Mr. Clinton was wrong and the world can rest assured that Iraq is adequately ''contained.'' Given what we know about how containment erodes over time; about Saddam Hussein's single-mindedness compared with the inattention and divisions of other nations; and about the ease with which deadly weapons can move across borders, we do not trust such an assurance. Mr. Clinton understood, as Mr. Bush understands, that no president can bet his nation's safety on the hope that Iraq is ''contained.'' We respect our readers who believe that war is the worst option. But we believe that, in this case, long-term peace will be better served by strength than by concessions.

There is one other issue that was raised by my friend in Utah to which the editorial does not speak. This is the issue of first strike. My friend says we cannot cross the line of having the United States be involved in a first strike against a nation that has not attacked us.

One of the arguments I have heard on this score is that if we do it, we will set a precedent that will allow other nations to do it. Other nations that we do not want to do it will say we can do it because the United States did.

If I may, without being disrespectful to that argument, I would point out that Adolph Hitler did not need a precedent from the United States to attack Poland. He made up his own excuse. He pretended that Poland had attacked him. He dressed prisoners in Polish military uniforms, murdered them, and then had them found by German soldiers on German soil who said they were shot as they tried to invade Germany.

The setting of a precedent by the United States or the not setting of a precedent by the United States will have absolutely no effect on the actions of a brutal dictator who decides to attack his neighbors in a first strike fashion. Saddam Hussein didn't quote precedent when he attacked Kuwait in the early 1990s. He went ahead and did it, and would have done it again whether he had precedent or not.

Having said that, however, I want to review a little bit of American history. It may not be history of which we are proud, for those who say we have never committed a first strike, but it is history nonetheless of which we must be aware. I have not taken the time to research all examples of this because my memory provides me with enough to make the point.

I remember when Lyndon Johnson sent the Marines into the Dominican Republic, for what purpose I cannot recall. But this was not a country that had attacked us and we sent military forces in there on the grounds that there was some American interest that had to be protected.

Ronald Reagan sent the Marines into Grenada. His reason was that the legitimate Government of Grenada requested it.

In his book, ''The Rise and Fall of the Soviet Empire,'' Brian Crozier referred to the American military action in Grenada as one of the key turning points in the cold war. He said if the United States had not moved into Grenada and removed the Communist government there, the cold war would have lasted considerably longer and been more devastating.

There was no international clamor against President Reagan when he did this. He believed it was in America's best interests, and at least one historian has said it was not only in America's best interests, it was in the world's best interests for Ronald Reagan to have done what he did in Grenada.

In the waning days of his Presidency, the first President Bush sent American troops into Somalia. Somalia had not attacked us and did not represent any threat. The troops were there presumably on a humanitarian mission, but they were sent in to deal with a military situation in that country that President Bush thought had to be dealt with. Those troops were withdrawn by the Clinton administration. But, once again, this was not a circumstance where America had been attacked but one where an American President sent American troops and there was no international outcry, no international complaint.

Shortly after I came to the Senate, President Clinton invaded Haiti. Our former colleague, Sam Nunn, was in Haiti just prior to the time when the American military entered that country, and he debriefed a number of us after he came back. He pointed out that the only reason there was not bloodshed when the American troops entered Haiti was because the former Chairman of the Joint Chiefs of Staff, Colin Powell, went with Senator Nunn and former President Jimmy Carter to Haiti and General Powell was able to convince the Haitian general in charge of their military that it was not dishonorable for the Haitian general to save the lives of his troops and allow the Americans to come in without military opposition.

As I recall it from Senator Nunn, the Haitian general was determined that it was his duty as a military man to resist any invasion of his country, no matter how hopeless that resistance might be. And he gathered his family around him, his wife and his children, hugged them together and said: This is our last night on Earth because tomorrow the Americans are invading and I will be killed.

As I say, General Powell sat down with the Haitian general, convinced him that his first duty as a military officer was to protect the lives of his troops, and that he was not doing a dishonorable thing if he did not mount a hopeless resistance against the Americans.

Once again, there was no international outcry against the American decision to send troops into Haiti. Looking back on it, it was not necessarily a wise thing to have done. We replaced a brutal dictator much beloved by American conservatives with a brutal dictator much beloved by American liberals. But the average Haitian has not seen any improvement in his or her lifestyle. Indeed, those who have been to Haiti recently tell me things are worse now than they were before the Americans invaded.

Then we have the former Yugoslavia, a country that represented no threat to the United States and had not attacked the United States, but the United States led a national coalition in war upon that nation.

Why did we do it? We did it because, under Milosevic, that nation had produced enough casualties within its borders to begin to approach 20 percent of the size of the Holocaust. They killed that many of their own people, and the Americans felt that was a serious enough challenge to require us to go ahead.

Now we have just heard a speech by the Senator from Michigan with respect to North Korea. We are being asked, Why are we not doing more with respect to North Korea? I will not respond to the Senator from Michigan or the Democratic leader in that vein. But I will point out that the attitude around the world and, indeed, here in the Senate is why the United States isn't taking care of this. If I might add one word to that question, Why isn't the United States taking care of this unilaterally? In other words, the United States should handle this all by themselves, according to speeches that are made here and in the world community.

I run through this history simply to make this point: It is not accurate to say the proposed action in Iraq is either unprecedented in American history or illegal under American or international law. The action that is proposed with respect to Iraq is in the tradition of these humanitarian missions that I have described.

Some of them have gone wrong. Some of them have turned out not to produce a humanitarian result. But in every case there was no prior complaint raised against the proposal that we do this on the ground that this was an unacceptable first strike against a

defenseless neighbor. In every circumstance, it went forward with full approval. I voted against the move into Haiti. But the President appropriately came to the Congress and got approval before he did it.

President Bush has come to the Congress, and by a 77–23 vote in this body and an equally lopsided vote in the other body, has approval before he goes into Iraq. This is not a stealth attack like Pearl Harbor under the cover of night. This is something that has been debated and laid before the United Nations. The United Nations, by a 15–0 vote in the Security Council, announced to Iraq if she did not disarm, she would face serious consequences, and serious consequences in United Nations speak means war. This is not something that is done hidden or in a corner or in the dark.

So we come back now to the fundamental question: Is it safer to go ahead with an operation in Iraq than it is to pull down the American troops and bring them home? I agree with the editorial writers of the Washington Post. This is an agonizing decision. This is not one to be made lightly, and I am sure from conversations with him that the President is not going to make it lightly. He is going to weigh all of the consequences. But I believe in the end he will come to the same conclusion that the Washington Post editorial writers have come to and that I have come to. Whatever the unknowns on either side, the present evidence suggests that the most dangerous thing we could do with respect to the situation in Iraq is to back down if Iraq does not comply with the United Nations resolution. To pull our troops out of Iraq does not comply with the demands that the world has made upon it. The safest thing to do if Iraq does not comply is to carry through with the resolution that was adopted on this floor by an overwhelming margin, adopted in the Security Council of the United Nations unanimously, and not hold back.

I yield the floor.

[From the Washington Post, Feb. 27, 2003]

''DRUMBEAT'' ON IRAQ? A RESPONSE TO READERS

''I have been a faithful reader of The Washington Post for almost 10 years,'' a recent e-mail to this page begins. ''Recently, however, I have grown tired of your bias and endless drumbeating for war in Iraq.'' He's not the only one. The national and international debate over Saddam Hussein's weapons of mass destruction, and our editorials in favor of disarming the dictator, have prompted a torrent of letters, many approving and many critical. They are for the most part thoughtful and serious; the antiwar letters in particular are often angry and anguished as well. ''It is truly depressing to witness the depths Washington Post editors have reached in their jingoistic rush to war,'' another reader writes. It's a serious charge, and it deserves a serious response.

That answer, given the reference to ''Washington Post editors,'' probably needs to begin with a restatement of the separation at The Post between news and editorial opinion functions. Those of us who write editorials have no influence over editors and reporters who cover the news and who are committed to offering the fairest and most complete journalism possible about the standoff with Iraq. They in turn have no influence over us.

For our part, we might begin with that phrase ''rush to war.'' In fact there is nothing sudden or precipitous about our view that Saddam Hussein poses a grave danger. In 1990 and 1991 we supported many months of diplomacy and pressure to persuade the Iraqi dictator to withdraw his troops from Kuwait, the neighboring country he had invaded. When he failed to do so, we supported the use of force to restore Kuwait's independence. While many of the same Democrats who oppose force now opposed it then also, we believe war was the correct option—though it was certainly not, at the time, the only choice. When the war ended, we supported—in hindsight too unquestioningly—a cease-fire agreement that left Saddam Hussein in power. But it was an agreement, imposed by the U.N. Security Council, that demanded that he give up his dangerous weapons.

In 1997 and 1998, we strongly backed President Clinton when he vowed that Iraq must finally honor its commitments to the United Nations to give up its nuclear, biological and chemical weapons—and we strongly criticized him when he retreated from those vows. Mr. Clinton understood the stakes. Iraq, he said, was a ''rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers or organized criminals who travel the world among us unnoticed.''

When we cite Mr. Clinton's perceptive but ultimately empty comments, it is in part to chide him and other Democrats who take a different view now that a Republican is in charge. But it has a more serious purpose too. Mr. Clinton could not muster the will, or the domestic or international support, to force Saddam Hussein to live up to the promises he had made in 1991, though even then the danger was well understood. Republicans who now line up behind President Bush were in many cases particularly irresponsible; when Mr. Clinton did bomb Iraqi weapons sites in 1998, some GOP leaders accused him of seeking only to distract the nation from his impeachment worries. Through the end of Mr. Clinton's tenure and the first year of Mr. Bush's presidency, Saddam Hussein built up his power, beat back sanctions and found new space to rearm—all with the support of France and Russia and the acquiescence of the United States.

After Sept. 11, 2001, many people of both parties said—and we certainly hoped—that the country had moved beyond such failures of will and politicization of deadly foreign threats. An outlaw dictator, in open defiance of U.N. resolutions, unquestionably possessing and pursuing biological and chemical weapons, expressing support for the Sept. 11 attacks: Surely the nation would no longer dither in the face of such a menace. Now it seems again an open question. To us, risks that were clear before seem even clearer now.

But what of our ''jingoism,'' our ''drumbeating''? Probably no editorial page sin could be more grievous than whipping up war fever for some political or trivial purpose. And we do not take lightly the risks of war—to American and Iraqi soldiers and civilians first of all. We believe that the Bush administration has only begun to prepare the public for the sacrifices that the nation and many young Americans might bear during and after a war. And there is a long list of terrible things that could go wrong: anthrax dispersed, moderate regimes imperiled, Islamist recruiting spurred, oil wells set afire.

The first question, though, is not ''Is war risky?'' but ''Is inaction less so?'' No one can provide more than a judgment in reply. But the world is already a dangerous place, Anthrax has been wielded in Florida, New York and Washington. Terrorists have struck repeatedly and with increasing strength over the past decade. Are the United States and its allies ultimately safer if they back down again and leave Saddam Hussein secure? Or does safety lie in making clear that his kind of outlaw behavior will not be tolerated and in helping Iraq become a peaceable nation that offers no haven to terrorists? We would say the latter while acknowledging the magnitude of the challenge, both during and especially after any war that may have to be fought. And we would say also that not only terrible things are possible: To free the Iraqi people from the sadistic repression of Saddam Hussein, while not the primary goal of a war, would surely be a blessing.

Nor is it useful merely to repeat that war ''should only be a last resort,'' as the latest French-German-Russian resolution states, or that, as French President Jacques Chirac said Monday, Iraq must disarm ''because it represents a danger for the region and maybe the world . . . But we believe this disarmament must happen peacefully.'' Like everyone else, we hope it does happen peacefully. But if it does not—if Saddam Hussein refuses as he has for a dozen years—should that refusal be accommodated?

War in fact has rarely been the last resort for the United States. In very recent times, the nation could have allowed Saddam Hussein to swallow Kuwait. It could have allowed Slobodan Milosevic to expel 1 million refugees from Kosovo. In each case, the nation and its allies fought wars of choice. Even the 2001 campaign against Afghanistan was not a ''last resort,'' though it is now remembered as an inevitable war of self-defense. Many Americans argued that the Taliban had not attacked the United States and should not be attached; that what was needed was a police action against Osama bin Laden. We believed they were wrong and Mr. Bush was right, though he will be vindicated in history only if the United States and its allies stay focused on Afghanistan and its reconstruction.

So the real questions are whether every meaningful alternative has been exhausted, and if so whether war is wise as well as justified. The risks should be minimized. Everyone agrees, for example, that the United States would be stronger before and during a war if jointed by many allies, and even better positioned if backed by the United Nations. If waiting a month, or three months, would ensure such backing, the wait would be worthwhile.

But the history is not encouraging. The Security Council agreed unanimously in early November that Iraq was a danger; that inspectors could do no more than verify a voluntary disarmament; and that a failure to disarm would be considered a ''material breach.'' Now all agree that Saddam Hussein has not cooperated, and yet some countries balk at the consequences—as they have, time and again, since 1991. We have seen no evidence that an additional three months would be helpful. Nor does it strike us as serious to argue that the war should be fought if Mr. Chirac and German Chancellor Gerhard Schroeder agree, but not if they do not. If the war is that optional, it should not be fought, even if those leaders do agree; if it is essential to U.S. national security, their objections ultimately cannot be dispositive.

In 1998, Mr. Clinton explained to the nation why U.S. national security was, in fact, in danger. ''What if he fails to comply and we fail to act, or we take some ambiguous third route, which gives him yet more opportunities to develop this program of weapons of

mass destruction? . . . Well, he will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you he'll use the arsenal.''

Some argue now that, because Saddam Hussein has not in the intervening half-decade use his arsenal, Mr. Clinton was wrong and the world can rest assured that Iraq is adequately ''contained.'' Given what we know about how containment erodes over time; about Saddam Hussein's single-mindedness compared with the inattention and divisions of other nations; and about the ease with which deadly weapons can move across borders, we do not trust such an assurance. Mr. Clinton understood, as Mr. Bush understands, that no president can bet his nation's safety on the hope that Iraq is ''contained.'' We respect our readers who believe that war is the worst option. But we believe that, in this case, long-term peace will be better served by strength than by concessions.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I send a resolution to the desk and ask unanimous consent that it be held at the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SANTORUM. Thank you, Mr. President.

FRED McFEELY ROGERS

Mr. SANTORUM. Mr. President, it is with great sadness that I rise tonight on the Senate floor to talk about the life of Fred Rogers from my hometown of Pittsburgh, PA. Mr. Rogers died today of stomach cancer. It is a very sad time for all of us—at least to my generation—who remembers Mr. Rogers from public television, and certainly from my experience with him and the wonderful work that he did for children not just all over the country, frankly, but all over the world, certainly, and very importantly to the people of southwestern Pennsylvania.

In fact, I had the pleasure and the honor of having lunch with him in the Senate dining room just a couple of months ago around Christmas before he found out that he was stricken with stomach cancer. He was here to talk about, predictably, what we can and should be doing to help create a culture that is more nurturing to children in the United States of America.

In times when just about every figure in public life has some controversy surrounding them, he is someone who throughout his life escaped that controversy and stood as a beacon of caring, compassion, and thoughtfulness to parents and children alike.

Mr. Rogers was born in Latrobe, PA, south side of Pittsburgh in 1928. He married his wife 51 years ago, back in 1952. His wife Joanne survives him today.

Very early in his career he had a gift for the media and a heart for trying to reach children and touch children and educate and nurture children through the media. He worked in a variety of different things. But in 1966, he created and hosted ''Mr. Rogers' Neighborhood.'' Before that, he worked on a series in Canada for the CBC. And he worked at WQED, which is one of the first public broadcasting stations in the country.

We are very honored that WQED is in Pittsburgh. We are also very proud of the fact that the first radio station in the country was KDKA in Pittsburgh.

We in Pittsburgh are very proud of WQED and the great work that Fred Rogers did in putting together the first children's program there. Even before it was on the air he started producing programming for that station. I think it was called ''The Children's Corner.'' It became known almost 10 years later, in 1966, as ''Mr. Rogers' Neighborhood.'' It was actually created back in 1955. There were characters such as ''Daniel S. Striped Tiger,'' ''X the Owl,'' ''King Friday XIII,'' ''Henrietta Pussycat,'' and ''Lady Elaine Fairchild.''

For many of these characters, we have puppets in my conference room to celebrate the contribution Fred Rogers has made not just to the people of Pennsylvania but to the people of this country.

And that program, ''Mister Rogers' Neighborhood,'' had the very famous song: ''Won't you be my neighbor?'' and Mr. Rogers coming in, and putting on that cardigan sweater and tennis shoes, inviting you into his home, the ''Land of Make Believe,'' and the trolley. All of those things are such wonderful memories for me and for generations, and which is continuing today. Even though the program has now been out of production for a couple of years, there are over 900 episodes of ''Mister Rogers' Neighborhood'' that PBS has and distributes on a regular basis all over the country.

Mr. Rogers will continue to touch future generations of children, particularly young children, in that nurturing and reassuring way he had with the very young. In many cases, a lot of kids sit in front of television; mom is busy; dad is at work; or mom and dad are both at work. And there was always a reassuring and comforting voice, someone who reassured them of their values as a person, their own self-worth, their ability to accomplish things, to dream great dreams.

Mr. Rogers—in a culture that is not always so positive, and certainly not very reassuring—was just that. He was a positive example of what a good father, a good parent, can and should be, and what good adults and what adults generally can be to our children in his neighborhood—I would argue, in our neighborhood—and that we, too, can learn from Fred Rogers, can learn from the kindness and the gentility and the wholesomeness he showed to America's children and to America's parents.

We will miss Fred Rogers. I can tell you, Pittsburgh is going to greatly miss this legend in our town. All of those shows were filmed in Pittsburgh, PA, at WQED. And his neighborhood, which is the Oakland, Shadyside, and Squirrel Hill, which is where WQED is located, where much, I am sure, of his ideas came from, is a place that is lesser today than it was yesterday because of this great man passing.

But the joy in getting up and talking about Fred Rogers is what he has left. Oh, that all of us could say we have touched so many and influenced, in such a positive way, literally millions of children in this country and around the world and have made a positive contribution in serving this country.

Fred Rogers was a Presbyterian minister who found that God's calling to him was to serve children through the media. And I think God, this morning, when he arrived in Heaven, said: Well done, my good and faithful servant.

Mr. REID. Will the Senator yield for a question?

Mr. SANTORUM. I am happy to yield.

Mr. REID. The Senator is absolutely right, Mr. Rogers is somebody we all knew, you in a little bit of a different reference than I because you really did know him. But the fact that the Senator from Pennsylvania actually knew him does not mean that the rest of us did not really know him. He was a unique individual, as you said. He walked in, put on that sweater, with that very bad voice that we all remember.

The reason I wanted to interrupt the Senator before he went to the closing script is this has been a contentious week in the Senate, and I could not think of a more peaceful man to end the week than Fred Rogers. So I appreciate very much the Senator coming to the floor as quickly as he did, upon the death of this wonderful man, and ending the Senate today with memories of a peacemaker.

Mr. SANTORUM. I thank the Senator from Nevada.

I want to share another moment where I had a chance to be with Fred Rogers. And it was—oh, I wish I could remember exactly how many years ago it was. It was probably about a dozen or so years ago, give or take a couple years.

Every year, in Pennsylvania, the business world and the political world, right before Christmas, goes up to New York for the Pennsylvania Society. It has been going on now for over 100 years.

There is a dinner on a Saturday night. The industrialists used to go up there to that with their families and friends. And it has turned into a big event, a bipartisan political event as well as a business event. We have a big dinner. I think we are the longest running annual dinner at the Waldorf Astoria. It has been for over a 100 years now.

I remember they give a gold medal to a famous Pennsylvanian. One of the years I happened to be there, in the late 1980s, it was Fred Rogers who received that award. He got up to speak.

And there were 3,000 people in the Waldorf Astoria Ballroom. I had been, and have been since, to many of these dinners. It is quite unusual that you can even hear the speaker usually by halfway through the speech. We have all been at dinners like that.

I remember sitting there, and Fred Rogers was talking about how important it is to be a positive influence in one child's life. Now, we all talk about mentoring and the importance of mentoring. It is sort of a new and current thing to talk about. Well, Fred was ahead of his time. He talked about that.

He talked and gave the example of someone in his life who meant something to him. It was a rivetting and compelling speech. I remember he stopped and said: I am going to stop for a minute. And I want you to all think about someone who made a difference in your life. I am going to stop for 1 minute, and I just want you to think about that person, what they have meant to you, and whether you can be that person for somebody else.

And he stopped talking. And for a minute, in that ballroom, with 3,000 people in it, you could have heard a pin drop. That was the power of someone who not only reached out to children, and spoke and preached a good talk, but someone who lived it, and who was sincere, and acted it out in his life. Obviously, it had an impact on me because I remember it to this day. It inspired me to try to make that contribution to someone.

Mr. DAYTON. Will the Senator yield for another question?

Mr. SANTORUM. I am happy to yield.

Mr. DAYTON. I thank the Senator for bringing this great man to our attention. I was not aware, until the Senator spoke, about his passing.

I, like so many others, felt I knew this man indirectly, as the father of two sons, who are now 19 and 22 years old. So I reckon it was about for 20 years that I watched that show. And I think I looked forward to it as often as my sons did.

The Senator captured very eloquently and sensitively the spirit of a very gentle soul, yet a very visionary man.

I recall going to the National Education Foundation dinner here just after I arrived 2 years ago, and there were not as many people there as the Senator described in the event he mentioned, but there were a good 700, 800 people.

Mr. Rogers was receiving the honor, Award of the Year. The first thing I noticed was, when he came out, everybody knew the song, and they all sang that song. As the Senator said, you could have heard a pin drop when he spoke. And he spoke in the same general way to adults as he did to kids.

I say to the Senator, are there any other neighborhoods like that in Pittsburgh you could send to the rest of the country? If so, we can use a few.

Mr. SANTORUM. We have lots of wonderful neighborhoods. And like Minnesota, we have a lot of old, wonderful, ethnic neighborhoods. I think Mr. Rogers reflected that spirit in a lot of those communities—the close-knit, caring spirit, looking after your neighbor in those communities.

Some may suggest that ''Mister Rogers' Neighborhood'' was from a bygone era that does not exist anymore, that that neighborhood isn't around anymore. Well, I make the argument that the neighborhood is what the neighbors make it, and that he sets a pretty good model for what neighbors should be, and neighborhoods can be, and, hopefully, again someday will be.

ADDITIONAL STATEMENTS

IN HONOR OF PENNSYLVANIA'S HISTORICALLY BLACK UNIVERSITIES

• Mr. SANTORUM. Mr. President, in celebration of Black History Month, I rise today to honor Lincoln University and Cheyney University of Pennsylvania for the contribution they have made in the education of African-Americans over the past two centuries. These two institutions of higher learning are charter members of a group of schools known as Historically Black Colleges and Universities (HBCUs) and they have had a seminal role in our Nation's academic heritage.

The Commonwealth of Pennsylvania is proud to be the birthplace of secondary education for African-Americans in this country. Cheyney University, originally named the Institute for Colored Youth in Pennsylvania, was founded in 1837 as an elementary and high school for young blacks. The Institute was a successful, free school for young students and, after some years, became a teachers college. Cheyney's charter mission was to instruct African descendants in mechanical arts and agricultural trades so that they might teach their peers to compete and be self-sufficient in the post-slavery economy. Today, Cheyney educates men and women in more than thirty disciplines and maintains its legacy of providing for minorities of various cultures and nationalities.

Lincoln University rivals Cheyney for the title of oldest historically black university. Initially founded as the Ashmun Institute, the school opened in 1854 as the very first place of ''higher education in the arts and sciences for male youth of African descent.'' In addition to the important message of educational equality and opportunity through learning these universities continue to convey, there are thousands of Lincoln and Cheyney alumni who illustrate the great gift these schools have given the African-American community in particular and the academic community at large. Among these graduates are Supreme Court Justice Thurgood Marshall, author Langston Hughes, former Nigerian President Nnamdi Azikiwe, journalist Ed Bradley, and publisher Robert Bogle, to name but a few.

HBCUs are an integral aspect of what has always been the American dream, an ideal that sees education and industry as the tools for succeeding in life and pursuing one's talents and interests. The livelihood of institutions such as Lincoln and Cheyney Universities is central to the preservation of this ideal and with it, our national heritage. Our Government has a responsibility to help sustain the legacy of these schools, and I am proud to support legislation to this end. Bills that bring 21st Century technology to tomorrow's graduates and funds intended to keep quality, affordable higher education available to all of our Nation's young students are part of the process. I encourage my Senate colleagues to join me in recognizing the importance of our country's HBCUs. I hope that together we can celebrate their history and ensure their future for the posterity of the Nation's higher education system.•

EMILY LANCE HAS A BLAST AT SPACE CENTER

• Mr. MILLER. Mr. President, today I share with my colleagues the thoughts of Emily Lance, an 8-year-old third grader at Calhoun Elementary School, who had the privilege of watching the launch of the Space Shuttle *Columbia*:

We left at 6 o'clock Tuesday morning, Jan. 14, to see the Space Shuttle launch. But first we had to get there. It was a 10-hour drive. We were staying at the Hilton.

Before we could get to the hotel, we had to go through security because the Israeli ambassador and the astronauts' families were staying there. Finally, we got to the room. Then we found our bathing suits and went out to the beach.

That's when we saw the horse patrol. They were very pretty horses. We found a lot of shells at the beach. Then we went back to our room, had dinner, and went to bed.

We woke up early and went to the Kennedy Space Center. We checked in the protocol office and got our mission briefing passes. Then we had to go through NASA security.

Going to the briefing wasn't all we did. First we checked out the Rocket Garden. It was huge and had replicas of the rockets that went into space.

Then it was time for the briefing. First we got our seats. There were a lot of people. The briefing was very interesting.

They announced that the shuttle was to go off at 10:39 Thursday morning. I learned a lot at the briefing.

After the briefing we went to the Mad Mission to Mars. It was 3–D and so cool. They called for volunteers, and I was picked. I was chosen to be the planet Venus. Then we were blasting off to Mars. Then it was the end of the show. After that we went to eat.

Then we got to see a movie called ''The Dream Is Alive.'' I liked it very much. Then it was time to go back to the hotel. But before we did, I got to go get Space Dots. That is ice cream in little balls, also known as Dipping Dots.

Then it was time to go home after a great day at the Kennedy Space Center. I couldn't

wait until tomorrow. It was going to be awesome.

After dinner I had to go to bed early. We had to get up at 5 in the morning. On the way to Kennedy Space Center, we stopped at Waffle House to get some breakfast.

When we got there we went to the Protocol Office and got our bus passes so we could get to the grandstand.

While we were standing in line, we met this man who works at NASA in California. He was really excited, too. Then I noticed he had a really cool necklace and on it was the word NASA. It also had a blue flashing light.

I told him it was really cool. Then he asked me if I really liked it. I said yes, then he gave it to me. I was so happy.

After that, he showed me his official NASA badge. Then we got on the bus. It was a 10-minute ride to the grandstand.

When we got there we picked seats on the top row. You could see the Launch Pad perfectly. It was a long time until the shuttle went off so I went in the Saturn Building and watched a movie.

It was about the Apollo 11 mission. Neil Armstrong walked the first few steps on the moon in the Apollo mission. Then I had to go sit down.

The shuttle was about to go off. At 9 minutes the countdown stopped. Then it started again. At 1 minute until it launched, I was so excited. When it got to 10 seconds, we all went 10, 9, 8, 7, 6, 5, 4, 3, 2, 1.

Then it happened. It was so awesome. It was like an earthquake. The ground shook, and the noise sounded like an explosion.

It lasted about two minutes, then it was gone. It was already in space. It can go around the world in 90 minutes.

Then we got back on the bus. When we got back to the Space Center, we went to see a 3–D movie called ''The Space Station.'' The space station is a place where astronauts can go and live.

Then we went home after our last day at the Kennedy Space Center. So ends my wonderful space vacation.●

TRIBUTE TO BRENDA S. GEIST

● Mr. WARNER. Mr. President, I rise today to honor Mrs. Brenda Geist on the occasion of her retirement from the Department of the Navy. Today, we celebrate with Brenda and her family her remarkable 37 years of exemplary and distinguished service to the Navy and the Nation. It is a privilege for me to address the Chamber today in honor of Brenda.

''Far and away the best prize that life offers,'' Teddy Roosevelt remarked, ''is the chance to work hard at work worth doing.'' When Brenda first began with the Navy Department at the Charleston Naval Station, she understood that supporting the men and women of the Sea Service was indeed work worth doing. Brenda has remained true to this principle ever since.

From the small Navy office on the Cooper River to the many postings around the world that followed, Brenda quickly became recognized by all for her acumen and accomplishments. Understandably, Brenda's talents were ultimately sought by the Chief of Naval Operations and the Secretary of the Navy in Washington, D.C. In 1987, Brenda was selected to serve as the director of the Congressional Travel Division for the Navy Secretary's legislative affairs office. Past being prologue, Brenda's record of success continued unabated and has been nothing short of outstanding.

For 15 years, Brenda has been a key advisor to a succession of eight admirals. During her tenure, Brenda planned and coordinated travel around the world for more than 300 congressional delegations. A superb financial manager, Brenda also responsibly managed annual budgets of over $1.5 million—maintaining flawless documents and receiving the highest possible praise at every audit. Every day, her work directly supported the positive, productive interaction of senior Navy leadership and the Congress.

The Pentagon on the Potomac is a long way from the little Navy office on the Cooper River. Brenda's heartfelt commitment to the Navy's officers and sailors, her guiding compass over the years, never wavered.

Sharing this adventure with Brenda is Captain Gary Geist, U.S. Navy Ret., her husband of 24 years, and their children, Jim, Stacey, Darcey, Sam, and Curtis. With the loving support of her immediate Navy family, Brenda time and again, rose to the occasion for her larger extended Navy family.

Mr. President, I invite you and our Senate colleagues to join me and offer our sincere appreciation to Brenda Geist for her years of dedication and outstanding service. We wish her and her loving family ''fair winds and following seas'' as they begin their next adventure together. They will be sorely missed, but most certainly never forgotten.●

HEALTH CARE HERO

● Mr. SMITH. Mr. President, I rise today to salute a Health Care Hero from my home State of Oregon, the N2K Nursing Shortage Demonstration Project.

Several of my colleagues and I have come to this chamber before to discuss the growing shortage of health care workers in this country. This growing crisis has severe implications for quality patient care, retention of qualified nurses, and the future of health care delivery. Last year, Congress began to address this problem by passing the Nurse Reinvestment Act, but there is much more work to be done.

Fortunately, an exciting new program in Oregon is working to find new ways to recruit nurses. The N2K project offers paraprofessional staff from local hospitals and clinics the opportunity to secure a nursing degree while continuing to receive their current salary and benefits. Participants finish prerequisite classwork, participate in clinical training and complete an 18 month nursing degree program. Because they have come from health care institutions, these workers are more likely to continue in the nursing profession and stay in the communities where they were trained, solving some of the pressing issues creating the nursing crisis.

But the most unique and beneficial part of this program is that recruits must be bilingual or be from a minority population. A major challenge facing health care delivery today is the severe lack of bilingual health professionals. In Oregon, and in many other places, we have large immigrant communities, primarily Spanish-speaking, and few nurses who can communicate with them easily. Many N2K participants would not have the opportunity to pursue a professional nursing career were this program not available. As nurses, they will bring a new level of comfort and care to non-English speaking patients.

Although the N2K demonstration project is still in its initial stages, it is already showing great success. Representatives from the U.S. Department of Health and Human Services Office of Minority Health visited Oregon this week to meet with the participating institutions and 11 students completing the program. The visitors were deeply impressed with the project, particularly after speaking with these excellent students who look forward to a rewarding career in nursing.

Today I honor the N2K project as a Health Care Hero. N2K's vision and dedication to building a more diverse health care work force is helping Oregon find the quality workers we need to meet tomorrow's health care challenges. I look forward to the project's continuing success and wish the partnership all the best as it moves forward.●

TRIBUTE TO JOHNSON CENTRAL HIGH SCHOOL ACADEMIC TEAM

● Mr. BUNNING. Mr. President, I rise today in the Senate to pay tribute to the Johnson Central High School Academic Team. Recently, the members of this Academic Team won their fourth straight 15th Regional Governor's Cup.

The Johnson Central Academic Team won the overall District 60 Governor's Cup Championship and went on to claim the Regional title. Along with winning the overall title, the team was awarded top honors in the Written Assessments section and the Future Problem Solving team also won first place. Also, the Quick Recall team defended their title by placing first 2 years in a row. Individual members also placed first in Mathematics, Language Arts and English Composition, and Science and Social Studies.

The citizens of Paintsville, KY are fortunate to have the 15th Regional champ's living and learning in their community. Their example of hard work and determination should be followed by all in the Commonwealth.

I congratulate the members of the Academic Team for their success. But also, I want to congratulate their peers, coaches, teachers, administrators, and parents for their support and sacrifices they've made to help the

Academic Team meet those achievements and dreams.●

50th ANNIVERSARY OF WORLD MEDICAL RELIEF, INC.

● Mr. LEVIN. Mr. President, I would like to congratulate World Medical Relief, Inc. for 50 years of distinguished service to needy individuals in the United States and around the world. On March 8, 2003, staff members, supporters, and beneficiaries of World Medical Relief, Inc. services will gather in my home state of Michigan for the ''Miracles of Mercy Gala 2003.'' This event will commemorate the commitment and dedication that World Medical Relief, Inc. has provided to the sick and needy.

For 50 years, World Medical Relief, Inc. has been a driving force for medical support both in my home state of Michigan and internationally. It is noteworthy that the success and accomplishments of this program today are in part the direct result of the unwavering devotion of founder Irene M. Auberlin. The hard work and perseverance of Mrs. Auberlin is now reflected by the many individuals and groups that continue to provide assistance to those most in need.

Today, the program serves over 1,500 people in the metropolitan Detroit area and 125 nations worldwide. I would like to congratulate William N. Genematas for receiving this year's Irene M. Auberlin Service Above Self Award for his long-time dedication to World Medical Relief, Inc. I also would like to commend both the Ford Motor Company Fund for its continued support of the Senior Prescription Program and the Christian Association of Medical Mission for their international aid efforts in developing nations. World Medical Relief, Inc. and its members deserve both our respect and gratitude.

I am sure that my colleagues in the Senate will join me in offering our congratulations to World Medical Relief, Inc. and its members as they celebrate 50 years of distinguished service.●

THE HEROIC EFFORTS OF BILL CARR AND JEFF KEEZER

● Mr. NELSON of Nebraska. Mr. President, today it is my great honor to recognize the valiant efforts of two volunteer firefighters from Ainsworth, NE.

Mr. Bill Carr and Mr. Jeff Keezer of the Ainsworth Volunteer Firefighter Department were instrumental in the April 22, 2002 rescue attempt of Timothy Culpepper, a digital communications worker who was stranded more than one thousand one hundred feet in the air when a fifteen hundred foot telecommunications tower he was working on partially collapsed near Bassett, NE.

When a wire snapped disabling and stranding Mr. Culpepper, several agencies, including the Nebraska Emergency Management Agency, were called upon for the dangerous rescue mission. However, upon arriving at the scene, response teams realized they were ill-equipped to perform the high-altitude rescue.

Bill Carr, a carpenter and married father of three, had spent many summers during college painting tall communications towers. Jeff Keezer, a married father of one, works for a steel company that erects hundred-foot grain elevators. Though these experiences could not have adequately prepared them for this dangerous and technically challenging rescue. They quickly volunteered to help.

With no regard for their personal safety, Mr. Carr and Mr. Keezer, armed only with estimations of the exact height of the stranded worker, began to make the physically challenging two-hour ascent to rescue the man who was hanging only by a harness. Carrying bundles of rope and heavy rescue equipment, these brave firefighters, along with a handful on colleagues from the Lincoln Fire Department, scaled the tower amid 30-mph winds and with dwindling daylight. Upon reaching Mr. Culpepper it was discovered that tragically he did not survive the impact of tumbling debris.

Mr. Carr and two other firefighters managed to scale the total distance to Mr. Culppeper in ninety minutes while Mr. Keezer, with heavy rescue equipment on his back, and two other firefighters scaled to the half-way point to manage the recovery effort and descent that lasted more than 3 hours.

Unfortunately these two brave and selfless first-responders were omitted from an award ceremony in Washington, D.C. on February 14. Though the Department of Justice didn't recognize their efforts, Mr. Carr and Mr. Keezer can forever hold their heads high knowing their bravery and the fabric of their character has made all Nebraskans, and especially their neighbors in Ainsworth, proud of their actions.

Mr. President, heroism comes in many forms and the courage displayed by Mr. Carr and Mr. Keezer with danger present is a shining example. Nebraskans like Mr. Carr and Mr. Keezer are selfless, honorable and just and they are what makes living in Nebraska living ''the good life.''

I am proud to represent Nebraskans like Mr. Carr and Mr. Keezer who are committed public servants. Volunteer services are an essential part of small-town America. Without the brave and selfless efforts of everyday citizens like Mr. Keezer and Mr. Carr, many rural communities would lack vital protection and security. The city of Ainsworth and the state of Nebraska are fortunate to have courageous citizens like Jeff Keezer and Bill Carr. These men are true heroes.●

NEW REVOLVER TOO BIG FOR ''DIRTY'' HARRY

● Mr. LEVIN. Mr. President, I want to bring to the attention of my colleagues an article from the February 14, 2003, Los Angeles Times entitled ''New Revolver Too Big For 'Dirty' Harry.'' The article discusses a new .50 caliber handgun manufactured by the Smith and Wesson Corporation. The 500 model, the biggest handgun currently in production, is 15 inches long, weighs 4.5 pounds, and uses a .50 caliber Magnum Smith and Wesson bullet that packs a muzzle force of 2,600 foot-pounds. The bullet is half an inch wide and is more powerful than comparable ammunition because it is much longer and contains more gun powder.

According to a Violence Policy Center expert cited in the article, the gun's cartridge has about twice the muzzle energy of most rounds for common semiautomatic assault weapons, such as the AR–15, a civilian version of the military's M–16. In fact, the new gun packs a punch powerful enough to stop a charging bear in its tracks.

A Smith and Wesson representative acknowledges that the company hopes the gun will help Smith and Wesson win back market share lost when the company agreed to a number of steps to improve gun safety and keep guns out of the hands of criminals. Smith and Wesson's decision to produce the .50 caliber handgun represents a step backward in the effort to improve gun safety. Not only has the company apparently scrapped its plan to work with the federal government to take sensible steps to make guns safer and keep guns from getting into the wrong hands, but the company seems to be headed in the opposite direction by creating a handgun that is reported to have double the power of most assault rifles.

Last year, I cosponsored the Military Sniper Weapon Regulation Act, a bill which would change the way .50 caliber sniper rifles are regulated by placing them under the requirements of the National Firearms Act. This bill would subject the sniper rifles to the same regimen of registration and background checks as other weapons of war, such as machine guns.

Unfortunately, the new Smith and Wesson .50 caliber handgun would not be affected by this legislation. However, both the .50 caliber handgun and sniper rifle are simply too powerful to be on the streets. Congress must take a long, hard look at these potentially lethal weapons.

[From the L.A. Times, Feb. 14, 2003]

A POWERFUL NEW REVOLVER IS DRAWING FIRE ALREADY

(By Ralph Frammolino and Steve Berry)

Even the most ardent firearm lovers acknowledge that Smith & Wesson's new .50-caliber Magnum revolver is more gun than anyone needs.

It has double the power of most assault rifles in America. Its kick can send a grown man reeling; a single bullet can drop a grizzly.; It is so heavy and long that police say no-criminal would dare try to hide it in his waistband. It will cost as much $989.

And gun buyers across the country can't wait to get their hands on it.

''The initial reaction has been even stronger than we had anticipated, so we're ramping

up production to meet the demand,'' Bob Scott, Smith & Wesson Corp.'s chairman, said from the 2003 Shooting, Hunting, Outdoor Trade Show in Orlando, Fla.

''Certainly, in our booth it's the product that has created the most buzz.''

The Springfield, Mass-based company, creator of the .44 Magnum of ''Dirty Harry'' fame, unveiled its new offering Thursday as the world most powerful commercially produced revolver. Executives for the country's second-largest firearms manufacturer said they hoped the gun would help regain lost market share by generating excitement among an important, albeit niche, market of big-game hunters, collectors and recreational target shooters.

But even before the weapon's wide distribution, scheduled for next month, forces on both sides of the firearms debate are taking aim at its social effects.

Gun control groups condemned the Model 500 as an example of the industry's ''deadlier-is-better'' mentality, predicting that the new model would soon find its way to the streets.

''A hunting weapon? that's a joke,'' said Luis Tolley, director of state legislation for the Brady Campaign to Prevent Gun Violence. ''What we have here is a weapon that's designed to appeal to people who just want to make a bigger hole in whatever they're shooting at. And, hopefully, they're not living next door to me.''

Said Josh Sugarmann, executive director of the Violence Policy Center: ''This gun is not being made for hunters in Africa. It's being made for bored white gun owners in America. Why are they putting so much firepower into people's hands?''

The real question, say some gun experts, is: Why are people demanding it?

Adam Firestone, editor of Cruffler.com, a Web site for gun collectors, said he viewed demand for Smith & Wesson's new product as more of an outgrowth of America's obsession with size and status, rather than an indicator of growing paranoia over crime or homeland security.

''How many people do you know have Lincoln Navigators or Hummer H2s?'' he said. ''We are phenomenal at buying beyond our needs. And with regard to the firearm industry, if it is bigger, if it is more expensive . . . we will line up around the corner to buy the darned thing, regardless of the fact that there may be six other guns that cost half as much and do the job just as well.''

Smith & Wesson executives hope that the new offering, one of nine new models introduced at the Florida gun show Thursday, will put it back in the good graces of a gun-buying constituency that remains sore over the company's decision in 2000 to sign agreements with the federal government that promised to put locks on all firearms it sold.

That backlash served as a double whammy, taking away sales from Smith & Wesson even as the entire industry was in decline.

''We're in the process of winning back market share or business that was lost as a result of negative reaction by consumers to the decisions by the previous ownership,'' said Scott, the company chairman.

Smith & Wesson has built its reputation by building bigger guns. The .357 Magnum, introduced in 1935, was considered a breakthrough because of its muzzle energy that delivered impact at 535 foot-pounds, said Roy G. Jinks, the company's historian.

The weapon, developed at the behest of hunters, gained favor with police during the mobster era because it could shoot through a car's engine block, he said.

In 1956, Smith & Wesson introduced the even more powerful .44 Magnum, the gun made famous years later by Clint Eastwood in his crime-fighting movies as ''Dirty'' Harry Callahan, a San Francisco cop.

With Thursday's unveiling the company now leapfrogs ahead of its competitors, which had surpassed the .44 Magnum with more potent weapons.

The Model 500 uses a bigger frame, takes a new .50 caliber Magnum Smith & Wesson bullet and packs a muzzle force of 2,600 foot-pounds.

Though there are single-shot, custom pistols that use larger ammunition, the new gun is the largest production revolver or semiautomatic pistol.

At .50-caliber, the bullet is about half an inch wide but is more powerful than other such ammunition because it is longer and can pack more powder, said Garen Wintemute, a gun expert and director of the Violence Prevention Research Program at UC Davis.

He said the gun's cartridge has about twice the muzzle energy of most rounds for common semiautomatic assault weapons used in America, such as the AR–15, a civilian version of the military's M–16.

Wintemute predicted that it would be a smash with gun enthusiasts who can order one with a barrel as long as 10 inches.

One such enthusiast is Marc Halcon, owner of American Shooting Center in San Diego.

He said the allure of the weapon ''has something to do with the artistry of creating a mechanism that will do something that no other will do. It's another step in science and engineering.''

On a personal level, Halcon said. ''I already own the most powerful handgun on the market, and if they build a more powerful one, then I want to buy it.''

Sam Paredes, executive director of the Gun Owners of California feels much the same.

''I can't wait to shoot one of these things,'' he said.

Paredes acknowledged that the Model 500 could be portrayed as the ''boogeyman of all guns.''

He said its recoil would pack such a wallop that it would be virtually impossible for criminals to rely on it—a sentiment shared by Lt. Bruce Harris, the firing range master for the Los Angeles County Sheriff's Department.

''It's a little tough to have one of those under your shirt,'' Harris said, adding that he didn't believe it would become the weapon of the street because ''gangbangers don't have $900 to spend on a Smith & Wesson revolver.''

Proposed legislation regulating the sale of .50 caliber rifles is scheduled for consideration in the state Assembly and the Los Angeles City Council, said Tolley of the Brady Campaign. But government officials said Thursday that they had no plans to include the new revolver in the restrictions.

Still, Tolley said, his group will work to bring the Model 500 under some kind of control because, despite Smith & Wesson's intentions, the weapon is bound to end up in the wrong hands.

''They're marketing this weapon to people who get off on the idea that they have the biggest, baddest gun on the block,'' Tolley said.

''Unfortunately a number of them are going to juvenile gang members and people who have an unhealthy fascination with fire arms.''●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NOTICE STATING THAT THE EMERGENCY DECLARED WITH RESPECT TO THE GOVERNMENT OF CUBA ON FEBRUARY 24, 1996, IS TO CONTINUE IN EFFECT BEYOND MARCH 1, 2003—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 2003, to the *Federal Register* for publication.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 27, 2003.*

MESSAGES FROM THE HOUSE

At 12:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 254. An act 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, and for other purposes.

H.R. 258. An act to ensure continuity of the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.

H.R. 657. An act to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission.

H.R. 672. An act to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William ''Willie'' McCool, who was the pilot of the Space Shuttle Colombia when it was tragically lost on February 1, 2003.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 36. Concurrent resolution encouraging the people of the United States to honor and celebrate the 140th anniversary of the Emancipation Proclamation and commending Abraham Lincoln's efforts to end slavery.

At 5:53 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 534. An act to amend title 18, United States Code, to prohibit human cloning.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 254. An act 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, and for other purposes; to the Committee on Foreign Relations.

H.R. 258. An act to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 657. An act to amend the Securities Exchange Act of 1934 to augment the emergency authority of the Securities and Exchange Commission; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 672. An act to rename the Guam South Elementary Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William ''Willie'' McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003; to the Committee on Armed Services.

The following concurrent resolution was read, and referred as indicated

H. Con. Res. 36. Concurrent resolution encouraging the people of the United States to honor and celebrate the 140th anniversary of the Emancipation Proclamation and commending Abraham Lincoln's efforts to end slavery; to the Committee on the Judiciary.

MEASURE HELD AT THE DESK

The following concurrent resolution was ordered held at the desk by unanimous consent:

S. Con. Res. 12. Concurrent resolution honoring the life and work of Mr. Fred McFeely Rogers.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 534. An act to amend title 18, United States Code, to prohibit human cloning.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1265. A communication from the Deputy Secretary, Division of Market Regulations, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Definition of Terms in the Specific Exemptions for Banks, Savings Associations, and Savings Banks Under Sections 3(a)(4) and 3(a)(5) of the Securities Exchange Act of 1934 (RIN3235-AI19)'' received on February 24, 2003; to the Committee on Banking , Housing, and Urban Affairs.

EC–1266. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Financial Institutions, received on February 14, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1267. A communication from the Deputy Secretary, Division of Market Regulations, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulations Analyst Certification (See Release 33–8193; 34–47384(February 20, 2003)) (RIN3235–AI60)'' received on February 24, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1268. A communication from the Deputy Secretary, Division of Market Regulations, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Custody of Investment Company assets with a Securities Depository (3235–AG71)'' received on February 14, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1269. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Authority To Waive the Market-to-Market Regulations (RIN2502–AH94)'' received on February 24, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–1270. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Office of Inspector General Subpoenas and Production in Response to Subpoenas or Demands of Courts of Other Authorities (RIN2508–AA13)'' received on February 24, 2003; to the Committee on Banking , Housing, and Urban Affairs.

EC–1271. A communication from the Chairman and President, Import-Export Bank, transmitting, pursuant to law, the report relative to transactions involving U.S. exports to Italy; to the Committee on Banking, Housing, and Urban Affairs.

EC–1272. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Annual Report for Fiscal Year 2002 of the Department of Commerce's Bureau of Industry and Security (BIS); to the Committee on Banking, Housing, and Urban Affairs.

EC–1273. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Ashley River; Charleston, SC (CGD07–03–018)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1274. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; (Including 3 Regulations) [COTP San Diego 03–007] [COTP San Diego 03–008] [COTP San Diego 03–009] (RIN2115–AA97]'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1275. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Gulf Intercostal Waterway, Grand Lake, LA (CGD08–03–003)'' received on February 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1276. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; (Including 2 regulations) [CGD01–03–010] [COTP Miami 03–001] 92115–AA97]'' received on February 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1277. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Fire Suppression Systems and Voltage Planning for Towing Vessels (USCG 2000–6931)(CGD 97–064) (2115–AF53)'' received on February 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1278. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''16 CFR Parts 801 and 803 (3084–AA23)'' received on February 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1279. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''10 CFR Part 305—Rule Concerning Disclosures Re Energy Consumption and Water Use of Certain Home Appliances And Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'')—Clothes Washer Reporting Date (RIN3084–AA74)'' received on February 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1280. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closure for Pollock in Statistical Area 630, Gulf of Alaska'' received on February 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1281. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure; Gulf of Alaska directed fishing for Pacific cod (0679)'' received on February 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1282. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closure for CDQ Reserve Amounts of Shortraker/Rougheye Rockfish and Northern Rockfish in the BS Subarea, BSAI'' received on February 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1283. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Directed Fishing for Rock Sole by Catcher Processors Listed Under the American Fisheries Act in the BSAI Management Area'' received on February 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1284. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Increase the Trip Limit for Gulf Group King Mackerel in the Florida East Coast Subzone'' received on February 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1285. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pacific Cod Fishery by the Inshore Component in the Central Regulatory Area, Gulf of Alaska'' received on February 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1286. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Opening fishing for pollock in Statistical Area 630 in the Gulf of Alaska (0679)'' received on February 24 , 2003; to the Committee on Commerce, Science, and Transportation.

EC–1287. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the commercial run-around gillnet fishery for king mackerel in the exclusive economic zone in the southern Florida west coast subzone'' received on February 24, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1288. A communication from the Deputy Assistant Administrator, Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Interim 2003 Harvest Specification for Gulf of Alaska Groundfish Fisheries'' received on February 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1289. A communication from the Deputy Assistant Administrator, Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in Western Pacific, Coastal Pelagic Species Fishery: Amendment 10 (0648–AP87)'' received on February 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1290. A communication from the Deputy Assistant Administrator, Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States and in the Western Pacific; Pelagic Fisheries; Pacific Remote Island Areas; Permit and Reporting Requirements for the Pelagic Troll and Handline Fishery (RIN0648–AL41)'' received on February 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1291. A communication from the Deputy Assistant Administrator, Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations (0648–AQ13)'' received on February 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1292. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Air worthiness Directives; Air Cruisers Company Emergency Evacuation Slide/Rafts Docket No. 99–NE–31 (2120–AA64) (2003–0114)'' received on February 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1293. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace Ulysses, KS Docket No. 02–ACE–11 (2120–AA66)'' received on February 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1294. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (4) Amendment No. 3040 Docket No. 30349 (2120–AA65)'' received on February 14, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1295. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; White Plains, NY Docket No. 02–AEA–20 (2120–AA66)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1296. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Lockhaven, PA Docket No. 02–AEA–21 (2120–AA66)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1297. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace, Shaw AFB, SC Docket No. 02–ASO–27 (2120–AA66) (2003–0044)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1298. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–600, 700, 700C, 800 and 900 Series Airplanes Docket No. 2002–NM–307 (2120–AA64) (2003–0125)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1299. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directive: Turbomeca S.A. Arriel 1 A2, 1C, 1C1, 1C2, 1D, 1D1, 1E2, 1K, 1K1, 1S, 1S1, and Arriel 2B, 2B1, 2C, 2C1, 2S1 Series Turboshaft Engines'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1300. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Boeing and McDonnell Douglas Transport Category Airplanes Docket No. 2002–NM–43 (2120–AA64) (2003–0123)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1301. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 Series Airplanes Docket No. 2001–NM–277 (2120–AA64) (2003–0122)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1302. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–300, 400 and 500 Series Airplanes Docket No. 2001–NM–274 (2120–AA64) (2003–0121)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1303. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: BAE Systems Operations Limited Model BAE and Arvo 146–RJ Series Airplanes Docket No. 2002–NM–48 (2120–AA64) (2003–0120)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1304. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A300, B2, and B4; A300, B4–600, B4–600R and F4–600R [Collectively Called A300–600) A310, A319, A320, A321, A330 and A340, Series Airplanes Docket No. 96–NM–179 (2120–AA64) (2003–0119)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1305. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767 Series Airplanes Docket No. 2002–NM–308 (2120–AA64) (2003–0118)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1306. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330 and A340 Series Airplane Docket No. 2001–NM–340 (2120–AA64) (2003–0117)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1307. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileria da Aeronautica S.A (EMBRAER) Model EMB–145 Series Airplanes Docket No. 99–Nm–83 (2120–AA64) (2003–0116)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1308. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 90–30 Airplanes Docket No. 2001–NM–172 (2120–AA64)

(2003–0115)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1309. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Change of Controlling Agency for Restricted Area R–6601 Fort A P Hill, VA; and R–6608A, R–6608B, and R–6608C, Quantico, VA; Docket No. 02–AEA–23 (2120–AA66) (2003–0042)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1310. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Brookfield, MO; Docket no. 03–ACE–3 (2120–AA66) (2003–0041)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1311. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E2 Airspace and Modification of Existing Class E5 Airspace; Ainsworth, NE; correction; Docket No. 02–ACE–8 (2120–AA66) (2003–0040)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1312. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MD Helicopters, Inc . Model 369D, 369E, 369F, and 369FF Helicopters; Docket no. 2001–SE–40 (2120–AA64) (2003–0111)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1313. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Ratheon Aircraft Company 65, 90, 100, 200, and 300 Series , and Model 2000 Airplanes; Docket No. 2000–CE–80 (2120–AA64) (2003–0110)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1314. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: CFM International CFM 56–6, and 5B Series Turbofan Engines; Docket No. 2001–NE–49 (2120–AA64) (2003–0109)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1315. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives Bell Helicopter Textron Canada Limited Model 407 Helicopters; docket no. 2002-sw-33'' received on February 11 , 2003; to the Committee on Commerce, Science, and Transportation.

EC–1316. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing 7777 Series Airplanes Equipped with Rolls Royce Model Trent 800 Series Engines, Docket no. 2002-Nm-318 (2120–AA64) (2003–0107'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1317. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Aging aircraft Safety; Interim final Rule; Extension of Comment period; Docket No. FAA–1999–540 (2120–AE42) (2003–0002)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1318. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (14); Amdt. No 3042 (2120–AA65) (2003–0009)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1319. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (43) Amdt. No. 3041 (2120–AA65) (2003–0008)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1320. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Using Agency for Restricted Area 2301E, Ajo East, AZ; Restricted Area 2304, Gila Bend, AZ: and Restricted Area 2305, Gila Bend, AZ; Docket No. 02–Awp-11 (2120–AA66) (203–0043)'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1321. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France Model AS350B, BA, B1, B2, B3, C, D D1, AS355E, F F1, F2, and N Helicopters; Docket No. 2002–SW–41'' received on February 11, 2003; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 476. An original bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes (Rept. No. 108–11).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH for the Committee on the Judiciary.

Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

John G. Roberts, Jr., of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Jay S. Bybee, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Ralph R. Erickson, of North Dakota, to be United States District Judge for the District of North Dakota.

William D. Quarles, Jr., of Maryland, to be United States District Judge for the District of Maryland.

Gregory L. Frost, of Ohio, to be United States District Judge for the Southern District of Ohio.

Jeremy H. G. Ibrahim, of Pennsylvania, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2005.

Edward F. Reilly, of Kansas, to be a Commissioner of the United States Parole Commission for a term of six years.

Cranston J. Mitchell, of Missouri, to be a Commissioner of the United States Parole Commission for a term of six years.

Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Timothy C. Stanceu, of Virginia, to be a Judge of the United States Court of International Trade.

Peter Joseph Elliott, of Ohio, to be United States Marshal for the Northern District of Ohio for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. NICKLES (for himself and Mr. MILLER) (by request):

S. 2. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth; to the Committee on Finance.

By Mr. REID (for himself, Mr. SMITH, Ms. SNOWE, Ms. CANTWELL, Mr. HARKIN, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. WYDEN, and Mr. COLEMAN):

S. 464. A bill to amend the Internal Revenue Code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY (for herself, Ms. CANTWELL, Mr. REED, Ms. COLLINS, Ms. LANDRIEU, Ms. MIKULSKI, and Mr. SMITH):

S. 465. A bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. LEAHY):

S. 466. A bill to provide financial assistance to State and local governments to assist them in preventing and responding to acts of terrorism in order to better protect homeland security; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself, Ms. CANTWELL, Mr. FRIST, Mr. CORNYN, Mr. COCHRAN, Mr. THOMAS, and Mr. ALEXANDER):

S. 467. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. DOMENICI, Mr. LEVIN, Mr. BINGAMAN, Mr. BREAUX, Mrs. CLINTON, Mr. JOHNSON, and Ms. LANDRIEU):

S. 468. A bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay; to the

Committee on Agriculture, Nutrition, and Forestry.

By Mr. KOHL (for himself, Mr. DEWINE, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. REED, Ms. MIKULSKI, Mr. CORZINE, and Mr. LEVIN):

S. 469. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, Mr. LUGAR, and Mr. DURBIN):

S. 470. A bill to extend the authority for the construction of a memorial to Martin Luther King, Jr; to the Committee on Energy and Natural Resources.

By Mr. ALLEN:

S. 471. A bill to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 472. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northern Neck National Heritage Area in Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. JEFFORDS, and Mr. LIEBERMAN):

S. 473. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

By Mr. JOHNSON:

S. 474. A bill to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. THOMAS:

S. 475. A bill to reform the nation's outdated laws relating to the electric industry, improve the operation of our transmission system, enhance reliability of our electric grid, increase consumer benefits from whole electric competition and restore investor confidence in the electric industry; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY:

S. 476. An original bill to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. FEINGOLD (for himself, Mr. LEAHY, and Mr. DAYTON):

S. 477. A bill to amend the Internal Revenue Code of 1986 to disallow deductions and credits for companies who discriminate against Canadian pharmacies that pass along discounts to consumers living in the United States; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. WARNER, Mrs. MURRAY, Mr. CAMPBELL, Mrs. HUTCHISON, Mrs. CLINTON, Mr. SESSIONS, and Mr. MILLER):

S. 478. A bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS:

S. 479. A bill to amend title IV of the Higher Education Act of 1965 to provide grants for homeland security scholarships; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. KENNEDY, Mr. COCHRAN, Mrs. LINCOLN, Mr. KERRY, Mr. BINGAMAN, Mr. DODD, Mr. BAUCUS, and Mr. EDWARDS):

S. 480. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 481. A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes; to the Committee on Governmental Affairs.

By Ms. COLLINS:

S. 482. A bill to reauthorize and amend the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 483. A bill to authorize the Secretary of the Army to carry out a project for the mitigation of shore damages attributable to the project for navigation, Saco River, Maine; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Ms. SNOWE):

S. 484. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself and Mr. VOINOVICH) (by request):

S. 485. A bill to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. KENNEDY, Mr. COLEMAN, Mr. DAYTON, Mr. GRASSLEY, Mr. REED, Mr. COCHRAN, Mr. DODD, Mr. WARNER, Mr. REID, Mr. THOMAS, Mr. JOHNSON, Mr. SPECTER, Mr. HARKIN, Mr. LUGAR, Mr. DASCHLE, Mr. GRAHAM of South Carolina, Mrs. MURRAY, Ms. COLLINS, Ms. CANTWELL, Mr. ROBERTS, Mr. EDWARDS, Mr. CHAFEE, Mrs. LINCOLN, Mr. BENNETT, and Mr. LAUTENBERG):

S. 486. A bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mr. KERRY):

S. 487. A bill to amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. BREAUX, Mr. DURBIN, Mr. LEAHY, Mr. HARKIN, and Mr. JOHNSON):

S. 488. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. GRAHAM of Florida, Mr. LUGAR, Mr. DURBIN, Mr. CHAFEE, and Mr. NELSON of Florida):

S. 489. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Finance.

By Mr. REID (for himself and Mr. ENSIGN):

S. 490. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. COCHRAN, Mr. DODD, Mr. INOUYE, Ms. LANDRIEU, Mr. LOTT, and Mr. MILLER):

S. 491. A bill to expand research regarding inflammatory bowel disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG:

S. 492. A bill to direct the Secretary of Commerce to impose countervailing duties on dynamic random access memory (DRAM) semiconductors produced by Hynix Semiconductor; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. SPECTER, Mr. ENSIGN, and Ms. LANDRIEU):

S. 493. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Finance.

By Mr. CRAPO:

S. 494. A bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. Res. 68. A resolution recognizing the bicentennial of Ohio's founding; considered and agreed to.

By Ms. COLLINS (for herself, Mr. REED, and Mr. KENNEDY):

S. Res. 69. A resolution designating March 3, 2003, as ''Read Across America Day''; considered and agreed to.

By Mr. GREGG (for himself, Mr. KENNEDY, Ms. SNOWE, and Mr. DASCHLE):

S. Con. Res. 10. A concurrent resolution designating April 2003 as ''Human Genome Month'' and April 25 as ''DNA Day''; considered and agreed to.

By Mr. CRAPO (for himself and Mr. ALLEN):

S. Con. Res. 11. A concurrent resolution expressing the sense of Congress regarding the Republic of Korea's continuing unlawful bailouts of Hynix Semiconductor Inc., and calling on the Republic of Korea, the Secretary of Commerce, the United States Trade Representative, and the President to take actions to end the bailouts; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. Con. Res. 12. A concurrent resolution honoring the life and work of Mr. Fred McFeely Rogers; ordered held at the desk.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. KYL, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 13, a bill to provide financial security to family farm and small business owners while by ending the unfair practice of taxing someone at death.

S. 56

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 56, a bill to restore health care coverage to retired members of the uniformed services.

S. 150

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 150, a bill to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act.

S. 251

At the request of Mr. LOTT, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 251, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 252

At the request of Mr. THOMAS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 252, a bill to amend the Internal Revenue Code of 1986 to provide special rules relating to the replacement of livestock sold on account of weather-related conditions.

S. 253

At the request of Mr. CAMPBELL, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 267

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 267, a bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances or a tax credit and other incentives to promote diversity of ownership in telecommunications businesses.

S. 271

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 287

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 287, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 300

At the request of Mr. MCCAIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 300

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 300, supra.

S. 330

At the request of Mr. CAMPBELL, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Montana (Mr. BURNS) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 330, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 338

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 344

At the request of Mr. AKAKA, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 344, a bill expressing the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and for other purposes.

S. 361

At the request of Mrs. LINCOLN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 361, a bill to amend the Internal Revenue Code of 1986 to allow for an energy efficient appliance credit.

S. 392

At the request of Mr. REID, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 392

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 392, supra.

S. 412

At the request of Mr. KYL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 412, a bill to amend the Balanced Budget Act of 1997 to extend and modify the reimbursement of State and local funds expended for emergency health services furnished to undocumented aliens.

S. 457

At the request of Mr. LEAHY, the names of the Senator from Montana (Mr. BURNS), the Senator from North Dakota (Mr. CONRAD), the Senator from North Dakota (Mr. DORGAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Indiana (Mr. LUGAR), the Senator from Rhode Island (Mr. REED) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 457, a bill to remove the limitation on the use of funds to require a farm to feed livestock with organically produced feed to be certified as an organic farm.

S. CON. RES. 5

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. Con. Res. 5, a concurrent resolution expressing the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

S. CON. RES. 7

At the request of Mr. BUNNING, his name was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. CON. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution designating the second week in May each year as ''National Visiting Nurse Association Week''.

S. RES. 24

At the request of Mr. BYRD, the names of the Senator from Nevada (Mr. REID) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 24, a resolution designating the week beginning May 4, 2003, as ''National Correctional Officers and Employees Week''.

S. RES. 46

At the request of Mr. BINGAMAN, the names of the Senator from Virginia (Mr. ALLEN), the Senator from New

Mexico (Mr. DOMENICI), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 46, a resolution designating March 31, 2003, as ''National Civilian Conservation Corps Day''.

S. RES. 48

At the request of Mr. AKAKA, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. Res. 48, a resolution designating April 2003 as ''Financial Literacy for Youth Month''.

S. RES. 67

At the request of Mr. SCHUMER, the names of the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 67, a resolution expressing the sense of the Senate that Alan Greenspan, the Chairman of the Federal Reserve Board, should be recognized for his outstanding leadership of the Federal Reserve, his exemplary conduct as Federal Reserve chairman, and his commitment as a public servant.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NICKLES (for himself and Mr. MILLER) (by request):

S. 2. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to encourage economic growth; to the Committee on Finance.

Mr. NICKLES. Mr. President, today I am sending to the desk a bill by myself and Senator MILLER to amend the IRS Code. It is a bill to provide jobs and economic growth for our country.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. NICKLES. Mr. President, this bill Senator MILLER and I are introducing is the President's economic and growth package. This is a package the President has put together that would help American families. This is a package that is profamilial and progrowth. It is a bill that will create jobs. It is a bill that will create an incentive to invest. It is a bill to eliminate unfair punitive taxes on corporate earnings that are distributed to the owners of the corporation. It is a bill that will help stimulate and grow our economy.

I compliment the President for his work in proposing this. I am happy to introduce it. Let me talk about a couple of the provisions of the bill.

This bill will expand the 10-percent bracket. This is to help people of all incomes. But the lowest income people will be the true beneficiaries of this package. It will accelerate reductions in the individual income tax rates that were passed in 2001. You might remember the 2001 tax bill that we passed which had individual rate reductions phased in over the years. There was a 1 percent reduction in most of the rates in 2004, and another percent reduction in 2006. These are accelerated to 2003.

It means that the maximum personal income tax bracket would be 35 percent instead of the present 38.6 percent. It means that individuals would not have to pay taxes at rates greater than corporations. The bulk of the benefit of this will come to individuals who are self-employed, individuals who are sole proprietors, and individuals who own or operate their own business. They will receive the bulk of the benefit of this rate reduction. Some people may want to demagog some of the estimates that benefit primarily the wealthy. I disagree.

We also might keep in perspective that when President Clinton was elected, the maximum rate was 31 percent. He increased it to 39.4 percent. When we totally implement President Bush's tax reduction, the maximum rate will be 35 percent, which is still significantly higher than the 31 percent just 10 years ago.

The President's proposal that we are introducing today would also accelerate the reduction in the marriage penalty. This is a very big item to help married couples reduce their taxes. The net impact of this is it would double the 15-percent bracket that individuals have for couples.

To give you an example, individuals presently pay 15 percent, I believe, on income up to about $28,000. But couples have to start paying a 28-percent or 27-percent bracket when they have income above $47,000. We say that instead of paying 27 percent for taxable income above $47,000, no, that should be double the individual amount. So couples don't have to pay above the 15-percent bracket unless their income exceeds $56,000.

It is not very complicated. Couples should have for the 15-percent bracket twice what individuals have. Individuals pay 15 percent up to $28,000. So we doubled that amount for couples. The net impact of that is you pay 15 percent instead of 27 percent for a total of about $9,000. It saves couples a total of $1,022. If the couples have two children, they would get additional child credit. We increase the child credit, which is presently $600, to $1,000. That is an increase of $400 per child. If you have two children, that is $800 of tax credit—not deductions, tax credit. It reduces your tax bill by $800.

If you have a taxable income of $56,000, you also get the $1,122 of marriage penalty relief. You get $100 savings from the 10-percent bracket expansion. Total tax relief for a family that has taxable income of $56,800 totals over $2,000. Actually, it is $2,022. That is about a 22-percent tax cut for middle-income families. That will help thousands—millions—of families all across the country.

Also, this bill would eliminate the double taxation on corporate earnings. Presently, in the United States, unfortunately, unbelievably, we tax corporate earnings that are distributed to the owners more than almost any other country in the world. Only one country, Japan, taxes corporate earnings distributed to the owners higher than the United States.

Our combined tax rate of 35 percent corporate and the individual tax percentage, depending on the individual's income tax bracket—it could be 15 percent, it could be 30 percent, it could be 38.6 percent—if you add the 38.6 percent plus the 35 percent, it is over 70 percent. If it is 30 percent for the individual rate, and the corporation rate is 35, it is 65 percent. So for a corporation that makes $1,000 and wants to distribute that to the owners, the Federal Government gets 65 percent; and the beneficiary, the owner of the company, gets 35 percent. That is absurd. That is embarrassing. That is indefensible. And countless people—economists, the President, candidates and others—said we should eliminate this unfair double taxation of dividends.

The President has come up with a proposal to do that. I am happy to introduce it for him. I urge my colleagues—before they demagog it, before they castigate it—to look at the facts.

Does it really make sense for us to be taxing corporate distributions to all owners—incidently, the majority of owners are senior citizens—does it really make sense for us to be taxing these proceeds higher than any other country in the world but one? It makes no sense.

Does it really make sense to have the Tax Code skewed to where it really is beneficial to go into debt because you can expense your interest expense? But, oh, yes, if you go the equity route, you have to pay taxes on anything that is generated in the company. And the individual who receives the benefits pays taxes, so the Government gets two-thirds of the money, two-thirds of the distribution. That does not make sense. It discourages investment. It encourages debt. Not a good corporate policy.

Present law encourages a lot of corporate shenanigans and corporate games trying to get around taxes when they realize that such a great percentage of the distribution to owners is going to be paid in taxes—''Let's figure out other ways.'' Maybe they do it through bonuses, but they might do it through all kinds of schemes. And we have seen some of those.

This would be great corporate reform, very positive, well-needed reform, and long overdue—long overdue.

In this package that the President has proposed, it also has something I am very much in favor of: expensing for small business. I used to have a small business. But it triples the amount a small businessperson can expense from $25,000 to $75,000. In other words, if they write a check for that amount, they can expense it in the year that the check is written. That

will greatly encourage investment because they get to recoup the investment that is made in the same year the check is written—a very positive, progrowth proposal. Most jobs are created in small businesses, and this is a good, positive small business provision that will create jobs.

So we reduce taxes on business owners, sole proprietors. They would not have to pay taxes more than corporations. We would reduce taxes on married couples. We would discontinue the present policy of penalizing them for being married and filing joint returns. We would allow them to keep more of their own money. We would allow them to keep more of their own money if they have kids.

Certainly, if you have kids, it costs a lot of money to raise them. We say you should have a $1,000 tax credit per child. So for every child you have, you get to save $1,000 in taxes. I have four kids, so that is $4,000 per year. A couple with four kids would get to save $4,000 per year. That is significant. That is profamily. That is positive. That allows people who really need the money raising families to keep it.

One, we eliminate the marriage penalty, and, two, we allow them to keep more for their own kids. Very significant benefits. When you add all the benefits together, it really makes the income tax even more progressive.

The upper income groups would still pay a greater percentage of income tax, even after we pass this proposal. I can just envision people saying: Well, this is class warfare. I hope they do not play those arguments because this is very family friendly and also investment friendly and will create jobs.

We need to do some things. Revenues have been declining for the last 2 years. We need to figure out ways to get revenues to grow. That means a growing economy. It means the stock market needs to move up instead of down.

This proposal will do that. This proposal is investment friendly. And the main beneficiaries will not be just the owners, it will be the people who get a job because the investment was not going to be made without it.

So let's do some things that will create an incentive for investment, for expensing, for people to go to work, and for people who are working to be able to keep more of their own money so they can take care of their families.

That is what the President's proposal is all about. So I am delighted to introduce this today with my colleague and friend, Senator ZELL MILLER of Georgia.

I ask unanimous consent to have printed in the RECORD two charts to further explain the breakout of this proposal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT BUSH'S 2004 BUDGET TAX PROPOSALS

(Dollars in billions)

	Fiscal years												
	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2004–2008	2004–2013
Growth Package—Revenue Impact:													
Accelerate 10% bracket expansion	−0.978	−7.782	−6.112	−6.117	−6.495	−4.275	−3.227	−3.283	−3.326	−3.294	−3.283	−30.781	−47.194
Accelerate reduction in marginal rates	−5.808	−35.693	−17.470	−4.939	—	—	—	—	—	—	—	−58.102	−58.102
Accelerate marriage penalty relief	−2.776	−27.134	−14.680	−7.642	−3.595	−1.735	−0.424	0.000	0.000	0.000	0.000	−54,786	−55,210
Accelerate increase in child credit	−13.527	−5.060	−10.735	−8.534	−8.532	−8.502	−7.746	−4.197	0.000	0.000	0.000	−41.363	−53.306
Eliminate double taxation of dividends	−3.801	−24.874	−22.062	−28.218	−31.126	−33.952	−37.378	−40.842	−44.010	−47.246	−50.616	−140.232	−360.324
Increase the small business expensing limit	−1.023	−1.652	−1.776	−1.912	−1.601	−1.431	−1.256	−1.170	−1.235	−1.259	−1.291	−8.372	−14.583
AMT hold-harmless	−3.141	−8.534	−10.353	−6.931	—	—	—	—	—	—	—	−25.818	−25.818
Growth Package Revenue Impact	−31.054	−110.729	−83.188	−64.293	−51.349	−49.895	−50.031	−49.492	−48.571	−51.799	−55.190	−359.454	−614.537

THE JOBS AND GROWTH TAX ACT OF 2003—TAX RELIEF FOR WORKING FAMILIES

Example: *Married couple with two children.*

Taxable Income	$56,800
Total Tax Liability Under Current Law	9,042
With Enactment of The Jobs and Growth Tax Act of 2003:	
Marriage Penalty Relief	1,122
Relief from 10% Bracket Expansion	100
Relief From Child Credit Increase	800
Total Tax Relief in 2003	2,022

Tax savings of 22 percent.

Mr. NICKLES. I urge my colleagues to seriously consider this proposal. And I welcome their support of it.

I yield the floor.

By Mr. REID (for himself, Mr. SMITH Ms. SNOWE, Ms. CANTWELL, Mr. HARKIN, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. WYDEN, and Mr. COLEMAN):

S. 464. A bill to amend the Internal Revenue Code of 1986 to modify and expand the credit for electricity produced from renewable resources and waste products, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, faced with uncertainties in electricity energy markets, turmoil in the Mideast, the need to cut back on the fossil fuel emissions linked to global warming, air pollution that contributes to high rates of asthma and fills even our national parks with smog, the United States must diversify its energy supply by promoting the growth of renewable energy.

Since 1999, Las Vegas electricity rates have increased by 60 percent. In the same period, natural gas prices across Nevada have doubled. We need to change the energy equation. We need to diversify the Nation's energy supply to reduce volatility and ensure a stable supply of electricity. We must harness the brilliance of the sun, the strength of the wind, and the heat of the Earth to provide clean, renewable energy for our nation.

I rise today to introduce a bill with Senators SMITH, SNOWE, CANTWELL, HARKIN, LIBERMAN, FEINSTEIN, JEFFORDS, and WYDEN expands the existing Section 45 production tax credit for renewable energy resources to cover all renewable energy resources. Our legislation accomplishes this by adding geothermal, incremental geothermal, solar, open-loop biomass, incremental hydropower, landfill gas, and animal waste to the list of renewable energy resources that would quality for a production tax credit.

Our legislation also makes the production tax credit permanent to signal America's long-term commitment to renewable energy resources. The existing production tax credit that covers wind energy, poultry waste, and closed-look biomass will expire at the end of 2003! Since it inception in 1992, the production tax credit has expired and been renewed twice; in 1999 and 2001. Development of wind energy has closely mirrored these renewal cycles. Clearly, the private investment necessary to develop renewable energy resources requires the business certainly afforded a long-term extension of the production tax credit.

Our bill allows for co-production credits to encourage blending of renewable energy with traditional fuels and provides a credit for renewable facilities on native American and native Alaskan lands. In northern Nevada, the Pyramid Lake Paiute Tribe is working with Advanced Thermal Systems to develop geothermal resources on Indian lands that will spur economic development by creating business opportunities and jobs for tribal members.

This legislation also provides production incentives to not-for-profit public power utilities and rural electric cooperatives, which serve 25 percent of the Nation's power customers, by allowing them to transfer of their credits to taxable entities.

The good news is that the production tax credit for renewable energy resources really works to promote the growth of renewable energy. In 1990, the cost of wind energy was 22.5 cents per kilowatt hour and, today, with new technology and the help of a modest

production tax credit, wind is a competitive energy source at 3 to 4 cents per kilowatt hour. In the last 5 years, wind energy has experience a 30 percent growth rate. This year, Nevada utilities have signed contracts for more then 130 MW of wind energy.

The production tax credit provides 1.8 cents for every kilowatt-hour of electricity produced. Similar to wind energy, this credit will allow geothermal energy, incremental hydropower, and landfill gas to immediately compete with fossil fuels, while biomass will follow closely behind. The Department of Energy estimates that we would increase our geothermal energy production almost ten fold, supplying ten percent of the energy needs of the West. As fantastic as it sounds, enough sunlight falls on a 100 mile by 100 miles of southern Nevada that—if covered with solar panels—could power the entire Nation.

Let's never lose sight of the fact that renewable energy resources are domestic sources of energy, and using them instead of foreign sources contributes to our energy security. Renewables provide fuel diversify and price stability. After all, the fuel—the wind, the sun, heat from the core of the earth—costs nothing. And they provide jobs, especially in rural areas that have been largely left out of American recent economic growth.

The production tax credit for renewable energy resources is a powerful, fast acting stimulus to the economy. According to the Western Government Association, the Department of Energy's Initiative to deploy 1,000 MWs of concentrated solar power in the Southwestern area of the United States by the year 2006 would create approximately 10,0000 jobs and estimated expenditures of more than 3.7 billion over 14 years. Nevada has already developed 200 Megawatts of geothermal power, with a longer-term potential of more than 2,500 Megawatts. This development will provide billions of private investment and create thousands of jobs. Our production tax credit means immediate economic development and jobs!

In the U.S. today, we get less than 3 percent of our electricity from renewable energy sources like wind, solar, geothermal, and biomass. But the potential for much greater supply is here. For example, Nevada is considered the Saudi Arabia of geothermal. My state could use geothermal energy to meet one-third of its electricity needs, but today this source of energy only supplies 2.3 percent. I'm proud to say that Nevada has adopted one of the most aggressive Renewable Portfolio Standard in the Nation, requiring that 5 percent of the State's electricity needs be met by renewable energy resources in 2003, which then grows to 15 percent by 2013.

After pouring billions of dollars into oil and gas, we need to invest in a clean energy future. Fossil fuel plants pump over 11 million tons of pollutants into our air each year. Federal energy policy must promote reductions in greenhouse gas emissions. By including landfill gas in this legislation, we systematically reduce the largest single human source of methane emissions in the United States, effectively eliminating the greenhouse gas equivalent of 223 million tons of carbon dioxide.

An article in The Journal of the American Medical Association revealed an alarming link between soot particles from power plants and motor vehicles and lung cancer and heart disease. The adverse health effects of power plant and vehicle emissions cost Americans billions of dollars in medical care, and our cost in human suffering is immeasurable. Simply put, the human cost of dirty air is staggering. If we factor in environmental and health effects, the real cost of energy becomes apparent, and renewable energy become the fuel of choice.

America's abundant and untapped renewable resources can fuel our journey into a more prosperous and safer tomorrow without compromising air and water quality.

Renewable energy is the cornerstone of a successful, forward looking, and secure energy policy for the 21st Century.

By Mrs. HUTCHISON (for herself, Ms. CANTWELL, Mr. FRIST, Mr. CORNYN, Mr. COCHRAN, Mr. THOMAS, and Mr. ALEXANDER):

S. 467. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes in lieu of State and local income taxes and to allow the State and local income tax deduction against the alternative minimum tax; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to correct an injustice in the tax code that harms citizens in every state of this great Nation.

State and local governments have various alternatives for raising revenue. Some levy income taxes, some use sales taxes, and others use a combination of the two. The citizens who pay State and local income taxes are able to offset some of what they pay by receiving a deduction on their Federal taxes. Before 1986, taxpayers also had the ability to deduct their sales taxes.

The philosophy behind these deductions is simple: people should not have to pay taxes on their taxes. The money that people must give to one level of government should not also be taxed by another level of government.

Unfortunately, these common sense deductions have slowly been eroded over the years. First, the deduction for State and local sales tax was eliminated in the 1986 tax reform legislation. Second, the alternative minimum tax has reduced the benefit of the income tax deduction for many.

The elimination of the sales tax deduction discriminates against those living in states, such as my home State of Texas, with no income taxes. It is important to remember the lack of an income tax does not mean citizens in these States do not pay State taxes; revenues are simply collected differently.

It is unfair to give citizens from some States a deduction for the revenue they provide their State and local governments, while not doing the same for citizens from other States. Federal tax law should not treat people differently on the basis of State residence and differing tax collection methods.

This discrepancy has a significant impact on Texas. According to the Texas Comptroller, if taxpayers could deduct their sales taxes, more than $700 million would stay in the hands of Texans. This could lead to the creation of more than 16,000 new jobs and add almost $900 million in economic activity. The impact of this growth would be particularly beneficial during this period when many States are facing record-breaking deficits. At the same time, such a tax change would cost the Federal Government less than one percent of what the current State and local income tax deduction costs.

For those in states with income taxes, their tax deduction benefit has been diminished by the alternative minimum tax, AMT. People can deduct their state and local income taxes when calculating their regular taxes, but not when determining the AMT. The difference often is the reason people must pay the higher alternative tax.

In fact, state and local taxes account for 54 percent of the difference between the AMT and the regular tax calculation. This particularly hurts the 60 percent of AMT payers who are from states with higher income tax rates. Eliminating this discrepancy would go a long way toward reducing the number of people affected by the AMT.

The legislation I am offering today will fix these problems. First, it will provide all taxpayers with the option of deducting State and local sales taxes, instead of income taxes, when calculating their Federal tax. This will end the discrimination suffered by my fellow Texans and citizens of other states who do not have the option of an income tax deduction. It will also allow people from states with both a sales and an income tax to choose the most advantageous deduction.

My bill will also provide for a State and local income and sales tax deduction in the AMT. This is an important step in reducing the ballooning growth of the AMT, which will impact almost a third of all taxpayers by 2010.

The legislation I am introducing today is about reestablishing equity to the tax code and defending the important principle of eliminating taxes on taxes. I hope my fellow Senators will support this effort.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 467

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 ''State Sales and Income Tax Deduction Fairness Act of 2003''.

SEC. 2. DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.

(a) IN GENERAL.—Subsection (b) of section 164 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

''(5) GENERAL SALES TAXES.—For purposes of subsection (a)—

''(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—

''(i) IN GENERAL.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

''(I) without regard to the reference to State and local income taxes,

''(II) as if State and local general sales taxes were referred to in a paragraph thereof, and

''(III) without regard to the last sentence.

''(B) DEFINITION OF GENERAL SALES TAX.—The term 'general sales tax' means a tax imposed at one rate with respect to the sale at retail of a broad range of classes of items.

''(C) SPECIAL RULES FOR FOOD, ETC.—In the case of items of food, clothing, medical supplies, and motor vehicles—

''(i) the fact that the tax does not apply with respect to some or all of such items shall not be taken into account in determining whether the tax applies with respect to a broad range of classes of items, and

''(ii) the fact that the rate of tax applicable with respect to some or all of such items is lower than the general rate of tax shall not be taken into account in determining whether the tax is imposed at one rate.

''(D) ITEMS TAXED AT DIFFERENT RATES.—Except in the case of a lower rate of tax applicable with respect to an item described in subparagraph (C), no deduction shall be allowed under this paragraph for any general sales tax imposed with respect to an item at a rate other than the general rate of tax.

''(E) COMPENSATING USE TAXES.—A compensating use tax with respect to an item shall be treated as a general sales tax. For purposes of the preceding sentence, the term 'compensating use tax' means, with respect to any item, a tax which—

''(i) is imposed on the use, storage, or consumption of such item, and

''(ii) is complementary to a general sales tax, but only if a deduction is allowable under this paragraph with respect to items sold at retail in the taxing jurisdiction which are similar to such item.

''(F) SPECIAL RULE FOR MOTOR VEHICLES.—In the case of motor vehicles, if the rate of tax exceeds the general rate, such excess shall be disregarded and the general rate shall be treated as the rate of tax.

''(G) SEPARATELY STATED GENERAL SALES TAXES.—If the amount of any general sales tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (other than in connection with the consumer's trade or business) to the seller, such amount shall be treated as a tax imposed on, and paid by, such consumer.

''(H) AMOUNT OF DEDUCTION TO BE DETERMINED UNDER TABLES.—

''(i) IN GENERAL.—The amount of the deduction allowed under this paragraph shall be determined under tables prescribed by the Secretary.

''(ii) REQUIREMENTS FOR TABLES.—The tables prescribed under clause (i) shall reflect the provisions of this paragraph and shall be based on the average consumption by taxpayers on a State-by-State basis, as determined by the Secretary, taking into account filing status, number of dependents, adjusted gross income, and rates of State and local general sales taxation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 3. ALLOWANCE OF STATE AND LOCAL INCOME TAXES AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 56(b)(1)(A)(ii) of the Internal Revenue Code of 1986 (relating to limitation on deductions) is amended by inserting ''(other than State and local income taxes or general sales taxes)'' before the period.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. KOHL (for himself, Mr. DEWINE, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. REED, Ms. MIKULSKI, Mr. CORZINE, and Mr. LEVIN).

S. 469. A bill to amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with my colleagues Senator DEWINE, Senator FEINSTEIN, Senator SCHUMER, Senator REED, Senator MIKULSKI, Senator CORZINE, and Senator LEVIN to reintroduce the ''Technological Resource to Assist Criminal Enforcement'' ''TRACE'' Act, a bill to require ballistics testing of all firearms manufactured or imported in the United States.

The science of ballistics testing has given police the ability to solve multiple crimes simply by comparing bullets and shell casings found at the scene of a crime to a gun seized in a seemingly unrelated incident. This comparison is possible because every gun has a unique ''fingerprint'' it leaves on spent shell casings and bullets after it is fired. Just as human fingerprints can be grouped into general classifications such as loops and whorls, but still possess individual characteristics and then analyzed for its unique characteristics, firearms evidence can be similarly grouped and then analyzed by trained technicians for unique identifying characteristics.

Let me explain more specifically how this technology works. Today, ballistics technology equipment allows firearms technicians to acquire digital images of the images of the markings made by a firearm on bullets and cartridge casings; the images then undergo an automated initial comparison. If a high confidence match emerges, experts compare the original evidence to confirm a match. Once a match is found, law enforcement can begin tracing that weapon from its original sale to the person who used it to commit the crime.

Microscopic comparison of bullets and shell casings has been in practice for many years, even before formal databases were established. However, in the past 15 years, through the use of computer databases, ballistics technology described above has developed into a systematic tool for law enforcement to solve gun crimes. Since the early 1990's, more than 250 crime labs and law enforcement agencies in more than 40 States have been operating independent ballistics systems maintained by either the Bureau of Alcohol, Tobacco, Firearms, and Explosives ''ATFE'', or the Federal Bureau of Investigation. Together, ATFE's Integrated Ballistics Identification System, ''IBIS'', and the FBI's DRUGFIRE system have been responsible for linking 5,700 guns to two or more crimes where corroborating evidence was otherwise lacking. These links have helped law enforcement and prosecutors bring thousands of dangerous criminals to justice.

Never before have the tremendous law enforcement benefits of ballistics testing been so apparent. I would like to take the opportunity to describe a few instances where ballistics technology helped solve otherwise unsolvable crimes.

Last fall, law enforcement officials used ballistics testing to match the bullets and shell casings found at the scenes of the sniper shootings in the Nation's Capital region, and later to other deadly shootings across the country. The bullets and casings were also linked to the gun that the accused assailants had in their possession when they were arrested. This ballistics information has provided vital evidence to prosecutors and will help keep the snipers behind bars.

In another example, the only evidence at the scene of a brutal homicide in Milwaukee was 9 millimeter cartridge casings—there were no other clues. But 4 months later, when a teenage male was arrested on an unrelated charge, he was found to be in possession of the firearm that had discharged those casings. Ballistics linked the two cases. Prosecutors successfully prosecuted three adult suspects for the homicide and convicted the teen in juvenile court.

On September 9, 2000, several suspects were arrested in Boston for the illegal possession of three handguns. Each of the guns was test fired, and the ballistics information was compared to evidence found at other crime scenes. The police quickly found that the three guns were used in the commission of 15 felonies in Massachusetts and Rhode Island. This routine arrest for illegal possession of firearms provided police with new leads in the investigation of 15 unsolved crimes. Without the ballistics testing, these crimes would not have been linked and might have never been solved.

As you can see, ballistics technology helps law enforcement exponentially in their efforts to solve gun crimes. But while success stories are increasingly frequent, the full potential of ballistics

testing is still untapped. One way that the Bureau of Alcohol, Tobacco, Firearms and Explosives is making ballistics testing more accessible to state and local law enforcement is through the installation of a new network of ballistics imaging machines. The final introduction of the machines across the country is almost complete and, once it is, the computers will be able to access each other and search for a greater number of images. The National Integrated Ballistics Information Network, better know as ''NIBIN,'' will be a regional network of databases that will permit law enforcement in one locality access to information stored in other gun crime databases around the entire country. According to the ATFE, ''the NIBIN program is a key element to ATFE's efforts [to remove violent offenders from America's streets].''

But ballistics testing is only as useful as the number of images in the database. Today, almost all jurisdictions are limited to images of bullets and cartridge casings that come from guns used in crimes. The TRACE Act would dramatically expand the scope of that database by mandating that all guns manufactured or imported be test fired before being placed into the stream of commerce. The images collected from the test firing would then be collected and accessible to law enforcement—and law enforcement only—for the purpose of investigating and prosecuting gun crimes.

Recently, studies done about ballistics testing and ballistics databases have been in the news. Concern has been expressed by some about the size and practicality of a large database. However, it is important to point out that this bill would merely expand upon the existing network of 16 multistate regional databases, rather than create a single large national database. In addition, accusations that systems would be log-jammed with too many entries has been refuted by ATFE ballistics experts. Since its inception, the speed and efficiency of ballistics databases has substantially increased. For example, from 1994 to 1999 the IBIS correlation speed for cartridge casings dropped from 35 seconds to 1.7 seconds, and correlation speed for bullets dropped from 4 seconds to 0.3 seconds. The conversion to NIBIN is expected to yield an even faster return of correlation results, regardless of an increase in entries.

Of course no investigative tool is perfect or effective in every single situation, not even fingerprints. However, ATFE maintains that the availability of an open-case file of many thousands of exhibits, searchable within minutes, provides invaluable information to law enforcement authorities. TRACE would enhance the current ballistics databases by giving federal, state, and local law enforcement access to even more evidence that will help them solve more gun crimes and make our communities safer.

Today, police can find out more about a human being than they can about a gun used in a crime. Law enforcement can use DNA testing, take fingerprints and blood samples, search a person's health records, peruse bank records and credit card statements, obtain phone records and get a list of book purchases to link a suspect to a crime. Yet, the bullets found at the scene of a crime often cannot be traced back to the gun used because our ballistics images database is not comprehensive. Many of those on the front lines of the fight against crime are in favor of ballistics testing. In fact, in my home state of Wisconsin, over 75 percent of police chiefs surveyed are supportive of the use of ballistics technology.

The burden on manufacturers is minimal—we authorize funds to underwrite the cost of testing—and the assistance to law enforcement is considerable. And don't take our word for it, ask the gun manufacturers and the police. Listen to what Paul Januzzo, the vice-president of the gun manufacturer Glock, said in reference to ballistics testing, ''Our mantra has been that the issue is crime control, not gun control . . . it would be two-faced of us not to want this.'' In their agreement with the Department of Housing and Urban Development, Smith & Wesson agreed to perform ballistics testing on all new handguns. And Ben Wilson, the chief of the firearms section at ATFE, emphasized the importance of ballistics testing as a investigative device, ''This [ballistics] allows you literally to find a needle in a haystack.''

To be sure, we are sensitive to the notion that law abiding hunters and sportsmen need to be protected from any misuse of the ballistics database by government. The TRACE Act explicitly prohibits ballistics information from being used for any purpose unless it is necessary for the investigation of a gun crime.

The TRACE Act will enhance a revolutionary new technology that helps solve crime. The technology is becoming more and more advanced to accommodate high volume-usage, and it is expected to continue to get better and better. Ballistics testing will help solve more gun crimes, prosecute more criminals, and ensure that more communities are protected from violence. TRACE is a worthwhile piece of crime control legislation and I hope that the Senate will move quickly to pass it.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 469

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 ''Technological Resource to Assist Criminal Enforcement Act'' or the ''TRACE Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to increase public safety by assisting law enforcement in solving more gun-related crimes and offering prosecutors evidence to link felons to gun crimes through ballistics technology;

(2) to provide for ballistics testing of all new firearms for sale to assist in the identification of firearms used in crimes;

(3) to require ballistics testing of all firearms in custody of Federal agencies to assist in the identification of firearms used in crimes; and

(4) to add ballistics testing to existing firearms enforcement programs.

SEC. 3. DEFINITION OF BALLISTICS.

Section 921(a) of title 18, United States Code, is amended by adding at the end the following:

''(36) BALLISTICS.—The term 'ballistics' means a comparative analysis of fired bullets and cartridge casings to identify the firearm from which bullets and cartridge casings were discharged, through identification of the unique markings that each firearm imprints on bullets and cartridge casings.''.

SEC. 4. TEST FIRING AND AUTOMATED STORAGE OF BALLISTICS RECORDS.

(a) AMENDMENT.—Section 923 of title 18, United States Code, is amended by adding at the end the following:

''(m)(1) In addition to the other licensing requirements under this section, a licensed manufacturer or licensed importer shall—

''(A) test fire firearms manufactured or imported by such licensees as specified by the Attorney General by regulation;

''(B) prepare ballistics images of the fired bullet and cartridge casings from the test fire;

''(C) make the records available to the Attorney General for entry into the electronic database established under paragraph (3)(B); and

''(D) store the fired bullet and cartridge casings in such a manner and for such a period as specified by the Attorney General by regulation.

''(2) Nothing in this subsection creates a cause of action against any Federal firearms licensee or any other person for any civil liability except for imposition of a civil penalty under this section.

''(3)(A) The Attorney General shall assist firearm manufacturers and importers in complying with paragraph (1) by—

''(i) acquiring, installing, and upgrading ballistics equipment and bullet and cartridge casing recovery equipment to be placed at locations readily accessible to licensed manufacturers and importers;

''(ii) hiring or designating sufficient personnel to develop and maintain a database of ballistics images of fired bullets and cartridge casings, research, and evaluation;

''(iii) providing education about the role of ballistics as part of a comprehensive firearm crime reduction strategy;

''(iv) providing for the coordination among Federal, State, and local law enforcement and regulatory agencies and the firearm industry to curb firearm-related crime and illegal firearm trafficking; and

''(v) taking other necessary steps to make ballistics testing effective.

''(B) The Attorney General shall—

''(i) establish an electronic database—

''(I) through which State and local law enforcement agencies can promptly access the ballistics records stored under this subsection, as soon as such capability is available; and

''(II) that shall not include any identifying information regarding dealers, collectors, or purchasers of firearms; and

''(ii) require training for all ballistics examiners.

''(4) The Attorney General shall conduct mandatory ballistics testing of all firearms obtained or in the possession of their respective agencies.

''(5) Not later than 3 years after the date of enactment of this subsection, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report regarding the implementation of this section, including—

''(A) the number of Federal and State criminal investigations, arrests, indictments, and prosecutions of all cases in which access to ballistics records, provided under the system established under this section and under similar systems operated by any State, served as a valuable investigative tool in the prosecution of gun crimes;

''(B) the extent to which ballistics records are accessible across jurisdictions; and

''(C) a statistical evaluation of the test programs conducted pursuant to paragraph (4).

''(6) There are authorized to be appropriated to the Department of Justice $20,000,000 for each of the fiscal years 2004 through 2007 to carry out this subsection, to be used to—

''(A) install ballistics equipment and bullet and cartridge casing recovery equipment;

''(B) establish sites for ballistics testing;

''(C) pay salaries and expenses of necessary personnel; and

''(D) conduct related research and evaluation.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendment made by subsection (a) shall take effect on the date on which the Attorney General, in consultation with the Board of the National Integrated Ballistics Information Network, certifies that the ballistics system used by the Department of Justice is sufficiently developed to support mandatory ballistics testing of new firearms.

(2) BALLISTICS TESTING.—Section 923(m)(1) of title 18, United States Code, as added by subsection (a), shall take effect 2 years after the date of enactment of this Act.

(3) EFFECTIVE ON DATE OF ENACTMENT.—Section 923(m)(4) of title 18, United States Code, as added by subsection (a), shall take effect on the date of enactment of this Act.

SEC. 5. PRIVACY RIGHTS OF LAW ABIDING CITIZENS.

Ballistics information of individual guns in any form or database established by this Act may not be used for prosecutorial purposes unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime.

By Mr. SARBANES (for himself, Mr. WARNER, Ms. MIKULSKI, Mr. LUGAR, and Mr. DURBIN):

S. 470. A bill to extend the authority for the construction of a memorial to Martin Luther King, Jr; to the Committee on Energy and Natural Resources.

Mr. SARBANES. Mr. President, I am pleased to join today with Senators WARNER, LUGAR, MIKULSKI and DURBIN in introducing legislation that would extend the legislative authority for the Martin Luther King, Jr. Memorial for an additional three years. The monument to Martin Luther King, Jr., which will be built on the Mall, will honor one of this Nation's most treasured citizens. Dr. King challenged us to live by the principles set forth at this Nation's inception, and forever changed the fabric of this country.

Despite the enormous dedication of the Martin Luther King, Jr. National Memorial Project Foundation, Inc., additional time is necessary for the Foundation to erect a fitting tribute to Dr. King. The Commemorative Works Act currently requires that construction of the Memorial begin by November 2003. However, meeting the administrative procedures and fundraising requirements of the Act has been a very slow process.

On November 12, 1996, legislation was enacted authorizing construction of the Memorial within a seven-year period. It then took Congress another two years to pass legislation authorizing placement of the Memorial in Area I of the Capital. Then the Foundation worked with the National Capital Planning Commission and the Commission for Fine Arts for over a year to locate an appropriate site for the Memorial within Area I. As a result, the Foundation was unable to select a design for the Memorial until September 2000.

This consultative process has been challenging, but it has resulted in a design for a Memorial on the Tidal Basin that will fittingly reflect the legacy of the greatest civil rights leader of our time. Initial estimates indicate that the construction costs of the Memorial alone could be as much as $60 million, and the Foundation is actively engaged in fundraising for the Memorial. However, it does not expect to have the necessary funds to receive the construction permit by the deadline of November 2003 as dictated by the Commemorative Works Act. One hundred percent of the funding must be privately financed, and the total cost of the project could near $100 million. Our legislation would give the Foundation an additional three years to raise the necessary funds to obtain the construction permit, and would ensure that work on the Memorial is completed. This extension of legislative authority has been done before for other memorials, given the length of time it usually takes to embark on a project of this magnitude, and it should be done for the Martin Luther King, Jr. Memorial.

Dr. King serves as a reminder that change is brought about most powerfully when it is done by non-violent means. This country owes much to Dr. King, most notably his legacy of non-violent protest that has informed and influenced subsequent rights campaigns in our nation. Visitors will come to the Memorial from every part of this country and indeed the world, to be inspired anew by Dr. King's words and deeds, and the extraordinary story of his life. Mr. President, I ask my colleagues to support this important legislation and grant the Foundation the additional time it needs to complete this significant monument.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 470

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

SECTION 1. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4157) is amended—

(1) by striking ''The establishment'' and all that follows through the period at the end and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.''; and

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

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

By Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. JEFFORDS, and Mr. LIEBERMAN):

S. 473. A bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, today I am introducing important legislation to affirm Federal jurisdiction over the waters of the United States. I am pleased to have three members of the Environment and Public Works Committee, the Senator from California, Mrs. BOXER, the Senator from Vermont, Mr. JEFFORDS, and the Senator from Connecticut, Mr. LIEBERMAN, as original cosponsors of this bill.

In the U.S. Supreme Court's January 2001 decision, Solid Waste Agency of Northern Cook County versus the Army Corps of Engineers, a 5 to 4 majority limited the authority of Federal agencies to use the so-called migratory bird rule as the basis for asserting Clean Water Act jurisdiction over nonnavigable, intrastate, isolated wetlands, streams, ponds, and other bodies of water.

This decision, known as the SWANCC decision, means that the Environmental Protection Agency and Army Corps of Engineers can no longer enforce Federal Clean Water Act protection mechanisms to protect a waterway solely on the basis that it is used as habitat for migratory birds.

In its discussion of the case, the Court went beyond the issue of the migratory bird rule and questioned whether Congress intended the Clean Water Act to provide protection for isolated ponds, streams, wetlands and other waters, as it had been interpreted to provide for most of the last 30 years. While not the legal holding of the case, the Court's discussion has resulted in a wide variety of interpretations by EPA and Corps officials that jeopardize protection for wetlands, and other waters.

The wetlands at risk include prairie potholes and bogs, familiar to many in Wisconsin, and many other types of wetlands.

In effect, the Court's decision removed much of the Clean Water Act protection for between 30 percent to 60 percent of the Nation's wetlands. An estimate from my home state of Wisconsin suggested that more than 60 percent of the wetlands in my state lost federal protection. Wisconsin is not alone. The National Association of State Wetland Managers has been collecting data from states across the country. For example, Nebraska estimates that it will lose protection for more than 40 percent of its wetlands. Indiana estimates they will lose 31 percent of total wetland acreage and 74 percent of the total number of wetlands. Delaware estimates the loss of protection for 33 percent or more of their freshwater wetlands.

These wetlands absorb floodwaters, prevent pollution from reaching our rivers and streams, and provide crucial habitat for most of the nations ducks and other waterfowl, as well as hundreds of other bird, fish, shellfish and amphibian species. Loss of these waters would have a devastating effect on our environment.

In addition, by narrowing the water and wetland areas subject to Federal regulation, the decision also shifts more of the economic burden for regulating wetlands to State and local governments. My home State of Wisconsin has passed legislation to assume the regulation of isolated waters, but many other States have not. This patchwork of regulation means that the standards for protection of wetlands nationwide is unclear, confusing, and jeopardizes the migratory birds and other wildlife that depend on these wetlands.

Since 2001, the confusion over the interpretation of the SWANCC decision is growing. On January 15, 2003, the EPA and Army Corps of Engineers published in the Federal Register an Advanced Notice of Proposed Rulemaking raising questions about the jurisdiction of the Clean Water Act. Simultaneously, they released a guidance memo to their field staff regarding Clean Water Act jurisdiction.

The agencies claim these actions are necessary because of the SWANCC case. But both the guidance memo and the proposed rulemaking go far beyond the holding in SWANCC. The guidance took effect right away and has had an immediate impact. It tells the Corps and EPA staff to stop asserting jurisdiction over isolated waters without first obtaining permission from headquarters. Based on this guidance, waters that the EPA and Corps judge to be outside the Clean Water Act can be filled, dredged, and polluted without a permit or any other long-standing Clean Water Act safeguard.

The rulemaking announces the Administration's intention to consider even broader changes to Clean Water Act coverage for our waters. Specifically, the agencies are questioning whether there is any basis for asserting Clean Water Act jurisdiction over additional waters, like intermittent streams. The possibility for a redefinition of our waters is troubling because there is only one definition of the term ''water'' in the Clean Water Act. The wetlands program, the point source program which stops the dumping of pollution, and the non-point program governing polluted runoff all depend on this definition.

If we don't protect a category of waters from being filled under the wetlands program, we also fail to protect them from having trash or raw sewage dumped in them, or having other activities that violate the Clean Water Act conducted in them as well.

Congress needs to re-establish the common understanding of the Clean Water Act's jurisdiction to protect all waters of the U.S.—the understanding that Congress held when the Act was adopted in 1972—as reflected in the law, legislative history, and longstanding regulations, practice, and judicial interpretations prior to the SWANCC decision.

The proposed legislation does three things, and it is a very simple bill. It adopts a statutory definition of ''waters of the United States'' based on a longstanding definition of waters in the EPA and Corps of Engineers' regulations. Second, it deletes the term navigable from the Act to clarify that Congress's primary concern in 1972 was to protect the nation's waters from pollution, rather than just sustain the navigability of waterways, and to reinforce that original intent. Finally, it includes a set of findings that explain the factual basis for Congress to assert its constitutional authority over waters and wetlands on all relevant Constitutional grounds, including the Commerce Clause, the Property Clause, the Treaty Clause, and Necessary and Proper Clause.

In conclusion, I am very pleased to have the support of so many environmental and conservation groups, and well as organizations that represent those who regulate and manage our country's wetlands, such as: the Natural Resources Defense Council, Earthjustice, the National Wildlife Federation, Sierra Club, American Rivers, the National Audubon Society, U.S. Public Interest Research Group, Defenders of Wildlife, the Ocean Conservancy, Trout Unlimited, the Izaac Walton League, and the Association of State Floodplain Managers. They know, as I do, that we need to re-affirm the federal government's role in protecting our water. This legislation is a first step in doing just that.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 473

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 ''Clean Water Authority Restoration Act of 2003''.

SEC. 2. PURPOSES.

The purposes of this Act are as follows:

(1) To reaffirm the original intent of Congress in enacting the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) to restore and maintain the chemical, physical, and biological integrity of the waters of the United States.

(2) To clearly define the waters of the United States that are subject to the Federal Water Pollution Control Act.

(3) To provide protection to the waters of the United States to the fullest extent of the legislative authority of Congress under the Constitution.

SEC. 3. FINDINGS.

Congress finds the following:

(1) Water is a unique and precious resource that is necessary to sustain human life and the life of animals and plants.

(2) Water is used not only for human, animal, and plant consumption, but is also important for agriculture, transportation, flood control, energy production, recreation, fishing and shellfishing, and municipal and commercial uses.

(3) In enacting amendments to the Federal Water Pollution Control Act in 1972 and through subsequent amendment, including the Clean Water Act of 1977 (91 Stat. 1566) and the Water Quality Act of 1987 (101 Stat. 7), Congress established the national objective of restoring and maintaining the chemical, physical, and biological integrity of the waters of the United States and recognized that achieving this objective requires uniform, minimum national water quality and aquatic ecosystem protection standards to restore and maintain the natural structures and functions of the aquatic ecosystems of the United States.

(4) Water is transported through interconnected hydrologic cycles, and the pollution, impairment, or destruction of any part of an aquatic system may affect the chemical, physical, and biological integrity of other parts of the aquatic system.

(5) Protection of intrastate waters, along with other waters of the United States, is necessary to restore and maintain the chemical, physical, and biological integrity of all waters in the United States.

(6) The regulation of discharges of pollutants into interstate and intrastate waters is an integral part of the comprehensive clean water regulatory program of the United States.

(7) Small and periodically-flowing streams comprise the majority of all stream channels in the United States and serve critical biological and hydrological functions that affect entire watersheds, including reducing the introduction of pollutants to large streams and rivers, and especially affecting the life cycles of aquatic organisms and the flow of higher order streams during floods.

(8) The pollution or other degradation of waters of the United States, individually and in the aggregate, has a substantial relation to and effect on interstate commerce.

(9) Protection of the waters of the United States, including intrastate waters, is necessary to prevent significant harm to interstate commerce and sustain a robust system of interstate commerce in the future.

(10) Waters, including wetlands, provide protection from flooding, and draining or filling wetlands and channelizing or filling streams, including intrastate wetlands and streams, can cause or exacerbate flooding,

placing a significant burden on interstate commerce.

(11) Millions of people in the United States depend on wetlands and other waters of the United States to filter water and recharge surface and subsurface drinking water supplies, protect human health, and create economic opportunity.

(12) Millions of people in the United States enjoy recreational activities that depend on intrastate waters, such as waterfowl hunting, bird watching, fishing, and photography and other graphic arts, and those activities and associated travel generate billions of dollars of income each year for the travel, tourism, recreation, and sporting sectors of the economy of the United States.

(13) Activities that result in the discharge of pollutants into waters of the United States are commercial or economic in nature.

(14) States have the responsibility and right to prevent, reduce, and eliminate pollution of waters, and the Federal Water Pollution Control Act respects the rights and responsibilities of States by preserving for States the ability to manage permitting, grant, and research programs to prevent, reduce, and eliminate pollution, and to establish standards and programs more protective of a State's waters than is provided under Federal standards and programs.

(15) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of implementing treaties to which the United States is a party, including treaties protecting species of fish, birds, and wildlife.

(16) Protecting the quality of and regulating activities affecting the waters of the United States is a necessary and proper means of protecting Federal land, including hundreds of millions of acres of parkland, refuge land, and other land under Federal ownership and the wide array of waters encompassed by that land.

(17) Protecting the quality of and regulating activities affecting the waters of the United States is necessary to protect Federal land and waters from discharges of pollutants and other forms of degradation.

SEC. 4. DEFINITION OF WATERS OF THE UNITED STATES.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (8) through (23) as paragraphs (7) through (22), respectively; and

(3) by adding at the end the following:

''(23) WATERS OF THE UNITED STATES.—The term 'waters of the United States' means all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.''.

SEC. 5. CONFORMING AMENDMENTS.

The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended—

(1) by striking ''navigable waters of the United States'' each place it appears and inserting ''waters of the United States'';

(2) in section 304(l)(1) by striking ''NAVIGABLE WATERS'' in the heading and inserting ''WATERS OF THE UNITED STATES''; and

(3) by striking ''navigable waters'' each place it appears and inserting ''waters of the United States''.

By Mr. THOMAS:

S. 475. A bill to reform the nation's outdated laws relating to the electric industry, improve the operation of our transmission system, enhance reliability of our electric grid, increase consumer benefits from whole electric competition and restore investor confidence in the electric industry; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I come to the floor to talk about one of the things that is so important. Obviously, items connected with terrorism, the war in Iraq have to be dealt with. We have to deal with heightened homeland security and related issues. Health care is an area we need to talk about. Prescription drugs is in the process of this.

One issue that is particularly important is an energy policy. I don't think there has ever been a time when it has been more apparent and more important to deal with energy policy. We have an economy, prices with gas and energy that are high. We have uncertainty, certainly, in the Middle East. We have had a Venezuelan problem. We had a very cold winter. We cannot seem to come together to put together a policy that will allow us to move forward, an aggressive energy policy. I would like to talk briefly about a component of that which I think is very important, and that is an electric component.

I rise today to introduce the Electric Transmission Reliability and Enhancement Act of 2003. It is my intention to build on a changing wholesale, competitive, open access market and to suggest that we build that into a policy. Things have changed in the way energy is generated, the way energy is transmitted, the way energy is sold. We need to change our policy, as well.

Very simply, what we have is: In years past, there was a generator that generated for their own distribution area. That was pretty simple. Prices were controlled. It was a simple technique. Now we have more and more merchant generators, people who do not have a constituency or distribution system of their own but they sell into the marketplace. This is good. There is competition. And we will see more and more of that. But to do that, we have to update our laws and we have to update the regulations that go with that. My legislation would extend and improve open nondiscriminatory access policies. Access to transmission would remove antiquated Federal barriers that stand in the way of competitive wholesale markets. Wholesale markets that are competitive are new. We have to change to meet those needs. We have to encourage increased investments in our transmission system and establish reliability standards.

We saw what happened in California 2 years ago. If there is no reliability, we cannot depend upon getting that energy to people's homes, to businesses, and then we have a very difficult situation.

Particularly what has changed now is it is interstate. For years we grew up with the fact that in your State the State controlled both the generation and the distribution, and that worked well. Now we go across interstate lines and there needs to be something different.

Legislatively we have to pare down our wish list so we get to the bare essentials and keep those things that are necessary.

It seems clear, if we are going to have a truly wholesale market, we need to ensure that all the industry participants play by the same rules. Only Congress can give FERC, the Federal Energy Regulatory Commission, the tools it needs to ensure that all participants get treated fairly in a competitive marketplace. Under the Federal law, currently FERC has no jurisdiction or authority over transmission owned by public power agencies, municipals, cooperatives, yet they want to participate and need to participate and should participate. Many of them—most—are willing to participate.

These nonregulated utilities represent 52 percent of the total, so we do not want to move forward with FERC's so-called market plan. I think it goes too far getting into the authority of the States. But there are some changes that need to be made, and we would like to do that.

We also need to protect those cooperatives. I grew up in a area of cooperatives and spent much of my life working with cooperatives. So we have given that break. Those that sell less than 4 million megawatt hours per year are entirely exempt. We think that is as it should be.

We would repeal the Public Utility Holding Company Act, PUHCA, because it needs to be restructured and the deployment of capital in this industry needs to go where it is desperately needed. We need to do that. There is ample regulation over those investments now in the existing business. We want to make it easier for people to be able to invest, produce competitively, and go into the marketplace.

The Department of Justice, Federal Trade Commission, and the State commissions would still be able to monitor rates and prevent cross-subsidies. So my legislation would prospectively eliminate mandatory purchase and sales obligations of PURPA, one that was put in a very long time ago. Despite the State administering it, it causes favoritism to many utilities and changes things.

Over the years the grid has been protected through voluntary standards and that is exactly right. But what we are now faced with is to have RTOs, regional transportation organizations, where they can make those decisions within the RTO. There would be a Western one, a Midwestern one, a New England one, and so on. But then connecting with those will be an interstate, like an interstate highway. That has to, of course, be organized and controlled by a national group because it serves all these different ones.

So what we need is to modernize our system so we can accommodate things that have changed. Reliability organizations must be run by market participants and be overseen by FERC. Reliability organizations must be made up of representatives of everyone who is affected: residential, commercial, industrial. That can be done, and this provides an opportunity to do that.

During our discussions last year, we were made to address some of the more egregious behavior and found a great deal of issues that needed to be dealt with—market manipulation, those kinds of things. This is very complex. I believe we can address these issues with regulatory agencies, things that truly can exist.

So my legislation would provide a greater price in the transmission of availability of information and outlaw the practice of roundtrip trading. In the past we found some trading where they went around, got it back, made a profit on the sale, and served no one.

We prohibit the reporting of false information for the purpose of manipulating price indices. Again, we go back a little bit to the California situation, where there obviously is a great need to do some opening up so there is visibility of what is happening. That is what we are seeking to do. It would increase civil and criminal penalties for the violation of the Federal Power Act and would accelerate the effective dates of refunds and so on.

In the end, it is about consumers, it is about serving consumers, it is about competition, it is about reliability, it is about keeping the lights on—the part of energy that probably affects more people and more businesses than any other. It is my hope that the Electric Transmission Reliability Enhancement Act of 2003 will produce a more reliable, efficient transmission system, a more dependable and more affordable product for the end user, and perhaps more than anything else, bring our system and our oversight into the modern time of electric generation and transmission.

Things change. We need to change. Now is the time. We will have an energy bill. It needs to have an energy component.

Mr. President, any comprehensive energy bill must contain an electric component. That is why, today, I rise to introduce the ''Electric Transmission and Reliability Enhancement Act of 2003.'' It is my intention to build on the competitive wholesale open access policies adopted by the Congress in the 1992 Energy Policy Act. My legislation would extend and improve these open, non-discriminatory access policies; remove antiquated federal statutory barriers that stand in the way of competitive wholesale markets; encourage increased investment in our transmission system and establish enforceable reliability standards to help ensure the continued reliability of the interstate transmission system.

The state of the industry is far weaker financially than it has been in years. Billions of dollars of shareholder value has evaporated. Access to capital is becoming an important issue for large segments of the industry that are fighting for survival. In addition, the Federal Energy Regulatory Commission, FERC, policy regarding wholesale markets seems to be in a state of constant change. The Standard Market Design, SMD, Notice of Proposed Rulemaking, NOPR, has divided regulators and industry participants in a way that may be unprecedented, threatening more years of rulemakings, litigation and regulatory uncertainty.

If we are to legislate successfully, we will have to par down our wish list to the bare essentials, plus those issues necessary for the electric industry to attract the capital it needs to keep our lights on. Last year, the Enron fallout dominated the debate. By being on the defensive most of last year, it was not possible to successfully advance those issues most important to consumers and the industry that serves them.

It seems clear that if truly competitive wholesale markets are to exist, there is a need to ensure that all industry participants play by the same rules. While FERC has tried to ensure this, the Commission's tools are limited. Only Congress can give FERC the tools it needs to ensure that all industry participants in competitive wholesale markets play by the same rules.

The Wyoming State commissioners wrote that ''under present Federal law the FERC has no jurisdiction or authority over transmission facilities owned by public power agencies, municipalities and cooperatives. In the West these types of entities own a substantial portion, perhaps as much as half of the interstate electric transmission system.'' As a matter of fact, in the Western Electric Coordinating Council, an area that encompasses all or part of 11 Western States and parts of Canada, non-FERC jurisdictional facilities account for 52 percent of transmission miles.

The Wyoming commissioners claim that, ''without the full participation of all of those who own transmission in the West, the FERC's wholesale market initiative will fail to provide the full spectrum of benefits Congress expected when it created wholesale electricity markets. System optimization requires that bulk power be able to move freely throughout the interconnected system without regard to who owns the facilities over which the power travels. Removing the institutional impediments to the free movement of bulk power is also requisite to identifying the physical constraints that exist in the western system. Proper planning for the relief of such constraints depends on properly identifying and quantifying them, absent other economic and institutional constraints.''

They go on to say that such a vision for the future of wholesale power markets makes a compelling case for the inclusion of all facilities which can be used to move bulk power across the West, regardless of ownership. Anything less than 100 percent participation by transmission owning entities will simply perpetuate some level of inefficiency in the system and will continue to afford those who do not participate the ability to favor their own generation resources.

My legislation would permit FERC to require certain nonregulated utilities to offer transmission serviced at comparable rates to those they charge themselves, and on terms and conditions comparable to those applicable to jurisdictional public utilities. Currently nonregulated transmitting utilities would not be subject to the full panoply of FERC regulation under this provision. Instead, a ''light handed'' form of regulation would apply and small nonregulated entities, such as those that sell less than 4,000,000 MW/h per year, would be entirely exempt from these nondiscrimination requirements.

It also seems clear that the Public Utility Holding Company Act PUHCA, is hindering necessary restructuring of the industry and the deployment of capital into an industry that desperately needs it. Investors are deterred simply because they do not want to deal with the PUHCA rules and restrictions. If repealed, utility securities will continue to be regulated by the Securities and Exchange Commission, SEC, FERC and most state commissions. Mergers and acquisitions of jurisdictional assets would still require FERC and state commission approval and review by Department of Justice, DOJ, and the Federal Trade Commission, FTC. FERC and State commissions would still be able to monitor rates and prevent cross-subsidies.

Despite State progress in administering the Public Utility Regulatory Policies Act of 1978, PURPA, more in-tune with markets, it is clear that PURPA continues to provide special privileges to certain favored generators at the expense of utilities and their customers. Like PUHCA, PURPA is no longer needed in today's competitive wholesale markets. My legislation prospectively eliminates the mandatory purchase and sell obligations of PURPA.

Over the years the grid has been well protected through voluntary standards established by the North American Electric Reliability Council, NERC, NERC's voluntary reliability standards—which are not enforceable—have generally been complied with by the electric power industry. But with the opening of the wholesale power market to competition, our transmission grid is being used in ways for which it was not designed. New system strains are also being created by the breakup of vertically integrated utilities and by the emergence of new market structures and participants. The results of these changes have been an increase in the number and severity of violations of NERC's voluntary rules.

My legislation converts the existing NERC voluntary reliability system into a mandatory reliability system. A nation-wide organization would have the authority to establish and enforce reliability standards, and take into account regional differences. The new reliability organization will be run by market participants, and will be overseen by the FERC in the U.S. The reliability organization will be made up of representatives of everyone who is affected—residential, commercial and industrial consumers; state public utility commissions; independent power producers; electric utilities and others. There is no question that we need a new system to safeguard the integrity of our electric grid. My legislation would do this, using language that was effectively agreed upon last fall by House and Senate conferees for the energy bill.

During discussions last year, efforts were made to address some of the more egregious behavior and attempted market manipulation through legislation. While this area is obviously very complex, I believe that we need to address this issue if regulatory gaps truly do exist. I realize my attempt might not be perfect, but I wanted to intimate discussion on this very important topic if, in fact, regulatory agencies do need additional authority to police and monitor the industry.

My legislation will provide greater price and transmission availability information, outlaw the practice of round trip trading and prohibit reporting of false information for the purpose of manipulating price indices. In addition, I've included authority the FERC has requested and that would increase civil and criminal penalties for violation of the Federal Power Act and accelerate the refund effective date to the date of filing of a complaint.

In the end it's about the consumer. It is my hope and vision that the ''Electric Transmission and Reliability and Enhancement Act of 2003'' I am introducing today will produce a more reliable and efficient transmission system and that these improvements will result in a more dependable and affordable product for the end user. This legislation is the best solution to move forward with a better product for all classes of consumers and the industry as a whole.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 475

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 ''Electric Transmission and Reliability Enhancement Act of 2003''.

TITLE I—TRANSMISSION IMPROVEMENT

SEC. 101. OPEN NON-DISCRIMINATORY ACCESS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting after section 211 the following:

''OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES

SEC. 211A. (a) Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

''(1) at rates that are comparable to those that the unregulated transmitting utility charges itself, and

''(2) on terms and conditions (not relating to rates) that are comparable to those under Commission rules that require public utilities to offer open access transmission services and that are not unduly discriminatory or preferential.

''(b) The Commission shall exempt from any rule or order under this subsection any unregulated transmitting utility that—

''(1) sells no more than 4,000,000 megawatt hours of electricity per year;

''(2) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof); or

''(3) meets other criteria the Commission determines to be in the public interest.

''(c) The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

''(d) In exercising its authority under paragraph (1) of subsection (a), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of subsection (a).

''(e) The provision of transmission services under subsection (a) does not preclude a request for transmission services under 211.

''(f) The Commission may not require a State or municipality to take action under this section that constitutes a private business use for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

''(g) For purposes of this subsection, the term 'unregulated transmitting utility' means an entity that—

''(1) owns or operates facilities used for the transmission of electric energy in interstate commerce, and

''(2) is either an entity described in section 201(f) or a rural electric cooperative.''.

SEC. 102. FEDERAL AGENCY COORDINATION.

The Department of Energy shall be the lead agency for conducting environmental review (for purposes of the National Environmental Policy Act of 1969) of the establishment and modification of electric power transmission corridors across federal lands. The Secretary of Energy shall coordinate with Federal agencies, including Federal land management agencies, to ensure the timely completion of environmental reviews pertaining to such corridors and may set deadlines for the completion of such reviews. For purposes of this section, the term ''Federal land management agencies'' means the Bureau of Land Management, the United States Forest Service, the United States Fish and Wildlife Service, and the Department of Defense. For purposes of this section, ''Federal lands'' means all lands owned by the United States except lands in the National Park System or the national wilderness preservation system, or such other lands as the President may designate.

SEC. 103. PRIORITY FOR RIGHTS-OF-WAY ACROSS FEDERAL LANDS.

Section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) is amended by adding the following new subsection at the end thereof:

''(e) In administering the provisions of this title, the Secretary of the Interior and the Secretary of Agriculture shall each shall give a priority to applications for rights of way for electric power transmission corridors.''.

SEC. 104. ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting the following new section at the end thereof:

''SEC. 215. ELECTRIC RELIABILITY

''(a) DEFINITIONS.—For purposes of this section—

''(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

''(B) electric energy from generation facilities needed to maintain transmission system reliability.

The term does not include facilities used in the local distribution of electric energy.

''(2) The terms 'Electric Reliability Organization' and 'ERO' mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

''(3) The term 'reliability standard' means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system. The term includes requirements for the operation of existing bulk-power system facilities and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the bulk-power system, but the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity.

''(4) The term 'reliable operation' means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance or unanticipated failure of system elements.

''(5) The term 'Interconnection' means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of one or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the facilities within their control.

''(6) The term 'transmission organization' means a regional transmission organization, independent system operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.

''(7) The term 'regional entity' means an entity having enforcement authority pursuant to subsection (e)(4).

''(b) JURISDICTION AND APPLICABILITY.—(1) The Commission shall have jurisdiction, within the United States, over the ERO certified by the Commission under subsection (c), any regional entities, and all users, owners and operators of the bulk-power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards established under this section and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

''(2) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

''(c) CERTIFICATION.—Following the issuance of a Commission rule under subsection (b)(2), any person may submit an application to the Commission for certification

as the Electric Reliability Organization (ERO). The Commission may certify one such ERO if the Commission determines that such ERO—

''(1) has the ability to develop and enforce, subject to subsection (e)(2), reliability standards that provide for an adequate level of reliability of the bulk-power system;

''(2) has established rules that—

''(A) assure its independence of the users and owners and operators of the bulk-power system, while assuring fair stakeholder representation in the selection of its directors and balanced decisionmaking in any ERO committee or subordinate organizational structure;

''(B) allocate equitably reasonable dues, fees, and other charges among end users for all activities under this section;

''(C) provide fair and impartial procedures for enforcement of reliability standards through the imposition of penalties in accordance with subsection (e) (including limitations on activities, functions, or operations, or other appropriate sanctions);

''(D) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties; and

''(E) provide for taking, after certification, appropriate steps to gain recognition in Canada and Mexico.

''(d) RELIABILITY STANDARDS.—(1) The Electric Reliability Organization shall file each reliability standard or modification to a reliability standard that it proposes to be made effective under this section with the Commission.

''(2) The Commission may approve by rule or order a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the Electric Reliability Organization with respect to the content of a proposed standard or modification to a reliability standard and to the technical expertise of a regional entity organized on an Interconnection-wide basis with respect to a reliability standard to be applicable within that Interconnection, but shall not defer with respect to the effect of a standard on competition. A proposed standard or modification shall take effect upon approval by the Commission.

''(3) The Electric Reliability Organization shall rebuttably presume that a proposal from a regional entity organized on an Interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

''(4) The Commission shall remand to the Electric Reliability Organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

''(5) The Commission, upon its own motion or upon complaint, may order the Electric Reliability Organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

''(6) The final rule adopted under subsection (b)(2) shall include fair processes for the identification and timely resolution of any conflict between a reliability standard and any function, rule, order, tariff, rate schedule, or agreement accepted, approved, or ordered by the Commission applicable to a transmission organization. Such transmission organization shall continue to comply with such function, rule, order, tariff, rate schedule or agreement accepted approved, or ordered by the Commission until—

''(A) the Commission finds a conflict exists between a reliability standard and any such provision;

''(B) the Commission orders a change to such provision pursuant to section 206 of this part; and

''(C) the ordered change becomes effective under this part.

If the Commission determines that a reliability standard needs to be changed as a result of such a conflict, it shall order the ERO to develop and file with the Commission a modified reliability standard under paragraph (4) or (5) of this subsection.

''(e) ENFORCEMENT.—(1) The ERO may impose, subject to paragraph (2), a penalty on a user or owner or operator of the bulk-power system for a violation of a reliability standard approved by the Commission under subsection (d) if the ERO, after notice and an opportunity for a hearing—

''(A) finds that the user or owner or operator has violated a reliability standard approved by the Commission under subsection (d); and

''(B) files notice and the record of the proceeding with the Commission.

''(2) A penalty imposed under paragraph (1) may take effect not earlier than the 31st day after the Electric Reliability Organization files with the Commission notice of the penalty and the record of proceedings. Such penalty shall be subject to review by the Commission, on its own motion or upon application by the user, owner or operator that is the subject of the penalty filed within 30 days after the date such notice is filed with the Commission. Application to the Commission for review, or the initiation of review by the Commission on its own motion, shall not operate as a stay of such penalty unless the Commission otherwise orders upon its own motion or upon application by the user, owner or operator that is the subject of such penalty. In any proceeding to review a penalty imposed under paragraph (1), the Commission, after notice and opportunity for hearing (which hearing may consist solely of the record before the Electric Reliability Organization and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the penalty), shall by order affirm, set aside, reinstate, or modify the penalty, and, if appropriate, remand to the Electric Reliability Organization for further proceedings. The Commission shall implement expedited procedures for such hearings.

''(3) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk-power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk-power system has engaged or is about to engage in any acts or practices that constitute or will constitute a violation of a reliability standard.

''(4) The Commission shall establish regulations directing the ERO to enter into an agreement to delegate authority to a regional entity for the purpose of proposing reliability standards to the ERO and enforcing reliability standards under paragraph (1) if—

''(A) the regional entity is governed by an independent, balanced stakeholder, or combination independent and balanced stakeholder board;

''(B) the regional entity otherwise satisfies the provisions of subsection (c)(1) and (2); and

''(C) the agreement promotes effective and efficient administration of bulk-power system reliability.

The Commission may modify such delegation. The ERO and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an Interconnection-wide basis promotes effective and efficient administration of bulk-power system reliability and should be approved. Such regulation may provide that the Commission may assign the ERO's authority to enforce reliability standards under paragraph (1) directly to a regional entity consistent with the requirements of this paragraph.

''(5) The Commission may take such action as is necessary or appropriate against the ERO or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the ERO or a regional entity.

''(6) Any penalty imposed under this section shall bear a reasonable relation to the seriousness of the violation and shall take into consideration the efforts of such user, owner, or operator to remedy the violation in a timely manner.

''(f) CHANGES IN ELECTRICITY RELIABILITY ORGANIZATION RULES.—The Electric Reliability Organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or compliant, may propose a change to the rules of the Electric Reliability Organization. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminary or preferential, is in the public interest, and satisfies the requirements of subsection(c).

''(g) RELIABILITY REPORTS.—The Electric Reliability Organization shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

''(h) COORDINATION WITH CANADA AND MEXICO.—The President is urged to negotiate international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the Electric Reliability Organization in the United States and Canada or Mexico.

''(i) SAVINGS PROVISIONS.—(1) The Electric Reliability Organization shall have authority to develop and enforce compliance with reliability standards for only the bulk-power system.

''(2) This section does not authorize the Electric Reliability Organization or the Commission to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

''(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

''(4) Within 90 days of the application of the Electric Reliability Organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a State action is inconsistent with a reliability standard, taking into consideration any recommendation of the Electric Reliability Organization.

''(5) The Commission, after consultation with the Electric Reliability Organization, may stay the effectiveness of any State action, pending the Commission's issuance of a final order.

''(j) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least two-

thirds of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed of one member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the Electric Reliability Organization, a regional entity, or the Commission regarding the governance of an existing or proposed regional entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an Interconnection-wide basis.

''(k) APPLICATION TO ALASKA AND HAWAII.—The provisions of this section do not apply to Alaska or Hawaii.''.

TITLE II—ELIMINATION OF COMPETITIVE BARRIERS

SUBTITLE A—PROVISIONS REGARDING THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

SEC. 201. DEFINITIONS.

For the purpose of this subtitle:

(1) The term ''affiliate'' of a company means any company 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

(2) The term ''associate company'' of a company means any company in the same holding company system with such company.

(3) The term ''Commission'' means the Federal Energy Regulatory Commission.

(4) the term ''company'' means a corporation, partnership, association, joint stock company, business rust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

(5) The term ''electric utility company'' means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

(6) The term ''exempt wholesale generator'' and ''foreign utility company'' have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z–5, 79z–5b), as those sections existed on the day before the effective date of this subtitle.

(7) The term ''gas utility company'' means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

(8) the term ''holding company'' means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such persons be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

(9) The term ''holding company system'' means a holding company, together with its subsidiary companies.

(10) The term ''jurisdictional rates'' means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) The term ''natural gas company'' means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

(12) The term ''person'' means an individual or company.

(13) The term ''public utility'' means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

(14) The term ''public utility company'' means an electric utility company or a gas utility company.

(15) The term ''State commission'' means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

(16) The term ''subsidiary company'' of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon subsidiary companies of holding companies.

(17) The term ''voting security'' means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 202. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79a and following) is repealed, effective 12 months after the date of enactment of this Act.

SEC. 203. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) In General.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(b) Affiliate Companies.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission determines are relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission determines are relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 204. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, and subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information, a holding company or any associate company or affiliate thereof, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail in a proceeding before the State commission;

(2) the State commission determines are relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, or other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, or other records, under federal law, contract, or otherwise.

(c) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 205. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later 90 days after the date of enactment of this Act, the Commission shall promulgate a final rule to exempt from the requirements of section 203 any person that is a holding company, solely with respect to one or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978;

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—If, upon application or upon its own motion, the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility company or natural gas company, or if the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility company, the Commission shall exempt such person or transaction from the requirements of section 203.

SEC. 206. AFFILIATE TRANSACTIONS.

Nothing in this subtitle shall preclude the Commissioner or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company, public utility, or natural gas company from an associate company.

SEC. 207. APPLICABILITY.

No provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of such officer, agent, or employee's official duty.

SEC. 208. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 209. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e–825p) to enforce the provisions of this subtitle.

SEC. 210. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the date of enactment of this Act, if that person continues to comply with the terms of any such authorization, whether by rule or by order.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a and following) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 and following) (including section 8 of that Act).

SEC. 211. IMPLEMENTATION.

Not later than 12 months after the date of enactment of this Act, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implements this subtitle; and

(2) submit to Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 212. TRANSFER OR RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 213. EFFECTIVE DATE.

This subtitle shall take effect 12 months after the date of enactment of this Act.

SEC. 214. CONFORMING AMENDMENT TO THE FEDERAL POWER ACT.

Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

SUBTITLE B—PROVISIONS REGARDING THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

SEC. 215. PROSPECTIVE REPEAL OF SECTION 210.

(a) NEW CONTRACTS.—After the date of enactment of this Act, no electric utility shall be required to enter into a new contract or obligation to purchase or to sell electric energy or capacity pursuant to section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3).

(b) EXISTING RIGHTS AND REMEDIES NOT AFFECTED.—Nothing in this Act affects the rights or remedies of any party with respect to the purchase or sale of electric energy or capacity from or to a facility determined to be a qualifying small power production facility or a qualifying cogeneration facility under section 210 of the Public Utility Regulatory Policies Act of 1978 pursuant to any contract or obligation to purchase or to sell electric energy or capacity in effect on the date of enactment of this Act, including the right to recover the costs of purchasing such electric energy or capacity.

SEC. 216. RECOVERY OF COSTS.

In order to assure recovery by electric utilities purchasing electric energy or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed pursuant to section 210 of the Public Utility Regulatory Policies Act of 1978 prior to the date of enactment of this Act, of all costs associated with such purchases, the Commission shall promulgate and enforce such regulations as may be required to assure that no such electric utility shall be required directly or indirectly to absorb the costs associated with such purchases from a qualifying facility. Such regulations shall be treated as a rule enforceable under the Federal Power Act (16 U.S.C. 791a–825r).

SEC. 217. DEFINITIONS.

For purposes of this subtitle, the terms ''Commission'', ''electric utility'', ''qualifying cogeneration facility'', and ''qualifying small power production facility'', shall have the same meanings as provided in the Public Utility Regulatory Policies Act of 1978, and the term ''qualifying facility'' shall mean either a qualifying small production facility or a qualifying cogeneration facility as defined in such Act.

TITLE III—MARKET TRANSPARENCY, ANTIMANIPULATION AND ENFORCEMENT

SUBTITLE A—MARKET TRANSPARENCY, ANTIMANIPULATION AND ENFORCEMENT

SEC. 301. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act is amended by adding after section 215 as added by this Act the following:

''SEC. 216. MARKET TRANSPARENCY RULES.

''(a) COMMISSION RULES.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an electronic information system to provide the Commission and the public with access to such information as is necessary or appropriate to facilitate price transparency and participation in markets subject to the Commission's jurisdiction. Such systems shall provide statistical information about the availability and market price of wholesale electric energy and transmission services to the Commission, State commissioners, buyers and sellers of wholesale electric energy, users of transmission services, and the public on a timely basis.

''(b) INFORMATION REQUIRED.—The Commission shall require—

''(1) each regional transmission organization or, where no regional transmission organization is operating, each transmitting utility to provide information about the available capacity of transmission facilities operated by the organization or transmitting utility; and

''(2) each regional transmission organization or broker or exchange to provide aggregate information about the amount and price of physical sales of electric energy at wholesale in interstate commerce it transacts.

''(c) DEFINITION.—For purposes of this section, the term 'broker or exchange' means an entity that matches offers to sell and offers to buy physical sales of wholesale electric energy in interstate commerce.

''(d) PROTECTION OF SENSITIVE INFORMATION.—The Commission shall exempt from disclosure information it determines would, if disclosed, be detrimental to the operation of an effective market.''.

SEC. 302. MARKET MANIPULATION.

(a) Part II of the Federal Power Act is amended by adding after section 216 as added by this Act the following:

''SEC. 217. PROHIBITION ON FILING FALSE INFORMATION.

''It shall be a violation of this Act for any person willfully and knowingly to report any information relating to the price of electricity sold at wholesale, which information the person knew to be false at the time of the reporting, to any governmental or nongovernmental entity and with the intent to manipulate the date being compiled by such entity.''.

''SEC. 218. PROHIBITION ON ROUND TRIP TRADING.

''(a) PROHIBITION.—It shall be a violation of this Act for any person willfully and knowingly to enter into any contract or other arrangement to execute a ''round-trip trade'' for the purchase or sale of electric energy at wholesale.

''(b) DEFINITION OF ROUND-TRIP TRADE.—For the purposes of this section, the term 'round trip trade' means a transaction, or combination of transactions, in which a person or other entity—

''(1) enters into a contract or other arrangement to purchase from, or sell to, any other person or other entity electric energy at wholesale;

''(2) simultaneously with entering into the contract or arrangement described in paragraph (1), arranges a financially offsetting trade with such other person or entity for the same such electric energy, at the same location, price, quantity and terms so that, collectively, the purchase and sale transactions in themselves result in no financial gain or loss; and

''(3) enters into the contract or arrangement with the intent to deceptively affect reported revenues, trading volumes, or prices.''.

SEC. 303. ENFORCEMENT.

(a) COMPLAINTS.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended by—

(1) inserting ''electric utility,'' after ''Any person,''; and

(2) inserting ''transmitting utility,'' after ''license'' each place it appears.

(b) INVESTIGATIONS—Section 307(a) of the Federal Power Act (16 U.S.C. 825f((a)) is amended by inserting ''or transmitting utility'' after ''any person'' in the first sentence.

(c) REVIEW OF COMMISSION ORDERS.—Section 313(a) of the Federal Power Act (16 U.S.C. 8251) is amended by inserting ''electric utility,'' after ''Any person,'' in the first sentence.

(d) CRIMINAL PENALTIES—Section 316 of the Federal Power Act (16 U.S.C. 825o) is amended—

(1) in subsection (a), by striking ''$5,000'' and inserting ''$1,000,000'', and by striking ''two years'' and inserting ''five years'';

(2) in subsection (b), by striking ''$500'' and inserting ''$25,000''; and

(3) by striking subsection (c).

(e) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1 is amended—

(1) in subsections (a) and (b), by striking ''section 211, 212, 213, or 214'' each place it appears and inserting ''Part II''; and

(2) in subsection (b), by striking ''$10,000'' and inserting ''$1,000,000''.

SUBTITLE B—REFUND EFFECTIVE DATE

SEC. 304. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended by—

(1) striking ''the date 60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period'' in the second sentence and inserting ''the date of the filing of such complaint nor later than 5 months after the filing of such complaint'';

(2) striking ''60 days after'' in the third sentence and inserting ''of'';

(3) striking ''expiration of such 60-day period'' in the third sentence and inserting ''publication date''; and

(4) striking the fifth sentence and inserting in lieu thereof; ''If no final decision is rendered by the conclusion of the 180-day period commencing upon initiation of a proceeding pursuant to this section, the Commission shall state the reasons why it has failed to do so and shall state its best estimate as to when it reasonably expects to make such decision.''.

By Mr. FEINGOLD (for himself, Mr. LEAHY, and Mr. DAYTON):

S. 477. A bill to amend the Internal Revenue Code of 1986 to disallow deductions and credits for companies who discriminate against Canadian pharmacies that pass along discounts to consumers living in the United States; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I rise today to introduce legislation on behalf of Wisconsin's seniors and taxpayers whose wallets are being gauged by certain pharmaceutical companies. My legislation is in response to certain pharmaceutical companies' decision to target seniors who are crossing into Canada to get more affordable prescription drugs for their own use.

If these pharmaceutical companies are going to price gauge seniors's wallets, they don't deserve the taxpayers' support.

A growing number of American seniors are obtaining their prescription drugs from Canada for personal use.

Unfortunately, many of these seniors who are crossing the boarder to access more affordable prescription drugs for their personal use are being targeted by the very pharmaceutical companies that receive millions in tax breaks.

I recently received a call from seniors in my state that Glaxo Smith Klein had decided to stop supplying Canadian pharmacies that resell its drugs to Americans, thereby preventing them from receiving the same benefits these pharmacies provide to Canadians.

The Seniors in my State were not the only ones who took notice of this action. On February 21st of this month, Seniors groups from 12 States, including Wisconsin, sent Glaxo a message by launching a boycott of nonprescription products of Glaxo-Smith-Kline.

Congress should also send all pharmaceutical companies a message that this practice simply is unacceptable.

I think the single most important step we can take is to modernize Medicare and make it better is to eliminate the current inequities in the Medicare system and provide the prescription drug coverage senior citizens need.

At the same time Congress should pass legislation, that Senators SCHUMER, MCCAIN, and I introduced that would bring lower-cost generic drugs to the market faster and lower the cost of prescription drugs by $60 billion.

Until we pass a comprehensive prescription drug benefit, we must ensure that seniors are not targeted by pharmaceutical companies. If these drug companies actively discriminate against American seniors, we should not provide them tax breaks.

That's why my legislation would deny tax breaks to drug companies who discriminate against Canadian pharmacies that provide Americans the same discount that they provide to Canadians.

I urge my colleagues to join me in cosponsoring this legislation.

By Mr. SARBANES (for himself, Mr. WARNER, Mrs. MURRAY, Mr. CAMPBELL, Mrs. HUTCHISON, Mrs. CLINTON, Mr. SESSIONS, and Mr. MILLER):

S. 478. A bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes; to the Committee on the Judiciary.

Mr. SARBANES. Mr. President, today I am once again introducing legislation together with Senators WARNER, CAMPBELL, MURRAY, CLINTON, SESSIONS, HUTCHISON and MILLER which would grant a Federal Charter to the Korean War Veterans Association, Incorporated. This legislation, which has passed the Senate in the past two Congresses, recognizes and honors the 5.7 million Americans who fought and served during the Korean War for their struggles and sacrifices on behalf of freedom and the principles and ideals of our nation.

For the past three years, under the direction of Public Law 105–85, we have been marking the 50th Anniversary of the events of the Korean War—beginning with the events of June 1950 when the North Korea People's Army swept across the 38th Parallel to occupy Seoul, South Korea. Members of our Armed Forces—including many from the State of Maryland—immediately answered the call of the U.N. to repel this forceful invasion. Without hesitation, these soldiers traveled to an unfamiliar corner of the world to join an unprecedented multi-national force comprised of 22 countries and risked their lives to protect freedom. The Americans who led this international effort were true patriots who fought with remarkable courage.

In battles such as Pork Chop Hill, the Inchon Landing and the frozen Chosin Reservoir, which was fought in temperatures as low as fifty-seven degrees below zero, they faced some of the most brutal combat in history. This year, on July 27, we will commemorate the 50th Anniversary of the signing of the Military Armistice Agreement which officially ended armed hostilities. By the time the fighting had ended, 8,177 Americans were listed as missing or prisoners of war—some of whom are still missing—and over 36,000 Americans had died. One hundred and thirty-one Korean War Veterans were awarded the nation's highest commendation for combat bravery, the Medal of Honor. Ninety-four of these soldiers gave their lives in the process.

There is an engraving on the Korean War Veterans Memorial which reflects these losses and how brutal a war this was. It reads, ''Freedom is not Free.'' Yet, as a Nation, we have done little more than establish this memorial to publicly acknowledge the bravery of those who fought in the Korean War. The Korean War has been termed by many as the ''Forgotten War.'' Freedom is not free. We owe our Korean War Veterans a debt of gratitude. Granting this Federal charter—at no cost to the government—is a small expression of appreciation that we as a Nation can offer to these men and women, one which will enable them to work as a unified front to ensure that the ''Forgotten War'' is forgotten no more.

The Korean War Veterans Association was originally incorporated on June 25, 1985. Since its first annual reunion and memorial service in Arlington, Virginia, where its members decided to develop a national focus and strong commitment to service, the association has grown substantially to a membership of approximately 19,000. A Federal charter would allow the Association to continue and grow its mission and further its charitable and benevolent causes. Specifically, it will afford the Korean War Veterans' Association the same status as other major veterans organizations and allow it to participate as part of select committees with other congressionally chartered veterans and military groups. A Federal charter will also accelerate the Association's ''accreditation'' with the Department of Veterans Affairs which will enable its members to assist in processing veterans' claims.

The Korean War Veterans have asked for very little in return for their service and sacrifice. I urge my colleagues to join me in supporting this legislation and ask that the text of the measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 478

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

SECTION 1. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.

''120101. Organization.

''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Duty to maintain corporate and tax-exempt status.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.

''§ 120101. Organization

''(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

''§ 120102. Purposes

''The purposes of the corporation are as provided in its articles of incorporation and include—

''(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

''(2) providing a means of contact and communication among members of the corporation;

''(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

''(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

''§ 120103. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

''§ 120104. Governing body

''(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

''(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

''§ 120105. Powers

''The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

''§ 120106. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

''§ 120107. Duty to maintain corporate and tax-exempt status

''(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

''(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

''§ 120108. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

''(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

''§ 120109. Service of process

''The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

''§ 120110. Liability for acts of officers and agents

''The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

''§ 120111. Annual report

''The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

''1201. Korean War Veterans Association, Incorporated .....120101''.

By Mr. EDWARDS:

S. 479. A bill to amend title IV of the Higher Education Act of 1965 to provide grants for homeland security scholarships; to the Committee on Health, Education, Labor, and Pensions.

Mr. EDWARDS. Mr. President, I rise today to introduce the Protect America Scholarships Act of 2003. The Act will draw talented young people into professions that are vital to America's security and that are critically short of expertise. It offers college students a simple deal: If you'll serve for five years, we'll pay for your college.

The reason for this law is simple. Our country continues to have tremendous homeland security needs. We have thousands of important jobs that we aren't filling because we don't have the qualified people. And we have thousands of young people who are looking to serve their country, and who are also looking for ways to pay for college.

So this bill puts together the needs of our country and the idealism of our young people. It says that young people who commit to meeting priority homeland security needs will get money for college in return.

Let me give three examples of professions where this bill can make a real difference.

First, our public health system suffers from a shortage of trained professionals who can contribute to the fight against terrorism. Too few medical professionals are trained to diagnose and treat diseases caused by biological agents. Public health laboratories don't have the capacity to test all the specimens suspected of being biological agents. Local governments need as many as 15,000 new public health preparedness employees. And despite the central role of nurses in responding should terrorists attack with chemical or biological weapons, there are more than 126,000 unfilled nursing positions today. There are special roles in all of these professions that trained young people could fill in important ways.

Second, the federal government faces a critical shortage of policymakers and intelligence analysts with expertise in foreign languages and cultures. The General Accounting Office has reported that the FBI's efforts to combat terrorism have been impeded by a lack of qualified translators. Thousands of hours of audiotapes and pages of written material have not been reviewed or translated. Similarly, the U.S. Department of State reports that lack of language fluency has weakened its fight against international terrorism and drug trafficking.

A third area where we need more people is fighting cyberterrorism. We now live in a world where a terrorist can do as much damage with a keyboard and a modem as with a gun or a bomb. By exploiting computer vulnerabilities, terrorists might be able to shut down power for entire cities for extended periods; disrupt our phones; poison our water; erase financial records; paralyze our police, firefighters, and ambulances; and stop all traffic on the Internet. Yet our workforce specializing in cybersecurity remains inadequate. The federal government has especially serious shortages. These vulnerabilities leave our Federal agencies exposed to hackers, system shutdowns, and cyberterrorists.

By offering up to $10,000 in college tuition, the Protect America Scholarships Act will harness the patriotism and determination of a new generation of Americans to urgent national priorities. The federal government and a growing number of states, including North Carolina, use similar programs to recruit teachers successfully. The recent Hart-Rudman report identified student loan debt burdens as a particular obstacle to attracting young adults into public service.

The safety of the American people depends on the millions of people working to protect them. Today's bill will help recruit more talented Americans to professions needed to defend our nation. I hope it will earn the support of my colleagues.

I request 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. 479

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 ''Protect America Scholarships Act of 2003''.

SEC. 2. GRANTS AUTHORIZED.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

''Subpart 9—Homeland Security Scholarships

''SEC. 420K. PURPOSES.

''The purposes of this subpart are—

''(1) to recruit talented young people to professions that are needed to ensure the Nation's homeland security; and

''(2) to make college education more affordable.

''SEC. 420L. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a partnership between—

''(A) an institution of higher education (or consortium of such institutions); and

''(B) a qualified employer (or consortium of such employers).

''(2) ELIGIBLE STUDENT.—The term 'eligible student' means an individual who—

''(A)(i) is enrolled as a full- or part-time student at an institution of higher education with a qualified academic major or program; or

''(ii) has been accepted for enrollment at an institution of higher education and intends to major in a qualified academic major or program;

''(B) submits an application for a scholarship under this subpart; and

''(C) submits a written contract, prior to receiving assistance, accepting payment of a scholarship in exchange for providing qualified service.

''(3) QUALIFIED ACADEMIC MAJOR OR PROGRAM.—

''(A) IN GENERAL.—The term 'qualified academic major or program' means an academic major or program of study designated by the Secretary for each State in an annual notice in the Federal Register that—

''(i) prepares students in such majors or programs for a career that—

''(I) is primarily related to homeland security;

''(II) requires specialized expertise; and

''(III) suffers from a critical shortage of qualified personnel; and

''(ii) is a—

''(I) national priority, as determined by the Secretary in consultation with the Secretary of Homeland Security; or

''(II) State priority, as determined by the chief executive officer in the State in which the student seeking a scholarship under this subpart—

''(aa) graduated from secondary school; or

''(bb) is enrolled at an institution of higher education.

''(B) CONTINUATION OF QUALIFICATION.—An academic major or program of study designated by the Secretary under subparagraph (A) shall continue to be considered a qualified academic major or program for a student if such academic major or program of study was a qualified academic major or program at the time such student commenced study of such major or program of study.

''(4) QUALIFIED EMPLOYER.—The term 'qualified employer' means—

''(A) a nonprofit organization; or

''(B) a public agency.

''(5) QUALIFIED SERVICE.—

''(A) IN GENERAL.—The term 'qualified service' means full-time employment with the qualified employer of the eligible entity that awarded the eligible student a scholarship or with another qualified employer (consistent with the guidelines issued by the Secretary pursuant to subparagraph (B)), for a period of 2 years for the first year of a scholarship award and an additional 1 year for each additional year of a scholarship award, in a position that—

''(i) is primarily related to homeland security;

''(ii) requires specialized expertise related to the qualified academic major or program of the eligible student; and

''(iii) suffers from a critical lack of qualified personnel.

''(B) SERVICE WITH DIFFERENT EMPLOYER.—The Secretary shall issue guidelines describing when employment may be completed with a qualified employer who is not the qualified employer of the eligible entity that awarded the eligible student a scholarship.

''SEC. 420M. GRANTS TO ELIGIBLE ENTITIES.

''(a) IN GENERAL.—From funds appropriated under section 420O, the Secretary shall award grants, on a competitive basis, to eligible entities to enable the entities to award scholarships to eligible students in exchange for qualified service from such students.

''(b) APPLICATION.—An eligible entity that desires to receive a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF GRANT FUNDS.—

''(1) SCHOLARSHIP AWARDS.—An eligible entity that receives a grant under this subpart shall award scholarships to eligible students in exchange for qualified service from such students.

''(2) APPLICATION FORM.—An eligible entity that receives a grant under this subpart shall create an application form for a student desiring to receive a scholarship under this subpart, and include in such form a summary of the rights and liabilities of a student whose application is approved (and whose contract is accepted) by the eligible entity.

''(3) CONTRACT.—

''(A) IN GENERAL.—An eligible entity that receives a grant under this subpart shall prepare a written contract that shall be provided to a student desiring to receive a scholarship under this subpart at the time that an application is provided to such student.

''(B) CONTENT.—The contract described in subparagraph (A) shall be an agreement between the eligible entity and student that states that, subject to subparagraph (C)—

''(i) the eligible entity agrees to provide the student with a scholarship, that may be renewed in each year of study at the institution of higher education for a total of not more than 4 years; and

''(ii) the student agrees to—

''(I)(aa) accept provision of such a scholarship to the student;

''(bb) maintain enrollment in the qualified academic major or program until the student completes the course of study at the institution of higher education;

''(cc) while enrolled in such qualified academic major or program, maintain an acceptable level of academic standing (as determined by the institution of higher education); and

''(dd) provide qualified service; and

''(II) repay the scholarship under the terms of this subpart if the student fails to comply with the requirements of subclause (I).

''(C) LIMITATION.—The contract described in subparagraph (A) shall contain a provision that any financial obligation of the United States arising out of a contract entered into under this subpart and any obligation of the student which is conditioned thereon, is contingent upon funds being appropriated for scholarships under this subpart.

''(4) INFORMATION ON SCHOLARSHIP RECIPIENTS.—An eligible entity that receives a grant under this subpart shall submit a report to the Secretary at the time a scholarship award is provided to an eligible student identifying—

''(A) such student's name, date of birth, and social security number; and

''(B) the amount of such scholarship.

''(d) MATCHING FUNDS.—An eligible entity receiving Federal assistance under this subpart shall contribute non-Federal matching funds in an amount equal to 50 percent of the amount of Federal assistance.

''(e) DURATION OF GRANT.—Grants awarded under this subpart shall be for a term of 5 years.

''SEC. 420N. SCHOLARSHIPS.

''(a) SUBMISSION OF APPLICATION AND WRITTEN CONTRACT.—A student that desires to receive a scholarship under this subpart shall submit an application and written contract to an eligible entity at such time, in such manner, and containing such information as the eligible entity may require.

''(b) PAYMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), a scholarship provided to an eligible student under this subpart for a school year shall consist of payment to, or (in accordance with paragraph (3)) on behalf of, the eligible student of the amount of the tuition and fees, described in section 472(1), of the eligible student in such school year.

''(2) MAXIMUM SCHOLARSHIP AMOUNT.—A scholarship awarded under this subpart during fiscal year 2004 shall not exceed $10,000. The Secretary shall determine the maximum scholarship amount for each succeeding fiscal year after adjusting for inflation.

''(3) CONTRACT.—The Secretary may contract with an institution of higher education, in which an eligible student is enrolled, for the payment to the institution of higher education of the amounts of tuition and fees described in paragraph (1).

''(c) VERIFICATION OF QUALIFIED SERVICE.—

''(1) DOCUMENTATION.——

''(A) FROM ELIGIBLE STUDENT.—An eligible student that receives a scholarship under this subpart shall submit documentation to the eligible entity that awarded the student the scholarship, under standards and procedures determined by the eligible entity, verifying that the student has completed such student's qualified service.

''(B) FROM ELIGIBLE ENTITY.—An eligible entity that receives a grant under this subpart shall submit documentation to the Secretary by a date specified by the Secretary and under standards and procedures determined by the Secretary, verifying that each eligible student awarded a scholarship under this subpart has completed such student's qualified service.

''(2) ROLE OF SECRETARY.—If the Secretary does not receive satisfactory documentation under paragraph (1)(B) by the date specified by the Secretary, then the Secretary shall collect the scholarship amount determined under paragraph (3) as a loan under the terms and conditions for repayment of loans under part B (including provisions under such part that provide for loan repayment over time).

''(3) BREACH OF AGREEMENT.—Subject to paragraph (4), if an eligible student receives a scholarship under this subpart and agrees to provide qualified service in consideration for receipt of the scholarship, the eligible student is liable to the Federal Government

for the amount of such award, for interest on such amount at the rate applicable at the time of noncompliance for Stafford loans under section 427A, and for reasonable collections costs, if the eligible student fails to submit the documentation required under paragraph (1)(A).

''(4) WAIVER OR SUSPENSION OF LIABILITY.—The Secretary shall waive liability under paragraph (3) if—

''(A) the student subsequently demonstrates that such student has provided qualified service;

''(B) the student suffers death or permanent and total disability;

''(C) the student is unable to complete the program in which such student was enrolled due to the closure of the institution of higher education; or

''(D) the Secretary determines that compliance by the student with the agreement involved is impossible or would involve extreme hardship to such student.

''(5) AMOUNTS TO REMAIN AVAILABLE.—Any amounts collected by the Secretary under this subsection shall remain available for grant awards under this subpart.

''(d) TAX-FREE.—The amount of any scholarship that is received under this subpart shall not, consistent with section 108(f) of the Internal Revenue Code of 1986, be treated as gross income for Federal income tax purposes.

''SEC. 420O. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subpart—

''(1) $50,000,000 for fiscal year 2004;

''(2) $100,000,000 for fiscal year 2005;

''(3) $150,000,000 for fiscal year 2006; and

''(4) such sums as may be necessary for each of fiscal years 2007 and 2008.''.

By Mr. HARKIN (for himself, Mr. GRASSLEY, Mr. KENNEDY, Mr. COCHRAN, Mrs. LINCOLN, Mr. KERRY, Mr. BINGAMAN, Mr. DODD, Mr. BAUCUS, and Mr. EDWARDS):

S. 480. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, today I am introducing legislation, the Training for Realtime Writers Act of 2003, on behalf of myself and my colleagues, Senators GRASSLEY, KENNEDY, COCHRAN, LINCOLN, KERRY, BINGAMAN, DODD, and BAUCUS. The 1996 Telecom Act required that all television broadcasts were to be captioned by 2006. This was a much needed reform that has helped millions of deaf and hard-of-hearing Americans to be able to take full advantage of television programing. As of today, it is estimated that 3,000 captioners will be needed to fulfill this requirement, and that number continues to increase as more and more broadband stations come online. Unfortunately, the United States only has 300 captioners. If our country expects to have media fully captioned by 2006, something must be done.

This is an issue that I feel very strongly about because my late brother, Frank, was deaf. I know personally that access to culture, news, and other media was important to him and to others in achieving a better quality of life. More than 28 million Americans, or 8 percent of the population, are considered deaf or hard of hearing and many requires captioning services to participate in mainstream activities. In 1990, I authored legislation that required all television sets to be equipped with a computer chip to decode closed captioning. This bill completes the promise of that technology, affording deaf and hard of hearing Americans the same equality and access that captioning provides.

Though we don't necessarily think about it, on the morning of September 11 was a perfect example of the need for captioners. Holli Miller of Ankeny, IA, was captioning for Fox News. She was supposed to do her three and a half hour shift ending at 8:00 a.m. but as we all know, disaster struck. Despite the fact that she had already worked most of her shift and had two small children to care for, Holli Miller stayed right where she was and for nearly five more hours and continued to caption. Without even the ability to take bathroom breaks, Holli Miller made sure that deaf and hard of hearing people got the same news the rest of us got on September 11. I want to personnally say thank you to Holli Miller and all the many captioners and other people across the country that made sure all Americans were alert and informed on that tragic day.

But let me emphasize that the deaf and hard of hearing population is only one of a number of groups that will benefit from the legislation. The audience for captioning also includes individuals seeking to acquire or improve literacy skills, including approximately 27 million functionally illiterate adults, 3 to 4 million immigrants learning English as a second language, and 18 million children learning to read in grades kindergarten through 3. In addition, I see people using closed captioning to stay informed everywhere—from the gym to the airport. Captioning helps people educate themselves and helps all of us stay informed and entertained when audio isn't the most appropriate medium.

Although we have a few years to go until the deadline given by the 1996 Telecom Act, our nation is facing a serious shortage of captioners. Over the past five years, student enrollment in programs that train court reporters to become realtime writers has decreased significantly, causing such programs to close on many campuses. Yet the need for these skills continues to rise. That is why my colleagues and I are introducing this vital piece of legislation. The Training for Realtime Writers Act of 2003 would establish competitive grants to be used toward training real time captioners. This is necessary to ensure that we meet our goal set by the 1996 Telecom Act.

I urge my colleagues to review this legislation and I hope they will join us in support and join us in our effort to win its passage. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 480

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 ''Training for Realtime Writers Act of 2003''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 723 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned beginning in 2006.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(3) More than 24,000 children are born in the United States each year with some form of hearing loss.

(4) According to the Department of Health and Human Services and a study done by the National Council on Aging—

(A) 25 percent of Americans over 65 years old are hearing impaired;

(B) 33 percent of Americans over 70 years old are hearing impaired; and

(C) 41 percent of Americans over 75 years old are hearing impaired.

(5) The National Council on Aging study also found that depression in older adults may be directly related to hearing loss and disconnection with the spoken word.

(6) Empirical research demonstrates that captions improve the performance of individuals learning to read English and, according to numerous Federal agency statistics, could benefit—

(A) 3,700,000 remedial readers;

(B) 12,000,000 young children learning to read;

(C) 27,000,000 illiterate adults; and

(D) 30,000,000 people for whom English is a second language.

(7) Over the past 5 years, student enrollment in programs that train court reporters to become realtime writers has decreased significantly, causing such programs to close on many campuses.

SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 723 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this Act, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary of Commerce—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training and job placement assistance efforts with respect to realtime writers.

(d) DURATION OF GRANT.—A grant under this section shall be for a period of two years.

(e) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the two-year period of the grant under subsection (d).

SEC. 4. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 3, an eligible entity shall submit an application to the National Telecommunications and Information Administration at such time and in such manner as the Administration may require. The application shall contain the information set forth under subsection (b).

(b) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under section 3 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 3(c).

(7) Such other information as the Administration may require.

SEC. 5. USE OF FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) development of curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) assistance in job placement for upcoming and recent graduates with all types of captioning employers;

(6) encouragement of individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for such purposes.

(b) SCHOLARSHIPS.—

(1) AMOUNT.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time (as determined by the Administration) that is appropriate (as so determined) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The Administration shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINISTRATIVE COSTS.—The recipient of a grant under section 3 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(d) SUPPLEMENT NOT SUPPLANT.—Grants amounts under this Act shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers

SEC. 6. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 3 shall submit to the National Telecommunications and Information Administration, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 4(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, amounts as follows:

(1) $20,000,000 for each of fiscal years 2004, 2005, and 2006.

(2) Such sums as may be necessary for fiscal year 2007.

Mr. GRASSLEY. Mr. President, I am pleased to once again be the lead Republican cosponsor of the ''Training for Realtime Writers Act''. This legislation that Senator HARKIN and I are introducing today will provide grants for the training of realtime reporters and captioners. While we ran out of time to address this matter in the 107th Congress, I would remind Senators of the looming problem related to a shortage of what are called ''realtime writers''. Realtime writers are essentially trained court reporters, much like the Official Reporters of Debates here in the Senate, who use a combination of additional specialized training and technology to transform words into text as they are spoken. This can allow deaf and hard of hearing individuals to understand live television as well as follow proceedings at a civic function or in a classroom.

In the Telecommunications Act of 1996, Congress mandated that most television programming be fully captioned by 2006 in order to allow the 28 million Americans who are deaf or had of hearing to have access to the same news and information that many of us take for granted. Information provides a vital link to the outside world. Americans receive a large amount of their information about what is happening in the world and right in their communities from television. Whether it is an international crisis or a weather warning, information is necessary to fully participate in our society. In order for those who are deaf and hard of hearing to receive the same information as it is broadcast on live television, groups of captions must work around the clock transcribing words as they are spoken.

Currently, video-programming distributers must provide an average of at least 900 hours of captioned programming. Starting in 2005, this will increase to 1350 hours. By 2006, 100 percent of new nonexempt programming must be provided with captions. At the same time, student enrollment in programs that provide essential training in captioning has decreased significantly, with programs closing on many campuses. In order to meet the growing demand for realtime writers caused by this mandate, we must do everything we can to increase the number of individuals receiving this very specialized training.

Our bill will help address the shortage of individuals trained as realtime writers by providing grants to accredited court reporting programs to promote the training and placement of individuals as realtime writers. Specifically, court reporting programs could use these grants for item like recruitment of students for realtime writing programs, need-based scholarships, distance learning, education and training, job placement assistance, the encouragement of individuals with disabilities to pursue a career as a realtime writer, and personnel costs.

The expansion of distance learning opportunities in particular will have an enormous impact by making training accessible to individuals who want to become realtime writers but do not live in metropolitan areas. Also, need based scholarships offered using these grants funds would be subject to an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time.

We must act quickly because the shortage of individuals trained as realtime writers will only grow more severe as the captioning mandate in the 1996 Telecommunications Act continues to take effect. Failure to act could leave the 28 million deaf or hard of hearing Americans without the ability to fully participate in many of the professional, educational, and civic activities that other Americans enjoy. Congress was not able to complete work on this urgent matter before the end of the 107th Congress, so we must redouble our efforts. I would urge all senators to support the swift passage of this legislation.

By Mr. ALLEN (for himself and Mr. WARNER):

S. 481. A bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes; to the Committee on Governmental Affairs.

Mr. ALLEN. Mr. President, I rise today to introduce a bill to fairly assist injured Federal employees. This legislation will adjust Federal employees retirement computations to offset reductions in their retirement arising from on-the-job injuries covered by the Workers Compensation program. I introduced similar legislation last session that was passed by the Senate. I would like to thank my colleague Senator WARNER the senior Senator from Virginia, for his valuable support in cosponsoring this important effort.

This bill addresses a problem in the retirement program for Federal employees that has been recognized but unresolved since 1986 when the current retirement system was established. Unfortunately, complications arising from the Tax Code and the Workers Rehabilitation Act of 1973 have blocked any solution.

My resolve to address this problem was inspired by Ms. Louise Kurtz, a Federal employee from Virginia who was severely injured in the September 11 attack on the pentagon. She suffered burns over 70 percent of her body and lost all of her fingers. She has had many painful surgeries and faces additional surgeries in the future. She continues to endure rehabilitation over a year after suffering her injuries, yet still hopes to return to work some day. Current law, however, does not allow Mrs. Kurtz to contribute to her retirement program while she is recuperating and receiving Workers' Compensation disability payments. As a result, after returning to work and eventually retiring, she will find herself inadequately prepared and unable to afford to retire because of the lack of contributions during her recuperation.

As Ms. Kurt's situation reveals, Federal employee under the Federal Employees Retirement System who have sustained an on-the-job injury and are receiving disability compensation from the Department of Labor's Office of Worker's Compensation Programs are unable to make contributions or payments into Social Security or the Thrift Savings Plan. Therefore, the future retirement benefits from both sources are reduced.

This legislation offsets the reductions in Social Security and Thrift savings Plan retirement benefits by increasing the Federal Employees Retirement System Direct Benefit calculation by one percentage point for extended periods of disability.

The passage of this bill ensures that the pensions of our hard-working federal employees will be kept whole during a period of injury and recuperations, especially now that many of them are on the frontlines of protecting our homeland security in this new war on terror. By protecting the retirement security of injured Federal employee, we have provided an incentive for them to return to work and increased our ability to retain our most dedicated and experienced Federal workers. This is a reasonable and fair approach in which the whole Senate acted in a logical and compassionate manner last fall. Let us do so again.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 481

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

SECTION 1. ANNUITY COMPUTATION ADJUSTMENT FOR PERIODS OF DISABILITY.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (i) as subsection (k); and

(2) by adding at the end the following:

''(1) In the case of any annuity computation under this section that includes, in the aggregate, at least 2 months of credit under section 8411(d) for any period while receiving benefits under subchapter I of chapter 81, the percentage otherwise applicable under this section for that period so credited shall be increased by 1 percentage point.''

(b) CONFORMING AMENDMENT.—Section 8422(d)(2) of title 5, United States Code (as added by section 122(b)(2) of Public Law 107–135), is amended by striking ''8415(i)'' and inserting ''8415(k)''.

(c) APPLICABILITY.—The amendments made by this section shall apply with respect to any annuity entitlement which is based on a separation from service occurring on or after the date of enactment of this Act.

By Ms. COLLINS:

S. 482. A bill to reauthorize and amend the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 483. A bill to authorize the Secretary of the Army to carry out a project for the mitigation of shore damages attributable to the project for navigation, Saco River, Maine; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, I rise today to introduce two pieces of legislation that will improve the lives of our Nation's fishermen who are struggling to make a living on the sea.

Fishing is more than just a profession in New England. Fishing is a culture and a way of life. This way of life is being threatened, however, by excessive regulation and unnecessary litigation. Despite scientific evidence of a rebound in fish stocks, New England's fishermen are suffering under ever more burdensome restrictions. Everyday, I hear from fishermen who struggle to support their families because they have been deprived of their right to make an honest living on the seas. The ''working waterfronts'' of our communities are in danger if disappearing, likely to be replaced by development. When that happens, a part of Maine's heritage is lost forever.

Today, I am introducing a package of amendments to the Magnuson-Stevens Act that will deliver a resource management strategy that is balanced, responsive, and sensible. It recognizes the fishermen's strong commitment to conserving the stocks, and acknowledges fishermen as partners in fisheries management.

The Fisheries Science and Management Improvement Act of 2003 will address much needed improvements in the science and regulatory standards of fisheries management. The Nation's fisheries management system, as it is currently designed, is broken. If anyone doubts this is the case, I want to point out that more than 100 lawsuits are currently pending against the Department of Commerce involving fisheries management plans.

Litigation is no way to manage one of our Nation's most important ecological and economic resources. The fact is, the courts are simply not well-suited to making biological and regulatory decisions. Fisheries management is best left to those who know the subject best: the fishermen, scientists, and regulators working together cooperatively.

No one in the country knows this better than New England groundfishermen. Over the last two years, a court case has thrown New England's groundfishing industry into a crisis. The case ended when a Federal judge ordered severe restrictions on groundfishing, including a 20-percent

cut in Days-at-Sea. The effect of this court order has been simply catastrophic for New England's groundfishing industry—an industry made up of small, independently-owned, and often family-owned, businesses.

These severe restrictions were ordered despite the fact that the science clearly demonstrates that the biomass for New England groundfish has increased every year since 1996. If the biomass is increasing, and the stock is clearly rebuilding, it makes no sense to enforce an arbitrarily structured and unscientifically based timeframe on the rebuilding process. This is especially true when the survival of a culture is at stake.

My legislation would inject consistency and common-sense standards into the fisheries management process: it addresses the importance of solid and reliable science in fisheries management. It strengthens the definition of ''best scientific information available'' and requires scientific data, including all stock assessments, to be peer-reviewed and to include the consideration of anecdotal information gathered from the people who know fishing best—the fishermen themselves. My bill ensures that the process of rebuilding stocks is based on rational and comprehensive science. Under current law, when fisheries are classified as overfished, the Councils are required to implement rebuilding plans to attain a historic high level of abundance within ten years, regardless of whether or not the current state of the marine environment can sustain such an abundance level. My bill redefines the concept of ''overfishing'' to take into consideration natural fluctuations in the marine environment. It also eliminates the ten-year rebuilding requirement—a requirement that has no foundation in science—and requires rebuilding periods to take into consideration the biology of the fish stock and the economic impact on fishing communities.

The legislation also addresses problems with the current conception of Essential Fish Habitat. Currently, the entire Exclusive Economic Zone has been defined as Essential Fish Habitat instead of more discrete units of habitat as originally conceived. Further, current law allows the Councils to regulate the impacts of fishing activity on Essential Fish Habitat, while the Councils cannot regulate other commercial activities—such as mining and coastal development and the laying of telecommunications cables—that affect these areas. My bill focuses the management of these areas on ''Habitat Areas of Particular Concern''—more discrete units of fish habitat that are more consistent with the congressional intent behind the Essential Fish Habitat concept.

My proposal treats the fishing industry as a legitimate interest in fisheries management by acknowledging the important role that commercial fishing plays in food security and healthy food consumption. My bill also ensures that the cumulative economic and social impacts of fisheries management decisions are considered, rather than assessed in isolation from one another.

Finally, the legislation would reduce the litigation burden on the fisheries management system. My proposal ensures that fishery management plans are pre-determined to be compliant with NEPA requirements, thereby preventing NEPA law from being used in an incorrect way to regulate fisheries. It would still require fishery management plans to meet all the other conservation provisions, including those governing rebuilding of overfished stocks, set out in the law. The Nation's Councils have asked for this protection from lawsuits so they may resume their proper role as a regulatory body.

I want to acknowledge the important role that my colleagues Senators SNOWE and KERRY, Chair and Ranking Member of the Oceans and Fisheries Subcommittee, are playing in addressing the problems of Magnuson-Stevens. My hope is that my proposal will help propel a discussion in the upcoming months as their committee moves forward with their own ideas.

The second piece of legislation I am offering is the Commercial Fishermen Safety Act of 2003, a bill to help fishermen purchase the life-saving safety equipment they need to survive when disaster strikes. I am pleased to be joined by my good friend from Massachusetts, Senator KERRY, in introducing this legislation. Senator KERRY has been a leader in the effort to sustain our fisheries and to maintain the proud fishing tradition that exists in his state and throughout the country.

The release of the movie The Perfect Storm provided millions of Americans with a glimpse of the challenges and dangers associated with earning a living in the fishing industry. While based on a true story, the movie merely scratches the surface of what it is like to be a modern-day fisherman. Everyday, members of our fishing communities struggle to cope with the pressures of running a small business, complying with extensive regulations, and maintaining their vessels and equipment. Added to these challenges are the dangers associated with fishing, where disaster can strike in conditions that are far less extreme than those depicted by the movie.

Year-in and year-out, commercial fishing is among the nation's most dangerous occupations. According to data compiled by the Coast Guard and the Bureau of Labor Statistics, 536 fishermen have lost their lives at sea since 1994. In fact, with an annual fatality rate of about 150 deaths per 100,000 workers, fishing is 30 times more dangerous than the average occupation.

The year 2000 will always be remembered in Maine's fishing communities as a year marked by tragedy. All told, nine commercial fishermen lost their lives off the coast of Maine in the year 2000, exceeding the combined casualties of the three previous years.

Yet as tragic as the year was, it could have been worse. Heroic acts by the Coast Guard and other fishermen resulted in the rescue of 13 commercial fishermen off the coast of Maine in the year 2000. In most of these circumstances, these fishermen were returned to their families because they had access to safety equipment that made the difference between life and death.

Coast Guard regulations require all fishing vessels to carry safety equipment. The requirements vary depending on factors such as the size of the vessel, the temperature of the water, and the distance the vessel travels from shore to fish.

When an emergency arises, safety equipment is priceless. At all other times, the cost of purchasing or maintaining this equipment must compete with other expenses such as loan payments, fuel, wages, maintenance, and insurance. Meeting all of these obligations is made more difficult by a regulatory framework that uses measures such as trip limits, days at sea, and gear alterations to manage our marine resources.

The Commercial Fishermen Safety Act of 2003 lends a hand to fishermen attempting to prepare in case disaster strikes. My bill provides a tax credit equal to 75 percent of the amount paid by fishermen to purchase or maintain required safety equipment. The tax credit is capped at $1500. Items such as EPIRBs and immersion suits cost hundreds of dollars, while life rafts can reach into the thousands. The tax credit will make life-saving equipment more affordable for more fishermen, who currently face limited options under the federal tax code.

I believe these two bills will assist our Nation's fishermen as they struggle to make their living on the seas. Fishing is a legitimate profession that deserves to be treated with the common-sense and consistency that we treat other professions. The legislation I am introducing gives these communities the tools they need to safely make their living in a way that still protects the resource.

By Mr. LEAHY (for himself and Ms. SNOWE):

S. 484. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility stem generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Environmental and Public Works.

Mr. LEAHY. Mr. President, the risks and health effects of mercury contamination continue to be serious and immediate. We have known about mercury pollution for many years. It remains one of, if not the last of, the

major toxic pollutants without a comprehensive plan to control its spread. We know where the sources contributing to mercury contamination are, we have a pretty good idea where it goes, and we definitely know what harm it causes to people and to wildlife. Yet, serious contamination continues. That is why I am reintroducing important legislation today to confront this problem directly.

The most serious threat of mercury pollution is to our children. Just this week, the Environmental Protection Agency finally released their report, ''American's Children and the Environment: Measures of Contaminants, Body Burdens and Illnesses.'' The report should alarm all of us. It highlights the neurological harm that can come to children exposed to elevated mercury levels while in the womb and during the first years of their lives. As more mercury is dumped into our environment, more children will be at risk. Today, according to the Centers for Disease Control, 1 in 12 women of childbearing age has mercury levels above the safe health threshold established by EPA.

Although the report comes nine months late, it does highlight a serious gap between the Administration's ''Clear Skies'' proposal and the Leahy/Snowe bill when it comes to reducing mercury levels. The only thing clear about the Administration's proposal is that it won't protect Vermont's children from the pollution spewing out of power plants in the Midwest. The Administration's Clear Skies proposal will actually relax current mercury emissions law.

Our bill will reduce mercury emission from coal-fired power plants by 90 percent. The Clear Skies proposal would only reduce emissions by 50 percent in the near future and 70 percent over the next 15 years. Not only does this fall far short of our proposal, but it also falls short of current law and the Administration's previous position. In 2001, EPA Administrator Christie Todd Whitman said the EPA had initiated strict ''maximum achievable control technology'' MACT, standards for oil- and coal-fired electric utility units as required under section 112 of the Clean Air Act. At that time, Whitman said that mercury reductions are ''necessary now, not decades from now.''

Administrator Whitman was right then and wrong now. With industry's vigorous opposition to tighter mercury controls and the Bush administration's record to date rolling back environmental legislation regulation, especially the Clean Air Act, I worry that more children will be put at risk as the Administration continues to delay the MACT standards and other policies. The delays and rollbacks make you ask whose interests the Administration is putting first—children, or the big powerplant companies?

I ask for unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary of the bill was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE OMNIBUS MERCURY EMISSIONS REDUCTION ACT OF 2003

WHAT WILL THE OMNIBUS MERCURY EMISSIONS REDUCTION ACT OF 2003 DO?

The Omnibus Mercury Emissions Reduction Act of 2003 mandates substantial reductions in mercury emissions from all major sources in the United States. It is the only comprehensive legislation to control mercury emissions from all major sources. It directs EPA to issue new standards for unregulated sources and to monitor and report on the progress of currently regulated sources. It sets an aggressive timetable for these reductions so that mercury emissions are reduced as soon as possible.

With these emissions reductions, the bill requires the safe disposal of mercury recovered from pollution control systems, so that the hazards of mercury are not merely transferred from one environmental medium to another. It requires annual public reporting—in both paper and electronic form—of facility-specific mercury emissions. It phases out mercury use in consumer products, requires product labeling, and mandates international cooperation. It supports research into the retirement of excess mercury, the handling of mercury waste, the effectiveness of fish consumption advisories, and the magnitude of previously uninventoried sources.

SECTION 3. MERCURY EMISSION STANDARDS FOR FOSSIL FUEL-FIRED ELECTRIC UTILITY STEAM GENERATING UNITS

The EPA's ''Mercury Study Report to Congress'' estimated 52 tons of mercury emissions per year from coal- and oil-fired electric utility steam generating units. More recently, an EPA inventory estimated 43 tons of mercury from coal-fired power plants. Collectively, these power plants constitute the largest source of mercury emissions in the United States. In December 2000, the EPA issued a positive determination to regulate these mercury emissions. But these rules will take years to write and implement, and there is already vigorous industry opposition. It is uncertain what form these rules will take or how long they may be delayed. This section requires EPA to set a ''maximum achievable control technology'' (MACT) standard for these emissions, such that nationwide emissions decrease by at least 90 percent.

SECTION 4. MERCURY EMISSION STANDARDS FOR COAL- AND OIL-FIRED COMMERCIAL AND INDUSTRIAL BOILER UNITS

The EPA's report on its study estimates that 29 tons of mercury emissions are released per year from coal- and oil-fired commercial and industrial boiler units. The EPA has not yet decided to regulate these emissions. This section requires EPA to set a MACT standard for these mercury emissions, such that nationwide emissions decrease by at least 90 percent.

SECTION 5. REDUCTION OF MERCURY EMISSIONS FROM SOLID WASTE INCINERATION UNITS

The EPA study estimates that 30 tons of mercury emissions are released each year from municipal waste combustors. These emissions result from the presence of mercury-containing items such as fluorescent lamps, fever thermometers, thermostats and switches, in municipal solid waste streams. In 1995 EPA promulgated final rules for these emissions, and these rules took effect in 2000. This section reaffirms those rules and requires stricter rules for units that do not comply. The most effective way to reduce mercury emissions from incinerators is to reduce the volume of mercury-containing items before they reach the incinerator. That is why this section also requires the separation of mercury-containing items from the waste stream, the labeling of mercury-containing items to facilitate this separation, and the phaseout of mercury in consumer products within three years, allowing for the possibility of exceptions for essential uses.

SECTION 6. MERCURY EMISSION STANDARDS FOR CHLOR-ALKALI PLANTS

The EPA study estimates that 7 tons of mercury emissions are released per year from chlor-alkali plants that use the mercury cell process to produce chlorine. EPA has not issued rules to regulate these emissions. This section requires each chlor-alkali plant that uses the mercury cell process to reduce its mercury emissions by 95 percent. The most effective way to meet this standard would be to switch to the more energy efficient membrane cell process, which many plants already use.

SECTION 7. MERCURY EMISSION STANDARDS FOR PORTLAND CEMENT PLANTS

The EPA study estimates that 5 tons of mercury emissions are released each year from Portland cement plants. In 1999 EPA promulgated final rules for emissions from cement plants, but these rules did not include mercury. This section requires each Portland cement plant to reduce its mercury emissions by 95 percent.

SECTION 8. REPORT ON IMPLEMENTATION OF MERCURY EMISSION STANDARDS FOR MEDICAL WASTE INCINERATORS

The EPA study estimates that 16 tons of mercury emissions are released per year from medical waste incinerators. In 1997 EPA issued final rules for emissions from hospital/medical/infectious waste incinerators. This section requires EPA to report on the success of these rules in reducing these mercury emissions.

SECTION 9. REPORT ON IMPLEMENTATION OF MERCURY EMISSION STANDARDS FOR HAZARDOUS WASTE COMBUSTORS

The EPA study estimates that 7 tons of mercury emissions are released each year form hazardous waste incinerators. In 1999 EPA promulgated final rules for these emissions. This section requires EPA to report on the success of these rules in reducing these mercury emissions.

SECTION 10. DEFENSE ACTIVITIES

This section requires the Department of Defense to report on its use of mercury, including the steps it is taking to reduce mercury emissions and to stabilize and recycle discarded mercury. This section also prohibits the Department of Defense from returning the nearly 5,000 tons of mercury in the National Defense Stockpile to the global market.

SECTION 11. INTERNATIONAL ACTIVITIES

This section directs EPA to work with Canada and Mexico to study mercury pollution in North America, including the sources of mercury pollution, the pathways of the pollution, and options for reducing the pollution.

SECTION 12. MERCURY RESEARCH

This section supports a variety of mercury research projects. First, it promotes accountability by mandating an interagency report on the effectiveness of this act in reducing mercury pollution. Second, it mandates an EPA study on mercury sedimentation trends in major bodies of water. Third, it directs EPA to evaluate and improve state-level mercury data and fish consumption advisories. Fourth, it mandates a National Academy of Sciences report on the reatirement of excess mercury, such as

stockpiled industrial mercury that is no longer needed due to plant closures or process changes. Fifth, it mandates an EPA study of mercury emissions from electric arc furnaces, a source not studied in the EPA's study report. Finally, it authorizes $2,000,000 for modernization and expansion of the Mercury Deposition Network, plus $10,000,000 over ten years for operational support of that network.

Ms. SNOWE. Mr. President, I rise today as the lead cosponsor of Senator LEAHY's Omnibus Mercury Reduction Act of 2003 to ask support for our continued efforts to dramatically reduce mercury pollution that has been shown to pose serious health risks, especially for pregnant women, and can cause irreversible nerve damage in young children.

This legislation responds to the Environmental Protection Agency's just released report on ''America's Children and the Environment: Measures of Contaminants, Body Burdens, and Illnesses'', which states that EPA remains concerned about children potentially exposed to mercury in the womb.

Mercury is among the least-controlled and most dangerous toxins threatening pregnant women and children from mercury exposure through the air and water in America today, and we need to continue the fight to pass a national approach to better control its use. Because mercury pollution knows no State borders, a national initiative is necessary to control it and better understand its health effects.

The Omnibus Mercury Emissions Reduction Act of 2003 would require the U.S. Environmental Protection Agency, EPA, to impose new restrictions on mercury emissions by utility power plants, coal and oil-fired commercial boilers, solid waste incinerators, and other sources of emissions. According to the EPA, an estimated 30 tons of mercury emissions per year come from municipal waste combustors because of the presence of mercury-containing items such as fluorescent lamps, fever thermometers, thermostats, and switches.

Our bill requires utility power plants and commercial boilers to reduce mercury emissions by 95 percent in five years, and requires the EPA to publish a list of mercury-containing items that need to be separated and removed from the waste streams that feed solid waste management facilities. The most effective way to reduce mercury emissions from incinerators is to reduce the volume of mercury-containing items before they reach the incinerator.

The bill would also expand research on the effects of mercury on sensitive subpopulations such as pregnant women and children, and it directs the EPA to work with the States to improve the quality and dissemination of State fish consumption advisories.

Even in Maine, where great efforts have been made to preserve clean air and water, mercury arrives as an unseen threat, carried in the air from hundreds of miles away and deposited in our lakes, rivers and coastal regions through rain and snowfall. This bill complements the steps Maine has taken to reduce mercury emissions, and by addressing what happens outside our borders, it also can ensure that Maine's actions will not be in vain.

Mercury is a dangerous toxin present in coal, which is burned to produce 65 percent of the nation's electricity, other fossil fuels, and various household and industrial products. When mercury is burned, fine particles are released and carried by precipitation back to earth, contaminating water bodies, fish, and wildlife, and ultimately posing a threat to humans. Nationwide, 39 States have issued warnings about eating certain fish in more than 50,000 bodies of water, up from 27 States in 1993.

While Maine ranks 49th among the least-polluting States in terms of mercury emissions, nearly all of its lakes are under health advisories due to airborne mercury pollution transported in air currents from other States. Because mercury is an element and cannot be destroyed, it cycles endlessly through the environment, necessitating control of the toxin at the source.

With the technology and resources available, we can and must find creative ways to substantially reduce mercury pollution, and this bill kicks that process into gear and will go a very long way toward removing this harmful toxin as a threat to human health and the environment.

In partnership with the Omnibus mercury bill, I am also a cosponsor of Senator JEFFORDS' Clean Power Act that calls for a 90 percent reduction of mercury from coal burning power plants by 2008. By 2009, the Jeffords bill also dramatically cuts aggregate power plant emissions of the three other major power plant pollutants: nitrogen oxides, NO_x, the primary cause of smog, by 71 percent from 2000 levels; sulfur dioxide, SO_2, that causes acid rain and respiratory disease, by 81 percent from 2000 levels; and carbon dioxide, CO_2, the greenhouse gas most directly linked to global climate variabilities, by 21 percent from 2000 levels. Of note, the NO_x, SO_2, and mercury reductions are set at levels that are known to be cost effective with available technology.

I hope to work with my colleagues in the 108th Congress to see that provisions in these two bills are fully debated and policy is passed to protect our environment and our population from the ravages of these major air pollutants. We must move forward for the health of the unborn, the American public and the entire planet.

By Mr. INHOFE (for himself and Mr. VOINOVICH) (by request):

S. 485. A bill to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, and for other purposes; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I hereby introduce, by request, the Clear Skies Initiative to reduce harmful air pollutants.

I am pleased that Senator VOINOVICH and I and our counterparts in the House have the opportunity to work with the President on one of his top legislative priorities. Clear Skies demonstrates the President's serious commitment to providing strong environmental protections for the American people. It is the most aggressive presidential initiative in history to reduce power plant emissions.

Clear Skies will build upon the remarkable environmental progress we've made over the last 30 years. Since passage of the Clean Air Act in 1970 the nation's gross domestic product has increased 160 percent, energy consumption has increased 45 percent, and population has increased 38 percent. At the same time we've reduced emissions by 29 percent.

President Bush understands that achieving positive environmental results and promoting economic growth are not incompatible goals. Moving beyond the confusing, command-and-control mandates of the past, Clear Skies cap-and-trade system harnesses the power of technology and innovation to bring about significant reductions in harmful pollutants.

I look forward to working with the Administration on crafting a sound bill. I believe Clear Skies represents a good starting point for moving forward with the legislative process.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 485

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 ''Clear Skies Act of 2003''.

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

Sec. 1. Short title, table of contents.
Sec. 2. Emission Reduction Programs.
''TITLE IV—EMISSION REDUCTION PROGRAMS
''PART A—GENERAL PROVISIONS
''Sec. 401. (Reserved)
''Sec. 402. Definitions.
''Sec. 403. Allowance system.
''Sec. 404. Permits and compliance plans.
''Sec. 405. Monitoring, reporting, and recordkeeping requirements.
''Sec. 406. Excess emissions penalty; general compliance with other provisions; enforcement.
''Sec. 407. Election of additional units.
''Sec. 408. Clean coal technology regulatory incentives.
''Sec. 409. Auctions.
''Sec. 410. Evaluation of limitations on total sulfur dioxide, nitrogen oxides, and mercury emissions that start in 2018.

''PART B—SULFUR DIOXIDE EMISSION REDUCTIONS

''Subpart 1—Acid Rain Program

''Sec. 410. Evaluation of limitations on total sulfur dioxide, nitrogen oxides, and mercury emissions that start in 2018.
''Sec. 411. Definitions.
''Sec. 412. Allowance allocations.
''Sec. 413. Phase I sulfur dioxide requirements.
''Sec. 414. Phase II sulfur dioxide requirements.
''Sec. 415. Allowances for States with emission rates at or below .8 lbs/mmBtu.
''Sec. 416. Election for additional sources.
''Sec. 417. Auctions, Reserve.
''Sec. 418. Industrial sulfur dioxide emissions.
''Sec. 419. Termination.

''Subpart 2—Clear Skies Sulfur Dioxide Allowance Program

''Sec. 421. Definitions.
''Sec. 422. Applicability.
''Sec. 423. Limitations on total emissions.
''Sec. 424. Allocations.
''Sec. 425. Disposition of sulfur dioxide allowances allocated under subpart 1.
''Sec. 426. Incentives for sulfur dioxide emission control technology.

''Subpart 3—Western Regional Air Partnership

''Sec. 431. Definitions.
''Sec. 432. Applicability.
''Sec. 433. Limitations on total emissions.
''Sec. 434. Allocations.

''PART C—NITROGEN OXIDES EMISSIONS REDUCTIONS

''Subpart 1—Acid Rain Program

''Sec. 441. Nitrogen Oxides Emission Reduction Program.
''Sec. 442. Termination.

''Subpart 2—Clear Skies Nitrogen Oxides Allowance Program

''Sec. 451. Definitions.
''Sec. 452. Applicability.
''Sec. 453. Limitations on total emissions.
''Sec. 454. Allocations.

''Subpart 3—Ozone Season NO_X Budget Program

''Sec. 461. Definitions.
''Sec. 462. General Provisions.
''Sec. 463. Applicable Implementation Plan.
''Sec. 464. Termination of Federal Administration of NO_X Trading Program.
''Sec. 465. Carryforward of Pre-2008 Nitrogen Oxides Allowances.

''PART D—MERCURY EMISSION REDUCTIONS

''Sec. 471. Definitions.
''Sec. 472. Applicability.
''Sec. 473. Limitations on total emissions.
''Sec. 474. Allocations.

''PART E—NATIONAL EMISSION STANDARDS; RESEARCH; ENVIRONMENTAL ACCOUNTABILITY; MAJOR SOURCE PRECONSTRUCTION REVIEW AND BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY REQUIREMENTS

''Sec. 481. National emission standards for affected units.
''Sec. 482. Research, environmental monitoring, and assessment.
''Sec. 483. Exemption from major source preconstruction review and best availability retrofit control technology requirements.''

Sec. 3. Other amendments.

SEC. 2. EMISSION REDUCTION PROGRAMS.

Title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651, et seq.) is amended to read as follows:

''TITLE IV—EMISSION REDUCTION PROGRAMS

''PART A—GENERAL PROVISIONS

''SEC. 401. (Reserved)

''SEC. 402. DEFINITIONS.

''As used in this title—

''(1) The term 'affected EGU' shall have the meaning set forth in section 421, 431, 451, or 471, as appropriate.

''(2) The term 'affected facility' or 'affected source' means a facility or source that includes one or more affected units.

''(3) The term 'affected unit' means—

''(A) under this part, a unit that is subject to emission reduction requirements or limitations under part B, C, or D or, it applicable, under a specified part or subpart; or

''(B) under subpart 1 of part B or subpart 1 of part C, a unit that is subject to emission reduction requirements or limitations under that subpart.

''(4) The term 'allowance' means—

''(A) an authorization, by the Administrator under this title, to emit one ton of sulfur dioxide, one ton of nitrogen oxides, or one ounce of mercury; or

''(B) under subpart 1 of part B, an authorization by the Administrator under this title, to emit one ton of sulfur dioxide.

''(5)(A) The term 'baseline heat input' means, except under subpart 1 of part B and section 407, the average annual heat input used by a unit during the 3 years in which the unit had the highest heat input for the period 1998 through 2002.

''(B) Notwithstanding subparagraph (A), if a unit commenced or commences operation during the period 2001 through 2004, then 'baseline heat input' means the manufacturer's design heat input capacity for the unit multiplied by 80 percent for coal-fired units, 50 percent for boilers that are not coal-fired, 50 percent for combustion turbines other than simple cycle turbines, and 5 percent for simple cycle combustion turbines.

''(C) A unit's heat input for a year shall be the heat input—

''(i) required to be reported under section 405 for the unit, if the unit was required to report heat input during the year under that section;

''(ii) reported to the Energy Information Administration for the unit, if the unit was not required to report heat input under section 405;

''(iii) based on data for the unit reported to the State where the unit is located as required by State law, if the unit was not required to report heat input during the year under section 405 and did not report to the Energy Information Administration; or

''(iv) based on fuel use and fuel heat content data for the unit from fuel purchase or use records, if the unit was not required to report heat input during the year under section 405 and did not report to the Energy Information Administration and the State.

''(D) Not later than 3 months after the enactment of the Clear Skies Act of 2003, the Administrator shall promulgate regulations, without notice and opportunity for comment, specifying the format in which the information under subparagraphs (B)(ii) and (C)(ii), (iii), or (iv) shall be submitted. Not later than 9 months after the enactment of the Clear Skies Act of 2003, the owner or operator of any unit under subparagraph (B)(ii) or (C)(ii), (iii), or (iv) to which allowances may be allocated under section 424, 434, 454, or 474 shall submit to the Administrator such information. The Administrator is not required to allocate allowances under such sections to a unit for which the owner or operator fails to submit information in accordance with the regulations promulgated under this subparagraph.

''(6) The term 'clearing price' means the price at which allowances are sold at an auction conducted by the Administrator or, if allowances are sold at an auction conducted by the Administrator at more than one price, the lowest price at which allowances are sold at the auction.

''(7) The term 'coal' means any solid fuel classified as anthracite, bituminous, subbituminous, or lignite.

''(8) The term 'coal-derived fuel' means any fuel (whether in a solid, liquid, or gaseous state) produced by the mechanical, thermal, or chemical processing of coal.

''(9) The term 'coal-fired' with regard to a unit means, except under subpart 1 of part B, subpart 1 of part C, and sections 424 and 434, combusting coal or any coal-derived fuel alone or in combination with any mount of any other fuel in any year.

''(10) The term 'cogeneration unit' means, except under subpart 1 of part B and subpart 1 of part C, a unit that produces through the sequential use of energy:

''(A) electricity; and

''(B) useful thermal energy (such as heat or steam) for industrial, commercial, heating, or cooling purposes.

''(11) The term 'combustion turbine' means any combustion turbine that is not self-propelled. The term includes, but is not limited to, a simple cycle combustion turbine, a combined cycle combustion turbine and any duct burner or heat recovery device used to extract heat from the combustion turbine exhaust, and a regenerative combustion turbine. The term does not include a combined turbine in an integrated gasification combined cycle plant.

''(12) The term 'commence operation' with regard to a unit means start up the unit's combustion chamber.

''(13) The term 'compliance plan' means either—

''(A) a statement that the facility will comply with all applicable requirements under this title, or

''(B) under subpart 1 of part B or subpart 1 of part C, where applicable, a schedule and description of the method or methods for compliance and certification by the owner or operator that the facility is in compliance with the requirements of that subpart.

''(14) The term 'continuous emission monitoring system' (CEMS) means the equipment as required by section 405, used to sample, analyze, measure, and provide on a continuous basis a permanent record of emissions and flow (expressed in pounds per million British thermal units (lbs/mmBtu), pounds per hour (lbs/hr) or such other form as the Administrator may prescribe by regulations under section 405.

''(15) The term 'designated representative' means a responsible person or official authorized by the owner or operator of a unit and the facility that includes the unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances, and the submission of and compliance with permits, permit applications, and compliance plans.

''(16) The term 'duct burner' means a combustion device that uses the exhaust from a combustion turbine to burn fuel for heat recovery.

''(17) The term 'facility' means all buildings, structures, or installations located on one or more contiguous or adjacent properties under common control of the same person or persons.

''(18) The term 'fossil fuel' means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

''(19) The term 'fossil fuel-fired' with regard to a unit means combusting fossil fuel, alone or in combination with any amount of other fuel or material.

''(20) The term 'fuel oil' means a petroleum-based fuel, including diesel fuel or petroleum derivatives.

''(21) The term 'gas-fired' with regard to a unit means, except under subpart 1 of part B and subpart 1 of part C, combusting only natural gas or fuel oil, with natural gas comprising at lease 90 percent, and fuel oil comprising no more than 10 percent, of the unit's total heat input in any year.

''(22) The term 'gasify' means to convert carbon-containing material into a gas consisting primarily of carbon monoxide and hydrogen.

''(23) The term 'generator' means a device that produces electricity and, under subpart 1 of part B and subpart 1 of part C, that is reported as a generating unit pursuant to Department of Energy Form 860.

''(24) The term 'heat input' with regard to a specific period of time means the product (in mmBtu/time) of the gross calorific value of the fuel (in mmBtu/lb) and the fuel feed rate into a unit (in lb of fuel/time) and does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust.

''(25) The term 'integrated gasification combined cycle plant' means any combination of equipment used to gasify fossil fuels (with or without other material) and then burn the gas in a combined cycle combustion turbine.

''(26) The term 'oil-fired' with regard to a unit means, except under section 424 and 434, combusting fuel oil for more than 10 percent of the unit's total heat input, and combusting no coal or coal-derived fuel, in any year.

''(27) The term 'owner or operator' with regard to a unit or facility means, except for subpart 1 of part B and subpart 1 of part C, any person who owns, leases, operates, controls, or supervises the unit or the facility.

''(28) The term 'permitting authority' means the Administrator, or the State or local air pollution control agency, with an approved permitting program under title V of the Act.

''(29) The term 'potential electrical output' with regard to a generator means the nameplate capacity of the generator multiplied by 8,760 hours.

''(30) The term 'simple cycle combustion turbine' means a combustion turbine that does not extract heat from the combustion turbine exhaust gases.

''(31) The term 'source' means, except for sections 410, 481, and 482, all buildings, structures, or installations located on one or more contiguous or adjacent properties under common control of the same person or persons.

''(32) The term 'State' means—

''(A) one of the 48 contiguous States, Alaska, Hawaii, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands; or

''(B) under subpart 1 of part B and subpart 1 of part C, one of the 48 contiguous States or the District of Columbia.

''(33) The term 'unit' means—

''(A) a fossil fuel-fired boiler, combustion turbine, or integrated gasification combined cycle plan; or

''(B) under subpart 1 of part B and subpart 1 of part C, a fossil fuel-fired combustion device.

''(34) The term 'utility unit' shall have the meaning set forth in section 411.

''(35) The term 'year' means calendar year.

SEC. 403. ALLOWANCE SYSTEM.

''(a) ALLOCATIONS IN GENERAL.—

''(1) For the emission limitation programs under this title, the Administrator shall allocate annual allowances for an affected unit, to be held or distributed by the designated representative of the owner or operator in accordance with this title as follows—

''(A) sulfur dioxide allowances in an amount equal to the annual tonnage emission limitation calculated under section 413, 414, 415, or 416, except as otherwise specifically provided elsewhere in subpart 1 of part B, or in an amount calculated under section 424 or 434,

''(B) nitrogen oxides allowances in an amount calculated under section 454, and

''(C) mercury allowances in an amount calculated under section 474.

''(2) Notwithstanding any other provision of law to the contrary, the calculation of the allocation for any unit or facility, and the determination of any values used in such calculation, under sections 424, 434, 454, and 474 shall not be subject to judicial review.

''(3) Allowances shall be allocated by the Administrator without cost to the recipient, and shall be auctioned or sold by the Administrator, in accordance with this title.

''(b) ALLOWANCE TRANSFER SYSTEM.—Allowances allocated, auctioned, or sold by the Administrator under this title may be transferred among designated representatives of the owners or operators of affected facilities under this title and any other person, as provided by the allowance system regulations promulgated by the Administrator. With regard to sulfur dioxide allowances, the Administrator shall implement this subsection under 40 CFR part 73 (2002), amended as appropriate by the Administrator. With regard to nitrogen oxides allowances and mercury allowances, the Administrator shall implement this subsection by promulgating regulations not later than 24 months after the date of enactment of the Clear Skies Act of 2003. The regulations under this subsection shall establish the allowance system prescribed under this section, including, but not limited to, requirements for the allocation, transfer, and use of allowances under this title. Such regulations shall prohibit the use of any allowance prior to the calendar year for which the allowance was allocated or auctioned and shall provide, consistent with the purposes of this title, for the identification of unused allowances, and for such unused allowances to be carried forward and added to allowances allocated in subsequent years, except as otherwise provided in section 425. Such regulations shall provide, or shall be amended to provide, that transfers of allowances shall not be effective until certification of the transfer, signed by a responsible official of the transferor, is received and recorded by the Administrator.

''(c) ALLOWANCE TRACKING SYSTEM.—The Administrator shall promulgate regulations establishing a system for issuing, recording, and tracking allowances, which shall specify all necessary procedures and requirements for an orderly and competitive functioning of the allowance system. Such system shall provide, not later than the commencement date of the nitrogen oxides allowance requirement under section 452, for one or more facility-wide accounts for holding sulfur dioxide allowances, nitrogen oxides allowances, and, if applicable, mercury allowances for all affected units at an affected facility. With regard to sulfur dioxide allowances, the Administrator shall implement this subsection under 40 CFR part 73 (2002), amended as appropriate by the Administrator. With regard to nitrogen oxides allowances and mercury allowances, the Administrator shall implement this subsection by promulgating regulations not later than 24 months after the date of enactment of the Clear Skies Act of 2002. All allowance allocations and transfers shall, upon recording by the Administrator, be deemed a part of each unit's or facility's permit requirements pursuant to section 404, without any further permit review and revision.

''(d) NATURE OF ALLOWANCES.—A sulfur dioxide allowance, nitrogen oxides allowance, or mercury allowance allocated, auctioned, or sold by the Administrator under this title is a limited authorization to emit one ton of sulfur dioxide, one ton of nitrogen oxides, or one ounce of mercury, as the case may be, in accordance with the provisions of this title. Such allowance does not constitute a property right. Nothing in this title or in any other provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization. Nothing in this section relating to allowances shall be construed as affecting the application of, or compliance with, any other provision of this Act to an affected unit or facility, including the provisions related to applicable National Ambient Air Quality Standards and State implementation plans. Nothing in this section shall be construed as requiring a change of any kind in any State law regulating electric utility rates and charges or affecting any State law regarding such State regulation or as limiting State regulation (including any prudency review) under such a State law. Nothing in this section shall be construed as modifying the Federal Power Act or as affecting the authority of the Federal Energy Regulatory Commission under that Act. Nothing in this title shall be construed to interfere with or impair any program for competitive bidding for power supply in a State in which such program is established. Allowances, once allocated or auctioned to a person by the Administrator, may be received, held, and temporarily or permanently transferred in accordance with this title and the regulations of the Administrator without regard to whether or not a permit is in effect under title V or section 404 with respect to the unit for which such allowance was originally allocated and recorded.

''(e) PROHIBITION.—

''(1) It shall be unlawful for any person to hold, use, or transfer any allowance allocated, auctioned, or sold by the Administrator under this title, except in accordance with regulations promulgated by the Administrator.

''(2) It shall be unlawful for any affected unit or for the affected units at a facility to emit sulfur dioxide, nitrogen oxides, and mercury, as the case may be, during a year in excess of the number of allowances held for that unit or facility for that year by the owner or operator as provided in sections 412(c), 422, 432, 452, and 472.

''(3) The owner or operator of a facility may purchase allowances directly from the Administrator to be used only to meet the requirements of sections 422, 432, 452, and 472, as the case may be, for the year in which the purchase is made or the prior year. Not later than 36 months after the date of enactment of the Clear Skies Act of 2003, the Administrator shall promulgate regulations providing for direct sales of sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances to an owner or operator of a facility. The regulations shall provide that—

''(A) such allowances may be used only to meet the requirements of section 422, 432, 452, and 472, as the case may be, for such facility and for the year in which the purchase is made or the prior year,

''(B) each such sulfur dioxide allowance shall be sold for $4,000, each such nitrogen

oxides allowance shall be sold for $4,000, and each such mercury allowance shall be sold for $2,187.50, with such prices adjusted for inflation based on the Consumer Price Index on the date of enactment of the Clear Skies Act of 2003 and annually thereafter,

''(C) the proceeds from any sales of allowances under subparagraph (B) shall be deposited in the United States Treasury,

''(D) the allowances directly purchased for use for the year specified in subparagraph (A) shall be taken from, and reduce, the amount of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, that would otherwise be auctioned under section 423, 453, or 473 starting for the year after the specified year and continuing for each subsequent year as necessary,

''(E) if an owner or operator does not use any such allowance in accordance with paragraph (A)—

''(i) the owner or operator shall hold the allowance for deduction by the Administrator, and

''(ii) the Administrator shall deduct the allowance, without refund or other form of recompense, and offer it for sale in the auction from which it was taken under subparagraph (D) or a subsequent relevant auction as necessary, and

''(F) if the direct sales of allowances result in the removal of all sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, from auctions under section 423, 453, or 473 for 3 consecutive years, the Administrator shall conduct a study to determine whether revisions to the relevant allowance trading program are necessary and shall report the results to the Congress.

''(4) Allowances may not be used prior to the calendar year for which they are allocated or auctioned. Nothing in this section or in the allowance system regulations shall relieve the Administrator of the Administrator's permitting, monitoring and enforcement obligations under this Act, nor relieve affected facilities of their requirements and liabilities under the Act.

''(f) COMPETITIVE BIDDING FOR POWER SUPPLY.—Nothing in this title shall be construed to interfere with or impair any program for competitive bidding for power supply in a State in which such program is established.

''(g) APPLICABILITY OF THE ANTITRUST LAWS.—(1) Nothing in this section affects—

''(A) the applicability of the antitrust laws to the transfer, use, or sale of allowances, or

''(B) the authority of the Federal Energy Regulatory Commission under any provision of law respecting unfair methods of competition or anticompetitive acts or practices.

''(2) As used in this section, 'antitrust laws' means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12), as amended.

''(h) PUBLIC UTILITY HOLDING COMPANY ACT.—The acquisition or disposition of allowances pursuant to this title including the issuance of securities or the undertaking of any other financing transaction in connection with such allowances shall not be subject to the provisions of the Public Utility Holding Company Act of 1935.

''(i) INTERPOLLUTANT TRADING.—Not later 6 years after the enactment of the Clear Skies Act of 2003, the Administrator shall furnish to the Congress a study evaluating the environmental and economic consequences of amending this title to permit trading sulfur dioxide allowances for nitrogen oxides allowances and nitrogen oxides allowances for sulfur dioxide allowances.

''(j) INTERNATIONAL TRADING.—Not later than 24 months after the date of enactment of the Clear Skies Act of 2003, the Administrator shall furnish to the Congress a study evaluating the feasibility of international trading of sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances.

''SEC. 404. PERMITS AND COMPLIANCE PLANS.

''(a) PERMIT PROGRAM.—The provisions of this title shall be implemented, subject to section 403, by permits issued to units and facilities subject to this title and enforced in accordance with the provisions of title V, as modified by this title. Any such permit issued by the Administrator, or by a State with an approved permit program, shall prohibit—

''(1) annual emissions of sulfur dioxide, nitrogen oxides, and mercury in excess of the number of allowances required to be held in accordance with sections 412(c), 422, 432, 452, and 472,

''(2) exceeding applicable emissions rates under section 441,

''(3) the use of any allowance prior to the year for which it was allocated or auctioned, and

''(4) contravention of any other provision of the permit.

No permit shall be issued that is inconsistent with the requirements of this title, and title V as applicable.

''(b) COMPLIANCE PLAN.—Each initial permit application shall be accompanied by a compliance plan for the facility to comply with its requirements under this title. Where an affected facility consists of more than one affected unit, such plan shall cover all such units, and such facility shall be considered a 'facility' under section 502(c). Nothing in this section regarding compliance plans or in title V shall be construed as affecting allowances.

''(1) Submission of a statement by the owner or operator, or the designated representative of the owners and operators, of a unit subject to the emissions limitation requirements of sections 412(c), 413, 414, and 441, that the unit will meet the applicable emissions limitation requirements of such sections in a timely manner or that, in the case of the emissions limitation requirements of sections 412(c), 413, and 414, the owners and operators will hold sulfur dioxide allowances in the amount required by section 412(c), shall be deemed to meet the proposed and approved compliance planning requirements of this section and title V, except that, for any unit that will meet the requirements of this title by means of an alternative method of compliance authorized under section 413 (b), (c), (d), or (f), section 416, and section 441 (d) or (e), the proposed and approved compliance plan, permit application and permit shall include, pursuant to regulations promulgated by the Administrator, for each alternative method of compliance a comprehensive description of the schedule and means by which the unit will rely on one or more alternative methods of compliance in the manner and time authorized under subpart 1 of part B or subpart 1 of part C.

''(2) Submission of a statement by the owner or operator, or the designated representative, of a facility that includes a unit subject to the emissions limitation requirements of sections 422, 432, 452, and 472 that the owner or operator will hold sulfur dioxide allowances, nitrogen oxide allowances, and mercury allowances, as the case may be, in the amount required by such sections shall be deemed to meet the proposed and approved compliance planning requirements of this section and title V with regard to subparts A through D.

''(3) Recording by the Administrator of transfers of allowances shall amend automatically all applicable proposed or approved permit applications, compliance plans and permits.

''(c) PERMITS.—The owner or operator of each facility under this title that includes an affected unit subject to title V shall submit a permit application and compliance plan with regard to the applicable requirements under sections 412(c), 422, 432, 441, 452, and 472 for sulfur dioxide emissions, nitrogen oxide emissions, and mercury emissions from such unit to the permitting authority in accordance with the deadline for submission of permit applications and compliance plans under title V. The permitting authority shall issue a permit to such owner or operator, or the designated representative of such owner or operator, that satisfies the requirements of title V and this title.

''(d) AMENDMENT OF APPLICATION AND COMPLIANCE PLAN.—At any time after the submission of an application and compliance plan under this section, the applicant may submit a revised application and compliance plan, in accordance with the requirements of this section.

''(e) PROHIBITION.—

''(1) It shall be unlawful for an owner or operator, or designated representative, required to submit a permit application or compliance plan under this title to fail to submit such application or plan in accordance with the deadlines specified in this section or to otherwise fail to comply with regulations implementing this section.

''(2) It shall be unlawful for any person to operate any facility subject to this title except in compliance with the terms and requirements of a permit application and compliance plan (including amendments thereto) or permit issued by the Administrator or a State with an approved permit program. For purposes of this subsection, compliance, as provided in section 504(f), with a permit issued under title V which complies with this title for facilities subject to this title shall be deemed compliance with this subsection as well as section 502(a).

''(3) In order to ensure reliability of electric power, nothing in this title or title V shall be construed as requiring termination of operations of a unit serving a generator for failure to have an approved permit or compliance plan under this section, except that any such unit may be subject to the applicable enforcement provisions of section 113.

''(f) CERTIFICATE OF REPRESENTATION.—No permit shall be issued under this section to an affected unit or facility until the designated representative of the owners or operators has filed a certificate of representation with regard to matters under this title, including the holding and distribution of allowances and the proceeds of transactions involving allowances.

''SEC. 405. MONITORING, REPORTING, AND RECORDKEEPING REQUIREMENTS.

''(a) APPLICABILITY.—

''(1)(A) The owner and operator of any facility subject to this title shall be required to install and operate CEMS on each affected unit subject to subpart 1 of part B or subpart 1 of part C at the facility, and to quality assure the data, for sulfur dioxide, nitrogen oxides, opacity, and volumetric flow at each such unit.

''(B) The Administrator shall, by regulations, specify the requirements for CEMS under subparagraph (A), for any alternative monitoring system that is demonstrated as providing information with the same precision, reliability, accessibility, and time lines as that provided by CEMS, and for recordkeeping and reporting of information from such systems. Such regulations may include limitations on the use of alternative compliance methods by units equipped with an alternative monitoring system as may be necessary to preserve the orderly functioning of the allowance system, and which will ensure

the emissions reductions contemplated by this title. Where 2 or more units utilize a single stack, a separate CEMS shall not be required for each unit, and for such units the regulations shall require that the owner or operator collect sufficient information to permit reliable compliance determinations for each such unit.

''(2)(A) The owner and operator of any facility subject to this title shall be required to install and operate CEMS to monitor the emissions from each affected unit at the facility, and to quality assure the data for—

''(i) sulfur dioxide, opacity, and volumetric flow for all affected units subject to subpart 2 of part B at the facility,

''(ii) nitrogen oxides for all affected units subject to subpart 2 of part C at the facility, and

''(iii) mercury for all affected units subject to part D at the facility.

''(B)(i) The Administrator shall, by regulations, specify the requirements for CEMS under subparagraph (A), for any alternative monitoring system that is demonstrated as providing information with the same precision, reliability, accessibility, and timeliness as that provided by CEMS, for recordkeeping and reporting of information from such systems, and if necessary under section 474, for monitoring, recordkeeping, and reporting of the mercury content of fuel.

''(ii) Notwithstanding the requirements of clause (i), the regulations under clause (i) may specify an alternative monitoring system for determining mercury emissions to the extent that the Administrator determines that CEMS for mercury with appropriate vendor guarantees are not commercially available.

''(iii) The regulations under clause (i) may include limitation on the use of alternative compliance methods by units equipped with an alternative monitoring system as may be necessary to preserve the orderly functioning of the allowance system, and which will ensure the emissions reductions contemplated by this title.

''(iv) Except as provided in clause (v), the regulations under clause (i) shall not require a separate CEMS for each unit where two or more units utilize a single stack and shall require that the owner or operator collect sufficient information to permit reliable compliance determinations for such units.

''(v) The regulations under clause (i) may require a separate CEMS for each unit where two or more units utilize a single stack and another provision of the Act requires data under subparagraph (A) for an individual unit.

''(b) DEADLINES.—

''(1) NEW UTILITY UNITS.—Upon commencement of commercial operation of each new utility unit under subpart I of part B, the unit shall comply with the requirements of subsection (a)(1).

''(2) DEADLINE FOR AFFECTED UNITS UNDER SUBPART 2 OF PART B FOR INSTALLATION AND OPERATION OF CEMS.—By the later of the date 12 months before the commencement date of the sulfur dioxide allowance requirement of section 422, or the date on which the unit commences operation, the owner or operator of each affected unit under subpart 2 of part B shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to sulfur dioxide, opacity, and volumetric flow.

''(3) DEADLINE FOR AFFECTED UNITS UNDER SUBPART 3 OF PART B FOR INSTALLATION AND OPERATION OF CEMS.—By the later of January 1 of the year before the first covered year or the date on which the unit commences operation, the owner or operator of each affected unit under subpart 3 of part B shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to sulfur dioxide and volumetric flow.

''(4) DEADLINE FOR AFFECTED UNITS UNDER SUBPART 2 OF PART C FOR INSTALLATION AND OPERATION OF CEMS.—By the later of the date 12 months before the commencement date of the nitrogen oxides allowance requirement under section 452, or the date on which the unit commences operation, the owner or operator of each affected unit under subpart 2 of part C shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to nitrogen oxides.

''(5) DEADLINE FOR AFFECTED UNITS UNDER PART D FOR INSTALLATION AND OPERATION OF CEMS.—By the later of the date 12 months before the commencement date of the mercury allowance requirement of section 472, or the date on which the unit commences operation, the owner or operator of each affected unit under part D shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to mercury.

''(c) UNAVAILABILITY OF EMISSIONS DATA.—If CEMS data or data from an alternative monitoring system approved by the Administrator under subsection (a) is not available for any affected unit during any period of a calendar year in which such data is required under this title, and the owner or operator cannot provide information, satisfactory to the Administrator, on emissions during that period, the Administrator shall deem the unit to be operating in an uncontrolled manner during the entire period for which the data was not available and shall, by regulation, prescribe means to calculate emissions for that period. The owner or operator shall be liable for excess emissions fees and offsets under section 406 in accordance with such regulations. Any fee due and payable under this subsection shall not diminish the liability of the unit's owner or operator for any fine, penalty, fee or assessment against the unit for the same violation under any other section of this Act.

''(d) IMPLEMENTATION.—With regard to sulfur dioxide, nitrogen oxides, opacity, and volumetric flow, the Administrator shall implement subsections (a) and (c) under 40 CFR part 75 (2002), amended as appropriate by the Administrator. With regard to mercury, the Administrator shall implement subsections (a) and (c) by issuing proposed regulations not later than 36 months before the commencement date of the mercury allowance requirement under section 472 and final regulations not later than 24 months before that commencement date.

''(e) PROHIBITION.—It shall be unlawful for the owner or operator of any facility subject to this title to operate a facility without complying with the requirements of this section, and any regulations implementing this section.

''SEC. 406. EXCESS EMISSIONS PENALTY; GENERAL COMPLIANCE WITH OTHER PROVISIONS; ENFORCEMENT.

''(a) EXCESS EMISSIONS PENALTY.—

''(1) AMOUNT FOR OXIDES OF NITROGEN.—The owner or operator of any unit subject to the requirements of section 441 that emits nitrogen oxides for any calendar year in excess of the unit's emissions limitation requirement shall be liable for the payment of an excess emissions penalty, except where such emission were authorized pursuant to section 110(f). That penalty shall be calculated on the basis of the number of tons emitted in excess of the unit's emissions limitation requirement multiplied by $2,000.

''(2) AMOUNT FOR SULFUR DIOXIDE BEFORE 2008.—The owner or operator of any unit subject to the requirements of section 412(c) that emits sulfur dioxide for any calendar year before 2008 in excess of the sulfur dioxide allowances the owner or operator holds for use for the unit for that calendar year shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be calculated as follows:

''(A) the product of the unit's excess emissions (in tons) multiplied by the clearing price of sulfur dioxide allowances sold at the most recent auction under section 417, if within thirty days after the date on which the owner or operator was required to hold sulfur dioxide allowances—

''(i) the owner or operator offsets the excess emissions in accordance with paragraph (b)(1); and

''(ii) the Administrator receives the penalty required under this subparagraph.

''(B) if the requirements of clause (A)(i) or (A)(ii) are not met, 300 percent of the product of the unit's excess emissions (in tons) multiplied by the clearing price of sulfur dioxide allowances sold at the most recent auction under section 417.

''(3) AMOUNT FOR SULFUR DIOXIDE AFTER 2007.—If the units at a facility that are subject to the requirements of section 412(c) emit sulfur dioxide for any calendar year after 2007 in excess of the sulfur dioxide allowances that the owner or operator of the facility holds for use for the facility for that calendar year, the owner or operator shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be calculated under paragraph (4)(A) or (4)(B).

''(4) UNITS SUBJECT TO SECTIONS 422, 432, 452, OR 472 .—If the units at a facility that are subject to the requirements of section 422, 432, 452, or 472 emit sulfur dioxide, nitrogen oxides, or mercury for any calendar year in excess of the sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, that the owner or operator of the facility holds for use for the facility for that calendar year, the owner or operator shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be calculated as follows:

''(A) the product of the units' excess emissions (in tons or, for mercury emissions, in ounces) multiplied by the clearing price of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, sold at the most recent auction under section 423, 453, or 473, if within thirty days after the date on which the owner or operator was required to hold sulfur dioxide, nitrogen oxides allowance, or mercury allowances as the case may be—

''(i) the owner or operator offsets the excess emissions in accordance with paragraph (b)(2) or (b)(3), as applicable; and

''(ii) the Administrator receives the penalty required under this subparagraph.

''(B) if the requirements of clause (A)(i) or (A)(ii) are not met, 300 percent of the product of the units' excess emissions (in tons or, for mercury emissions, in ounces) multiplied by the clearing price of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, sold at the most recent auction under section 423, 453, or 473.

''(5) PAYMENT.—Any penalty under paragraph 1, 2, 3, or 4 shall be due and payable without demand to the Administrator as provided in regulations issued by the Administrator. With regard to the penalty under

paragraph 1, the Administrator shall implement this paragraph under 40 CFR part 77 (2002), amended as appropriate by the Administrator. With regard to the penalty under paragraphs 2, 3, and 4, the Administrator shall implement this paragraph by issuing regulations no later than 24 months after the date of enactment of the Clear Skies Act of 2003. Any such payment shall be deposited in the United States Treasury. Any penalty due and payable under this section shall not diminish the liability of the unit's owner or operator for any fine, penalty or assessment against the unit for the same violation under any other section of this Act.

''(b) EXCESS EMISSIONS OFFSET.—

''(1) The owner or operator of any unit subject to the requirements of section 412(c) that emits sulfur dioxide during any calendar year before 2008 in excess of the sulfur dioxide allowances held for the unit for the calendar year shall be liable to offset the excess emissions by an equal tonnage amount in the following calendar year, or such longer period as the Administrator may prescribe. The Administrator shall deduct sulfur dioxide allowances equal to the excess tonnage from those held for the facility for the calendar year, or succeeding years during which offsets are required, following the year in which the excess emissions occurred.

''(2) If the units at a facility that are subject to the requirements of section 412(c) emit sulfur dioxide for a year after 2007 in excess of the sulfur dioxide allowances that the owner or operator of the facility holds for use for the facility for that calendar year, the owner or operator shall be liable to offset the excess emissions by an equal amount of tons in the following calendar year, or such longer period as the Administrator may prescribe. The Administrator shall deduct sulfur dioxide allowances equal to the excess emissions in tons from those held for the facility for the year, or succeeding years during which offsets are required, following the year in which the excess emissions occurred.

''(3) If the units at a facility that are subject to the requirements of section 422, 432, 452, or 472 emit sulfur dioxide, nitrogen oxides, or mercury for any calendar year in excess of the sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, that the owner or operator of the facility holds for use for the facility for that calendar year, the owner or operator shall be liable to offset the excess emissions by an equal amount of tons or, for mercury, ounces in the following calendar year, or such longer period as the Administrator may prescribe. The Administrator shall deduct sulfur dioxide allowances, nitrogen oxide allowances, or mercury allowances, as the case may be, equal to the excess emissions in tons or, for mercury, ounces from those held for the facility for the year, or succeeding years during which offsets are required, following the year in which the excess emissions occurred.

''(c) PENALTY ADJUSTMENT.—The Administrator shall, by regulation, adjust the penalty specified in subsection (a)(1) for inflation, based on the Consumer Price Index, on November 15, 1990, and annually thereafter.

''(d) PROHIBITION.—It shall be unlawful for the owner or operator of any unit or facility liable for a penalty and offset under this section to fail—

''(1) to pay the penalty under subsection (a); or

''(2) to offset excess emissions as required by subsection (b).

''(e) SAVINGS PROVISION.—Nothing in this title shall limit or otherwise affect the application of section 113, 114, 120, or 304 except as otherwise explicitly provided in this title.

''(f) OTHER REQUIREMENTS.—Except as expressly provided, compliance with the requirements of this title shall not exempt or exclude the owner or operator of any facility subject to this title from compliance with any other applicable requirements of this Act. Notwithstanding any other provision of this Act, no State or political subdivision thereof shall restrict or interfere with the transfer, sale, or purchase of allowances under this title.

''(g) VIOLATIONS.—Violation by any person subject to this title of any prohibition of, requirement of, or regulation promulgated pursuant to this title shall be a violation of this Act. In addition to the other requirements and prohibitions provided for in this title, the operation of any affected unit or the affected units at a facility to emit sulfur dioxide, nitrogen oxides, or mercury in violation of section 412(c), 422, 432, 452, and 472, as the case may be, shall be deemed a violation, with each ton or, in the case of mercury, each ounce emitted in excess of allowances held constituting a separate violation.

''SEC. 407. ELECTION FOR ADDITIONAL UNITS.

''(a) APPLICABILITY.—The owner or operator of any unit that is not an affected EGU under subpart 2 of part B and subpart 2 of part C and whose emissions of sulfur dioxide and nitrogen oxides are vented only through a stack or duct may elect to designate such unit as an affected unit under subpart 2 of part B and subpart 2 of part C. If the owner or operator elects to designate a unit that is coal-fired and emits mercury vented only through a stack or duct, the owner or operator shall also designate the unit as an affected unit under part D.

''(b) APPLICATION.—The owner or operator making an election under subsection (a) shall submit an application for the election to the Administrator for approval.

''(c) APPROVAL.—If an application for an election under subsection (b) meets the requirements of subsection (a), the Administrator shall approve the designation as an affected unit under subpart 2 of part B and subpart 2 of part C and, if applicable, under part D, subject to the requirements in subsections (d) through (g).

''(d) ESTABLISHMENT OF BASELINE.—

''(1) After approval of the designation under subsection (c), the owner or operator shall install and operate CEMS on the unit, and shall quality assure the data, in accordance with the requirements of paragraph (a)(2) and subsections (c) through (e) of section 405, except that, where two or more units utilize a single stack, separate monitoring shall be required for each unit.

''(2) The baselines for heat input and sulfur dioxide, nitrogen oxides, and mercury emission rates, as the case may be, for the unit shall be the unit's heat input and the emission rates of sulfur dioxide, nitrogen oxides, and mercury for a year starting after approval of the designation under subsection (c). The Administrator shall issue regulations requiring all the unit's baselines to be based on the same year and specifying minimum requirements concerning the percentage of the unit's operating hours for which quality assured CEMS data must be available during such year.

''(e) EMISSION LIMITATIONS.—After approval of the designation of the unit under paragraph (c), the unit shall become:

''(1) an affected unit under subpart 2 of part B, and shall be allocated sulfur dioxide allowances under paragraph (f), starting the later of January 1, 2010, or January 1 of the year after the year on which the unit's baselines are based under subsection (d);

''(2) an affected unit under subpart 2 of part C, and shall be allocated nitrogen oxides allowances under paragraph (f), starting the later of January 1, 2008, or January 1 of the year after the year on which the unit's baselines are based under subsection (d); and

''(3) if applicable, an affected unit under part D, and shall be allocated mercury allowances, starting the later of January 1, 2010, or January 1 of the year after the year on which the unit's baselines are based under subsection (d).

''(f) ALLOCATIONS AND AUCTION AMOUNTS.—

''(1) The Administrator shall promulgate regulations determining the allocations of sulfur dioxide allowances, nitrogen oxides allowances, and, if applicable, mercury allowances for each year during which a unit is an affected unit under subsection (e). The regulations shall provide for allocations equal to 50 percent of the following amounts, as adjusted under paragraph (2)—

''(A) the lesser of the unit's baseline heat input under subsection (d) or the unit's heat input for the year before the year for which the Administrator is determining the allocations; multiplied by

''(B) the lesser of—

''(i) the unit's baseline sulfur dioxide emission rate, nitrogen oxides emission rate, or mercury emission rate, as the case may be;

''(ii) the unit's sulfur dioxide emission rate, nitrogen oxides emission rate, or mercury emission rate, as the case may be, during 2002, as determined by the Administrator based, to the extent available, on information reported to the State where the unit is located; or

''(iii) the unit's most stringent State or Federal emission limitation for sulfur dioxide, nitrogen oxides, or mercury applicable to the year on which the unit's baseline heat input is based under subsection (d).

''(2) The Administrator shall reduce the allocations under paragraph (1) by 1.0 percent in the first year for which the Administrator is allocating allowances to the unit, by an additional 1.0 percent of the allocations under paragraph (1) each year starting in the second year through the twentieth year, and by an additional 2.5 percent of the allocations under paragraph (1) each year starting in the 21 year and each year thereafter. The Administrator shall make corresponding increases in the amounts of allowances auctioned under sections 423, 453, and 473.

''(g) WITHDRAWAL.—The Administrator shall promulgate regulations withdrawing from the approved designation under subsection (c) any unit that qualifies as an affected EGU under subpart 2 of part B, subpart 2 of part C, or part D after the approval of the designation of the unit under subsection (c).

''(h) The Administrator shall promulgate regulations implementing this section within 24 months of the date of enactment of the Clear Skies Act of 2003.

''SEC. 408. CLEAN COAL TECHNOLOGY REGULATORY INCENTIVES.

''(a) DEFINITION.—For purposes of this section, 'clean coal technology' means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, process steam, or industrial products, which is not in widespread use as of the date of enactment of this title.

''(b) REVISED REGULATIONS FOR CLEAN COAL TECHNOLOGY DEMONSTRATIONS.—

''(1) APPLICABILITY.—This subsection applies to physical or operational changes to existing facilities for the sole purpose of installation, operation, cessation, or removal of a temporary or permanent clean coal technology demonstration project. For the purposes of this section, a clean coal technology

demonstration project shall mean a project using funds appropriated under the heading 'Department of Energy—Clean Coal Technology', up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for qualifying project shall be at least 20 percent of the total cost of the demonstration project.

''(2) TEMPORARY PROJECTS.—Installation, operation, cessation, or removal of a temporary clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plans for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during and after the project is terminated, shall not subject such facility to the requirements of section 111 or part C or D of title I.

''(3) PERMANENT PROJECTS.—For permanent clean coal technology demonstration projects that constitute repowering as defined in section 411, any qualifying project shall not be subject to standards of performance under section 111 or to the review and permitting requirements of part C for any pollutant the potential emissions of which will not increase as a result of the demonstration project.

''(4) EPA REGULATIONS.—Not later than 12 months after November 15, 1990, the Administrator shall promulgate regulations or interpretive rulings to revise requirements under section 111 and parts C and D, as appropriate, to facilitate projects consistent in this subsection. With respect to parts C and D, such regulations or rulings shall apply to all areas in which EPA is the permitting authority. In those instances in which the State is the permitting authority under part C or D, any State may adopt and submit to the Administrator for approval revisions to its implementation plan to apply the regulations or rulings promulgated under this subsection.

''(c) EXEMPTION FOR REACTIVATION OF VERY CLEAN UNITS.—Physical changes or changes in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation shall not subject the unit to the requirements of section 111 or part C of the Act where the unit—

''(1) has not been in operation for the two-year period prior to November 15, 1990, and the emissions from such unit continue to be carried in the permitting authority's emissions inventory on November 15, 1990,

''(2) was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent,

''(3) is equipped with low-NO_X burners prior to the time of commencement, and

''(4) is otherwise in compliance with the requirements of this Act.

"SEC. 409. AUCTIONS.

''(a) IN GENERAL.—(1) Commencing in 2005 and in each year thereafter, the Administrator shall conduct auctions, as required under sections 423, 424, 426, 434, 453, 454, 473, and 474, at which allowances shall be offered for sale in accordance with regulations promulgated by the Administrator no later than 24 months after the date of enactment of the Clear Skies Act of 2003.

''(2) Such regulations shall promote an efficient auction outcome and a competitive marketfor allowances.

''(3) Such regulations may provide allowances to be offered for sale before or during the year for which such allowances may be used to meet the requirement to hold allowances under section 422, 432, 452, and 472, as the case may be. Such regulations shall specify the frequency and timing of auctions and may provide for more than one auction of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances during a year. Allowances purchased at the auction may be used for any purpose and at any time after the auction, subject to the provisions of this title.

''(4) The regulations shall provide that each auction shall be open to any person. A person wishing to bid for allowances in the auction shall submit bids according to auction procedures, a bidding schedule, a bidding means, and requirements for financial guarantees specified in the regulations. Winning bids, and required payments, for allowances shall be determined in accordance with the regulations. For any winning bid, the Administrator shall record the allowances in the Allowance Tracking System under section 403(c) only after the required payment for such allowances is received.

''(b) DEFAULT AUCTION PROCEDURES.—If the Administrator is required to conduct an auction of allowances under subsection (a) before regulations have been promulgated under that subsection, such auction shall be conducted as follows:

''(1) The auction shall begin on the first business day in October of the year in which the auction is required or, of the year before the first year for which the allowances may be used to meet the requirements of section 403(e)(2).

''(2) The auction shall be open to any person.

''(3) The auction shall be a multiple-round auction in which sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances are offered simultaneously.

''(4) In order to bid for allowances included in the auction, a person shall submit, and the Administrator must receive by the date three business days before the auction, one or more initial bids to purchase a specified quantity of sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances, as the case may be, at a reserve price specified by the Administrator. The bidder shall identify the account in the Allowance Tracking System under section 403(c) in which the such allowances that are purchased are to be recorded. Each bid must be guaranteed by a certified check, a funds transfer, or, in a form acceptable to the Administrator, a letter of credit for such quantity multiplied by the reserve price payable to the U.S. EPA.

''(5) The procedures in paragraph (4) shall constitute the first round of the auction.

''(6) In each round of the auction, the Administrator shall—

''(A) announce current round reserve prices for sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances;

''(B) receive bids comprising nonnegative quantities for sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances, as the case may be;

''(C) determine whether bids are acceptable as meeting auction requirements;

''(D) for sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances, as the case may be, determine whether the sum of the acceptable bids exceeds the quantity of such allowances available for auction;

''(E) if the sum of the acceptable bids for sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances, as the case may be, exceeds the quantity of such allowances available for auction, increase the reserve price for the next round based on the amount by which the sum of such acceptable bids exceeds the quantity of such allowances;

''(F) if the sum of the acceptable bids for sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances, as the case may be, does not exceed the quantity of such allowances available for auction, declare that round the last round of the auction for such allowances.

''(7) In the second and all subsequent rounds of the auction, the Administrator shall require that, for sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances, as the case may be, a bidder's quantity bid may not exceed the bidder's quantity bid for such allowances in the first round of the auction.

''(8) After the auction, the Administrator shall publish the names of winning and losing bidders, their quantities awarded, and the final prices. The Administrator shall provide the successful bidders notice of the allowances that they have purchased within thirty days after payments equaling the quantity awarded multiplied by the corresponding final reserve price is collected by the Administrator. After the conclusion of the auction, the Administrator shall return payment to unsuccessful bidders and add any unsold allowances to the next relevant auction.

''(9) The Administrator may specify by regulations, without notice and opportunity for comment, the following auction requirements and procedures:

''(A) reserve prices for sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances, as the case may be;

''(B) procedures for adjusting reserve prices in each round;

''(C) procedures limiting a bidder s bids based on his or her bids in previous rounds;

''(D) rationing procedures to treat tie bids;

''(E) procedures allowing bids at intermediate prices between previous reserve prices and current reserve prices;

''(F) procedures allowing bid withdrawals before the final round of the auction;

''(G) anti-collusion rules;

''(H) market share limitations on a bidder or associated bidders;

''(I) aggregate information made available to bidders during the auction;

''(J) proxy bidding or procedures for facilitating participation by small bidders;

''(K) levels and details of financial guarantees;

''(L) technical specifications for electronic bidding; and

''(M) bidding schedules and other administrative requirements and procedures of the auction.

''(c) DELEGATION OR CONTRACT.—The Administrator may by delegation or contract provide for the conduct of auctions under the Administrator's supervision by other departments or agencies of the United States Government or by nongovernmental agencies, groups, or organizations.

''(d) PROCEEDS.—The proceeds from any auction conducted under this title shall be deposited in the United States Treasury.

"SEC. 410. EVALUATION OF LIMITATIONS ON TOTAL SULFUR DIOXIDE, NITROGEN OXIDES, AND MERCURY EMISSIONS THAT START IN 2018.

''(a) EVALUATION.—(1) The Administrator, in consultation with the Secretary of Energy, shall study whether the limitations on the total annual amounts of allowances available starting in 2018 for sulfur dioxide under section 423, nitrogen oxides under section 453, and mercury under section 473 should be adjusted.

''(2) In conducting the study, the Administrator shall include the following analyses and evaluations concerning the pollutants under paragraph (1) of subsection (a)(1):

''(A) An evaluation of the need for further emission reductions from affected EGUs

under subpart 2 of part B, subpart 2 of part C, or part D and other sources to attain or maintain the national ambient air quality standards.

''(B) A benefit-cost analysis to evaluate whether the benefits of the limitations on the total annual amounts of allowances available starting in 2018 justify the costs and whether adjusting any of the limitations would provide additional benefits which justify the costs of such adjustment, taking into account both quantifiable and nonquantifiable factors.

''(C) The marginal cost effectiveness of reducing emissions for each pollutant.

''(D) The merits of allowing trading between nitrogen oxides emissions and sulfur dioxide emissions.

''(E) An evaluation of the relative marginal cost effectiveness of reducing sulfur dioxide and nitrogen oxide emissions from affected EGUs under subpart 2 of part B and subpart 2 of part C, as compared to the marginal cost effectiveness of controls on other sources of sulfur dioxide, nitrogen oxides and other pollutants that can be controlled to attain or maintain national ambient air quality standards.

''(F) An evaluation of the feasibility of attaining the limitations on the total annual amounts of allowances available starting in 2018 given the available control technologies and the ability to install control technologies by 2018, and the feasibility of attaining alternative limitations on the total annual amounts of allowances available starting in 2018 under paragraph (1) of subsection (a) for each pollutant, including the ability to achieve alternative limitations given the available control technologies, and the feasibility of installing the control technologies needed to meet the alternative limitation by 2018.

''(G) An assessment of the results of the most current research and development regarding technologies and strategies to reduce the emissions of one or more of these pollutants from affected EGUs under subpart 2 of part B, subpart 2 of part C, or part D, as applicable and the results of the most current research and development regarding technologies for other sources of the same pollutants.

''(H) The projected impact of the limitations on the total annual amounts of allowances available starting in 2018 and the projected impact of adjusting any of the limitations on the total annual amounts of allowances available starting in 2018 under paragraph (1) of subsection (a) on the safety and reliability of affected EGUs under subpart 2 of part B, subpart 2 of part C, or part D and on fuel diversity within the power generation section.

''(I) An assessment of the best available and most current scientific information relating to emissions, transformation and deposition of these pollutants, including studies evaluating—

''(i) the role of emissions of affected EGUs under subpart 2 of part B, subpart 2 of part C, or part D in the atmospheric formation of pollutants for which national ambient air quality standards exist;

''(ii) the transformation, transport, and fate of these pollutants in the atmosphere, other media, and biota;

''(iii) the extent to which effective control programs in other countries would prevent air pollution generated in those countries from contributing to nonattainment, or interfering with the maintenance of any national ambient air quality standards;

''(iv) whether the limitations starting in 2010 or 2018 will result in an increase in the level of any other pollutant and the level of any such increase; and

''(v) speciated monitoring data for particulate matter and the effect of various components of fine particulate matter on public health.

''(J) An assessment of the best available and most current scientific information relating to emissions, transformation and deposition of mercury, including studies evaluating—

''(i) known and potential human health and environmental effects of mercury;

''(ii) whether emissions of mercury from affected EGUs under part D contribute significantly to elevated levels of mercury in fish;

''(iii) human population exposure to mercury; and

''(iv) the relative marginal cost effectiveness of reducing mercury emissions from affected EGUs under part D, as compared to the marginal cost effectiveness of controls on other sources of mercury.

''(K) A comparison of the extent to which sources of mercury not located in the United States contributed to adverse affects on terrestrial or aquatic systems as opposed to the contribution from affected EGUs under part D, and the extent to which effective mercury control programs in other countries could minimize such impairment.

''(L) An analysis of the effectiveness and efficiency of the sulfur dioxide allowance program under subpart 2 of part B, the nitrogen oxides allowance program under subpart 2 of part C, and the mercury allowance program under part D.

''(3) As part of the study, the Administrator shall take into account the best available information pursuant to the review of the air quality criteria for particulate matter under section 108.

''(b) PEER REVIEW PROCEDURES.—(1) The draft results of the study under subsection (a), including the benefit-cost analysis, the risk assessment, technological information and related technical documents shall be subject to an independent and external peer review in accordance with this section. Any documents that are to be considered by the Administrator in the study shall be independently peer reviewed no later than July 1, 2008. The peer review required under this section shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(2) The Administrator shall conduct the peer review in an open manner. Such peer review shall—

''(A) be conducted through a formal panel that is broadly representative and involves qualified specialists who—

''(i) are selected primarily on the basis of their technical expertise relevant to the analyses required under this section;

''(ii) disclose to the agency prior technical or policy positions they have taken on the issues under consideration; and

''(iii) disclose to the agency their sources of personal and institutional funding from the private or public sectors;

''(B) contain a balanced presentation of all considerations, including minority reports;

''(C) provide adequate protections for confidential business information and trade secrets, including requiring panel members or participants to enter into confidentiality agreements;

''(D) afford an opportunity for public comment; and

''(E) be complete by no later than January 1, 2009.

''(2) The Administrator shall respond, in writing, to all significant peer review and public comments and certify that—

''(A) each peer review participant has the expertise and independence required under this section; and

''(B) the agency has adequately responded to the peer review comments as required under this section.

''(c) RECOMMENDATION TO CONGRESS.—The Administrator, in consultation with the Secretary of Energy, should submit to Congress no later than July 1, 2009, a recommendation whether to revise the limitations on the total annual amounts of allowances available starting in 2018 under paragraph (1) of subsection (a). The recommendation shall include the final results of the study under subsections (a) and (b) and shall address the factors described in paragraph (2) of subsection (a). The Administrator may submit separate recommendations addressing sulfur dioxide, nitrogen oxides, or mercury at any time after the study has been completed under paragraph (2) of subsection (a) and the peer review process has been completed under subsection (b).

"PART B—SULFUR DIOXIDE EMISSION REDUCTIONS

"Subpart 1—Acid Rain Program

"SEC. 410. EVALUATION OF LIMITATIONS ON TOTAL SULFUR DIOXIDE, NITROGEN OXIDES, AND MERCURY EMISSIONS THAT START IN 2018.

''(a) Evaluation.—(1) The Administrator, in consultation with the Secretary of Energy, shall study whether the limitations on the total annual amounts of allowances available starting in 2018 for sulfur dioxide under section 423, nitrogen oxides under section 453, and mercury under section 473 should be adjusted.

''(2) In conducting the study, the Administrator shall include the following analyses and evaluations concerning the pollutants under paragraph (a)(1),

''(A) an evaluation of the need for further emission reductions from affected EGUs under subpart 2 of part B, subpart 2 of part C, or part D and other sources to attain or maintain the national ambient air quality standards;

''(B) A benefit-cost analysis to evaluate whether the benefits of the limitations on the total annual amounts of allowances available starting in 2018 justify the costs and whether adjusting any of the limitations would provide additional benefits which justify the costs of such adjustment, taking into account both quantifiable and nonquantifiable factors;

''(C) the marginal cost effectiveness of reducing emissions for each pollutant;

''(D) the merits of allowing trading between NO_x and SO_2 limitations;

''(E) an evaluation of the relative marginal cost effectiveness of reducing sulfur dioxide and nitrogen oxide emissions from affected EGUs under sub-part 2 of part B and subpart 2 of part C, as compared to the marginal cost effectiveness of controls on other sources of sulfur dioxide, nitrogen oxides and other pollutants that can be controlled to attain or maintain national ambient air quality standard;

''(F) an evaluation of the feasibility of attaining the limitations on the total annual amounts of allowances available starting in 2018 given the available control technologies and the ability to install control technologies by 2018, and the feasibility of attaining alternative limitations on the total annual amounts of allowances available starting in 2018 under paragraph (a)(1) for each pollutant, including the ability to achieve alternative limitations given the available control technologies, and the feasibility of installing the control technologies needed to meet the alternative limitation by 2018;

''(G) an assessment of the results of the most current research and development regarding technologies and strategies to reduce the emissions of one or more of these pollutants from affected EGUs under subpart 2 of part B, subpart 2 of part C, or part D, as

applicable and the results of the most current research and development regarding technologies for other sources of the same pollutants;

''(H) the projected impact of the limitations on the total annual amounts of allowances available starting in 2018 and the projected impact of adjusting any of the limitations on the total annual amounts of allowances available starting in 2018 under paragraph (a)(1) on the safety and reliability of affected EGUs under subpart 2 of part B, subpart 2 of part C, or part D and on fuel diversity within the power generation section;

''(I) an assessment of the best available and most current scientific information relating to emissions, transformation and deposition of these pollutants, including studies evaluating—

''(i) the role of emissions of affected EGUs under subpart 2 of part B, subpart 2 of part C, or part D in the atmospheric formation of pollutants for which national ambient air quality standards exist;

''(ii) the transformation, transport, and fate of these pollutants in the atmosphere, other media, and biota;

''(iii) the extent to which effective control programs in other countries would prevent air pollution generated in those countries from contributing to nonattainment, or interfering with the maintenance of any national ambient air quality standards;

''(iv) whether the limitations starting in 2010 or 2018 will result in an increase in the level of any other pollutant and the level of any such increase; and

''(v) speciated monitoring data for particulate matter and the effect of various elements of fine particulate matter on public health;

''(J) an assessment of the best available and most current scientific information relating to emissions, transformation and deposition of mercury, including studies evaluating—

''(i) known and potential human health and environmental effects of mercury;

''(ii) whether emissions of mercury from affected EGUs under part D contribute significantly to elevated levels of mercury in fish;

''(iii) human population exposure to mercury; and

''(iv) the relative marginal cost effectiveness of reducing mercury emissions from affected EGUs under part D, as compared to the marginal cost effectiveness of controls on other sources of mercury;

''(K) a comparison of the extent to which sources of mercury not located in the United States contributed to adverse affects on terrestrial or aquatic systems as opposed to the contribution from affected EGUs under part D, and the extent to which effective mercury control programs in other countries could minimize such impairment; and

''(L) an analysis of the effectiveness and efficiency of the sulfur dioxide allowance program under subpart 2 of part B, the nitrogen oxides allowance program under subpart 2 of part C, and the mercury allowance program under part D.

''(3) As part of the study, the Administrator shall take into account the best available information pursuant to the review of the air quality criteria for particulate matter under section 108.

''(b) PEER REVIEW PROCEDURES.—(1) The draft results of the study under subsection (a) shall be subject to an independent and external peer review in accordance with this section. Any documents that are to be considered by the Administrator in the study shall be independently peer reviewed no later than July 1, 2008. The peer review required under this section shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(2) The Administrator shall conduct the peer review in an open and rigorous manner. Such peer review shall—

''(A) be conducted through a formal panel that is broadly representative of the relevant scientific and technical views and involves qualified specialists who—

''(i) are selected primarily on the basis of their technical expertise relevant to the analyses required under this section;

''(iii) disclose to the agency prior technical or policy positions they have taken on the issues under consideration; and

''(iv) disclose to the agency their sources of personal and institutional funding from the private or public sectors;

''(B) contain a balanced presentation of all considerations, including minority reports;

''(C) provide adequate protections for confidential business information and trade secrets, including requiring panel members or participants to enter into confidentiality agreements;

''(D) afford an opportunity for public comment; and

''(E) be complete by no later than January 1, 2009.

''(2) The Administrator shall respond, in writing, to all significant peer review and public comments; and

''(3) The Administrator shall certify that—

''(A) each peer review participant has the expertise an independence required under this section; and

''(B) the agency has adequately responded to the peer review comments as required under this section.

''(c) RECOMMENDAITON TO CONGRESS.—The Administrator, in consultation with the Secretary of Energy, shall submit to Congress no later than July 1, 2009, a recommendation whether to revise the limitations on the total annual amounts of allowances available starting in 2018 under paragraph (a)(1). The recommendation shall include the final results of the study under subsections (a) and (b) and shall address the factors described in paragraph (2) of subsection (a). The Administrator may submit separate recommendations addressing sulfur dioxide, nitrogen oxides, or mercury at any time after the study has been completed under paragraph (2) of subsection (a) and the peer review process has been completed under subsection (b).

''SEC. 411. DEFINITIONS.

''For purposes of this subpart and subpart 1 of part B:

''(1) The term 'actual 1985 emission rate', for electric utility units means the annual sulfur dioxide or nitrogen oxides emission rate in pounds per million Btu as reported in the NAPAP Emissions Inventory, Version, 2 National Utility reference File. For nonutility units, the term 'actual 1985 emission rate' means the annual sulfur dioxide or nitrogen oxides emission rate in pounds per million Btu as reported in the NAPAP Emission Inventory, Version 2.

''(2) The term 'allowable 1985 emissions rate' means a federally enforceable emissions limitation for sulfur dioxide or oxides of nitrogen, applicable to the unit in 1985 or the limitation applicable in such other subsequent year as determined by the Administrator if such a limitation for 1985 does not exist. Where the emissions limitation for a unit is not expressed in pounds of emissions per million Btu, or the averaging period of that emissions limitation is not expressed on an annual basis, the Administrator shall calculate the annual equivalent of that emissions.

''(3) The term 'alternative method of compliance' means a method of compliance in accordance with one or more of the following authorities—

''(A) a substitution plan submitted and approved in accordance with subsections 413(b) and (c); or

''(B) a Phase I extension plan approved by the Administrator under section 413(d), using qualifying phase I technology as determined by the Administrator in accordance with that section.

''(4) The term 'baseline' means the annual quantity of fossil fuel consumed by an affected unit, measured in millions of British Thermal Units ('mmBtu's'), calculated as follows:

''(A) For each utility unit that was in commercial operation prior to January 1, 1985, the baseline shall be the annual average quantity of mmBtu's consumed in fuel during calendar years 1985, 1986, and 1987, as recorded by the Department of Energy pursuant to Form 767. For any utility unit for which such form was not filed, the baseline shall be the level specified for such unit in the 1985 National Acid Precipitation Assessment Program (NAPAP) Emissions Inventory, Version 2, National Utility Reference File (NURF) or in a corrected data base as established by the Administrator pursuant to paragraph (3). For non-utility units, the baseline in the NAPAP Emissions Inventory, Version 2. The Administrator, in the Administrator's sole discretion, may exclude periods during which a unit is shutdown for a continuous period of 4 calendar months or longer, and make appropriate adjustments under this paragraph. Upon petition of the owner or operator of any unit, the Administrator may make appropriate baseline adjustments for accidents that caused prolonged outages.

''(B) For any other nonutility unit that is not included in the NAPAP Emissions Inventory, Version 2, or a corrected data base as established by the Administrator pursuant to paragraph (3), the baseline shall be the annual average quantity, in mmBtu consumed in fuel by that unit, as calculated pursuant to a method which the Administrator shall prescribe by regulation to be promulgated not later than 18 months after November 15, 1990.

''(C) The Administrator shall, upon application or on his own motion, by December 31, 1991, supplement data needed in support of this subpart and correct any factual errors in data from which affected Phase II units' baselines or actual 1985 emission rates have been calculated. Corrected data shall be used for purposes of issuing allowances under this subpart. Such corrections shall not be subject to judicial review, nor shall the failure of the Administrator to correct an alleged factual error in such reports be subject to judicial review.

''(5) The term 'basic Phase II allowance allocations' means:

''(A) For calendar years 2000 through 2009 inclusive, allocations of allowances made by the Administrator pursuant to section 412 and subsections (b)(1), (3), and (4); (c)(1), (2), (3), and (5); (d)(1), (2), (4), and (5); (e); (f); (g)(1), (2), (3), (4), and (5); (h)(1); (i) and (j) of section 414.

''(B) For each calendar year beginning in 2010, allocations of allowances made by the Administrator pursuant to section 412 and subsections (b)(1), (3), and (4); (c)(1), (2), (3), and (5); (d)(1), (2), (4) and (5); (e); (f); (g)(1), (2), (3), (4), and (5); (h)(1) and (3); (i) and (j) of section 414.

''(6) The term 'capacity factor' means the ratio between the actual electric output from a unit and the potential electric output from that unit.

''(7) The term 'commenced' as applied to construction of any new electric utility unit

means that an owner or operator has undertaken a continuous program of construction or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction.

''(8) The term 'commenced commercial operation' means to have begun to generate electricity for sale.

''(9) The term 'construction' means fabrication, erection, or installation of an affected unit.

''(10) The term 'existing unit' means a unit (including units subject to section 111) that commenced commercial operation before November 15, 1990. Any unit that commenced commercial operation before November 15, 1990 which is modified, reconstructed, or repowered after November 15, 1990 shall continue to be an existing unit for the purposes of this subpart. For the purposes of this subpart, existing units shall not include simple combustion turbines, or units which serve a generator with a nameplate capacity of 25 MWe or less.

''(11) The term 'independent power producer' means any person who owns or operates, in whole or in part, one or more new independent power production facilities.

''(12) The term 'new independent power production facility' means a facility that—

''(A) is used for the generation of electric energy, 80 percent or more of which is sold at wholesale;

''(B) in nonrecourse project-financed (as such term is defined by the Secretary of Energy within 3 months of the date of the enactment of the Clean Air Act Amendments of 1990); and

''(C) is a new unit required to hold allowances under this subpart.

''(13) The term 'industrial source' means a unit that does not serve a generator that produces electricity, a 'non-utility unit' as defined in this section, or a process source.

''(14) The term 'life-of-the-unit, firm power contractual arrangement' means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of capacity and associated energy generated by a specified generating unit (or units) and pays its proportional amount of such unit's total costs, pursuant to a contract either—

''(A) for the life of the unit;

''(B) for a cumulative term of no less than 30 years, including contracts that permit an election for early termination; or

''(C) for a period equal to or greater than 25 years or 70 percent of the economic useful life of the unit determined as of the time the unit was built, with option rights to purchase or release some portion of the capacity and associated energy generated by the unit (or units) at the end of the period.

''(15) The term 'new unit' means a unit that commences commercial operation on or after November 15, 1990.

''(16) The term 'nonutility unit' means a unit other than a utility unit.

''(17) The term 'Phase II bonus allowance allocations' means, for calendar year 2000 through 2009, inclusive, and only for such years, allocations made by the Administrator pursuant to section 412, subsections (a)(2), (b)(2), (c)(4), (d)(3) (except as otherwise provided therein), and (h)(2) of section 414, and section 415.

''(18) The term 'qualifying phase I technology' means a technological system of continuous emission reduction which achieves a 90 percent reduction in emissions of sulfur dioxide from the emissions that would have resulted from the use of fuels which were not subject to treatment prior to combustion.

''(19) The term 'repowering' means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magneto-hydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

''(20) The term 'reserve' means any bank of allowances established by the Administrator under this subpart.

''(21)(A) The term 'utility unit' means—

''(i) a unit that serves a generator in any State that produces electricity for sale, or

''(ii) a unit that, during 1985, served a generator in any State that produced electricity for sale.

''(B) Notwithstanding subparagraph (A), a unit described in subparagraph (A) that—

''(i) was in commercial operations during 1985, but

''(ii) did not during 1985, serve a generator in any State that produced electricity for sale shall not be a utility unit for purposes of this subpart.

''(C) A unit that cogenerates steam and electricity is not a 'utility unit' for purposes of this subpart unless the unit is constructed for the purpose of supplying, or commences construction after November 15, 1990 and supplies more than one-third of its potential electric output capacity of more than 25 megawatts electrical output to any utility power distribution system for sale.

"SEC. 412. ALLOWANCE ALLOCATION.

''(a) Except as provided in sections 414(a)(2), 415(a)(3), and 416, beginning January 1, 2000, the Administrator shall not allocate annual missions of sulfur dioxide from utility units in excess of 8.90 million tons except that the Administrator shall not to take into account unused allowances carried forward by owners and operators of affected units or by other persons holding such allowances, following the year for which they were allocated. If necessary to meeting he restrictions imposed in the preceding sentence, he Administrator shall reduce, pro rata, the basic Phase II allowance allocations for each unit subject to the requirements of section 414. Subject to the provisions of section 417, the Administrator shall allocate allowances for each affected until at an affected source annually, as provided in paragraphs (2) and(3) and section 404. Except as provided in sections 416, the removal of an existing affected unit or source from commercial operation at any time after November 15, 1990 (whether before or after January 1, 1995, or January 1, 2000), shall not terminate or otherwise affect the allocation of allowances pursuant to section 413 or 414 to which the unit is entitled. Prior to June 1, 1998, the Administrator shall publish a revised final statement of allowance allocations, subject to the provisions of section 414(a)(2).

''(b) NEW UTILITY UNITS.—

''(1) After January 1, 2000 and through December 31, 2007, it shall be unlawful for a new utility unit to emit an annual tonnage of sulfur dioxide in excess of the number of allowances to emit held for the unit by the unit's owner or operator.

''(2) Starting January 1, 2008, a new utility unit shall be subject to the prohibition in subsection (c)(3).

''(3) New utility units shall not be eligible for an allocation of sulfur dioxide allowances under subsection (a)(1), unless the unit is subject to the provisions of subsection (g)(2) or (3) of section 414. New utility units may obtain allowances from any person, in accordance with this title. The owner or operator of any new utility unit in violation of subsection (b)(1) or subsection(c)(3) shall be liable for fulfilling the obligations specified in section 406.

''(c) PROHIBITIONS.—

''(1) It shall be unlawful for any person to hold, use, or transfer any allowance allocated under this subpart, except in accordance with regulations promulgated by the Administrator.

''(2) For any year 1995 through 2007, it shall be unlawful for any affected unit to emit sulfur dioxide in excess of the number of allowances held for that unit for that year by the owner or operator of the unit.

''(3) Starting January 1, 2008, it shall be unlawful for the affected units at a source to emit a total amount of sulfur dioxide during the year in excess of the number of allowances held for the source for that year by the owner or operator of the source.

''(4) Upon the allocation of allowances under this subpart, the prohibition in paragraphs (2) and (3) shall supersede any other emission limitation applicable under this subpart to the units for which such allowances are allocated.

''(d) In order to insure electric reliability, regulations establishing a system for issuing, recording, and tracking allowances under section 403(b) and this subpart shall not prohibit or affect temporary increases and decreases in emissions within utility systems, power pools, or utilities entering into allowance pool agreements, that result from their operations, including emergencies and central dispatch, and such temporary emissions increases and decreases shall not require transfer of allowances among units nor shall it require recording. The owners or operators of such units shall act through a designated representative. Notwithstanding the preceding sentence, the total tonnage of emissions in any calendar year (calculated at the end thereof) from all units in such a utility system, power pool, or allowance pool agreements shall not exceed the total allowances for such units for the calendar year concerned, including for calendar years after 2007, allowances held for such units by the owner or operator of the sources where the units are located.

''(e) Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit (or units) under life-of-the-unit, firm power contractual arrangements, the certificate of representation required under section 404(f) shall state—

''(1) that allowances under this subpart and the proceeds of transactions involving such allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, or

''(2) if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances under this subpart and the proceeds of transactions involving such allowances will be deemed to be held or distributed in accordance with the contract.

A passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the affected unit shall not be deemed to be a holder of a legal, equitable, leasehold, or contractual interest for the purpose of holding or distributing allowances as provided in this subsection, during either

the term of such leasehold or thereafter, unless expressly provided for in the leasehold agreement. Except as otherwise provided in this subsection, where all legal or equitable title to or interest in an affected unit is held by a single person, the certification shall state that all allowances under this subpart received by the unit are deemed to be held for that person.

"SEC. 413. PHASE I SULFUR DIOXIDE REQUIREMENTS.

''(a) EMISSION LIMITATIONS.—

''(1) After January 1, 1995, each source that includes one or more affected units listed in table A is an affected source under this section. After January 1, 1995, it shall be unlawful for any affected unit (other than an eligible phase I unit under section 413(d)(2)) to emit sulfur dioxide in excess of the tonnage limitation stated as a total number of allowances in table A for phase I, unless—

''(A) the emissions reduction requirements applicable to such unit have been achieved pursuant to subsection (b) or (d), or

''(B) the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions, except that, after January 1, 2000, the emissions limitations established in this section shall be superseded by those established in section 414. The owner or operator of any unit in violation of this section be fully liable for such violation including, but not limited to, liability for fulfilling the obligations specified in section 406.

''(2) Not later than December 31, 1991, the Administrator shall determine the total tonnage of reductions in the emissions of sulfur dioxide from all utility units in calendar year 1995 that will occur as a result of compliance with the emissions limitation requirements of this section, and shall establish a reserve of allowances equal in amount to the number of tons determined thereby not to exceed a total of 3.50 million tons. In making such a determination, the Administrator shall compute for each unit subject to the emissions limitation requirements of this section the difference between—

''(A) the product of its baseline multiplied by the lesser of each unit's allowable 1985 emissions rate and its actual 1985 emissions rate, divided by 2,000, and

''(B) the product of each unit's baseline multiplied by 2.50 lbs/mmBtu divided by 2,000, and sum the computations. The Administrator shall adjust the foregoing calculation to reflect projected calendar year 1995 utilization of the units subject to the emissions limitations of this subpart that the Administrator finds would have occurred in the absence of the imposition of such requirements. Pursuant to subsection (d), the Administrator shall allocate allowances from the reserve established hereunder until the earlier of such time as all such allowances in the reserve are allocated or December 31, 1999.

''(3) In addition to allowances allocated pursuant to paragraph (1), in each calendar year beginning in 1995 and ending in 1999, inclusive, the Administrator shall allocate for each unit on Table A that is located in the States of Illinois, Indiana, or Ohio (other than units at Kyger Creek, Clifty Creek and Joppa Steam), allowances in an amount equal to 200,000 multiplied by the unit's pro rata share of the total number of allowances allocated for all units on Table A in the 3 States (other than units at Kyger Creek, Clifty Creek, and Joppa Steam) pursuant to paragraph (1). Such allowances shall be excluded from the calculation of the reserve under paragraph (2).

''(b) SUBSTITUTIONS.—The owner or operator of an affected unit under subsection (a) may include in its section 404 permit application and proposed compliance plan a proposal to reassign, in whole or in part, the affected unit's sulfur dioxide reduction requirements to any other unit(s) under the control of such owner or operator. Such proposal shall specify—

''(1) the designation of the substitute unit or units to which any part of the reduction obligations of subsection (a) shall be required, in addition to, or in lieu of, any original affected units designated under such subsection;

''(2) the original affected unit's baseline, the actual and allowable 1985 emissions rate for sulfur dioxide, and the authorized annual allowance allocation stated in table A;

''(3) calculation of the annual average tonnage for calendar years 1985, 1986, and 1987, emitted by the substitute unit or units, based on the baseline for each unit, as defined in section 411(4), multiplied by the lesser of the unit's actual or allowable 1985 emissions rate;

''(4) the emissions rates and tonnage limitations that would be applicable to the original and substitute affected units under the substitution proposal;

''(5) documentation, to the satisfaction of the Administrator, that the reassigned tonnage limits will, in total, achieve the same or greater emissions reduction than would have been achieved by the original affected unit and the substitute unit or units without such substitution; and

''(6) such other information as the Administrator may require.

''(c) ADMINISTRATOR'S ACTION ON SUBSTITUTION PROPOSALS.—

''(1) The Administrator shall take final action on such substitution proposal in accordance with section 404(c) if the substitution proposal fulfills the requirements of this subsection. The Administrator may approve a substitution proposal in whole or in part and with such modifications or conditions as may be consistent with the orderly functioning of the allowance system and which will ensure the emissions reductions contemplated by this title. If a proposal does not meet the requirements of subsection (b), the Administrator shall disapprove it. The owner or operator of a unit listed in table A shall not substitute another unit or units without the prior approval of the Administrator.

''(2) Upon approval of a substitution proposal, each substitute unit, and each source with such unit, shall be deemed affected under this title, and the Administrator shall issue a permit to the original and substitute affected source and unit in accordance with the approved substitution plan and section 404. The Administrator shall allocate allowances for the original and substitute affected units in accordance with the approved substitution proposal pursuant to section 412. It shall be unlawful for any source or unit that is allocated allowances pursuant to this section to emit sulfur dioxide in excess of the emissions limitation provided for in the approved substitution permit and plan unless the owner or operator of each unit governed by the permit and approved substitution plan holds allowances to emit not less than the unit's total annual emissions. The owner or operator of any original or substitute affected unit operated in violation of this subsection shall be fully liable for such violation, including liability for fulfilling the obligations specified in section 406. If a substitution proposal is disapproved, the Administrator shall allocate allowances to the original affected unit or units in accordance with subsection (a).

''(d) ELIGIBLE PHASE I EXTENSION UNITS.—

''(1) The owner or operator of any affected unit subject to an emissions limitation requirement under this section may petition the Administrator in its permit application under section 404 for an extension of 2 years of the deadline for meeting such requirement, provided that the owner or operator of any such unit holds allowances to emit not less than the unit's total annual emissions for each of the 2 years of the period of extension. To qualify for such an extension, the affected unit must either employ a qualifying phase I technology, or transfer its phase I emissions reduction obligation to a unit employing a qualifying phase I technology. Such transfer shall be accomplished in accordance with a compliance plan, submitted and approved under section 404, that shall govern operations at all units included in the transfer, and that specifies the emissions reduction requirements imposed pursuant to this title.

''(2) Such extension proposal shall—

''(A) specify the unit or units proposed for designation as an eligible phase I extension unit;

''(B) provide a copy of an executed contract, which may be contingent upon the Administrator approving the proposal, for the design engineering, and construction of the qualifying phase I technology for the extension unit, or for the unit or units to which the extension unit's emission reduction obligation is to be transferred;

''(C) specify the unit's or units' baseline, actual 1985 emissions rate, allowable 1985 emissions rate, and projected utilization for calendar years 1995 through 1999;

''(D) require CEMS on both the eligible phase I extension unit or units and the transfer unit or units beginning no later than January 1, 1995; and

''(E) specify the emission limitation and number of allowances expected to be necessary for annual operation after the qualifying phase I technology has been installed.

''(3) The Administrator shall review and take final action on each extension proposal in order of receipt, consistent with section 404, and for an approved proposal shall designate the unit or units as an eligible phase I extension unit. The Administrator may approve an extension proposal in whole or in part, and with such modifications or conditions as may be necessary, consistent with the orderly functioning of the allowance system, and to ensure the emissions reductions contemplated by the subpart.

''(4) In order to determine the number of proposals eligible for allocations from the reserve under subsection (a)(2) and the number of the allowances remaining available after each proposal is acted upon, the Administrator shall reduce the total number of allowances remaining available in the reserve by the number of allowances calculated according to subparagraph (A), (B) and (C) until either no allowances remain available in the reserve for further allocation or all approved proposals have been acted upon. If no allowances remain available in the reserve for further allocation before all proposals have been acted upon by the Administrator, any pending proposals shall be disapproved. The Administrator shall calculate allowances equal to—

''(A) the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or the projected emissions tonnage for calendar year 1995 of each eligible phase I extension unit, as designated under paragraph (3), and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000;

''(B) the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or the projected emissions tonnage for calendar year 1996 of each eligible phase I extension unit, as designated under paragraph (3), and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000; and

''(C) the amount by which (i) the product of each unit's baseline multiplied by an emission rate of 1.20 lbs/mmBtu, divided by 2,000, exceeds (ii) the tonnage level specified under subparagraph (E) of paragraph (2) of this subsection multiplied by a factor of 3.

''(5) Each eligible Phase I extension unit shall receive allowances determined under subsection (a)(1) or (c) of this section. In addition, for calendar year 1995, the Administrator shall allocate to each eligible Phase I extension unit, from the allowance reserve created pursuant to subsection (a)(2), allowances equal to the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or its projected emission tonnage for calendar year 1995 and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000. In calendar year 1996, the Administrator shall allocate for each eligible unit, from the allowance reserve created pursuant to subsection (a)(2), allowances equal to the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or its projected emissions tonnage for calendar year 1996 and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000. It shall be unlawful for any source or unit subject to an approved extension plan under this subsection to emit sulfur dioxide in excess of the emissions limitations provided for in the permit and approved extension plan, unless the owner or operator of each unit governed by the permit and approved plan holds allowances to emit not less than the unit's total annual emissions.

''(6) In addition to allowances specified in paragraph (4), the Administrator shall allocate for each eligible Phase I extension unit employing qualifying Phase I technology, for calendar years 1997, 1998, and 1999, additional allowances, from any remaining allowances in the reserve created pursuant to subsection (a)(2), following the reduction in the reserve provided for in paragraph (4), not to exceed the amount by which (A) the product of each eligible unit's baseline times an emission rate of 1.20 lbs/mmBtu, divided by 2,000 exceeds (B) the tonnage level specified under subparagraph (E) of paragraph (2) of this subsection.

''(7) After January 1, 1997, in addition to any liability under this Act, including under section 406, if any eligible phase I extension unit employing qualifying phase I technology or any transfer unit under this subsection emits sulfur dioxide in excess of the annual tonnage limitation specified in the extension plan, as approved in paragraph (2) of this subsection, the Administrator shall, in the calendar year following such excess, deduct allowances equal to the amount of such excess from such unit's annual allowance allocation.

''(e)(1) In the case of a unit that receives authorization from the Governor of the State in which such unit is located to make reductions in the emissions of sulfur dioxide prior to calendar year 1995 and that is part of a utility system that meets the following requirements—

''(A) the total coal-fired generation within the utility system as a percentage of total system generation decreased by more than 20 percent between January 1, 1980, and December 31, 1985; and

''(B) the weighted capacity factor of all coal-fired units within the utility system averaged over the period from January 1, 1985, through December 31, 1987, was below 50 percent, the Administrator shall allocate allowances under this paragraph for the unit pursuant to this subsection. The Administrator shall allocate allowances for a unit that is an affected unit pursuant to section 414 (but is not also an affected unit under this section) and part of a utility system that includes 1 or more affected units under section 414 for reductions in the emissions of sulfur dioxide made during the period 1995–1999 if the unit meets the requirements of this subsection and the requirements of the preceding sentence, except that for the purposes of applying this subsection to any such unit, the prior year concerned as specified below, shall be any year after January 1, 1995 but prior to January 1, 2000.

''(2) In the case of an affected unit under this section described in subparagraph (A), the allowances allocated under this subsection for early reductions in any prior year may not exceed the amount which (A) the product of the unit's baseline multiplied by the unit's 1985 actual sulfur dioxide emission rate (in lbs. per mmBtu), divided by 2,000 exceeds (B) the allowances specified for such unit in Table A. In the case of an affected unit under section 414 described in subparagraph (A), the allowances awarded under this subsection for early reductions in any prior year may not exceed the amount by which (i) the product of the quality of fossil fuel consumed by the unit (in mmBtu) in the prior year multiplied by the lesser of 2.50 or the most stringent emission rate (in lbs. per mmBtu) applicable to the unit under the applicable implementation plan, divided by 2,000 exceeds (ii) the unit's actual tonnage of sulfur dioxide emission for the prior year concerned. Allowances allocated under this subsection for units referred to in subparagraph (A) may be allocated only for emission reductions achieved as a result of physical changes or changes in the method of operation made after November 15, 1990, including changes in the type or quality of fossil fuel consumed.

''(3) In no event shall the provisions of this paragraph be interpreted as an event of force majeure or a commercial impracticability or in any other way as a basis for excused nonperformance by a utility system under a coal sales contract in effect before November 15, 1990.

''TABLE A.—AFFECTED SOURCES AND UNITS IN PHASE I AND THEIR SULFUR DIOXIDE ALLOWANCES (TONS)

State	Plant name	Generator	Phase I allowances
Alabama	Colbert	1	13,570
		2	15,310
		3	15,400
		4	15,410
		5	37,180
	E.C. Gaston	1	18,100
		2	18,540
		3	18,310
		4	19,280
		5	59,840
Florida	Big Bend	1	28,410
		2	27,100
		3	26,740
	Crist	6	19,200
		7	31,680
Georgia	Bowen	1	56,320
		2	54,770
		3	71,750
		4	71,740
	Hammond	1	8,780
		2	9,220
		3	8,910
		4	37,640
	J. McDonough	1	19,910
		2	20,600
	Wansley	1	70,770
		2	65,430
	Yates	1	7,210
		2	7,040
		3	6,950
		4	8,910
		5	9,410
		6	24,760
		7	21,480
Illinois	Baldwin	1	42,010
		2	44,420
		3	42,550
	Coffeen	1	11,790
		2	35,670
	Grand Tower	4	5,910
	Hennepin	2	18,410
	Joppa Steam	1	12,590
		2	10,770
		3	12,270
		4	11,360
		5	11,420
		6	10,620
	Kincaid	1	31,530
		2	33,810

''TABLE A.—AFFECTED SOURCES AND UNITS IN PHASE I AND THEIR SULFUR DIOXIDE ALLOWANCES (TONS)—Continued

State	Plant name	Generator	Phase I allowances
	Meredosia	3	13,890
	Vermilion	2	8,880
Indiana	Bailly	7	11,180
		8	15,630
	Breed	1	18,500
	Cayuga	1	33,370
		2	34,130
	Clifty Creek	1	20,150
		2	19,810
		3	20,410
		4	20,080
		5	19,360
		6	20,380
	E. W. Stout	5	3,880
		6	4,770
		7	23,610
	F. B. Culley	2	4,290
		3	16,970
	F. E. Ratts	1	8,330
		2	8,480
	Gibson	1	40,400
		2	41,010
		3	41,080
		4	40,320
	H.T. Pritchard	6	5,770
	Michigan City	12	23,310
	Petersburg	1	16,430
		2	32,380
	R. Gallagher	1	6,490
		2	7,280
		3	6,530
		4	7,650
	Tanners Creek	4	24,820
	Wabash River	1	4,000
		2	2,860
		3	3,750
		5	3,670
		6	12,280
	Warrick	4	26,980
Iowa	Burlington	1	10,710
	Des Moines	7	2,320
	George Neal	1	1,290
	M.L. Kapp	2	13,800
	Prairie Creek	4	8,180
	Riverside	5	3,990
Kansas	Quindaro	2	4,220
Kentucky	Coleman	1	11,250
		2	12,840
		3	12,340
	Cooper	1	7,450
		2	15,320
	E.W. Brown	1	7,110
		2	10,910
		3	26,100
	Elmer Smith	1	6,520
		2	14,410
	Ghent	1	28,410
	Green River	4	7,820
	H.L. Spurlock	1	22,780
	Henderson II	1	13,340
		2	12,310
	Paradise	3	59,170
	Shawnee	10	10,170
Maryland	Chalk Point	1	21,910
		2	24,330
	C.P. Crane	1	10,330
		2	9,230
	Morgantown	1	35,260
		2	38,480
Michigan	J.H. Campbell	1	19,280
		2	23,060
Minnesota	High Bridge	6	4,270
Mississippi	Jack Watson	4	17,910
		5	36,700
Missouri	Asbury	1	16,190
	James River	5	4,850
	Labadie	1	40,110
		2	37,710
		3	40,310
		4	35,940
	Montrose	1	7,390
		2	8,200
		3	10,090
	New Madrid	1	28,240
		2	32,480
	Sibley	3	15,580
	Sioux	1	22,570
		2	23,690
	Thomas Hill	1	10,250
		2	19,390
New Hampshire	Merrimack	1	10,190
		2	22,000
New Jersey	B.L. England	1	9,060
		2	11,720
New York	Dunkirk	3	12,600
		4	14,060
	Greenidge	4	7,540
	Milliken	1	11,170
		2	12,410
	Northport	1	19,810
		2	24,110
		3	26,480
	Port Jefferson	3	10,470
		4	12,330
Ohio	Ashtabula	5	16,740
	Avon Lake	8	11,650
		9	30,480
	Cardinal	1	34,270
		2	38,320
	Conesville	1	4,210
		2	4,890

''TABLE A.—AFFECTED SOURCES AND UNITS IN PHASE I AND THEIR SULFUR DIOXIDE ALLOWANCES (TONS)—Continued

State	Plant name	Generator	Phase I allowances
		3	5,500
		4	48,770
	Eastlake	1	7,800
		2	8,640
		3	10,020
		4	14,510
		5	34,070
	Edgewater	4	5.050
	Gen. J.M. Gavin	1	79,080
		2	80,560
	Kyger Creek	1	19,280
		2	18,560
		3	17,910
		4	18,710
		5	18,740
	Miami Fort	5	760
		6	11,380
		7	38,510
	Muskingum River	1	14,880
		2	14,170
		3	13,950
		4	11,780
		5	40,470
	Niles	1	6,940
		2	9,100
	Picway	5	4,930
	R.E. Burger	3	6,150
		4	10,780
		5	12,430
	W.H. Sammis	5	24,170
		6	39,930
		7	43,220
	W.C. Beckjord	5	8,950
		6	23,020
Pennsylvania	Armstrong	1	14,410
		2	15,430
	Brunner Island	1	27,760
		2	31,100
		3	53,820
	Cheswick	1	39,170
	Conemaugh	1	59,790
		2	66,450
	Hatfield's Ferry	1	37,830
		2	37,320
		3	40,270
	Martins Creek	1	12,660
		2	12,820
	Portland	1	5,940
		2	10,230
	Shawville	1	10,320
		2	10,320
		3	14,220
		4	14,070
	Sunbury	3	8,760
		4	11,450
Tennessee	Allen	1	15,320
		2	16,770
		3	15,670
	Cumberland	1	86,700
		2	94,840
	Gallatin	1	17,870
		2	17,310
		3	20,020
		4	21,260
	Johnsonville	1	7,790
		2	8,040
		3	8,410
		4	7,990
		5	8,240
		6	7,890
		7	8,980
		8	8,700
		9	7,080
		10	7,550
West Virginia	Albright	3	12,000
	Fort Martin	1	41,590
		2	41,200
	Harrison	1	48,620
		2	46,150
		3	41,500
	Kammer	1	18,740
		2	19,460
		3	17,390
	Mitchell	1	43,980
		2	45,510
	Mount Storm	1	43,720
		2	35,580
		3	42,430
Wisconsin	Edgewater	4	24,750
	La Crosse/Genoa	3	22,700
	Nelson Dewey	1	6,010
		2	6,680
	N. Oak Creek	1	5,220
		2	5,140
		3	5,370
		4	6,320
	Pulliam	8	7,510
	S. Oak Creek	5	9.670
		6	12,040
		7	16,180
		8	15,790

''(f) ENERGY CONSERVATION AND RENEWABLE ENERGY.—

''(1) DEFINITIONS.—As used in this subsection:

''(A) QUALIFIED ENERGY CONSERVATION MEASURE.—The term 'qualified energy conservation measure' means a cost effective measure, as identified by the Administrator in consultation with the Secretary of Energy, that increases the efficiency of the use of electricity provided by an electric utility to its customers.

''(B) QUALIFIED RENEWABLE ENERGY.—The term 'qualified renewable energy' means energy derived from biomass, solar, geothermal, or wind as identified by the Administrator in consultation with the Secretary of Energy.

''(C) ELECTRIC UTILITY.—The term 'electric utility' means any person, State agency, or Federal agency, which sells electric energy.

''(2) ALLOWANCES FOR EMISSIONS AVOIDED THROUGH ENERGY CONSERVATION AND RENEWABLE ENERGY.—

''(A) IN GENERAL.—The regulations under paragraph (4) of this subsection shall provide that for each ton of sulfur dioxide emissions avoided by an electric utility, during the applicable period, through the use of qualified energy conservation measures or qualified renewable energy, the Administrator shall allocate a single allowance to such electric utility, on a first-come-first-served basis from the Conservation and Renewable Energy Reserve established under subsection (g), up to a total of 300,000 allowances for allocation from such Reserve.

''(B) REQUIREMENTS FOR ISSUANCE.—The Administrator shall allocate allowances to an electric utility under this subsection only if all of the following requirements are met:

''(i) Such electric utility is paying for the qualified energy conservation measures or qualified renewable energy directly or through purchase from another person.

''(ii) The emissions of sulfur dioxide avoided through the use of qualified energy conservation measures or qualified renewable energy are quantified in accordance with regulations promulgated by the Administrator under this subsection.

''(iii)(I) Such electric utility has adopted and is implementing a least cost energy conservation and electric power plan which evaluates a range of resources, including new power supplies, energy conservation, and renewable energy resources, in order to meet expected future demand at the lowest system cost.

''(II) The qualified energy conservation measures or qualified renewable energy, or both, are consistent with that plan.

''(III) Electric utilities subject to the jurisdiction of a State regulatory authority must have such plan approved by such authority. For electric utilities not subject to the jurisdiction of a State regulatory authority such plan shall be approved by the entity with rate-making authority for such utility.

''(iv) In the case of qualified energy conservation measures undertaken by a State regulated electric utility, the Secretary of Energy certifies that the State regulatory authority with jurisdiction over the electric rates of such electric utility has established rates and charges which ensure that the net income of such electric utility after implementation of specific cost effective energy conservation measures is at least as high as such net income would have been if the energy conservation measures had not been implemented. Upon the date of any such certification by the Secretary of Energy, all allowances which, but for this paragraph, would have been allocated under subparagraph (B) before such date, shall be allocated to the electric utility. This clause is not a requirement for qualified renewable energy.

''(v) Such utility or any subsidiary of the utility's holding company owns or operates at least one affected unit.

''(C) PERIOD OF APPLICABILITY.—Allowances under this subsection shall be allocated only with respect to kilowatt hours of electric energy saved by qualified energy conservation measures or generated by qualified renewable energy after January 1, 1992, and before the earlier of (i) December 31, 2000, or (ii) the date on which any electric utility steam generating unit owned or operated by the electric utility to which the allowances are allocated becomes subject to this subpart (including those sources that elect to become affected by this title, pursuant to section 417).

''(D) DETERMINATION OF AVOIDED EMISSIONS.—

''(i) APPLICATION.—In order to receive allowances under this subsection, an electric utility shall make an application which—

''(I) designates the qualified energy conservation measures implemented and the qualified renewable energy sources used for purposes of avoiding emissions;

''(II) calculates, in accordance with subparagraphs (F) and (G), the number of tons of emissions avoided by reason of the implementation of such measures or the use of such renewable energy sources; and

''(III) demonstrates that the requirements of subparagraph (B) have been met. Such application for allowances by a State-regulated electric utility shall require approval by the State regulatory authority with jurisdiction over such electric utility. The authority shall review the application for accuracy and compliance with this subsection and the rules under this subsection. Electric utilities whose retail rates are not subject to the jurisdiction of a State regulatory authority shall apply directly to the Administrator for such approval.

''(E) AVOIDED EMISSIONS FROM QUALIFIED ENERGY CONSERVATION MEASURES.—For the purposes of this subsection, the emission tonnage deemed avoided by reason of the implementation of qualified energy conservation measures for any calendar year shall be a tonnage equal to the product of multiplying—

''(i) the kilowatt hours that would otherwise have been supplied by the utility during such year in the absence of such qualified energy conservation measures, by

''(ii) 0.004, and dividing by 2,000.

''(F) AVOIDED EMISSIONS FROM THE USE OF QUALIFIED RENEWABLE ENERGY.—The emissions tonnage deemed avoided by reason of the use of qualified renewable energy by an electric utility for any calendar year shall be a tonnage equal to the product of multiplying—(i) the actual kilowatt hours generated by, or purchased from, qualified renewable energy, by (ii) 0.004, and dividing by 2,000.

''(G) PROHIBITIONS.—

''(i) No allowances shall be allocated under this subsection for the implementation of programs that are exclusively informational or educational in nature.

''(ii) No allowances shall be allocated for energy conservation measures or renewable energy that were operational before January 1, 1992.

''(3) SAVINGS PROVISION.—Nothing in this subsection precludes a State or State regulatory authority from providing additional incentives to utilities to encourage investment in demand-side resources.

''(4) REGULATIONS.—The Administrator shall implement this subsection under 40 CFR part 73 (2002), amended as appropriate by the Administrator. Such regulations shall list energy conservation measures and renewable energy sources which may be treated as qualified energy conservation measures and qualified renewable energy for purposes of this subsection. Allowances shall only be allocated if all requirements of this subsection and the rules promulgated to implement this subsection are complied with. The Administrator shall review the determinations of each State regulatory authority under this subsection to encourage consistency from electric utility and from State-to-State in accordance with the Administrator's rules. The Administrator shall publish the findings of this review no less than annually.

''(g) CONSERVATION AND RENEWABLE ENERGY RESERVE.—The Administrator shall establish a Conservation and Renewable Energy Reserve under this subsection. Beginning on January 1, 1995, the Administrator may allocate from the Conservation and Renewable Energy Reserve an amount equal to a total of 300,000 allowances for emissions of sulfur dioxide pursuant to section 411. In order to provide 300,000 allowances for such reserve, in each year beginning in calendar year 2000 and until calendar year 2009, inclusive, the Administrator shall reduce each unit's basic Phase II allowance allocation on the basis of its pro rata share of 30,000 allowances. Notwithstanding the prior sentence, if allowances remain in the reserve one year after the date of enactment of the Clear Skies Act of 2003, the Administrator shall allocate such allowances for affected units under section 414 on a pro rata basis. For purposes of this subsection, for any unit subject to the emissions limitation requirements of section 414, the term 'pro rata basis' refers to the ratio which the reductions made in such unit's allowances in order to establish the reserve under this subsection bears to the total of such reductions for all such units.

''(h) ALTERNATIVE ALLOWANCE ALLOCATION FOR UNITS IN CERTAIN UTILITY SYSTEMS WITH OPTIONAL BASELINE.—

''(1) OPTIONAL BASELINE FOR UNITS IN CERTAIN SYSTEMS.—In the case of a unit subject to the emissions limitation requirements of this section which (as of November 15, 1990)—

''(A) has an emission rate below 1.0 lbs/mmBtu,

''(B) has decreased its sulfur dioxide emissions rate by 60 percent or greater since 1980, and

''(C) is part of a utility system which has a weighted average sulfur dioxide emissions rate for all fossil fueled-fired units below 1.0 lbs/mmBtu, at the election to the owner or operator of such unit, the unit's baseline may be calculated

''(i) as provided under section 411, or

''(ii) by utilizing the unit's average annual fuel consumption at a 60 percent capacity factor. Such election shall be made no later than March 1, 1991.

''(2) ALLOWANCE ALLOCATION.—Whenever a unit referred to in paragraph (1) elects to calculate its baseline as provided in clause (ii) of paragraph (1), the Administrator shall allocate allowances for the unit pursuant to section 412(a), this section, and section 414 (as Basic Phase II allowance allocations) in an amount equal to the baseline selected multiplied by the lower of the average annual emission rate for such unit in 1989, or 1.0 lbs./mmBtu. Such allowance allocation shall be in lieu of any allocation of allowances under this section and section 414.

''SEC. 414. PHASE II SULFUR DIOXIDE REQUIREMENTS.

''(a) APPLICABILITY.—

''(1) After January 1, 2000, each existing utility unit as provided below is subject to the limitations or requirements of this section. Each utility unit subject to an annual sulfur dioxide tonnage emission limitation under this section is an affected unit under this subpart. Each source that includes one or more affected units is an affected source. In the case of an existing unit that was not in operation during calendar year 1985, the emission rate for a calendar year after 1985, as determined by the Administrator, shall be used in lieu of the 1985 rate. The owner or operator of any unit operated in violation of this section shall be fully liable under this Act for fulfilling the obligations specified in section 406.

''(2) In addition to basic Phase II allowance allocations, in each year beginning in calendar year 2000 and ending in calendar year 2009, inclusive, the Administrator shall allocate up to 530,000 Phase II bonus allowances pursuant to subsections (b)(2),(c)(4), (d)(3)(A) and (B), and (h)(2) of this section and section 415.

''(3) In addition to basic Phase II allowances allocations and Phase II bonus allowance allocations, beginning January 1, 2000, the Administrator shall allocate for each unit listed on Table A in section 413 (other than units at Kyger Creek, Clifty Creek, and Joppa Stream) and located in the States of Illinois, Indiana, Ohio, Georgia, Alabama, Missouri, Pennsylvania, West Virginia, Kentucky, or Tennessee allowances in an amount equal to 50,000 multiplied by the unit's pro rata share of the total number of basic allowances allocated for all units listed on Table A (other than units at Kyger Creek, Clifty Creek, and Joppa Stream). Allowances allocated pursuant to this paragraph shall not be subject to the 8,900,000 ton limitation in section 412(a).

''(b) UNITS EQUAL TO, OR ABOVE, 75 MWE AND 1.20 LBS/MMBTU.—

''(1) Except as otherwise provided in paragraph (3), after January 1, 2000, it shall be unlawful for any existing utility unit that serves a generator with nameplate capacity equal to, or greater, than 75 MWe and an actual 1985 emission rate equal to or greater than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by an emission rate equal to 1.20 lbs/mmBtu, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007,

unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(2) In addition to allowances allocated pursuant to paragraph (1) and section 412(a) as basic Phase II allowance allocations, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (1) with an actual 1985 emissions rate greater than 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 percent, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 percent of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption at a 60 percent capacity factor.

''(3) After January 1, 2000, it shall be unlawful for any existing utility unit with an actual 1985 emissions rate equal to or greater than 1.20 lbs/mmBtu whose annual average fuel consumption during 1985, 1986, and 1987 on a Btu basis exceeded 90 percent in the form of lignite coal which is located in a State in which, as of July 1, 1989, no county or portion of a county was designated nonattainment under section 107 of this Act for any pollutant subject to the requirements of section 109 of this Act to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the lesser of the unit's actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(4) After January 1, 2000, the Administrator shall allocate annually for each unit, subject to the emissions limitation requirements of paragraph (1), which is located in a State with an installed electrical generating capacity of more than 30,000,000 kw in 1988 and for which was issued a prohibition order or a proposed prohibition order (from burning oil), which unit subsequently converted to coal between January 1, 1980 and December 31, 1985, allowances equal to the difference between (A) the product of the unit's annual fuel consumption, on a Btu basis, at a 65 percent capacity factor multiplied by the lesser of its actual or allowable emissions rate during the first full calendar year after conversion, divided by 2,000, and (B) the number of allowances allocated for the unit pursuant to paragraph (1): *Provided*, That the number of allowances allocated pursuant to this paragraph shall not exceed an annual total of five thousand. If necessary to meeting the restriction imposed in the preceding sentence the Administrator shall reduce, pro rata, the annual allowances allocated for each unit under this paragraph.

''(c) COAL OR OIL-FIRED UNITS BELOW 75 MWE AND ABOVE 1.20 LBS/MMBTU.—

''(1) Except as otherwise provided in paragraph (3), after January 1, 2000, it shall be unlawful for a coal or oil-fired existing utility unit that serves a generator with nameplate capacity of less than 75 MWe and an actual 1985 emission rate equal to, or greater than, 1.20 lbs/mmBtu and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is, as of December 31, 1989, equal to, or greater than, 250 MWe to exceed an annual sulfur dioxide emissions limitation equal to the product of the unit's baseline multiplied by an emission rate equal to 1.20 lbs/mmBtu, divided by 2,000 unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(2) After January 1, 2000, it shall be unlawful for a coal or oil-fired existing utility unit that serves a generator with nameplate capacity of less than 75 MWe and an actual 1985 emission rate equal to, or greater than, 1.20 lbs/mmBtu (excluding units subject to section 111 of the Act or to a federally enforceable emissions limitation for sulfur dioxide equivalent to an annual rate of less than 1.20 lbs/mmBtu) and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is, as of December 31, 1989, less than 250 MWe, to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(3) After January 1, 2000 it shall be unlawful for any existing utility unit with a nameplate capacity below 75 MWe and an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu which became operational on or before December 31, 1965, which is owned by a utility operating company with, as of December 31, 1989, a total fossil fuel steam-electric generating capacity greater than 250 MWe, and less than 450 MWe which serves fewer than 78,000 electrical customers as of November 15, 1990, to exceed an annual sulfur dioxide emissions tonnage limitation equal to the product of its baseline multiplied by the lesser of its actual or allowable 1985 emission rate, divided by 2,000, unless the owner or operator holds allowances to emit not less than the units total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source. After January 1, 2010, it shall be unlawful for each unit subject to the emissions limitation requirements of this paragraph to exceed an annual emissions tonnage limitation equal to the product of its baseline multiplied by an emissions rate of 1.20 lbs/mmBtu, divided by 2,000, unless the owner or operator holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(4) In addition to allowances allocated pursuant to paragraph (1) and section 412(a) as basic Phase II allowance allocations, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, inclusive, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (1) with an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 percent, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 percent of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption at a 60 percent capacity factor.

''(5) After January 1, 2000, is shall be unlawful for any existing unit with a nameplate capacity below 75 MWe and an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu which is part of an electric utility system which, as of November 15, 1990—

''(A) has at least 20 percent of its fossil-fuel capacity controlled by flue gas desulfurization devices,

''(B) has more than 10 percent of its fossil-fuel capacity consisting of coal-fired unites of less than 75 MWe, and

''(C) has large units (greater than 400 MWe) all of which have difficult or very difficult FGD Retrofit Cost Factors (according to the Emissions and the FGD Retrofit Feasibility at the 200 Top Emitting Generating Stations, prepared for the United States Environmental Protection Agency on January 10, 1986) to exceed an annual sulfur dioxide emissions tonnage limitation equal to the product of its baseline multiplied by an emissions rate of 2.5 lbs/mmBtu, divided by 2,000, unless the owner or operator holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source. After January 1, 2010, it shall be unlawful for each unit subject to the emissions limitation requirements of this paragraph to exceed an annual emissions tonnage limitation equal to the project of its baseline multiplied by an emissions rate of 1.20 lbs/mmBtu, divided by 2,000, unless the owner or operator holds for use allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(d) COAL-FIRED UNITS BELOW 1.20 LBS/MMBTU.—

''(1) After January 1, 2000, it shall be unlawful for any existing coal-fired utility unit the lesser of whose actual or allowable 1985 sulfur dioxide emissions rate is less than 0.60 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by—

''(A) the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate, and

''(B) a numerical factor of 120 percent, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(2) After January 1, 2000, it shall be unlawful for any existing coal-fired utility unit the lesser of whose actual or allowable 1985 sulfur dioxide emissions rate is equal to, or greater than, 0.60 lbs/mmBtu and less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by (A) the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate, and (B) a numerical factor of 120 percent, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(3)(A) In addition to allowances allocated pursuant to paragraph (1) and section 412(a) as basic Phase II allowance allocations, at the election of the designated representative of the operating company, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the amount by which—

''(i) the product of the lesser of 0.60 lbs.mmBtu or the unit's allowable 1985 emissions rate multiplied by the unit's baseline adjusted to reflect operation at a 60 percent capacity factor, divided by 2,000, exceeds

''(ii) the number of allowances allocated for the unit pursuant to paragraph (1) and section 403(a)(1) as basic Phase II allowance allocations.

''(B) In addition to allowances allocated pursuant to paragraph (2) and section 412(a) as basic Phase II allowance allocations, at the election of the designated representative of the operating company, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (2) allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the amount by which—

''(i) the product of the lesser of the unit's actual 1985 emissions rate or its allowable 1985 emissions rate multiplied by the unit's baseline adjusted to reflect operation at a 60 percent capacity factor, divided by 2,000, exceeds

''(ii) the number of allowances allocated for the unit pursuant to paragraph (2) and section 412(a) as basic Phase II allowance allocations.

''(C) An operating company with units subject to the emissions limitation requirements of this subsection may elect the allocation of allowances as provided under subparagraphs (A) and (B). Such election shall apply to the annual allowance allocation for each and every unit in the operating company subject to the emissions limitation requirements of this subsection. The Administrator shall allocate allowances pursuant to subparagraphs (A) and (B) only in accordance with this subparagraph.

''(4) Notwithstanding any other provision of this section, at the election of the owner or operator, after January 1, 2000, the Administrator shall allocate in lieu of allocation, pursuant to paragraph (1), (2), (3), (5), or (6), allowances for a unit subject to the emissions limitation requirements of this subsection which commenced commercial operation on or after January 1, 1981 and before December 31, 1985, which was subject to, and in compliance with, section 111 of the Act in an amount equal to the unit's annual fuel consumption, on a Btu basis, at a 65 percent capacity factor multiplied by the unit's allowable 1985 emissions rate, divided by 2,000.

''(5) For the purposes of this section, in the case of an oil- and gas-fired unit which has been awarded a clean coal technology demonstration grant as of January 1, 1991, by the United States Department of Energy, beginning January 1, 2002, the Administrator shall allocate for the unit allowances in an amount equal to the unit's baseline multiplied by 1.20 lbs/mmBtu, divided by 2,000.

''(e) OIL AND GAS-FIRED UNITS EQUAL TO OR GREATER THAN 0.60 LBS/MMBTU AND LESS THAN 1.20 LBS/MMBTU.—After January 1, 2000, it shall be unlawful for any existing oil and gas-fired utility unit the lesser of whose actual or allowable 1985 sulfur dioxide emission rate is equal to, or greater than, 0.60 lbs/mmBtu, but less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by (A) the lesser of the unit's allowable 1985 emissions rate or its actual 1985 emissions rate and (B) a numerical factor of 120 percent divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(f) OIL AND GAS-FIRED UNITS LESS THAN 0.60 LBS/MMBTU.—

''(1) After January 1, 2000, it shall be unlawful for any oil and gas-fired existing utility unit the lesser of whose actual or allowance 1985 emission rate is less than 0.60 lbs/mmBtu and whose average annual fuel consumption during the period 1980 through 1989 on a Btu basis was 90 percent or less in the form of natural gas to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by—

''(A) the lesser of 0.60 lbs/mmBtu or the unit's allowance 1985 emissions, and

''(B) a numerical factor of 120 percent, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007,
unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(2) In addition to allowances allocated pursuant to paragraph (1) as basic Phase II allowance allocations and section 412(a), beginning January 1, 2000, the Administrator shall, in the case of any unit operated by a utility that furnishes electricity, electric energy, steam, and natural gas within an area consisting of a city and 1 contiguous county, and in the case of any unit owned by a State authority, the output of which unit is furnished within that same area consisting of a city and 1 contiguous county, the Administrator shall allocate for each unit in the utility its pro rata share of 7,000 allowances and for each unit in the State authority its pro rata share of 2,000 allowances.

''(g) UNITS THAT COMMENCE OPERATION BETWEEN 1986 AND DECEMBER 31, 1995.—

''(1) After January 1, 2000, it shall be unlawful for any utility unit that has commenced commercial operation on or after January 1, 1986, but not later than September 30, 1990 to exceed an annual tonnage emission limitation equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 percent capacity factor multiplied by the unit's allowance 1985 sulfur dioxide emission rate (converted, if necessary, to pounds per mmBtu), divided by 2,000 unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(2) After January 1, 2000, the Administrator shall allocate allowances pursuant to section 411 to each unit which is listed in table B of this paragraph in an annual amount equal to the amount specified in table B.

''TABLE B

Unit	Allowances
Brandon Shores	8,907
Miller 4	9,197
TNP One 2	4,000
Zimmer 1	18,458
Spruce 1	7,647
Clover 1	2,796
Clover 2	2,796
Twin Oak 2	1,760
Twin Oak 1	9,158
Cross 1	6,401
Malakoff 1	1,759

Notwithstanding any other paragraph of this subsection, for units subject to this paragraph, the Administrator shall not allocate allowances pursuant to any other paragraph of this subsection, provided that the owner or operator of a unit listed on Table B may elect an allocation of allowances under another paragraph of this subsection in lieu of an allocation under this paragraph.

''(3) Beginning January 1, 2000, the Administrator shall allocate to the owner or operator of any utility unit that commences commercial operation, or has commenced commercial operation, on or after October 1, 1990, but not later than December 31, 1992 allowances in an amount equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 percent capacity factor multiplied by the lesser of 0.30 lbs/mmBtu or the unit's allowable sulfur dioxide emission rate (converted, if necessary, to pounds per mmBtu), divided by 2,000.

''(4) Beginning January 1, 2000, the Administrator shall allocate to the owner or operator of any utility unit that has commenced construction before December 31, 1990 and that commences commercial operation between January 1, 1993 and December 31, 1995, allowances in an amount equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 percent capacity factor multiplied by the lesser of 0.30 lbs/mmBtu or the unit's allowable sulfur dioxide emission rate (converted, if necessary, to pounds per mmBtu), divided by 2,000.

''(5) After January 1, 2000, it shall be unlawful for any existing utility unit that has completed conversion from predominantly gas fired existing operation to coal fired operation between January 1, 1985 and December 31, 1987, for which there has been allocated a proposed or final prohibition order pursuant to section 301(b) of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C.

8301 et seq, repealed 1987) to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 percent capacity factor multiplied by the lesser of 1.20 lbs/mmBtu or the unit's allowable 1987 sulfur dioxide emissions rate, divided by 2,000, unless the owner or operator of such unit has obtained allowances equal to its actual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(6) Unless the Administrator has approved a designation of such facility under section 417, the provisions of this subpart shall not apply to a 'qualifying small power production facility' or 'qualifying cogeneration facility' (within the meaning of section 3(17)(C) or 3(18)(B) of the Federal Power Act) or to a 'new independent power production facility' if, as of November 15, 1990—

''(A) an applicable power sales agreement has been executed;

''(B) the facility is the subject of a State regulatory authority order requiring an electric utility to enter into a power sales agreement with, purchase capacity from, or (for purposes of establishing terms and conditions of the electric utility's purchase of power) enter into arbitration concerning, the facility;

''(C) an electric utility has issued a letter of intent or similar instrument committing to purchase power from the facility at a previously offered or lower price and a power sales agreement is executed within a reasonable period of time; or

''(D) the facility has been selected as a winning bidder in a utility competitive bid solicitation.

''(h) OIL AND GAS-FIRED UNITS LESS THAN 10 PERCENT OIL CONSUMED.—

''(1) After January 1, 2000, it shall be unlawful for any oil- and gas-fired utility unit whose average annual fuel consumption during the period 1980 through 1989 on a Btu basis exceeded 90 percent in the form of natural gas to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the unit's actual 1985 emissions rate divided by 2,000 unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

''(2) In addition to allowances allocated pursuant to paragraph (1) and section 412(a) as basic Phase II allowance allocations, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the unit's baseline multiplied by 0.050 lbs/mmBtu, divided by 2,000.

''(3) In addition to allowances allocated pursuant to paragraph (1) and section 412(a), beginning January 1, 2010, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances in an amount equal to the unit's baseline multiplied by 0.050 lbs/mmBtu, divided by 2,000.

''(i) UNITS IN HIGH GROWTH STATES.—

''(1) In addition to allowances allocated pursuant to this section and section 412(a) as basic Phase II allowance allocations, beginning January 1, 2000, the Administrator shall allocate annually allowances for each unit, subject to an emissions limitation requirement under this section, and located in a State that—

''(A) has experienced a growth in population in excess of 25 percent between 1980 and 1988 according to State Population and Household Estimates, With Age, Sex, and Components of Change: 1981–1988 allocated by the United States Department of Commerce, and

''(B) had an installed electrical generating capacity of more than 30,000,000 kw in 1988, in an amount equal to the difference between (A) the number of allowances that would be allocated for the unit pursuant to the emissions limitation requirements of this section applicable to the unit adjusted to reflect the unit's annual average fuel consumption on a Btu basis of any three consecutive calendar years between 1980 and 1989 (inclusive) as elected by the owner or operator and (B) the number of allowances allocated for the unit pursuant to the emissions limitation requirements of this section: *Provided*, That the number of allowances allocated pursuant to this subsection shall not exceed an annual total of 40,000. If necessary to meeting the 40,000 allowance restriction imposed under this subsection the Administrator shall reduce, pro rata, the additional annual allowances allocated to each unit under this subsection.

''(2) Beginning January 1, 2000, in addition to allowances allocated pursuant to this section and section 403(a)(1) as basic Phase II allowance allocations, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of subsection (b)(1)—

''(A) the lesser of whose actual or allowable 1980 emissions rate has declined by 50 percent or more as of November 15, 1990,

''(B) whose actual emissions rate is less than 1.2 lbs/mmBtu as of January 1, 2000,

''(C) which commenced operation after January 1, 1970,

''(D) which is owned by a utility company whose combined commercial and industrial kilowatt-hour sales have increased by more than 20 percent between calendar year 1980 and November 15, 1990, and

''(E) whose company-wide fossil-fuel sulfur dioxide emissions rate has declined 40 percent or more from 1980 to 1988, allowances in an amount equal to the difference between—

''(i) the number of allowances that would be allocated for the unit pursuant to the emissions limitation requirements of subsection (b)(1) adjusted to reflect the unit's annual average fuel consumption on a Btu basis for any three consecutive years between 1980 and 1989 (inclusive) as elected by the owner or operator, and

''(ii) the number of allowances allocated for the unit pursuant to the emissions limitation requirements of subsection (b)(1): *Provided*, That the number of allowances allocated pursuant to this paragraph shall not exceed an annual total of 5,000. If necessary to meeting the 5,000 allowance restriction imposed in the last clause of the preceding sentence the Administrator shall reduce, pro rata, the additional allowances allocated to each unit pursuant to this paragraph.

''(j) CERTAIN MUNICIPALLY OWNED POWER PLANTS.—Beginning January 1, 2000, in addition to allowances allocated pursuant to this section and section 412(a) as basic Phase II allowance allocations, the Administrator shall allocate annually for each existing municipally owned oil and gas-fired utility unit with nameplate capacity equal to, or less than, 40 MWe, the lesser of whose actual or allowable 1985 sulfur dioxide emission rate is less than 1.20 lbs/mmBtu, allowances in an amount equal to the product of the unit's annual fuel consumption on a Btu basis at a 60 percent capacity factor multiplied by the lesser of its allowable 1985 emission rate or its actual 1985 emission rate, divided by 2,000.

''SEC. 415. ALLOWANCES FOR STATES WITH EMISSIONS RATES AT OR BELOW 0.80 LBS/MMBTU.

''(a) ELECTION OF GOVERNOR.—In addition to basic Phase II allowance allocations, upon the election of the Governor of any State, with a 1985 statewide annual sulfur dioxide emissions rate equal to or less than, 0.80 lbs/mmBtu, averaged over all fossil fuel-fired utility steam generating units, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, the Administrator shall allocate, in lieu of other Phase II bonus allowance allocations, allowances from the reserve created pursuant to section 414(a)(2) to all such units in the State in an amount equal to 125,000 multiplied by the unit's pro rata share of electricity generated in calendar year 1985 at fossil fuel-fired utility steam units in all States eligible for the election.

''(b) NOTIFICATION OF ADMINISTRATOR.—Pursuant to section 412(a), each Governor of a State eligible to make an election under paragraph (a) shall notify the Administrator of such election. In the event that the Governor of any such State fails to notify the Administrator of the Governor's elections, the Administrator shall allocate allowances pursuant to section 414.

''(c) ALLOWANCES AFTER JANUARY 1, 2010.—After January 1, 2010, the Administrator shall allocate allowances to units subject to the provisions of this section pursuant to section 414.

''SEC. 416. ELECTION FOR ADDITIONAL SOURCES.

''(a) APPLICABILITY.—The owner or operator of any unit that is not, nor will become, an affected unit under section 412(b), 413, or 414, that emits sulfur dioxide, may elect to designate that unit or source to become an affected unit and to receive allowances under this subpart. An election shall be submitted to the Administrator for approval, along with a permit application and proposed compliance plan in accordance with section 404. The Administrator shall approve a designation that meets the requirements of this section, and such designated unit shall be allocated allowances, and be an affected unit for purposes of this subpart.

''(b) ESTABLISHMENT OF BASELINE.—The baseline for a unit designated under this section shall be established by the Administrator by regulation, based on fuel consumption and operating data for the unit for calendar years 1985, 1986, and 1987, or if such data is not available, the Administrator may prescribe a baseline based on alternative representative data.

''(c) EMISSION LIMITATIONS.—

''(1) For a unit for which an election, along with a permit application and compliance plan, is submitted to the Administrator under paragraph (a) before January 1, 2002, annual emissions limitations for sulfur dioxide shall be equal to the product of the baseline multiplied by the lesser of the unit's 1985 actual or allowable emission rate in lbs/mmBtu, or if the unit did not operate in 1985, by the lesser of the unit's actual or allowable emission rate for a calendar year after 1985 (as determined by the Administrator), divided by 2,000.

''(2) For a unit for which an election, along with a permit application and compliance plan, is submitted to the Administrator under paragraph (a) on or after January 1, 2002, annual emissions limitations for sulfur dioxide shall be equal to the product of the baseline multiplied by the lesser of the unit's 1985 actual or allowable emission rate in lbs/mmBtu, or, if the unit did not operate in 1985, by the lesser of the unit's actual or allowable emission rate for a calendar year

after 1985 (as determined by the Administrator), divided by 4,000.

''(d) ALLOWANCES AND PERMITS.—The Administrator shall issue allowances to an affected unit under this section in an amount equal to the emissions limitation calculated under subsection (c), in accordance with section 412. Such allowance may be used in accordance with, and shall be subject to, the provisions of section 412. Affected sources under this section shall be subject to the requirements of sections 404, 405, 406, and 412.

''(e) LIMITATION.—Any unit designated under this section shall not transfer or bank allowances produced as a result of reduced utilization or shutdown, except that, such allowances may be transferred or carried forward for use in subsequent years to the extent that the reduced utilization or shutdown results from the replacement of thermal energy from the unit designated under this section, with thermal energy generated by any other unit or units subject to the requirements of this subpart, and the designated unit's allowances are transferred or carried forward for use at such other replacement unit or units. In no case may the Administrator allocate to a source designated under this section allowances in an amount greater than the emissions resulting from operation of the source in full compliance with the requirements of this Act. No such allowances shall authorize operation of a unit in violation of any other requirements of this Act.

''(f) IMPLEMENTATION.—The Administrator shall implement this section under 40 CFR part 74 (2002), amended as appropriate by the Administrator.

"SEC. 417. AUCTIONS, RESERVE.

''(a) SPECIAL RESERVE OF ALLOWANCES.—For purposes of establishing the Special Allowance Reserve, the Administrator shall withhold—

''(1) 2.8 percent of the allocation of allowances for each year from 1995 through 1999 inclusive; and

''(2) 2.8 percent of the basic Phase II allowance allocation of allowances for each year beginning in the year 2000

which would (but for this subsection) be issued for each affected unit at an affected source. The Administrator shall record such withholding for purposes of transferring the proceeds of the allowance sales under this subsection. The allowances so withheld shall be deposited in the Reserve under this section.

''(b) AUCTION SALES.—

''(1) SUBACCOUNT FOR AUCTIONS.—The Administrator shall establish an Auction Subaccount in the Special Reserve established under this section. The Auction Subaccount shall contain allowances to be sold at auction under this section in the amount of 150,000 tons per year for each year from 1995 through 1999, inclusive and 250,000 tons per year for each year from 2000 through 2009, inclusive.

''(2) ANNUAL AUCTIONS.—Commencing in 1993 and in each year thereafter until 2010, the Administrator shall conduct auctions at which the allowances referred to in paragraph (1) shall be offered for sale in accordance with regulations promulgated by the Administrator. The allowances referred to in paragraph (1) shall be offered for sale at auction in the amounts specified in table C. The auction shall be open to any person. A person wishing to bid for such allowances shall submit (by a date set by the Administrator) to the Administrator (on a sealed bid schedule provided by the Administrator) offers to purchase specified numbers of allowance sat specified prices. Such regulations shall specify that the auctioned allowances shall be allocated and sold on the basis of bid price, starting with the highest-priced bid and continuing until all allowances for sale at such auction have been allocated. The regulations shall not permit that a minimum price be set for the purchase of withheld allowances. Allowances purchased at the auction may be used for any purpose and at any time after the auction, subject to the provisions of this subpart and subpart 2.

''TABLE C.—NUMBER OF ALLOWANCES AVAILABLE FOR AUCTION

Year of sale	Spot auction (same year)	Advance auction
1993	50,000*	100,000
1994	50,000*	100,000
1995	50,000*	100,000
1996	150,000	100,000
1997	150,000	100,000
1998	150,000	100,000
1999	150,000	100,000
2000	125,000	125,000
2001	125,000	125,000
2002	125,000	125,000
2003	125,000	0
2004–2009	125,000	0

Allowances sold in the spot sale in any year are allowances which may be used only in that year (unless banked for use in a later year), except as otherwise noted. Allowances sold in the advance auction in any year are allowances which may only be used in the 7th year after the year in which they are first offered for sale (unless banked for use in a later year).

*Available for use only in 1995 (unless banked for use in a later year).

''(3) PROCEEDS.—

''(A) TRANSFER.—Notwithstanding section 3302 of title 31 of the United States Code or any other provision of law, within 90 days of receipt, the Administrator shall transfer the proceeds from the auction under this section, on a pro rata basis, to the owners or operators of the affected units at an affected source from whom allowances were withheld under subsection (b). No funds transferred from a purchaser to a seller of allowances under this paragraph shall be held by any officer or employee of the United States or treated for any purpose as revenue to the United States or the Administrator.

''(B) RETURN.—At the end of each year, any allowances offered for sale but not sold at the auction shall be returned without charge, on a pro rata basis, to the owner or operator of the affected units from whose allocation the allowances were withheld. With 170 days after the date of enactment of the Clear Skies Act of 2003, any allowance withheld under paragraph (a)(2) but not offered for sale at an auction shall be returned without charge, on a pro rata basis, to the owner or operator of the affected units from whose allocation the allowances were withheld.

''(4) RECORDING BY EPA.—The Administrator shall record and publicly report the nature, prices and results of each auction under this subsection, including the prices of successful bids, and shall record the transfers of allowances as a result of each auction in accordance with the requirements of this section. The transfer of allowances at such auction shall be recorded in accordance with the regulations promulgated by the Administrator under this subpart.

''(c) CHANGES IN AUCTIONS AND WITHHOLDING.—Pursuant to rulemaking after public notice and comment the Administrator may at any time after the year 1998 (in the case of advance auctions) and 2005 (in the case of spot auctions) decrease the number of allowances withheld and sold under this section.

''(d) TERMINATION OF AUCTIONS.—Not later than the commencement date of the sulfur dioxide allowance requirement under section 422, the Administrator shall terminate the withholding of allowances and the auction sales under this section. Pursuant to regulations under this section, the Administrator may be delegation or contract provide for the conduct of sales or auctions under the Administrator's supervision by other departments or agencies of the United States Government or by nongovernmental agencies, groups, or organizations.

''(e) The Administrator shall implement this section under 40 CFR part 73 (2002), amended as appropriate by the Administrator.

"SEC. 418. INDUSTRIAL SO_2 EMISSIONS.

''(a) REPORT.—Not later than January 1, 1995 and every 5 years thereafter, the Administrator shall transmit to the Congress a report containing an inventory of national annual sulfur dioxide emissions from industrial sources (as defined in section 411(11)), including units subject to section 414(g)(2), for all years for which data are available, as well as the likely trend in such emission over the following twenty-year period. The reports shall also contain estimates of the actual emission reduction in each year resulting from promulgation of the diesel fuel desulfurization regulations under section 214.

''(b) 5.60 MILLION TON CAP.—Whenever the inventory required by this section indicates that sulfur dioxide emissions from industrial sources, including units subject to section 414(g)(2), and may reasonably be expected to reach levels greater than 5.60 million tons per year, the Administrator shall take such actions under the Act as may be appropriate to ensure that such emissions do not exceed 5.60 million tons per year. Such actions may include the promulgation of new and revised standards of performance for new sources, including units subject to section 414(g)(2), under section 111(b), as well as promulgation of standards of performance for existing sources, including units subject to section 414(g)(2), under authority of this section. For an existing source regulated under this section, 'standard of performance' means a standard which the Administrator determines is applicable to that source and which reflects the degree of emission reduction achievable through the application of the best system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated for that category of sources.

''(c) ELECTION.—Regulations promulgated under section 414(b) shall not prohibit a source from electing to become an affected unit under section 417.

"SEC. 419. TERMINATION.

''Starting January 1, 2010, the owners or operators of affected units and affected facilities under sections 412(b) and (c) and 416 and shall no longer be subject to the requirements of sections 412 through 417.

"Subpart 2—Clear Skies Sulfur Dioxide Allowance Program

"SEC. 421. DEFINITIONS.

''For purposes of this subpart—

''(1) The term 'affected EGU' means—

''(A) for a unit serving a generator before the date of enactment of the Clear Skies Act of 2003, a unit in a State serving a generator with a nameplate capacity of greater than 25 megawatts that produced or produces electricity for sale during 2002 or any year thereafter, except for a cogeneration unit that produced or produces electricity for sale equal to or less than one-third of the potential electrical output of the generator that it served or serves during 2002 and each year thereafter; and

''(B) for a unit commencing service of a generator on or after the date of enactment of the Clear Skies Act of 2003, a unit in a State serving a generator that produces electricity for sale during any year starting with the year the unit commences service of a generator, except for a gas-fired unit serving one or more generators with total nameplate

capacity of 25 megawatts or less, or a cogeneration unit that produces electricity for sale equal to or less than one-third of the potential electrical output of the generator that it serves, during each year starting with the year the unit commences services of a generator.

Notwithstanding paragraphs (A) and (B), the term 'affected EGU' does not include a solid waste incineration unit subject to section 129 or a unit for the treatment, storage, or disposal of hazardous waste subject to section 3005 of the Solid Waste Disposal Act.

''(2) The term 'coal-fired' with regard to a unit means, for purposes of section 424, combusting coal or any coal-derived fuel alone or in combination with any amount of any other fuel in any year during 1998 through 2002 or, for a unit that commenced operation during 2001–2004, a unit designed to combust coal or any coal-derived fuel alone or in combination with any other fuel.

''(3) The term 'Eastern bituminous' means bituminous that is from a mine located in a State east of the Mississippi River.

''(4) The term 'general account' means an account in the Allowance Tracking System under section 403(c) established by the Administrator for any person under 40 CFR §73.31(c) (2002), amended as appropriate by the Administrator.

''(5) The term 'oil-fired' with regard to a unit means, for purposes of section 424, combusting fuel oil for more than 10 percent of the unit's total heat input, and combusting no coal or coal-derived fuel, in any year during 1998 through 2002 or, for a unit that commenced operation during 2001–2004, a unit designed to combust oil for more than 10 percent of the unit's total heat input and not to combust any coal or coal-derived fuel coal.

''(6) The term 'unit account' means an account in the Allowance Tracking System under section 403(c) established by the Administrator for any unit under 40 CFR §73.31(a) and (b) (2002), amended as appropriate by the Administrator.

"SEC. 422. APPLICABILITY.

''(a) PROHIBITION.—Starting January 1, 2010, it shall be unlawful for the affected EGUs at a facility to emit a total amount of sulfur dioxide during the year in excess of the number of sulfur dioxide allowances held for such facility for that year by the owner or operator of the facility.

''(b) ALLOWANCES HELD.—Only sulfur dioxide allowances under section 423 shall be held in order to meet the requirements of subsection (a), except as provided under section 425.

"SEC. 423. LIMITATIONS ON TOTAL EMISSIONS.

''For affected EGUs for 2010 and each year thereafter, the Administrator shall allocate sulfur dioxide allowances under section 424, and shall conduct auctions of sulfur dioxide allowances under section 409, in the amounts in Table A.

''TABLE A.—TOTAL SO_2 ALLOWANCES ALLOCATED OR AUCTIONED FOR EGUS

Year	SO_2 allowances allocated	SO_2 allowances auctioned
2010	4,371,666	45,000
2011	4,326,667	90,000
2012	4,281,667	135,000
2013	4,320,000	180,000
2014	4,275,000	225,000
2015	4,230,000	270,000
2016	4,185,000	315,000
2017	4,140,000	360,000
2018	2,730,000	270,000
2019	2,700,000	300,000
2020	2,670,000	330,000
2021	2,640,000	360,000
2022	2,610,000	390,000
2023	2,580,000	420,000
2024	2,550,000	450,000
2025	2,520,000	480,000
2026	2,490,000	510,000

''TABLE A.—TOTAL SO_2 ALLOWANCES ALLOCATED OR AUCTIONED FOR EGUS—Continued

Year	SO_2 allowances allocated	SO_2 allowances auctioned
2027	2,460,000	540,000
2028	2,430,000	570,000
2029	2,400,000	600,000
2030	2,325,000	675,000
2031	2,250,000	750,000
2032	2,175,000	825,000
2033	2,100,000	900,000
2034	2,025,000	975,000
2035	1,950,000	1,050,000
2036	1,875,000	1,125,000
2037	1,800,000	1,200,000
2038	1,725,000	1,275,000
2039	1,650,000	1,350,000
2040	1,575,000	1,425,000
2041	1,500,000	1,500,000
2042	1,425,000	1,575,000
2043	1,350,000	1,650,000
2044	1,275,000	1,725,000
2045	1,200,000	1,800,000
2046	1,125,000	1,875,000
2047	1,050,000	1,950,000
2048	975,000	2,025,000
2049	900,000	2,100,000
2050	825,000	2,175,000
2051	750,000	2,250,000
2052	675,000	2,325,000
2053	600,000	2,400,000
2054	525,000	2,475,000
2055	450,000	2,550,000
2056	375,000	2,625,000
2057	300,000	2,700,000
2058	225,000	2,775,000
2059	150,000	2,850,000
2060	75,000	2,925,000
2061	0	3,000,000

"SEC. 424. EGU ALLOCATIONS.

''(a) IN GENERAL.—Not later than 24 months before the commencement date of the sulfur dioxide allowance requirement of section 422, the Administrator shall promulgate regulations determining allocations of sulfur dioxide allowances for affected EGUs for each year during 2010 through 2060. The regulations shall provide that:

''(1)(A) 95 percent of the total amount of sulfur dioxide allowances allocated each year under section 423 shall be allocated based on the sulfur dioxide allowances that were allocated under subpart 1 for 2010 or thereafter and are held in unit accounts and general accounts in the Allowance Tracking System under section 403(c).

''(B) The Administrator shall allocate sulfur dioxide allowances to each facility's account and each general account in the Allowance Tracking System under section 403(c) as follows:

''(i) For each unit account and each general account in the Allowance Tracking System, the Administrator shall determine the total amount of sulfur dioxide allowances allocated under subpart 1 for 2010 and thereafter that are recorded, as of 12:00 noon, Eastern Standard time, on the date 180 days after enactment of the Clear Skies Act of 2003. The Administrator shall determine this amount in accordance with 40 CFR part 73 (2002), amended as appropriate by the Administrator, except that the Administrator shall apply a discount rate of 7 percent for each year after 2010 to the amounts of sulfur dioxide allowances allocated for 2011 or later.

''(ii) For each unit account and each general account in the Allowance Tracking System, the Administrator shall determine an amount of sulfur dioxide allowances equal to the allocation amount under subparagraph (A) multiplied by the ratio of the amount of sulfur dioxide allowances determined to be recorded in that account under clause (i) to the total amount of sulfur dioxide allowances determined to be recorded in all unit accounts and general accounts in the Allowance Tracking System under clause (i).

''(iii) The Administrator shall allocate to each facility's account in the Allowance Tracking System an amount of sulfur dioxide allowances equal to the total amount of sulfur dioxide allowances determined under clause (ii) for the unit accounts of the units at the facility and shall allocate to each general account in the Allowance Tracking System the amount of sulfur dioxide allowances determined under clause (ii) for that general account.

''(2)(A) 3½ percent of the total amount of sulfur dioxide allowances allocated each year under section 423 shall be allocated for units at a facility that are affected EGUs as of December 31, 2004, that commenced operation before January 1, 2001, and that are not allocated any sulfur dioxide allowances under subpart 1.

''(B) The Administrator shall allocate each year for the units under subparagraph (A) an amount of sulfur dioxide allowances determined by:

''(i) For such units at the facility that are coal-fired, multiplying 0.40 lb/mmBtu by the total baseline heat input of such units and converting to tons.

''(ii) For such units at the facility that are oil-fired, multiplying 0.20 lb/mmBtu by the total baseline heat input of such units and converting to tons.

''(iii) For all such other units at the facility that are not covered by clause (i) or (ii), multiplying 0.05 lb/mmBtu by the total baseline heat input of such units and converting to tons.

''(iv) If the total of the amounts for all facilities under clauses (i), (ii), and (iii) exceeds the allocation amount under subparagraph (A), multiplying the allocation amount under subparagraph (A) by the ratio of the total of the amounts for the facility under clauses (i), (ii), and (iii) to the total of the amounts for all facilities under clause (i), (ii), and (iii).

''(v) Allocating to each facility the lesser of the total of the amounts for the facility under clauses (i), (ii), and (iii) or, if the total of the amounts for all facilities under clauses (i), (ii), and (iii) exceeds the allocation amount under subparagraph (A), the amount under clause (iv). The Administrator shall add to the amount of sulfur dioxide allowances allocated under paragraph (3) any unallocated allowances under this paragraph.

''(3)(A) 1½ percent of the total amount of sulfur dioxide allowances allocated each year under section 423 shall be allocated for units that are affected EGUs as of December 31, 2004, that commence operation on or after January 1, 2001 and before January 1, 2005, and that are not allocated any sulfur dioxide allowances under subpart 1.

''(B) The Administrator shall allocate each year for the units under subparagraph (A) an amount of sulfur dioxide allowances determined by:

''(i) For such units at the facility that are coal-fired or oil-fired, multiplying 0.19 lb/mmBtu by the total baseline heat input of such units and converting to tons.

''(ii) For all such other units at the facility that are not covered by clause (i), multiplying 0.02 lb/mmBtu by the total baseline heat input of such units and converting to tons.

''(iii) If the total of the amounts for all facilities under clauses (i) and (ii) exceeds the allocation amount under subparagraph (A), multiplying the allocation amount under subparagraph (A) by the ratio of the total of the amounts for the facility under clauses (i) and (ii) to the total of the amounts for all facilities under clauses (i) and (ii).

''(iv) Allocating to each facility the lesser of the total of the amounts for the facility under clauses (i) and (ii) or, if the total of the amounts for all facilities under clauses (i) and (ii) exceeds the allocation amount under subparagraph (A), the amount under clause (iv). The Administrator shall allocate to the facilities under paragraphs (1) and (2)

on a pro rata basis (based on the allocations under those paragraphs) any unallocated allowances under this paragraph.

''(b) FAILURE TO PROMULGATE.—(1) If, by the date 18 months before January 1 of each year 2010 through 2060, the Administrator has signed proposed regulations, but has not promulgated final regulations, determining allocations under subsection (a), the Administrator shall allocate, for such year, for each facility where an affected EGU is located, and for each general account, the amount of sulfur dioxide allowances specified for that facility and the general account in such proposed regulations.

''(2) If, by the date 18 months before January 1 of each year 2010 through 2060, the Administrator has not signed proposed regulations determining allocations under subsection (a), the Administrator shall:

''(A) determine, for such year, for each unit with coal as its primary or secondary fuel or residual oil as its primary fuel listed in the Administrator's Emissions Scorecard 2001, Appendix B, Table B1 an amount of sulfur dioxide allowances by multiplying 95 percent of the allocation amount under section 423 by the ratio of such unit's heat input in the Emissions Scorecard 2001, Appendix B, Table B1 to the total of the heat input in the Emissions Scorecard 2001, Appendix B, Table B1 for all units with coal as their primary or secondary fuel or residual oil as their primary fuel;

''(B) allocate, for such year, for each facility where a unit under subparagraph (A) is located the total of the amounts of sulfur dioxide allowances for the units at such facility determined under subparagraph (A); and

''(C) auction an amount of sulfur dioxide allowances equal to 5 percent of the allocation amount under section 423 and conduct the auction on the first business day in October following the respective promulgation deadline under paragraph (1) and in accordance with section 409.

''SEC. 425. DISPOSITION OF SULFUR DIOXIDE ALLOWANCES ALLOCATED UNDER SUBPART 1.

''(a) REMOVAL FROM ACCOUNTS.—After allocating allowances under section 424(a)(1), the Administrator shall remove from the unit accounts and general accounts in the Allowance Tracking System under section 403(c) and from the Special Allowances Reserve under section 418 all sulfur dioxide allowances allocated or deposited under subpart 1 for 2010 or later.

''(b) REGULATIONS.—The Administrator shall promulgate regulations as necessary to assure that the requirement to hold allowances under section 422 may be met using sulfur dioxide allowances allocated under subpart 1 for 1995 through 2009.

''SEC. 426. INCENTIVES FOR SULFUR DIOXIDE EMISSION CONTROL TECHNOLOGY.

''(a) RESERVE.—The Administrator shall establish a reserve of 250,000 sulfur dioxide allowances comprising 83,334 sulfur dioxide allowances for 2010, 83,333 sulfur dioxide allowances for 2011, and 83,333 sulfur dioxide allowances for 2012.

''(b) APPLICATION.—Not later than 18 months after the enactment of the Clear Skies Act of 2003, an owner or operator of an affected EGU that commenced operation before 2001 and that during 2001 combusted Eastern bituminous may submit an application to the Administrator for sulfur dioxide allowances from the reserve under subsection (a). The application shall include each of the following:

''(1) A statement that the owner or operator will install and commence operation of specified sulfur dioxide control technology at the unit within 24 months after approval of the application under subsection (c) if the unit is allocated the sulfur dioxide allowances requested under paragraph (4). The owner or operator shall provide description of the control technology.

''(2) A statement that, during the period starting with the commencement of operation of sulfur dioxide technology under paragraph (1) through 2009, the unit will combust Eastern bituminous at a percentage of the unit's total heat input equal to or exceeding the percentage of total heat input combusted by the unit in 2001 if the unit is allocated the sulfur dioxide allowances requested under paragraph (4).

''(3) A demonstration that the unit will achieve, while combusting fuel in accordance with paragraph (2) and operating the sulfur dioxide control technology specified in paragraph (1), a specified tonnage of sulfur dioxide emission reductions during the period starting with the commencement of operation of sulfur dioxide control technology under subparagraph (1) through 2009. The tonnage of emission reductions shall be the difference between emissions monitored at a location at the unit upstream of the control technology described in paragraph (1) and emissions monitored at a location at the unit downstream of such control technology, while the unit is combusting fuel in accordance with paragraph (2).

''(4) A request that EPA allocate for the unit a specified number of sulfur dioxide allowances from the reserve under subsection (a) for the period starting with the commencement of operation of the sulfur dioxide technology under paragraph (1) through 2009.

''(5) A statement of the ratio of the number of sulfur dioxide allowances requested under paragraph (4) to the tonnage of sulfur dioxide emissions reductions under paragraph (3).

''(c) APPROVAL OR DISAPPROVAL.—By order subject to notice and opportunity for comment, the Administrator shall—

''(1) determine whether each application meets the requirements of subsection (b);

''(2) list the applications meeting the requirements of subsection (b) and their respective allowance-to-emission-reduction ratios under paragraph (b)(5) in order, from lowest to highest, of such ratios;

''(3) for each application listed under paragraph (2), multiply the amount of sulfur dioxide emission reductions requested by each allowance-to-emission-reduction ratio on the list that equals or is less than the ratio for the application;

''(4) sum, for each allowance-to-emission-reduction ratio in the list under paragraph (2), the amounts of sulfur dioxide allowances determined under paragraph (3);

''(5) based on the calculations in paragraph (4), determine which allowance-to-emission-reduction ratio on the list under paragraph (2) results in the highest total amount of allowances that does not exceed 250,000 allowances; and

''(6) approve each application listed under paragraph (2) with a ratio equal to or less than the allowance-to-emission-reduction ratio determined under paragraph (5) and disapprove all the other applications.

''(d) MONITORING.—An owner or operator whose application is approved under subsection (c) shall install, and quality assure data from, a CEMS for sulfur dioxide located upstream of the sulfur dioxide control technology under paragraph (b)(1) at the unit and a CEMS for sulfur dioxide located downstream of such control technology at the unit during the period starting with the commencement of operation of such control technology through 2009. The installation of the CEMS and the quality assurance of data shall be in accordance with subparagraph (a)(2)(B) and subsections (c) through (e) of section 405, except that, where two or more units utilize a single stock, separate monitoring shall be required for each unit.

''(e) ALLOCATIONS.—Not later than 6 months after the commencement date of the sulfur dioxide allowance requirement of section 422, for the units for which applications are approved under subsection (c), the Administrator shall allocate sulfur dioxide allowances as follows:

''(1) For each unit, the Administrator shall multiply the allowance-to-emission-reduction ratio of the last application that EPA approved under subsection (c) by the lesser of—

''(A) the total tonnage of sulfur dioxide emissions reductions achieved by the unit, during the period starting with the commencement of operation of the sulfur dioxide control technology under subparagraph (b)(1) through 2009, through use of such control technology; or

''(B) the tonnage of sulfur dioxide emission reductions under paragraph (b)(3).

''(2) If the total amount of sulfur dioxide allowances determined for all units under paragraph (1) exceeds 250,000 sulfur dioxide allowances, the Administrator shall multiply 250,000 sulfur dioxide allowances by the ratio of the amount of sulfur dioxide allowances determined for each unit under paragraph (1) to the total amount of sulfur dioxide allowances determined for all units under paragraph (1).

''(3) The Administrator shall allocate to each unit the lesser of the amount determined for that unit under paragraph (1) or, if the total amount of sulfur dioxide allowances determined for all units under paragraph (1) exceeds 250,000 sulfur dioxide allowances, under paragraph (2). The Administrator shall auction any unallocated allowances from the reserve under this section and conduct the auction by the first business day in October 2010 and in accordance with section 409.

''Subpart 3—Western Regional Air Partnership

''SEC. 431. DEFINITIONS.

''For purposes of this subpart—

''(1) The term 'adjusted baseline heat input' means the average annual heat input used by a unit during the 3 years in which the unit had the highest heat input for the period from the 8th through the 4th year before the first covered year.

''(A) Notwithstanding paragraph (1), if a unit commences operation during such period and—

''(i) on or after January 1 of the fifth year before the first covered year, then 'adjusted baseline heat input' shall mean the average annual heat input used by the unit during the fifth and 4th years before the first covered year; and

''(ii) on or after January 1 of the 4th year before the first covered year, then 'adjusted baseline heat input' shall mean the annual heat input used by the unit during the 4th year before the first covered year.

''(B) A unit's heat input for a year shall be the heat input—

''(i) required to be reported under section 405 for the unit, if the unit was required to report heat input during the year under that section;

''(ii) reported to the Energy Information Administrator for the unit, if the unit was not required to report heat input under section 405;

''(iii) based on data for the unit reported to the WRAP State where the unit is located as required by State law, if the unit was not required to report heat input during the year under section 405 and did not report to the Energy Information Administration; or

''(iv) based on fuel use and fuel heat content data for the unit from fuel purchase or use records, if the unit was not required to

report heat input during the year under section 405 and did not report to the Energy Information Administration and the WRAP State.

''(2) The term 'affected EGU' means an affected EGU under subpart 2 that is in a WRAP State and that—

''(A) in 2000, emitted 100 tons or more of sulfur dioxide and was used to produce electricity for sale; or

''(B) in any year after 2000, emits 100 tons or more of sulfur dioxide and is used to produce electricity for sale.

''(3) The term 'coal-fired' with regard to a unit means, for purposes of section 434, a unit combusting coal or any coal-derived fuel alone or in combination with any amount of any other fuel in any year during the period from the 8th through the 4th year before the first covered year.

''(4) The term 'covered year' means—

''(A)(i) the third year after the year 2018 or later when the total annual sulfur dioxide emissions of all affected EGUs in the WRAP States first exceed 271,000 tons; or

''(ii) the third year after the year 2013 or later when the Administrator determines by regulation that the total annual sulfur dioxide emissions of all affected EGUs in the WRAP States are reasonably projected to exceed 271,000 tons in 2018 or any year thereafter. The Administrator may make such determination only if all the WRAP States submit to the Administrator a petition requesting that the Administrator issue such determination and make all affected EGUs in the WRAP States subject to the requirements of sections 432 through 434; and

''(B) each year after the 'covered year' under subparagraph (A).

''(5) The term 'oil-fired' with regard to a unit means, for purposes of section 434, a unit combusting fuel oil for more than 10 percent of the unit's total heat input, and combusting no coal or coal-derived fuel, an any year during the period from the eight through the 4th year before the first covered year.

''(6) The term 'WRAP State' means Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Wyoming.

''SEC. 432. APPLICABILITY.

''(a) PROHIBITION.—Starting January 1 of the first covered year, it shall be unlawful for the affected EGUs at a facility to emit a total amount of sulfur dioxide during the year in excess of the number of sulfur dioxide allowances held for such facility for that year by the owner or operator of the facility.

''(b) ALLOWANCES HELD.—Only sulfur dioxide allowances under section 433 shall be held in order to meet the requirements of subsection (a).

''SEC. 433. LIMITATIONS ON TOTAL EMISSIONS.

''For affected EGUs, the total amount of sulfur dioxide allowances that the Administrator shall allocate for each covered year under section 434 shall equal 271,000 tons.

''SEC. 434. EGU ALLOCATIONS.

''(a) IN GENERAL.—By January 1 of the year before the first covered year, the Administrator shall promulgate regulations determining, for each covered year, the allocations of sulfur dioxide allowances for the units at a facility that are affected EGUs as of December 31 of the 4th year before the covered year by—

''(1) for such units at the facility that are coal-fired, multiplying 0.40 lb/mmBtu by the total adjusted baseline heat input of such units and converting to tons;

''(2) for such units at the facility that are oil-fired, multiplying 0.20 lb/mmBtu by the total adjusted baseline heat input of such units and converting to tons;

''(3) for all such other units at the facility that are not covered by paragraph (1) or (2) multiplying 0.05 lb/mmBtu by the total adjusted baseline heat input of such units and converting to tons; and

''(4) multiplying the allocation amount under section 433 by the ratio of the total of the amounts for the facility under paragraphs (1), (2), and (3) to the total of the amounts for all facilities under paragraphs (1), (2), and (3).

''(b) FAILURE TO PROMULGATE.—(1) For each covered year, if, by the date 18 months before January 1 of such year, the Administrator has signed proposed regulations but has not promulgated final regulations determining allocations under paragraph (a), then the Administrator shall allocate, for such year, for each facility where an affected EGU is located the amount of sulfur dioxide allowances specified for that facility in such proposed regulations.

''(2) For each covered year, if, by the date 18 months before January 1 of such year, the Administrator has not signed proposed regulations determining allocations under subsection (a), the Administrator shall:

''(A) determine, for such year, for each affected EGU with coal as its primary or secondary fuel or residual oil as its primary fuel listed in the Administrator's Emissions Scorecard 2001, Appendix B, Table B1 an amount of sulfur dioxide allowances by multiplying 95 percent of the allocation amount under section 433 by the ratio of such unit's heat input in the Emissions Scorecard 2001, Appendix B, Table B1 to the total of the heat input in the Emissions Scorecard 2001, Appendix B, Table B1 for all affected EGUs with coal as their primary or secondary fuel or residual oil as their primary fuel;

''(B) allocate, for such year, for each facility where a unit under subparagraph (A) is located the total the amounts of sulfur dioxide allowances for the units at such facility determined under subparagraph (A); and

''(C) auction an amount of sulfur dioxide allowances equal to 5 percent of the allocation amount under section 433 and conduct the auction on the first business day in October following the respective promulgation deadline under paragraph (1) and in accordance with section 409.

''PART C—NITROGEN OXIDES CLEAR SKIES EMISSION REDUCTIONS

''Subpart 1—Acid Rain Program

''SEC. 441. NITROGEN OXIDES EMISSION REDUCTION PROGRAM.

''(a) APPLICABILITY.—On the date that a coal-fired utility unit becomes an affected unit pursuant to sections 413 or 414, or on the date a unit subject to the provisions of section 413(d), must meet the SO_2 reduction requirements, each such unit shall become an affected unit for purposes of this section and shall be subject to the emission limitations for nitrogen oxides set forth herein.

''(b) EMISSION LIMITATIONS.—(1) The Administrator shall by regulation establish annual allowable emission limitations for nitrogen oxides for the types of utility boilers listed below, which limitations shall not exceed the rates listed below: Provided, That the Administrator may set a rate higher than that listed for any type of utility boiler if the Administrator finds that the maximum listed rate for that boiler type cannot be achieved using low NO_X burner technology. The Administrator shall implement this paragraph under 40 CFR §76.5 (2002). The maximum allowable emission rates are as follows:

''(A) for tangentially fired boilers, 0.45 lb/mmBtu; and

''(B) for dry bottom wall-fired boilers (other than units applying cell burner technology), 0.50 lb/mmBtu. After January 1, 1995, it shall be unlawful for any unit that is an affected unit on that date and is of the type listed in this paragraph to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph.

''(2) The Administrator shall, by regulation, establish allowable emission limitations on a lb/mmBtu, annual average basis, for nitrogen oxides for the following types of utility boilers:

''(A) wet bottom wall-fired boilers;

''(B) cyclones;

''(C) units applying cell burner technology; and

''(D) all other types of utility boilers.

The Administrator shall base such rates on the degree of reduction achievable through the retrofit application of the best system of continuous emission reduction, taking into account available technology, costs and energy and environmental impacts; and which is comparable to the costs of nitrogen oxides controls set pursuant to subsection (b)(1). The Administrator may revise the applicable emission limitations for tangentially fired and dry bottom, wall-fired boilers (other than cell burners) to be more stringent if the Administrator determines that more effective low NO_x burned technology is available: Provided, That, no unit that is an affected unit pursuant to section 413 and that is subject to the requirements of subsection (b)(1), shall be subject to the revised emission limitations, if any. The Administrator shall implement that paragraph under 40 CFR §§76.6 and 76.7 (2002).

''(c) ALTERNATIVE EMISSION LIMITATIONS.—(1) The permitting authority shall, upon request of an owner or operator of a unit subject to this section, authorize an emission limitation less stringent than the applicable limitation established under subsection (b)(1) or (b)(2) upon a determination that—

''(A) a unit subject to subsection (b)(1) cannot meet the applicable limitation using low NO_X burner technology; or

''(B) a unit subject to subsection (b)(2) cannot meet the applicable rate using the technology on which the Administrator based the applicable emission limitation.

''(2) The permitting authority shall base such determination upon a showing satisfactory to the permitting authority, in accordance with regulations established by the Administrator, that the owner or operator—

''(A) has properly installed appropriate control equipment designed to meet the applicable emission rate;

''(B) has properly operated such equipment for a period of 15 months (or such other period of time as the Administrator determines through the regulations), and provides operating and monitoring data for such period demonstrating that the unit cannot meet the applicable emission rate; and

''(C) has specified an emission rate that such unit can meet on an annual average basis. The permitting authority shall issue an operating permit for the unit in question, in accordance with section 404 and title V—

''(i) that permits the unit during the demonstration period referred to in subparagraph (B), to emit at a rate in excess of the applicable emission rate;

''(ii) at the conclusion of the demonstration period to revise the operating permit to reflect the alternative emission rate demonstrated in subparagraphs (B) and (C).

''(3) Units subject to subsection (b)(1) for which an alternative emission limitation is established shall not be required to install any additional control technology beyond low NO_X burners. Nothing in this section shall preclude an owner or operator from installing and operating an alternative NO_X control technology capable of achieving the applicable emission limitation. The Administrator shall implement this subsection under 40 CFR part 76 (2002), amended as appropriate by the Administrator.

''(d) EMISSIONS AVERAGING.—(1) In lieu of complying with the applicable emission limitations under subsection (b)(1), (2), or (c), the owner or operator of two or more units subject to one or more of the applicable emission limitations set pursuant to these sections, may petition the permitting authority for alternative contemporaneous annual emission limitations for such units that ensure that—

''(A) the actual annual emission rate in pounds of nitrogen oxides per million Btu averaged over the units in question is a rate that is less than or equal to

''(B) the Btu-weighted average annual emission rate for the same units if they had been operated, during the same period of time, in compliance with limitations set in accordance with the applicable emission rates set pursuant to subsections (b)(1) and (2).

''(2) If the permitting authority determines, in accordance with regulations issued by the Administrator that the conditions in paragraph (1) can be met, the permitting authority shall issue operating permits for such units, in accordance with section 404 and title V, that allow alternative contemporaneous annual emission limitations. Such emission limitations shall only remain in effect while both units continue operation under the conditions specified in their respective operating permits. The Administrator shall implement this subsection under 40 CFR part 76 (2002), amended as appropriate by the Administrator.

''SEC. 442. TERMINATION.

''Starting January 1, 2008, owner or operator of affected units and affected facilities under section 441 shall no longer be subject to the requirements of that section.

''Subpart 2—Clear Skies Nitrogen Oxides Allowance Program

''SEC. 451. DEFINITIONS.

''For purposes of this subpart:

''(1) The term 'affected EGU' means—

''(A) for a unit serving a generator before the date of enactment of the Clear Skies Act of 2003, a unit in a State serving a generator with a nameplate capacity of greater than 25 megawatts that produced or produces electricity for sale during 2002 or any year thereafter, except for a cogeneration unit that produced or produces electricity for sale equal to or less than one-third of the potential electrical output of the generator that it served or serves during 2002 and each year thereafter; and

''(B) for a unit commencing service of a generator on or after the date of enactment of the Clear Skies Act of 2003, a unit in a State serving a generator that produces electricity for sale during any year starting with the year the unit commences service of a generator, except for a gas-fired unit serving one or more generators with total nameplate capacity of 25 megawatts or less, or a cogeneration unit that produces electricity for sale equal to or less than one-third of the potential electrical output of the generator that it serves, during each year starting with the unit commences service of a generator.

''(C) Notwithstanding paragraphs (A) and (B), the term 'affected EGU' does not include a solid waste incineration unit subject to section 129 or a unit for the treatment, storage, or disposal of hazardous waste subject to section 3005 of the Solid Waste Disposal Act.

''(2) The term 'Zone 1 State' means Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas east of Interstate 35, Vermont, Virginia, West Virginia, and Wisconsin.

''(3) The term 'Zone 2 State' means Alaska, American Samoa, Arizona, California, Colorado, the Commonwealth of Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, Hawaii, Idaho, Kansas, Montana, Nebraska, North Dakota, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Texas west of Interstate 35, Utah, the Virgin Islands, Washington, and Wyoming.

''SEC. 452. APPLICABILITY.

''(a) ZONE 1 PROHIBITION.—(1) Starting January 1, 2008, it shall be unlawful for the affected EGUs at a facility in a Zone 1 State to emit a total amount of nitrogen oxides during a year in excess of the number of nitrogen oxides allowances held for such facility for that year by the owner or operator of the facility.

''(2) Only nitrogen oxides allowances under section 453(a) shall be held in order to meet the requirements of paragraph (1), except as provided under section 465.

''(b) ZONE 2 PROHIBITION.—(1) Starting January 1, 2008, it shall be unlawful for the affected EGUs at a facility in a Zone 2 State to emit a total amount of nitrogen oxides during a year in excess of the number of nitrogen oxides allowances held for such facility for that year by the owner or operator of the facility.

''(2) Only nitrogen oxides allowances under section 453(b) shall be held in order to meet the requirements of paragraph (1).

''SEC. 453. LIMITATIONS ON TOTAL EMISSIONS.

''(a) ZONE 1 ALLOCATIONS.—For affected EGUs in the Zone 1 States for 2008 and each year thereafter, the Administrator shall allocate nitrogen oxides allowances under section 454(a), and conduct auctions of nitrogen oxides allowances under section 409, in the amounts in Table A.

''TABLE A.—TOTAL NO_X ALLOWANCES ALLOCATED OR AUCTIONED FOR EGUS IN ZONE 1

Year	NO_X allowances allocated	NO_X allowances auctioned
2008	1,546,380	15,620
2009	1,530,760	31,240
2010	1,515,140	46,860
2011	1,499,520	62,480
2012	1,483,900	78,100
2013	1,468,280	93,720
2014	1,452,660	109,340
2015	1,437,040	124,960
2016	1,421,420	140,580
2017	1,405,800	156,200
2018	1,034,180	127,820
2019	1,022,560	139,440
2020	1,010,940	151,060
2021	999,320	162,680
2022	987,700	174,300
2023	976,080	185,920
2024	964,460	197,540
2025	952,840	209,160
2026	941,220	220,780
2027	929,600	232,400
2028	900,550	261,450
2029	871,500	290,500
2030	842,450	319,550
2031	813,400	348,600
2032	784,350	377,650
2033	755,300	406,700
2034	726,250	435,750
2035	697,200	464,800
2036	668,150	493,850
2037	639,100	522,900
2038	610,050	551,950
2039	581,000	581,000
2040	551,950	610,050
2041	522,900	639,100
2042	493,850	668,150
2043	464,800	697,200
2044	435,750	726,250
2045	406,700	755,300
2046	377,650	784,350
2047	348,600	813,400
2048	319,550	842,450
2049	290,500	871,500
2050	261,450	900,550
2051	232,400	929,550
2052	203,350	958,650
2053	174,300	987,700
2054	145,250	1,016,750
2055	116,200	1,045,800

''TABLE A.—TOTAL NO_X ALLOWANCES ALLOCATED OR AUCTIONED FOR EGUS IN ZONE 1—Continued

Year	NO_X allowances allocated	NO_X allowances auctioned
2056	87,150	1,074,850
2057	58,100	1,103,900
2058	29,050	1,132,950
2059	0	1,162,000

''(b) ZONE 2 ALLOCATIONS.—For affected EGUs in the Zone 2 States for 2008 and each year thereafter, the Administrator shall allocate nitrogen oxides allowances under section 454(b), and conduct auctions of nitrogen oxides allowances under section 409, in the amounts in Table B.

''TABLE B.—TOTAL NO_X ALLOWANCES ALLOCATED FOR EGUS IN ZONE 2

Year	NO_X allowance allocated	NO_X allowance auctioned
2008	532,620	5,380
2009	527,240	10,760
2010	521,860	16,140
2011	516,480	21,520
2012	511,100	26,900
2013	505,720	32,280
2014	500,340	37,660
2015	494,960	43,040
2016	489,580	48,420
2017	484,200	53,800
2018	478,820	59,180
2019	473,440	64,560
2020	468,060	69,940
2021	462,680	75,320
2022	457,300	80,700
2023	451,920	86,080
2024	446,540	91,460
2025	441,160	96,840
2026	435,780	102,220
2027	430,400	107,600
2028	416,950	121,050
2029	403,500	134,500
2030	390,050	147,950
2031	376,600	161,400
2032	363,150	174,850
2033	349,700	188,300
2034	336,250	201,750
2035	322,800	215,200
2036	309,350	228,650
2037	295,900	242,100
2038	282,450	255,550
2039	269,000	269,000
2040	255,550	282,450
2041	242,100	295,900
2042	228,650	309,350
2043	215,200	322,800
2044	201,750	336,250
2045	188,300	349,700
2046	174,850	363,150
2047	161,400	376,600
2048	147,950	390,050
2049	134,500	403,500
2050	121,050	416,950
2051	107,600	430,400
2052	94,150	443,850
2053	80,700	457,300
2054	67,250	470,750
2055	53,800	484,200
2056	40,350	497,650
2057	26,900	511,100
2058	13,450	524,550
2059	0	538,000

''SEC. 454. EGU ALLOCATIONS.

''(a) EGU ALLOCATIONS IN THE ZONE 1 STATES.—

''(1) EPA REGULATIONS.—Not later than 18 months before the commencement date of the nitrogen oxides allowance requirement of section 452, the Administrator shall promulgate regulations determining the allocation of nitrogen oxides allowances for each year during 2008 through 2058 for units at a facility in a Zone 1 State that commence operation by and are affected EGUs as of December 31, 2004. The regulations shall determine the allocation for such units for each year by multiplying the allocation amount under section 453(a) by the ratio of the total amount of baseline heat input of such units at the facility to the total amount of baseline heat input of all affected EGUs in the Zone 1 States.

''(2) FAILURE TO REGULATE.—(A) For each year 2008 through 2058, if, by the date 18 months before January 1 of such year, the Administrator—

''(i) has promulgated regulations under section 403(b) providing for the transfer of nitrogen oxides allowances and section 403(c) establishing the Allowance Tracking System for nitrogen oxides allowances; and

''(ii) has signed proposed regulations but has not promulgated final regulations determining allocations under paragraph (1),

the Administrator shall allocate, for such year, for each facility where an affected EGU is located in the Zone 1 States the amount of nitrogen oxides allowances specified for that facility in such proposed regulations.

''(B) For each year 2008 through 2058, if, by the date 18 months before January 1 of such year, the Administrator—

''(i) has promulgated regulations under section 403(b) providing for the transfer of nitrogen oxides allowances and section 403(c) establishing the Allowance Tracking System for nitrogen oxides allowances; and

''(ii) has not signed proposed regulations determining allocations under paragraph (1),

the Administrator shall make allocations, for such year, for each unit in the Zone 1 States listed in the Administrator's Emissions Scorecard 2001, Appendix B, Table B1 as provided in subparagraph (C).

''(C) Allocations of nitrogen oxides allowances for a unit under this subparagraph shall be determined by multiplying 95 percent of the allocation amount under section 453(a) by the ratio of such unit's heat input in the Emissions Scorecard 2001, Appendix B, Table B1 to the total of the heat input in the Emissions Scorecard 2001, Appendix B, Table B1 for all units in the Zone 1 States.

''(D) When the Administrator makes an allocation under subparagraph (C), the Administrator shall—

''(i) allocate for each facility where a unit referred to in subparagraph (C) is located the total of the amounts of nitrogen oxides allowances for the units at such facility, and

''(ii) auction an amount of nitrogen oxides allowances equal to 5 percent of the allocation amount under section 453(a) and conduct the auction on the first business day in October following the respective promulgation deadline referred to in subparagraph (A) and in accordance with section 409.

''(E) For each year 2008 through 2058, if the Administrator has not signed proposed regulations referred to in subparagraph (A) and has not promulgated the regulations under section 403(b) providing for the transfer of nitrogen oxides allowances and section 403(c) establishing the Allowance Tracking System for nitrogen oxides allowances, by the date 18 months before January 1 of such year, then it shall be unlawful for an affected EGU in the Zone 1 States to emit nitrogen oxides during such year in excess of 0.14 lb/mmBtu.

''(b) EGU ALLOCATIONS IN THE ZONE 2 STATES.—

''(1) EPA REGULATIONS.—Not later than 18 months before the commencement date of the nitrogen oxides allowance requirement of section 452, the Administrator shall promulgate regulations determining the allocation of nitrogen oxides allowances for each year during 2008 through 2058 for units at a facility in a Zone 2 State that commence operation by and are affected EGUs as of December 31, 2004. The regulations shall determine the allocation for such units for each year by multiplying the allocation amount under section 453(b) by the ratio of the total amount of baseline heat input of such units at the facility to the total amount of baseline heat input of all affected EGUs in the Zone 2 States.

''(2) FAILURE TO REGULATE.—(A) For each year 2008 through 2058, if, by the date 18 months before January 1 of such year, the Administrator—

''(i) has promulgated regulations under section 403(b) providing for the transfer of nitrogen oxides allowances and section 403(c) establishing the Allowance Tracking System for nitrogen oxides allowances; and

''(ii) has signed proposed regulations but has not promulgated final regulations determining allocations under paragraph (1),

the Administrator shall allocate, for such year, for each facility where an affected EGU is located in the Zone 2 States the amount of nitrogen oxides allowances specified for that facility in such proposed regulations.

''(B) For each year 2008 through 2058, if, by the date 18 months before January 1 of such year, the Administrator—

''(i) has promulgated regulations under section 403(b) providing for the transfer of nitrogen oxides allowances and section 403(c) establishing the Allowance Tracking System for nitrogen oxides allowances; and

''(ii) has not signed proposed regulations determining allocations under paragraph (1),

the Administrator shall make allocations, for such year, for each unit in the Zone 2 States listed in the Administrator's Emissions Scorecard 2001, Appendix B, Table B1 as provided in subparagraph (C).

''(C) Allocations of nitrogen oxides allowances for a unit under this subparagraph shall be determined by multiplying 95 percent of the allocation amount under section 453(b) by the ratio of such unit's heat input in the Emissions Scorecard 2001, Appendix B, Table B1 to the total of the heat input in the Emissions Scorecard 2001, Appendix B, Table B1 for all units in the Zone 2 States.

''(D) When the Administrator make an allocation under subparagraph (C), the Administrator shall—

''(i) allocate for each facility where a unit referred to in subparagraph (C) is located the total of the amounts of nitrogen oxides allowances for the units at such facility, and

''(ii) auction an amount of nitrogen oxides allowances equal to 5 percent of the allocation amount under section 453(b) and conduct the auction on the first business day in October following the respective promulgation deadline referred to in subparagraph (A) and in accordance with section 409.

''(E) For each year 2008 through 2058, if the Administrator has not signed proposed regulations referred to in subparagraph (A) and has not promulgated the regulations under section 403(b) providing for the transfer of nitrogen oxides allowances and section 403(c) establishing the Allowance Tracking System for nitrogen oxides allowances, by the date 18 months before January 1 of such year, then it shall be unlawful for an affected EGU in the Zone 2 States to emit nitrogen oxides during such year in excess of 0.25 lb/mmBtu.

"Subpart 3—Ozone Season NO_X Budget Program

"SEC. 461. DEFINITIONS.

''For purposes of this subpart:

''(1) The term 'ozone season' means—

''(A) with regard to Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, the period May 1 through September 30 for each year starting in 2003; and

''(B) with regard to all other States, the period May 30, 2004 through September 30, 2004 and the period May 1 through September 30 for each year thereafter.

''(2) The term 'NO_X SIP Call State' means Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kennedy, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia and the fine grid portions of Alabama, Georgia, Michigan, and Missouri.

''(3) The term 'fine grid portions of Alabama, Georgia, Michigan, and Missouri' means the areas in Alabama, Georgia, Michigan, and Missouri subject to 40 CFR §51.121 (2001), as it would be amended in the notice of proposed rulemaking at 67 Federal Register 8396 (February 22, 2002).

"SEC. 462. GENERAL PROVISIONS.

''The provisions of sections 402 through 406 and section 409 shall not apply to this subpart.

"SEC. 463. APPLICABLE IMPLEMENTATION PLAN.

''(a) SIPS.—Except as provided in subsection (b), the applicable implementation plan for each NO_X SIP Call State shall be consistent with the requirements, including the NO_X SIP Call State's nitrogen oxides budget and compliance supplement pool, in 40 CFR §§51.121 and 51.122 (2001), as it would be amended in the notice of proposed rulemaking at 67 Federal Register 8396 (February 22, 2002).

''(b) REQUIREMENTS.—Notwithstanding any provision to the contrary in 40 CFR §§51.121 and 51.122 (2001), as it would be amended in the notice of proposed rulemaking at 67 Federal Register 8396 (February 22, 2002)—

''(1) the applicable implementation plan for each NO_X SIP Call State shall require full implementation of the required emission control measures starting no later than the first ozone season; and

''(2) starting January 1, 2008—

''(A) the owners and operators of a boiler, combustion turbine, or integrated gasification combined cycle plant subject to emission reduction requirements or limitations under part B, C, or D shall not longer be subject to the requirements in a NO_X SIP Call State's applicable implementation plan that meet the requirements of subsection (a) and paragraph (1); and

''(B) notwithstanding subparagraph (A), if the Administrator determines, by December 31, 2007, that a NO_X SIP Call State's applicable implementation plan meets the requirements of subsection (a) and paragraph (1), such applicable implementation plan shall be deemed to continue to meet such requirements; and

''(3)(A) The owner or operator of a boiler, combustion turbine, or combined cycle system may submit to the Administrator a petition to allow use of nitrogen oxides allowances allocated for 2005 to meet the applicable requirement to hold nitrogen oxides allowances at least equal to 2004 ozone season emissions of such boiler, combustion turbine, or combined cycle system.

''(B) A petition under this paragraph shall be submitted to the Administrator by February 1, 2004.

''(C) The petition shall demonstrate that the owner or operator made reasonable efforts to install, at the boiler, combustion turbine, or combined cycle system, nitrogen oxides control technology designed to allow the owner or operator to meet such requirement to hold nitrogen oxides allowances.

''(D) The petition shall demonstrate that there is an undue risk for the reliability of electricity supply (taking into account the feasibility of purchasing electricity or nitrogen oxides allowances) because—

''(i) the owner or operator is not likely to be able to install and operate the technology under subparagraph (C) on a timely basis; or

''(ii) the technology under subparagraph (C) is not likely to be able to achieve its design control level on a timely basis.

''(E) The petition shall include a statement by the NO_x SIP Call State where the boiler, combustion turbine, or combined cycle system is located that the NO_x SIP Call State does not object to the petition.

''(F) By May 30, 2004, by order, the Administrator shall approve the petition if it meets the requirements of subparagraphs (B) through (E).

''(c) SAVINGS PROVISION.—Nothing in this section or section 464 shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, limitation, or standard, relating to a boiler, combustion turbine, or integrated gasification combined cycle plant subject to emission reduction requirements or limitations under part B, C, or D, that is more stringent than a regulation, requirement, limitation, or standard in effect under this section or under any other provision of this Act.

''SEC. 464. TERMINATION OF FEDERAL ADMINISTRATION OF NO_X TRADING PROGRAM FOR EGUS.

''Starting January 1, 2008, with regard to any boiler, combustion turbine, or integrated gasification combined cycle plant subject to emission reduction requirements or limitations under part B, C, or D, the Administrator shall not administer any nitrogen oxides trading program included in any NO_X SIP Call State's applicable implementation plan and meeting the requirements of section 463(a) and (b)(1).

''SEC. 465. CARRYFORWARD OF PRE-2008 NITROGEN OXIDES ALLOWANCES.

''The Administrator shall promulgate regulations as necessary to assure that the requirement to hold allowances under section 452(a)(1) may be met using nitrogen oxides allowances allocated for an ozone season before 2008 under a nitrogen oxides trading program that the Administrator administers, is included in a NO_X SIP Call State's applicable implementation plan, and meets the requirements of section 463(a) and (b)(1).

''PART D—MERCURY EMISSIONS REDUCTIONS

''SEC. 471. DEFINITIONS.

''For purposes of this subpart:

''(1) The term 'adjusted baseline heat input' with regard to a unit means the unit's baseline heat input multiplied by—

''(A) 1.0, for the portion of the baseline heat input that is the unit's average annual combustion of bituminous during the years on which the unit's baseline heat input is based;

''(B) 3.0, for the portion of the baseline heat input that is the unit's average annual combustion of lignite during the years on which the unit's baseline heat input is based;

''(C) 1.25, for the portion of the baseline heat input that is the unit's average annual combustion of subbituminous during the years on which the unit's baseline heat input is based; and

''(D) 1.0, for the portion of the baseline heat input that is not covered by subparagraph (A), (B), or (C) or for the entire baseline heat input if such baseline heat input is not based on the unit's heat input in specified years.

''(2) The term 'affected EGU' means—

''(A) for a unit serving a generator before the date of enactment of the Clear Skies Act of 2003, a coal-fired unit in a State serving a generator with a nameplate capacity of greater than 25 megawatts that produced or produces electricity for sale during 2002 or any year thereafter, except for a cogeneration unit that produced or produces electricity for sale equal to or less than one-third of the potential electrical output of the generator that it served or serves during 2002 and each year thereafter; and

''(B) for a unit commencing service of a generator on or after the date of enactment of the Clear Skies Act of 2003, a coal-fired unit in a State serving a generator that produces electricity for sale during any year starting with the year the unit commences service of a generator, except for a cogeneration unit that produces electricity for sale equal to or less than one-third of the potential electrical output of the generator that it serves, during each year starting with the year the unit commences service of a generator.

''(C) Notwithstanding paragraphs (A) and (B), the term 'affected EGU' does not include a solid waste incineration unit subject to section 129 or a unit for the treatment, storage, or disposal of hazardous waste subject to section 3005 of the Solid Waste Disposal Act.

''SEC. 472. APPLICABILITY.

''Starting January 1, 2010, it shall be unlawful for the affected EGUs at a facility in a State to emit a total amount of mercury during the year in excess of the number of mercury allowances held for such facility for that year by the owner or operator of the facility.

''SEC. 473. LIMITATIONS ON TOTAL EMISSIONS.

''For affected EGUs for 2010 and each year thereafter, the Administrator shall allocate mercury allowances under section 474, and conduct auctions of mercury allowances under section 409, in the amounts in Table A.

''TABLE A.—TOTAL MERCURY ALLOWANCES ALLOCATED OR AUCTIONED FOR EGUS

Year	Mercury allowances allocated	Mercury allowances auctioned
2010	823,680	8,320
2011	815,360	16,640
2012	807,040	24,960
2013	798,720	33,280
2014	790,400	41,600
2015	782,080	49,920
2016	773,760	58,240
2017	765,440	66,560
2018	436,800	43,200
2019	432,000	48,000
2020	427,200	52,800
2021	422,400	57,600
2022	417,600	62,400
2023	412,800	67,200
2024	408,000	72,000
2025	403,200	76,800
2026	398,400	81,600
2027	393,600	86,400
2028	388,800	91,200
2029	384,000	96,000
2030	372,000	108,000
2031	360,000	120,000
2032	348,000	132,000
2033	336,000	144,000
2034	324,000	156,000
2035	312,000	168,000
2036	300,000	180,000
2037	288,000	192,000
2038	276,000	204,000
2039	264,000	216,000
2040	252,000	228,000
2041	240,000	240,000
2042	228,000	252,000
2043	216,000	264,000
2044	204,000	276,000
2045	192,000	288,000
2046	180,000	300,000
2047	168,000	312,000
2048	156,000	324,000
2049	144,000	336,000
2050	132,000	348,000
2051	120,000	360,000
2052	108,000	372,000
2053	96,000	384,000
2054	84,000	396,000
2055	72,000	408,000
2056	60,000	420,000
2057	48,000	432,000
2058	36,000	444,000
2059	24,000	456,000
2060	12,000	468,000
2061	0	480,000

''SEC. 474. EGU ALLOCATIONS.

''(a) IN GENERAL.—Not later than 24 months before the commencement date of the mercury allowance requirement of section 472, the Administrator shall promulgate regulations determining allocations of mercury allowances for each year during 2010 through 2060 for units at a facility that commence operation by and are affected EGUs as of December 31, 2004. The regulations shall provide that the Administrator shall allocate each year for such units an amount determined by multiplying the allocation amount in section 473 by the ratio of the total amount of the adjusted baseline heat input of such units at the facility to the total amount of adjusted baseline heat input of all affected EGUs.

''(b) FAILURE TO PROMULGATE.—(1) For each year 2010 through 2060, if, by the date 18 months before January 1 of such year, the Administrator—

''(A) has promulgated regulations under section 403(b) providing for the transfer of mercury allowances and section 403(c) establishing the Allowance Tracking System for mercury allowances; and

''(B) has signed proposed regulations but has not promulgated final regulations determining allocations under subsection (a),

the Administrator shall allocate, for such year, for each facility where an affected EGU is located the amount of mercury allowances specified for that facility in such proposed regulations.

''(2) If, by the date 18 months before January 1 of each year 2010 through 2060, the Administrator has not signed proposed regulations determining allocations under subsection (a), the Administrator shall:

''(A) determine, for such year, for each unit with coal as its primary or secondary fuel listed in the Administrator's Emissions Scorecard 2001, Appendix B, Table B1 an amount of mercury allowances by multiplying 95 percent of the allocation amount under section 473 by the ratio of such unit's heat input in the Emissions Scorecard 2001, Appendix B, Table B1 to the total of the heat input in the Emissions Scorecard 2001, Appendix B, Table B1 for all units with coal as their primary or secondary fuel;

''(B) allocate, for such year, for each facility where a unit under subparagraph (A) is located the total of the amounts of mercury allowances for the units at such facility determined under subparagraph (A); and

''(C) auction an amount of mercury allowances equal to 5 percent of the allocation amount under section 473 and conduct the auction on the first business day in October following the respective promulgation deadline under paragraph (1) and in accordance with section 409.

''(3) For each year 2010 through 2060, if the Administrator has not signed proposed regulations under subsection (a), and has not promulgated the regulations under section 403(b) providing for the transfer of mercury allowances and section 403(c) establishing the Allowance Tracking System for mercury allowances, by the date 18 months before January 1 of such year, then it shall be unlawful for any affected EGU to emit mercury during such year in excess of 30 percent of the mercury content (in ounces per mmBtu) of the coal and coal-derived fuel combusted by the unit.

''PART E—NATIONAL EMISSION STANDARDS; RESEARCH; ENVIRONMENTAL ACCOUNTABILITY; MAJOR SOURCE PRECONSTRUCTION REVIEW AND BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY REQUIREMENTS

''SEC. 481. NATIONAL EMISSION STANDARDS FOR AFFECTED UNITS.

''(a) DEFINITIONS.—For purposes of this section:

''(1) The term 'commenced,' with regard to construction, means that an owner or operator has either undertaken a continuous program of construction or has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction. For boilers and integrated gasification combined cycle plants, this term does not include undertaking such a program or entering into such an obligation more than 36 months prior to the date on which the unit begins operation. For combustion turbines, this term does not include undertaking such a program or entering into such an obligation more than 18

months prior to the date on which the unit begins operation.

''(2) The term 'construction' means fabrication, erection, or installation of an affected unit.

''(3) The term 'affected unit' means any unit that is subject to emission limitations under subpart 2 of part B, subpart 2 of part C, or part D.

''(4) The term 'existing affected unit' means any affected unit that is not a new affected unit.

''(5) The term 'new affected unit' means any affected unit, the construction or reconstruction of which is commenced after the date of enactment of the Clear Skies Act of 2003, except that for the purpose of any revision of a standard pursuant to subsection (e), 'new affected unit' means any affected unit, the construction or reconstruction of which is commenced after the public of regulations (or, if earlier, proposed regulations) prescribing a standard under this section that will apply to such unit.

''(6) The term 'reconstruction' means the replacement of components of a unit to such an extent that:

''(A) the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new unit; and

''(B) it is technologically and economically feasible to meet the applicable standards set forth in this section.

''(b) EMISSION STANDARDS.—

''(1) IN GENERAL.—No later than 12 months after the date of enactment of the Clear Skies Act of 2003, the Administrator shall promulgate regulations prescribing the standards in subsections (c) through (d) for the specified affected units and establishing requirements to ensure compliance with these standards, including monitoring, recordkeeping, and reporting requirements.

''(2) MONITORING.—(A) The owner or operator of any affected unit subject to the standards for sulfur dioxide, nitrogen oxides, or mercury under this section shall meet the requirements of section 405, except that, where two or more units utilize a single stack, separate monitoring shall be required for each affected unit for the pollutants for which the unit is subject to such standards.

''(B) The Administrator shall, by regulation, require—

''(i) the owner or operator of any affected unit subject to the standards for sulfur dioxide, nitrogen oxides, or mercury under this section to—

''(I) install and operate CEMS for monitoring output, including electricity and useful thermal energy, on the affected unit and to quality assure the data; and

''(II) comply with recordkeeping and reporting requirements, including provisions for reporting output data in megawatt hours.

''(ii) the owner or operator of any affected unit subject to the standards for particulate matter under this section to—

''(I) install and operate CEMS for monitoring particulate matter on the affected unit and to quality assure the data;

''(II) comply with recordkeeping and reporting requirements; and

''(III) comply with alternative monitoring, quality assurance, recordkeeping, and reporting requirements for any period of time for which the Administrator determines that CEMS with appropriate vendor guarantees are not commercially available for particulate matter.

''(3) COMPLIANCE.—For boilers, integrated gasification combined cycle plants, and combustion turbines that are gas-fired or coal fired, the Administrator shall require that the owner or operator demonstrate compliance with the standards daily, using a 30-day rolling average, except that in the case of mercury, the compliance period shall be the calendar year. For combustion turbines that are not gas-fired or coal-fired, the Administrator shall require that the owner or operator demonstrate compliance with the standards hourly, using a 4-hour rolling average.

''(c) BOILERS AND INTEGRATED GASIFICATION COMBINED CYCLE PLANTS.—

''(1) After the effective date of standards promulgated under subsection (b), no owner or operator shall cause any boiler or integrated gasification combined cycle plant that is a new affected unit to discharge into the atmosphere any gases which contain—

''(A) sulfur dioxide in excess of 2.0 lb/MWh;

''(B) nitrogen oxides in excess of 1.0 lb/MWh;

''(C) particulate matter in excess of 0.20 lb/MWh; or

''(D) if the unit is coal-fired, mercury in excess of 0.015 lb/GWh, unless—

''(i) mercury emissions from the unit, determined assuming no use of on-site or off-site pre-combustion treatment of coal and no use of technology that captures mercury, are reduced by 80 percent;

''(ii) flue gas desulfurization (FGD) and selective catalytic reduction (SCR) are applied to the unit and are operated so as to optimize capture of mercury; or

''(iii) a technology is applied to the unit and operated so as to optimize capture of mercury, and the permitting authority determines that the technology is equivalent in terms of mercury capture to the application of FGD and SCR.

''(2) Notwithstanding paragraph (1)(D), integrated gasification combined cycle plants with a combined capacity of less than 5 GW are exempt from the mercury requirement under subparagraph (1)(D) if they are constructed as part of a demonstration project under the Secretary of Energy that will include a demonstration of removal of significant amounts of mercury as determined by the Secretary of Energy in conjunction with the Administrator as part of the solicitation process.

''(3) After the effective date of standards promulgated under subsection (b), no owner or operator shall cause any oil-fired boiler that is an existing affected unit to discharge into the atmosphere any gases which contain particulate matter in excess of 0.30 lb/MWh.

''(d) COMBUSTION TURBINES.—

''(1) After the effective date of standards promulgated under subsection (b), no owner or operator shall cause any gas-fired combustion turbine that is a new affected unit to discharge into the atmosphere any gases which contain nitrogen oxides in excess of—

''(A) 0.56 lb/MWh (15 ppm at 15 percent oxygen), if the unit is a simple cycle combustion turbine;

''(B) 0.084 lb/MWh (3.5 ppm at 15 percent oxygen), if the unit is not a simple cycle combustion turbine and either uses add-on controls or is located within 50 km of a class I area; or

''(C) 0.21 lb/MWh (9 ppm at 15 percent oxygen), if the unit is not a simple cycle turbine and neither uses add-on controls nor is located within 50 km of a class I area.

''(2) After the effective date of standards promulgated under subsection (b), no owner or operator shall cause any coal-fired combustion turbine that is a new affected unit to discharge into the atmosphere any gases which contain sulfur dioxide, nitrogen oxides, particulate matter, or mercury in excess of the emission limits under subparagraphs (c)(1) (A) through (D).

''(3) After the effective date of standards promulgated under subsection (b), no owner or operator shall cause any combustion turbine that is not gas-fired or coal-fired and that is a new affected unit to discharge into the atmosphere any gases which contain—

''(A) sulfur dioxide in excess of 2.0lb/MWh;

''(B) nitrogen oxides in excess of—

''(i) 0.289 lb/MWh (12 ppm at 15 percent oxygen), if the unit is not a simple cycle combustion turbine, is dual-fuel capable, and uses add-on controls; or is not a simple cycle combustion turbine and is located within 50 km of a class I area;

''(ii) 1.01 lb/MWh (42 ppm at 15 percent oxygen), if the unit is a simple cycle combustion turbine; is not a simple cycle combustion turbine and is not dual-fuel capable; or is not a simple cycle combustion turbine, is dual-fuel capable, and does not use add-on controls.

''(C) particulate matter in excess of 0.20 lb/MWh.

''(e) PERIODIC REVIEW AND REVISION.—

''(1) The Administrator shall, at least every 8 years following the promulgation of standards under subsection (b), review and, if appropriate, revise such standards to reflect the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impacts and energy requirements) the Administrator determines has been adequately demonstrated. When implementation and enforcement of any requirement of this Act indicate that emission limitations and percent reductions beyond those required by the standards promulgated under this section are achieved in practice, the Administrator shall, when revising standards promulgated under this section, consider the emission limitations and percent reductions achieved in practice.

''(2) Notwithstanding the requirements of paragraph (1) the Administrator need not review any standard promulgated under subsection (b) if the Administrator determines that such review is not appropriate in light of readily available information on the efficacy of such standard.

''(f) EFFECTIVE DATE.—Standard promulgated pursuant to this section shall become effective upon promulgation.

''(g) DELEGATION.—

''(1) Each State may develop and submit to the Administration a procedure for implementing and enforcing standards promulgated under this section for affected units located in such State. If the Administrator finds the State procedure is adequate, the Administrator shall delegate to such State any authority the Administrator has under this Act to implement and enforce such standards.

''(2) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable standard under this section.

''(h) VIOLATIONS.—After the effective date of standards promulgated under this section, it shall be unlawful for any owner or operator of any affected unit to operate such unit in violation of any standard applicable to such unit.

''(i) COORDINATION WITH OTHER AUTHORITIES.—For purposes of sections 111(e), 113, 114, 116, 120, 303, 304,307 and other provisions for the enforcement of this Act, each standard established pursuant to this section shall be treated in the same manner as a standard of performance under section 111, and each affected unit subject to standards under this section shall be treated in the same manner as a stationary source under section 111.

''(j) STATE AUTHORITY.—Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, limitation, or standard relating to affected units that is more stringent than a regulation, requirement, limitation, or standard in effect under this section or under any other provision of this Act.

''(k) OTHER AUTHORITY UNDER THIS ACT.—Nothing in this section shall diminish the authority of the Administrator or a State to establish any other requirements applicable to affected units under any other authority of law, including the authority to establish for any air pollutant a national ambient air quality standard, except that no new affected unit subject to standards under this section shall be subject to standards under section 111 of this Act.

''SEC. 482. RESEARCH, ENVIRONMENTAL MONITORING, AND ASSESSMENT.

''(a) PURPOSES.—The Administrator, in collaboration with the Secretary of Energy and the Secretary of the Interior, shall conduct a comprehensive program of research, environmental monitoring, and assessment to enhance scientific understanding of the human health and environmental effects of particulate matter and mercury and to demonstrate the efficacy of emission reductions under this title. The purposes of such a program are to—

''(1) expand current research and knowledge of the contribution of emissions from electricity generation to exposure and health effects associated with particulate matter and mercury;

''(2) enhance current research and development of promising multi-pollutant control strategies and CEMS for mercury;

''(3) produce peer-reviewed scientific and technology information to inform the review of emissions levels under section 410;

''(4) improve environmental monitoring and assessment of sulfur dioxide, nitrogen oxides and mercury, and their transformation products, to track changes in human health and the environment attributable to emission reductions under this title; and

''(5) periodically provide peer-reviewed reports on the costs, benefits, and effectiveness of emission reductions achieved under this title.

''(b) RESEARCH.—The Administrator shall enhance planned and ongoing laboratory and field research and modeling analyses, and conduct new research and analyses to produce peer-reviewed information concerning the human health and environmental effects of mercury and particulate matter and the contribution of United States electrical generating units to those effects. Such information shall be included in the report under subsection (d). In addition, such research and analyses shall—

''(1) improve understanding of the rates and processes governing chemical and physical transformations of mercury in the atmosphere, including speciation of emissions from electricity generation and the transport of these species;

''(2) improve understanding of the contribution of mercury emissions from electricity generation to mercury in fish and other biota, including—

''(A) the response of and contribution to mercury in the biota owing to atmospheric deposition of mercury from U.S. electricity generation on both local and regional scales;

''(B) long-term contributions of mercury from U.S. electricity generation on mercury accumulations in ecosystems, and the effects of mercury reductions in that sector on the environment and public health;

''(C) the role and contribution of mercury, from U.S. electricity generating facilities and anthropogenic and natural sources to fish contamination and to human exposure, particularly with respect to sensitive populations;

''(D) the contribution of U.S. electricity generation to population exposure to mercury in freshwater fish and seafood and quantification of linkages between U.S. mercury emissions and domestic mercury exposure and its health effects; and

''(E) the contribution of mercury from U.S. electricity generation in the context of other domestic and international sources of mercury, including transport of global anthropogenic and natural background levels;

''(3) improve understanding of the health effects of fine particulate matter components related to electricity generation emissions (as distinct from other fine particle fractions and indoor air exposures) and the contribution of U.S. electrical generating units to those effects including—

''(A) the chronic effects of fine particulate matter from electricity generation in sensitive population groups; and

''(B) personal exposure to fine particulate matter from electricity generation; and

''(4) improve understanding, by way of a review of the literature, of methods for valuing human health and environmental benefits associated with fine particulate matter and mercury.

''(c) INNOVATIVE CONTROL TECHNOLOGIES.—The Administrator shall collaborate with the Secretary of Energy to enhance research and development, and conduct new research that facilitates research into and development of innovative technologies to control sulfur dioxide, nitrogen oxides, mercury, and particulate matter at a lower cost than existing technologies. Such research and development shall provide updated information on the cost and feasibility of technologies. Such information shall be included in the report under subsection (d). In addition, the research and development shall—

''(1) upgrade cost and performance models to include results from ongoing and future electricity generation and pollution control demonstrations by the Administrator and the Secretary of Energy;

''(2) evaluate the overall environmental implications of the various technologies tested including the impact on the characteristics of coal combustion residues;

''(3) evaluate the impact of the use of selective catalytic reduction on mercury emissions from the combustion of all coal types;

''(4) evaluate the potential of integrated gasification combined cycle to adequately control mercury;

''(5) expand current programs by the Administrator to conduct research and promote, lower cost CEMS capable of providing real-time measurements of both speciated and total mercury and integrated compact CEMS that provide cost-effective real-time measurements of sulfur dioxide, nitrogen oxides, and mercury;

''(6) expand lab- and pilot-scale mercury and multi-pollutant control programs by the Secretary of Energy and the Administrator, including development of enhanced sorbents and scrubbers for use on all coal types;

''(7) characterize mercury emissions from low-rank coals, for a range of traditional control technologies, like scrubbers and selective catalytic reduction; and

''(8) improve low cost combustion modifications and controls for dry-bottom boilers.

''(d) EMISSIONS LEVELS EVALUATION REPORT.—Not later than January 1, 2008, the Administrator, in consultation with the Secretary of Energy, shall prepare a peer reviewed report to inform review of the emissions levels under section 410. The report shall be based on the best available peer-reviewed scientific and technology information. It shall address cost, feasibility, human health and ecological effects, and net benefits associated with emissions levels under this title.

''(e) ENVIRONMENTAL ACCOUNTABILITY.—

''(1) MONITORING AND ASSESSMENT.—The Administrator shall conduct a program of environmental monitoring and assessment to track on a continuing basis, changes in human health and the environment attributable to the emission reductions required under this title. Such a program shall—

''(A) develop and employ methods to routinely monitor, collect, and compile data on the status and trends of mercury and its transformation products in emissions from affected facilities, atmospheric deposition, surface water quality, and biological systems. Emphasis shall be placed on those methods that—

''(i) improve the ability to routinely measure mercury in dry deposition processes;

''(ii) improve understanding of the spatial and temporal distribution of mercury deposition in order to determine source-receptor relationships and patterns of long-range, regional, and local deposition;

''(iii) improve understanding of aggregate exposures and additive effects of methylmercury and other pollutants; and

''(iv) improve understanding of the effectiveness and cost of mercury emissions controls;

''(B) modernize and enhance the national air quality and atmospheric deposition monitoring networks in order to cost-effectively expand and integrate, where appropriate, monitoring capabilities for sulfur, nitrogen, and mercury to meet the assessment and reporting requirements of this section;

''(C) perform and enhance long-term monitoring of sulfur, nitrogen, and mercury, and parameters related to acidification, nutrient enrichment, and mercury bioaccumulation in freshwater and marine biota;

''(D) maintain and upgrade models that describe the interactions of emissions with the atmosphere and resulting air quality implications and models that describe the response of ecosystems to atmospheric deposition; and

''(E) assess indicators of ecosystems health related to sulfur, nitrogen, and mercury, including characterization of the causes and effects of episodic exposure to air pollutants and evaluation of recovery.

''(2) REPORTING REQUIREMENTS.—Not later than January 1, 2008, and not later than every 4 years thereafter, the Administrator shall provide a peer reviewed report to the Congress on the costs, benefits, and effectiveness of emission reduction programs under this title. The report shall address the relative contribution of emission reductions from U.S. electricity generation under this title compared to the emission reductions achieved under other titles of the Clean Air Act with respect to—

''(A) actual and projected emissions of sulfur dioxide, nitrogen oxides, and mercury;

''(B) average ambient concentrations of sulfur dioxide and nitrogen oxides transformation products, related air quality parameters, and indicators of reductions in human exposure;

''(C) status and trends in total atmospheric deposition of sulfur, nitrogen, and mercury, including regional estimates of total atmospheric deposition;

''(D) status and trends in visibility;

''(E) status of terrestrial and aquatic ecosystems (including forests and forested watersheds, streams, lakes, rivers, estuaries, and near-coastal waters);

''(F) status of mercury and its transformation products in fish;

''(G) causes and effects of atmospheric deposition, including changes in surface water quality, forest and soil conditions;

''(H) occurrence and effects of coastal eutrophication and episodic acidification, particularly with respect to high elevation watersheds; and

''(I) reduction in atmospheric deposition rates that should be achieved to prevent or reduce adverse ecological effects.

"SEC. 483. EXEMPTION FROM MAJOR SOURCE PRECONSTRUCTION REVIEW REQUIREMENTS AND BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY REQUIREMENTS.

''(a) MAJOR SOURCE EXEMPTION.—An affected unit shall not be considered a major emitting facility or major stationary source, or a part of a major emitting facility or major stationary source for purposes of compliance with the requirements of parts C and part D of title I. This exemption only applies to units that are either subject to the performance standards of section 481 or meet the following requirements within 3 years after the date of enactment of the Clear Skies Act of 2003:

''(1) The owner or operator of the affected unit properly operates, maintains and repairs pollution control equipment to limit emissions of particulate matter, or the owner or operator of the affected unit is subject to an enforceable permit issued pursuant to title V or a permit program approved or promulgated as part of an applicable implementation plan to limit the emissions of particular matter from the affected unit to 0.03 lb/mmBtu within 8 years after the date of enactment of the Clear Skies Act of 2003, and

''(2) The owner or operator of the affected unit uses good combustion practices to minimize emissions of carbon monoxide.

''(b) CLASS I AREA PROTECTIONS.—Notwithstanding the exemption in subsection (a), an affected unit located within 50 km of a Class I area on which construction commences after the date of enactment of the Clear Skies Act of 2003 is subject to those provisions under part C of title I pertaining to the review of a new or modified major stationary source's impact on a Class I area.

''(c) PRECONSTRUCTION REQUIREMENTS.—Each State shall include in its plan under section 110, as program to provide for the regulation of the construction of an affected unit that ensures that the following requirements are met prior to the commencement of construction of an affected unit—

''(1) in an area designated as attainment or unclassifiable under section 107(d), the owner or operator of the affected unit must demonstrate to the State that the emissions increase from the construction or operation of such unit will not cause, or contribute to, air pollution in excess of any national ambient air quality standard;

''(2) in an area designated as nonattainment under section 107(d), the State must determine that the emissions increase from the construction or operation of such unit will not interfere with any program to assure that the national ambient air quality standards are achieved;

''(3) for a modified unit, the unit must comply prior to beginning operation with either the performance standards of section 481 or best available control technology as defined in part C of title I for the pollutants whose hourly emissions will increase at the unit's maximum capacity; and

''(4) the State must provide for an opportunity for interested persons to comment on the Class I area protections and preconstruction requirements as set forth in this section.

''(d) DEFINITIONS.—For purposes of this section:

''(1) The term 'affected unit' means any unit that is subject to emission limitations under subpart 2 of part B, subpart 2 of part C, or part D.

''(2) The term 'construction' includes the construction of a new affected unit and the modification of any affected unit.

''(3) The term 'modification' means any physical change in, or change in the method of operation of, an affected unit that increases the maximum hourly emissions of any pollutant regulated under this Act above the maximum hourly emissions achievable at that unit during the 5 years prior to the change or that results in the emission of any pollutant regulated under this Act and not previously emitted.

''(e) SAVINGS CLAUSE.—Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt to enforce any regulation, requirements, limitation, or standard relating to affected units that is more stringent than a regulation, requirement, limitation, or standard in effect under this section or under any other provision of this Act.''.

SEC. 3. OTHER AMENDMENTS.

(a) Title I of the Clean Air Act is amended as follows:

(1) In section 103 by repealing subparagraphs (E) and (F).

(2) In section 107—

(A) By amending subparagraph (A) of subsection (d)(1) as follows:

(i) strike ''or'' at the end of clause (ii);

(ii) strike the period at the end of clause (iii) and insert '', or'';

(iii) add the following clause (iv) after clause (iii):

''(iv) notwithstanding clauses (i) through (iii), an area may be designated transitional for the PM 2.5 national primary or secondary ambient air quality standards or the 8-hour ozone national primary or secondary ambient air quality standard if the Administrator has performed air quality modeling and, in the case of an area that needs additional local control measures, the State has performed supplemental air quality modeling, demonstrating that the area will attain the applicable standard or standards no later than December 31, 2015, and such modeling demonstration and all necessary local controls have been approved into the State implementation plan no later than December 31, 2004.''.

(iv) add at the end a sentence to read as follows: ''For purposes of the PM 2.5 national primary or secondary ambient air quality standards, the time period for the State to submit the designations shall be extended to no later than December 31, 2003.''.

(B) By amending clause (i) of subsection (d)(1)(B) by adding at the end a sentence to read as follows: ''The Administrator shall not be required to designate areas for the revised PM 2.5 national primary or secondary ambient air quality standards prior to 6 months after the States are required to submit recommendations under section 107(d)(1)(A), but in no event shall the period for designating such areas be extended beyond December 31, 2004.''.

(3) In section 110 as follows:

(A) By amending clause (i) of subsection (a)(2)(D) by inserting ''except as provided in subsection (q),'' before the word ''prohibiting''.

(B) By adding the following new subsections at the end thereof:

''(q) REVIEW OF CERTAIN PLANS.—(1) The Administrator shall, in reviewing, under clause (i) of subsection (a)(2)(D), any plan with respect to affected units, within the meaning of section 126(d)(1)—

''(A) consider, among other relevant factors, emissions reductions required to occur by the attainment date or dates of any relevant nonattainment areas in the other State or States;

''(B) not require submission of plan provisions mandating emissions reductions from such affected units, unless the Administrator determines that—

''(i) emissions from such units may be reduced at least as cost-effectively as emissions from each other principal category of sources of sulfur dioxide or nitrogen oxides, including industrial boilers, on-road mobile sources, and off-road mobile sources, and any other category of sources that the Administrator may identify, and

''(ii) reductions in such emissions will improve air quality in the other State's or States' nonattainment areas at least as cost-effectively as reductions in emissions from each other principal category of sources of sulfur dioxide or nitrogen oxides, to the maximum extent that a methodology is reasonably available to make such a determination;

''(C) develop and appropriate peer reviewed methodology for making determinations under subparagraph (B) by December 31, 2006; and

''(D) not require submission of plan provisions subjecting affected units, within the meaning of section 126(d)(1), to requirements with an effective date prior to January 1, 2012.

''(2) In making the determination under clause (ii) of subparagraph (B) of paragraph (1), the Administrator will use the best available peer- reviewed models and methodology that consider the proximity of the source or sources to the other State or States and incorporate other source characteristics.

''(3) Nothing in paragraph (1) shall be interpreted to require revisions to the provisions of 40 CFR 51.121 and 51.122 (2001), as would be amended in the notice of proposed rulemaking at 67 Federal Register 8396 (February 22, 2002);''.

''(r) TRANSITIONAL AREAS.—

''(1) MAINTENANCE.—(A) By December 31, 2010, each area designated as transitional pursuant to section 107(d)(1) shall submit an updated emission inventory and an analysis of whether growth in emissions, including growth in vehicle miles traveled, will interfere with attainment by December 31, 2015.

''(B) No later than December 31, 2011, the Administrator shall review each transitional area's maintenance analysis, and, if the Administrator determines that growth in emissions will interfere with attainment by December 31, 2015, the Administrator shall consult with the State and determine what action, if any, is necessary to assure that attainment will be achieved by 2015.

''(2) PREVENTION OF SIGNIFICANT DETERIORATION.—Each area designated as transitional pursuant to section 107(d)(1) shall be treated as an attainment or unclassifiable area for purposes of the prevention of significant deterioration provisions of part C of this title.

''(3) CONSEQUENCES OF FAILURE TO ATTAIN BY 2015.—No later than June 30, 2016, the Administrator shall determine whether each area designated as transitional for the 8-hour ozone standard or for the PM 2.5 standard has attained that standard. If the Administrator determines that a transitional area has not attained the standard, the area shall be redesignated as nonattainment within 1 year of the determination and the State shall be required to submit a State implementation plan revision satisfying the provisions of section 172 within 3 years of redesignation as nonattainment.''.

(4) By adding to section 111(b)(1) a new subparagraph (C) to read as follows:

''(C) No standards of performance promulgated under this section shall apply to units subject to regulations promulgated pursuant to section 481.''.

(5) By amending section 112 as follows:

(A) Paragraph (1) of subsection (c) is amended to read as follows:

''(1) IN GENERAL.—Not later than 12 months after November 15, 1990, the Administrator shall publish, and shall from time to time, but not less often than every 8 years, revise, if appropriate, in response to public comment or new information, a list of all categories and subcategories of major sources

and area sources (listed under paragraph (3)) of the air pollutants listed pursuant to subsection (b). Electric utility steam generating units not subject to section 3005 of the Solid Waste Disposal Act shall not be included in any category or subcategory listed under this subsection. The Administrator shall have the authority to regulate the emission of hazardous air pollutants listed under section 112(b), other than mercury compounds, by electric utility steam generating units in accordance with the regime set forth in section 112(f)(2) through (4). Any such regulations shall be promulgated within, and shall not take effect before, the date 8 years after the commencement date of the mercury allowance requirement of section 472. To the extent practicable, the categories and subcategories listed under this subsection shall be consistent with the list of source categories established pursuant to section 111 and part C. Nothing in the preceding sentence limits the Administrator's authority to establish subcategories under this section, as appropriate.''.

(B) Subparagraph (A) of subsection (n)(1) is amended to read as follows:

''(A) The Administrator shall perform a study of the hazards to public health reasonably anticipated to occur as a result of emissions by electric utility steam generating units of pollutants listed under subsection (b) after imposition of the requirements of this Act. The Administrator shall report the results of this study to the Congress within 3 years after November 15, 1990.''.

(6) Section 126 is amended as follows:

(A) By replacing ''section 110(a)(2)(D)(ii) or this section'' in subsection (b) with ''section 110(a)(2)(D)(i)''.

(B) By replacing ''this section and the prohibition of section 110(a)(2)(D)(ii)'' in subsection (e)(1) with ''the prohibition of section 110(a)(2)(D)(i)''.

(C) In the flush language at end of subsection (c) by striking ''section 110(a)(2)(D)(ii)'' and inserting ''section 110(a)(2)(D)(i)'' and deleting the last sentence.

(D) By amending subsection (d) to read as follows:

''(d)(1) For purposes of this subsection, the term 'affected unit' means any unit that is subject to emission limitations under subpart 2 of part B, subpart 2 of part C, or part D.

''(2) To the extent that any petition submitted under subsection (b) after the date of enactment of the Clear Skies Act of 2003 seeks a finding for any affected unit, then, notwithstanding any provision in subsections (a) through (c) to the contrary—

''(A) in determining whether to make a finding under subsection (b) for any affected unit, the Administrator shall consider, among other relevant factors, emissions reductions required to occur by the attainment date or dates of any relevant nonattainment areas in the petitioning State or political subdivision;

''(B) the Administrator may not determine that affected units emit, or would emit, any air pollutant in violation of the prohibition of section 110(a)(2)(D)(i) unless that Administrator determines that—

''(i) such emissions may be reduced at least as cost-effectively as emissions from each other principal category of sources of sulfur dioxide or nitrogen oxides, including industrial boilers, on-road mobile sources, and off-road mobile sources, and any other category of sources that the Administrator may identify; and

''(ii) reductions in such emissions will improve air quality in the petitioning State's nonattainment area or areas at least as cost-effectively as reductions in emissions from each other principal category of sources of sulfur dioxide or nitrogen oxides to the maximum extent that a methodology is reasonably available to make such a determination.

In making the determination under clause (ii), the Administrator shall use the best available peer-reviewed models and methodology that consider the proximity of the source or sources to the petitioning State or political subdivision and incorporate other sources characteristics.

''(C) The Administrator shall develop an appropriate peer reviewed methodology for making determinations under subparagraph (B) by December 31, 2006.

''(D) The Administrator shall not make any findings with respect to an affected unit under this section prior to January 1, 2009. For any petition submitted prior to January 1, 2007, the Administrator shall make a finding or deny the petition by the January 31, 2009.

''(E) The Administrator, by rulemaking, shall extend the compliance and implementation deadlines in subsection (c) to the extent necessary to assure that no affected unit shall be subject to any such deadline prior to January 1, 2012.''.

(b) TITLE III.—Section 307(d)(1)(G) of title III of the Clean Air Act is amended to read as follows:

''(G) the promulgation or revision of any regulation under title IV,''.

(c) NOISE POLLUTION.—Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.) is redesignated as title VII and amended by renumbering sections 401 through 403 as sections 701 through 703, respectively.

(d) SECTION 406.—Title IV of the Clean Air Act Amendments of 1990 (relating to acid deposition control) is amended by repealing section 406 (industrial SO_2 emissions).

(e) MONITORING.—Section 821(a) of title VIII of the Clean Air Act Amendments of 1990 (miscellaneous provisions) is amended by modifying section 821(a) to read as follows:

''(a) MONITORING.—The Administrator of the Environmental Protection Agency shall promulgate regulations within 18 months after November 15, 1990, to require that all affected sources subject to subpart 1 of part B of title IV of the Clean Air Act as of December 31, 2009, shall also monitor carbon dioxide emissions according to the same timetable as in section 405(b). The regulations shall require that such data be reported to the Administrator. The provisions of section 405(e) of title IV of the Clean Air Act shall apply for purposes of this section in the same manner and to the same extent as such provision applies to the monitoring and data referred to in section 405. The Administrator shall implement this subsection under 40 CFR part 75 (2002), amended as appropriate by the Administrator.''.

By Mr. DOMENICI (for himself, Mr. KENNEDY, Mr. COLEMAN, Mr. DAYTON, Mr. GRASSLEY, Mr. REED, Mr. COCHRAN, Mr. DODD, Mr. WARNER, Mr. REID, Mr. THOMAS, Mr. JOHNSON, Mr. SPECTER, Mr. HARKIN, Mr. LUGAR, Mr. DASCHLE, Mr. GRAHAM of South Carolina, Mrs. MURRAY, Ms. COLLINS, Ms. CANTWELL, Mr. ROBERTS, Mr. EDWARDS, Mr. CHAFEE, Mrs. LINCOLN, Mr. BENNETT, and Mr. LAUTENBERG):

S. 486. A bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits; to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today with my friend Senator KENNEDY to introduce the ''Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003.''

I have mixed emotions today, because, while we are once again fighting for parity, my long time partner, Paul Wellstone is not standing across the aisle from me. Unfortunately, my colleagues are to aware of Senator Wellstone's tragic passing last year. So, while I feel a profound sense of sadness, I also have a renewed determination to win a parity victory for the millions of Americans affected by these dreaded diseases.

The time has come to end this blatant pattern of discrimination against people merely because they suffer from a mental illness. The human brain is the organ of the mind and just like the other organs of our body, it is subject to illness. And just as we must treat illnesses to our other organs, we must also treat illnesses of the brain.

Building upon that, I would ask the following question: what if forty years ago our Nation had decided to exclude heart disease from health insurance coverage? Think about some of the wonderful things we would not be doing today like angioplasty, bypasses, and valve replacements and the millions of people helped because insurance covers these procedures.

I would submit these medical advances have occurred because insurance dollars have followed the patient through the health care system. The presence of insurance dollars has provided an enticing incentive to treat those individuals suffering from heart disease. But sadly, those suffering from a mental illness do not enjoy those same benefits of treatment and medical advances because all too often insurance discriminates against illnesses of the brain.

Individuals suffering from a mental illness face this discrimination even though medical science is in an era where we can accurately diagnosis mental illnesses and treat those afflicted so they can be productive. I simply do not understand, why with this evidence would we not cover these individuals and treat their illnesses like any other disease? There simply should not be a difference in the coverage provided by insurance companies for mental health benefits and medical benefits, merely because an individual suffers from a mental illness.

The introduction of our Bill marks a historic opportunity for us to take the next step towards mental health parity. The timing of our Bill is even more important because the second consecutive one year extension of the landmark Mental Health Parity Act of 1996 will sunset later this year.

As my colleagues know, this is an issue I have a long involvement with

and I would like to begin with a few observations.

I believe that we have made great strides in providing parity for the coverage of mental illness. However, mental illness continues to exact a heavy toll on many, many lives.

Even though we know so much more about mental illness, it can still bring devastating consequences to those it touches; their families, their friends, and their loved ones. These individuals and families not only deal with the societal prejudices and suspicions hanging on from the past, but they also must contend with unequal insurance coverage.

I would submit the Mental Health Parity Act of 1996 is a good first start, but the Act is also not working. While there may adherence to the letter of the law, there are certainly violations of the spirit of the law. For instance, ways are being found around the law by placing limits on the number of covered hospital days and outpatient visits.

That is why I believe it is time for a change.

Some will immediately say we cannot afford it or that inclusion of this treatment will cost too much. But, the facts simply do not support that conclusion. First, I would direct them to the Congressional Budget Office's, CBO, score of the bill. CBO scored the cost of the bill as 0.9 percent or less than one percent. Second, I would point out the Mental Health Parity Act of 1996 contains a provision allowing companies to no longer comply with the law if their costs increase by more than one percent. And do you know how many companies have opted out because their costs have increased by more than one percent? Less than ten companies throughout our entire country.

With that in mind I would like to share a couple of facts about mental illness with my colleagues: within the developed world, including the United States, 4 of the 10 leading causes of disability for individuals over the age of five are mental disorders; in the order of prevalence the disorders are major depression, schizophrenia, bipolar disorder, and obsessive compulsive disorder; one in every five people—more than 40 million adults—in this Nation will be afflicted by some type of mental illness; and schizophrenia alone is 50 times more common than cystic fibrosis, 60 times more common than muscular dystrophy and will strike between 2 and 3 million Americans.

Let us also look at the efficacy of treatment for individuals suffering from certain mental illnesses, especially when compared with the success rates of treatments for other physical ailments. For a long time, many who are in this field—especially on the insurance side—have behaved as if you get far better results for angioplasty than you do for treatments for bipolar illness.

Treatment for bipolar disorders—that is, those disorders characterized by extreme lows and extreme highs—have an 80 percent success rate if you get treatment, both medicine and care. Schizophrenia, the most dreaded of mental illnesses, has a 60-percent success rate in the United States today if treated properly. Major depression has a 65 percent success rate.

Let's compare those success rates to several important surgical procedures that everybody thinks we ought to be doing: Angioplasty has a 41-percent success rate and Atherectomy has a 52-percent success rate.

I would now like to take a minute to discuss the Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003. The Bill seeks a very simple goal: provide the same mental health benefits already enjoyed by Federal employees.

The Bill is modeled after the mental health benefits provided through the Federal Employees Health Benefits Program, FEHBP, and expands the Mental Health Parity Act of 1996 to prohibit a group health plan from imposing treatment limitations or financial requirements on the coverage of mental health benefits unless comparable limitations are imposed on medical and surgical benefits.

Our Bill provides full parity for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, DSM IV, with coverage being contingent on the mental health condition being included in an authorized treatment plan, the treatment plan is in accordance with standard protocols, and the treatment plan meets medical necessity determination criteria.

Like the Mental Health Parity Act of 1996, the Bill does not require a health plan to provide coverage for alcohol and substance abuse benefits. Moreover, the Bill does not mandate the coverage of mental health benefits, but rather the Bill only applies if the plan already provides coverage for mental health benefits.

In conclusion, the Bill provides mental heath benefits on par with those already enjoyed by Federal employees and members of Congress and I would urge my colleagues to support this important piece of legislation.

I ask unanimous consent that the text of the Bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 486

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 ''Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003''.

SEC. 2. AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Section 712 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a) is amended to read as follows:

''SEC. 712. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

''(b) CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

''(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

''(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

''(c) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

''(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

''(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-

network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

''(f) DEFINITIONS.—For purposes of this section—

''(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant or beneficiary with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

''(2) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

''(3) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV–TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer's medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

''(4) TREATMENT LIMITATIONS.—The term 'treatment limitations' means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to plan years beginning on or after January 1, 2004.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Section 2705 of the Public Health Service Act (42 U.S.C. 300gg–5) is amended to read as follows:

''SEC. 2705. MENTAL HEALTH PARITY.

''(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and mental health benefits, such plan or coverage shall not impose any treatment limitations or financial requirements with respect to the coverage of benefits for mental illnesses unless comparable treatment limitations or financial requirements are imposed on medical and surgical benefits.

''(b) CONSTRUCTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any mental health benefits.

''(2) MEDICAL MANAGEMENT OF MENTAL HEALTH BENEFITS.—Consistent with subsection (a), nothing in this section shall be construed to prevent the medical management of mental health benefits, including through concurrent and retrospective utilization review and utilization management practices, preauthorization, and the application of medical necessity and appropriateness criteria applicable to behavioral health and the contracting and use of a network of participating providers.

''(3) NO REQUIREMENT OF SPECIFIC SERVICES.—Nothing in this section shall be construed as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide coverage for specific mental health services, except to the extent that the failure to cover such services would result in a disparity between the coverage of mental health and medical and surgical benefits.

''(c) SMALL EMPLOYER EXEMPTION.—

''(1) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of any employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

''(2) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this subsection—

''(A) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

''(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

''(C) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

''(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

''(e) IN-NETWORK AND OUT-OF-NETWORK RULES.—In the case of a plan or coverage option that provides in-network mental health benefits, out-of-network mental health benefits may be provided using treatment limitations or financial requirements that are not comparable to the limitations and requirements applied to medical and surgical benefits if the plan or coverage provides such in-network mental health benefits in accordance with subsection (a) and provides reasonable access to in-network providers and facilities.

''(f) DEFINITIONS.—For purposes of this section—

''(1) FINANCIAL REQUIREMENTS.—The term 'financial requirements' includes deductibles, coinsurance, co-payments, other cost sharing, and limitations on the total amount that may be paid by a participant, beneficiary or enrollee with respect to benefits under the plan or health insurance coverage and shall include the application of annual and lifetime limits.

''(2) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include mental health benefits.

''(3) MENTAL HEALTH BENEFITS.—The term 'mental health benefits' means benefits with respect to services, as defined under the terms and conditions of the plan or coverage (as the case may be), for all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV–TR), or the most recent edition if different than the Fourth Edition, if such services are included as part of an authorized treatment plan that is in accordance with standard protocols and such services meet the plan or issuer's medical necessity criteria. Such term does not include benefits with respect to the treatment of substance abuse or chemical dependency.

''(4) TREATMENT LIMITATIONS.—The term 'treatment limitations' means limitations on the frequency of treatment, number of visits or days of coverage, or other similar limits on the duration or scope of treatment under the plan or coverage.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to plan years beginning on or after January 1, 2004.

SEC. 4. PREEMPTION.

Nothing in the amendments made by this Act shall be construed to preempt any provision of State law, with respect to health insurance coverage offered by a health insurance issuer in connection with a group health plan, that provides protections to enrollees that are greater than the protections provided under such amendments. Nothing in the amendments made by this Act shall be construed to affect or modify section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

SEC. 5. GENERAL ACCOUNTING OFFICE STUDY.

(a) STUDY.—The Comptroller General shall conduct a study that evaluates the effect of the implementation of the amendments made by this Act on the cost of health insurance coverage, access to health insurance coverage (including the availability of in-network providers), the quality of health care, and other issues as determined appropriate by the Comptroller General. Such study shall also include an estimate of the cost that would be incurred if such amendments were extended in a manner so as to provide coverage for the treatment of substance abuse and chemical dependency.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to the appropriate committees of Congress a report containing the results of the study conducted under subsection (a).

Mr. KENNEDY. Mr. President, it is an honor to be here today with Senator DOMENICI to renew the battle in the Senate to end one of the most shameful forms of discrimination in our society discrimination against mental illness. We renew the battle in the name of our friend and colleague Paul Wellstone who did so much to advance this cause we share and whom we miss so dearly now.

Senator PETE DOMENICI and Senator Paul Wellstone led us with great skill in the Senate in this bipartisan battle in the past, and I'm proud to join Senator DOMENICI today to carry on this very important effort in the Senate.

This bill brings first class medicine to millions of Americans who have been second class patients for too long.

We know that millions of Americans across the country with mental illness faced stigma and misunderstanding. Even worse, they have been denied treatment that can cure or ease their cruel afflictions. Too often, they are the victims of discrimination by health insurance companies. It is unacceptable that the nation continues to tolerate actions by insurers that deny medical care for mental illnesses even though the very same insurers fully cover the treatment of physical illnesses that are often more costly, less debilitating and less curable. Mental illnesses are treatable and curable, and

it's high time to bring relief to those who experience them.

Equal treatment of the mentally ill is not just an insurance issue, it is a civil rights issue. At its heart, mental health parity is a question of simple justice.

The need is clear. One in five Americans will suffer some form of mental illness this year—but only one-third of them will receive treatment. According to a report of the Surgeon General, at least 4 million children suffer from a major mental illness that results in significant impairments at home, at school, and with their peers. Families must often make painful choices about how to pay for the care their child needs to live a normal life.

The cost is low. As we have seen in state after state and in the Federal Employees Health Benefits Program, insurance parity does not cause soaring insurance premiums. When parity for both mental health coverage and substance abuse coverage was provided for federal employees, they paid only $1 a month more for individual coverage and $2 for family coverage. The Congressional Budget Office has estimated that this bill will raise insurance rates by less than one percent a small cost that will bring health care and financial security to many families.

It is tragic when a child is diagnosed with any illness. It is heart wrenching for parents to watch their children suffer. The tragedy is even greater when an insurance company denies treatment for a child solely because the illness is a mental illness. It's wrong for insurance companies to promote modern medicine for physical diseases, but leave mental health in the dark ages.

It is wrong to force parents to choose between the care their child needs and the other financial needs of the family. I have heard countless stories from mothers and fathers whose children desperately needed the care that their insurance companies refused to provide.

There is hope for the future. Today we were presented with 30,000 petitions signed by young people asking Congress to provide affordable coverage for mental health services. The petitions were signed in concerts held across the country to raise awareness for suicide prevention. PETE DOMENICI and I are here today to bring hope to these parents and to these young people. It is long past time to end insurance discrimination, and guarantee all people with mental illnesses the coverage they deserve.

By Mr. DORGAN (for himself, Mr. BREAUX, Mr. DURBIN, Mr. LEAHY, Mr. HARKIN, and Mr. JOHNSON):

S. 488. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year extension of the credit for electricity produced from wind; to the Committee on Finance.

Mr. DORGAN. Mr. President, today, I am joined by Senators BREAUX, DURBIN, LEAHY, HARKIN and JOHNSON in introducing legislation to extend the current federal wind energy production tax credit, PTC, for an additional five years. This tax credit is scheduled to expire at the end of the year. A long-term extension of the credit will give wind energy developers the certainty they need to grow this important domestic industry with its seemingly limitless energy potential.

One of the most promising alternative energy sources on this country's horizon comes from one of nature's most abundant assets: the wind. Over 2,000 megawatts of new wind energy capacity has been added to the nation's electricity grid in just the last 2 years. This new wind generation has pumped over $2 billion into the struggling economy.

Congress has helped promote wind energy by making significant financial investments in Federal research and private-sector development over the last decade. Among other things, Congress has provided a Federal income tax credit for facilities that produce electricity from wind, which allows them to bring state-of-the-art wind turbines to the marketplace at a competitive rate.

More and more utilities that have produced electricity from traditional fossil fuels are now looking to wind energy and other alternative energy sources to meet a larger share of this country's future energy demands. Soaring oil and natural gas prices also remind us of the importance of reducing our reliance on foreign energy sources and keeping a diverse energy supply here at home.

However, despite broad bipartisan congressional support for the wind energy production tax credit, its fate remains cloudy. As I mentioned, the wind energy tax credit is scheduled to expire at the end of the year. Congress will surely extend the credit. But we can't wait until the last day of the session—or even later—to do so.

Unfortunately, this is not merely polemics. Congress has twice allowed the PTC to expire. First, Congress allowed it to expire in July 1999 and failed to reinstate it until December 1999. As a result, wind energy investments plummeted from 661 megawatts installed in 1999 to only 53 megawatts in 2000. Inexplicably, the Congress let the PTC expire a second time—at the end of 2001—and did not reinstate the credit until March of the following year. This failure contributed to another major drop in wind investments dropping from 1696 megawatts installed in 2001 to just 410 megawatts in 2002.

Today, wind energy industry officials tell me that if we do not extend the production tax credit by mid-year, thousands of jobs and billions of dollars in economic activity would be lost. And this shouldn't come as a surprise to my Senate colleagues. For many years, wind energy developers have told us that one of the major stumbling blocks to greater deployment of new wind technologies is the continued uncertainty surrounding the availability of the wind energy production tax credit. Even so, we still provided for just another short-term extension of the tax credit last March. A few short months from now, financial lenders will stop providing needed capital to new wind initiatives. As a result, projects already underway will quickly come to a halt, while new projects will be shelved. Many developers will simply be unable to build and purchase equipment and secure the financing that is needed to bring wind turbine generators on-line by year's end.

When the tax credit last expired, I heard from manufacturers in my state and across the nation about impending layoffs, because of the lack of certainty at that time. A tower developer in my state of North Dakota has again laid off 17 workers, because of the uncertainty this industry still faces, due to the soon-to-expire tax credit. We can help eliminate this uncertainty by extending the production tax credit for a longer term.

If we fail to act promptly to extend the tax credit this time around, North Dakota's wind energy industry would suffer another serious economic blow. I am told that DMI Industries, a major producer of wind turbine towers in North Dakota, would experience a 40-percent drop in business activity, resulting in some $15 million in lost revenue. The company's plan to expand its operation by 75 employees in 2004 would also be derailed. Delay in extending the production tax credit would mean that 100–125 new jobs would not be created in the coming year by LM Glasfiber, which is a major blade manufacturer in Grand Forks.

There is a great deal of discussion in Washington, D.C. about passing a stimulus package to provide a needed boost to our ailing economy. This very effort would be needlessly undermined if we fail to extend the wind energy production tax credit in a timely manner and make it available over the long term.

In North Dakota, we put up several wind turbines last year and launched an 80-megawatt project for North Dakota and South Dakota. At a time when this industry is just beginning to ramp up in the Great Plains, it would be foolish to thwart these efforts by failing to extend this wind energy production tax credit for sufficient time to get substantial new projects off the design boards and up and running.

Again, the bill I'm introducing today would extend the current production tax credit for qualifying wind facilities that are placed in service on or before December 31, 2008. The wind energy production tax credit has enjoyed strong bipartisan support in both the Senate and the House of Representatives in previous years, so we should be able to pass this legislation quickly this year.

I urge my Senate colleagues to cosponsor this legislation and work with me to get it enacted into law as soon as

possible. If we fail to act promptly, many new wind energy initiatives will come to a halt at a time when this country can least afford it.

By Mr. DEWINE (for himself, Mr. GRAHAM of Florida, Mr. LUGAR, Mr. DURBIN, Mr. CHAFEE, and Mr. NELSON of Florida):

S. 489. A bill to expand certain preferential trade treatment for Haiti; to the Committee on Finance.

HAITI ECONOMIC RECOVERY OPPORTUNITY ACT OF 2003

Mr. DEWINE. Mr. President, I returned this week from my 12th trip to Haiti. As my colleagues are aware, I have many long-standing concerns about the dire political, economic, and humanitarian situation in Haiti.

In a nation just over an hour's flight from Miami, there is abject poverty, suffering, and disease. We absolutely must pay closer attention to what is happening to our neighbors in our hemisphere. We must be engaged.

That is why I am so pleased to be joining several of my Senate and House colleagues in introducing the ''Haiti Economic Recovery Opportunity Act of 2003.'' I'd like to thank our Senate Cosponsors, who include Senators GRAHAM of Florida, LUGAR, DURBIN, NELSON of Florida, and Representatives Congressmen SHAW and CONYERS for their leadership in getting support for this bill, as well as our other House Cosponsors, Representatives CRANE, RANGEL, WATSON, LEE of California, LEE of Texas, MEEK, GOSS, FOLEY, WATERS, and Delegate CHRISTENSEN of the Virgin Islands.

Our bill would take a major step in improving the economic and political situation in Haiti through an important tool of our foreign policy—and that is trade.

As my colleagues, Senators DURBIN, NELSON, and CHAFEE, and Representative MEEK—all of whom traveled with me to Haiti over the course of this last month—the situation in Haiti is bleak. Haiti is the poorest country in our Hemisphere, with approximately 70 percent of its population out of work and 80 percent living in abject poverty. Less than one-half of Haiti's 7 million people can read or write. Haiti's infant mortality rate is the highest in our hemisphere. And one in four children under the age of five are malnourished.

roughly one in 12 Haitians has HIV/AIDS and, according to the Centers for Disease Control projections, Haiti will experience up to 44,000 new HIV/AIDS cases this year—that's 4,000 more than the number expected here in the United States, where our population is 35 times that of Haiti's. AIDS already has orphaned over 200,000 children, and this number is expected to skyrocket to between 323,000 and 393,000 over the next ten years.

The violence, corruption, and instability caused by the flow of drugs through Haiti cannot be overstated. An estimated 15 percent of all cocaine entering the United States passes through Haiti, the Dominican Republic, or both.

All of this creates an environment where the logical course of action for many Haitians is simply to flee. We have seen this in the past, and we may see it again. So far this fiscal year, the Coast Guard has interdicted and rescued over 813 Haitian migrants at sea—compared to 1,113 during the entire fiscal year 2000. And, according to the State Department, migrants recently interdicted and repatriated to Haiti have cited economic conditions as their reason for attempting to migrate by sea. I do not think that a mass exodus is imminent, but we cannot ignore any increase in migrant departures from Haiti. In addition to being an immigration issue for the United States, these migrant departures frequently result in the loss of life at sea.

When I visited Haiti last month, we toured a textile assembly factor. What we saw was that this operation was providing about 800 Haitian laborers with jobs and giving them an income to help support their families. This is in a country that went from having 100,000 assembly jobs to only 30,000 today. There is no reason we can't reverse that trend.

The bill we are introducing today attempts to change the economic situation by granting limited duty-free treatment on certain Haitian apparel articles if—and only if—the President is able to certify that the Haitian government is making serious market, political, and social reforms. The bill would correct a glitch or oversight in U.S. trade law that recognized the special economic needs of least developed countries in Africa, but did not recognize those needs for the least developed country in the Western Hemisphere—Haiti.

Specifically, the bill would allow duty-free entry of Haitian apparel articles assembled from fabrics from countries with which the U.S. has a free trade or a regional trade agreement. It also would grant duty-free status on articles, regardless of the origin of the fabrics and yarns, if the fabrics and yarns were not commercially available in the United States.

The bill would cap duty-free apparel imports made of fabrics and yarns from the designated countries at 1.5 percent of total U.S. apparel imports. This limit grows modestly over time to 3.5 percent.

The enactment of this legislation would promote employment in Haitian industry by allowing the country to become a garment production center. While the benefits of bill would be modest by U.S. standards, in Haiti they are substantial. It is estimated that the bill could create thousands of jobs, thereby reducing the unemployment rate and breaking the shackles of poverty. Before the 1991 coup, Haiti was one of the largest apparel suppliers in the Caribbean. Today, Haitian apparel accounts for less than one percent of all apparel imports into the United States.

The type of assembly carried out in Haiti would have minimal impact on employment in the United States. Actually, it would encourage the emigration of jobs from the Far East back to our hemisphere, including the United States, because most Haitian foreign exchange earnings, unlike in the Far East, are utilized to purchase American products. And, the ''Trade and Development Act'' already includes strong safeguards against transshipment.

In order for Haiti to be eligible for the trade benefits under the bill, the President must certify that Haiti is making progress on matters like the rule of law. This will not be an easy task for the Haitian government. However, I believe that because of the incentives provided in the bill, it would be more and more apparent to them that it is in their interest to reform.

Adopting the Haiti Economic Recovery Opportunity Act of 2002 would be a powerful demonstration of our commitment to helping reverse the downward spiral in Haiti. I encourage my colleagues to join in support of this legislation.

By Mr. REID (for himself and Mr. ENSIGN):

S. 490. A bill to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to reintroduce the Washoe Tribe Land Conveyance Act.

I introduced this bill in both the 106th and 107th Congress, and it passed the Senate unanimously in 2000 and 2002. The bill has also been favorably received in the House: in the 106h Congress, it passed the House with unrelated amendments. Unfortunately, due to a shortage of time, the two versions of the bill were never reconciled and neither version became law.

In 1997, I helped convene the Lake Tahoe Presidential Forum to discuss the future of the Lake Tahoe Basin. At that Forum a diverse group of federal, state, and local government leaders considered the challenges facing the extraordinary natural, recreational, and ecological resources of the Lake Tahoe region. I am pleased to note that the Forum provided the basis for the Lake Tahoe Restoration Act that Senator FEINSTEIN and I introduced and President Clinton signed into law. This law authorizes $300 million of federal investment to protect and rehabilitate the Lake over a ten-year period. In addition, I have been able to steadily increase the federal investment in the Basin. We are well on our way to fulfilling the promises of the Forum.

During the Forum a commitment was made to support the traditional

and customary sues of the Lake Tahoe Basin by the Washoe Tribe, most importantly, to provide the Tribe access to the shore of Lake Tahoe for cultural purposes. In short, this is not a controversial bill. It is a good bill, and it is the right thing to do.

The ancestral homeland of the Washoe Tribe of Nevada and California included an area of over 5,000 square miles in and around the Lake Tahoe Basin. My bill ensures that members of the Tribe will have the opportunity to engage in their traditional and customary cultural practices at the Lake in the future as they have done in the past. This will help the tribe meet the needs of spiritual renewal, land stewardship and general reunification of the Tribe with its aboriginal lands—forever. The participants in the Lake Tahoe Presidential Forum endorsed the concept of this bill, and nearly five years later that concept continues to enjoy broad support. The land conveyed by this bill to the Washoe Tribe would be managed in accordance with the Lake Tahoe Regional Plan, would not be commercially developed, and would not preclude or hinder public access around the Lake.

This Act will convey 24.3 acres from the Secretary of Agriculture to the Secretary of the Interior to be held in trust for the Washoe. This is not an expansive tract of land, but it is of profound significance to the Washoe people. I would like to point out a particular provision of the bill and explain the history behind it. Subsection (e) prohibits any type of development on the land. This provision was added at the request of the Washoe Tribe to guarantee that this land remains in its present unspoiled state for traditional and customary cultural uses. Tribal elders have indicated to me that these purposes could not be accomplished if the land were commercially developed, so I am pleased to include a provision ensuring that this land will remain in its natural state. I think this provision serves as a testimonial to the tribe's integrity and to how important the return of this land is to the Washoe people.

Finally, I would like to note that Senator ENSIGN joins me today to introduce this important bill. I know that Senator ENSIGN values and works to protect the wonders of Lake Tahoe. His support for this bill will help ensure that the third time is the charm and that we make good on this important promise to the Washoe Tribe.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 490

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

SECTION 1. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this Act as the ''Tribe'') included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of National Forest System land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) TERMINATION AND REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

By Mr. REID (for himself, Mr. COCHRAN, Mr. DODD, Mr. INOUYE, Ms. LANDRIEU, Mr. LOTT, and Mr. MILLER):

S. 491. A bill to expand research regarding inflammatory bowel disease, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise today for myself, Mr. COCHRAN, and our other cosponsors to re-introduce the Inflammatory Bowel Disease Act, which will advance our knowledge of this serious health condition and our ability to treat people suffering from it.

Crohn's disease and ulcerative colitis are chronic disorders of the gastrointestinal tract which represent the major causes of morbidity from digestive illness. Because they behave similarly, these disorders are collectively known as Inflammatory Bowel Disease. This devastating, yet seldom discussed illness can cause severe abdominal pain, diarrhea, fever, and bleeding in the gastrointestinal tract. Moreover, complications related to the disease can include arthritis, osteoporosis, anemia, eczema, liver disease, and even colon cancer.

We do not know the cause of Inflammatory Bowel Disease. There is no medical cure. An estimated 1 million Americans, including many children and young adults, suffer from it. In 1990, the total annual medical costs for patients suffering from Crohns Disease and ulcerative colitis amounted to over 1.6 billion dollars.

Recent medical breakthroughs, however, are opening up exciting new pathways for research to understand underlying disease mechanisms and to improve therapies for those who suffer from Inflammatory Bowel Disease. The gene for Crohn's Disease was recently discovered, and other research demonstrates that strong linkages exist between Inflammatory Bowel Disease and functions of the immune system.

Our legislation enhances research on Inflammatory Bowel Disease within the National Institute of Diabetes and Digestive and Kidney Diseases at the National Institutes of Health. Among the promising areas to be advanced are studies that translate findings from basic genetic and animal model research. The bill will also establish an Inflammatory Bowel Disease prevention and epidemiology program at the Centers for Disease Control and Prevention. This program is needed to generate an accurate analysis of the make-

up of the IBD population in the United States, thereby obtaining invaluable clues to the potential causes and risks associated with the disease.

The bill also will inform public and private health coverage policy providers by providing for a study of the coverage standards of Medicare, Medicaid, and private health insurance for therapies for Inflammatory Bowel Disease. It will be conducted by the Institute of Medicine of the National Academies of Science. In addition, the bill calls for a General Accounting Office study of the problems patients with Inflammatory Bowel Disease encounter when applying for disability insurance benefits.

This bill will benefit millions of Americans who suffer from or who are at risk of developing Inflammatory Bowel Disease. It promises to alleviate much suffering, to assist patients in accessing sound and effective medical treatment, and to benefit those who are debilitated by Inflammatory Bowel Disease.

I ask unanimous consent that the full 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. 491

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 ''Inflammatory Bowel Disease Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Crohn's disease and ulcerative colitis are serious inflammatory diseases of the gastrointestinal tract. Crohn's disease may occur in any section of the gastrointestinal tract but is predominately found in the lower part of the small intestine and the large intestine. Ulcerative colitis is characterized by inflammation and ulceration of the innermost lining of the colon. Because Crohn's disease and ulcerative colitis behave similarly, they are collectively known as inflammatory bowel disease. Both diseases present a variety of symptoms, including severe diarrhea, crampy abdominal pain, fever, and rectal bleeding. There is no known cause of inflammatory bowel disease, or medical cure.

(2) It is estimated that up to 1,000,000 people in the United States suffer from inflammatory bowel disease.

(3) In 1990, the total annual medical costs for Crohn's disease patients was estimated at $1,000,000,000 to $1,200,000,000.

(4) In 1990, the total annual medical costs for ulcerative colitis patients was estimated at $400,000,000 to $600,000,000.

(5) Inflammatory bowel disease patients are at high-risk for developing colorectal cancer.

SEC. 3. INFLAMMATORY BOWEL DISEASE RESEARCH EXPANSION.

(a) IN GENERAL.—The Director of the National Institute of Diabetes and Digestive and Kidney Diseases shall expand, intensify, and coordinate the activities of the Institute with respect to research on inflammatory bowel disease with particular emphasis on the following areas:

(1) Genetic research on susceptibility for inflammatory bowel disease, including the interaction of genetic and environmental factors in the development of the disease.

(2) Animal model research on inflammatory bowel disease, including genetics in animals.

(3) Clinical inflammatory bowel disease research, including clinical studies and treatment trials.

(4) Other research initiatives identified by the scientific document entitled ''Challenges in Inflammatory Bowel Disease''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $75,000,000 in fiscal year 2004, $100,000,000 in fiscal year 2005, and such sums as may be necessary for fiscal years 2006 and 2007.

(2) RESERVATION.—Of the funds authorized to be appropriated under paragraph (1), not more than 20 percent of such funds shall be reserved to fund the training of qualified health professionals in biomedical research focused on inflammatory bowel disease and related disorders.

SEC. 4. INFLAMMATORY BOWEL DISEASE PREVENTION AND EPIDEMIOLOGY.

(a) IN GENERAL.—The Director of the Centers for Disease Control and Prevention shall establish a national program of prevention and epidemiology to determine the prevalence of inflammatory bowel disease in the United States, and conduct public and professional awareness activities on inflammatory bowel disease.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $5,000,000 in fiscal year 2004, and such sums as may be necessary for fiscal years 2005 through 2007.

SEC. 5. STUDY OF INFLAMMATORY BOWEL DISEASE RELATED SERVICES.

(a) IN GENERAL.—The Institute of Medicine of the National Academics of Science shall conduct a study on the coverage standards of medicare, medicaid, and the private insurance market for the following therapies:

(1) Parenteral nutrition.

(2) Enteral nutrition formula.

(3) Medically necessary food products.

(4) Ostomy supplies.

(5) Therapies approved by the Food and Drug Administration for Crohn's disease and ulcerative colitis.

(b) CONTENT.—The study shall also take into account the appropriate outpatient or home health care delivery settings.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the Institute of Medicine shall submit a report to Congress describing the findings of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

SEC. 6. SOCIAL SECURITY DISABILITY FOR INFLAMMATORY BOWEL DISEASE PATIENTS.

(a) IN GENERAL.—The General Accounting Office shall conduct a study of the problems patients encounter when applying for disability insurance benefits under title II of the Social Security Act. The study will also include recommendations for improving the application process for inflammatory bowel disease patients.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the General Accounting Office shall submit a report to Congress describing the findings of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary.

By Mrs. LINCOLN (for herself, Mr. SPECTER, Mr. ENSIGN, and Ms. LANDRIEU):

S. 493. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am pleased to introduce the Medicare Patient Access to Physical Therapists Act of 2003, which allows Medicare beneficiaries direct access to qualified physical therapists without a physician referral, as allowed by State law. I am proud to be joined in this effort today by my friends Senators Specter, Landrieu, and Ensign.

Currently, 35 States, including my home State of Arkansas, allow for direct access to physical therapists without the added cost of a physician referral. Direct access is an important change that physical therapists and their patients are seeking to the Medicare program. The National Rural Health Association, Easter Seals, and the Brain Injury Association of America join with us today in expressing their support for this important legislation.

Currently, seniors and disabled Medicare beneficiaries must first visit a physician before being allowed to visit a physical therapist. This burdensome requirement in Medicare is simply no longer necessary and limits access to timely and medically necessary physical therapists' services. Providing Medicare beneficiaries with direct access to physical therapists should be a critical component of any Medicare reform.

Congress must consistently balance patient safety, accessibility of services from qualified providers, and costs to the Medicare program when evaluating services. State boards that regulate physical therapy confirm that patient safety is not compromised by the elimination of the referral requirement because malpractice incidents and costs are not markedly higher in States that allow direct access.

Second, direct access to physical therapists would allow for improved access to quality health care services, particularly in rural and urban underserved communities. It is a burden for elderly and disabled patients with chronic conditions to drive back and forth to a physician's office simply to obtain another referral for physical therapy. This not only disrupts patient access to timely therapy treatment but creates a needless administrative expense for the Medicare program.

Finally, a study of BlueCross/BlueShield insurance claims in Maryland indicates that services are not over-utilized when a patient has direct access to physical therapists. In fact, the study indicates significantly lower costs when care is initiated without a physician referral. With this in mind, a policy that improves access to physical

therapists is a positive reform for the Medicare program and its beneficiaries.

The Medicare program should not impose arbitrary administrative barriers to patients who need physical therapy services, especially when States have an entirely different standard for access. I encourage my colleagues to support this Medicare modernization plan to ensure the best access to physical therapy for America's most vulnerable population—senior and disabled patients.

By Mr. CRAPO:

S. 494. A bill to amend the Internal Revenue Code of 1986 to include agricultural and animal waste sources as a renewable energy resource; to the Committee on Finance.

Mr. CRAPO. Mr. President, I rise to introduce legislation that will encourage the expansion of an often overlooked domestic energy resource that offers a source of revenue for our rural communities and an avenue for cleanup of agricultural waste.

It has been well-publicized that our country faces mounting uncertainty in meeting our energy demands. After years of getting little attention, we are now in a period where the development of domestic energy resources has reached a crucial point. I support our efforts to diversify our energy supply resources to ensure our nation's energy security, support our business and agricultural economies, and protect our individual consumers. This time of challenge also offers great opportunities. One of those is the opportunity to encourage a largely untapped resource to provide domestic energy, while also promoting the protection of the environment and rural development. I am speaking about energy derived from agricultural and animal waste sources.

Electricity from biomass and waste sources using modern technology is a renewable resource that can add to our domestic energy supply. The process uses manure and waste products that are heated and converted into biogas that is burned to generate electricity, which is sold into the power grid. This technology is widely accepted in Europe where over 600 systems are in operation today. In this country, the technology is gaining acceptance following numerous successful case studies. This process offers farmers an option for cleaning agricultural waste that is a known source of groundwater contamination and air pollution. The revenue generated from the sale of electricity provides a source of income to offset the cleanup costs, while providing important kilowatts to the power grid.

The bill I am introducing today would extend the 1.5 cent per kilowatt hour production tax credit that is currently available to wind, closed-loop biomass, and poultry waste by making it available to all agricultural and animal waste sources.

There have been other bills introduced that would extend the tax credit to additional renewable sources such as solar energy. I encourage these efforts to broaden the definition of renewable sources.

The use of modern technology to generate electricity from waste should not be overlooked. The tax credit is an important incentive to encourage its wider use. I encourage my colleagues to join me in this important initiative. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 494

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

SECTION 1. MODIFICATIONS TO CREDIT FOR ELECTRICITY PRODUCED FROM RENEWABLE RESOURCES AND EXTENSION TO WASTE ENERGY.

(a) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) of the Internal Revenue Code of 1986 (defining qualified energy resources) is amended by striking subparagraph (C) and inserting the following:

''(C) agricultural and animal waste sources.''.

(2) DEFINITIONS.—Section 45(c) of such Code (relating to definitions) is amended by adding at the end the following new paragraph:

''(5) AGRICULTURAL AND ANIMAL WASTE SOURCES.—The term 'agricultural and animal waste sources' means all waste heat, steam, and fuels produced from the conversion of agricultural and animal wastes, including by-products, packaging, and any materials associated with the processing, feeding, selling, transporting, and disposal of agricultural and animal products or wastes (such as wood shavings, straw, rice hulls, and other bedding material for the disposition of manure).''.

(b) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Section 45(c)(3) of the Internal Revenue Code of 1986 (defining qualified facility) is amended by striking subparagraph (C) and inserting the following:

''(C) AGRICULTURAL AND ANIMAL WASTE FACILITY.—In the case of a facility using agricultural and animal waste to produce electricity, the term ''qualified facility'' means any facility of the taxpayer which is originally placed in service—

''(i) in the case of a facility using poultry waste, after December 31, 1999, and before January 1, 2007, and

''(ii) in the case of any other facility, after the date of the enactment of this subparagraph and before January 1, 2007.

''(D) COMBINED PRODUCTION FACILITIES INCLUDED.—For purposes of this paragraph, the term 'qualified facility' shall include a facility using agricultural and animal waste to produce electricity and other biobased products such as chemicals and fuels from renewable resources.

''(E) SPECIAL RULES.—In the case of a qualified facility described in subparagraph (C)—

''(i) the 10-year period referred to in subsection (a) shall be treated as beginning no earlier than the date of the enactment of this subparagraph, and

''(ii) subsection (b)(3) shall not apply to any such facility originally placed in service before January 1, 1997.''.

(c) CONFORMING AMENDMENTS.—

(1) The heading for section 45 of the Internal Revenue Code of 1986 is amended by inserting ''**AND WASTE ENERGY**'' after ''**RENEWABLE**''.

(2) The item relating to section 45 in the table of sections subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting ''and waste energy'' after ''renewable''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to electricity produced after the date of the enactment of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 68—RECOGNIZING THE BICENTENNIAL OF OHIO'S FOUNDING

Mr. VOINOVICH (for himself and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. RES. 68

Whereas Ohio residents will celebrate 2003 as the 200th anniversary of Ohio's founding;

Whereas Ohio was the 17th State to be admitted to the Union and was the first to be created from the Northwest Territory;

Whereas the name ''Ohio'' is derived from the Iroquois word meaning ''great river'', referring to the Ohio River which forms the southern and eastern boundaries;

Whereas Ohio was the site of battles of the American Indian Wars, French and Indian Wars, Revolutionary War, the War of 1812, and the Civil War;

Whereas in the nineteenth century, Ohio, a free State, was an important stop on the Underground Railroad as a destination for more than 100,000 individuals escaping slavery and seeking freedom;

Whereas Ohio, ''The Mother of Presidents'', has given eight United States presidents to the Nation, including William Henry Harrison, Ulysses S. Grant, Rutherford B. Hayes, James A. Garfield, Benjamin Harrison, William McKinley, William H. Taft, and Warren G. Harding;

Whereas Ohio inventors, including Thomas Edison (incandescent light bulb), Orville and Wilbur Wright (first in flight), Henry Timken (roller bearings), Charles Kettering (automobile starter), Charles Goodyear (process of vulcanizing rubber), Garrett Morgan (traffic light), and Roy Plunkett (Teflon) created the basis for modern living as we know it;

Whereas Ohio, ''The Birthplace of Aviation'', has been home to 24 astronauts, including John Glenn, Neil Armstrong, and Judith Resnick;

Whereas Ohio has a rich sports tradition and has produced many sports legends, including Annie Oakley, Jesse Owens, Cy Young, Jack Nicklaus, and Nancy Lopez;

Whereas Ohio has produced many distinguished writers, including Harriet Beecher Stowe, Paul Laurence Dunbar, Toni Morrison, and James Thurber;

Whereas the agriculture and agribusiness industry is and has long been the number one industry in Ohio, contributing $73,000,000,000 annually to Ohio's economy and employing 1 in 6 Ohioans, and that industry's tens of thousands of Ohio farmers and 14,000,000 acres of Ohio farmland feed the people of the State, the Nation, and the world;

Whereas the enduring manufacturing economy of Ohio is responsible for ¼ of Ohio's Gross State Product, provides over one million well-paying jobs to Ohioans, exports $26,000,000,000 in products to 196 countries, and provides over $1,000,000,000 in tax revenues to local schools and governments;

Whereas Ohio is home to over 140 colleges and universities which have made significant

contributions to the intellectual life of the State and Nation, and continued investment in education is Ohio's promise to future economic development in the ''knowledge economy'' of the 21st century;

Whereas, from its inception, Ohio has been a prime destination for people from all corners of the world, and the rich cultural and ethnic heritage that has been interwoven into the spirit of the people of Ohio and that enriches Ohio's communities and the quality of life of its residents is both a tribute to, and representative of, the Nation's diversity;

Whereas Ohio will begin celebrations commemorating its bicentennial on March 1, 2003, in Chillicothe, the first capital of Ohio;

Whereas the bicentennial celebrations will include Inventing Flight in Dayton (celebrating the centennial of flight), Tall Ships on Lake Erie, Tall Stacks on the Ohio River, Red, White, and Bicentennial Boom in Columbus, and the Bicentennial Wagon Train across the State: Now, therefore, be it

Resolved by the Senate, That the Senate—

(1) recognizes the Bicentennial of Ohio's founding and its residents for their important contributions to the economic, social, and cultural development of the United States; and

(2) directs the Secretary of the Senate to transmit a copy of this resolution to the Governor of Ohio.

SENATE RESOLUTION 69—DESIGNATING MARCH 3, 2003, AS ''READ ACROSS AMERICA DAY''

Ms. COLLINS (for herself, Mr. REED, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 69

Whereas reading is a basic requirement for quality education and professional success, and a source of pleasure throughout life;

Whereas Americans must be able to read if the Nation is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the new Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and additional resources for reading assistance; and

Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 3, 2003, as ''Read Across America Day'';

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and in a celebration of reading; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 10—DESIGNATING APRIL 2003 AS ''HUMAN GENOME MONTH'' AND APRIL 25 AS ''DNA DAY''

Mr. GREGG (for himself, Mr. KENNEDY, Ms. SNOWE, and Mr. DASCHLE) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 10

Whereas April 25, 2003, will mark the 50th anniversary of the description of the double-helix structure of DNA by James D. Watson and Francis H.C. Crick, considered by many to be one of the most significant scientific discoveries of the 20th Century;

Whereas, in April 2003, the International Human Genome Sequencing Consortium will place the essentially completed sequence of the human genome in public databases, and thereby complete all of the original goals of the Human Genome Project;

Whereas, in April 2003, the National Human Genome Research Institute of the National Institutes of Health in the Department of Health and Human Services will unveil a new plan for the future of genomics research;

Whereas, April 2003 marks 50 years of DNA discovery during which scientists in the United States and many other countries, fueled by curiosity and armed with ingenuity, have unraveled the mysteries of human heredity and deciphered the genetic code linking one generation to the next;

Whereas, an understanding of DNA and the human genome has already fueled remarkable scientific, medical, and economic advances; and

Whereas, an understanding of DNA and the human genome hold great promise to improve the health and well being of all Americans: Now, therefore, be it

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

(1) designates April 2003 as ''Human Genome Month'' in order to recognize and celebrate the 50th anniversary of the outstanding accomplishment of describing the structure of DNA, the essential completion of the sequence of the human genome, and the development of a plan for the future of genomics;

(2) designates April 25, 2003, as ''DNA Day'' in celebration of the 50th anniversary of the publication of the description of the structure of DNA on April 25, 1953; and

(3) recommends that schools, museums, cultural organizations, and other educational institutions across the nation recognize Human Genome Month and DNA Day and carry out appropriate activities centered on human genomics, using information and materials provided through the National Human Genome Research Institute and through other entities.

SENATE CONCURRENT RESOLUTION 11—EXPRESSING THE SENSE OF CONGRESS REGARDING THE REPUBLIC OF KOREA'S CONTINUING UNLAWFUL BAILOUTS OF HYNIX SEMICONDUCTOR INC., AND CALLING ON THE REPUBLIC OF KOREA, THE SECRETARY OF COMMERCE, THE UNITED STATES TRADE REPRESENTATIVE, AND THE PRESIDENT TO TAKE ACTIONS TO END THE BAILOUTS

Mr. CRAPO (for himself and Mr. ALLEN) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 11

Whereas the government of the Republic of Korea has continually, and in violation of its international trade commitments, supplied financial aid to Hynix Semiconductor Inc. (''Hynix''), a failing semiconductor company;

Whereas the United States has strongly and repeatedly requested that the Republic of Korea refrain from these wrongful trade activities;

Whereas these bailouts have resulted in severe distortion of the world DRAM, semiconductor, and electronics markets to the detriment of major United States and other non-Korean producers;

Whereas the United States has continually provided military, national security, and financial aid to the Republic of Korea, including significant contributions to the International Monetary Fund financial package to prevent the Korean economy from going into bankruptcy;

Whereas Hynix exports the vast majority of its semiconductor production to nations outside of Korea, including to the United States and European nations;

Whereas, it was recently announced that Hynix would receive an additional $4,000,000,000 in debt restructuring, eliminating Hynix's existing debt, an additional $1,550,000,000 in a debt-for-equity swap, and an extension of $2,500,000,000 with respect to other outstanding Hynix loans;

Whereas Hynix's creditor banks are providing another subsidy to Hynix in the form of $188,000,000 in financing to a Chinese company to purchase Hynix's flat computer screen business;

Whereas the largest creditors of Hynix are institutions such as the Korea Development Bank and the Woori Bank, both of which are 100 percent owned by the government of the Republic of Korea; and

Whereas United States and Europe have been forced to initiate anti-subsidy investigations against the Republic of Korea: Now, therefore, be it

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

(1) it is the sense of Congress that the actions of the Republic of Korea with respect to the bailouts of Hynix Semiconductor Inc. (''Hynix'') are severely detrimental to the bilateral friendship and economic relationships between the United States and Korea; and

(2) Congress calls on—

(A) the Republic of Korea to—

(i) immediately cease any further bailouts of Hynix; and

(ii) immediately comply with all of its obligations as a member of the World Trade Organization, including its obligations regarding subsidies;

(B) the Secretary of Commerce and the United States Trade Representative to—

(i) immediately take such actions as are necessary to end any further bailouts of Hynix, including the self-initiation of further trade cases, the initiation of a further government investigation of the financial impact of these bailouts, and the calling of a special subsidies code meeting to raise the legal concerns with this issue; and

(ii) begin consultations with Congress regarding appropriate legislative action to fully deal with the impact of the bailouts of Hynix; and

(C) the President to consult with the European Union regarding joint action with respect to the unlawful subsidies to Hynix that are harming the international DRAM, semiconductor, and electronics markets.

Mr. CRAPO. Mr. President, I rise today to introduce this resolution on behalf of myself and Senator GEORGE ALLEN from Virginia. This resolution underscores a very serious and ongoing problem relating to the illegal subsidies being provided by the Korean Government to Hynix Semiconductor, one of the companies operating in South Korea. With this resolution, my

colleagues and I urge Secretary Evans, our Secretary of the Department of Commerce, and Ambassador Zoellick, U.S. Trade Representative, to use all means at their disposal to combat these illegal subsidies in the strongest ways possible under our trade laws.

Since October 2000, the Government of Korea, acting through the banks that it owns and controls, has provided an astounding $16 billion in subsidies to Hynix, a Korean producer of DRAM semiconductors. Hynix is a company with massive debt resulting from the easy lending practices of the Korean banks during the late 1990s. With these preferential loans, Hynix built substantial new capacity and became the third largest DRAM producer in the world.

Starting in late 2000, Hynix's overdevelopment began to catch up with them and Hynix became unable to repay the principal and interest on these massive loans and bonds. Rather than letting Hynix undergo formal bankruptcy and deal with the financial situation it faced, the Korean Government orchestrated no less than five separate bailouts of Hynix. Had it not done so, Hynix would have had to face a restructuring with substantial asset sales, and would have been simply another competitor in the marketplace in a more balanced and fair playing field.

However, these subsidies have permitted Hynix to stay in business with its unrealistic business practices. Hynix, a company that cannot compete in the market on a balanced playing field, in a fair market environment, continues to run its inefficient DRAM plants at full speed, flooding world markets with subsidized products. Despite the subsidies, Hynix continues to lose money—$8 billion over the last 3 years. Yet the Korean Government continues to pour money into this company.

Just 2 months ago there was yet another bailout, amounting to $4.1 billion. This is almost twice Hynix's revenues in all of the year 2002, which amounted to $2.4 billion.

The Korean Government must not be allowed to continue to underwrite the horrendous operating losses of this company as it has done for the past 3 years. It is time for the Korean Government to stop its illegal subsidies. In the highly competitive DRAM market, subsidies of this sort completely distort production and trade.

Every other DRAM company in the world is being crippled by the subsidized DRAM products that Hynix floods the markets with. This has resulted in the worst and longest downturn in the DRAM sector that has ever been experienced by this sector. Nobody can make money in this business if one of the biggest players is being underwritten by the South Korean government treasury. Subsidies of Hynix have had a huge impact on Micron Technology, the last remaining U.S.-based producer of DRAMs. Just last week, Micron announced it was laying off 10 percent of its worldwide workforce. This translates into 1,100 lost jobs in Idaho alone, and 560 lost jobs in the State of Virginia, which is why my colleague, Senator ALLEN, is joining in this resolution.

This is the first time Micron has had to have layoffs since 1985, and it was only done by the company as a last resort. Hynix subsidies have had a real impact on Micron's bottom line as well. The subsidies have impacted pricing to such an extent that even Micron, one of the most efficient DRAM producers in the world, has lost $2 billion over the past 2 years. We cannot afford to see an important technology like DRAMs lost in the United States because of illegal, predatory foreign government subsidies.

The South Korean government is clearly responsible for the bailouts that have occurred. The creditor bank now owns 67 percent of Hynix, and the government owns the vast majority of the creditor bank. To argue that the government plays no role in this bailout is the height of absurdity.

The Secretary of Commerce and the United States Trade Representative have the power to remedy this situation and put a stop to more bailouts. We need to use the trade laws we have to the fullest extent possible and countervailing duty should be imposed that offsets the full amount of these subsidies. These sorts of subsidies have absolutely no place in today's global economy, particularly as we are engaged in a round of new trade talks aimed at further liberalizing trade regimes around the world. The injurious and anachronistic policies of the government of South Korea must stop.

In this context, already the European Union and the United States Government are engaged in investigations under our trade laws of the predator conduct of the South Korean government in DRAM markets. We expect decisions on these cases sometime in the next couple of months, and hopefully these cases will establish the necessary groundwork for us to be able to deal as we should in the global community with this kind of unacceptable government subsidy.

The U.S. International Trade Commission has already issued its ruling that Micron Technology has been injured by these illegal activities of the South Korean government. We must now move on to determine the extent of these activities and assure that countervailing duties are identified and applied to the DRAMs that Hynix continues to flood the world markets with.

I want to read a part of the resolution to establish what it is we are asking our Congress to do.

After the whereas clauses, it states:

Resolved by the Senate and House of Representatives concurring, That, No. 1, it is the sense of the Congress that the actions of the Republic of Korea with respect to the bailouts of Hynix Semiconductor, Inc. are severely detrimental to the bilateral friendship and economic relationships between the United States and Korea; and, No. 2, Congress calls on the Republic of Korea to immediately cease any further bailouts of Hynix and to immediately comply with all of its obligations as a member of the World Trade Organization, including its obligations regarding subsidies. The Secretary of Commerce and the U.S. Trade Representative are called on to immediately take such actions as are necessary to end any further bailouts of Hynix, including the self-initiation of further trade cases, the initiation of a further government investigation of the financial impact of these bailouts, and the calling of a special subsidies code meeting to raise legal concerns with this issue and to begin consultations with Congress regarding appropriate legislative action to fully deal with the impact of bailout of Hynix; and, the President is called on to consult with the European Union regarding joint action with respect to the unlawful subsidies to Hynix that are harming the international DRAM semiconductor and electronics markets.

As I have indicated, we face incredibly difficult times in the DRAM and semiconductor industry as a result of one nation's desire to continually prop up its competitors against all other world competitors—a competitor that has shown it cannot effectively compete without continuous government subsidies.

This is one of the core reasons why we are engaged worldwide in negotiations to reduce government subsidies to inefficient competitors, to stop nations from trying to flood the market with their company's products so that they can drive other, more efficient and more effective competitors out of the market and take those markets from other countries where they properly reside.

I encourage all of my colleagues to strongly support this resolution and send a strong message to the government of South Korea that the bailouts of Hynix must stop.

Mr. CRAPO. Mr. President, I was present as the debate took place with regard to the editorial issues that have been raised relating to the Miguel Estrada nomination. The Senator from Nevada raised this issue. In the debate over the Estrada nomination, there are many issues that flow back and forth. One of them is the question of what the public believes, and what the editorial boards across this Nation believe.

The editorial from the New York Times was discussed earlier. I point out that this editorial in the New York Times was one of only a few editorials in the country that supports the position that the Senate should continue with a filibuster of this nomination. In fact, only eight of the editorial boards across this Nation have taken the position of supporting the filibuster of Miguel Estrada's nomination, while fully 51 editorial boards across the Nation support ending the obstruction of this nomination and conclusion of the filibuster and resulting in an up-or-down vote in the Senate on the Estrada nomination, including the Los Angeles Review Journal which on two separate occasions supported Mr. Estrada.

Thank you, Mr. President. I yield the floor.

SENATE CONCURRENT RESOLUTION 12—HONORING THE LIFE AND WORK OF MR. FRED MCFEELY ROGERS

Mr. SANTORUM (for himself and Mr. SPECTER) submitted the following concurrent resolution; which was ordered held at the desk:

S. CON. RES. 12

Whereas Mr. Rogers was born in Latrobe, Pennsylvania, in 1928;

Whereas Mr. Rogers earned a degree in music composition, studied child development at the University of Pittsburgh, attended Pittsburgh Theological Seminary, and was ordained a Presbyterian minister;

Whereas Mr. Rogers created *Mr. Rogers' Neighborhood* and hosted the program through the Public Broadcasting Service (PBS) from 1968 through 2000;

Whereas *Mr. Rogers' Neighborhood* is the longest-running program on PBS;

Whereas *Mister Rogers' Neighborhood* was created and filmed in Mr. Rogers home town of Pittsburgh and Mr. Rogers caring spirit personifies the views he learned in western Pennsylvania;

Whereas *Mr. Rogers' Neighborhood* continues to be an educational program for children emphasizing the value of every individual, and teaching children how they fit into their families, communities, and country;

Whereas *Mr. Rogers' Neighborhood* won four Emmy Awards, plus one for lifetime achievement; and

Whereas Mr. Rogers was awarded a George Foster Peabody Award in 1993: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and honors Mr. Fred McFeely Rogers for—

(1) dedicating his career to the educational children's program *Mr. Rogers' Neighborhood*;

(2) the accomplishments of this influential program and the emphasis it places on the value of each individual within his or her community; and

(3) the compassionate, moral example he set for millions of American children for over 30 years.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to Mrs. Joanne Rogers.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 27, 2003, at 9:30 a.m., in open session to consider the nominations of the Honorable Stephen A. Cambone to be Under Secretary of Defense for Intelligence; Mr. John Paul Woodley, Jr., to be Assistant Secretary of the Army for Civil Works; and Ambassador Linton F. Brooks to be Under Secretary for Nuclear Security and Administrator for Nuclear Security, National Nuclear Security Administration, Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 27 at 10:00 a.m. to receive testimony regarding energy production on Federal Lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, February 27, 2003, at 10:00 a.m., to hear testimony on Examining the Administration's Fiscal Year 2004 Health Care Priorities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE FOR FOREIGN RELATIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 27, 2003 at 9:30 a.m. to hold a Hearing on American Public Diplomacy and Islam.

AGENDA

Witnesses

Panel 1: The Honorable Charlotte Beers, Undersecretary of State for Public Diplomacy, Department of State, Washington, DC and the Honorable Kenneth Y. Tomlinson, Chairman, Board of Broadcasting Governors, Washington, DC;

Panel 2: Andrew Kohut, Director, The Pew Research Center for the People & the Press, Washington, DC; the Honorable Kenton Keith, Senior Vice President, Meridian International Center, Washington, DC; and Dr. R. S. Zaharna, School of Communication, American University, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, February 27, 2003 at 11 a.m. for a hearing to consider the nomination of Janet Hale to be Under Secretary for Management, Department of Homeland Security; the Honorable Clark Kent Ervin to be Inspector General, Department of Homeland Security; and Linda M. Springer to be Controller, Office of Federal Financial Management, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, February 27, 2003, at 2:30 p.m., to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. ALLARD. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, February 27, 2003, from 10 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 27, at 3 p.m., to receive testimony regarding S. 246, a bill to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico; S. 32, a bill to establish institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior west; S. 203, a bill to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining; S. 278, a bill to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Thursday, February 27, 2003, at 2:30 p.m. on U.S. involvement in aerospace research.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet on Thursday, February 27, 2003, at 9:30 a.m., to conduct a hearing on the Federal Highway Administration's FY 2004 budget.

This meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SANTORUM. Mr. President, I ask unanimous consent that at 5:30 on Monday, March 3, the Senate proceed to a vote on the nomination of Marian Horn to be a judge of the U.S. Court of Federal Claims; provided further that following that vote, the President be immediately notified of the Senate's action.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BUDGET

Mr. PRYOR. Mr. President, I rise today to discuss an issue that is important to many people throughout the State of Arkansas and indeed throughout this country. I rise to express my disappointment with the budget as it pertains to law enforcement programs and, in particular, community policing.

I believe the budget shortchanges smaller communities and grossly underfunds programs that have put more police officers on the street, reduced crime in rural areas, curbed drug abuse, and put at-risk youth back on the right track.

Mr. President, this budget cuts funding to the Community Oriented Policing Services—known by its acronym COPS—by 85 percent. That is 85 percent. This program was funded at $1.1 billion in fiscal year 2002. President Bush proposes only $164 million for the COPS program in fiscal year 2004. The administration's budget request for COPS represents a 100 percent cut to the COPS universal hiring program, and a 100 percent cut to the ''COPS in school'' program. In fact, the only program that is funded under this budget is the COPS technology program, and even that has been cut by 66 percent.

From its inception, COPS has awarded just over $8 billion to local and State law enforcement agencies across the country. With grant money, departments have hired over 110,000 community police officers, in addition to purchasing technological upgrades and equipment.

The COPS Program was established to focus on crime prevention and community engagement. This breaks with traditional notions of law enforcement by moving from reactive responses to proactive problem solving, focusing on the causes of crime and disorder. Community-oriented policing requires much more interaction on the neighborhood and community level than previous policing efforts.

In Arkansas, we have been able to hire over 1,300 additional officers with the $83 million we have received. We have also used that money to combat methamphetamine use and to implement the COPS Program in schools.

A February 3 article in the Arkansas Democrat-Gazette, my State's largest newspaper, stated the reason given by this administration for cutting funding is that COPS has ''not produced conclusive results in lowering crime.''

I speak today not only as a Senator, but also as the former chief law enforcement officer of Arkansas, and I wholeheartedly disagree with this administration's assessment of these very important programs.

I have worked closely with law enforcement officers of my State to make Arkansas a safer place and a better place to raise a family. They are strong leaders in their communities and demonstrate the character and the courage that define us as a nation. Together, we are able to keep over 1,000 criminals off the street due to their work on the front lines.

Oftentimes, these police officers work in smaller rural communities. They operate under tighter budgets with smaller staffs than most of their urban counterparts. Nonetheless, they put their lives on the line every single day. They make real differences in people's lives, and they do it with professionalism and an attitude of public service. They do it because it is the right thing to do. They do not do it because it is easy or because it is pleasant, and, Lord knows, they do not do it for the money. They are not asking for much in return.

I wish to take this time to thank all law enforcement officials for the work they do. I especially thank Sheriff Marty Montgomery of Faulkner County, Sheriff Ron Ball of Hot Spring County, and Sheriff Chuck Lange of the Arkansas Sheriffs' Association. They are in Washington today as part of their national association's meeting. I thank them not only for their commitment to public service and to keeping our communities safer—combined they have 87 years of law enforcement experience—but I also thank them for sharing with me their insights into the COPS Program and helping to demonstrate just how important the program is to them and other local law enforcement.

You see, Mr. President, to them, this funding could mean the difference between life and death. This past Saturday at 7:30 p.m., Faulkner County sheriff's deputy, Brad Brocker, was called to investigate a suspicious person call in a high drug-use area. When Deputy Brocker arrived on the scene, he was met with three bullets to the heart in the upper chest. Luckily, he was wearing his bulletproof vest, but he risked his life to make his community and, yes, even his Nation, safer and better. But there is more to the story.

The Kevlar vest he was wearing was paid for by Federal grant money, and Deputy Brocker was originally hired as a deputy under the COPS Program. Putting this Federal money back into our communities works. In fact, Faulkner County, with its 90,000 citizens and spanning 700 square miles, has used COPS funding to hire 12 officers in the past few years. Twelve may not sound like a lot, but it constitutes half of the Faulkner County sheriff's police force. It has made a difference.

In the last 7 years, the arrest rates for burglary, robbery, and methamphetamine production have all gone up. Any one of my colleagues who lives in a rural State can surely tell you about their problems with the use and the production of methamphetamine. It has become an epidemic throughout rural America.

Last year alone, the Faulkner County Sheriff's Office seized 44 labs and shut them down for good. Sheriff Montgomery is proud of that accomplishment, as he should be, but he warns that by cutting law enforcement programs, such as COPS, the steps they have taken forward will be lost, and they cannot sustain the manpower and law enforcement presence in their county.

I believe we have a duty to support legislation, programs, and budgets to address the challenges facing law enforcement agencies in rural areas in Arkansas and all across the country, in communities such as Malvern, a small city in southwest Arkansas. Richard Taft is the police chief of the Malvern Police Department. Mr. Taft has 32 years of experience in law enforcement and 10 years as Malvern's police chief. When Chief Taft took over in 1993, the Malvern police force consisted of 14 people responsible for protecting a city of over 10,000 citizens. As Chief Taft put it to me one day: I didn't have enough officers to protect my officers, much less the citizens of Malvern.

In 1993, according to Chief Taft, crime was rampant. Robberies, drive-by shootings, and burglaries occurred on a weekly basis. Since instituting the COPS Program and utilizing its grant funding, crime is down. The Malvern police force today is 22 people strong. With the additional manpower, Malvern has assembled a special crime team with the ability to respond to critical incidents, including chemical spills and missing persons. They did not have that ability before. COPS funding has allowed the Malvern Police Department to free up some of their money for other necessities, such as computers and radios.

Chief Taft says:

> Without the COPS Program, I wouldn't have a police force.

Yet this administration says there is no conclusive evidence that the COPS Program works? I disagree with that. More importantly, there are scores of law enforcement officials who would also stand up to dispute that claim.

In 1993, Little Rock, AR, had the highest violent crime rate per capita in the country. By working with the Federal Government, using the COPS Program, and their own additional hires, the Little Rock Police Department bolstered their force and violent crime has dropped by 60 percent.

Chuck Lange, the head of the Arkansas Sheriffs' Association, knows the significant impact the COPS Program has had statewide—and I am sure sheriffs in other States can tell you the same thing—by putting more police officers on the street. He knows that more officers have helped shorten response time. That is especially important in sprawling rural communities. He knows that time is not a luxury afforded to crime victims. I know it as

well. It may be because my grandfather, my great-grandfather, and my great-great-grandfather were all sheriffs of Ouachita County.

Hot Spring Sheriff Ron Ball told me that in his county the COPS Program has enabled him to direct more time and resources to curbing domestic violence.

He knows that if his department doesn't do a better job of protecting the abused, they have nowhere else to turn.

And these law enforcement officers all know and have all told me that if we let these drastic COPS funding cuts stand, rural America will suffer.

The list of law enforcement officials opposed to these cuts is long, but the opposition is not only limited to law enforcement. There are many mayors, community activists, and school administrators who also realize the importance of this program; school administrators like Dr. Benny Gooden.

Dr. Gooden is the superintendent of schools in Fort Smith, AR. He oversees 26 schools with 12,500 students. Dr. Gooden knows how successful the COPS in Schools program has been. He knows that COPS is an asset to this community and to his schools. The presence of friendly, approachable police officers, known as School Resource Officers, on their campuses and in their neighborhoods has had a calming effect on Fort Smith schools.

Since the implementation of the COPS program in Fort Smith schools, Dr. Gooden has witnessed a decline in violent incidents. Over the past few years suspensions have decreased by 65 percent. Expulsions have been reduced by 80 percent. The drop-out rate has been cut in half.

When talking about the positive effect of the COPS in Schools program, Dr. Gooden calls it a powerful relationship; a win-win for both the schools and the community. Because the police officers are in the community and in the schools and are connected to the students and their families, officers can better identify and proactively defuse any potential problems there may be.

Often times problems that are found in schools begin in the neighborhood and in the home. Police officers in Fort Smith recognize this and are in a better position to resolve such problems.

Dr. Gooden has also witnessed, firsthand, the affirmative impact of this program on a child's educational experience. The officers interact with students. Some officers have offices in the schools. They are invited to school activities. These officers do not just show up when there is trouble, they are positive role models for Fort Smith's children and are involved in their lives. They spend time with students and in the community when there is no trouble and that presence, can make all the difference.

These positive results are not limited to Fort Smith nor are they only appreciated by the administrators. As Arkansas Attorney General, I spent a lot of time in schools talking to our young people, and move importantly listening. Over and over the students told me how much they liked having School Resource Officers on campus. It made them feel safer, it provided a needed role model and it oftentimes provided an adult they could talk to. It showed our children that their community cared about them and gave them a much better perspective on law enforcement.

We must also not forget the importance of these police officers as an integral part of our homeland defense and as first responders in the case of terrorist attacks. September 11 changed a lot of things for our country. It woke us to the need of genuine partnerships that involve all segments of our communities, and all levels of government. We all have a role in keeping our community safe, and overall when we talk about homeland security, we need to give serious thought to our law enforcement needs.

Unfortunately, we saw how September 11 strained the resources, and the budgets, of many towns and cities. The administration's law enforcement budget does not help that problem. Our civilian authorities must be able to respond to whatever may confront them in the future, but how can they properly respond, when they are given a budget that cuts deep into their existence? The irony is that I have heard Secretary Ridge speak many times about how important local law enforcement agencies are to homeland security, but at the very moment when our Nation needs them most, we are drastically cutting assistance to them.

The Federal Government must ensure that local governments are given the resources to complete their task and that we share the responsibilities for homeland security wisely and fairly. I know that Democrats and Republicans alike agree with this. I know Secretary Ridge agrees with this. I know that President Bush agrees with this.

President Bush said on February 20 regarding the 2003 omnibus appropriations that he was concerned that the Congress had failed to provide over $1 billion in funds for State and local law enforcement and emergency personnel. He went on to lament that the shortfall for homeland security first responder programs was more than $2.2 billion.

For the record, I share President Bush's concern, but shortchanging our local law enforcement efforts by under funding the critical, popular and effective COPS program is not the answer. I take a line from Chief Taft of the Malvern Police Department put it best when he said: ''Doing away with the COPS Program, when we are so concerned with homeland security is the wrong thing to do.'' I could not agree more.

Much is made of the word ''hero.'' Before September 11, to pick up a magazine or to put on the television, hero was synonymous with professional athletes, movie stars, or musicians. But September 11 reminded us that real heroes are right in our own backyard. While everyone was rushing out of the World Trade Center, EMT, firefighters and police officers were rushing in. That is the definition of ''hero.''

Local law enforcement officers protect our communities, our homes and our families from the threat of violent crime. Simply put, they stand up for justice. I believe we must do more to stand up for them. They need funding to do their jobs properly and deliver the same quality service that our citizens expect and deserve, whether they live in New York City, or Des Arc, AR.

During the upcoming budget debate, I will support increasing funding for the COPS program and other law enforcement programs. I would urge my colleagues to do the same. I also plan to be a proud co-sponsor of Senator JOE BIDEN's legislation to reauthorize the COPS program.

We need to build on what we know works and develop initiatives that respond to the law enforcement needs of our communities. The COPS program works and deserves adequate funding. These communities who benefit from this program deserve it as well.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I rise to congratulate the Senator from Arkansas on what I believe is his first speech on the floor of the Senate since his election. It is a privilege to serve with him, the Senator from South Carolina, and the Senator from New Hampshire in the new class of Senators in the 108th Congress.

It is appropriate that the Senator would choose for his subject law enforcement because of his distinguished career as the chief law enforcement officer of Arkansas and having had members of the law enforcement community in his family for many years. He comes to the floor with a record of distinguished service from a distinguished family whose father is a close friend of many who have served in the Senate with distinction for many years.

My colleagues and I congratulate him on his first speech. We look forward to many years of service with him.

Mr. PRYOR. Mr. President, I thank the distinguished Senator from Tennessee for his kind words and express to him once again, as I have done privately and personally, I look forward to working with him on the issues that are so important to him, whether they be education or whatever they may be. It is an honor to serve with him.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate

crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 6, 2001 in Grand Junction, CO. Eric Valdez, 19, was stabbed to death by Sjon Elmgreen, 19, after leaving a grocery store. The incident began when Elmgreen's fiancee called him to say that two Hispanic teens had just been flirting with her at the grocery store. She later told police that the teens had not been rude or threatening in the store. Nonetheless, Elmgreen and his roommate walked from their home to confront the teens. Elmgreen's fiancee told police that the confrontation turned into a fist fight, during which Elmgreen yelled racial epithets. After the fight, Elmgreen stabbed Valdez.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

DISCHARGE OF GAY LINGUISTS FROM THE MILITARY

Mr. FEINGOLD. Mr. President, I wish to speak on the military's recent discharge of several linguists who are critically needed in our Nation's fight against terrorism but who, in the military's eyes, are unfit for the job because of their sexual orientation. The military's treatment of these individuals is not only a grave injustice to these talented men and women who have bravely volunteered to defend our Nation, but it poses a serious threat to our Nation's preparedness.

After the terrorist attacks of September 11, 2001, our Nation's security agencies and all branches of the military recognized that they must increase the recruitment and training of linguists who can speak and interpret languages such as Arabic, Farsi, Korean, Mandarin Chinese, and Russian. Understanding these languages is critical to ensuring our Nation's security. Those who are able to communicate in these languages can translate communications that may be made by terrorists or others intent on doing us harm. In fact, a large portion of the intelligence information retrieved by the U.S. security agencies currently cannot be translated, hindering the ability of the Federal Government to protect our country.

According to a study released by the U.S. General Accounting Office in January 2002, the Army is facing a serious shortfall of linguists in five of the six languages it categorizes as most critical—Arabic, Korean, Mandarin Chinese, Farsi, and Russian. The Army has met only 50 percent of its need for linguists who speak Arabic, 63 percent of its need for Korean speakers, 62 percent of its need for Mandarin Chinese speakers, 32 percent of its need for Farsi speakers, and 63 percent of its need for Russian speakers. This leads to a 44 percent total shortfall in translators and interpreters for 5 of the 6 critical languages. Furthermore, the Army only has 75 percent of the cryptology linguists needed who speak Korean and Mandarin Chinese, and has a 13 percent shortfall of Army Human Intelligence Collectors in five of the languages found to be of critical importance. Spanish is the only language for which the Army has met its linguist needs.

Although the military faces a crisis in the linguistics field, linguists with a high level of proficiency in languages determined critical by the military and security agencies have continued to be discharged from the Armed Forces simply because they are gay, lesbian, or bisexual.

In 1993, the military instituted a plan known as ''Don't Ask, Don't Tell, Don't Pursue, Don't Harass,'' known more commonly as the ''Don't Ask, Don't Tell'' policy. The basic premise of the ''Don't Ask, Don't Tell'' policy is that, while military leaders know that gays, lesbians, and bisexuals have always played an important part in America's military, homosexual members of the military are not allowed to be asked about or to tell anyone about their sexual orientation. Furthermore, the Department of Defense generally cannot conduct investigations regarding the sexual orientation of service members, and the Armed Forces has a policy that does not tolerate harassment of anyone based on perceived or actual homosexuality.

The ''Don't Ask, Don't Tell'' policy has been, by most accounts, a failure. Homosexual military personnel continue to be harassed within all the branches of the Armed Forces. In fact, according to the Servicemembers Legal Defense Network, SDLN, an advocacy organization dedicated to aiding gay, lesbian, and bisexual service members who face discrimination in the armed services, in 2001 the armed services fired more than 1,250 gay, lesbian, and bisexual Americans B more than any other year since 1987. Furthermore, since the initiation of the ''Don't Ask, Don't Tell'' policy, more than 7,800 American service members have lost their jobs because of anti-gay sentiment.

Not only does the ''Don't Ask Don't Tell'' policy needlessly discriminate against courageous Americans, it also wastes millions in taxpayer dollars. For example, according to SLDN, the government spent $36 million to replace gays, lesbians, and bisexuals who were discharged from the military in 2001. Even more staggering is the fact that the government has spent over $234 million to train replacements for homosexual service members since the ''Don't Ask, Don't Tell'' policy was enacted in 1993. Thus, instead of using those millions of dollars on fighting terrorism, the military is spending it to replace linguists that they already have in their ranks.

Not only does the ''Don't Ask, Don't Tell'' policy waste time, money and linguistic skill, it also initiates discrimination against those who simply want to serve their country. One of these Americans is Alastair Gamble. He had been in training in Arabic for only a few months at the Defense Language Institute when the terrorist attacks of September 11 occurred. After the attacks, he decided that his skills were needed more than ever. He continued his studies and soon was able to converse about military operations, economics, and politics in Arabic. He, however, would not be able to serve his country. Why? Because he was caught one night in his partner's room after hours. Though Gamble admits that he broke the military's policy, he states that many heterosexual couples also broke this same rule on that same night. The heterosexual couples, however, were only reprimanded. In stark contrast, Gamble's infraction led to a search of his room where military officials found evidence that led to the discovery of a relationship with another officer who was studying Korean at the time. Soon both Gamble and his partner were dismissed from the Army, and the American people were denied the service of two young men who were learning badly needed language skills.

Gamble and his partner are not alone. From October 2001 through December 2002, seven other linguists specializing in critical languages were also discharged after telling superiors that they were gay.

Gamble and the eight other linguists should not be treated this way. It is past time for the U.S. military to modernize its attitudes toward soldiers' sexual orientation. It is time for the U.S. military to recognize the contributions of gay, lesbian, and bisexual military officers and enlisted personnel by allowing them to serve in the Armed Forces without fear and prejudice. Currently, security organizations within the United States allow for open service—most notably, the Central Intelligence Agency and the National Security Agency. These openly gay men and women serve our country well. In fact, they sometimes serve along-side military men and women who cannot discuss their sexual orientation.

Not only do United States intelligence agencies allow for open service, but many other nations allow open service as well. Some of our closest allies—Germany, France, the United Kingdom, Australia, the Czech Republic, Sweden, Canada, Belgium, the Netherlands, Spain, Denmark, Norway, Luxembourg, Iceland and Italy—allow open service in their military. In fact, the United States and Turkey are the only two NATO countries that do not allow open military service for gay men.

Nations that allow for open military service have not reported any change in the way the military is run because of their policies. According to a study by Aaron Belkin, the Director of the Center for the Study of Sexual Minorities at the University of California, Santa Barbara, and Jason McNichol, senior officials, commanders, and military scholars within the Australian Defense Forces consistently praise the lifting of the gay ban, which occurred in 1992. The report states that there has been no overall pattern of disruption to the military, recruitment and retention have not suffered, and military performance was not affected because of the ban.

In January 2000, Britain too lifted its ban on gays in the military. According to PlanetOut News, a review of the policy by the British military, released in late 2000, found that there was no discernable impact on the military after it lifted the ban.

If some of our closest allies have been successful in allowing open service in the military, why not the United States?

Our military has been fighting terrorism and may soon go to war against Iraq. We desperately need the specialized language skills of our fellow Americans as resources. Our military should cease the discriminatory and counter-productive policy of discharging competent military personnel simply because of their sexual orientation. I hope that this administration will consider the consequences of the decision to discharge the linguists I have spoken about today and will give gay, lesbian, and bisexual Americans the chance to serve openly in the United States military.

Mr. WARNER. Mr. President, I rise today to contribute to the public discourse and national debate we are witnessing with regard to a potential conflict—if diplomacy fails—with Saddam Hussein's brutal regime in Iraq. All of our offices have been inundated with calls, e-mails, and letters from concerned constituents about the consequences of war with Iraq. It is a timely debate of utmost gravity and importance. It is the essence of our democracy.

I, for one, have been supportive of our President's policies and intentions with regard to Iraq. I am firmly convinced that—should our efforts at the United Nations fail to convince Saddam Hussein to disarm—we must decisively end the menace that he represents to the world and to his own people. He has tyrannized his nation, the region and, indeed, the entire world for over two decades. I am proud that our President has shown the courage to bring this present and growing danger to the world's attention. It is not easy to muster the courage, in the face of widespread apprehension, to confront the truly evil elements of our global community. It is easier and more popular to procrastinate and defer decisions.

Our President is a man of principle however, who will not shrink from the dangers that threaten our Nation. He has carefully laid out a case against Saddam Hussein and has brought to the attention of the world the terrible threat this man and his regime represent to our national and global security. I am proud to stand with him and with my colleagues who have given the President the authority he needs to effectively confront Saddam Hussein, with military force, if necessary.

This morning's Washington Post contained a thoughtful editorial on this important subject: ''Drumbeat on Iraq? A Response to Readers.'' It is an editorial that captures, in a balanced manner, the essence of the debate and is, in fact, responsive to the diverse readership of the Post.

I commend this editorial to my colleagues and my constituents. I further thank the Washington Post for this thoughtful contribution to the national debate on this subject. The prospect of conflict is never a pleasant option. The consequences of inaction in this case are unacceptable. Our President has enhanced the security and safety of our Nation by forcefully confronting those who would bring harm to our shores. We can no longer stand idly by. In the case of Saddam Hussein, I fully agree with the conclusion of this Washington Post editorial that, ''. . . a long term peace will be better served by strength than by concessions.'' We must find the strength, as a nation—hopefully as an international community—to act if this last chance for diplomacy fails.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 27, 2003]

''DRUMBEAT'' ON IRAQ? A RESPONSE TO READERS

''I have been a faithful reader of the Washington Post for almost 10 years,'' a recent e-mail to this page begins, ''Recently, however, I have grown tired of your bias and endless drumbeating for war in Iraq.'' He's not the only one. The national and international debate over Saddam Hussein's weapons of mass destruction, and our editorials in favor of disarming the dictator, have prompted a torrent of letters, many approving and many critical. They are for the most part thoughtful and serious; the antiwar letters in particular are often angry and anguished as well. ''It is truly depressing to witness the depths Washington Post editors have reached in their jingoistic rush to war,'' another reader writes. It's a serious charge, and it deserves a serious response.

That answer, given the reference to ''Washington Post editors,'' probably needs to begin with a restatement of the separation at The Post news and editorial opinion functions. Those of us who write editorials have no influence over editors and reporters who cover the news and who are committed to offering the wariest and most complete journalism possible about the standoff with Iraq. They in turn have no influence over us.

For our part, we might begin with that phrase ''rush to war.'' In fact there is nothing sudden or precipitous about our view that Saddam Hussein poses a grave danger. In 1990 and 1991 we supported many months of diplomacy and pressure to persuade the Iraqi dictator to withdraw his troops from Kuwait, the neighboring country he had invaded. When he failed to do so, we supported the use of force to restore Kuwait's independence. While many of the same Democrats who oppose force now opposed it then also, we believe war was the correct option—though it was certainly not, at the time, the only choice. When the war ended, we supported—in hindsight too unquestionably—a cease-fire agreement that left Saddam Hussein in power. But it was an agreement, imposed by the U.N. Security Council, that demanded that he give up his dangerous weapons.

In 1997 and 1998, we strongly backed President Clinton when he vowed that Iraq must finally honor its commitments to the United Nations to give up its nuclear, biological and chemical weapons—and we strongly criticized him when he retreated from those vows. Mr. Clinton understood the stakes. Iraq, he said, was a ''rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers or organized criminals who travel the world among us unnoticed.''

When we cite Mr. Clinton's perceptive but ultimately empty comments, it is in part to chide him and other Democrats who take a different view now that a Republic is in charge. But it has a more serious purpose too. Mr. Clinton could not muster the will, or the domestic or international support, to force Saddam Hussein to live up to the promises he had made in 1991, though even then the danger was well understood. Republicans who now line up behind President Bush were in many cases particularly irresponsible; when Mr. Clinton did bomb Iraqi weapons sites in 1998, some GOP leaders accused him of seeking only to distract the nation from his impeachment worries. Through the end of Mr. Clinton's tenure and the first year of Mr. Bush's presidency, Saddam Hussein built up his power, beat back sanctions and found new space to rearm—all with the support of France and Russia and the acquiescence of the United States.

After Sept. 11, 2001, many people of both parties said—and we certainly hoped—that the country had moved beyond such failures of will and politicization of deadly foreign threats. An outlaw dictator, in open definance of U.N. resolutions, unquestionably possessing and pursuing biological and chemical weapons, expressing support for the Sept. 11 attacks: Surely the nation would no longer dither in the face of such a menace. Now it seems again an open question. To us, risks that were clear before seem even clearer now.

But what of our ''jingoism,'' our ''drumbeating''? Probably no editorial page sin could be more grievous than whipping up war fever for some political or trivial purpose. And we do not take lightly the risks of war—to American and Iraqi soldiers and civilians first of all. We believe that the Bush administration has only begun to prepare the public for the sacrifices that the nation and many young Americans might bear during and after a war. And there is a long list of terrible things that could go wrong: anthrax dispersed, moderate regimes imperiled, Islamist recruiting spurred, oil wells set afire.

The right question though, is not ''Is war risky?'' but ''Is inaction less so?'' No one can provide more than a judgment in reply. But the world is already a dangerous place. Anthrax has been wielded in Florida, New York and Washington. Terrorists have struck repeatedly and with increasing strength over the past decade. Are the United States and

its allies ultimately safer if they back down again and leave Saddam Hussein secure? Or does safety lie in making clear that his kind of outlaw behavior will not be tolerated and in helping Iraq become a peaceable nation that offers no haven to terrorists? We would say the latter, while acknowledging the magnitude of the challenge, both during and especially after any war that may have to be fought. And we would say also that not only terrible things are possible: To free the Iraqi people from the sadistic repression of Saddam Hussein, while not the primary goal of a war, would surely be a blessing.

Nor is it useful merely to repeat that war ''should only be a last resort,'' as the latest French-German-Russian resolution states, or that, as French President Jacques Chirac said Monday, Iraq must disarm ''because it represents a danger for the region and maybe the world . . . but we believe this disarmament must happen peacefully.'' Like everyone else, we hope it does happen peacefully. But if it does not—if Saddam Hussein refuses as he has for a dozen years—should that refusal be accommodated?

War in fact has rarely been the last resort for the United States. In very recent times, the nation could have allowed Saddam Hussein to swallow Kuwait. It could have allowed Slobodan Milosevic to expel 1 million refugees from Kosovo. In each case, the nation and its allies fought wars of choice. Even the 2001 campaign against Afghanistan was not a ''last resort,'' though it is now remembered as an inevitable war of self-defense. Many Americans argued that the Taliban had not attacked the United States and should not be attacked; that what was needed was police action against Osama bin Laden. We believed they were wrong and Mr. Bush was right, though he will be vindicated in history only if the United States and its allies stay focused on Afghanistan and its reconstruction.

So the real questions are whether every meaningful alternative has been exhausted, and if so whether war is wise as well as justified. The risks should not be minimized. Everyone agrees, for example, that the United States would be stronger before and during a war if joined by many allies, and even better positioned if backed by the United Nations. If waiting a month, or three months, would ensure such backing, the wait would be worthwhile.

But the history is not encouraging. The Security Council agreed unanimously in early November that Iraq was a danger; that inspectors could do no more than verify a voluntary disarmament; and that a failure to disarm would be considered a ''material breach.'' Now all agree that Saddam Hussein has not cooperated, and yet some countries balk at the consequences—as they have, time and again, since 1991. We have seen no evidence that an additional three months would be helpful. Nor does it strike us as serious to argue that the war should be fought if Mr. Chirac and German Chancellor Gerhard Schroeder agree, but not if they do not. If the war is that optional, it should not be fought, even if those leaders do agree; if it is essential to U.S. national security, their objections ultimately cannot be dispositive.

In 1998 Mr. Clinton explained to the nation why U.S. national security was, in fact, in danger. ''What if he fails to comply and we fail to act, or we take some ambiguous third route, which gives him yet more opportunities to develop this program of weapons of mass destruction? . . . Well, he will conclude that the international community has lost its will. He will then conclude that he can go right on and do more to rebuild an arsenal of devastating destruction. And some day, some way, I guarantee you he'll use the arsenal.''

Some argue now that, because Saddam Hussein has not in the intervening half-decade used his arsenal, Mr. Clinton was wrong and the world can rest assured that Iraq is adequately ''contained.'' Given what we know about how containment erodes over time; about Saddam Hussein's single-mindedness compared with the inattention and divisions of other nations; and about the ease with which deadly weapons can move across borders, we do not trust such an assurance. Mr. Clinton understood, as Mr. Bush understands, that no president can bet his nation's safety on the hope that Iraq is ''contained.'' We respect our readers who believe that war is the worst option. But we believe that, in this case, long-term peace will be better served by strength than by concessions.

Mrs. CLINTON. Mr. President, for thousands of mothers across the U.S., having a child is a momentous occasion filled with happiness and excitement. However, for a smaller percentage of women, childbirth brings about feelings of sadness, fear, and anxiety so overwhelming that they can no longer function normally. Postpartum depression, a mood disorder that is the culprit of these sentiments, severely affects the mental health of new mothers and places a strain on families. This is why I am proud to join my colleagues, Senator DURBIN and Senator FITZGERALD, in introducing the ''Melanie Stokes Postpartum Depression Research and Care Act.''

I firmly believe that postpartum depression is a national problem; it strikes women regardless of age, race, or economic status. Nearly 80 percent of new mothers experience baby blues, a very common, mild form of depression occurring in the first days or weeks after birth, but 10 to 20 percent suffer from the more severe postpartum depression. This is accompanied by irritability, despair, and anger, which can continue without treatment. The most acute form of depression, postpartum psychosis, can be accompanied by anxiety and fear, but also delusions and hallucinations. It strikes 1 in 1000 women. These two forms of postpartum depression contribute to a mother's sense of worth, inhibits a women's ability to complete her every day activities or enjoy the precious new moments with her child.

Despite these serious effects, there is alarmingly little research on postpartum depression. Additionally, while drops in hormone levels such as progesterone and estrogen have been linked to postpartum mood swings, there is no definite known cause for this disorder. This bill seeks to fill a glaring void in the understanding of this illness and provide treatment and care options for new moms. It establishes research programs to explore the causes, prevention, and prevalence of postpartum depression and psychosis. I also believe that women need real support in terms of comprehensive services at the community level. This legislation provides grants to help moms manage postpartum conditions at hospitals, community health centers, and shelters so they can access home based care, screening services, and other comprehensive treatments.

Motherhood should be a blessing, not a nightmare. Organizations and health professionals all urge families and friends to inundate at risk or new moms with support as she takes on the complex task of raising a child. This bill is our way of supporting these moms. We hope to provide research results and necessary help to ensure a brighter future for new mothers caught in the fearful grip of postpartum depression. I will continue to support efforts to diminish the anguish of postpartum depression and improve efforts to safeguard the mental well-being for new mothers.

Mrs. FEINSTEIN. Mr. President, last night I introduced the ''State Criminal Alien Assistance Program Reauthorization Act of 2003,'' bipartisan legislation to authorize funds to relieve State and county governments of the some of the fiscal burdens associated with the incarceration of undocumented criminal aliens.

I am pleased that Senators MCCAIN, KYL, SCHUMER, BOXER, HUTCHISON, BINGAMAN and DOMENICI have joined me in introducing this important measure.

The broad principle on which this bill is based is simple: the control of illegal immigration is a Federal responsibility. When the Federal Government falls short in its efforts to control illegal immigration, it must bear the responsibility for the financial and human consequences of this failure.

More and more, however, the fiscal consequences of illegal immigration are being borne by the States and local counties.

The State Criminal Alien Assistant Program, SCAAP, Reauthorization Act of 2003 would properly vest the fiscal burden of incarcerating illegal immigrants, who are convicted of felonies or multiple misdemeanors, with the Federal Government.

The legislation would do so by authorizing up to $750 million in Fiscal Year 2004 for Federal reimbursement to the States and county governments for the direct costs associated with incarcerating undocumented criminal aliens. It would authorize an additional $850 million in Fiscal Year 2005, and $950 million for the program in Fiscal Years 2006 through 2010.

The number of State and local governments seeking SCAAP funding has jumped 25 percent from the previous year. The combination of the increase, and the fact that all 50 States and the District of Columbia receive some funding from the program, suggests that no State is immune from the fiscal costs associated with crimes committed by illegal aliens.

Therefore, I urge all of my colleagues to work with me to not only ensure that the SCAAP program survives, but also that it is adequately funded.

At a time when the administration is asking State and local governments to do even more with their local funds to enforce the nation's immigration laws, it is at the same time recommending the elimination of a vital source of funding that already falls far short of what states spend to incarcerate criminal illegal aliens.

High impact States, like California, continue to shoulder extraordinary costs for housing illegal aliens in its criminal justice system. The State prisons had an estimated 22,565 criminal aliens it its system out of a total population of 160,728.

In just a 3-month period last year, the State's county jails housed just under 10,000 criminal aliens. Overall, California taxpayers paid more than $2.28 billion in 2001 to cover these costs.

In 2002, California received a SCAAP payment of $220 million—less than 10 percent of the total costs to the State. This year, California taxpayers can expect to spend even more.

The SCAAP reauthorization bill would help California and all other States that are experiencing increasing costs from incarcerating undocumented felons—both low-impact and high-impact states.

Last year, the State of Wisconsin and its counties, for example, received more than $3.5 million in funding; Massachusetts received over $13 million; Pennsylvania received lose over $2.6 million; Virginia received more than $6.4 million; North Carolina received $5.2 million; Michigan received $2.9 million; Minnesota received $1.8 million.

Thus, even states that have not traditionally had to confront the growth in illegal immigration are now bearing the costs of this Federal responsibility.

The administration's opposition to this program is puzzling.

I am particularly disappointed that an Administration headed by a former governor of a State highly impacted by the Federal Government's inability to control illegal immigration, would recommend the elimination of this important program.

Who pays when these costs go uncovered?

In California, the burden will fall on our law enforcement agencies—including sheriffs, officers on the beat, antigang violence units, district attorneys offices. At a time when the nation is focused on enhancing security within our borders, within our States and within our local communities, a vital program like SCAAP should not be vulnerable to being short-changed or eliminated.

I note that when the current president was governor of Texas, he was a strong supporter of Federal funding for SCAAP he, too, recognized that controlling illegal immigration was a federal responsibility and that States cannot and should not be expected to handle the national burden on their own.

Certainly, the problems that were faced by Texas then with respect to the incarceration of criminal aliens have grown since then-Governor Bush wrote that letter. In 1997, the year in which the letter was written, the State of Texas incurred more than $129 million in incarceration costs. In fiscal year 2002, those costs soared to more than $1.17 billion.

It is inexplicable to me that this administration would now call for the elimination for the program. I will include the letter then-Governor Bush wrote to Representative Hal Rogers, chairman of the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, for the RECORD.

After years of strongly supporting funding for the SCAAP program, President Bush's recent opposition to the program prompted Congress to cut the program by 56 percent this year, from $565 million to $250 million.

I urge my colleagues to reverse that course in Fiscal Year 2004 and consider restoring the cuts that were made when Congress considers the FY2003 supplemental appropriations request the administration is likely to submit in the next several weeks.

I thank my colleagues who joined me yesterday for their tireless efforts in ensuring that States and local counties receive some compensation for they do their part in securing their communities from criminal aliens who are in the country illegally.

I join them in introducing the SCAAP reauthorization legislation in hopes that it will go further to alleviate some of the fiscal hardships States and local governments incur when they must take on this Federal responsibility.

I ask unanimous consent to print the letter to which I referred in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF TEXAS
OFFICE OF THE GOVERNOR,
July 10, 1997.

Hon. HAL ROGERS,
Chairman, Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, Committee on Appropriations, Washington, D.C. 20515.

DEAR CHAIRMAN ROGERS: The cost of processing and housing criminal aliens in our state criminal justice system continues to grow. I am writing to ask you to support funding the $650 million authorization to reimburse state and local governments for the costs of incarcerating undocumented criminal aliens. We are thankful for Congress' recognition of this problem in Texas and appreciate the funding we have already received.

The Immigration and Naturalization Service estimates that Texas incarcerates more than 8,000 undocumented aliens each year. At this current rate of incarceration, the annual cost to Texas exceeds $129 million. During fiscal year 1996, Texas received $51.9 million in reimbursement under the State Criminal Alien Assistance Program (SCAAP). Any additional funds dedicated to assist Texas in recapturing the costs of housing these criminal aliens would be greatly appreciated.

Thank you for your time and attention to this matter of importance to Texas. I will appreciate any action you can take on this matter.

Sincerely,

GEORGE W. BUSH,
Governor.

TRIBUTE TO VICTOR BAIRD

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to Victor Baird, who is retiring from his position as acting staff director and chief counsel to the U.S. Senate Select Committee on Ethics after more than 15 years of service.

For the last 2 years, I have had the privilege to serve on the U.S. Senate Select Committee on Ethics, an assignment that has provided me valuable insights into the workings and the ethical guidelines of this body. When I joined the committee, I was a relatively junior member, having served only 2 years in the Senate. I consider myself extremely fortunate that during this time, I have been able to draw on the wisdom and expertise of Victor Baird.

Following a distinguished legal career in Georgia, Victor came to Washington in 1987 to serve as counsel to the Ethics Committee. Over the ensuing 15 years, Victor has brought to the committee a sense of nonpartisan balance, careful legal judgment, historical perspective, and good humor—a collection of qualities that have served the committee well during some challenging times. His advice to committee members and his leadership of the committee staff have been invaluable during the last 15 years, and we owe him a debt of gratitude for his service.

I should note that, although the committee is losing a valuable asset in Victor Baird, we are fortunate in the choice of his successor—Rob Walker. Mr. Walker has served the past 4 years as chief counsel and staff director of the U.S. House of Representatives Committee on Standards of Official Conduct. But prior to that, he served as counsel to the Senate Ethics Committee, where he worked closely with Victor Baird. The Senate Ethics Committee is fortunate to have Rob back. I look forward to working with him, as I am sure that he will continue the tradition of fairness and excellence that his predecessor has established.

So as we say goodbye to Victor Baird, let's also thank him for his steady and dependable service in the committee for these last 15 years, and let's wish him well in his ventures in the years to come.

WAR ON TERROR AND HUMAN RIGHTS IN CHINA

Mr. FEINGOLD. Mr. President, attention is understandably on Iraq this week as we move ever closer to a decision on use of military force there to disarm the regime of Saddam Hussein. But as we contemplate whether such action makes sense in terms of protecting our people from the threat of global terrorism, it is important that we not lose sight of important developments in other parts of the world.

Earlier this week, Secretary of State Powell visited Beijing, reportedly to seek the support of China's leaders in dealing with Iraq and North Korea. This makes sense, since China has the power to veto any U.N. resolution on Iraq and is reputed to have influence

with Kim Jong-Il. Our relations with China have warmed since September 11, as its support was deemed important to the success of the ''war on terrorism,'' both in Afghanistan and beyond. Unfortunately, China's leaders appear to have a very different agenda for this war. As the Chinese would say, we are sleeping in the same bed but having different dreams.

Earlier this month, Wang Bingzhang, a Chinese democracy activist who has lived most of the past 20 years in New York as a U.S. legal permanent resident, was sentenced to life in prison following a secret trial on charges of espionage and ''leading a violent terrorist organization.'' Chinese authorities had had him in custody, unbeknownst to his family, since last July, when he was apparently abducted while visiting Vietnam and brought across the border into China. The Chinese authorities have presented no public evidence linking Wang to any violent activities. Since being exiled to Canada in 1979, however, he has advocated peaceful democratic change in China, founding the magazine China Spring in New York in 1982 and serving as an adviser to the outlawed China Democracy Party. He sneaked across the border into China in 1998, when the China Democracy Party was attempting to organize and register itself within the boundaries of Chinese law, and was detained and deported. The Chinese Communists clearly see him as a nuisance, and the ''war on terrorism'' provided a convenient excuse to silence him.

Last month, Chinese authorities executed a former Tibetan monk, Lobsang Dhondrup, who was accused of carrying out a series of bombings in Sichuan Province. Lobsang was detained near the scene of one of the bombings last April. But the only evidence made public against him was his confession, which was very likely extracted through torture. He was killed immediately after the Intermediate Court for the Ganzi Tibetan Prefecture upheld his death sentence. The same day, the Sichuan Provincial High Court in Chengdu rejected the appeal of Tenzin Delek Ripoche, a senior Tibetan Buddhist monk and social and environmental activist, and reaffirmed his suspended death sentence in connection with the same case. Chinese authorities have provided no public evidence linking Tenzin to the bombings, according to Human Rights Watch.

A third man, Tsereng Dhondrup, was given 5 years for merely circulating petitions in defense of Lobsang and Tenzin. Authorities are thought to be holding 10 other ethnic Tibetans in connection with the bombings but will not release their names or locations.

Mr. President, I do not dispute for a moment that Chinese authorities have the right—indeed the duty—to take firm measures against terrorism within their borders, just as we are doing here. The bombings in Sichuan, which took innocent life, were without question terrorist acts, as were the bombings this week on Beijing university campuses, and they should be condemned. The imperative to combat terrorism does not absolve any nation, however, of its obligation to respect basic human rights, including the right to due process. Whether Lobsang was involved in the bombings in Sichuan we may never know. But Assistant Secretary of State Lorne Craner has expressed ''deep concern'' as to whether Lobsong received a fair trial, according to the Washington Post. Neither Lobsang nor Tenzin was allowed to choose his own defense attorney. Tenzin was held incommunicado for 8 months, up to the day of his trial, and appeal hearings were closed to the public on the grounds that ''state secrets'' were involved.

These cases illustrate a deeply cynical misappropriation of the anti-terrorist struggle by a repressive regime to suppress legitimate dissent, persecute restive minority groups, and literally get away with murder. Administration officials maintain that, while seeking China's cooperation in combatting international terrorism, they have at the same time made clear that China should not interpret that as a license to violate basic human rights. But violate them they have, and apparently with increasing frequency.

In the Northeast Chinese Rustbelt city Liaoyang, two labor leaders—Yao Fuxin and Xiao Yunliang—are awaiting sentencing following their January 15 trial for ''inciting the subversion of the political authority of the state.'' The prosecution said they conspired to ''overthrow the socialist system.'' In fact, what they did was organize protest marches last spring for workers laid off from a state-owned plant that went bankrupt in 2001, owing them several months of back wages, as well as pension and other benefits and severance allowances. Workers suspected the plant's management had embezzled funds that should have been used to pay those benefits. The authorities declared the protests illegal and arrested Yao, Xiao, and two other organizers.

According to labor activists in Hong Kong who have been monitoring the case, Yao and Xiao were held for several months without formal charges and were denied access to their lawyer on the grounds that the case involved ''state secrets.'' The initial indication was that they had been arrested for illegal assembly. But when the workers of Liaoyang continued to rally behind their leaders and the case attracted international attention, Chinese authorities asserted that the men had carried out ''destructive activities,'' including car-bombings and destroying public property.

This was something not even the Liaoyang police and prosecutors had alleged. Even the local representative of the official Communist Party labor organization called the allegations ''a complete fabrication.'' Nonetheless, when formal charges were finally announced against the men last month, they were charged not just with illegal assembly but with the much more serious offense of subversion. At their four-hour trial January 15, the prosecution made no attempt to tie Yao and Xiao to any violent activities. Instead, they argued, Yao and Xiao had subverted the authority of the Chinese state by attending preparatory meetings of the then not-yet-banned China Democracy Party back in 1998 and communicating with ''hostile foreign elements,'' such as Agence France Presse and the Wall Street Journal.

Here again, China's rulers have appropriated the language of anti-terrorism to persecute people who have done nothing more than challenge the authority of the Communist Party through peaceful means.

Meanwhile, throughout China, the brutal suppression of the Falungong spiritual movement, which President Jiang Zemin has branded an ''evil cult,'' continues. Charles Li, a U.S. citizen Falungong practitioner, is about to enter his sixth week of detention in Jiangsu Province, where he returned to spend Chinese New Year with his parents.

Authorities have not charged him, and he has been allowed only one half-hour meeting with U.S. consular officials. Initial reports indicated he was accused of hijacking television broadcasts to spread the banned Falungong message. But his friends and associates maintain he was not even in China when those incidents occurred. His actual sin appears to be having had the temerity to serve a subpoena on the Mayor of Beijing, when he visited San Francisco last year, under the Alien Tort Claims Act and Torture Victim Protection Act, as was his right as a U.S. citizen on U.S. territory under U.S. law.

Why is it that we are seeing so many egregious violations of basic human rights in China in such a short span of time? Could it be that the senior leadership in Beijing knows that the world's attention is currently focused elsewhere? Could it be they think U.S. criticism of their actions will be muted, since the administration needs their support, or at least their acquiescence, on Iraq and North Korea? Or could it be that President Jiang and his cohorts, who will step down next month, want to clear the dockets so that Hu Jintao and the new crew can begin with a clean slate? Remember that Jiang rode to power on the tide of blood from Tiananmen Square, and he has snuffed out anything that even smelled of political reform ever since.

I hope China's incoming leaders, by virtue of their shared generational experience, will adopt a more enlightened view toward political modernization than their predecessors did. They are less likely to do so if they infer that the rest of the world is not paying attention or doesn't care. We must keep the disinfectant of sunlight focused on them, and anyone else who would deny people their basic freedoms and

dignities in the name of ''stability,'' ''security'' or the ''war on terror.''

Thank you, Mr. President.

DESIGNATING HUMAN GENOME MONTH AND DNA DAY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 10 which was introduced today by Senators GREGG and KENNEDY.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 10) designating April 2003 as ''Human Genome Month'' and April 25 as ''DNA Day.''

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and 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. 10) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 10

Whereas April 25, 2003, will mark the 50th anniversary of the description of the double-helix structure of DNA by James D. Watson and Francis H.C. Crick, considered by many to be one of the most significant scientific discoveries of the 20th Century;

Whereas, in April 2003, the International Human Genome Sequencing Consortium will place the essentially completed sequence of the human genome in public databases, and thereby complete all of the original goals of the Human Genome Project;

Whereas, in April 2003, the National Human Genome Research Institute of the National Institutes of Health in the Department of Health and Human Services will unveil a new plan for the future of genomics research;

Whereas, April 2003 marks 50 years of DNA discovery during which scientists in the United States and many other countries, fueled by curiosity and armed with ingenuity, have unraveled the mysteries of human heredity and deciphered the genetic code linking one generation to the next;

Whereas, an understanding of DNA and the human genome has already fueled remarkable scientific, medical, and economic advances; and

Whereas, an understanding of DNA and the human genome hold great promise to improve the health and well being of all Americans: Now, therefore, be it

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

(1) designates April 2003 as ''Human Genome Month'' in order to recognize and celebrate the 50th anniversary of the outstanding accomplishment of describing the structure of DNA, the essential completion of the sequence of the human genome, and the development of a plan for the future of genomics;

(2) designates April 25 as ''DNA Day'' in celebration of the 50th anniversary of the publication of the description of the structure of DNA on April 25, 1953; and

(3) recommends that schools, museums, cultural organizations, and other educational institutions across the nation recognize Human Genome Month and DNA Day and carry out appropriate activities centered on human genomics, using information and materials provided through the National Human Genome Research Institute and through other entities.

RECOGNIZING BICENTENNIAL OF OHIO'S FOUNDING

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 68 which was introduced earlier today by Senators VOINOVICH and DEWINE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 68) recognizing the bicentennial of Ohio's founding.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 68) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 68

Whereas Ohio residents will celebrate 2003 as the 200th anniversary of Ohio's founding:

Whereas Ohio was the 17th State to be admitted to the Union and was the first to be created from the Northwest Territory;

Whereas the name ''Ohio'' is derived from the Iroquois word meaning ''great river'', referring to the Ohio River which forms the southern and eastern boundaries;

Whereas Ohio was the site of battles of the American Indian Wars, French and Indian Wars, Revolutionary War, the War of 1812, and the Civil War;

Whereas in the nineteenth century, Ohio, a free State, was an important stop on the Underground Railroad as a destination for more than 100,000 individuals escaping slavery and seeking freedom;

Whereas Ohio, ''The Mother of Presidents'', has given eight United States presidents to the Nation, including William Henry Harrison, Ulysses S. Grant, Rutherford B. Hayes, James A. Garfield, Benjamin Harrison, William McKinley, William H. Taft, and Warren G. Harding;

Whereas Ohio inventors, including Thomas Edison (incandescent light bulb), Orville and Wilbur Wright (first in flight), Henry Timken (roller bearings), Charles Kettering (automobile starter), Charles Goodyear (process of vulcanizing rubber), Garrett Morgan (traffic light), and Roy Plunkett (Teflon) created the basis for modern living as we know it;

Whereas Ohio, ''The Birthplace of Aviation'', has been home to 24 astronauts, including John Glenn, Neil Armstrong, and Judith Resnick;

Whereas Ohio has a rich sports tradition and has produced many sports legends, including Annie Oakley, Jesse Owens, Cy Young, Jack Nicklaus, and Nancy Lopez;

Whereas Ohio has produced many distinguished writers, including Harriet Beecher Stowe, Paul Laurence Dunbar, Toni Morrison, and James Thurber;

Whereas the agriculture and agribusiness industry is and has long been the number one industry in Ohio, contributing $73,000,000,000 annually to Ohio's economy and employing 1 in 6 Ohioans, and that industry's tens of thousands of Ohio farmers and 14,000,000 acres of Ohio farmland feed the people of the State, the Nation, and the world;

Whereas the enduring manufacturing economy of Ohio is responsible for ¼ of Ohio's Gross State Product, provides over one million well-paying jobs to Ohioans, exports $26,000,000,000 in products to 196 countries, and provides over $1,000,000,000 in tax revenues to local schools and governments;

Whereas Ohio is home to over 140 colleges and universities which have made significant contributions to the intellectual life of the State and Nation, and continued investment in education is Ohio's promise to future economic development in the ''knowledge economy'' of the 21st century;

Whereas, from its inception, Ohio has been a prime destination for people from all corners of the world, and the rich cultural and ethnic heritage that has been interwoven into the spirit of the people of Ohio and that enriches Ohio's communities and the quality of life of its residents is both a tribute to, and representative of, the Nation's diversity;

Whereas Ohio will begin celebrations commemorating its bicentennial on March 1, 2003, in Chillicothe, the first capital of Ohio;

Whereas the bicentennial celebrations will include Inventing Flight in Dayton (celebrating the centennial of flight), Tall Ships on Lake Erie, Tall Stacks on the Ohio River, Red, White, and Bicentennial Boom in Columbus, and the Bicentennial Wagon Train across the State: Now, therefore, be it

Resolved by the Senate That the Senate

(1) recognizes the bicentennial of Ohio's founding and its residents for their important contributions to the economic, social, and cultural development of the United States; and

(2) directs the Secretary of the Senate to transmit a copy of this resolution to the Governor of Ohio.

READ ACROSS AMERICA DAY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 69 which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 69) designating March 3, 2003, as ''Read Across America Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 69) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 69

Whereas reading is a basic requirement for quality education and professional success, and a source of pleasure throughout life;

Whereas Americans must be able to read if the Nation is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the new Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and additional resources for reading assistance; and

Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 3, 2003, as ''Read Across America Day'';

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and in a celebration of reading; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

MEASURE READ THE FIRST TIME—H.R. 534

Mr. SANTORUM. Mr. President, I understand that H.R. 534 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 534) to amend title 18, United States Code, to prohibit human cloning.

Mr. SANTORUM. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read a second time on the next legislative day.

ORDERS FOR MONDAY, MARCH 3, 2003

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon, Monday, March 3. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate return to executive session and resume consideration of the nomination of Miguel Estrada to be Circuit Court judge for the District of Columbia.

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANTORUM. For the information of all Senators, the Senate will resume consideration of the Estrada nomination during Monday's session. As a reminder, the next rollcall vote will occur at 5:30 p.m. on Monday, as under the previous order. That vote will be on the confirmation of a U.S. Court of Federal Claims Judge. Once again, Members are encouraged to come to the floor during Monday's session in order to debate the pending Estrada nomination.

ADJOURNMENT UNTIL MONDAY, MARCH 3, 2003

Mr. SANTORUM. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:54 p.m., adjourned until Monday, March 3, 2003, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 27, 2003:

DEPARTMENT OF STATE

JAMES B. FOLEY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAY T. SNYDER, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2004, VICE PAULA DOBRIANSKY, TERM EXPIRED.

HAROLD C. PACHIOS, OF MAINE, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2005. (REAPPOINTMENT)

ELIZABETH F. BAGLEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2005, VICE LEWIS MANILOW, RESIGNED.

MARIE SOPHIA AGUIRRE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2003, VICE MARIA ELENA TORANO, TERM EXPIRED.

MARIE SOPHIA AGUIRRE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2006. (REAPPOINTMENT)

BARBARA MCCONNELL BARRETT, OF ARIZONA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2003, VICE HANK BROWN, RESIGNED.

BARBARA MCCONNELL BARRETT, OF ARIZONA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2006. (REAPPOINTMENT)

CHARLES WILLIAM EVERS III, OF FLORIDA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2003, VICE CHARLES H. DOLAN, JR., TERM EXPIRED.

CHARLES WILLIAM EVERS III, OF FLORIDA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING ON JULY 1, 2006. (REAPPOINTMENT)

AFRICAN DEVELOPMENT FOUNDATION

EPHRAIM BATAMBUZE, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2008, VICE HENRY MCKOY, TERM EXPIRED.

THOMAS THOMAS RILEY, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 22, 2005, VICE CLAUDE A. ALLEN.

DEPARTMENT OF JUSTICE

MCGREGOR WILLIAM SCOTT, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE PAUL L. SEAVE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601, AND TO BE A SENIOR MEMBER OF THE MILITARY STAFF COMMITTEE OF THE UNITED NATIONS UNDER TITLE 10, U.S.C., SECTION 711:

To be lieutenant general

MAJ. GEN. WALTER L. SHARP, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. ANN D. GILBRIDE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. RICHARD J. WALLACE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JON W. BAYLESS JR., 0000
CAPT. JAY A. DELOACH, 0000
CAPT. EDWARD NMN MASSO, 0000
CAPT. WILLIAM H. PAYNE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. HAROLD L. ROBINSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. HENRY B. TOMLIN III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. KAREN A. FLAHERTY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. MARSHALL E. CUSIC JR., 0000

EXTENSIONS OF REMARKS

IN RECOGNITION OF DONATED DENTAL SERVICES

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. HASTERT. Mr. Speaker, I rise today to recognize the important contributions of Donated Dental Services to the dental health of elderly, disabled and medically compromised individuals across the nation.

The freedom and individual rights at the core of our society come from a shared responsibility for the health and well-being of our communities and for each other. Many members of the dental profession embrace this responsibility by offering their professional services to vulnerable individuals.

Since 1986, some 10,000 volunteer dentists across 32 states have provided an estimated $50 million in comprehensive dental care to 44,000 needy individuals. The large volume of participation in Donated Dental Services clearly signifies a socially responsible and commendable commitment to expanding access to dental services for the underserved.

Through a coordinated effort, Donated Dental Services will soon endeavor to double its humanitarian service potential by adding 10,000 more volunteer dentists from across the country. This effort holds the promise of ensuring thousands more underserved Americans will receive access to dental care, thereby improving their quality of life and general well-being.

I commend the thousands of dentists who volunteer their time with Donated Dental Services, and I congratulate the program for their commitment to increase charitable care for our nation's underserved.

RECOGNITION OF KEVIN ''MAX'' COLDREN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kevin ''Max'' Coldren, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Max has been very active with his troop, working on his God & Church award and attending the H. Roe Bartle Scout Reservation for four years where he became brave in the tribe of MIC-O-SAY in 2001. Over the four years he has been involved in scouting, he has held numerous leadership positions, serving as assistant senior patrol leader, patrol leader, assistant patrol leader, den chief and bugler. Max also has been honored for his numerous scouting achievements by becoming a brotherhood member of the Order of the Arrow.

For his Eagle Scout project, Max worked with doctors and nurses of Medical Aid for Children of Latin America (MACALA), helping them prepare for their 2003 journey to provide surgical and medical aid to the children of the Dominican Republic. Max and his team of scouts and scouters sorted, counted, packed and prepared for shipment medical supplies required for this mission. In addition, Max collected over 300 stuffed animals for the mission so that each child could receive a gift following surgery.

Mr. Speaker, I proudly ask you to join me in commending Kevin ''Max'' Coldren for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO CITY OF HOPE HOSPITAL AND BECKMAN INSTITUTE OF RESEARCH

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. BRADY of Pennsylvania. I rise to acknowledge the contributions of Philadelphia's own Sarah and Rubin Herman Chapter of the City of Hope Hospital and Beckman Institute of Research. As this institution celebrates its 40th year, its unwavering commitment to both the community and the medical field remain unparalleled.

The Philadelphia chapter is composed of 70 local women, ages 60–85, who have dedicated countless hours of their time to support fund-raising efforts and events. Last year alone, they raised $35,000 to assist doctors and research scientists in their on-going battle to find a cure for various life-threatening diseases.

The Sarah and Rubin Herman Chapter of the City of Hope Hospital and Beckman Institute maintain an exemplary level of enthusiasm about and dedication to volunteerism. They stand steadfast in their mission to provide hope for a brighter future for the survivors of life threatening diseases and their families. I hope that all of my distinguished colleagues will join me in recognizing the contribution that has been made to Philadelphia, to Pennsylvania and to our great nation.

HONORING DRUG FREE WEEK ESSAY WINNER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. HALL of Texas. Mr. Speaker, I rise today to recognize a special student from Gladewater, TX, Brittany Linder, who was a grand prize winner in the Red Ribbon Week ''I am drug-free because...'' essay contest sponsored by the city of Longview Partners in Prevention. Brittany represents Weldon Intermediate school in the Gladewater independent school district and is a fourth-grade student of Mrs. Cathy Bedair. She is the daughter of John and Blane Linder and the granddaughter of my longtime friend Carolyn Linder.

According to the White House Office of National Drug Control Policy, although recent trends in youth drug use have stabilized, the rates of use remain at high levels. Youth substance abuse, as we know, can lead to many other problems, including the development of delinquent behavior, anti-social attitudes and numerous health risks. These problems not only impact the child but also the child's family, friends, community and ultimately society as a whole.

Brittany speaks to this issue in her essay: ''I am drug free because if I take drugs, I would not be able to realize my dreams. I would not be able to be a good teacher, or mother. If I take drugs, I would hurt valuable brain cells and when I found my dreams, I would not be able to do it.''

The essay entries from area fourth-graders were judged by LeTouneau University students. Throughout our Nation, dedicated teachers, parents, clergy, law enforcement officers, healthcare providers, local government officials and community volunteers are involved in various drug-prevention programs that raise awareness among our young people of the dangers of drug use and help those already suffering the consequences of such use. Beginning these programs at a young age is one key to their success, and I commend programs such as the Drug Free Week essay contest that seek to instruct and involve our young people in this issue.

Mr. Speaker, I want to congratulate Brittany on her winning essay and commend her for taking a strong stand against the use of drugs.

INAUGURATION OF PRESIDENT ROH MOO HYUN OF THE REPUBLIC OF KOREA

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. CAPUANO. Mr. Speaker, I rise to inform the House of the inauguration of President Roh Moo Hyun of the Republic of Korea (ROK) on February 25, 2003. His inauguration marks a new opportunity for peace on the Korean peninsula and a stronger relationship with the United States.

President Roh represents a new generation of South Korean leaders that have been entrusted with an awesome responsibility to protect democracy in an age of growing instability and open hostility on the Korean peninsula. South Korea has grown into a country that has successfully transformed into a thriving, democratic nation over the last several decades. I am confident that under the leadership of

President Roh, a new generation of Koreans will effectively use their country's untapped human, economic, and political potential to shape an even brighter and more prosperous world.

The new South Korean government also presents an important opportunity for US Korean relations. We must work together to ease the tension that has been permitted to rise on the peninsula in recent months. I know Americans share a common goal with the South Korean people in achieving a safer, more secure world, and promoting peace and prosperity on the Korean peninsula and throughout Asia.

The United States is dedicated to achieving these common goals with South Korea. Both nations must come together to formulate proposals to address the security challenges we are facing. Over the last 50 years, we have joined with South Korea to promote democracy in Asia. I am hopeful that our relationship will continue to grow under President Roh's leadership.

I want to congratulate President Roh and the citizens of South Korea for boldly taking up the challenge to build a better and safer Korea.

INTRODUCTION OF A BILL TO EXPAND NATIVE CONTRACTING IN THE STATE OF ALASKA

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. YOUNG of Alaska. Mr. Speaker, I am again introducing a bill to expand the Alaska Native contracting of Federal land management functions and activities and to promote hiring of Alaska Natives by the Federal government within the State of Alaska.

Many rural Alaska native communities are located within close proximity of refuges that play an important role in the culture of Alaska natives and other residents in rural Alaska. Congress, through Sections 1307 and 1308 of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980 directed the Secretary of the Interior to establish programs whereby Native lands were given preference for siting of conservation service unit facilities and for native hiring. These provisions also recognized that the Natives whose front and back yards were now part of the federal parks and preserves systems should be involved in the administering of the lands because of their special knowledge and expertise concerning the natural or cultural resources of such areas.

P.L. 106–488 authorized two pilot projects in the Bering Straits and NANA Region in northwest Alaska. These include the following preserves: Bering Land Bridge National Preserve; Cape Krusentern National Monument; Kobuk Valley National Park; and Noatak National Preserve. Neither of these projects have been implemented.

Twenty-three years have passed since the 1980 ANILCA amendments were enacted, and the contracting and native hire provisions remain unfulfilled by the Department of the Interior. My bill would remedy this by directing the Department of the Interior to implement sections 1307 and 1308 of the 1980 ANILCA amendments and enter into demonstration projects.

RECOGNITION OF STEPHEN JOHN MOORE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Stephen John Moore, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Stephen has been very active with his troop, earning his Bobcat, Wolf, Bear, and Webelos rankings as well as his God and Me, God and Family, and the Arrow of Light Awards. Over the ten years he has been involved in Scouting, he has held numerous leadership positions, serving as patrol leader, quartermaster, and senior patrol leader. Stephen also has been honored for his numerous scouting achievements by becoming a brotherhood member of the Order of the Arrow.

For his Eagle Scout project, Stephen improved portions of a trail at the Parkville Nature Sanctuary. He constructed a rock bridge, two check dams, and a rocked part of the White Tail Trail, helping walkers get through the park more easily.

Mr. Speaker, I proudly ask you to join me in commending Stephen John Moore for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

MARSHA SHARP EARNS 500TH CAREER VICTORY

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. COMBEST. Mr. Speaker, I rise today to commend Marsha Sharp for her outstanding accomplishments as the head coach of the Texas Tech Lady Raiders. Her efforts have gained her 500 career wins at the helm of this storied basketball program.

Marsha Sharp has become the 22nd women's basketball coach in NCAA Division I history, and just the second in Texas, to achieve 500 wins. Her career record of 500–156 and winning percentage of .762 ranks in the top 10 among all-time Division I coaches. Marsha Sharp's success as a coach and mentor has been nationally renowned during her 20 years at Texas Tech.

Her commitment to excellence has earned many successes for both her and the teams that she has led. Coach Sharp is in her 21st season as the head coach of the Lady Raider Basketball program. She guided the Lady Raiders to the NCAA National Championship in 1993 and has led Texas Tech to the NCAA Tournament 15 times, including 13 straight. She has taken her team to the Sweet 16 nine times and the Elite Eight three times. She has also led her teams to numerous conference titles.

Marsha Sharp's achievements go far beyond wins and conference titles. She has volunteered her precious time for numerous civic activities and non-profit organizations. She helps these worthy groups generate awareness and raise much needed funds. Texas Tech and the Lubbock Community are very privileged to have an individual that is as caring and generous as Coach Sharp.

It is with great pride that I commend Marsha Sharp for her accomplishments as a coach and community leader, and I congratulate her on winning her 500th game as the head coach of the Lady Raiders.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. BASS. Mr. Speaker, I was regrettably absent on Tuesday, February 25, 2003, and consequently missed a recorded vote on H. Res. 98. Had I been present, I would have voted ''yea'' on rollcall vote No. 33.

And I was also regrettably absent for the recorded vote on H. Res. 46. Had I been present, I would have voted ''yea'' on rollcall vote No. 34.

HONORING EDWARD MEDEIROS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. McGOVERN. Mr. Speaker, I rise today to join the citizens of Massachusetts in honoring Mr. Edward Medeiros, former deputy of the Knights of Columbus 40th District in Massachusetts.

Mr. Medeiros has been the leader of five district councils for the past three years. The councils include Monsignor James Coyle Council 82 of Taunton, Massachusetts; Fall River Council 86 of Fall River, Massachusetts; St. Isidore the Fanner Council 4373 of Westport, Massachusetts; St. Joseph Council 4480 of Kingston, Massachusetts; and Cross of Christ Council 12283 of Assonet, Massachusetts.

Furthermore, Mr. Medeiros has served as the Financial Secretary of the Monsignor Augusto Leal Furtado Council 12348 of Somerset, Massachusetts and a member of Rev. Robert H. Buchan Assembly 2314 of Middleboro, Massachusetts. In addition to serving as a District Deputy and Financial Secretary, he has dedicated numerous hours to youth programs, pro-life activities, and church education. Mr. Medeiros was an active organizer and chair of the Fall River Catholic Diocese Charity Ball.

Mr. Speaker, it is fitting that Edward Medeiros is commended for many years of dedication to his community as he celebrates his 50th anniversary as a member of the Knights of Columbus in June. I am sure that the citizens of the 40th District, the people he served in Southeastern Massachusetts as well as my colleagues in the House of Representatives join me in thanking Mr. Medeiros for his years of community service.

TRIBUTE TO CHIEF WARRANT OFFICER CHARLES C. CAULK

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to acknowledge the contributions of a man who has served this country for many years with remarkable dedication and honor. I rise to honor Chief Warrant Officer Charles C. Caulk who is retiring from the United States Army after a phenomenal 43 years of service.

It takes a noble man to serve his country. But a man who dedicates 43 years of his life to protecting and serving the ideas that this country was built upon, is a man that few words can describe. Chief Warrant Officer Caulk's contributions to the armed services have left a lasting impact and will be not forgotten.

It is a privilege to recognize a person whose leadership and commitment to our nation has enriched the lives of countless individuals. I hope that all of my distinguished colleagues will join me in honoring Chief Warrant Officer Caulk's unwavering dedication to both the citizens of our great nation and citizens around the world. His efforts create a resonating hope in the lives of those who do not enjoy the fruits of freedom and democracy.

IN HONOR OF AN OUTSTANDING AMERICAN AND HIS WORK AS PRESIDENT OF THE INTERNATIONAL STANDARDS ORGANIZATION: OLIVER R. SMOOT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. HALL of Texas. Mr. Speaker, I rise today for myself and for Chairman BOEHLERT of the House Committee on Science to recognize Oliver R. Smoot, vice-president for external voluntary standards relations at the Information Technology Industry Council (ITI), as he begins his term as the President of the International Standards Organization (ISO). It is a high honor and a major achievement to be asked to be the leader of the World's standards community but it is not surprising that Ollie Smoot is the one chosen. Mr. Smoot has long been a pillar of the standards community, most recently as President-elect of ISO and as Chairman of the American National Standards Institute, the organization which represents the United States in international standards matters and oversees the establishment of U.S. national standards. The ISO, which was established in 1947, serves as the world's primary entity for the adoption of uniform international standards that are relied by all of us every day. Without international agreement on how we measure, determine quality, and provide for health and safety life as we know it today would not be possible. ISO quietly, but effectively, has spent over 50 years helping over 140 nations reach agreement on the standards that underlie world trade, manufacturing, scientific research, and many other aspects of our lives. Since its founding only three other Americans have held the office of President of this worldwide federation.

We are fortunate that Oliver Smoot is ready, willing, and able to undertake major challenges since his service comes at a pivotal time when the importance of international standards is rapidly increasing. There may never have been a time when ISO faced bigger challenges. As tariffs and other trade barriers wane and world trade increases, the pressures to harmonize standards in many fields increases. As the world becomes more interdependent, the importance of international standards grows. As challenges to ISO's one-country, one vote system of representation mount, having a strong leader at the head of ISO becomes more and more essential. Fortunately, Mr. Smoot has an extensive background in standardization and conformity assessment policies both at the national and international level; he has been a strong leader in numerous ANSI Board-level committees and task forces and has served as chairman of the Institute's Finance Committee and Patent Group. As chairman of the ANSI Organization Member Council, he facilitated ANSI's policy-setting activities affecting more than 250 standard developers, professional societies, trade associations and academic institutions interested in standards, certification and conformity assessment. Balancing the needs of 140 nations can't be that much harder than presiding over the conflicting needs of everyone in the United States who has an interest in standards. If anyone is prepared for the challenge of running the ISO, we assume Oliver Smoot is. He has come a long way from the establishment of the standard ''Smoot'' as an undergraduate at MIT.

Mr. Smoot will be the guest of honor, on Wednesday the 26th of February at a House of Representatives reception to celebrate his new tenure as President of the ISO. I hope that many of you will take the opportunity at that point to congratulate Mr. Smoot personally. Oliver R. Smoot is a great American who has labored long for the betterment of Science and the global economy and I am pleased that this week he is getting long-deserved recognition of this service.

RECOGNIZING AMERICAN HEART MONTH

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to recognize February as American Heart Month. Each February during American Heart Month, the American Heart Association launches a nationwide campaign to educate the public about cardiovascular disease. Programs and activities are planned throughout the month to reinforce the message that cardiovascular disease is the number one threat to the overall health and lives of Americans. As a member of the Congressional Heart and Stroke Coalition, I rise today to recognize the efforts of the American Heart Association and reaffirm my commitment to fighting heart disease.

Recent advances in heart treatment are promising—new technologies, screenings and medicines all promote healthier hearts and continue to save millions of lives. Despite these discoveries and research advances, heart disease remains the nation's leading cause of death, while stoke is the third leading cause of death. More than 61 million Americans suffer from heart disease, stroke or another cardiovascular disease. Combined, these illnesses are expected to cost the nation $351.8 billion in medical costs in 2003.

Tobacco use, lack of physical activity and poor nutrition all contribute to cardiovascular disease. Smokers have twice the risk for heart attack of nonsmokers. People who are not physically active have twice the risk for heart disease of those who are active, while those who are overweight are also at risk. This February's American Heart Month efforts focus on encouraging individuals to modify these behaviors in order prevent and control cardiovascular disease. American Heart Month is also encouraging citizens to become American Heartsavers by completing training in life-saving CPR and defibrillation and be prepared to act quickly in the case of sudden cardiac arrest.

Recognizing and responding to heart attack symptoms and receiving quick, appropriate care can preclude or limit heart damage. The Centers for Disease Control and Prevention (CDC) currently funds health programs in 29 states and the District of Columbia that develop strategies to reduce the risk of cardiovascular diseases and related risk factors. As we recognize the work of these important programs, let us also honor the doctors, researchers, health professionals, public education professionals, and volunteers for their diligent efforts in preventing, treating, and researching heart disease and for making American Heart Month a success.

INTRODUCTION OF THE ALASKA NATIVE VETERANS LAND ALLOTMENT EQUITY ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. YOUNG of Alaska. Mr. Speaker, in the last Congress, I introduced a bill to set right an unfair situation dealt to Alaska Native Vietnam Veterans who were unaware that their rights to apply for their Native allotment were expiring while they were off in a foreign land fighting for our country. By far, American Indians and Alaska Natives have the highest percentage of answering their call to duty when there is a conflict of war.

My bill would amend the Alaska Native Claims Settlement Act (ANCSA) to provide equitable treatment of Alaska Native Vietnam Veterans in their acquisition of land under the Native Allotment Act. This solution has been a long time in coming and my goal is to have Congress rectify this inequity.

Approximately 2,800 Alaska Natives served in the military during the Vietnam conflict and did not have an opportunity to apply for their native allotment. Even though a prior ANCSA amendment gave Alaska Native Vietnam Veterans an opportunity to obtain their allotment, the Amendment contained three major obstacles providing a roadblock to actually obtaining it.

First, Alaska Native Vietnam Veterans could only apply for land that was vacant and unreserved when their use first began. My bill will

increase the available land by authorizing these veterans to apply for land that is federally owned and vacant. This is necessary because most land in Alaska is not available for Alaska Native Vietnam Veterans veteran allotment application under existing law. For example, there is no land available in southeast Alaska because it either is within the Tongass National Forest or has been selected or conveyed to the State of Alaska or ANCSA Corporations.

Second, Alaska Native Vietnam Veterans could only apply if they served in active military duty from January 1, 1969 to December 31, 1971. My bill will expand the military service dates to August 5, 1964 through May 7, 1975, the dates of the entire Vietnam conflict.

Third, Alaska Native Vietnam Veterans had to prove they used the desired allotment land in a continuous and independent manner for five or more years. My bill will replace existing use and occupancy requirements with legislative approval of allotment applications. Many Alaska Native Vietnam Veterans could not meet use and occupancy requirements as a result of military service. This bill changes that so that a deserving Alaska Native Vietnam veteran would not be rejected if that veteran were unable to complete the five years of use of the claimed land, before or after the war.

This is an issue of fairness which is long overdue for my Alaska Native Vietnam Veterans. Never before has the federal government given partial benefits to only ¼ or ½ of any veteran of any war. Fulfill our promise to all Alaska Native Vietnam Veterans and allow them to obtain their Native Allotment under the Native Allotment Act.

RECOGNITION OF JOHN McDONALD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize John McDonald, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 168, and in earning the most prestigious award of Eagle Scout.

John has been very active with his troop, completing 31 merit badges and participating in camp Geiger. Over the ten years he has been involved in scouting, he has held numerous leadership positions, serving as Patrol Leader and Senior Patrol Leader. John also has been honored for his numerous scouting achievements with such awards as the Arrow of Light Award, The Fire'n Chit Award, the Mic-O-Say Brave Award, the Mic-O-Say Warrior Award, the Totin' Chip Award and the World Conservation Award.

For his Eagle Scout project, John built a 35-foot bridge from the street to the Lathrop Community Football Field, over a ditch, in Lathrop, Missouri.

Mr. Speaker, I proudly ask you to join me in commending John McDonald for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN CELEBRATION OF WALTER JEFFERSON LEWIS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. LEE. Mr. Speaker, Walter Jefferson Lee passed away on February 22, 2003. On that day, his family and friends a loving son, brother, and companion and the world lost a passionate lover of art, food, travel, and life itself.

Walter Lewis was born and raised in Schenectady, New York. He went on to study at Syracuse University and Schenectady County Community College, graduating with distinction in the Culinary Arts and Hotel and Business Management.

Walter served his country, spending eleven years in the United States Air Force. During that period, he was stationed in Alaska, California, New Mexico, and Germany. The time spent in those distant posts just whetted his appetite for travel; his journeys took him across much of the globe, and he made lifelong friends wherever he went.

That same passion and zest for life fueled both his occupation and avocation of baking. Walter worked for a number of years managing the bakery department of the Golub Corporation, and he shared his culinary skills with those around him: for him, food, family, and friends were all joyously intertwined.

Walter Lewis will be deeply missed by those of us who knew and loved him. He made a special imprint through his faith, his gifts, and his joy for life. While we mourn his passing, we also celebrate his memory. May he rest in peace!

THE TERRORISTS LIQUIDATION ACT

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. CAMP. Mr. Speaker, The September 11th Victims' Compensation Fund was created under ''The Aviation and Transportation Security Act'' (P.L. 107–71). This unprecedented move will ensure that every citizen injured in the terrorist attacks at the World Trade Center and the Pentagon or their surviving family members will receive at least $1.6 million in compensation.

It is estimated that this Compensation Fund could cost up to $6 billion of taxpayer money. While I fully support this initiative to help the families of those harmed or killed in the vicious attacks, I believe that we should minimize the cost to the taxpayer. That is why I am introducing the Terrorist Assets Liquidation Act again for the 108th Congress. The bill authorizes the President to use the funds from the liquidated assets of frozen terrorist accounts to refund the Treasury Department for funds used to compensate victims of terrorism.

Our nation has shown great and moving compassion to the victims of September 11th, with generous donations and support to charity groups providing aid and emergency assistance to victims. While it was important to show compassion and recognize our nation's need to help, we should punish those responsible, holding them accountable for their murderous crimes and limit their drain on our nation's taxpayer resources.

RECOGNITION OF BRYANT KAGAY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Bryant Kagay, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 35, and in earning the most prestigious award of Eagle Scout.

Bryant has been very active with his troop, completing 21 merit badges. Over the years he has been involved in Scouting, he has held numerous leadership positions. For his Eagle Scout project, Bryant landscaped around the sign at his church.

Mr. Speaker, I proudly ask you to join me in commending Bryant Kagay for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CHENEY TASK FORCE RECORDS AND GAO AUTHORITY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. WAXMAN. Mr. Speaker, on February 12, I gave a statement on the floor discussing the serious implications of GAO's decision to drop its lawsuit seeking access to the Vice President's energy task force records. Since then, I have received a letter from the Comptroller General responding to my remarks and asking that I make the press release that GAO issued when he decided to drop the lawsuit a part of the RECORD. In accordance with his request, I would like to make both his response and the press release a part of the RECORD.

GENERAL ACCOUNTING OFFICE,
Washington, DC, February 19, 2003.

Hon. HENRY A. WAXMAN,
House of Representatives.

DEAR MR. WAXMAN: I am writing in connection with your floor statement of February 12 concerning my recent decision not to appeal the district court decision in the *Walker* v. *Cheney* case. I appreciate your inserting my recent letter to you in the record and believe that it addresses several important issues. At the same time, I would respectfully request that you consider inserting my related press statement of February 7, 2003, into the record if you have the opportunity to do so. I have enclosed another copy of that statement with this letter.

There are three aspects of your floor statement that are of concern to me. First, as you know, we do not believe that failure to appeal the district court decision precludes us from filing suit against another executive branch party in connection with a different matter in the future. Second, while I did solicit input from a wide range of Congressional leaders from both parties before I made my decision the decision was mine. I was not directed, threatened or unduly pressured to take the action that I did. Just as

in the case of my decision to file suit a year ago, my latest decision was based on what I felt was the right thing to do based on all the facts that were available to me. In addition, the input that I did receive was not divided along party lines and there was significant bi-partisan support for my decision not to appeal.

Finally, my decision to seek a vote by at least a full committee of jurisdiction prior to any possible future legal action to obtain records is one that I believe is both prudent and appropriate, given my experience as Comptroller General and in light of the recent district court decision. Specifically, if we are ever ''stonewalled'' again in connection with a matter that in my professional and independent judgment we should pursue, I would formally request that an appropriate committee of jurisdiction vote regarding whether they would support a related court action. I can assure you that my related recommendation would be based on the merits of the case and not partisan considerations.

I look forward to continuing to work with you in the future on issues of mutual interest and concern.

Sincerely yours,

DAVID M. WALKER,
Comptroller General of the United States.

Enclosure.

GAO PRESS STATEMENT ON WALKER V. CHENEY

After thorough review and analysis of the district court's decision in *Walker* v. *Cheney*, as well as extensive outreach with congressional leadership and others concerning various policy matters and the potential ramifications of the court's decision, for the reasons outlined below, GAO has decided not to appeal the decision.

As Comptroller General Walker has made clear on a number of occasions, GAO would not have filed this suit absent a formal written request from at least one full Senate committee with jurisdiction over this matter. Contrary to the district court's decision, and as re-confirmed in a letter to the Comptroller General dated January 24, 2003, two full committee chairs and two subcommittee chairs of the Senate, acting on behalf of their respective committees and subcommittees, all of which had jurisdiction over this matter, asked GAO to pursue its NEPDG investigation prior to GAO filing suit last year. Importantly, under GAO's governing statute, the agency is required to perform work when requested by a committee. In this case, GAO had made exhaustive efforts to reach an accommodation with the Administration, and only after all such attempts had failed did GAO file suit as its only remaining option. This is precisely the process that Congress directed GAO to follow when it enacted GAO's access statute in 1980.

For a number of reasons, GAO strongly believes the district court's decision is incorrect. In GAO's view, the district court misapplied the Supreme Court's decision in *Raines* v. *Byrd* to GAO. Unlike the legislator-plaintiffs in Raines, who sought to invalidate a statute which had been enacted by the Congress, GAO sought to carry out—not invalidate—the information-gathering responsibilities which Congress assigned to it in GAO's access statute. The district court's decision thus has prevented GAO from discharging its statutory responsibilities in this case. Furthermore, the opinion was based, in part, on a material factual error relating to the role various Senate chairs played as noted above. The opinion also leads to the highly questionable result that private citizens have more authority to enforce their rights to obtain information from the Executive Branch than the Comptroller General of the United States, acting in his official capacity as head of GAO.

Despite GAO's conviction that the district court's decision was incorrect, further pursuit of the NEPDG information would require investment of significant time and resources over several years. At the same time, several private litigants are attempting to obtain much of the same information GAO has been seeking, and this information will be made available to GAO if they are successful in their cases.

Importantly, because the district court's decision did not address the merits, it has no effect on GAO's statutory audit rights or on the obligation of agencies to provide GAO with information. In addition, the court's decision is confined to the unique circumstances posed by this particular case and does not preclude GAO from filing suit on a different matter involving different facts and circumstances in the future.

GAO will continue to fulfill its statutory mission: to support the Congress in the discharge of Congress' constitutional responsibilities and to help assure reasonable transparency and appropriate accountability in government. GAO also will continue to perform its audit, evaluation, and investigative work in a professional, objective, fact-based, non-partisan, non-ideological, fair, and balanced manner.

According to Comptroller General Walker, ''In the final analysis, transparency and accountability in government are essential elements for a healthy democracy. In America, all public servants, including constitutional officers, work for the people. While reasonable people can disagree on the proper amount of transparency and the appropriate degree of accountability, in the world's greatest democracy, we should lead by example and base public disclosure on what is the right thing to do rather than on what one believes one is compelled to do. Based on my extensive congressional outreach efforts, there is a broad-based and bi-partisan consensus that GAO should have received the limited and non-deliberative NEPDG-related information that we were seeking without having to resort to litigation. While we have decided not to pursue this matter further in the courts, we hope that the Administration will do the right thing and fulfill its obligations when it comes to disclosures to GAO, the Congress, and the public, not only in connection with this matter but all matters in the future. We hope that GAO is never again put in the position of having to resort to the courts to obtain information that Congress needs to perform its constitutional duties, but we will be prepared to do so in the future if necessary.''

JULIE DASH—DIRECTOR'S GUILD AWARD NOMINATION, THE ROSA PARKS STORY

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Ms. WATSON. Mr. Speaker, I rise today to share my pride over the nomination of Ms. Julie Dash for a prestigious Director's Guild Award for her work on The Rosa Parks Story. She was nominated in the category of Outstanding Directorial Achievement in Movies for Television for 2002. The winners will be announced at the 55th Annual DGA Awards Dinner on Saturday, March 1, 2003 at The Century Plaza Hotel in Los Angeles. Ms. Dash is the only female nominated in this category this year.

The Rosa Parks Story stars Angela Bassett, Cicely Tyson and Dexter Scott King, the son of Dr. Martin Luther King, Jr. The film brings to life the peaceful dissent an exhausted Rosa Parks showed on a crowded Montgomery, Alabama bus in 1955, and the Civil Rights Movement that ensued. The movie originally aired on television on February 24, 2002.

It seems appropriate that Ms. Dash would be nominated for this award during Black History Month. African American actors, directors and others in the industry are hard-pressed to find meaningful, quality projects. Given these challenges, I am even more proud of Ms. Dash's achievement today.

Ms. Dash's own story of success is also very inspiring. She was born and raised in New York City, and in 1992 became the first African American woman to have her film, Daughters of the Dust, receive a full-length theatrical release. In 1994 Ms. Dash was chosen as one of the 100 Fearless Women by Mirabella magazine.

She has received numerous awards, including The Sojourner Truth Award from the New York Chapter of the Links, the Maya Deren Award from the American Film Institute, a Candace Award from the National Coalition of 100 Black Women, and the prestigious John Simon Guggenheim Memorial Foundation Fellowship.

I was honored to host a congressional screening of the film, The Rosa Parks Story, last year prior to the film's television debut. I had the good fortune then of meeting Ms. Dash, along with Ms. Cicely Tyson, Ms. Angela Bassett, and many others who were instrumental in the success of this movie. I particularly want to acknowledge the contributions of Mr. Willis Edwards in the production of this film. His work as producer of the film was instrumental in its success.

This film has held meaning and significance for me personally, and it brings me great joy to see Ms. Dash's work recognized by the Director's Guild of America. I wish her the best at the awards ceremony on March lst!

Thank you. I yield back the balance of my time.

RECOGNITION OF JOE PHILLIP PROTENIC

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Joe Phillip Protenic, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, troop 314, and in earning the most prestigious award of Eagle Scout.

Stephen has been very active with his troop, where one of his favorite activities was a five day canoe trip, where the troop had Sunday morning worship on the river.

For his Eagle Scout project, Joe designed and built a 4'x6' shed at a house built by Habitat For Humanity in Liberty, Missouri. Because the house does not have a walk-out basement, the homeowners are thrilled to have this easily accessible storage space.

Mr. Speaker, I proudly ask you to join me in commending Joe Phillip Protenic for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE ACT TO LEAVE NO CHILD BEHIND

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to submit to my colleagues in the House the Act to Leave No Child Behind. The Act to Leave No Child Behind 2001 was endorsed by more than 1400 groups and organizations around the nation, more than 400 state legislators and mayors, and it has been the focus of numerous community rallies, petition drives and advocacy events in Washington and throughout the country.

Our nation currently faces many great challenges. We are engaged in a war on terrorism—a war we can and must win. We are on the brink of a possible war overseas, in Iraq. If the time comes, we will put aside our differences on the merits and the timing of this war and rally in support of our men and women in the armed forces.

But we cannot afford to neglect our responsibilities at home. We cannot afford to turn our Federal programs into piggy banks that Governors can raid to fill gaping state budget shortfalls. We cannot afford—morally, socially, or economically—to write off the needs of a generation of children.

This bill is intended to remind us of those obligations. We have obligations to ensure that our children have access to quality health care; obligations to provide our children with an education that will prepare for their role in our workforce and our society; obligations to make sure our child have a safe, affordable, and stable place to live.

Together with many of my colleagues in the House and my friend CHRISTOPHER DODD in the Senate, we are introducing this bill today because we can no longer afford to abandon the children and families in this country who struggle daily with poverty, hunger, inadequate health care and education, poor housing and crime.

This bill calls upon the federal government to lead the way with vision and commitment toward a future where all children have quality health care, educational opportunity, family stability and safe communities. No child in this country should grow up poor, or hungry, or sick, or scared.

Now is the time. America must make a choice when it comes to the future of our children. We must decide whether we will invest in the healthy development of all our children or in tax cuts for the wealthiest citizens in this country. We cannot do both. This bill represents a vision and a commitment toward a future where all children have a chance to succeed so that we may use our resources in a constructive way to truly leave no child behind.

This legislation provides every child and their parents with health insurance, lifts every child from poverty through tax credits, work supports, and a new minimum wage, and ends child hunger through the expansion of food programs. This bill makes sure every child is ready for school by fully funding quality early learning programs, and offers significant reforms for our system of public education that increases accountability, reduces classroom size, and guarantees that all children will be taught by qualified teachers in modern and safe classrooms. This legislation also builds affordable housing and safe communities through sensible environmental protections, gun safety laws, and programs to reduce children's exposure to neglect, abuse, and violence.

Mr. Speaker, I urge Members of the House to join me and co-sponsor the Act to Leave No Child Behind.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. KENNEDY of Rhode Island. Mr. Speaker, on February 25, 2003, I was in my Congressional District in Rhode Island and consequently I missed two votes.

Had I been here I would of voted:

Yes on H. Res. 46

Yes on H. Con. Res. 40

At this time I would ask for unanimous consent that my positions be entered into the record following those votes or in the appropriate portion of the record.

IN HONOR OF ANNIE LEE PINCHBACK

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. TOWNS. Mr. Speaker, today, we will commemorate the 140th Anniversary of the Emancipation Proclamation with the passage of H. Con. Res. 36. In recognition of today's action, Mr. Speaker, I also want to honor the memory of Annie Lee Pinchback, a matriarch of one of America's historic Black families.

Annie Lee Pinchback was born to the late James Lucius and Elizabeth Booker on November 7, 1911. Known as Mama to all, Annie Lee was educated in the Danville Virginia School System, graduating from West Mollen High School in Danville, Virginia. At an early age, she married the late Mr. William T. Pinchback, a direct descendent of the nation's first African-American Governor, P.B.S. Pinchback. Five children were born out of their union: Mrs. Elizabeth Crosland, Mrs. Gloria Tucker, Mr. James Lucius Pinchback, Mrs. Canzada Allaway and Mr. Harry T. Pinchback. She and her husband relocated to Philadelphia, Pennsylvania to live with her aunt. In later years, she moved to Brooklyn, New York.

For forty years, Annie Lee worked as a seamstress at Admiral Embroidery in the New York City Garment Center. In 1936, she made Mount Lebanon Baptist Church on the Hill on Howard Avenue and Herkimer Street, her church home. Annie Lee served there as an usher; was a member of the Helping Hand Club; and served as Treasurer of the All-State Club. She also sang in the R.A. Laws Ensemble Choir and the Sanctuary Choir until her health failed her. In 1962, she met the late Worthy Matron, Sister Fannie Johnson and joined the Order of Eastern Star, Maria Chapter #18 O.E.S. of Brooklyn, New York.

While Annie Lee departed this life on November 26, 2002, her memory will live on through her brother and sister as well as her five children, her eighteen grandchildren, forty-six great-grandchildren, and thirteen great-great-grandchildren. I would urge my colleagues to take note of the great life and work of the great woman, Annie Lee Pinchback who is more than worthy of the recognition that we will bestow her today.

RECOGNITION OF CODY EDWARD ROTH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Cody Edward Roth, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop, participating in summer camp at H. Roe Bartle Scout Reservation and earning the Warrior in the Tribe of Mic–O–Say. During the years he has been involved in scouting, he has held numerous leadership positions, including that of quartermaster. Cody also has been honored for his numerous Scouting achievements by becoming a brotherhood member of the Order of the Arrow and receiving the Coup of the Long Trail Award.

For his Eagle Scout Project, Cody designed and built a series of steps on a trail at the Parksville Nature Sanctuary. What would have been a muddy, slippery area after rain is now easily accessible.

Mr. Speaker, I proudly ask you to join me in commending Cody Edward Roth for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

SUPPORT FOR IMPACT AID

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. KIRK. Mr. Speaker, as we prepare to go to war, I want to reiterate the importance of supporting our military families through the Impact Aid program. This program is vital to the education of millions of children across the nation.

Impact Aid was created in 1950 when Congress recognized the obligation of the Federal Government to assist school districts and communities that experience a loss in their local property tax base due to the presence of the Federal government. Between 1950 and 1969, the Impact Aid Program was fully funded by Congress. Since that time the funding

level has not kept pace with the amount required to cover the Federal Government's tax obligation. In Fiscal Year 2001, the program will pay approximately 46 percent of the total amount required to cover the cost of the two formula driven sections of the Impact Aid Program-Section 8002 (Federal Property) and 8003 (Federally Connected Children).

The result of this shortfall is that the education of our military children and other federally dependant students is suffering. Over 90 percent of funding for education comes from local funds such as property taxes. But what happens if that property is owned by the federal government and is off the tax rolls? Kids report to class with no property tax dollars needed for their school.

In the average $10 million American school district, $9.3 million are raised from state and local taxes. This system works well when the children attending the local school live on property subject to local tax.

This system does not work well when the federal government houses many children on land not subject to tax—such as a military base or Indian reservation. In these schools, the children report to class without financial backing—too many of these kids and the school district can go bankrupt.

Impact Aid is critically important because it benefits all children within a school district, not only the children who reside on military bases, Indian lands or Federal Low Rent housing projects. In the United States, 1,397 school districts receive Impact Aid funding. Enrollment in these schools total 13.08 million students of which 1.19 million are federally impacted. This is a compelling detail, because without Impact Aid all children in these federally impacted school districts suffer.

In my district, 36 percent of all students attending North Chicago's School District 187 are Impact Aid children. School District 187 spends an average of $6,500 per pupil on education, and herein lies the problem. The North Chicago school district receives only $3,250 per pupil from the federal government for their Impact Aid children. With over 1,400 Impact Aid students, District 187 finds itself over $4.5 million short in funding levels. This short fall creates a huge strain on the school district overall, decreasing the quality of education for every child in District 187.

While school administrators and teachers across the country appreciate Impact Aid payments, they are usually late and fail to cover the cost of all children attending school. For example, Highland Park's North Shore School District 112 spends approximately $11,000 a year to educate a student. The Impact Aid program provides just $500 per child. Local taxpayers living on civilian property must then pay the extra $10,500 per year to educate that child. At this rate, many Impact Aid children entering a school can bankrupt an entire school district.

This nearly happened in North Chicago's School District 187. This community is home to Great Lakes Naval Training Center where 50,000 naval recruits are trained annually. Hundreds of children from military housing came into the local school district each year. Several years ago, District 187 nearly went bankrupt under the weight of children coming to school from property that cannot be taxed. Impact Aid payments had been late and inadequate. Thanks to the work of my predecessor, Congressman John Porter, this school system was saved through additional appropriations.

The quickest way to take a soldier or sailor's mind off their mission, is to have them worrying about their children's education. Kids from military families come from some of the hardest working, most patriotic families, but the schools they attend sometimes face bankruptcy. This is because of the way we fund our nation's schools. Impact Aid honors our commitment to military families, and especially Native American Indians. It guarantees that those families who serve to protect our freedom are in turn protected by the federal government.

Our constitution commands that the first job of the federal government is to ''provide for the common defense.'' As we improve the pay and benefits of men and women in uniform, we must also support their kids and the local schools they attend. This may take many years to accomplish but the time is now to support schools that educate the children whose parents wear our nation's uniform.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. RYUN of Kansas. Mr. Speaker, I was unavoidably detained and unable to vote on rollcalls No. 33 and No. 34. Had I been present I would have voted ''yes'' on both. I ask unanimous consent that this appear in the appropriate place in the RECORD.

RECOGNITION OF BRANDON MICHAEL KIMBLE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brandon Michael Kimble, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop, earning the ranks of Tiger Cub, Bobcat, Wolf, Bear and Webelos. Over the ten years he has been involved in scouting, he has held numerous leadership positions, serving as Assistant Patrol Leader, Patrol Leader, and Troop Guide. Brandon also has been honored for his numerous scouting achievements by becoming a brotherhood member of the Order of the Arrow and receiving the God and Me Award, the God and Family Award, the Arrow of Light, and Brave in the tribe of Mic–O–Say. Additionally, Brandon has earned 38 merit badges, qualifying him for the Eagle Award, the Bronze Eagle Palm, the Gold Eagle Palm, and the Silver Eagle Palm.

For his Eagle Scout project, Brandon helped the city of Parkville, Missouri, comply with the requirements of the Federal Clean Water Act. His project involved spray-painting ''drains to streams, don't pollute'' on every storm sewer drain in the National and the Bluffs subdivisions in Parkville. It is his hope that this will discourage illegal dumping of chemicals into the storm sewers, thereby lessening the risk of pollution in the receiving streams.

Mr. Speaker, I proudly ask you to join me in commending Brandon Michael Kimble for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRESSIONAL OFFICES ENCOURAGED TO PURCHASE PRODUCTS MADE BY BLIND AND SEVERELY DISABLED INDIVIDUALS

HON. HOWARD COBLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. COBLE. Mr. Speaker, I submit the following for the record: For the past 64 years the Javits-Wagner-O'Day (JWOD) Program has empowered Americans who are blind or severely disabled by providing them with a diverse set of employment opportunities. Today 38,000 disabled Americans are realizing their potential by working in their local communities across the country under this program. These Americans are proud to provide federal and military customers with a wide array of SKILCRAFTO and other JWOD products and services. The JWOD Program prides itself on delivering high quality products and services at a competitive price in the most convenient way possible.

Some of the product categories offered by the JWOD program include office supplies, military specific, safety, maintenance, repair, medical-surgical, janitorial-sanitation, and customization. The services that are provided to the federal and military customer include but aren't limited to call center and switchboard operation, military base and federal office building supply centers, CD–Rom duplication-replication, data entry, document imaging and grounds care.

I rise today in support of the Javits-Wagner-O'Day Program and the opportunities it provides for an underemployed population of hard working Americans. Furthermore, I urge my colleagues to purchase SKILCRAFT and JWOD products from the House-Senate Office Supply stores not only because of their quality and value, but also because of the socio-economic benefits that can come from supporting the program. By purchasing these products and using these services we are enabling more disabled Americans to have the opportunity to become taxpayers. Today in Greensboro North Carolina, 68 blind Americans are employed under the JWOD Program and are producing items or services for us, the federal customer.

The JWOD Program is administered by the Presidentially-appointed Committee For Purchase From People Who Are Blind or Severely Disabled, with much assistance from National Industries for the Blind (NIB) and NISH, which serves people with a wide range of disabilities. More than 650 local nonprofit agencies associated with NIB and NISH employ people who are blind or disabled to produce the quality products and offer the services authorized for sale to the federal government under the JWOD Program.

The JWOD Program is a great illustration of a successful partnership that has the ability to

continuously grow with the changing procurement environment within the federal government.

The Javits-Wagner-O'Day Program works for America.

IN MEMORY OF THOMAS JOHN JANIS, AN AMERICAN HERO

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. EVERETT. Mr. Speaker, I rise this afternoon to honor the career and the ultimate sacrifice made by my constituent, Thomas John Janis, who was killed near Florencia, Colombia on February 13th, while serving to defend his country in the war on narco-terrorism.

Thomas Janis, a native of Chicago, Illinois, was born on November 23, 1946. Tom's distinguished military career began in 1966 when he entered the Army and served as a military policeman. While serving in Korea, Tom became interested in Army Aviation, and by 1969, he graduated from the Warrant Flight Officer Program.

Tom Janis' tours of duty included serving in Vietnam, Panama, Germany, and several installations in the United States in aviation billets. Tom was an accomplished aviator with over 12,000 flight hours and had several assignments as an Instructor Pilot. After 32 years in active service to the country, Tom Janis retired as a Chief Warrant Officer 5 with numerous decorations for valor and service to his credit, including the Bronze Star, four Meritorious Service Medals, an Air Medal with valor, and numerous other commendations.

After leaving the U.S. military, Tom continued his service as a pilot contributing to our nation's drug interdiction and counter-terrorism efforts in South America. On February 13, Tom was piloting a Cessna Caravan on a counternarcotics mission over southern Colombia. His aircraft experienced engine failure, yet he skillfully brought it to the ground without loss of life of any brave men on board his aircraft. Tragically, the crash site was in the center of a zone controlled by FARC narco-terrorists. While seeking to reach a safe area, Tom and a Colombian military colleague were deliberately killed by FARC narco-terrorists. Tom's murder will not go unpunished and his sacrifice will not be forgotten. Appropriately, Tom was buried with full military honors earlier this week at Arlington National Cemetery.

Tom married his hometown sweetheart, Judith G. Gibaszek. As Tom's career progressed, the Janises raised four children—Christopher, Greer, Michael, and Jonathan. Tom's legacy of service lives on as two of his children are also Servicemen—Christopher is an Army Aviator, and Michael is in the Army Reserves. We all grieve Tom's loss and the entire Janis family will be in our prayers through these difficult days. Tom was one of Alabama's best and we shall truly miss him.

WOMEN AND HEART DISEASE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mrs. BLACKBURN. Mr. Speaker, February is American Heart Month, which attempts to educate people on the dangers of heart disease and other heart related medical problems. It is in recognition of this important issue and the way in which it affects women that I come to the floor to speak today.

One in two American women will eventually die of heart disease or stroke. One in Two! This is compared with one in twenty-seven who will die of breast cancer. This is a stark and alarming fact that most women have not heard. For my state, that means that every year around 11,500 women in Tennessee die from causes brought on by Heart Disease.

But there are things that women can do to decrease their risk. The first of these is to stop smoking, which is the single greatest risk factor for a heart attack in women. Check your cholesterol level and blood pressure, High blood pressure makes the heart work harder, causing it to enlarge and weaken over time. High blood pressure also increases the risk of stroke, heart attack, kidney failure and congestive heart failure.

In addition, try to get out and exercise. Even modest levels of low-intensity physical activity are beneficial if done regularly and long term. Making exercise a priority is hard for today's busy women, but the rewards are great.

Obesity also puts women at risk for heart disease, even if other risk factors do not exist. This is because excess weight strains the heart and raises blood pressure and cholesterol levels. Even losing ten or more pounds will help lower your risk for heart disease as well as many other health problems.

I urge women to get regularly scheduled check ups and to recognize the signs of heart disease. Take advantage of American Heart Month and visit a health fair in your community. These fairs provide an opportunity to have your cholesterol, glucose and blood pressure checked. In addition, you can get information from specialists on various health related issues such as fitness, heart healthy diets and much more.

Whatever you do, please take the time to visit a health care specialist and find out how you can keep yourself and your family healthy and safe from heart disease.

RECOGNITION OF MATTHEW ALAN VANECEK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Matthew Alan Vanecek, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in summer camp at H. Roe Bartle Scout Reservation and earning the Brave in the tribe of Mic-O-Say. During the nine years he has been involved in scouting, he has earned 57 merit badges and is brotherhood member of the Order of the Arrow. Matthew also has been honored for his numerous scouting achievements by earning the Bear Claw Award, the God and Me Award, the God and Family Award and the Arrow of Light Award.

For his Eagle Scout project, Matthew planned and built a wooden swing set for the Salvation Army Community Center. The set is built so that it could be moved to other locations if necessary.

Mr. Speaker, I proudly ask you to join me in commending Matthew Alan Vanecek for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. McDERMOTT. Mr. Speaker, I was unable to vote on yesterday's suspension bills. Had I been capable of voting, I would have voted in support of:

H.R. 46—Honoring the life of Al Hirschfeld.

H.R. 40—Permitting the use of the rotunda of the Capital for a ceremony in remembrance of victims of the Holocaust.

CONGRATULATING THE GREATER COLUMBUS ARTS COUNCIL'S CHILDREN OF THE FUTURE PROGRAM

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. TIBERI. Mr. Speaker, I rise today to recognize and congratulate the Greater Columbus Arts Council's Children of the Future Program.

Children of the Future, a nationally recognized AmeriCorps after-school program, provides constructive, positive alternatives to delinquency in the higher-risk neighborhoods of Columbus, Ohio. It has effectively reduced crime by creating physical and social safe havens for approximately 3,500 Columbus children.

On January 24, 2003, Children of the Future was honored by the Americans for the Arts and the United States Conference of Mayors with the ''2003 Award for Excellence in Arts Programs for Youth.'' This prestigious, national award recognizes the emphasis this arts-based program has placed on the development of life-long skills including: critical thinking, constructive communication and conflict resolution.

I congratulate the Greater Columbus Arts Council's Children of the Future Program for its many accomplishments and outstanding service. This program is truly an asset to the people of Central Ohio.

A SPECIAL TRIBUTE TO THE PERRYSBURG JOURNAL ON THE OCCASION OF ITS 150TH BIRTHDAY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GILLMOR. Mr. Speaker, on March 10, 2003, the Perrysburg Messenger Journal will celebrate its 150th birthday. The Perrysburg Journal, one of the parents of today's Perrysburg Messenger Journal, began publication on March 10, 1853. It was not the first newspaper in Wood County: Eight weeklies in Perrysburg preceded it. But today it is the oldest newspaper in Wood County and the oldest business in Perrysburg.

The eight-pager made its appearance without fanfare because of President Franklin Pierce's Inaugural address. The lengthy railroad laws also crowded out the ''salutatory'' editorial Silmon Clark had prepared. Mr. Clark heralded his newspaper with an announcement at the bottom of page 7. Under the flag, he dedicated it to ''Agriculture, Commerce, Manufactures.'' By carrier, the paper cost $1.75 a year; by mail, $1.50. He set up shop ''in a room upstairs, north end of the Baird House.'' Although the Journal was a new publication, Mr. Clark hailed it as the successor to his earlier Fort Meigs Reveille, which he renamed The Perrysburg Star because he said ''Reveille'' was not a good English word, people couldn't pronounce it, and he was tired of ''the cruelty of the attempt.''

He ceased publication of the Star in 1852 and he sold the printing office to A. D. Wright. Professor Wright then started the North-Western Democrat. Along with the laws and the political news, the first paper carried pieces on far-ranging subjects, such as current conditions in Rome, census figures for St. Louis, poetry, and platitudes. As was common practice, Mr. Clark borrowed freely from other newspapers, stories not limited to sharing police reports from other parts of the country. Frontier newspapers in the isolated villages and busy river towns were like that in those days. They entertained and they informed. They brought the outside world to eager readers. Perrysburg readers waited for installments of such serials as ''Indian Story'' and ''Walmsby House'', or the ''Lover's Revenge, a Story Laid in the South of Ireland.''

The newspaper also advised and chastised. It contained strongly partisan opinions, national news gleaned from larger papers received by the latest post. It contained literary material or ''notices'' (advertisements) for goods like Dr. Rojack's Blood Purifier. One had to look for the little bits of local news, which usually had no headlines and were scattered in the columns. The early weeklies of the era were small, hand-set, and often crude, but they had much to do with the crystallization of public opinion that made the West a new factor in American politics, according to a history of the mass media, ''The Press in America'' by Emery and Emery.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the Perrysburg Messenger Journal on the occasion of its 150th Anniversary. For well over a century now the Journal has provided the news fairly and accurately to the people of Northwestern Ohio. I am proud to offer these sentiments today properly documenting this event in the record of the 108th Congress.

RECOGNITION OF ANDREW JOSEPH GRAVES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew Joseph Gordon, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, troop 314, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, where he progressed to the rank of Webelos. He also participated in summer camp at H. Roe Bartle Scout Reservation and earning the status of warrior in the tribe of Mic-O-Say. During the thirteen years he has been involved in scouting, he has earned 41 merit badges and is brotherhood member of the order of the arrow. Andrew also has been honored for his numerous scouting achievements, earning the Bear Claw award, the God & Me Award, and the Arrow of Light award. Andrew has also served in a variety of leadership positions, including Patrol Leader and Assistant Senior Patrol Leader.

For his Eagle Scout Project, Andrew built a rock foot bridge and rocked part of the path at the Parkville Nature Sanctuary in Parkville, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Andrew Joseph Gordon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

H.R. 1716

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mrs. DAVIS of California. Mr. Speaker, As an initial co-sponsor, I offer my support of H.R. 1716, a bill to make sure that Impact Aid to school districts to provide educational support, is assured as an entitlement. Today, as members of our military are being shipped abroad in large numbers to prepare for a possible war, it is critical for them to know that their children's schools are being supported by their government.

The need for Impact Aid has been clear for over half a century. Begun in 1950, Impact Aid recompenses districts for the loss of a variety of taxes which form the basis of school support. Military land and the military homes located on that land do not contribute to property taxes. Over three-quarters of the military members in my district claim residency in other states and do not pay state income or car registration taxes. In addition, all sales on military installations are exempt from state sales taxes. Property, income, and sales taxes are the money which pays for education.

Because the frequent transfer of military members results in increased transiency in schools, districts which serve large numbers of military children have increased costs.

The school districts located in my congressional district are also known for offering a variety of services to special needs children. When military families have children with a high level of needs, the service provides compassionate assignment flexibility to enable them to stay in the area. This further increases costs for these districts.

After more than half a century of support, it is time to stop making annual judgments about the value of Impact Aid. It is time to openly declare to every member of our armed services that we assure them that support for their children's education is not negotiable. Our commitment must not waiver.

INTRODUCTION OF THE VICTIMS OF CRIME FAIRNESS ACT OF 2003

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. SIMMONS. Mr. Speaker, I rise today to introduce legislation important to victims of crime and their families. The Victims of Crime Act, or VOCA, was a tremendous victory in the fight to aid those affected by crime. It established a trust fund composed of criminal fines, forfeited bail bonds, penalty fees and special assessments collected by the U.S. Attorney's Offices, U.S. Courts and Federal Bureau of Prisons.

Sadly, a spending cap was installed on the VOCA trust fund. This trust fund generates close to $1 billion dollars each year, yet only an average of $535 is actually distributed annually to the states. While state crime victim assistance programs struggle to remain fully funded, the balance just sits there unused. My legislation, the ''Victim of Crime Fairness Act of 2003'' would eliminate this spending cap and direct the money toward its original intention, helping victims of crime.

Every day we see in our local news stories of homicides, sexual assaults, child abuse, drunk driving accidents, kidnapping and arson. The list goes on and on. I applaud President Bush for his efforts to strengthen and organize security on all fronts for our country. Preventing all crimes, whether they are acts of terrorism or domestic abuse, is the first step in creating a more peaceful world. However, when a crime does occur there is a victim. This victim is stripped of their security, their dignity, and often times their physical capability to function normally in the day-to-day world. Eliminating the spending cap on the VOCA trust fund would allow victim advocates to do their job. It is a fact; helping mend people's lives that have been tragically altered by crime cannot be done for free.

My state of Connecticut loses almost $5 million a year due to the VOCA cap. This money could make all the difference in thousands of peoples lives. Connecticut's State Victim Advocate James Papillo wrote, ''The programs funded by the VOCA fund benefit crime victims in Connecticut through direct financial support and crime victim support services. These funds help crime victims when they most need it. Given the substantial reduction in the amount of funds available to the states caused by federal earmarks, and the real

need for increased services to crime victims in Connecticut, it is clear that removal of the cap is necessary to ensure that Connecticut will be able to meet the needs of crime victims.''

The Victims of Crime Fairness Act of 2003 is common sense legislation. I ask my colleagues to join me in helping victims of crime by eliminating the VOCA fund spending cap.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR CEREMONY AS PART OF COMMEMORATION OF DAYS OF REMEMBRANCE OF VICTIMS OF HOLOCAUST

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to express my support of H. Con Res 40, to allow the use of the Capitol rotunda for a ceremony to commemorate victims of the Holocaust. Our Nation's capitol is a symbol of freedom and democracy to so many. This resolution gives us a forum to pay service to the victims of the Holocaust. I pray that such a tragedy should never touch the world again.

A Holocaust memorial is not something to be taken lightly, or to be rushed without its due respect. The Holocaust is a product of authoritarian government and evil intentions, and we must continue to study and remember it, lest it be repeated. Hate, genocide, racial supremacism still occur in parts of the world and I believe that we as Americans can still focus our efforts on stopping them before they grow to an uncontrollable magnitude.

My heart goes out to the victims and survivors of Adolf Hitler's death camps. Every time I reexamine the Holocaust, and pay tribute to what happened, I am still shocked and pained by the organized, methodical killing that went on in Europe.

For the 12 million people that Nazi Germany exterminated, we must remember. For each of the six million Jews killed, we must respond. For the Gypsies, the gays, the political dissenters and any of the righteous people who spoke out against what they thought was evil—for this we commemorate and remember the Holocaust. It can never happen again.

RECOGNITION OF WILLIAM BARRET SIMS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize William Barret Sims, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

William has been very active with his troop, earning the ranks of bobcat, wolf, bear, and webelos as well as participating in summer camp at H. Roe Bartle Scout Reservation and earning the status of warrior in the tribe of Mic–O–Say. During the ten years he has been involved in scouting, he has earned 35 merit badges and is Brotherhood Member of The Order of the Arrow. William also has been honored for his numerous scouting achievements, earning the bear claw award, the God & Me award, the arrow of light award, and the god and church award. William has also served in many leadership capacities, including patrol leader, assistant patrol leader and assistant senior patrol leader.

For his Eagle Scout project, William planned, designed, and with the help of fellow scouts, built an outdoor storage shed for a habitat for humanity home located in Kansas City north, providing much needed storage space for the lawn and outdoor equipment of the homeowners.

Mr. Speaker, I proudly ask you to join me in commending William Barret Sims for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE PATIENT NAVIGATOR, OUTREACH, AND CHRONIC DISEASE PREVENTION ACT OF 2003

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. MENENDEZ. Mr. Speaker, today I'm pleased to be joined by my Colleague from Ohio, DEBORAH PRYCE, to introduce the Patient Navigator, Outreach, and Chronic Disease Prevention Act of 2003.

The existence of significant health disparities in this nation is undeniable. For years, research has told us that minorities and low-income populations are the least likely to receive the health care they need to live a long, healthy life. We've done a very good job of identifying this problem—it's high time we do something to solve it.

That's why I'm very excited about the bill we are introducing today and the strong support we've already received for it. The bill is supported by the American Cancer Society, the National Association of Community Health Centers, the National Alliance for Hispanic Health, the National Hispanic Medical Association, the Intercultural Cancer Council and their Caucus, the National Council of La Raza, 100 Black Men of America, the National Rural Health Association, Dean and Betty Gallo Prostate Cancer Center, MHz Networks, Asian and Pacific Islander American Health Forum, Dia de la Mujer Latina, Inc., the Cancer Research and Prevention Foundation, and the National Patient Advocate Foundation.

This bill addresses what I believe are the root causes of health disparities in minority and underserved communities: lack of access to health care in general—and particularly lack of access to prevention and early detection—as well as language and cultural barriers to care.

The bottom line is: the only way to stay healthy is to see a doctor when you are healthy. Yes, there are a number of explanations for the higher rates of disease among minority populations, including higher rates of uninsured, reduced access to care, and lower quality of care. But all of these barriers point to the same underlying problem, minority patients are less likely to receive early screening and detection, so their disease is found at a much later stage and they have less chance of survival.

The bill we're introducing today will ensure that all Americans, regardless of race, ethnicity, language, income, or geography, will have access to prevention screening and treatment, and that they will have an advocate at their side, helping them navigate through today's complicated health care system.

It does this by building upon the existing infrastructure of the Consolidated Health Center program, the Indian Health Service, the Office of Rural Health Policy, and the National Cancer Institute.

It creates model programs to ensure that people are educated about the importance of prevention screening and early detection. A key component of the proposal is year-round outreach to the target community, in a language that they can understand.

It funds culturally and linguistically competent providers that reach out into the community, build their trust, build relationships, and educate the public, while providing prevention screenings and follow-up treatment.

And it ensures that navigators are available to help patients make their way through the health care system—whether it's translating technical medical terminology, making sense of their insurance, making appointments for referral screenings, following-up to make sure the patient keeps that appointment, or even accompanying a patient to a referral appointment.

The original concept for the legislation comes from Dr. Freeman's ''navigator'' program, which he created while he was Director of Surgery at Harlem Hospital. Recently, I was fortunate to get to visit Dr. Huerta's local Cancer Preventorium, which replicates Dr. Freeman's navigator concept within a comprehensive model of prevention services. This bill will translate the work of Dr. Harold Freeman and Dr. Elmer Huerta into a legislative model for cancer and chronic disease prevention and treatment for minorities and underserved communities.

The track record of these programs speaks for itself. It's very clear that these are not new ideas or new concepts, they're models that have been proven to work. And it's time that we take what's worked and use it to benefit underserved populations across the country. That's exactly what this legislation will do.

HONORING MR. VICTOR MANUEL ARRAÑAGA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. HONDA. Mr. Speaker, I rise today to honor the achievements of Mr. Victor Manuel Arrañaga and his contributions to his family and community. Mr. Arrañaga was a man who worked hard all his life to better the lives of those around him. He was also a man who instilled important values in his family and practiced those values everyday towards those around him. He died on December 30, 2002.

Mr. Arrañaga grew up in Del Rio, Texas, where he operated the Arrañaga and Sons

grocery store with his father, brothers, and sisters. He was known for extending credit with no questions asked and for offering free groceries to those who could not afford to purchase them. In 1967, Mr. Arrañaga moved to San José, California, and began work at Food Villa in Santa Clara. As a dedicated employee for 20 years, he built a reputation for extraordinary customer service and was admired for his sense of humor. Mr. Arrañaga was also a member of the Retail Clerks Local 428 Union.

Mr. Arrañaga was active in the community both in Del Rio and San José. Elected to the Del Rio City Council in 1958, he was the second Latino in the town's history to hold the office. As a city councilman, Mr. Arrañaga formed a partnership with the neighboring border town of Ciudad Acuña, Mexico, in order to strengthen the relationships between the United States and Mexico. While performing his civic duties, he developed the city's first fire station and created high-quality low-income housing in the disadvantaged Del Rio neighborhood of San Felipe. The development's first street was named ''Arrañaga Avenue'' to recognize his dedicated efforts to the city and the project. Mr. Arrañaga was also an active member of the Lions Club in Del Rio, where he was the first Latino to serve as President and Zone Chairman. He was also a member of the club's recruitment committee. While in San José, he was an active member of the Our Lady Star of the Sea Catholic Church in Alviso, California.

A devoted family man, Victor was married to his wife, Ina, for 54 years. Together they raised seven children, eighteen grandchildren, and eight great-grandchildren. Mr. Arrañaga encouraged his children to pursue higher education and to be active in their communities. He also imparted and practiced his core principles of love, honor, and respect for family to all of those around him.

Mr. Speaker, please join me in remembering and honoring Mr. Victor Manuel Arrañaga for his service to his community and his dedication to his family. He was a man of great integrity and an inspiration to all of us.

CONGRATULATING NORAH JONES ON HER GRAMMY AWARDS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I appreciate the opportunity to share my admiration with you for one of my district's most popular artists, Norah Jones.

During the 45th annual Grammy Awards held on February 24, 2003, Norah Jones was awarded 5 Golden Gramophone statuettes for Album of the Year, Best New Artist, Record of The Year for the single ''Don't Know Why,'' Best Pop Vocal Album, and Best Female Pop Vocal Album.

Norah Jones has shown a strong aptitude for music since childhood. Ms. Jones graduated from the Booker T. Washington High School for the Performing and Visual Arts of Dallas, Texas in 1997.

Norah Jones follows in the footsteps of the many successful Booker T. Washington High School alumni, such as Erykah Badu and Roy Hargrove.

Norah Jones later went on to the University of North Texas to major in jazz piano. Already career-minded, she knew that a solid foundation of jazz piano could pave the way for better things.

Mr. Speaker, Norah Jones is an inspiration to our youth, not only in Texas but across the nation, that their dreams can come true, and that they should reach for the stars.

INTRODUCTION OF THE HOMETOWN HEROES SURVIVOR BENEFITS ACT

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. ETHERIDGE. Mr. Speaker, I rise today to honor our nation's public safety officers for their commitment to our communities and service to our nation. I am re-introducing my bipartisan legislation, the Hometown Heroes Survivor Benefits Act, and I urge my colleagues to join me in support of this important initiative.

Every day, public safety officers protect our families and possessions from fire, keep our streets safe, and are the first to respond to an emergency. Across this nation, our law enforcement officers and corrections officers, firefighters, and emergency medical service workers are dedicated and prepared, and when we call on them, they risk their lives for us.

Heart attacks and strokes are one of the greatest threats to public safety officers, especially firefighters. In fact, almost half of all firefighter deaths are due to heart attacks and strokes. Fighting fires is dangerous, exhausting, and extremely stressful work. Indeed, a firefighter's chances of suffering a heart attack or stroke greatly increases when he or she puts on their turnout gear and rushes into a building to fight a fire. Likewise, law enforcement and corrections officers and EMS workers face daily situations that put stress and strain on the heart.

According to the U.S. Fire Administration, last year 102 firefighters died while on duty, affecting 86 communities in 35 states. In the wake of their tragic losses, many of the families of these brave first responders received financial assistance from the Public Safety Officer Death Benefit, which was created by Congress over 25 years ago to provide these families with help in their time of need. However, some of these families are denied these benefits because of a glitch in the law.

During the last Congress, I introduced the Hometown Heroes Survivors Benefits Act to correct this technicality in the Public Safety Officer Benefit. This bipartisan legislation will allow the families of public safety officers who have died from a heart attack or stroke while on duty, or within 24-hours after participating in a training exercise or responding to an emergency situation, to receive this benefit.

Last year, 113 of our colleagues cosponsored this bill, and the House unanimously passed it. Unfortunately, we were not able to move the bill through the U.S. Senate before adjournment, despite the strong support of several Senators from both parties.

Today I, along with Representatives STENY HOYER, CURT WELDON, MIKE OXLEY, and 40 other members of this House, are re-introducing the Hometown Heroes Survivor Benefits Act. During this time of increased awareness and concern regarding the threat of terrorism, we are calling on our public safety officers to work longer and harder than ever before. This legislation shows our public safety officers and their families that we recognize their selfless contributions to protecting us and our communities, and that we stand with them.

We urge every Member in this House to join our bipartisan coalition by cosponsoring this critical legislation and working with us to pass it into law.

COMMENDING DR. KOICHI NISHIMURA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. HONDA. Mr. Speaker, I rise today to honor the achievements of Dr. Koichi Nishimura and his contributions to the Bay Area and Japanese-American communities. Dr. Nishimura will soon retire from Solectron Corporation after leading the company to its current standing as one of the world's largest electronics manufacturing services company. He has accomplished this through years of hard work and dedication to his friends, neighbors, and colleagues.

Born in 1938 in Pasadena, California, Dr. Nishimura is a Nisei, or second-generation Japanese American. Like many of his fellow Nisei, he has experienced strong Western and Eastern influences. During World War II, Dr. Nishimura spent five years, from age three to seven, at an internment camp in Manzanar. Despite spending his childhood in Southern California, he spoke only Japanese until the first grade.

After earning his bachelor's and master's degrees in electrical engineering from San Jose State University, Dr. Nishimura received his Doctorate in Material Science and Engineering from Stanford University. Upon completion of his education, Dr. Nishimura began his career as a test engineer with IBM. After 23 years with IBM, he was asked to join the then-regional Solectron Corporation. Coming on as the Chief Operating Officer in 1988, he quickly moved to President and then Chief Executive Officer. In 1996, he became Chairman of the Board. Dr. Nishimura has made Solectron Corporation not only the biggest company in the electronics industry, but also the most profitable. Under his leadership, Solectron was twice awarded the prestigious Malcolm Baldrige National Quality Award, becoming the first company in the history of the program to do so.

Dr. Nishimura is very active in both the business and Japanese American communities. Currently, he serves on the Board of Trustees of the Santa Fe Institute. In addition to serving on various boards, he has been a member and the Chairman of Santa Clara University's Leavey School of Business. Dr. Nishimura has dedicated his time and energy to the Malcolm Baldrige Foundation, serving as Vice President, as well as the Tech Museum of Innovation in San Jose, California, having served as a board member. In recognition of his work in the community, he was awarded the Silicon

Valley Manufacturing Group's Lifetime Achievement Award in 2001.

Within the Japanese American community, Dr. Nishimura has dedicated his efforts to groups such as the U.S.-Japan Business Council, Japanese Western U.S. Association, Japanese American Citizen League, Asian Americans for Community Involvement, Asian Law Alliance, and the Yu-Ai Kai Senior Community Center in San Jose.

Mr. Speaker, please join me in thanking Dr. Ko Nishimura for his dedication to excellence in Silicon Valley. Through his tireless efforts, he has created a company grounded in sound principles and has dedicated his valuable time to better his community. I congratulate Dr. Koichi Nishimura on his tremendous achievements and wish him continued success.

TRIBUTE TO KUNI HIRONAKA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. MATSUI. Mr. Speaker, I rise in tribute to Kuni Hironaka, one of the region's greatest champions for protecting and promoting Asian American hiring and promotion policies. Kuni played an instrumental role in securing the inclusion of Asian Americans as a protected minority in the affirmative action hiring and promotion process that is used by all federal civilian and military agencies. As his friends and family gather to celebrate Kuni's wonderful achievements, I ask all of my colleagues to join with me in saluting one of Sacramento's most dedicated citizen leaders.

In 1967, Kuni realized that there were only three categories of protected minorities specified for the affirmative action program at McClellan Air Force Base in Sacramento, these were: black, Hispanic, and women. Kuni was particularly alarmed by the fact that there were no Asian foremen on the maintenance side of the workforce and no Asian supervisors on the management side of the workforce. Many Asian employees failed to rise through the ranks despite their considerable experience and education.

Kuni's decision to explore the issue with the civilian Affirmative Action Officer was greeted with an unsatisfactory response. At the expense of jeopardizing his own employment and promotion future at McClellan Air Force Base, he boldly pursued the matter up the chain of command. In the course of standing for his principles and furthering the interests of Asian Americans in the workforce, Kuni would come to bring about change on a national level.

Kuni was appointed by Phil Hiroshima, President of the Japanese American Citizens League (JACL) at the time, to represent the JACL in meetings with top military officials to make the case that the affirmative action category should be expanded not only to include Asian Americans, but also Native Americans as well.

As a result of Kuni's remarkable dedication to the cause and a relentless pursuit of justice, the process of leaving Asian Americans out of the affirmative action hiring and promotion process was eventually examined by the United States Department of Defense. Ultimately, the term ''oriental'' was changed to Asian American and Pacific Islanders and McClellan Air Force Base began to promote qualified Asian Americans within the maintenance and civil workforce.

Kuni's decision to challenge the establishment to bring about equal treatment for Asian Americans at McClellan Air Force Base had a resounding impact nationally. In addition to military installations, Asians Americans also came to be recognized as a protected minority by all federal civilian and military agencies. Kuni played a crucial role in paving the road for his and future generations of Asian Americans by breaking down the glass ceiling in the workplace.

Kuni truly represents the real spirit of community service. Throughout his life, Kuni has demonstrated the importance of giving back to his community. Kuni's commitment to helping others and improving his community is an inspiration and example to his fellow citizens.

Mr. Speaker, as Mr. Kuni Hironaka's friends and family gather to celebrate and honor his many contributions, I am honored to pay tribute to one of Sacramento's most honorable citizens. His successes are unparalleled, and it is a great honor for me to have the opportunity to pay tribute to his accomplishments. I ask all my colleagues to join with me in wishing my dear, dear friend Kuni continued success in all his future endeavors.

IN MEMORY OF DARYL THOMPSON

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. HASTERT. Mr. Speaker, I rise today to pay tribute to a distinguished constituent; a person who was one of the most active, hard-working and dedicated educators in the State of Illinois—Mr. Daryl Thompson. Sadly, Mr. Thompson passed away on January 14, 2003.

Mr. Thompson began a 37-year career at Oswego High School in 1961. In his early years at Oswego High School, Mr. Thompson taught bookkeeping, business law, general business and typing, in addition to serving as the freshman basketball coach, faculty advisor to the school newspaper, and sponsor of the National Honor Society. And, after earning his certificate in education administration, Mr. Thompson was hired as Oswego High School's Vice Principal, and in 1974 was appointed Principal.

Throughout his years as an educator and administrator in Oswego, Mr. Thompson was the recipient of numerous awards and recognitions. To name a few, Mr. Thompson was awarded the Illinois State Board of Education's ''Educator for Excellence in Education,'' Coca-Cola's Educator of the Month, and was selected by the Oswego Ledger-Sentinel as one of the top 50 people of the 20th Century to make a positive impact on Oswegoland. Furthermore, in 1997, a portion of Illinois Route 71, which passes by Oswego High School property, was named the honorary ''Daryl Thompson Highway.''

Moreover, Mr. Thompson served as a member of the Illinois High School Association's Legislative Commission for 12 years, served as Director of the Illinois Principals Association and was involved with the Oswego Foundation for Excellence in Education.

Nonetheless, we should also remember Mr. Thompson as a dedicated friend and mentor. He will be remembered for his keen sense of humor, thoughtful guidance and his genuine interest in the well-being of the entire community.

Mr. Speaker, I ask my colleagues to join me in honoring Daryl Thompson for his contributions to the Oswego school system and the many students, parents, teachers and fellow administrators whom he touched. His accomplishments deserve our praise and appreciation.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. KENNEDY of Rhode Island. Mr. Speaker, on February 26, 2003, I was in my congressional district in Rhode Island and consequently I missed two votes.

Had I been here I would have voted: ''yea'' on rollcall No. 35, and ''yea'' on rollcall No. 36.

At this time I would ask for unanimous consent that my positions be entered into the RECORD following those votes or in the appropriate portion of the RECORD.

RECOGNITION OF CARLIN OWEN LESLIE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Carlin Owen Leslie, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Carlin has been very active with his troop, participating in summer camp at H. Roe Bartle Scout Reservation and earning the status of warrior in the tribe of Mic-O-Say. During the ten years he has been involved in scouting, he has earned 33 merit badges and is brotherhood member of the Order of the Arrow. Carlin also has been honored for his numerous scouting achievements, earning the rank of senior patrol leader. He was also the first scout from Troop 314 to become a runner in the Order of the Arrow, and now serves as the head of the Troop 314 OA runners.

For his Eagle Scout project, Carlin restored and repainted a train caboose at Fox Hill Elementary School which is used by the school and the Missouri Department of Conservation as an education lab.

Mr. Speaker, I proudly ask you to join me in commending Carlin Owen Leslie for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO ROBERT MANIECE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, in commemoration of Black History Month, I would like to take this opportunity to recognize the many accomplishments of distinguished African-Americans in Mississippi's Second Congressional District.

Dr. Robert Maniece is presently serving as interim Superintendent for the Quitman County School District. In 1967, Robert Maniece led a number of black students over to then Marks Junior High, a predominately white school. That action led to the integration of the public school in 1971.

In the same year the Reverend Dr. Martin Luther King visited Marks, he also visited Mississippi's Cotton Street, the street on which Robert and his family lived. This is the place where Dr. King witnessed families so victimized by poverty that he created the Poor People Campaign. Thereafter, Robert and his family members became heavily involved in this fight to rid the Nation of poverty and want. He has traveled to Washington, D.C. many times to participate in the protests and has continued to fight the fight for those in the greatest need.

In 1993, he became Director of Instruction and Professional Development Coordinator for Quitman Mississippi County Schools. In that position, he has led the District from academic probation to one of the best performing schools in all the Mississippi Delta and the State.

CLOSING THE DIGITAL DIVIDE IN EDUCATION AND WORKFORCE

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Ms. WATSON. Mr. Speaker, I rise today to echo my colleagues' concerns with the prevailing digital divide in African American communities.

As our society continues to make leaps and bounds in the digital information age, too many people are still left behind. It is especially evident in the African American communities, where currently only four out of ten African-Americans have access to internet access—30 points behind the national average. This sharp contrast continues to represent a very substantial and real divide in our society.

But the picture is not all gloomy. In 2001, for instance, internet usage among African Americans increased by 31 percent, as compared to 19 percent among whites. High-tech companies have also begun to focus on technological literacy among our nation's students, such as Microsoft's recent initiative to donate a $15 million software grant to Historically Black College and University campuses.

Now it's up to this Congress to do more. The Omnibus Appropriations bill we just passed has under-funded many of the programs aimed to stimulate technological usage and access for more Americans, among them the 21st Century Community Learning Centers, the Community Technology Centers (CTC), and the Technology Opportunities Program (TOP).

We must recommit ourselves to those resources. We must also maintain an open market for competition in the telecommunications industry so that better services can be brought to more communities at lower prices.

I urge my colleagues today to work towards those goals.

NATIONAL PEACE CORPS DAY, FEBRUARY 28, 2003

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. COX. Mr. Speaker, tomorrow is National Peace Corps Day. It is with great pleasure that I send my congratulations to Peace Corps volunteers serving throughout the world as we celebrate the Peace Corps' 42 years of service.

Forty-two years ago, President John F. Kennedy mobilized a generation to work in developing nations around the world in education, community development, agriculture, health care, and public works. Although each volunteer is given a particular role in a community, the most important job is the simple day-to-day interaction each volunteer has with the people of the villages in which they serve.

Since 1961, over 168,000 Americans have volunteered their expertise, time, and energy to foster development and progress in 136 countries. There is no greater symbol of America's generosity than American volunteers living and working in partnership with the people of developing nations to encourage education and opportunity.

As grass-roots ambassadors, Peace Corps volunteers have conveyed the message of freedom and hope to communities in need of help. In doing so, they have strengthened the ties of international friendship and understanding, and have spread the spirit of sharing that is so fundamental to American society.

It is my deepest hope that we continue to recognize and support the Peace Corps' work. By honoring the Peace Corps, we reaffirm our nation's commitment to strengthen freedom and create opportunities around the world.

I am very happy to join with Peace Corps volunteers, past and present, to celebrate National Peace Corps Day 2003.

WHITE MARLINS AND THE LONGLINE INDUSTRY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. SAXTON. Mr. Speaker, I rise today to introduce this important piece of conservation legislation. In the last session of Congress the Resources Committee worked hard to report out, my good friend from Maryland and Subcommittee Chairman, Mr. GILCHREST's bill, H.R. 4749, the Magnuson-Stevens Act Amendments of 2002. While I was pleased with many of the provisions, I felt the bycatch section could be strengthened and was successful in getting a provision added to H.R. 4749 addressing the concerns I still have today, with regard to the amount of bycatch of white marlin by the domestic longline industry, which is why I am introducing this bill today.

This bill creates a closed area in the mid-Atlantic that protects marlin from being caught by longlines, when marlin are the most prevalent in those waters. This area consists of the entire Mid-Atlantic Conservation Zone for Highly Migratory Species and closes the upper zone July 15 through September 1, and closes the lower zone from August 15 through October 1. The bill allows for the maximum fishing effort by the longline industry consistent with the conservation.

I continue to be concerned about this species because stocks domestically and internationally have continued to rapidly decline. On September 4, 2001, an environmental group petitioned the National Marine Fisheries Service (NMFS) to list Atlantic white marlin under the Endangered Species Act of 1973, as amended. On December 19, 2001, NMFS found that the Atlantic white marlin petition presents substantial scientific and commercial information indicating that a listing of Atlantic white marlin may be warranted.

On September 4, 2002, NMFS determined that the species does not warrant being listed at this time. However, the most recent stock assessment indicates the total Atlantic stock population had declined to less than 12 percent of its maximum sustainable yield level; current fishing mortality was estimated to be at least seven times higher than the maximum sustainable level; over fishing had taken place for over three decades and the stock is less productive than previously estimated, with a maximum sustainable yield of less than 1300 metric tons. The bottom line—this species needs an immediate strong conservation measure or it may disappear forever.

I have for many years been very concerned about the dramatic drop in population of this species, and the fact that NMFS even considered listing it confirms my concerns have not been unfounded. I am therefore introducing this piece of legislation as it is critical we continue to make every possible effort to save this species from extinction, which is a distinct possibility should nothing be done to stop the tremendous amount of bycatch.

It is so important we work together to conserve all species, and the dramatic drop in population of white marlin sends a strong message that if we do nothing the potential for other species to be in equal jeopardy is almost guaranteed. Our oceans could well be void of many species we now enjoy and take for granted if we do not take aggressive steps to halt their disappearance now, before it's too late.

It is of the utmost importance that today, more than ever, we work diligently to ensure our world's fisheries populations are maintained at sustainable levels. If we fail to protect them, there are some species that may disappear forever, which would be tragic.

THE ''SENATOR PAUL WELLSTONE MENTAL HEALTH EQUITABLE TREATMENT ACT OF 2003''

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. KENNEDY of Rhode Island. Mr. Speaker, despite the will of the American people, despite the will of bipartisan majorities in Congress, despite the insistence of the President of the United States and the maxims of decency, and fairness, a mental health parity bill has yet to be enacted.

That is why, today, with Senators DOMENICI and KENNEDY, and Congressman Jim RAMSTAD, I am again introducing the Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003. This bill has been named in honor of the late Senator Paul Wellstone who fought hard for the cause of equal opportunity for all Americans.

The Wellstone Parity Act is, at its core, a civil rights bill. It recognizes that the right to basic healthcare for millions of Americans continues to be violated due to lingering bigotry. It reflects the values on which this country was built, principles of inclusion and opportunity for all Americans.

This bill will help tens of millions of our fellow countrymen and women who suffer from mental illnesses gain needed access to treatment. Treatment, which they currently are denied and have been for quite some time. This bill is based on parity provisions in the Federal Employee Health Benefit Plan (FEHBP), which Members of Congress, other federal employees, and their families already have.

Specifically, it requires that group health plans, which choose to provide mental health benefits not impose any treatment limits or financial requirements for mental health care unless comparable treatment limits or financial requirements are imposed for physical health benefits.

With that said, there has, unfortunately, been a lot of misinformation circulated with regards to this bill. Therefore, it is important that I clarify what this bill does not do.

It does not require health plans to cover treatment of mental illnesses. It only applies if they choose to include mental health benefits.

It does not prevent group health plans from managing benefits as a means to contain costs, and to monitor and improve the quality of care. In fact, it specifically protects insurers' right to apply management techniques.

It does not mandate coverage of specific mental health services, nor does it allow endless ''Woody Allen-like'' psychoanalysis for every beneficiary. This bill unambiguously allows plans to make medical necessity determinations so that care can be provided judiciously.

It does not require parity between two or more employer-sponsored benefits plans. It only requires parity within each individual plan.

It does not require parity for out-of-network benefits, as long as in-network benefits are provided at parity and the plan provides reasonable access to in-network providers and facilities.

Opponents of this bill will say it is too expensive and drives up the cost of healthcare. The data, however, show otherwise. The Congressional Budget Office (CBO) has projected that enactment of a parity bill of this kind would result in premium increases of only 0.9%. The collective experience of many states that have passed parity laws, as well as the FEHBP, closely mirrors the CBO projections.

In fact, the CBO estimate may be too high. The CBO projections did not take into account the billions of dollars of savings employers will gain with reduced absenteeism, fewer disability claims, and lower general health services associated with untreated mental illnesses.

The Senator Paul Wellstone Mental Health Equitable Treatment Act of 2003 is not just an instrument to repeal the prohibition on Americans to gain access to affordable and needed mental health care; it is also a bill that addresses an ever-increasing public health crisis in our nation.

Mental illness is our nation's second leading cause of morbidity and mortality. In the United States, severe mental illnesses are more common than cancer, diabetes or heart disease; one in four Americans will suffer from a serious mental disorder in their lifetime; more than 51 million Americans suffer from a mental disorder in a year; 67% of elderly nursing home residents have a diagnosable mental illness; 67% of the population with AIDS will develop a neuropsychiatric disorder; more than ten million children suffer from a serious emotional disorder and more than 30,000 people commit suicide every year.

Each of these statistics has a human face associated with it. Anna Westin of Chaska, Minnesota suffered from a serious eating disorder that required inpatient hospitalization. When her insurance company told her hospital that her mental health benefits had been exhausted, she was prematurely discharged and sent home. One month later, after receiving this inadequate medical care, she committed suicide. Anna is just one of many Americans victimized by the cruelty of medical discrimination.

Discrimination is a discarded idea from the past. Yet, in certain sectors of our society it continues to thrive like a malignant cancer infecting and feeding off the soul of our nation. For the sake of our parents, our grandparents, our children, our neighbors, and ourselves, we must finally excise this cancer from our society.

In the 19th century, famed novelist and poet Victor Hugo wrote: ''There's one thing stronger than all the armies of the world: And that is an idea whose time has come.''

The time for mental health parity has arrived. I want to thank my colleagues for the strong bipartisan support this legislation has received, and I look forward to finally removing this dreadful stain of discrimination that defiles the spirit of America.

RECOGNITION OF MATTHEW ISADORE REYES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Matthew Isadore Reyes, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 314, and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in summer camp at H. Roe Bartle Scout Reservation and earning the status of Brave in the tribe of Mic-O-Say. During the six years he has been involved in scouting, he has earned 38 merit badges and is Brotherhood Member of The Order of the Arrow. Matthew also has been honored for his numerous scouting achievements, earning the rank of Patrol Leader of the Panther Patrol and Runner at Camp Naish.

For his Eagle Scout project, Matthew built two cedar benches and planted a tree for the Rolling Hills Community Church. He was able to get all of the materials for his project donated.

Mr. Speaker, I proudly ask you to join me in commending Matthew Isadore Reyes for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO IRVIN WHITTAKER

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, in commemoration of Black History Month, I would like to take this opportunity to recognize the many accomplishments of distinguished African-Americans in Mississippi's Second Congressional District.

Irvin Whittaker is a native of Carrollton County. Although many close to Mr. Whittaker felt that education should not be his primary focus, he had a strong desire to complete high school. With money that he saved from sharecropping, Mr. Whittaker moved to Jackson, Mississippi. It was here that he decided to enter Lanier High School. During High School, Mr. Whittaker became part of the active reserves and spent six months in the Army. In 1959, he re-entered high school at Marshall High School where he started to play basketball. While playing he was noticed by a coach and was offered a scholarship to Mississippi Industrial College.

Upon graduating, Mr. Whittaker's professional career in education began. In 1963, he was appointed as a teacher at Old Salem High School in Ashland, Mississippi. Mr. Whittaker was then appointed as principal of Marshal High School where he served until 1968. In 1968, Mr. Whittaker became assistant principal at Amanda Elzy High School. After serving for two years, Mr. Whittaker later became the principal. In 1983, he was asked by the Superintendent of Leflore County Schools to serve as Assistant Superintendent. In 1991, Mr. Whittaker was elected to the office of the County Superintendent, an office which he held until his retirement in 2000.

REMEMBERING REV. EDWARD VICTOR HILL SR.

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. WATSON. Mr. Speaker, I rise today to express my sadness in the passing of a great community and civic leader, Dr. Edward Victor Hill Sr.

He was known throughout the United States and the world for his compassionate sermons and teaching. He will be dearly missed.

For the past 42 years, Rev. E.V. Hill has been the pastor of the Mount Zion Missionary Baptist Church in Los Angeles. He grew up in poverty in a Texas log cabin. By the age of 21 he became pastor of the Mount Corinth Missionary Baptist Church in Houston, where he was one of seven black pastors who joined Dr. Martin Luther King in forming the Southern Christian Leadership Conference. Rev. Hill soon became a confidant of Dr. King and a central leader to the civil rights struggle.

Rev. Hill came to Los Angles in 1961 to become the pastor of Mount Zion. By 1972, he was elected as the youngest president of the California State Baptist Convention. Under Rev. Hill's leadership, his congregation became a center of political and social activism in Los Angeles. He fought for government programs that would bring housing and economic development to his communities. He also started a number of church-based programs, among them the creation of senior citizen housing, a credit union, and a service for the hungry called the ''Lord's Kitchen.''

I send my heartfelt condolences to the Hill family. My thoughts and prayers are with them.

PERSONAL EXPLANATION

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. COX. Mr. Speaker, had I been present on February 26, 2003, I would have voted ''yes'' on H. Con. Res. 36 to celebrate the 140th Anniversary of the Emancipation Proclamation and commend President Abraham Lincoln's efforts to end slavery.

INTRODUCTION OF THE RECREATIONAL WATERS PROTECTION ACT

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. SAXTON. Mr. Speaker, I rise today to introduce the Recreational Waters Protection Act.

I have been working on this issue for some time, and introduced this bill in the last session of Congress because its passage would reduce pollution from recreational boats by encouraging boaters to use and purchase new Type I marine sanitation devices (MSD) instead of discharging their waste into the water because pumpout stations are either unavailable, inoperative or inconvenient to use.

This legislation would harness new technology and establish new standards for Type I marine sanitation devices that are 100 times more stringent than current standards, which have not been revised in over twenty years.

This bill would grant an exemption allowing those who have such Coast Guard certified devices to use them in any state-declared no discharge zones that are designated after the enactment of this bill into law. It would not impact any existing state-declared no discharge zones.

The available evidence shows that the existing NDZ approach does not work to the benefit of the environment. It is highly unlikely that law enforcement efforts will ever be sufficient to make the NDZ approach work, even if sufficient pump-out stations were accessible and operational.

Giving boat owners the opportunity to improve the operation of their vessels and at the same time contribute to improving the aquatic environment through their voluntary installation and use of the new Type I MSDs is clearly preferable to today's situation.

When the Federal Water Pollution Control Act was signed into law, this type of technology did not exist and therefore simply prohibiting dumping via NDZs seemed like the best solution at the time. However, with the overall poor performance with pumpout stations and non-compliance with NDZs, I believe it is time to revisit this bill and these issues and recognize if there is a better, more environmentally conscious way to fight pollution, we ought to be using it, period.

I encourage other members to join me in support of this important piece of conservation legislation.

RECOGNITION OF SARAH DOTY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sarah Doty, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, Troop 300, and in earning the most prestigious honor of the gold award.

The Girl Scout Gold Award is the highest achievement attainable in girl scouting. To earn the Gold Award, a scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include: 1. earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration; 2. earning the Career Exploration Pin, which involves researching careers, writing resumes, and planning a career fair or trip; 3. earning the Senior Girl Scout Leadership Award, which requires a minimum of 30 hours of work using leadership skills; 4. designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote girl scouting; and 5. spending a minimum of 50 hours planning and implementing a Girl Scout Gold Award project that has a positive lasting impact on the community.

For her Gold Award project, Sarah organized a golf clinic for middle and high school girls.

Mr. Speaker, I proudly ask you to join me in commending Sarah Doty for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of the Gold Award.

TRIBUTE TO JAMES E. GRAVES, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, in commemoration of Black History Month, I would like to take this opportunity to recognize the many accomplishments of distinguished African-Americans in Mississippi's Second Congressional District.

Justice Graves began his distinguished career as the valedictorian of his high school graduating class. He then went on to earn a Bachelor's Degree in Sociology from Millsaps College. Justice Graves then decided to enroll at Syracuse University where he earned his law degree. He also received a Master's of Public Administration from Syracuse University.

Upon finishing law school Justice Graves worked as a staff attorney at Central Mississippi Legal Services. Just prior to being appointed Circuit Justice Judge he was director of the Division of Child Support Enforcement for the Mississippi Department of Human Services. Justice Graves then engaged in private practice of law for more than three years.

His teaching experience includes serving as an instructor at Harvard Law School where he taught for four years. Justice Graves has also served as adjunct professor at Jackson State University where he taught both media law and civil rights law.

Justice Graves is also active in public school activities. He teaches the youth about the legal system as well as coaches mock trial teams which have reached state mock trial finals every year since 1991.

Justice Graves has been the recipient of numerous awards. Some of his recognitions include Humanized Education Award, Parent of the Year, Parent of the entire State of Mississippi, Innovation Award, Distinguished Jurist Award, and the Judge of the Year Award.

TIMBER TAX SIMPLIFICATION ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. COLLINS. Mr. Speaker, I rise today to introduce legislation which corrects an inequity in the Internal Revenue Code which affects the sale of certain assets.

Under current law, landowners who are occasional sellers of timber are often classified by the Internal Revenue Service as ''dealers.'' As a result, the seller is forced to choose between a ''lump sum'' payment method or a

pay-as-cut contract which often results in an under-realization of the fair value of the contract. While electing the pay-as-cut contract option provides access to capital gains treatment, the seller must comply with special rules in Section 631(b) of the Internal Revenue code. The provisions of Sec. 631(b) require these sellers to ''retain an economic interest'' in their timber until it is harvested. Under the retained economic interest requirement, the seller bears all the risk and is only paid for timber that is harvested, regardless of whether the terms of the contract are violated. Additionally, since the buyer pays for only the timber that is removed or ''scaled'' there is an incentive to waste poor quality timber, to under scale the timber, or to remove the timber without scaling.

The legislation I am introducing will provide greater consistency by removing the exclusive ''retained economic interest'' requirement in IRC Section 631(b). This change has been supported or suggested by a number of groups for tax simplification purposes, including the Internal Revenue Service. I urge my colleagues to join in this tax simplification effort and strongly urge its passage.

ON COMBATTING TERRORISM AND PROTECTING CIVIL LIBERTIES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, at its recently concluded meeting, the Jewish Council for Public Affairs adopted a number of resolutions. One very important one was the resolution ''On Combating Terrorism and Protecting Civil Liberties.'' The very title of this resolution indicates its importance—that is, the JCPA recognizes that it is important for us to be fully mindful of civil liberties as we adopt the measures needed to protect ourselves against terrorism.

As a Member of Congress, and also as a Jewish American, I welcome the balanced and thoughtful resolution, coming particularly as it does from a group which ranks high on the target list of those who engage in terrorism. In this context, when the JCPA notes that it is ''particularly concerned about the treatment of United States citizens, including questions of indefinite detentions, denial of legal counsel and trials that are closed in their entirety,'' its members provide an excellent example of the approach that all of us should be taking in this critical time—namely, protecting ourselves against violence without infringing on our constitutionally protected freedom and liberties.

RECOGNITION OF KATIE TELGEMEIER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Katie Telgemeier, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, troop 1815, and in earning the most prestigious honor of the Gold Award.

The Girl Scout Gold Award is the highest achievement attainable in girl scouting. To earn the gold award, a scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include: 1. Earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration; 2. Earning the career exploration pin, which involves researching careers, writing resumes, and planning a career fair or trip; 3. Earning the senior girl scout leadership award, which requires a minimum of 30 hours of work using leadership skills; 4. Designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote girl scouting; and 5. Spending a minimum of 50 hours planning and implementing a girl scout gold award project that has a positive lasting impact on the community.

For her gold award project, Katie updated and refurbished a girls locker room.

Mr. Speaker, I proudly ask you to join me in commending Katie Telgemeier for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of the Gold Award.

TRIBUTE TO REVEREND DR. EARNEST ANDREW SMITH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, in commemoration of Black History Month, I would like to take this opportunity to recognize the many accomplishments of distinguished African-Americans in Mississippi's Second Congressional District.

Today I rise to pay tribute to Reverend Dr. Earnest Andrew Smith. Dr. Smith was born in Macon, Georgia on August 25, 1913. His family later moved to Birmingham where Dr. Smith began school. After finishing high school, Dr. Smith entered Rust College in Holy Springs, Mississippi where he graduated in 1937. Dr. Smith continued his education at Oberlin in Ohio and Hartford seminary Foundation in Hartford, Connecticut. Dr. Smith then began to take courses at Drew University and Gammon Seminary. He has received honorary degrees from Gammon Seminary and Lambuth College.

Dr. Smith has many accomplishments. He has been the pastor of three churches as the parish minister, was principal of two high schools and was executive secretary of three different conference programs of Christian education.

In 1957, Dr. Smith was appointed president of Rust College where he managed to keep the door open despite several efforts to close the school. Dr. Smith later served thirteen years as director of the human relations for the Board of church and Society. Upon retirement, Dr. Smith moved to Memphis, Tennessee until he and his wife moved to Benton, Mississippi.

CELEBRATING NATIONAL PEACE CORPS DAY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. HONDA. Mr. Speaker, I rise today in celebration of National Peace Corps Day on Friday, February 28. It is a special day not only for my fellow returned Peace Corps volunteers, but also for everyone who has been touched by the Peace Corps' global reach. The Peace Corps' mission of compassion and diplomacy is more important than ever to the world population, and so I ask my colleagues to join me in honoring the Peace Corps on this important day.

Since 1961, Peace Corps Volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries. During these 42 years, the Peace Corps has become an enduring symbol of our nation's commitment to progress, opportunity, and development at the grass-roots level in the developing world.

In all, more than 168,000 Americans have responded to our nation's call to serve by becoming Peace Corps Volunteers in 135 countries, and I am proud to say I am one of them. As a young man, I served as a Volunteer in the Republic of El Salvador, building schools and health clinics, learning the language, and developing an enduring bond with the people, culture, and language. The experience instilled in me a profound connection to that country, and a dedication to improving international relations around the world and fulfilling the Peace Corps' third mandate.

Here in Congress, I am firmly committed to ensuring that future generations have the same opportunities that I did to carry out the mission of the Peace Corps. In fact, I believe that we need to dramatically expand and enhance these opportunities given how vital the Peace Corps' mission is in the current global climate. In that effort, I have cosponsored H.R. 250, a bill proposing to increase the number of Volunteers across the globe, reaffirm the Peace Corps' independence, and promote better mutual understanding between those serving and those whom they serve.

Mr. Speaker, the Peace Corps has been a part of my life for almost forty years. I have served as a Volunteer, I have supported important Peace Corps legislation, and now today I rise in honor of National Peace Corps Day. It is a day to honor all Peace Corps Volunteers, past and present, and reaffirm our commitment to helping people help themselves throughout the world.

TRANSITIONAL HOUSING PROGRAM FOR HOMELESS VETERANS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Ms. McCOLLUM. Mr. Speaker, I, rise today in recognition of the opening of Minnesota's

new Transitional Housing Program for homeless veterans, located at the Minnesota Veterans Home in Minneapolis. Today's celebration is an accumulation of hard work, dedication and determination, reflective of Minnesota's commitment to our nation's veterans and a testament to the spirit of the veterans' community in our great state.

Most Americans are not aware of the severity of our veterans' homeless problem. Nearly 25 percent of homeless people are veterans, and many veterans who live in poverty are at risk of becoming homeless. On any given night, 275,000 veterans of the United States armed forces—including thousands in Minnesota—are homeless, and many struggle with alcohol, drug, and mental challenges.

The goal of the new Transitional Housing Program is to provide and coordinate preventive transitional and permanent housing and supportive services for veterans who are experiencing homelessness or who are in danger of becoming homeless. This new program will help assist Minnesota's homeless veterans in gaining the necessary skills required to successfully transition back into mainstream society.

The most effective programs for homeless veterans feature transitional housing with the camaraderie of living in structured, substance-free environments with fellow veterans who are succeeding at bettering themselves. Minnesota's new Transitional Housing Program seeks to employ these methods and provides an important community partnership in improving the lives of those who sacrificed so much for our freedom and democracy.

As we celebrate this new program, I urge my colleagues to remember the thousands of homeless veterans across America that go without help each and every day. We must continue to support the efforts of those who seek to provide these honorable veterans with a better way of life.

NAGORNO KARABAKH LIBERATION MOVEMENT

HON. FRANK PALLONE JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. PALLONE. Mr. Speaker, I want bring the attention of my colleagues to an anniversary that occurred this past Thursday, February 20th, 2003. That day marked the 15th anniversary of the modern day liberation movement of the people of the Nagorno Karabakh (NK). Fifteen years ago, in the twilight of the Soviet Union, the people of NK petitioned the Soviet government to correct historical injustices and reunite them with their brethren in Armenia.

The Armenians of NK were placed within the borders of Azerbaijan in 1921, as one of the many ethnic groups that were separated by Joseph Stalin through his ''divide and conquer'' strategy. Despite the fact that 96% of the population of NK were ethnically Armenian, and NK's stated wish to be part of Armenia—or even be represented as an autonomous region within Azerbaijan—the Armenians of NK were subjected to brutal Soviet Azerbaijani rule for 70 years.

During those seven decades, the Armenians of NK repeatedly stated to each successive Soviet regime their desire to be joined again with Armenia. These peaceful and legal maneuvers were met with violent repression and forced settlement of ethnic Azeris into NK.

Heydar Ailyev, current President of Azerbaijan, ran the Azeri spoke of these policies frankly to reporters on July 22, 2002. He said, ''I tried to change Nagorno Karabakh's demography . . . Instead of sending Azeri workers to Baku, I sent a large number of them to Karabakh from surrounding Azerbaijani regions . . . With these and other measures, I was trying to make sure that Azerbaijani population grew in Karabakh while the Armenian population diminished. Those who used to work in Karabakh back then, know what I am talking about.'' This comment smacks of human rights abuses; working to directly change to demographics of the region while paying no mind to the Armenian or Azeri human condition.

In 1988, when the Armenians of NK heard of the Mikhail Gorbachev's democratization agenda, they began to again move peacefully for reunification with Armnenia. At this time, the Soviet and Azeri armies would not stand even to entertain this request and immediately resorted to violence. Public expressions of determination by the Armenians of NK were met with a campaign of ethnic cleansing, deporting the Armenians of NK and Azerbaijan.

In 1991, as Armenia and Azerbaijan followed most soviet states in succession from the USSR, NK also voted to succeed. In an internationally monitored referendum, the NK population overwhelmingly voted to establish an independent Nagorno Karabakh Republic, currently known as NKR.

Following this referendum in which the country was established, the Azeri army began a full-scale war on the Armenians of NK, which took thousands of lives over three years, but eventually ended up with NKR repelling Azeri forces. This victory was gained with an army that was out-manned and outgunned, but had desire and guile that proved to be overwhelming. This conflict had a terrific human cost, leaving 30,000 dead and over one million displaced. Thankfully, although small skirmishes have broken out from time to time, the peace has been kept since an agreement ceased hostilities in 1994.

Mr. Speaker, I have repeatedly come to the House floor to speak of the plight of the Armenians of NKR. I can now speak from personal experience about NKR, having traveled there with Congressman DOGGET of Texas last August. We had the opportunity to travel to NKR to witness the Presidential elections there, where we served as official monitors. I am proud to say that all election observers that participated in this historic event gave an overwhelmingly positive response. One group in particular, headed by the Baroness Cox from England stated that, ''Our overall conclusion is one of congratulations to all the people of Artsakh (NKR) for the spirit in which the elections have been conducted, their commitment to the democratic process and their pride in their progress towards the establishment of civil society.''

This process is astounding considering that NKR is not recognized internationally; that they still must deal every day with Azeri aggression, and that their economy is still devastated from the war. The elections were reported to have met, if not exceeded international standards. All this just 9 short years removed from all-out war.

Congress recognized this consistent move towards democracy, granting NKR 20 million dollars in humanitarian assistance in FY '97, and an additional 5 million dollars in FY '03. This assistance has not just been crucial for needs of the people of NKR, but has also fostered the beginnings of an excellent relationship between our two countries.

Mr. Speaker, I would like to end with a final example of what I saw in Armenia in August last year. During the elections, as I visited the capitol city and small villages alike, everyone I spoke to was incredibly excited about the prospect of voting. They viewed the vote not only as a choice of the leader of their country for the next five years, but a statewide referendum on the democratic process and independence of NKR.

I congratulate the people of NKR for the 15th anniversary of the Nagorno Karabakh Liberation movement and their incredible determination to establish a free and open democratic society.

RECOGNITION OF HEIDI TILLY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Heidi Tilly, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, Troop 472, and in earning the most prestigious honor of the gold award.

The Girl Scout Gold Award is the highest achievement attainable in girl scouting. To earn the gold award, a scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include, 1. earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration, 2. earning the career exploration pin, which involves researching careers, writing resumes, and planning a career fair or trip, 3. earning the senior girl scout leadership award, which requires a minimum of 30 hours of work using leadership skills, 4. designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote girl scouting, and 5. spending a minimum of 50 hours planning and implementing a Girl Scout Gold Award project that has a positive lasting impact on the community.

For her gold award project, Heidi refurbished and painted a playground.

Mr. Speaker, I proudly ask you to join me in commending Heidi Tilly for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of the gold award.

TRIBUTE TO JUDGE TOMIE GREEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, in commemoration of Black History Month, I would like to take this opportunity to recognize the many accomplishments of distinguished African-Americans in Mississippi's Second Congressional District.

Today I rise to pay tribute to Judge Tomie Green. Judge Green received her primary education from the Jackson public school system. Upon completing, she entered Tougaloo College where she obtained a Bachelor of Arts degree. She then earned a Master of Science degree from Jackson State. Judge Green then received her Doctor of Jurisprudence from Mississippi College School of Law. In April of 1999 Judge Green then continued post-graduate training at the National Institute of Trail Advocacy and the National Judicial College, University of Nevada Reno.

Judge Green served in the Mississippi House of Representatives from 1992–1998. She served as Vice Chair of Ethics and a subchair of the Judiciary Committee. While serving in this position Judge Green aided in passing several monumental laws. Judge Green also participated in the creation of the laws that established the Administrative Office of the Courts, the Mississippi Court of Appeals, and the Mississippi Torts Claim Board.

Judge Green practiced law for fifteen years before taking the bench. On January 4, 1999, Judge Green took the oath of office to become the first woman elected to the Hinds County Circuit Court. She also continues to be an adjunct law professor as Mississippi College School of Law.

TRIBUTE TO VERA RISON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in recognizing an outstanding humanitarian, Vera Rison. Vera is being honored Thursday night at a Community Tribute and Retirement Dinner in my home town of Flint Michigan.

Vera Rison is one of my dearest friends. I treasure her wisdom, her common sense, and her ability to go to the heart of a dilemma and seek a solution. The many years she spent working at Genesee Memorial Hospital gave Vera insight into the problems faced by average families. She has never stopped working to ease the burdens faced by so many. Through the positions she held as chair of the Service Employees International Union Local 79, director of human resources at Amy Jo Manor Housing Complex, the Genesee County Community Mental Health Board, the Substance Abuse Services Board and the Jobs Central Workforce Development Board, Vera has always maintained her vision and commitment to a better future for everyone.

Through her work as a Genesee County Commissioner and a State Representative, Vera was able to see some of her ideas become concrete, working plans. She sponsored a bill to reduce the number of abandoned houses. She also was the driving force behind the renovation of the Amy Jo Manor Housing Complex. In addition, Vera worked tirelessly for individuals in trouble. She frequently advocated on behalf of persons sentenced to prison. She arranged for basic services to be provided for the handicapped and devoted many hours to ensuring the uninsured received health care.

The Genesee District Library paid Vera an awesome compliment when they named the Beecher branch of their library the ''Vera B. Rison Library.'' It is a tremendous tribute that the library, where all persons of every age can come and improve their minds and lives through knowledge, is named for the woman who spent a lifetime witnessing the potential in all persons and pushed them to achieve their personal best.

Mr. Speaker, I ask the House of Representatives to join me in honoring a dear friend, Vera Rison. She is an inspiration to me and I wish her the best as she starts the next phase of her life.

REMEMBERING MS. ESTHER JONES LEE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Ms. LEE. Mr. Speaker, I rise on this day, during Black History Month, to pay tribute to a trail blazing civic leader, Ms. Esther Jones Lee. I take pride in honoring Ms. Jones Lee for her lifetime of dedication to organizing and empowering the African American community, particularly African American women, in their struggle to secure the purportedly unalienable rights promised to the people of this nation at its founding.

Born in Ann Arbor, Michigan in 1885, the daughter of Ms. Mary Wanzer Jones and the Reverend J.W. Jones, Ms. Jones Lee inherited her family's unyielding commitment to serving God and her community. The monumental integrity and deep compassion that came to characterize Ms. Jones Lee's legacy were deeply rooted in the lessons she learned growing up in her father's ministries. After graduating from high school in Chillicothe, Missouri, Ms. Jones Lee was trained in pedagogy and taught high school in Macon, Missouri. In 1904, Reverend Jones and his family relocated to the San Francisco Bay Area, where he was charged by the American Baptist Association with establishing the McGee Avenue Baptist Church, still a vibrant spiritual community to this day. Married in 1908 to Mr. George E. Lee, Ms. Jones Lee had three children, of whom only one, Ms. Esther Lee Higgs, survived infancy.

In the Bay Area, Ms. Jones Lee provided skillful and passionate leadership to a plethora of organizations and clubs, especially the National Association of Colored Women (NACW), which she served for three terms as president of the state chapter. In 1918, Ms. Jones Lee was appointed by the President of the NACW, Ms. Mary Burnett Talbert, to lead California's efforts in the Anti-Lynching Campaign, working closely with State Senator William Knowland to introduce the successful legislation that outlawed this heinous practice. Ms. Jones Lee also served as: Vice President of Child Welfare for the Civic Center of San Francisco, the predecessor of the Big Sister Movement; President of the Women's Work Baptist Association of the State of California; a founding member of the Fannie Wall Children's Home, the area's first home to care for African American orphans; a founder of the Linden Branch YWCA, the area's first YWCA open to all girls, regardless of race; and head of the Women's Division of Northern California for the 1928 Herbert Hoover Campaign.

During her lifetime, the promises of equality, and justice for all made by our nation's framers were not extended to Ms. Esther Jones Lee. Born into a world in which she could neither vote nor hold public office, she found power by raising her voice and taking action where her conscience deemed it necessary. Inspiring and empowering those whose lives she touched, she rose to positions of leadership from which she challenged the status quo, contributed to policy reform, and advocated for equality. While partaking in the club activities expected of women of their social stature, Ms. Jones Lee and her fellow organizers became fierce, courageous, and compassionate political forces, needing no one's permission but their own. I take great pride in joining Ms. Esther Jones Lee's family and the people of California's 9th Congressional District in honoring her memory and celebrating her legacy.

Mr. Speaker, I'd like to include in the RECORD the following articles regarding Ms. Esther Jones Lee.

[From the Oakland Tribune, May 30, 1926]

ACTIVITIES AMONG NEGROES

(by Delilah L. Beasley)

WELCOMING SPEECHES

Mrs. Esther Jones Lee, as president of the northern section of California, will have the honor of welcoming the distinguished group of women to Oakland and Mrs. Corrine Bush Hicks, of Pasadena, state president of the California Federation of Colored Women's clubs, will welcome them to California on the night given over to state. Notwithstanding, the great task there are citizens in the east who have visited Oakland, notably Miss Hallie Q. Brown, who have faith in the citizens rally to the assistance of these brave women and helping them in this great effort which will mean much as an educational development of the race.

The following are appointments given to California women by the national president, Mrs. Mary McCloud [McCleod] Bethune: Regional chairmen for northern section-Temperance, Miss Masterson of Stockton; kindergarten—Mrs.-L.-J.-Williams, Vallejo, headquarters for the national in Washington, D. C., Mrs. H. B. Tllghman; physical education, Esther Jones Lee, Oakland; state chairmen-Peace and foreign relations, Mrs. Irene Bell Ruggles, San Francisco; citizenship, Mrs. Frank Henry, Oakland; temperance, Mrs. Lillian Smith, Oakland; hygiene, Mrs. L.J. Williams Vallejo; arts and crafts, Mrs. Melba Stafford, Oakland; social work and recreation, Esther Jones Lee, Oakland. She is also is local chairman of arrangements for the national.

[From the California Voice, Friday, December 30, 1960]

FEDERATED WOMEN CLUB NOTES—(CALIFORNIA STATE ASSOCIATION)

Maker of History—This is a brief, historical sketch of a personality of pronounced individuality who helped put over remarkable

undertakings in all phases of club, church and community work. Mrs. Esther Jones Lee of 1548 Parker Street, Berkeley, began club work in California in 1913 as a member of Mothers Charity Club. Prior to her residence in California, she worked with the Fannie B. Williams Club in Buxton, Iowa, where she was United States post office clerk. Later she taught school in Macon, Missouri.

Mrs. Lee served in every department of the California State Association and was elected to the presidency of the State Association in 1926, becoming the thirteenth president. Following the election to the presidency, she joined Fannie Jackson Coppin Club.

Mrs. Lee was Chairman of Affairs during the Fifteenth Biennial Convention of the National Association of Colored Women's Clubs, Inc., in 1926. She was one of the California women accorded special credit for her influence in obtaining the keys to the City of Oakland for this gigantic meeting—the largest and finest group of colored women that had ever crossed the Continent. At the next National Convention which convened in 1928 in Washington, D.C., Mrs. Mary McCleod Bethune, the national president, fittingly referred to Mrs. Lee as ''the local chairman of the National in Oakland, California.'' Mrs. Lee was overwhelmingly elected a member of the Board of Control. Mrs. Bethune appointed Mrs. Lee as her special representative to the Y.W.C.A Biennial Convention which was meeting in Sacramento, California.

Mrs. Lee attended the Seventeenth Biennial Convention in Hot Springs, Arkansas in 1930. She was delegated to give the response to the address of the Arkansas governor, local officials and others. During the Hoover-for-president campaign, she was head of the Women's Division of Northern California.

Mrs. Lee has given valuable information on numerous historical facets for the State Association's records—two of them being the inadventent birth of the unit called ''Northern Federation,'' and the founding of Fannie Wall Children's Home, and how and why it was named.

During the presidency of the late National President, Mrs. Mary D. Talbert, 1916 to 1920, Mrs. Lee was appointed regional official for California of the Anti-lynching Campaign.

Mrs. Lee has been prominently identified with the women's work of the General Baptist Association of California, its auxilliaries and also fraternal orders. the honor of Club Mother for 1954 was conferred upon her by Fannie Jackson Coppin Club.

Mrs. Lee's service in important offices on the National State, Regional and local club levels have blazed a trail and laid a foundation upon which we are pursuing and building. The potency of her character, intellect, personal energy and Club fealty, has buided the State Association and Fannie Jackson Coppin Club in paths of high purpose and achievement.

RECOGNITION OF KATHERINE TOMLIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Katherine Tomlin, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, Troop 1002, and in earning the most prestigious honor of the Gold Award.

The Girl Scout Gold Award is the highest achievement attainable in girl scouting. To earn the Gold Award, a scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include, 1. Earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration, 2. Earning the Career Exploration Pin, which involves researching careers, writing résumés, and planning a career fair or trip, 3. Earning the Senior Girl Scout Leadership Award, which requires a minimum of 30 hours of work using leadership skills, 4. Designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote girl scouting, and 5. Spending a minimum of 50 hours planning and implementing a Girl Scout Gold Award project that has a positive lasting impact on the community.

For her Gold Award project, Katherine made lap blankets for the hidden Lake Care Center.

Mr. Speaker, I proudly ask you to join me in commending Katherine Tomlin for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of the Gold Award.

TRIBUTE TO LANDRES CHEEKS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, in commemoration of Black History Month, I Would like to take this opportunity to recognize the many accomplishments of distinguished African-Americans in Mississippi's Second Congressional District.

Retired 1st Sergeant Landres Cheeks graduated from Madison County Training School in 1940. He received his Clerk Typist Certificate in 1946 and his NCO Certificate in 1947, from the United States Army NCO Academy.

Ret. 1st Sergeant Cheeks was a 1st Sergeant for 23 of the 30 years in the U. S. Army. He was a personnel sergeant major, medical Intelligence non-commissioned officer, postal clerk during WWII, facilitated driving testing station for non-commissioned officers, served one tour of duty in Vietnam, served four tours of duty in Germany, and served one tour in France. Cheeks was the first black staff non-commissioned officer of the 69th artillery division in Fort Dix, New Jersey. He was the first black 1st Sergeant of the 33rd station hospital in Bremen haven, Germany and the first black 1st Sergeant of the 54th truck company in Hanau, Germany. Cheeks assisted soldiers in absentee ballot voting from 1951–1974.

During 1974–1992 Sergeant Cheeks was owner of Wynn & Cheeks Grocery Store where he managed accounts payable, accounts receivable, ordered stock, supervised daily operation of the business. Cheeks also registered people to vote in the grocery store.

Retired 1st Sergeant Landres Cheeks was the first black appointed layman to become a Member of the Board of Trustee of Madison General Hospital in Canton, Mississippi during 1985–1988. He also was Chairman of the board of the Madison County Voters League which would organize campaign fundraisers, voter registration, absentee ballot, and provide transportation to polls during 1988–1998.

At the present time, Cheeks juggles being Commander of the Boy Scout and Cub Scout of America, fundraiser for Madison County Women for Progress, and Utility Commissioner, City of Canton.

SUPPORTING INTERNATIONAL WOMEN'S DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Ms. SCHAKOWSKY. Mr. Speaker, today I am introducing a resolution supporting the goals of International Women's Day. International Women's Day is celebrated each year on March 8 by the United Nations and millions of people around the world in recognition of the contributions of women and men throughout history who have worked for gender equality and in acknowledgement of the work that has yet to be done.

I am proud to be joined in this effort by the gentlewoman from Illinois (Mrs. BIGGERT), the gentlewoman from California, our distinguished Democratic Leader (Ms. PELOSI), and the gentleman from California, the ranking Democrat on the International Relations Committee (Mr. LANTOS), and several other members. I also want to acknowledge the assistance my colleague from Illinois, the distinguished Chairman of the International Relations Committee (Mr. HYDE), has given me.

Women all over the world contribute to the security and well-being of their communities, families, and nations. Yet, women still have yet to achieve full political and economic equality and millions of women continue to face discrimination, abuse, and violence in their daily lives. International Women's Day serves as a time to recognize this reality and to join together across cultures, languages, nations, ethnicities, and income levels to celebrate a common commitment for equality and justice.

It is my hope that this Resolution will find unanimous support in the House of Representatives as a demonstration of the commitment members share to working for fairness and justice for all people around the world.

I urge the House leadership to schedule this measure for a vote next week so that the members of the House may join our international partners in recognition of International Women's Day.

IN HONOR OF NATIONAL PEACE CORPS DAY, FEBRUARY 28TH 2003

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. FARR. Mr. Speaker, this Friday is National Peace Corps day. All over the country, former Peace Corps volunteers are bringing their skills, knowledge and experience to

schools and community centers, sharing their experiences from all parts of the world.

Since 1961, more than 168,000 have volunteered in the Peace Corps. I was among the first in the mid-sixties. I spent two unforgettable years working as a Peace Corps volunteer in Medellin, Colombia. I have carried that experience with me ever since.

National Peace Corps Day will be a day of reflection for me. As I think back to my experience—and how it led me into public life and ultimately here to the U.S. Congress—I also think of the new opportunities for the next generation. I think of the fifteen volunteers from my home district who are now all over the world serving as Peace Corps volunteers. In particular, I think of Matthew Allen who began his service in Thailand last April. I remember him talking to me, asking me if going into Peace Corps was the right thing to do. I remember telling him that going into Peace Corps would be one of the most important decisions of his life.

It was for Matthew Allen, and thousands like him, that I introduced a bill last Congress—the Peace Corps Charter Act for the 21st Century—to increase the number of volunteers in the Peace Corps. I would like every American, who is qualified and wants to serve in the Peace Corps, to have the same opportunity that I did.

I have introduced the bill again this Congress—H.R. 250. Among other things, it authorizes sufficient funds to double the number of Peace Corps volunteers by 2007. The President shares this goal and I hope that he will support this legislation. The bill also calls for the Peace Corps to enhance person-to-person contacts with the Middle East. It calls for Peace Corps to provide expanded training in HIV/AIDS treatment for volunteers in Africa and Asia.

H.R. 250 also authorizes the creation of a new fund which supports the third goal of the Peace Corps—bringing the Peace Corps experience home to communities in America. This is exactly the spirit of National Peace Corps Day.

I would ask my colleagues to join me in celebrating Peace Corps today and everyday. Contact Returned Peace Corps Volunteers in their districts. Ask them to bring the story of Peace Corps to their schools and community centers. I would also ask them to support H.R. 250, so that everyone who is willing and able will have the opportunity to become part of this great American experience.

TRAINING FOR REALTIME WRITERS ACT OF 2003

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. KIND. Mr. Speaker, I am pleased to sponsor the ''Training for Realtime Writers Act of 2003,'' which I introduced this afternoon with Representative ISAKSON from Georgia. I also would like to thank Senator HARKIN for introducing the companion bill in the Senate.

Today, over 28 million Americans are deaf or hard of hearing. Approximately 90% of these individuals rely on captioning services to participate in mainstream activities. In addition, research has found that many more people can benefit from watching captioning television, such as those learning English as a second language, illiterate adults, young children learning to read, and remedial readers.

Today the potential audience for captioned television is estimated at nearly 100 million, including the deaf and hard-of-hearing. There are approximately 30 million learning English as a second language, 27 million illiterate adults, 12 million young children learning to read, and 3.7 million remedial readers.

Furthermore, the events of September 11th demonstrate how imperative it is to have more closed captions. The captioning industry was strained to capacity in this effort to ensure that round-the-clock news and information was accessible to the deaf and hard of hearing citizens of our country. Without this service, a segment of our population would have been without critical information during a national crisis.

The Telecommunications Act of 1996 mandated that all television programming be fully captioned by 2006. The mandate is unrealistic, however, given the current number of trained closed captioners. Presently, schools are educating only half as many closed captioners as are needed to provide captioning services, leaving thousands of hours of programming unavailable to the deaf or hard of hearing. Thus, this legislation we are introducing today will provide grants to schools to educate students to become proficient in closed captioning and provide this important service to many people.

It is not right for so many of our citizens to be without access to such significant news or be excluded from mainstream activities due to a lack in captioning services. Let us fulfill the promise we made in the Telecommunication Act of 1996 and help the deaf and hard of hearing and many others by increasing the number of qualified closed captioners. This will ensure access to closed captioning television for everyone who requires such services.

RECOGNITION OF TIFFANY TRITCO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

MR. GRAVES. Mr. Speaker, I proudly pause to recognize Tiffany Tritco, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, Troop 1444, and in earning the most prestigious honor of the Gold Award.

The Girl Scout Gold Award is the highest achievement attainable in girl scouting. To earn the Gold Award, a scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include, 1. Earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration, 2. Earning the career exploration pin, which involves researching careers, writing resumes, and planning a career fair or trip, 3. Earning the senior girl scout leadership award, which requires a minimum of 30 hours of work using leadership skills, 4. Designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote girl scouting, and 5. Spending a minimum of 50 hours planning and implementing a Girl Scout Gold Award project that has a positive lasting impact on the community.

For her Gold Award Project, Tiffany organized an arts and crafts collection for a special needs camp.

Mr. Speaker, I proudly ask you to join me in commending Tiffany Tritco for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of the Gold Award.

WAR WITH IRAQ

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. McDERMOTT. Mr. Speaker, I commend this speech by the leader of the liberal party in the House of Lords.

Baroness Williams of Crosby: My Lords, I too thank the Deputy Leader of the House for the very forceful, although not at all untypical, way in which she addressed the House. We on these Benches share completely the objective of the disarmament of Iraq. There is no question about that.

I want to remind the noble Baroness of the second part of Resolution 1441. It states that Iraq should have, ''a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council'', and that it has been accordingly decided, ''to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process''.

The difference between these Benches, the noble Lord, Lord Howell, and the noble Baroness, Lady Symons, is straightforwardly that we believe that the present draft resolutions pre-empt that process, that it is not yet completed, and that there is still an opportunity to avoid war. Let me say very clearly, in case there is any misunderstanding, that we believe that we, as powerfully as any other part of this House, have an obligation to our troops to make absolutely certain that men and women are not put into war, risking their lives, unless it can be shown to be absolutely necessary to do so. It is to that that I intend to address my remarks. The first question is whether we are convinced that Iraq is an imminent and present threat. There is no question but that it could be a potential threat, although I must dispute briefly with the noble Lord, Lord Howell of Guildford. Not only the CIA in the United States but Ministers in this House have on more than one recent occasion admitted that there is no clear evidence to link Al'Qaeda to the Government of Iraq, much as we might find things easier if that were so. That must be stated very explicitly, because repeating a misconception over and again does not turn that misconception into a truth. Therefore, I doubt whether we can show that Iraq is an imminent threat.

If we are seeking imminent threat, I need only quote from a very senior colleague of mine who is the head of the security unit in the Belfer Center at Harvard University. Ash Carter is a former National Security Agency assistant secretary. He said: ''News reports late last week indicated that . . . North Korea is trucking the fuel rods away where they can neither be inspected nor entombed

by an airstrike . . . as this loose nukes disaster unfolds and the options for dealing with it narrow, the world does nothing''.

That is a much more imminent threat.

Secondly, we are not convinced that containment has failed. I can quote from an authoritative source. These are the words of the Prime Minister himself in November 2000: ''We believe that the sanctions regime has effectively contained Saddam Hussein in the last 10 years. During this time he has not attacked his neighbours, nor used chemical weapons against his own people''.—[Official Report, Commons, 1/11/00; col. 511 W.]

Nor has he done either in the past three years—since that statement.

Another authoritative source said: ''Through a process of inspection and verified destruction, the UNSCOM inspectors have demolished more weapons capability than was destroyed by the allied forces during the Gulf war''.—[Official Report, Commons, 17/2/98; col. 900.]

Those are the words of Robin Cook, then the Foreign Secretary. Even much more recently, it has been restated more than once that containment has proved more effective in destroying weapons of mass destruction than any war at any time in the past few years. The third issue is whether we believe that the peaceful options have been exhausted. Again, I quote from two unimpeachable sources. The first is the Congressional Research Service of the United States Congress, which said: ''In meetings with Blix and ElBaradei in Baghdad on February 8 and 9, 2003, Iraqi officials handed over documents on anthrax, VX, and missile programs . . . On February 10, Iraq notified the UN that it would permit overflights of American U–2, French Mirage, and Russian Antonov aircraft''.

Let us add to that the report in the Independent today, which said: ''Mr. Blix said the details of the weapons''—

I have described when they were handed over to the inspectors—''were 'positive steps which need to be explored further'. Asked if there was any indication by the Iraqis of 'substantive progress or proactive co-operation' '', which are exactly the requirements mentioned by the noble Baroness, Lady Symons, Mr Blix, a man of few words, replied, ''Yes''. That was only yesterday. We on these Benches are not persuaded that all peaceful options have been exhausted. We point, not to illusions or statements by Members on these Benches, but to clear and unimpeachable sources such as the Congressional Research Service and the chief inspector, Mr Blix himself. None of this would matter so much if the consequences of war were less serious than they are. I wish to say a few words about them. First, the Financial Times states: ''The coalition of the willing, sounds ever more like a coalition of the reluctant''.

Huge pressures are being brought to bear, not least on moderate Muslim countries such as Turkey, Jordan, Egypt and others, to subscribe to being part of an alliance to destroy the Iraqi regime. Those countries have protested over and over again that they do not wish to be involved in the war.

Let me give two examples. There was a great deal of controversy over Turkey because it was argued that it had been refused Patriot missiles as a result of a disagreeable coalition between France and Germany. It later emerged that Turkey had never asked for Patriot missiles or for any of the other equipment that was sent to it. Turkey had asked for consultation under Article 4 of the NATO treaty. It had not invoked Article 5, which is the article concerning mutual defense. Even now, Turkey is driving a colossally hard bargain. Members of the House will have seen that one part of the bargain is that Turkey should be allowed to bring 55,000 troops into northern Iraq—the Kurdish area, much of which is protected by a no-fly-zone—a situation which, at the very least, is likely to foment great anger and, at worst, could lead to civil war and the disintegration of Iraq. It has also—incidentally, almost—helped to destroy the real prospect of a united Cyprus entering the European Union some time in the next seven or eight years.

The International Crisis Group—I declare an interest as a board member—has discovered that there is tremendous public concern about the possibility of a war against Iraq in the Middle East. In its report, it states: ''ICG interviews throughout the region, in Saudi Arabia, Yemen, Kuwait, Jordan, Egypt and Algeria, indicate that there exists wide and deep scepticism about US motives''. That may be unfair, but it is a fact that we have to take into account when deciding whether the price of war is too high. It also emphasizes the importance of pursuing every other possible alternative.

I need not add the special complication of the wretched situation in the Middle East, referred to in another place yesterday by that distinguished and brave Member of Parliament, Gerald Kaufman, as the daily almost casual slaughter of Palestinians by the IDF and the daily almost casual slaughter of Israelis by terrorists from the West Bank and Gaza. We cannot pretend that this is not a desperately serious complication. With great respect to the noble Baroness, Lady Symons, she and I both know that the reason why the UN resolutions are mandatory on Iraq, and not mandatory on Israel, which has also broken many of them, is because the United States refuses to agree to their being made mandatory on Israel.

I have the greatest respect for the Prime Minister. He has virtually ripped himself into pieces trying to hold the Administration in the United States to the UN process. He is the reason why George Bush went to the United Nations: I pay the Prime Minister great credit for that. But the distinction I have just drawn between Israel and Iraq shows all too clearly that it is not the Prime Minister who is in the driving seat. It is concern about who is in the driving seat that underlies much of the scepticism.

I do not need to mention at length the possible humanitarian consequences of a war. That has been done effectively by the noble Lord, Lord Howell of Guildford. But they are extreme. One has only to consider the desperate plight with regard to food. According to a leaked UN document, 30 per cent of children under five will be at risk of death from malnutrition if the war lasts more than a week or so. There are also warnings about cholera and many other extreme diseases. The warnings come from a United Nations leaked document, called the ''Humanitarian Consequences of the War''.

Before I come to my conclusion, I shall say in the words of a famous politician whom many Labour Members of this House will remember, ''You don't need to look at the crystal if you can read the book''.

What is the book? The book concerns Afghanistan. I shall quote again from two sources, the first of which is The Times of 13 February, which states that ''large parts of the country are once more on the verge of anarchy''.

An article by the senior fellow at the American Council on Foreign Relations—I declare an interest as a member of its international advisory council—states: ''Basic security and stability have still not been achieved''. Worst of all, when the President drew up his budget for 2004, he forgot to put even a penny for the reconstruction of Afghanistan into it. Paul Krugman, of the New York Times, states: ''The Bush team forgot about it. Embarrassed Congressional staff members had to write in $300 million to cover the lapse''.

So much for Afghanistan, already largely forgotten, coming back to anarchy, and neglected by the international community.

I conclude with two thoughts. First, there is clear evidence that the obsession with Iraq is drawing us away from what should be our first priority, which is to attack international terrorism. For that we need the widest possible support. I shall not go on quoting, but it was President Jimmy Carter who said a few days ago that the obsession with Iraq had essentially diverted the American Administration from concern about terrorism. There is more evidence that we are beginning to neglect the remnants—not dead remnants, but live ones—of Al'Qaeda in many other parts of the world. Finally, there is a fundamental thought, to which my colleague Lord Wallace of Saltaire will address himself. There is undoubtedly among European opinion, including the United Kingdom, more than 80 per cent opposition to a war without UN support and considerable opposition to a war even with UN support. That does not reflect anti-Americanism, except perhaps among a small minority. Many of us regard America as one of the most enterprising, imaginative, democratic and open societies in the world. What it reflects is concern with an Administration propelled to some extent by what I can only describe as a fundamentalist Christian and fundamentalist Jewish drive that is almost as powerful as fundamentalist Islam itself. The Administration has set aside the structures of the multilateral community by removing themselves from treaties and conventions, by refusing to sign the Kyoto agreement or agreeing to the biological weapons convention being resumed, and now by embarking on nuclear plans that threaten even the nuclear proliferation treaty. It is who is in the driving seat that frightens many of us; certainly not that great country the United States.

INTRODUCTION OF THE PAUL D. WELLSTONE MENTAL HEALTH PARITY ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. STARK. Mr. Speaker, I rise with my colleagues, Representatives PATRICK KENNEDY, JIM RAMSTAD and many others, to introduce the Paul D. Wellstone Mental Health Parity Act (MHPA) in the House. This bill, well named in memory of a dearly missed Congressional colleague and mental health advocate, ends a major barrier to mental health care by providing full parity in the health insurance coverage of mental illness with physical illness. It is time to heed the call of the 54 million Americans who suffer with the effects of mental illness every day of their lives and change this pernicious form of discrimination.

While the MHPA has received substantial bipartisan support in Congress and is supported in concept by the current administration, there remains a chorus of naysayers; primarily business lobbyists and insurance industry representatives. This chorus chants that this bill removes substantial flexibility by mandating the type of health benefits to offer. Yet examination of the facts refutes their contention. The bill does not require employers to

offer mental health coverage or cover specific mental health services, it excludes parity for substance abuse and out-of-network services, and businesses with less than 50 employees are exempt. Flexibility is not impaired.

The chorus of naysayers chants that this legislation would significantly raise health benefit costs and make these benefits too expensive for employers to offer. Again, examination of the facts refutes their contention. A recent Congressional Budget Office (CBO) projection estimated that passage of this bill would increase group health plan premiums by an average of 0.9 percent. Similarly, a PricewaterhouseCoopers analysis of the bill projected a 1 percent increase in costs or an average of $1.32 per month per plan enrollee. These projections are consistent with the actual findings in states that already provide for full mental health parity by law and the experience of the Federal Employee Health Benefits Program that instituted parity for both mental health and substance abuse benefits in 2001. This approximate 1 percent increase is a small price to pay to increase mental health access and end discriminatory mental health insurance coverage practices. Furthermore, this increase in costs does not take into account the experience of several large employers (e.g. Delta Airlines) that found that increased access to mental health benefits led to decreases in other areas of health care costs and decreased employee absence.

In exasperation, the naysayers then chant that this bill covers an excessively broad range of psychiatric conditions which will open the door to the dubious complaints of the ''worried well'' and lead to over utilization and excessive cost. These contentions deny the reality that the bill requires parity only for those services that are ''medically necessary'' which is defined by the plan or issuer's criteria. In fact, symptoms that do not cause ''clinically significant impairment or distress'' will not be covered.

Thus, in retrospect, the concerns of this chorus are not supported by the data. Then, what can be the origin of this resistance to mental health parity?

A thousand years ago, people displaying symptoms of mental illness were stoned or burned at the stakes. The stigma attached to the mentally ill continues today in a more latent, but no less malicious form. It manifests itself by the employer who finds reasons not to hire or the apartment owner who is less likely to lease to the mentally ill. And, I believe it is manifesting itself in this excessive opposition to the efforts of the mentally ill to obtain treatment.

It is time to overcome the stigma associated with mental illness and put an end to this form of discrimination. It is time for the Administration to take an active role in supporting this bill that facilitates access to mental health services for those in need. It is time for Congress to enact the Paul D. Wellstone Mental Health Parity Act. I am pleased to join with my colleagues to again support this long overdue improvement in our health care system. I urge its speedy passage.

THE RENEWABLE FUEL EQUITY ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. HUNTER. Mr. Speaker, today, along with my colleague from Colorado, MARK UDALL, I am reintroducing the Renewable Fuel Equity Act of 2003. The energy crises that struck California in 2001 and resonated across the country taught us many lessons—one of which is the need for our country to expand and diversify the production of energy from renewable resources.

Solar, wind, hydro power, biomass, and geothermal energy are each potentially enormous energy resources and every state has renewable resource potential. Unfortunately, existing renewable energy resources are not spread uniformly across the country. The current tax law creates regional and technological inequities by failing to provide uniform benefits for all renewable energy resources. For example, the Section 45 production tax credit, enacted in 1992, has spurred significant new investment, but it only applies to wind power facilities. Since its inception, the production tax credit has added thousands of megawatts of wind power to our electricity grid. Imagine the impact on our communities if the production tax credit was available to all renewable energy technology.

Clean power production provides greater reliability for our electricity system while promoting cleaner air and water. In addition, according to the Energy Information Agency, expanding renewable power production helps reduce the risk of future price increases for electricity.

Today, renewable power sources provide consumers reliable power that is cost-effective over the long run. Unfortunately, their high, initial capital costs discourages investment in renewables. Providing tax incentives for new renewable power production can make the difference.

The federal production tax credit has demonstrated its effectiveness in spurring investment in new wind power generation. The Renewable Fuel Equity Act would expand this proven incentive to all of the renewable energy resources—wind, biomass, incremental hydro power, solar and geothermal.

For smaller power systems, particularly those not connected to the grid, the production tax credit is not an effective stimulus. Under current law, it does not apply to off-grid systems, and it is too complex for small businesses to use. To address this situation, our bill would make a 20 percent investment tax credit available to all small renewable technologies as an alternative.

Investment in new renewable power is good for the economy and the environment, and providing these tax incentives will spur new investment without cutting Treasury revenues. Studies by the National Renewable Energy Laboratory and others indicate that expanding tax incentives for new renewable power systems are likely to have negligible net costs for the Treasury. This is because renewable power plants are so capital intensive they already pay significantly higher federal income taxes on the power produced.

As the 108th Congress begins the debate over a national energy policy, I believe production and investment tax credits for renewable fuel sources are an important component of any comprehensive policy. Exploiting our renewable fuels is one of our safest, cleanest and most effective ways of ensuring our nations energy independence. I hope that my colleagues will join me in supporting renewable fuel development by cosponsoring this important bill.

RECOGNIZING LACEY MCELROY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lacey McElroy, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, Troop 1619, and in earning the most prestigious honor of the Gold Award.

The Girl Scout Gold Award is the highest achievement attainable in girl scouting. To earn the gold award, a scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include, (1) Earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration, (2) earning the career exploration pin, which involves researching careers, writing resumes, and planning a career fair or trip, (3) earning the senior girl scout leadership award, which requires a minimum of 30 hours of work using leadership skills, (4) designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote girl scouting, and (5) spending a minimum of 50 hours planning and implementing a girl scout gold award project that has a positive lasting impact on the community.

For her gold award project, Lacey organized an infant and child book drive for early reading programs.

Mr. Speaker, I proudly ask you to join me in commending Lacey McElroy for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of the gold award.

TRIBUTE TO OPRAH WINFREY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, in commemoration of Black History Month, I would like to take this opportunity to recognize the many accomplishments of distinguished African-Americans in Mississippi's Second Congressional District.

Today I rise to pay tribute to Ms. Oprah Winfrey. Ms. Winfrey was born in Kosciusko, Mississippi in 1954. Due to her father being in the service, Ms. Winfrey was raised by her grandmother.

Ms. Winfrey began her public career while in college, where she became a co-anchor. In the years of 1977–1984 Ms. Winfrey was the co-host of ''Baltimore is Talking''. In 1984, she took over ABC's ''AM Chicago'' where her ratings surpassed the top performer Phil Donahue. Ms. Winfrey then became the performer of her own show where she has become a role model for many. The Oprah Winfrey Show is different from all others because it continues to reinvent itself and continues to make a difference in people's lives. In 1986 the show became syndicated.

Ms. Winfrey later founded Harpo which is her own production company. Her acclaimed performance in the Color Purple in 1985 earned Ms. Winfrey an Academy Award nomination. Ms. Winfrey continues to make endeavors that she believes in.

INTRODUCTION OF THE ''CARTER G. WOODSON HOME NATIONAL HISTORIC SITE ESTABLISHMENT ACT OF 2003''

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Ms. NORTON. Mr. Speaker, in recognition of Black History Month, I rise today to introduce the Carter G. Woodson Home National Historic Site Establishment Act of 2003, a bill directing the National Park Service (NPS) to take ownership, restore and manage the historic Shaw home of Carter G. Woodson, ''the father of Black History.'' The bill would authorize the NPS to ''preserve, protect and interpret for the benefit, education and inspiration of present and future generations,'' the home where Woodson lived from 1915 to 1950. This legislation also authorizes the NPS to rehabilitate adjacent properties on either side of the home to facilitate tourism. The Association for the Study of African American Life and History (ASALH), which Woodson founded, also would be housed on the site, as it was originally. My good friend Senator MARY LANDRIEU (D–LA) will be the sponsor of this legislation in the Senate.

Congress passed my bill, H.R. 3201, the Carter G. Woodson Home National Historic Site Study Act, in 2000, to begin the process of making the property at 1538 Ninth Street, NW a national historic site within the jurisdiction of the National Park Service. A NPS study, as mandated by the legislation, is required before the NPS can take control of property. The study determined that the Woodson Home is suitable and feasible for designation as a unit of the park system following the transfer of title from its current owner, the ASALH. The bill I introduce today is necessary in order for the NPS to receive the appropriation for extensive renovation of the site.

I am particularly pleased by the proposed rehabilitation of the entire block that is linked to the legislation I introduce today to rehabilitate the Woodson home. The NPS would work with Shiloh Community Development Corporation, established by Shiloh Baptist Church, which owns almost all of the property on the block of the Woodson home. The Shiloh Corporation would convert the block of homes to senior independent living housing, maintaining the historic facade of the row houses.

As Black History Month comes to a close, we open a new chapter in the story of an educator who is most responsible for the annual recognition of the contributions of black Americans in the nation's history and culture. I have introduced this legislation to honor Dr. Carter G. Woodson, a distinguished black American and founder of the Association of Negro Life and History, by authorizing the NPS to maintain in perpetuity his home at 1538 Ninth Street, N.W., here in the District of Columbia, as a National Historic Site under the jurisdiction of the National Park Service. The significance of this home was recognized in 1976, when it was designated as a National Historic Landmark. I introduce this bill today to assure that the nation's pride and purpose in celebrating Black History Month are not marred by neglect of the home of the founder of the commemoration and of the study of black history itself.

Dr. Woodson was a distinguished American historian who established African-American history as a discipline and spent a lifetime uncovering the contributions of African-Americans to our nation's history. He founded and performed his work through the Association for the Study of Negro Life and History (ASNLH), which has since been renamed the Association for the Study of African-American Life and History (ASALH). Among its enduring accomplishments, ASNLH, under Dr. Woodson's leadership, instituted Negro History Week in 1926, to be observed in February during the week of the birthdays of Abraham Lincoln and Frederick Douglass. Today, of course, Negro History Week, which was mostly celebrated in segregated schools, like my own here in the District when I was a child, and in Historically Black Colleges and Universities, has gained support and participation throughout the country among people of all backgrounds as Black History Month.

Dr. Woodson, the son of former slaves, earned a Ph.D. degree from Harvard University in 1912, becoming only the second African-American to receive a doctorate from Harvard after the great W.E.B. DuBois. Woodson's personal educational achievement was extraordinary in itself, especially for a man who had been denied access to public education in Canton, Virginia, where Woodson was born in 1875. As a result, Dr. Woodson did not begin his formal education until he was 20 years old, after he moved to Huntington, West Virginia, where he received his high school diploma two years later. He then entered Berea College in Kentucky, where he received his bachelor's degree in 1897. Woodson continued his education at the University of Chicago, where he earned his A.B. and M.A. degrees, and then he got his Ph.D. from Harvard University.

During much of Dr. Woodson's life, there was widespread ignorance and very little information concerning African-American life and history. With his extensive studies, Woodson almost single-handedly established African-American historiography. Dr. Woodson's research, literally uncovering black history, helped to educate the American public about the contributions of African-Americans to the nation's history and culture. Through painstaking scholarship and historical research, his work helped reduce the stereotypes captured in pervasively negative portrayals of black people that have marred our history as a nation, To remedy these stereotypes, Dr. Woodson in 1915 founded ASNLH. Through ASNLH, Dr. Woodson dedicated his life to educating the American public about the contributions of black Americans to the nation's history and culture. This work in bringing history to bear where prejudice and racism had held sway has played an indispensable role in reducing prejudice and making the need for civil rights remedies clear.

To assure publication, under Dr. Woodson's leadership, ASNLH in 1920 also founded the Associated Publishers, Inc. for the publication of research on African-American history. Dr. Woodson published his seminal work, The Negro in Our History (1922), and many others under Associated Publishers, and the publishing company provided an outlet for scholarly works by numerous other black scholars. ASNLH also circulated two periodicals: the Negro History Bulletin, designed for mass consumption, and the Journal of Negro History, which was primarily directed to the academic community.

Dr. Woodson directed ASNLH's operations out of his home at 1538 Ninth Street, NW., Washington, DC in the historic Shaw neighborhood. From there, he trained researchers and staff and managed the organization's budget and fundraising efforts, while at the same time pursuing his own extraordinary discoveries in African-American history. The three-story Victorian style house, built in 1890, served as the headquarters of ASNLH into the early 70's, well after Dr. Woodson's death in 1950. In 1976, the house was designated as a National Historic Landmark. However, it has been unoccupied since the early 80's, and today, it stands boarded up and sorely in need of renovation. The walls inside the house are crumbling, there is termite infestation, water seeps through the roof during heavy rainstorms, and the house also constitutes a fire hazard jeopardizing adjacent buildings. This house that is a priceless American treasure must not be lost.

Mr. Speaker, passage of the Carter G. Woodson Home National Historic Site Establishment Act of 2003, represents a concrete way for the House to commemorate Black History Month, by preserving the home and legacy of its founder, Dr. Carter G. Woodson. I urge my colleagues to support this important measure.

RECOGNIZING FEBRUARY AS BLACK HISTORY MONTH

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. CAPUANO. Mr. Speaker, I rise today to recognize February as Black History Month. As the month draws to a close, I urge my colleagues to join me as we commemorate and honor the achievements of African-Americans throughout our nation's history.

Black history month, a tradition for seven decades, is celebrated each February in cities and towns across the United States. During this time, we honor and celebrate the contributions African-Americans have made to music, the arts, and academics and we recall the many important milestones in black history. In 1915, Dr. Carter Godwin Woodson recognized the need for our country to gain a more complete and informed understanding of African

American history. Dr. Woodson chose the second week of February because two people he felt had dramatically affected the lives of Black Americans were born during that month: Abraham Lincoln and Frederick Douglass. In addition, the month of February is significant for the birthdays of W.E.B. DuBois, Langston Hughes, Eubie Blake and the founding of the NAACP.

I am pleased to join in this celebration and I hope that every person will take a moment to reflect on the life and legacies of individuals like Harriet Tubman, Rosa Parks and Thurgood Marshall. Their fight, and the work of so many others, helped bring social justice to communities throughout the country. As we celebrate this year's theme, ''The Souls of Black Folk: Centennial Reflections,'' we also honor the achievements and legacy of African-Americans and are reminded that we must continue to remember the contributions and sacrifices throughout history.

I encourage all Americans to gain awareness of and appreciation for African-American history.

NATIONAL EYE DONOR MONTH

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. INSLEE. Mr. Speaker, I rise today to bring to the attention of my colleagues and the citizens of this great nation that March is National Eye Donor Month.

I rise also because cornea transplantation is an issue with which I have had some personal experience. One of my sons is one of the 46,000 patients who receive cornea transplants each year, Through the altruistic act of donation, my son's quality of life was substantially improved. These transplant surgeries can relieve patients of glared or blurred vision, painful swelling, and can effectively avoid corneal blindness, something that afflicts over forty thousand Americans every year.

As you may know Mr. Speaker, the first corneal transplant was performed in 1905, and the first eye bank opened in New York in 1944. Since then, eye banks have flourished nationwide and over half a million patients have received the gift of sight. These nonprofit organizations have also been instrumental in the advancement of medical science. Their facilitation and safeguarding of these precious gifts have allowed researchers to promulgate transplant procedures that have resulted in extraordinarily high success rates.

The achievements of eye banks are self-evident. Currently, eye banks meet our nation's need for corneal and sclera tissue. In 2002, 50,857 corneal grafts, given by over 46,000 donors, were supplied by U.S. eye banks. Today, every American who needs a corneal transplant can expect to receive one due to the generous donation of another. It is also important to note that the number of eye and tissue donors is enormous when compared to donors of solid organs. Approximately 10 individuals donate eyes and tissue for every person that donates organs.

Finally, Mr. Speaker, it has been brought to my attention that over one million Americans age 40 and over are currently blind, and that an additional 2.4 million are visually impaired. It is speculated that over the next 30 years, with the retirement of the Baby Boom Generation, this problem will double. I would therefore ask and encourage my colleagues, as well as all Americans, to sign a donor card and to speak with their loved ones about their donation wishes. Under the auspices of the Eye Bank Association of America, the restoration of sight is a miracle that has become reality in our lifetime. I urge this Congress to celebrate their accomplishments, and to become more involved in matters relating to transplantation.

RECOGNITION OF AMANDA TOOMEY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Amanda Toomey, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, Troop 3083, and in earning the most prestigious honor of The Gold Award.

The Girl Scout Gold Award is the highest achievement attainable in girl scouting. To earn The Gold Award, a scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include, (1). earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration, (2). earning the career exploration pin, which involves researching careers, writing resumes, and planning a career fair or trip, (3). earning the senior girl scout leadership award, which requires a minimum of 30 hours of work using leadership skills, (4). designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote girl scouting, and (5). spending a minimum of 50 hours planning and implementing a Girl Scout Gold Award project that has a positive lasting impact on the community.

For her Gold Award project, Amanda led a Daisy Troop.

Mr. Speaker, I proudly ask you to join me in commending Amanda Toomey for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of The Gold Award.

TRIBUTE TO SENATOR DAVID JORDAN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, in commemoration of Black History Month, I would like to take this opportunity to recognize the many accomplishments of distinguished African-Americans in Mississippi's Second Congressional District.

Today, I rise to pay tribute to Senator David Jordan. Senator Jordan earned a BS degree from Mississippi Valley State University. He went on to earn a MS degree in Chemistry from the University of Wyoming. Senator Jordan then went on to become a teacher.

Senator Jordan has also been very active in fighting for civil rights and politics. He has participated in many boycotts, marches, and class-action suits. Senator Jordan require more time and services in teaching people how to use voting machines. Senator Jordan also fought on behalf of the Second Congressional District during recent redistricting.

Senator Jordan has also served as President of the Greenwood Voter's League and President of the Greenwood City council. He was first elected to the state Senate in 1983. Senator Jordan has had a great deal of success during his time in office.

IMPROVE VETERANS' ACCESS TO PRESCRIPTION MEDICATIONS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. KLECZKA. Mr. Speaker, today I am again introducing legislation, the Veterans Medication Accessibility Act, which would permit veterans to obtain prescription medications from Veterans Affairs (VA) hospitals using prescriptions written by their family doctor. This legislation is identical to H.R. 1717, a bill I introduced in the last Congress.

Our nation's veterans are eligible to receive health care at VA facilities for illnesses and injuries that are not only service-related but also those incurred after their service. Because the VA acknowledges that some veterans have more severe ailments, a veteran is placed in one of seven priority categories when seeking care. Those with serious service-connected disabilities are placed in a high priority category while those in generally good health and with income exceeding a certain amount are placed in a lower priority group for scheduling of care.

Currently, those veterans that do not have service-connected injuries and whose income is above the level that makes them eligible for free care may fill their prescriptions at VA facilities for the low cost of $7 per prescription per 30-day supply. However, in order to obtain these medicates from the VA, these veterans must first receive an outpatient visit with a VA physician.

While I have heard from many veterans who are eager to take advantage of reduced-cost medications, many are not disabled, poor, and do not suffer from a service-connected ailment, which means they must often wait from several months to over a year for their requisite outpatient visit. This places an unnecessary financial burden on our veterans who must pay retail prices to fill their prescriptions while they wait to see a VA primary care physician. This policy can also impose a health burden, as this long wait may discourage veterans from seeking VA medication treatment altogether.

My legislation would allow veterans immediate access to needed medications by allowing them to fill prescriptions written by their family doctor at the VA.

This change would provide our veterans with timely access to low-cost prescription

drugs while also reducing the number of outpatient visits that VA physicians must perform each year. VA facilities would then be able to devote more time and care to those veterans who require inpatient services.

I urge my colleagues to cosponsor this important legislation to give our nation's veterans prompt access to the prescription medications that they need and have earned.

INTRODUCTION OF THE FAMILY AND MEDICAL LEAVE ENHANCEMENT ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mrs. MALONEY. Mr. Speaker, ten years ago this month, President Clinton signed into law the Family and Medical Leave Act (PL 103–3), legislation that allows employees to take time off from work to care for a new baby or sick family member. Because of this landmark legislation, more than 35 million Americans have been able to take unpaid leave without the risk of losing their jobs.

Today, I am introducing the Family and Medical Leave Enhancement Act. Building upon the success of the 1993 Family and Medical Leave Act (FMLA), this legislation would allow more people to benefit from FMLA by allowing employees in companies with more than 25 employees to take Family and Medical Leave and would extend employee leave for workers to meet their family's needs. The legislation includes 24 hours of leave (during any 12-month period) for parents and grandparents to go to parent-teacher conferences or to take their children, grandchildren or other family members to the doctor for regular medical or dental appointments.

Currently, the FMLA allows qualified workers to take up to 12 weeks of unpaid leave to care for newborns, seek emergency medical care for themselves, parents, children under 18 or a legal spouse. My legislation would add commonsense enhancements to FMLA.

In 1997, this legislative measure was supported by President Bill Clinton. In February 1997, President Clinton said, ''I call upon Congress to expand the family leave law to give parents an additional 24 hours of unpaid leave each year to take a child or an elderly relative to a regular doctor's appointment or to attend parent-teacher conferences at school. In so doing, we'll make our families stronger and our workers more productive, building the kind of country and economy we all want for our children.''

On behalf of America's families, I urge my fellow colleagues to join me in support of the Family and Medical Leave Enhancement Act.

INTRODUCTION OF THE CÉSAR ESTRADA CHÁVEZ LANDS LEGACY STUDY ACT

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Ms. SOLIS. Mr. Speaker, I proudly introduce the César Estrada Chávez Land Legacy Study Act. This bill will look for ways to honor César Estrada Chávez, founder of the United Farm Workers and passionate champion of human and civil rights.

Specifically, the bill directs the National Park Service to look for ways to recognize Chávez's contributions to our society through historical sites and park areas. It is the first step in honoring his tremendous accomplishments and the local communities where his footprints were made.

César Chávez was a humble man. Little did anyone know the greatness that he would bestow on future generations.

In his early childhood, César Chávez was raised as a farm worker in Yuma, Arizona. Raised during the Great Depression, his family lost everything and was forced to join the thousands of farm workers that wandered the Southwest to find work. During his youth, the Chávez family migrated throughout the Southwest, working in various farms that fed our country.

The young César Chávez experienced first hand the hardships and injustices of the thousand of farm workers at that time. His home was barely livable and his school hardly fit to be called schoolhouse.

Unfair labor practices—harassment, abuse, long hours, low pay, hazardous working conditions and limited education opportunities kept farm workers from being self-sufficient and empowered citizens.

Witnessing and experiencing this lifestyle, César Chávez sought to make changes in the way farm workers were treated.

He united many others who also suffered similar atrocities with those who empathized with the struggle to become part of the union movement. In 1952, he left the fields and joined the Community Service Organization. There he conducted voter registration drives and campaigns against racial and economic discrimination.

In 1962, he took his vast experience, his compassion, and his brothers and sisters in this multi-ethnic struggle and started the National Farmworkers Association—today's United Farmworkers of America.

The UFW succeeded in organizing the oppressed. They overcame this oppression through boycotts and pickets, and when all else failed, hunger strikes.

Chávez was a student of Mahatma Gandhi's non-violent philosophies. He knew that you cannot unite people through violent means, but you can connect them by joining hands in peaceful demonstration.

Since its inception, the UFW has achieved incredible results through its organization. Fair wages, health care coverage, pension benefits, housing, pesticide regulations, and countless other rights and protections are more a reality because of the UFW and in turn because of its founder—César E. Chávez.

In the past, we have honored other heroes, like Martin Luther King, Jr. and the Civil Rights Movement, through national parks and land. The life of César Chávez and his family provides an outstanding opportunity to demonstrate and interpret the history of agricultural labor in the west through the National Parks Service.

RECOGNITION OF SABRINA WELLS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sabrina Wells, a very special young woman who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Girl Scouts of America, Troop 300, and in earning the most prestigious honor of the Gold Award.

The Girl Scout Gold Award is the highest achievement attainable in Girl Scouting. To earn the gold award, a scout must complete five requirements, all of which promote community service, personal and spiritual growth, positive values, and leadership skills. The requirements include: 1. Earning four interest project patches, each of which requires seven activities that center on skill building, technology, service projects, and career exploration; 2. Earning the Career Exploration Pin, which involves researching careers, writing resumes, and planning a career fair or trip; 3. Earning the Senior Girl Scout Leadership Award, which requires a minimum of 30 hours of work using leadership skills; 4. Designing a self-development plan that requires assessment of ability to interact with others and prioritize values, participation for a minimum of 15 hours in a community service project, and development of a plan to promote Girl Scouting; and 5. Spending a minimum of 50 hours planning and implementing a Girl Scout Gold Award project that has a positive lasting impact on the community.

For her Gold Award project, Sabrina organized a golf clinic for middle and high school girls.

Mr. Speaker, I proudly ask you to join me in commending Sabrina Wells for her accomplishments with the Girl Scouts of America and for her efforts put forth in achieving the highest distinction of the Gold Award.

TRIBUTE TO SHIRLEY HALL NICHOLS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, in commemoration of Black History Month, I would like to take this opportunity to recognize the many accomplishments of distinguished African-Americans in Mississippi's Second Congressional District.

Today I rise to pay tribute to Shirley Hall Nichols. Mrs. Nichols is a native of Leake County in Mississippi. After earning a bachelor's degree from Alcorn State University in 1979, she began working as a paraprofessional at Carthage Elementary School. Later that year she began teaching secondary math at Velma Jackson High School.

In 1997, Mrs. Nichols was given the opportunity to earn a masters degree from Mississippi State University. Mrs. Nichols earned her masters in School Administration in 1999, where she went on to serve as principal of Amanda Elzy Elementary School and later East Elementary/Middle School.

Mrs. Nichols became the first Afro-American to hold the position of Asst. Superintendent of Education in Leake County. She is still active in many educational and community organizations. Mrs. Nichols is currently working towards a doctorate degree at Mississippi State University in school administration.

REGARDING TITLE IX

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mrs. McCARTHY of New York. Mr. Speaker, I rise today in strong support for Title IX. Today Secretary Paige has released a report that I believe drastically weakens the purpose of Title IX.

Mr. Speaker, changes to the Title IX standards as applied to athletics are not warranted or necessary. Modifications to the standards that would limit future opportunities for women in favor of expanded opportunities for men would violate the goal of gender equity. Using the results of an interest survey, as the commission report recommends, would limit women's participation opportunities, and be factually inaccurate.

Mr. Speaker, what we should be doing to ensure equal opportunity is enforcing Title IX and implementing its policies at every level of education. The responsibility of the federal government is to ensure equal opportunity, not to ensure that particular sports teams are added, discontinued, or maintained.

Currently, there are 2.8 million girls participating in high school sports, but there is only room for 150,000 women in college sports. This disparity is obscene. We need to do a better job at providing equal opportunities for all athletes.

Mr. Speaker, enforcing Title IX is just the right thing to do and the reality is that if our colleges and universities want to benefit from federal dollars, then they must provide gender equality at their institutions. Gender equity does not end at the admissions door either, gender equity in athletics is a must.

Mr. Speaker, I hope that this Congress refuses to fall into this trap of pitting sports teams against each other. We must realize it is about civil rights first and foremost.

200TH ANNIVERSARY OF THE CITY OF BUTLER, PA

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. ENGLISH. Mr. Speaker, I rise today to recognize and honor the 200th anniversary of the city of Butler in western Pennsylvania. This charming city has a long and rich history and I am confident that it will enjoy a future filled with continuous growth and prosperity.

Butler, like the rest of our great country, was originally inhabited by the Native-American tribes; the land was used as a hunting ground by Indians from the Iroquois Nation during European settlement. The Venango Trail, which runs through Butler, was commonly traveled by settlers in colonial times and was famously traveled by George Washington in the mid 1700's.

Named for Richard Butler, one of Washington's generals in the Revolutionary War, the town of Butler was officially established in 1803. Over the next two hundred years, the city of Butler flourished and became known for its steel industry. In early March, Butler will celebrate its 200th anniversary. May it celebrate for many years to come.

Mr. Speaker, I hope my colleagues will join me in congratulating the city of Butler, Pennsylvania on their 200th anniversary celebration.

NATIONAL PEACE CORPS DAY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. SHAYS. Mr. Speaker, I join my colleagues in celebrating National Peace Corps Day.

Since its founding in 1961, the Peace Corps has become an enduring symbol of our Nation's commitment to encourage progress, provide opportunities, and promote world peace and friendship at the grass-roots level in the developing world.

To date, more than 168,000 Americans responded to our Nation's call to service by becoming Peace Corps Volunteers in 136 countries. Volunteers serve at the grassroots level in villages and towns around the globe. Living and working within local communities, volunteers serve as teachers, farmers, foresters and small business advisors, dedicated to improving the lives of those around them. In doing so, they make significant and lasting contributions to communities and individuals around the world.

Volunteers, enriched by their experiences overseas, return to the United States with a commitment to service, as well as the skills and interest in world affairs needed to be leaders in the global community. I believe I would not be a Member of Congress today were it not for my experience in the Peace Corps and I believe I am a better person because of this service.

I would also like to recognize the Peace Corp Volunteers currently serving from Connecticut's Fourth District: Allison R. Ball in Micronesia; Megan Banigan in Guatemala; Dario Borghesan in Togo; Emily J. Bristle in Mali; Camilla A. Brooks in the Philippines; Nkechi N. Eneh in Mauritania; Sondra E. Ganelli in Samoa; Emily R. Hamilton in Paraguay; Timothy Mills in Senegal; Peter T. Nasuti in Uzbekistan; Lindsay B. Nemirow in the Dominican Republic; Matthew G. O'Driscoll in Nicaragua; Brooke J. Oppenheimer in Gambia; David M. Ottaviano in Panama; Aimee E. Petras in Morocco; and Deva N. Rama in Guatemala.

National Peace Corps Day honors its Volunteers, past and present, and reaffirms our country's commitment to helping people help themselves throughout the world.

INTRODUCTION OF THE DETENTION OF ENEMY COMBATANTS ACT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. SCHIFF. Mr. Speaker, today I am introducing, with my colleague Mr. FRANK of Massachusetts, the Detention of Enemy Combatants Act to provide authorization for the detainment of ''enemy combatants'' in the war on terrorism while guaranteeing that they are granted timely access to legal counsel and judicial review.

In the war on terrorism, the term enemy combatant has been broadly defined. In some cases, American citizens have been deemed ''enemy combatants'' and incarcerated indefinitely without access to counsel or the courts. This has resulted in an unprecedented accretion of power over American citizens.

After the shameful internment of Japanese Americans during World War II, we must be vigilant to protect against the government's decision to detain, perhaps indefinitely, any American without adequate review of the basis of its decision.

Inspired in party by the internment of Japanese Americans and by the anti-spying excesses of the Cold War, Congress in 1971 passed an Act providing that ''no citizens shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.'' Congress has yet to authorize the detention of citizens in the war on terrorism, yet American citizens have in fact been detained as enemy combatants.

For this reason, my colleague Mr. FRANK and I are introducing the Detention of Enemy Combatants Act, authorizing the government to detain an enemy combatant who is a United States person or resident who is a member of al Qaeda, or knowingly cooperated with a member of al Qaeda in the planning, authorizing, committing, aiding, or abetting of one or more terrorist acts against the United States. Furthermore, our bill requires that detainees be guaranteed timely access to legal counsel and meaningful judicial review to challenge the basis for a detention.

While we must grant broad latitude to our armed forces when it comes to protecting national security, American citizens should not be held indefinitely upon the sole determination of one branch of government without access to counsel or judicial review of those determinations. We must ensure that we do not sacrifice the Constitutional rights we pledged to uphold, and without which, none of us are safe from unwarranted intrusions on our liberty.

Mr. Speaker, in sum, the Detention of Enemy Combatants Act will provide for clear standards and procedures under which American citizens or lawful residents believed to be members of al Qaeda or its supporters may be detained as enemy combatants while also provided due process.

TRIBUTE TO MR. MICHAEL J. QUIRK

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor one of this nation's most dedicated citizens, Michael J. Quirk. At a time when the President is encouraging all Americans to serve their country in a volunteer capacity, there is no greater example than that of Mr. Quirk. For over 30 years he fought for this nation in the United States military and for

the past 22 years, he has continued his dedication to his nation be serving as a volunteer in the United States Coast Guard Auxiliary. On March 8th, 2003, the Coast Guard Auxiliary will honor over a half of a decade of service as Mr. Quirk begins his retirement.

During World War II, Mr. Quirk was a member of the famed 56th Fighter Group of the U.S. Army Air Corps and achieved the status of Double-Ace. Shot down on his 100th mission, he was subsequently held as a prisoner-of-war at Stalag Luft I, Barth, Germany until April, 1945. For his commitment and bravery in the Second World War, he received the Silver Star and was additionally awarded the Purple Heart for wounds he suffered when his plane was shot down.

Mr. Quirk returned to the U.S. in 1945 where he entered Catholic University and pursued his degree. In 1947 though, the call to serve his nation yearned in his heart and he returned to military, joining the U.S. Air Force where he would remain for the next 30 years. Over the course of his career in the U.S. Air Force, he flew with the 4th Fighter Group flying F–80 Shooting Stars, at Langley Air Force Base flying F–86 Sabre jets, in La Paz, Bolivia training Bolivian pilots to fly the P–47, and served at the Central Air Defense Force from 1951–52. In addition, he was the Commander of the 87th Fighter Interceptor Squadron and flew with the 453rd Tactical Fighter Training Wing. After over 30 years of military service, Mr. Quirk retired from the U.S. Air Force as a Colonel in 1977.

Shortly thereafter, Mr. Quirk and his wife Kit joined the U.S. Coast Guard Auxiliary as members of the voluntary division of the U.S. Coast Guard. Rising through the ranks, he was named Commodore of the 8th Coastal Region in 1990.

Mr. Speaker, I would like to offer my sincere and heartfelt congratulations to Mr. Michael J. Quirk on his retirement from the U.S. Coast Guard Auxiliary. His contributions to the United States of America are significant and impressive and I consider him a patriot of the highest order. On this such occasion, we honor one of America's greatest citizens; a committed soldier and dedicated volunteer.

H.J. RES. 4

HON. TIMOTHY J. RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. RYAN of Ohio. Mr. Speaker, I rise today to express my concerns with certain provisions in H.J. Res. 4, specifically the provisions that expand logging in federal forests and prevent any administrative or judicial review of the Tongass Land Management Plan. These changes are detrimental to our environment and our country.

When faced with a decision that may potentially damage our environment, I try to follow the lead of President Theodore Roosevelt, who founded the National Wildlife Refuge System in 1903. 1 share his philosophy that our environment is essential to our lives and is of the greatest importance. As President Roosevelt said, ''. . . the conservation of natural resources is the fundamental problem. Unless we solve that problem it will avail us little to solve all others.'' And here we are now, 100 years later; I would like to think that we will continue to be a part of the vision that began a century ago.

I am also concerned with the provision that allows FY 2003 Bureau of Land Management funding for exploratory oil drilling in the Arctic National Wildlife Refuge. The Arctic Refuge is one of our country's largest refuges and is among the most pristine and undisturbed ecosystems on Earth. The Refuge belongs to the people of the United States, not to a select few. President Roosevelt's National Wildlife Refuge System created ANWR, ''For the purpose of preserving unique wildlife, wilderness and recreational values . . .'' Let us render to our future generations a world more enriched than we have found it.

DAVID P. HANLON

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. ENGLISH. Mr. Speaker, today I would like to pay tribute to the life of David P. Hanlon, beloved principal of McDowell Intermediate High School in Erie, Pennsylvania, who passed away tragically at the age of 46 on January 10, 2003.

Dave Hanlon will be remembered by the Millcreek community as a dedicated and loving husband, father, teacher, coach, and friend.

As Millcreek Township's athletic director and later MIHS Principal, Hanlon was known for his reassuring presence and ability to inspire students.

He would spend little time in his office during the day, preferring instead to walk the halls of McDowell reaching out to students and teachers. But he spent many late nights at his desk implementing his ambitious plans for the school's future. Dave Hanlon was a fixture at McDowell arts and sporting events, and led many school trips including a government class trip that visited the Capitol two years ago.

Because of his contagious enthusiasm for McDowell, it was often said that he bled blue and white, the McDowell Trojans' school colors.

Mike Gallagher, a close friend, once observed that Hanlon's ability to connect with students ''changed the way kids view adults in their lives.''

The Reverend John Detisch eulogized that ''David was a teacher. And what he taught came not so much from the classroom; what he taught came from the heart.''

McDowell sophomore Hubbell McGeorge wrote the following about Dave Hanlon's immeasurable impact on students lives:

''The first day back to school after such a tragedy is very hard. It feels like a piece of all of us is missing and can't be fixed. There is, and will be, a hole in the school, the district, and the community for years to come.''

Dave Hanlon's dedication to his students was surpassed only by his devotion to his wife Paige and three children, Collin, Peyton, and Braden. On the last day of his life, Dave Hanlon confided to a student about the ''perfect life'' he had found with his family.

Mr. Speaker, I ask that my colleagues join me in paying tribute to the life of David P. Hanlon, a devoted family man and model educator who will be deeply missed by an entire community.

INTRODUCTION OF FOREST RESTORATION AND FIRE RISK REDUCTION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. UDALL of Colorado. Mr. Speaker, along with my cousin and colleague, Representative Tom Udall of New Mexico, I am today introducing the Forest Restoration and Fire Reduction Act.

This bill is designed to accelerate efforts to reduce the risks from wildfires to communities—including their water supplies—and to promote locally-based efforts to restore the conditions of our forest lands. It is the result of over four years of involvement with questions of forest management and particularly the dangers of unusually severe wildfires.

Since my election to Congress, I have visited forest lands in Colorado and elsewhere to see first hand the result of over 100 years of national policies emphasizing fire suppression—the accumulation of small diameter trees and thick underbrush. I have also examined areas where work has been done to reduce the likelihood of such fires and to move toward forest conditions that will make it possible for fire to play its historic role as a natural and valuable part of forest ecosystems. And I have studied areas like the lands affected by last year's Hayman Fire—which burned over 130,000 acres near Denver—to learn about the harm to lands, communities, and water supplies that can come from unnaturally hot fires resulting from drought and high winds combined with the build-up of vegetative fuels.

I have also been listening to many Coloradans, other Westerners, scientists, and others with expertise in forest management to learn their views on the conditions of our forests and what if anything they think should be done to improve those conditions.

From what I have learned, I have long been convinced that in some forest regimes, such as the ponderosa forests along Colorado's Front Range, reducing fuel loads through thinning—by controlled burns or mechanical means—can lessen the likelihood of unusually severe fires.

I am also convinced that our limited resources—both of time, people, and money—should be expended on doing that kind of work in the areas where the likelihood of unusually severe wildfires presents the most urgent risk to homes, people and water supplies. Those areas are the lands where homes and municipal water facilities adjoin or intermingle with forest lands. These areas are often called the ''wildland/urban interface, but Coloradans usually call them the ''red zones.'' They extend across ownership boundaries, including not only federal lands but lands owned by others as well. In Colorado, the ''red zones'' encompass over 6 million acres—and there are additional millions of acres of such high priority lands throughout the country.

I have long worked to accelerate thinning projects in Colorado's ''red zones.'' In July of 2000, 1 introduced a bill—cosponsored by my

colleague from Colorado Springs, Representative JOEL HEFLEY—to help get that work underway. It was not enacted, but many of its provisions were incorporated into the National Fire Plan put into place by Congress and the Clinton Administration after that fiery summer. Since then, I have strongly supported the National Fire Plan, but I have been concerned about the way it has been implemented—and particularly about the fact that there has been a continuing failure to put proper emphasis on urgently-needed work in the interface areas—the ''red zones.'' I joined others in asking the General Accounting Office (GAO) to review the implementation of the National Fire Plan, to see what improvements were needed. Based on GAO's report, I again joined with Representative HEFLEY to introduce legislation to make needed changes.

Since then, the Bush Administration has made some of the changes that were needed, but it still is expending too much time and money on thinning projects in low-priority areas. At the outset, only about 25 percent of the lands where thinning was done were in the ''red zones.'' Since then, there has been some improvement, but only a little. And unless there is a dramatic change, the prospect is not good—the President's budget request for fiscal year 2004 actually calls for treating fewer ''red zone'' acres than was done in fiscal 2002!

The bill my cousin and I are introducing today would make the kind of dramatic change in this part of the National Fire Plan that is so badly needed. It would require that in the future all thinning projects funded as part of the National Fire Plan involve lands in the ''red zones,'' and it would enable funds for those projects to be used not only on Federal lands but on any other lands in those interface areas where such treatments are needed.

Some who share my desire to accelerate needed thinning projects say that the environmental laws and procedures for public involvement are obstacles that must be removed. I disagree. And some claim many projects have been delayed or halted because of opposition, appeals, and litigation instigated by some environmental groups. However, the facts show otherwise. Some groups or individuals indeed have appealed some thinning projects, but that has been more the exception than the rule—and even when there have been appeals, often they have not challenged entire project, but just portions involving cutting trees or building roads in roadless areas or other sensitive areas—areas that for the most part are not located in the high risk red zones.

I do not think it is necessary—let alone desirable—to exempt fire-risk reduction projects from environmental review, public comments and administrative appeals. While some say this would reduce delays, it could have just the opposite result, by inviting more litigation—the slowest process of all. It would run counter to the sound policy of enabling the public to be involved on decisions about their public lands and would not assist in developing sound forest management.

Instead, the bill we are introducing today builds on the consensus that has developed about the need to thin in the ''red zones,'' while making some procedural adjustments that can expedite the process of resolving appeals.

It would develop support at the front end for projects that are urgently needed, narrowly tailored and scientifically sound. It would do this through the creation of a cooperative program for hazardous fuels reduction projects with both the Forest Service and the Bureau of Land Management. The centerpiece of this program is the creation of statewide advisory councils to work with these agencies in each state on the selection of specific projects. These councils would include broad representation of interests and would include scientific participation. The councils would develop projects in a collaborative fashion so as to avoid opposition, delays and appeals at the back-end when projects are being implemented.

To be eligible under this program, the projects considered by the councils would have to meet certain criteria: they would have to be exclusively located in ''red zone'' areas and be outside of wilderness areas, roadless areas and other sensitive areas (lands that are typically not in the red zones and that in any event do not present as urgent a risk of unusually severe wildfires). The projects would have to be designed so as to minimize the cutting of large or old growth trees, which have proven to be resilient to fire events and are important to the ecology and diversity of our forested lands.

The bill also would promote appropriate economic reuse of the brush, small trees, and similar material removed from the forests in connection with fuel-reduction projects. It would authorize federal assistance to homeowners seeking to reduce the risk to their ''red zone'' homes through the use of ''defensible space'' techniques or similar steps. And it includes provisions to establish collaborative, community-based restoration projects that would work on important tasks such as controlling erosion, implementing recovery plans for threatened or endangered species, restoration of native species of fish and wildlife, road and trail upkeep or obliteration.

I believe that this bill would help us address the urgent fire risk situation on our forests. It keeps faith with the need to involve the public in the management of our precious public lands while also bringing important scientific principles to the table. It focuses scarce resources on the highest priority areas while maintaining opportunities to consider environmental and other potential impacts. In short, I believe that the program developed in this bill, along with the assistance it provides and the oversight it allows, appropriately address some of the most important aspects of current forest management—and I think the bill deserve wide support.

For the information of our colleague, I am attaching a short outline of the bill's main provisions.

OUTLINE OF MAJOR PROVISIONS OF DRAFT FOREST RESTORATION AND FIRE RISK REDUCTION ACT

FINDINGS.—Includes findings concerning results of past fire-suppression policies, need for actions to reduce the risks to communities and municipal water supplies and to restore ecological health of forests through cooperative efforts.

PURPOSES.—Identifies 5 purposes of the bill:

(1) Reduction of wildfire risks to communities and water supplies;

(2) Refocusing of National Fire Plan fuel-reduction spending to highest-priority areas;

(3) Improving communication and joint problem-solving;

(4) Encouraging sustainable communities and forests through collaborative partnerships focused on forest restoration and fire-risk reduction;

(5) Developing, demonstrating, and evaluating forest restoration techniques and projects.

FOCUS ON ''RED ZONES''.—Requires all future National Fire plan funds for fuel-reduction projects go for work in wildland-urban interface or to protect municipal water supplies.

PROGRAM FOR HAZARDOUS FUEL REDUCTION PROJECTS.—Establishes cooperative community program to enable stakeholders to participate with Forest Service and BLM in planning and carrying out projects to reduce build up of hazardous fuels on forested lands in order to lessen risks to communities and municipal water supplies; establishes eligibility criteria for projects and limits federal share of costs to 80 percent; specifies that no projects can be done in wilderness or wilderness study areas, inventoried roadless areas, or other parts of the Federal lands where removal of vegetation is prohibited or restricted, and requires that limits be set on number and size of trees that can be removed in a project area; sets eligibility requirements and deadlines for any appeals of Forest Service fuel-reduction projects covered by the bill, while allowing waiver of deadlines to promote negotiations.

SELECTION PROCESS FOR FUEL-REDUCTION PROJECTS.—Requires consultation with State Foresters and technical advisory panels to determine priorities for fuel-reduction projects. Specifies panel membership.

MONITORING AND EVALUATION.—Requires project monitoring and evaluation.

ADMINISTRATIVE PROCEDURES.—Provides for public participation and set procedures related to development and review of fuel-reduction projects

FOREST RESTORATION AND HOMEOWNER ASSISTANCE PROJECTS.—Establishes cooperative program for projects to—Help owners reduce risks of damage from wildfire to homes in wildland-urban interface; protect, restore, and enhance fish and wildlife habitat and promote recovery of threatened and endangered species; control and remove noxious and invasive species; control erosion and maintain or close roads and trails; provide job training and promote creation of new small businesses focused on forest restoration and use of by-products from other projects

FOREST RESTORATION AND VALUE-ADDED CENTERS.—Provides for establishment of at least one center in each Forest Service region, to provide technical assistance to non-profit organizations, small businesses, and others interested in undertaking forest restoration activities, including environmental assessments and monitoring. Provides for advisory committees to help determine location of centers. Directs Forest Service to provide 75 percent of initial operating costs of centers, up to $1 million annually. Provides for demonstration project of one similar center related to BLM lands and report on whether this should be expanded.

COMPETITIVE SERVICE HIRING PREFERENCES.—Allows Forest Service and BLM to give preference in hiring to people aged 21 or above who have completed at least one year's satisfactory service in a certified youth service or conservation corps.

RESEARCH AND TRAINING.—Provides for Forest Service applied research program to identify ways to minimize adverse effects of restoration methods and treatments and to test and develop value-added products from restoration byproducts.

CELEBRATING THE 100TH ANNIVERSARY OF ROOSEVELT COUNTY, NEW MEXICO

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to mark the 100th anniversary of Roosevelt County, New Mexico, which was formed on February 28, 1903. The citizens of Roosevelt County this year are celebrating the many virtues of their wonderful community. Roosevelt County is a good place to call home. It has outstanding schools, safe streets, family oriented neighborhoods, civic volunteerism and community values that make it an exceptional place to live and raise a family. We have much to celebrate on this centennial.

Roosevelt County was named for the twenty-sixth President of the United States, Theodore Roosevelt, who enlisted New Mexican Rough Riders when he climbed San Juan Hill during the Spanish-American War. The city of Portales is the county seat. Other communities in the county include: Elida, Floyd, Dora, Causey, Arch, Kenna, Lingo, Milnesand, Pep, and Rogers. Roosevelt County is located on the high plains of eastern New Mexico in the heart of cattle country, with ranching, farming, the dairy industry, and the Burlington Northern/Santa Fe Railway comprising important components of the community's economic base. Located 11 miles to the northeast of Portales is Cannon Air Force Base, which adds a very important dimension to the character of the area.

Roosevelt County was cultivated by ranching, farming, the railroad and related businesses over a hundred years ago. In 1902 a few homesteaders settled in; a year later, the homesteaders were arriving more increasingly in the area around Portales. Settlers were drawn to Roosevelt County due to the access of the railroad and the availability of shallow water. A homesteader could take a pick and shovel and dig a well of about 15 feet deep and would have plenty of water for domestic use. Most other settlers outside the Portales Valley had to haul drinking water from a few wells made by ranchers, until they could afford to drill their own. It is hard to imagine the availability of that much water now, which Roosevelt County considers its most precious natural resource.

The name ''Portales'' fits this charming university town even more today than when it was coined in the 1800s. Named for a nearby campsite where spring waters gushed from a series of cave-like porches across pueblo-style houses, Portales, or ''Porches'' in Spanish, is an entryway into New Mexico on the eastern border. Portales Springs is the most famous watering hole on the Old Fort Sumner Trail and often welcomed Billy the Kid and his partners during the infamous Lincoln County War.

Agriculture is the major industry of Roosevelt County. The leading crops are Valencia peanuts, alfalfa, cotton, wheat, corn, milo, hay, and potatoes. Valencia peanuts, noted for their sweet taste, are exported all across the United States as well as to several countries around the world. Roosevelt County is home to the only peanut butter manufacturing facility in New Mexico. Additionally, its peanut butter is currently ranked the fifth highest quality peanut butter on the market today by Consumer Reports.

Livestock feeding and dairy farming are also important to the local economy. Other industries include soft drink canners, an ethanol production facility, grain storage and shipping, trucking and milk processing. The dairy industry is the second largest agricultural industry in New Mexico, and our state is the nation's seventh largest producer of milk.

Portales is the proud home to Eastern New Mexico University, the third largest university in the Land of Enchantment, offering over 50 undergraduate and 15 graduate majors. The university offers a broad curriculum of vocational, technical and academic disciplines and is the center of the region's cultural life. The school has brought many opportunities to graduates since 1934. In conjunction with the city, the university sponsors an annual Peanut Valley Festival that provides excitement and entertainment for the community and attracts hundreds of visitors each year. I had the opportunity earlier this week to meet with the president of the university, Dr. Steven Gamble, to receive an update on the progress the institution is making. The residents of eastern New Mexico are fortunate to have such a fine place of higher learning in their midst.

On this grand occasion, I want to express my best wishes to Portales Mayor Orlando Ortega and all the local elected officials throughout Roosevelt County that are determined to make this area an even better place to live and raise families. The elected county officials are as follows: Dennis Lopez, District 1 Commissioner; Charles Davis, District 2 Commissioner; Thomas Clark, District 3 Commissioner; Gene Creighton, District 4 Commissioner; Paul Grider, District 5 Commissioner; Nancy Gentry, Probate Judge; Tom Gossett, County Sheriff; Nancy Belcher, Treasurer; Royene Tivis, Assessor; and Joyce Lee Fraze, County Clerk. I pledge to continue to work with these leaders to promote an atmosphere in which economic development can flourish.

The signs of Roosevelt County's progress are evident. President Bush recently approved the fiscal year 2003 Omnibus Appropriations bill containing $250,000 to continue the development of the Ute Reservoir Pipeline, which is critical for the sustained growth and water needs of this area. We have a long way to go on this project, but this funding is a crucial step forward.

Citizens have also seen fit to finance the construction of the Roosevelt General Hospital. Costing nearly nine million dollars, this facility is serving the health needs of local residents. The new Portales Junior High School was recently built to replace a decaying 75th year-old facility. A new Communications Center is being built at Eastern New Mexico University, and the local library in Portales has recently been upgraded with new technology and a more modern, usable facility. Finally, there is the new Portales Recreation Center, which will serve scores of local youth and give them a safe environment to have fun and learn. All of these improvements were financed by voters through local elections and other contributions from local neighbors.

The people of Roosevelt County have a past to be proud of, and a future that continues to unveil promising opportunities. The pull of the future is only as good as the past that empowers it, and in Roosevelt County a fine and solid history lays a well-lit path for the future.

Mr. Speaker, Roosevelt County is one of the finest regions in the State of New Mexico. This area is symbolic of traditional American values. The residents work hard, are dedicated to their families, support their schools and volunteer to help their neighbors. I ask all my colleagues to join me in wishing all its residents continued success as their community enters its second century.

CELEBRATING OUR HISTORY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. ROSS. Mr. Speaker, I rise today to help commemorate a month-long learning experience that all of us as Americans should join in celebrating. This month we focus on recalling and embracing a unique part of our American History and the roles of African Americans in shaping what our country is today. History teaches us that every culture and every society endures good and bad, and it is essential that we continue to learn from our past.

From slavery abolitionists like Harriett Tubman to civil rights activists like Dr. Martin Luther King, Jr.—even students like the Little Rock Nine who showed unimaginable courage—we have much to learn from the lives of these past and present leaders. They leave quite a mark on the pages of our history books and in the fabric of our country.

During this month, it is important that we seek to learn more about historical Black figures; it is important because it shows us what great contributions they made even during an era when many people thought Blacks had nothing to offer. Quite to the contrary—the African American community has given us some of our greatest writers, inventors, athletes, philosophers, musicians, and spiritual and community leaders during dark times in our history.

It is during this month that Rosa Parks, Frederick Douglass, Toni Morrison, and baseball great Hank Aaron celebrated their birthdays. It was during this month in 1870 that the 15th Amendment was passed, granting Blacks the right to vote. And this year, during this month, Lieutenant Colonel Michael Anderson, who was lost on the Space Shuttle *Columbia*, died as a pioneer and a living symbol of the progress African Americans have made and the successes yet to come.

Black History Month celebrates people and events that were disregarded for long periods of time. It's time we remember. It's time we make Black history our history.

NATIONAL PEACE CORPS DAY, FEBRUARY 28, 2003

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. RAMSTAD. Mr. Speaker, I rise to commemorate National Peace Corps Day and recognize the Peace Corps for its stellar record of achievement throughout the past five decades. The Peace Corps has become an enduring symbol of our nation's commitment to encourage progress, create opportunity and expand

development at the grass-roots level in the developing world.

Since 1961, more than 168,000 Americans responded to our nation's call to serve by becoming Peace Corps Volunteers in 136 countries. There are currently 29 volunteers from my district alone who are deployed all over the world, from Kyrgystan to Guatemala.

Mr. Speaker, Peace Corps Volunteers have made significant and lasting contributions around the world in agriculture, business development, education, health and the environment, and have dramatically improved the lives of individuals and communities around the world.

Peace Corps Volunteers have strengthened the ties of friendship and understanding between the people of the United States and those of other countries for 42 years.

President George W. Bush has issued a call to service for all Americans—both at home and abroad. The President seeks to double the number of Peace Corps Volunteers throughout the world, from the current level of 7,000 to 14,000 volunteers in FY07.

Mr. Speaker, Peace Corps Volunteers, enriched by their experiences overseas, have brought their communities throughout the United States a deeper understanding of other cultures and traditions, thereby bringing a domestic dividend to our nation.

National Peace Corps Day recognizes the work of returned Peace Corps Volunteers as they bring their experiences to work, school, places of worship and recreation, sharing with colleagues, friends and community members how their volunteer service changed and shaped their lives.

Mr. Speaker, National Peace Corps Day honors its Volunteers, past and present, and reaffirms our country's commitment to helping people help themselves throughout the world. I would like to congratulate them for the tremendous, and far too often thankless, work they do to improve the human condition.

INTRODUCTION OF LEGISLATION MAKING AERIAL FIREFIGHTERS ELIGIBLE FOR FEDERAL DEATH BENEFITS

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mrs. CUBIN. Mr. Speaker, in April 1997, John Hirth of Buffalo, Wyoming, and his co-pilot lost their lives when their air tanker crashed near Blandburg, Pennsylvania. They were on a firefighting mission for a government agency, the Pennsylvania Bureau of Forestry.

At the time, John was making an aerial scouting of the fire, referred to as a dry run. Fire conditions were gusty, and turbulent wind patterns resulted from the fire itself.

Immediately after dropping the fire retardant, their tanker encountered smoke which affected visibility.

Just as the air tanker flew out of the smoke, its right wing hit an oak tree which stood above the tree line. The aircraft rolled 90 degrees left and flew into the mountainside a quarter mile from the initial tree strike, exploding on impact and instantly killing John and his co-pilot.

In the mid-1990s, John tried to obtain life insurance through various agencies. He was turned down due to his occupation as an aerial firefighter.

At the time of his death, the business still had to meet payments on the 1997 fire contract operation (which included liability insurance, contract-paid pilots, fuel, oil, parts, etc.), as well as on a second tanker and one sprayer aircraft.

The financial loss from this crash was so devastating that his wife, Connie, did not have the money to pay for her husband's funeral.

While this is heartbreaking to us, it is a very stark reality that many families face when aerial firefighters are lost in the line of duty. There were seven fatalities last year alone involving air tankers and fire suppression helicopters.

The fact is that the vast majority of those pilots lost were serving under a government contract at the time. They were providing aerial fire suppression services for the government when they lost their lives.

My reason for being here today is to correct a provision in law that is blatantly unfair.

I am introducing legislation that will provide some financial security to aerial firefighters and their families.

This legislation recognizes all pilots and crew involved in aerial fire suppression as public safety officers. In doing so, the bill makes these deserving individuals eligible for death benefits under the Public Safety Officers' Benefits Program, also known as PSOB.

Under current law, aerial firefighters who are under contract with the government are not afforded these benefits simply because they work for private companies that contract with the government.

However, without these contract pilots and crew, the federal government would not have the capabilities to deal with wild land fires.

This legislation is a matter of common sense. Aerial firefighters are public safety officers in every sense of the word. With dedication and enthusiasm, they protect our natural resources, our communities, and often our very lives.

Every day, when our men and women in the Armed Forces go out to do their job, they say to us, ''I am willing to risk my life for you today.'' Our local police officers say it as well and, yes my friends, so too do aerial firefighters.

John Hirth was the primary wage earner in his air tanker business and his family. If PSOB had been available to them at the time of John's death, the financial hardships endured by his wife could have been minimized.

It is time we start giving back to aerial firefighters because, if we don't, we will be losing a valuable resource. With no aerial firefighters to protect our natural resources, where will we turn?

I don't think any of us want to face that question, so let's make sure we don't. Please support this legislation. It is the right thing to do.

PLEDGE OF ALLEGIANCE PROTECTION AMENDMENT

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. LUCAS of Oklahoma. Mr. Speaker, today, I reintroduced the bill that I introduced last Congress in response to the absurd ruling made by the 9th Circuit Court of Appeals which declared school recitation of the Pledge of Allegiance unconstitutional. Immediately upon hearing of this atrocious decision in June of last year, I began drafting my bill, the ''Pledge of Allegiance Protection Amendment,'' which would amend the U.S. Constitution to protect the right of schools to lead willing students in the recitation of the Pledge of Allegiance.

Mr. Speaker, I believe children in schools across America should start their day the same way we do here in Congress, by reciting the Pledge of Allegiance.

The court decision has set a dangerous precedent that we cannot allow to continue nationwide. I know of no better way to educate our children about the beliefs we stand for in this great country of ours than with the Pledge of Allegiance. The Pledge is an important way of educating our children about the value of patriotism and democracy and a reminder that we are one nation, under God. That is why I believe we need to keep the Pledge in our schools and keep judges who don't value the Pledge out of our courts.

As it stands now, a temporary stay has been placed on the effect of the ruling until the full panel of the Ninth Circuit reviews the case. I would prefer not to have to amend the Constitution unless it is absolutely necessary to do so, and it is my hope that the courts will overtum this ridiculous ruling. However, if they do not, then I have my bill ready to go to protect the Pledge of Allegiance in our schools.

Mr. Speaker, I urge your support of this bill and yield back the remainder of my time.

A SPECIAL TRIBUTE TO MARTHA MOORE ON THE OCCASION OF HER 35TH ANNIVERSARY AS OHIO REPUBLICAN PARTY VICE CHAIRMAN AND OHIO COMMITTEEWOMAN TO THE REPUBLICAN NATIONAL COMMITTEE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding lady from Ohio. Martha Moore was born in Cambridge, Ohio, located in Guernsey County. The daughter of former 15 District Congressman C. Ellis Moore, she was raised in the tradition of commitment to one's family, faith in God, and responsible public service.

Miss Moore attended Wellesley College and received her Bachelor of Arts degree from Muskingum College. She earned her Master of Arts from The Ohio State University. While serving as a professor in the Department of Communications at Muskingum College, she helped to shape the lives of generations of students through her thoughtful tutelage. In 1986, Miss Moore was awarded the Distinguished Alumni Award from Muskingum College and was also inducted into the Guernesy County Hall of Fame.

Miss Moore was first elected to the Ohio Republican State Central and Executive Committee in 1950, and currently serves as committeewoman from the 30th Senate District in

Ohio. She previously served as committeewoman from the 15th, 17th, and 18th Congressional Districts. In 1968, Miss Moore was elected Vice Chairman of the Ohio Republican Party (ORP) and Ohio Committeewoman to the Republican National Committee. This year marks the 35th anniversary of her election to both posts. She has been re-elected to both positions at each succeeding organizational meeting of the State Committee.

Miss Moore has been a Delegate or Alternate Delegate to every Republican National Convention since 1972. In 1972, 1976, and 1984, she was selected by the State Committee as Ohio's second choice for President.

As Ohio's National Committeewoman, Miss Moore has served on the Committee on Arrangements since 1984. She has been a member of the Convention's Committee on Call (1972), the Committee on Contests (1976), and the Rules Committee (1980). She was also Chairman of the Subcommittee for Tickets and Badges for the 1992 and 1996 Republican National Conventions.

Ohio is certainly blessed by Martha Moore's continuing service to the American political process. Her wisdom, honesty, and forthrightness are attributes to which all public servants should aspire. She has set an example for everyone on how to live a life of service, putting the greater interests of the community before her own.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Martha Moore. Our communities are served well by having such honorable and giving citizens, like Martha, who care about their well being and stability. On the 35th anniversary of her election to these two preeminent posts, we wish her all the best as we pay tribute to one of our nation's finest citizens.

DISTRIBUTED POWER HYBRID ENERGY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Distributed Power Hybrid Energy Act. This bill would direct the Secretary of Energy to develop and implement a strategy for research, development, demonstration, and commercial application of distributed power hybrid energy systems.

Distributed power is modular electric generation or storage located close to the point of use, well suited for the use of renewable energy technologies such as wind turbines and photovoltaics, and also of clean, efficient, fossil-fuel technologies such as gas turbines and fuel cells.

Distributed power can avoid the need for and cost of additional transmission lines and pipelines, reduce associated delivery losses, and increase energy efficiency. In addition, distributed power can provide insurance against energy disruptions and expand the available energy service choices for consumers.

By their very nature, renewable resources are distributed. Our ability to cost-effectively take advantage of our renewable, indigenous resources can be greatly advanced through systems that minimize the intermittency of these resources. Distributed power hybrid systems can help accomplish this.

''Hybridizing'' distributed power systems—combining two or more renewable sources or a renewable and a fossil source—enables us to offset the weaknesses of one technology with the strengths of another. For example, in a hybrid system, the intermittency of wind power can be offset by the reliability and affordability of power generated by a microturbine.

My bill would direct the Secretary of Energy to develop a distributed power hybrid systems strategy identifying opportunities for and barriers to such systems, technology gaps that need to be closed, and system integration tools that are necessary to plan, design, build and operate such systems.

Mr. Speaker, distributed generation represents the most significant technological change in the electric industry in decades. Knowing this, it makes sense to focus our R&D priorities on distributed power hybrid systems that can both help improve power reliability and affordability and bring more efficiency and cleaner energy resources into the mix. My bill would help us do this. I look forward to working with Members of the House to move forward with this important initiative.

For the benefit of my colleagues, I've attached a fact sheet that explains the bill in more detail.

THE DISTRIBUTED POWER HYBRID ENERGY ACT FACT SHEET

The Distributed Power Hybrid Energy Act would direct the Secretary of Energy to develop and implement a strategy for research, development, demonstration, and commercial application of distributed power hybrid energy systems.

BACKGROUND

Distributed power is modular electric generation or storage located close to the point of use. Distributed systems include biomass-based generators, combustion turbines, concentrating solar power and photovoltaic systems, fuel cells, wind turbines, microturbines, engines/generator sets, and storage and control technologies. Distributed resources can either be grid connected or operate independently of the grid. In contrast to large, central-station power plants, distributed power systems typically range from less than a kilowatt (kW) to tens of megawatts (MW) in size.

Distributed power is well suited for the use of renewable energy technologies such as wind turbines and photovoltaics, and also of clean, efficient, fossil-fuel technologies such as gas turbines and fuel cells.

Many benefits can be realized by producing electricity and heat closer to the customer and integrating these distributed energy resources with our traditional central-station generation, transmission, and distribution infrastructure. Combined heat and power systems at industrial plants or commercial buildings can be three times more efficient than conventional central generating stations. When facilities such as hospitals and businesses with computers or other critical electronic technology can get power from either the grid or their own generating equipment, energy reliability and security are greatly improved.

Distributed power can avoid the need for and cost of additional transmission lines and pipelines, reduce associated delivery losses, and increase energy efficiency. In addition, distributed power can provide insurance against energy disruptions and expand the available energy service choices for consumers.

Since 1998, the Department of Energy's Distributed Power Program has been working to reduce barriers to the widespread adoption of distributed energy resources. One area of research that has so far not received the attention it deserves, however, is distributed power hybrid systems.

By their very nature, renewable resources are distributed. Our ability to cost-effectively take advantage of our renewable, indigenous resources can be greatly advanced through systems that minimize the intermittency of these resources. Distributed power hybrid systems can help accomplish this.

''Hybridizing'' distributed power systems—combining two or more renewable sources or a renewable and a fossil source—enables us to offset the weaknesses of one technology with the strengths of another. For example, in a hybrid system, the intermittency of wind power can be offset by the reliability and affordability of power generated by a microturbine. Distributed power hybrid systems also have the potential for fuel flexibility—for instance, using biofuels for distributed power systems such as gas turbines and fuel cells. In addition, hybrid systems can be developed to serve multiple uses, such as combined heat and power, offering the opportunity to provide reliable energy services at lower cost.

LEGISLATION

This legislation would direct the Secretary of Energy to develop a distributed power hybrid systems strategy identifying opportunities for and barriers to such systems, technology gaps that need to be closed, and system integration tools that are necessary to plan, design, build and operate such systems. This strategy might provide for the development of system integration tools for developing such systems; tests of distributed power hybrid systems, including field tests with industry and cost-shared demonstrations of such systems to validate performance; data to characterize grid operations, including interconnection requirements; and precise resource assessment tools to map local resources for distributed power hybrid systems.

The legislation calls for the implementation of the plan over five years, along with its integration into the Department of Energy's Office of Distributed Energy Resources. The bill would also require an annual report on the use of and experience with distributed power hybrid systems, in addition to identifying the remaining R&D issues to ensure the successful application of these systems.

To carry out the bill's requirements, the bill would authorize $60 million over fiscal years 2004 through 2008.

IMPORTANCE OF EDUCATION AND AFRICAN-AMERICAN SCIENTISTS

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 12, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I commend my colleague, Mr. CUMMINGS for reserving this special order to celebrate Black History Month, a commemoration that dates back to 1926 when Black Americans celebrated Negro History Week.

Mr. Speaker, it is my hope that the citizens of the United States, especially young African-Americans, recognize how we've grown and developed since then. And also realize and

appreciate the important contributions of their forebears and contemporaries to the development of this nation and American society.

I am proud to stand before you today to salute two outstanding citizens from my childhood home of Waco and congressional district of Dallas. James Andrew Harris was born on March 26, 1932 in Waco, Texas. As a graduate of Houston-Tillotson College in Austin with a chemistry degree, Mr. Harris worked in the Nuclear Chemistry Division of the Lawrence Radiation Laboratory at the University of California. There he was part of the team that discovered and identified elements 104-Rutherfordium and 105-Dubnium on the Periodic Table of Elements.

Dr. Otis Boykin was born in 1920 and raised in Dallas. His mother was a homemaker and his father a carpenter. Dr. Otis attended Fisk University and the Illinois Institute of Technology. Unfortunately, his parents could not afford his tuition and he dropped out of college after two years. Thereafter, Dr. Boykin built electrical devices used today in all guided missiles and IBM computers. He also developed a control unit for an artificial heart simulator (pacemaker) that helps millions of cardiovascular patients. Otis Boykin will be remembered as one of the greatest inventors of the twentieth century.

Mr. Speaker, today I am worried that given the current educational settings of our country, future Otis Boykins and James Andrew Harrises will not have the opportunity to pursue their dreams or realize their talents.

I want to focus briefly on what is going to happen in my State of Texas. It is reported that at least $2.7 billion must be cut from Texas public education over the next two years to balance the state budget without a major increase in taxes or fees. The University of Texas at Austin will hire fewer professors, forcing students to scramble for the classes they want. At Texas Women's University, fewer police officers may patrol the campus. Some intercollegiate sports may disappear from Collin County Community College. Tuition will probably rise at Dallas County Community Colleges. Universities, medical schools, community colleges and the Texas Higher Education Coordinating Board collectively must slash $343.8 million in the middle of the school year.

Mr. Speaker, one University of North Texas official summarized the current situation very clearly: ''The monster came through our door, and now he's sitting on our lap.''

I am further concerned as I read news stories, such as a Washington Post article which recently indicated that Oregon is on the verge of cutting as many as 24 days from its school year. The United States ranks 18th among the industrial nations in school year length. How can we expect American schoolchildren to learn in 180 days as much as Korean children learn in 220? They cannot!

Just a couple of weeks ago we listened to President Bush's well-written, well-delivered State of the Union address. Yes, it was nice to hear words about diversity, higher education, making college more affordable, and leaving no child behind. But words are cheap! What has been done to increase the diversity of our populations in higher education? What is being done to make higher education more affordable? And how will we ensure that no child is really left behind in our elementary and secondary public school education system?

Mr. Speaker we should invest in the education of under-privileged young people here at home. It will improve not only our educational system, but our society as a whole. So many Otis Boykins and James Andrew Harrises will have the opportunity to revolutionize technology that affects people's everyday lives.

Again, thank you to Congressman CUMMINGS for organizing tonight's special orders.

CELEBRATING THE 140TH ANNIVERSARY OF THE EMANCIPATION PROCLAMATION AND COMMENDING ABRAHAM LINCOLN'S EFFORTS TO END SLAVERY

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 36—Encouraging the people of the United States to honor and celebrate the 140th anniversary of the Emancipation Proclamation and commending Abraham Lincoln's efforts to end slavery. To this end, this legislation serves both to remind us of the tremendous strides this nation has made toward ensuring life, liberty, and the pursuit of happiness for all citizens and to recognize Abraham Lincoln, the sixteenth President of the United States, for his commitment to these ideals.

On September 22, 1862, Abraham Lincoln took a bold step towards eradicating the horrible institution of slavery in this country by issuing a preliminary proclamation, which declared ''all persons held as slaves within any State or designated part of a State the people whereof shall then be in rebellion against the United States shall be then, thenceforward, and forever free.''

Perhaps the three most significant documents in U.S. history that exemplify America's passion for freedom are the Constitution, the Bill of Rights, and the Emancipation Proclamation. Although each has maintained its rightful place in the annals of American history, only the Bill of Rights and the Constitution have identifiable dates and cultural festivities. Each year, the United States celebrates the Fourth of July, Constitution Day, and Flag Day, all of which have developed into an expression and ceremony of appreciation by the American People with special events emphasizing the historical importance of these significant documents.

However, the Emancipation Proclamation, which is particularly significant to African Americans, has not until recently received its rightful day of national appreciation. With the resurgence of the African American community's celebration of Juneteenth, America is growing in its awareness and appreciation of this highly meaningful document.

Juneteenth, celebrated on June 19, is the name given to emancipation day by African-Americans in Texas. On that day in 1865, six months after the passage of the Thirteenth Amendment, Union Major General Gordon Granger read General Order #3 to the people of Galveston. General Order #3 stated ''The people of Texas are informed that, in accordance with a proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of personal rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and hired labor. The freedmen are advised to remain quietly at their present homes and work for wages. They are informed that they will not be allowed to collect at military posts and that they will not be supported in idleness either there or elsewhere.''

Large celebrations on June 19 began in 1866 and continued regularly into the early 20th century. In many parts of Texas, ex-slaves purchased land, or ''emancipation grounds,'' for the Juneteenth gathering. One example of this is Emancipation Park in Houston, which was purchased in 1872.

Since this moment in our nation's history, the Juneteenth celebration has spread to the neighboring states of Louisiana, Arkansas and Oklahoma. It has also appeared in Alabama, Florida, and California as African-American Texans migrated.

Frederick Douglass once noted, ''A [person] who will not labor to gain his [or her] rights, is a [person] who would not, if he [or she] had them, prize and defend them.'' With this in mind, I want to remind Congress of the labor of individuals of African descent who have devoted their lives to securing a just and prosperous future for all Americans and the duty we have as citizens to make sure their blood, sweat, and tears are never forgotten and our rights are preserved. This legislation helps to further this sense of obligation.

Mr. Speaker, I urge my colleagues to support this legislation. Through your support for this legislation, we are certain to sustain this great legacy of justice and equality upon which this great nation was founded.

HONORING BILLY LEE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Ms. CORRINE BROWN of Florida. Mr. Speaker, a longtime friend of mine, Mr. William R ''Billy'' Lee, passed away on Friday, January 3rd, 2003, at his residence in Green Cove Springs, Florida. Billy was born in Russell, Florida, on October 28th, 1934, and lived his entire life in Green Cove Springs, Florida, located in my congressional district, Florida's third. A religious man, Mr. Lee was a Baptist by faith, and was a dedicated member of Russell Baptist Church. In fact, Mr. Lee was a former Deacon of the church.

Billy joined the International Association of Machinists in July 27th, 1956, in Local Lodge 1098, in Palatka, Florida. A dedicated union activist, Billy served as the Florida State Council of Machinists Vice President for 10 years before he was elected President in 1998. He served in this capacity until retiring in 1998.

I have always been a devoted friend of the organized labor movement. I have spent a great deal of time here in my 10 years in Washington advocating on behalf of America's working men and women. It has been a privilege for me to be able to work with brave local

labor leaders like Billy Lee, in the pursuit of defending the interests of working Americans. In my 20 years as an elected official—I have never voted against the working men and women in this room. I stand as a proud friend of labor and always will be.

In Billy Lee's time as International Association of Machinists President, he served among those brave leaders on the front lines of the fight to achieve greater worker compensation, improved employee health benefits, social security and pension benefits, and better worker rights. The International Association of Machinists, a large and diverse organization, represents 730,000 members across North America. The Northeast Florida branch, with dedicated Members like Billy, fights to carry out the IAM's union's righteous cause, to stand up against big business and fight to protect the workers of America.

Billy was survived by his wife Joyce, his son Michael Ray Lee, daughter Marilyn Lee, and eight grandchildren. A family oriented man, Billy enjoyed fishing, gardening and particularly loved cookouts. Billy Lee was loved and well respected by everyone that knew him. He will be dearly missed by his family, the community, and by those who fought alongside him in the labor movement.

FOREST RESTORATION AND FIRE RISK REDUCTION ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Forest Restoration and Fire Risk Reduction Act, a bill based upon the collaboration with my colleague and cousin, Representative MARK UDALL of Colorado.

In the 134 million-acre interior West, scientific assessments indicate that in pre-industrial times, 50 to 80 million acres burned per year. In the 1900's, however, fire suppression became federal policy. A century of fire suppression, excessive logging and overgrazing of livestock has led, in many areas, to overstocked forests of second-growth trees. These forests are extremely susceptible to the damaging effects of high-intensity fire.

In terms of resource damage, catastrophic wildfire affects our forest's ecosystems by destroying critical habitat, eroding soil, changing air temperature, moisture content and productivity, while at the same time, facilitating the spread of invasive weeds and non-native plants, and generating air pollution. This matter is complicated further by rising fiscal costs that force the increased population and development of ''wildland/urban'' interface areas. In recent years, the Forest Service generally has expended $500–600 million annually in fire preparedness, suppression, and rehabilitation. Within the past last three years, however, over a billion dollars have been spent.

Inseparably related to current forest management practices is the issue of pervasive drought. As we all know, our nation has been suffering from severe drought conditions for several years now, and so far this year proves to be no different. Rain and snowfall in New Mexico and many of our western states is to date far below averages. As a result of the continuing drought in the west, we have also experienced some of the worst wildfire seasons in modern history. The relatively recent Cerro Grande fire in New Mexico, the Hayman fire in Colorado, and the Rodeo-Chediski fires in Arizona illustrate the severity of the situation. These fires were catastrophic in proportion and inflicted grave environmental, social, and economic impacts on the affected local communities. Consequently, these, and other areas affected by the devastating affects of raging wildfires, face years of restorative efforts and depend upon the development and implementation of a viable fire hazard mitigation program on National Forest System lands to avert such disasters in the future.

In response to these concerns and those I heard from constituents, I have worked closely with Representative MARK UDALL to devise a bill that takes these issues to task. Our ''Forest Restoration and Fire Risk Reduction Act'' refocuses the implementation of the National Fire Plan (NFP) to areas designated as ''wildland/urban interface,'' the critical zones that are of the highest risk to people, property and water supplies, by redirecting NFP funding and hazardous fuels reduction projects through state selection panels.

A general consensus exists today that thinning our forests—by controlled bums or mechanical means—will lessen the likelihood of unusually severe fires. However, the Bush Administration contends that to facilitate such thinning projects, the environmental laws and procedures for public comment and participation are obstacles that must be removed. I believe that this contention is incomprehensible and conceptually flawed.

The exemption of fire-risk reduction projects from environmental review, public comments and administrative appeals, circumvents established policy of public participation, an important aspect of our democratic process for making decisions affecting public lands. Furthermore, excluding public comment would not assist in developing sound forest management. The bill we are introducing today maintains these sound principles of law and public policy, and makes some relatively innocuous procedural concessions that can expedite the process of resolving appeals.

I anticipate that collaboration between state and federal land managers, and local and tribal communities in both decision and implementation activities may contribute to the development of cost-effective restoration activities, empower diverse organizations to implement activities that value local and traditional knowledge, build ownership and civic pride, and ensure healthy, diverse, and productive forests and watersheds. Such collaboration would result in the efficient restoration of areas distressed by wildfires and help protect our homeowners and businesses from future losses.

I believe, as all of us from the western United States would likely agree, that it is much better to support proactive preventative maintenance programs to reduce fire risks than it is to wait to do something once a fire occurs. We need legislation that will reduce the potential for catastrophic fires and protect our communities, and aid in the restoration of lands that may meet the same unfortunate fate as did those in the Cerro Grande blaze. The ''Forest Restoration and Fire Risk Reduction Act'' will accomplish these common goals.

A TRIBUTE TO THE LIFE AND ACHIEVEMENTS OF LOUIS L. RAMSAY, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to a distinguished constituent and leader in my district, whose professional and civic contributions have helped to shape the business climate in Pine Bluff, Arkansas, and throughout the state.

Louis Ramsay, Jr. was born in 1918 in Fordyce, Arkansas, in rural Dallas County. He grew up attending the Fordyce public schools, and went on to earn pre-law and law degrees from the University of Arkansas. After law school, he joined the Law Firm of Coleman and Gantt, where he became a Partner in 1948. For the past 54 years he has been with the firm now known as Ramsay, Bridgeforth, Harrelson & Starling, where he continues to serve as ''Of Counsel.'' He was elected President of Simmons First National Bank in 1970 and served as Chairman and CEO from 1973–1983. He currently serves as Chairman of the Executive Committee of Simmons First National Corporation. He is the only person in the state's history to have served as President of the Arkansas Bar Association and the Arkansas Bankers Association.

Louis Ramsay was recently honored with an induction into the Arkansas Business Hall of Fame, and I cannot think of a more worthy businessman for this distinction. Ramsay has made it a personal mission to use his standing in the business community to better the entire community. He has worked to improve the state's higher education system through service to the University of Arkansas's campuses, including Pine Bluff. He has served as President of the Pine Bluff Chamber of Commerce, the Pine Bluff Rotary Club, Fifty for the Future of Pine Bluff, and countless other organizations aimed at improving the quality of life in the area.

If we can learn one lesson from the exemplary life and career of Louis Ramsay, it is the value of service. He has served the community of Pine Bluff and the state of Arkansas, he has served our country with distinction in World War II as a pilot in the D-Day invasion of Normandy, and he has served his family and his neighbors as well. I thank Mr. Ramsay for his commitment to improving our state, and I congratulate him on this prestigious distinction.

A SALUTE TO THE GREAT LAKES NAVY BANDSMEN

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. RUSH. Mr. Speaker, I come before the House Chamber this evening pleased and honored to salute the over five thousand African American musicians who, during World War II, played in the band of the Great Lakes Naval Base in Illinois. These highly talented musicians played an important part in our nation's history and this weekend, many of them

will be reuniting for the first time in over fifty years.

If you were black and in the Navy before 1942, the only service you could render is that of mess attendant or steward. These positions were lowly and limited. So, in an effort to elevate their position and further integrate America's armed forces, then President Franklin Delano Roosevelt recruited and trained black musicians for service in a Naval band. These men became the members of the Great Lakes Band.

During the war, these extraordinary musicians traveled around the country lifting the spirits of servicemen and civilians with their melodies. In fact, it has been said that there has never been so many good musicians at any one place, at any one time, as there were at Great Lakes.

In spite of their committed and unprecedented service to our country, there is little awareness of their contributions and acknowledgments have been few. Mr. Speaker, that is why, especially as we come to the end of Black History Month, I believe it is highly appropriate, to ask my colleagues to join me in a salute to these extraordinary veterans. Their contributions are far-reaching, long-lasting, and worthy of our praise.

MARTIN LUTHER KING, JR. MEMORIAL

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Ms. WATSON. Mr. Speaker, I rise to encourage my colleagues to cosponsor a bill I have introduced today, which will extend the authority to construct a memorial to Rev. Martin Luther King, Jr. here in our nation's capital.

I must commend Alpha Phi Alpha Fraternity, Incorporated, of which Dr. King was a member, for their tireless efforts in bringing this project to fruition. In 1996, Congress authorized the fraternity to establish a foundation to manage the fundraising and design of a memorial to Dr. King. Alpha Phi Alpha accomplished both tasks by launching the Martin Luther King Jr. National Memorial Project Foundation Fund, Incorporated and developing and appropriate design.

The site for the monument covers four acres on the Tidal Basin between the Presidents Lincoln and Jefferson memorials. Dr. Martin Luther King, Jr. will be the first African American honored as such on the Mall of the nation's capital. Similar to the everlasting work and message of Dr. King, the memorial will last in perpetuity.

Mr. Speaker, it is long overdue that a monument is raised to honor the life and legacy of Dr. King. He made an enormous impact on America's collective moral fiber like no other human being. His principles of non-violence are universal and helped millions of people to overcome what seemed like insurmountable obstacles. It is fitting that his image be placed in the nation's capitol and enjoy the same status and significance as others who have left an indelible imprint on our nation and the world.

I encourage my colleagues to cosponsor this measure.

INTRODUCTION OF THE CLEAN WATER AUTHORITY RESTORATION ACT OF 2003

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. OBERSTAR. Mr. Speaker, today I am introducing legislation to restore protection from destruction and pollution to all of the Nation's waters, including wetlands. This bill will amend the Clean Water Act to reestablish the original intent of Congress in that 1972 law to restore and maintain the chemical, physical, and biological integrity of the Nation's waters.

In January 2001, the Supreme Court issued an opinion that denies federal Clean Water Act protection for thousands of acres of waters that serve as habitat for migratory birds. Congress must approve this bill to overturn that decision—the Solid Waste Agency of Northern Cook County v. Army Corps of Engineers (The SWANCC case). This case was decided 5–4 contrary to the intent of Congress and against the grain of nearly 30 years of judicial and administrative precedent.

Unfortunately, since the Court's decision, the Administration has done nothing to rectify this misguided and misinformed undermining of Federal protections over waters of the United States, including wetlands. Where the environmentally responsible position to limit the impact on our nation's environment would have been to narrowly interpret the SWANCC decision and to support Congressional action to overturn this decision, the Administration has, instead, proposed to explore amending its rules and regulations to expand the list of waters not covered by the Clean Water Act. Instead of supporting efforts to correct the damage, the Administration's action continues the abandonment of at least one-fifth of the nation's waters. This is unconscionable.

Until the Supreme Court's decision in the SWANCC case, section 404 of the Clean Water Act served as the primary federal protection for wetlands that serve important habitat, flood control and water quality improvement functions. In the absence of section 404 protection, small, isolated waters, including wetlands, could be filled or drained without regard to the impact on the environment or human needs.

The Supreme Court has adopted a very narrow reading of the intent of Congress in drafting the Clean Water Act and has determined that protection of small water bodies is beyond the reach of the Act. As is stated in the dissenting opinion, ''the Court takes an unfortunate step that needlessly weakens our principal safeguard against toxic water.'' I agree and would further observe that the Court's decision opens an opportunity for waters across the Nation to be destroyed and degraded—and one which this Administration is all too willing to exploit.

A bedrock objective of the Federal Water Pollution Control Act Amendments of 1972 was to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. The legislative history and the statutory language of the Clean Water Act make it abundantly clear that Congress intended the broadest possible constitutional interpretation for the provisions of this precedent- setting law.

The essence of the Supreme Court's opinion is that when Congress used the term ''navigable waters'' in the Clean Water Act, Congress intended that there be some nexus to actual navigation and commerce. Congress, in the Clean Water Act, was very deliberate and careful to define ''navigable waters'' as, ''the waters of the United States, including the territorial seas.'' Likewise, the legislative history and court decisions prior to SWANCC have given the term ''navigable waters'' the broadest possible interpretation.

The proposed legislation will eliminate the use of the term ''navigable waters'' throughout the Clean Water Act and replace it with ''waters of the United States.'' A definition of waters of the United States also would be added to mean coastal waters, territorial seas, all interstate and intrastate bodies of water (including tributaries) to the full extent that they are subject to the power of Congress under the Constitution; specifically including a river, stream, lake, natural pond, mudflat, sandflat, wetland, slough, prairie pothole, wet meadow, playa lake, natural pond, and an impoundment to any of these waters. The proposed definition is a combination of long-standing interpretations of jurisdiction by the Environmental Protection Agency and the Corps of Engineers prior to the January 2001 decision. The bill restores Clean Water Act authority; the bill does not expand that authority.

Trout Unlimited, National Audubon Society, National Wildlife Federation, Sierra Club, American Rivers, Clean Water Network, Natural Resources Defense Council, Earthjustice, Defenders of Wildlife, U.S. Public Interest Group, Association of State Floodplain Managers, The Ocean Conservancy, the Izaak Walton League of America, and Clean Water Network support this legislation.

MILITARY RETIREE DISLOCATION ASSISTANCE ACT

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. JONES of North Carolina. Mr. Speaker, I rise today to reintroduce a common sense piece of legislation to help our military personnel preparing to retire. As my colleagues know, service members and their families will move many times in a typical military career. These permanent changes of station or PCS often involve considerable additional expense, including the loss of rental deposits, connecting and disconnecting utilities, and wear and tear on household goods.

To help defray these additional costs, Congress in 1955 adopted the payment of a special allowance—a dislocation allowance. This was done to recognize that duty station changes and resultant household relocations are due to the personnel management decisions of the armed forces and not the individual service members. This amount was increased in 1986 and again in recent years. This is an important benefit for our military members.

However, as important as this benefit is, there is a category of service members who are not eligible to receive the dislocation allowance—the military retiree. This is despite the fact a vast number are subject to the

same expenses as their active duty counterpart. In August 2000, the Marine Corps Sergeant Major Symposium recommended the payment of dislocation allowances to retiring members, who in the opinion of the Sergeants Major, bear the same financial consequences on relocating as those still on active service.

When active duty military members retire they must often seek employment not knowing what opportunities exist in the civilian world, where those opportunities are located, what the pay will be, or what possibilities are available for spousal employment. They are sometimes faced with the prospective employers who offer less wages knowing they are in receipt of retirement pay, and falsely believing that retirees don't need the same salary as civilians for the same position. Additionally, the new retiree will have to meet the same financial demands for mortgages, insurance, taxes, and food but on a smaller income.

For those reasons, I am reintroducing the Military Retiree Dislocation Assistance Act. This legislation would help ease the transition into retirement by amending 37 USC 407 to authorize the payment of a dislocation allowance to all members of the armed forces retiring or transferring to an inactive duty status such as the Fleet Reserve or Fleet Marine Reserve. The vast majority of these new retirees have given our Nation over 20 years of dedicated service. They have helped protect the very freedoms we all hold dear. Rather than simply pushing them out the door upon retirement, we should reward their service by providing modest assistance for their final change of station move. That is exactly what Military Retiree Dislocation Assistance Act does.

In closing Mr. Speaker, I would be remiss if I did not acknowledge the Fleet Reserve Association for their outstanding work on this initiative. I am an honorary shipmate of the FRA and proud to be so because of their steadfast commitment to the men and women of the military services, in particular the Navy, Marine Corps and Coast Guard family. FRA spent considerable time and effort towards the introduction and reintroduction of the Military Retiree Dislocation Assistance Act and I look forward to continuing our work together to see this important legislation enacted.

HONORING THE REMARKABLE CAREER OF THE REV. WOODROW MEDLOCK

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the remarkable career of the Rev. Woodrow Medlock. He has preached the gospel for nearly seven decades and continues to spread God's word with tireless dedication.

Rev. Medlock is an inspiration in my hometown of Murfreesboro, Tennessee. His ministry has touched many lives and spanned many communities. He has founded several local churches and has pastored at many others across the Middle Tennessee region. He has also been involved in the founding of a school and a children's home, as well as other worthy organizations.

Rev. Medlock shows no signs of slowing down, either, as he will turn 90 years young on Friday, February 28. A prime example of Rev. Medlock's untiring service to the Lord is his upcoming trip to Jamaica in April. Once there, he plans to take the good Lord's message to the Carribean island's prisons, nursing homes and orphanages.

The world is a much better place because of Rev. Medlock. His faith and humanity have influenced all who know him. I congratulate Rev. Medlock for all the good he has done and wish him the best in the years to come.

HONOR CESAR CHAVEZ: A FIGHTER FOR ALL AMERICANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. FILNER. Mr. Speaker, I rise today to introduce H.R. 963, legislation to rename the Southeastern Post Office, in San Diego, California, the ''Cesar E. Chavez Post Office.''

In San Diego, as well as across the Nation, the name Cesar Chavez symbolizes dignity, admiration, and devotion to equality and human rights. This man dedicated his life to ameliorating human rights in our country. In the 1950s and 60s, when minorities were given little or no respect or rights, Cesar Chavez cleared the path for equality.

In the early 1950s, after fighting in World War II, Chavez began his involvement in battling racial and economic discrimination against Chicanos. As his attention and personal interest focused on the poor working conditions of farm workers, he realized that his dream was to start an organization to aid these workers.

Having been a farm worker himself, he was far too familiar with the inhumane working conditions farm workers were forced to endure. In 1962, he founded the National Farm Workers Association (NFWA), and in 1965, the NFWA joined an AFL–CIO sponsored union boycott against major table and wine grape growers. Through this five year long, successful boycott that rallied millions of supporters, the NFWA merged with the AFL–CIO union and formed the United Farm Workers (UFW).2

From the beginning, the UFW followed the principals of nonviolence practiced by Gandhi and Dr. Martin Luther King, Jr. He organized peaceful demonstrations to bring attention to the farm worker's conditions. His slogan, Si se puede!, Yes, we can!, became known worldwide.

National attention to the farm workers came in 1968 when Senator Robert Kennedy visited Cesar Chavez in California after Chavez led a 25 day fast. Kennedy was right when he called Cesar ''one of the heroic figures of our time.''

Cesar continued to organize boycotts and strikes around the world against table grape growers in California. His efforts paid off when, in 1975, growers supported then California Governor Jerry Brown's collective bargaining law for farm workers, the 1975 Agricultural Labor Relations Act.

Cesar Chavez is remembered today for his continual efforts and dedication to justice and equality. As Cesar said, ''There are many reasons why a man does what he does. To be himself he must be able to give it all. If a leader cannot give it all, he cannot expect his people to give anything.'' The people of San Diego thank Cesar Chavez for always giving his all.

I urge my colleagues to support this legislation that recognizes such an honorable man by naming a San Diego Post Office in his honor.

NO SUPPORT FOR MIGUEL ESTRADA NOMINATION

SPEECH OF

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 25, 2003

Mr. RYUN of Kansas. Mr. Speaker, I rise today to note that the other body has not acted on the judicial nomination of Mr. Miguel Estrada.

The constitution provides that the other body has the power to approve the President's choice of judges. This system has worked since the inception of our nation. But now the other body is being stopped from exercising its power to confirm or not confirm Mr. Estrada. In fact, they are conducting a filibuster to keep a confirmation vote from taking place.

To have a legislative body that is simply afraid to vote is not good for democracy. What do they fear? Is Mr. Estrada unfit? If so, they should simply vote ''no.''

In America, even our suspected criminals are guaranteed due process under law and a speedy trial. But Mr. Estrada, who the American Bar Association gave its highest rating and who has a top-notch record of fairness and respect for the law,, is left to languish without even a hearing.

I urge the American people to call their Senators and tell them to give Estrada an up-or-down vote. They deserve nothing less than open and fair action.

INTRODUCTION OF THE FAIR MINIMUM WAGE ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, today I am honored to be joined by 73 of my colleagues in introducing legislation to increase the minimum wage. The legislation that we are introducing today provides for a $1.50 increase in the minimum wage, in two steps. Our bill raises the minimum wage from its current level of $5.15 per hour to $5.90 sixty days after enactment and raises it again to $6.65 one year thereafter. In addition, the legislation extends the applicability of the minimum wage to the U.S. Commonwealth of the Northern Mariana Islands. Our bill is identical to legislation introduced in the other body by the Democratic Leader, Mr. DASCHLE, and 34 of his colleagues.

The minimum wage has not increased from its present level of $5.15 since 1997. A minimum wage worker who works 40 hours a week, fifty-two weeks a year earns $10,712—almost $7,500 below the poverty level for a family of four, more than $4,300 less than the poverty level for a family of three, and $1,200

less than the poverty level for a family of two. The real value of the minimum wage today is 30 percent below its peak in 1968 and 19 percent below where it stood in 1981 at the start of the Reagan Administration. Even if the minimum wage is increased to $6.65 by 2004, the real value of the minim wage will still be below its 1981 level. However, by enacting this legislation we will restore purchasing power to minimum wage workers, better enabling them to support themselves and their families and to more fully participate in our economy.

Raising the minimum wage to $6.65 will lift the wages of seven million low-wage workers. While women makeup less than half of the workforce, sixty-one percent of the workers who will benefit from a minimum wage increase are women. One-third of the affected workers who benefit from a minimum wage increase are African American or Hispanic, though those groups together make up less than a quarter of the workforce. A minimum wage increase is especially beneficial to workers in low-wage industries and occupations, including those employed in sales, service, and food preparation, and especially those in retail trade.

A $1.50 increase in the minimum wage will add $3,000 to the annual income of full-time minimum wage workers. For a low-income family of three, $3000 means 15 months of groceries, 7 months of utilities, or tuition for a community college degree. Enacting this legislation will restore purchasing power to minimum wage workers and better enable them to support themselves, their families and the economy. Work should pay. No one who works for a living should have to live in poverty.

Mr. Speaker, a fair increase in the minimum wage is long overdue. The failure of Congress to increase the minimum wage is driving more and more working families into poverty. We owe it to them and to the Nation to act quickly on this legislation.

INTRODUCTORY STATEMENT FOR H.R. 966, DISABLED VETERANS' RETURN-TO-WORK ACT OF 2003

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. BROWN of South Carolina. Mr. Speaker, today on behalf of Mr. RODRIGUEZ, Mr. SMITH, and Mr. EVANS, I am introducing H.R. 966, the Disabled Veterans' Return-to-Work Act of 2003. This bill reinstates a VA pilot program which expired on December 31, 1995.

H.R. 966 would ensure the availability of vocational training to newly eligible VA nonservice-connected pension recipients. The program, open to those veterans age 45 years or younger, would provide disabled pension recipients the opportunity to receive training in order to return to the job market. There are many ways our veterans can and do contribute to the economy. Those veterans receiving nonservice-connected pension are in effect discouraged from seeking employment because of the needs-based structure of VA's Pension Program, whereby every dollar they earn is offset from the amount of monthly pension they receive.

Mr. Speaker, I expect the Veterans' Affairs Committee to consider this bill during the 1st Session of the 108th Congress. It is time to reinstate the pilot providing vocational training to certain pension recipients rather than requiring these veterans to rely solely on the VA pension program and health care system for the remainder of their lives. I believe the pilot program indeed will furnish data showing that many of these veterans desire independence from, not dependence on, the current nonservice-connected pension program.

CANADIAN PLEA IN AIR INDIA CASE COVERS UP GOVERNMENT INVOLVEMENT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. TOWNS. Mr. Speaker, recently, the Canadian courts accepted a plea bargain from Inderjit Singh Reyat in a case related to the bombing of an Air India jet in 1985 that killed 329 people. The plea covers up the clear and strong evidence that the Indian government itself blew up the airplane.

The book Soft Target, written by Canadian journalists Zuhair Kashmeri of the Toronto Globe and Mail and Brian McAndrew of the Toronto Star, shows that the story agreed to by Mr. Reyat matches a story first suggested in 1985 by the Royal Canadian Mounted Police (RCMP). A Sikh named Lal Singh reported that he was offered ''two million dollars and settlement in a nice country'' for false testimony in the case. He turned down that offer. There are some questions about whether the evidence in Reyat's first trial was valid, according to the National Post.

Canadian Member of Parliament David Kilgour wrote a book called Betrayal: The Spy Canada Abandoned about a Polish-Canadian double agent who was approached by the Indian government to carry out a second bombing. Soft Target shows that the Indian Consul General in Toronto knew more than the RCMP and the Canadian Security Investigative Service (CSIS) in the early hours of the investigation. Why did his daughter and wife, a friend of his who was an auto dealer, and the director of North American operations for the Indian government all cancel their reservations on the doomed flight at the last minute, Mr. Speaker?

Even if the Indian government's story that a Sikh carried the bomb onto the plane is true, it implicates them. The person they have identified is associated with a Sikh activist named Dr. Jagjit Singh Chohan, who was identified in the book Chakravyuh: Web of Indian Secularism as someone who has been supported by the Indian government and has worked at its behest, including cooperating with them on the attack on the Golden Temple in Amritsar in June 1984. Thus, even the Indian government's own version of the story places the blame squarely on the Indian government.

Back on July 26, 1992, the, India Monitor reported the arrest in Bombay of a Sikh named Manjit Singh in connection with the Air India case. The RCMP, however, said it knew of no Manjit Singh and he was not a suspect. The Indian government has been desperately trying to pin its crime on the Sikhs for years.

The Council of Khalistan has issued an excellent press release on the Reyat case. I would like to place it in the RECORD at this time, Mr. Speaker.

CANADIAN COURTS COVER UP INDIAN COMPLICITY IN BOMBING

REYAT PLEA MATCHES RCMP STORY SUGGESTED IN 1985 QUESTIONING

WASHINGTON, DC., Feb. 12, 2003.—The recent plea bargain by Inderjit Singh Reyat in the 1985 Air India crash is the result of a concerted Indo-Canadian effort to cover up the Indian government's own responsibility for this atrocity that killed 329 innocent people, said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the Sikh Nation's struggle for independence.

The book Soft Target, written by respected Canadian journalists Zuhair Kashmeri of the Toronto Globe and Mail and Brian McAndrew of the Toronto Star, clearly established that the Indian government is responsible for the bombing. The book quotes an investigator from the Canadian Security Investigative Service (CSIS) who said, ''If you really want to clear up the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved.''

Mere hours after the incident, while the CSIS and the Royal Canadian Mounted Police were still retrieving the passenger list stored in the Air India computer, Indian Consul General Surinder Malik called the Globe and Mail to tell them to look for an ''L. Singh'' on the passenger manifest. How could Malik have known this? ''L. Singh'' turned out to be a Sikh named Lal Singh. Lal Singh told an Indian newspaper that he was offered ''$2 million and settlement in a nice country'' to testify falsely against the three individuals that Canada has charged with the bombing, an offer he refused. Curiously, Consul General Malik knew more details about the case than the police did.

Malik had pulled his wife and daughter off the flight suddenly, claiming that his daughter had a paper to write for school. A Canadian auto dealer who was a friend of Malik's cancelled his reservation on the flight at the last minute, as well. So did Siddhartha Singh, head of North American Affairs for external relations in New Delhi. In addition the sister-in-law of the head of the Canadian wing of Dal Khalsa cancelled her reservations. Dal Khalsa is a political party formed by Zail Singh, who was President of India when Indira Gandhi was Prime Minister. How did all these people affiliated with the Indian government come to cancel their reservations at the last minute?

The story told in court in connection with Inderjit Singh Reyat's plea bargain matches in significant detail the story pressed upon him at the time of his initial arrest in November 1985, which he denied. An RCMP agent named Glen Rockwell told Reyat that he could get off the hook if he said that others hatched the bombing plot and sought his assistance and that he didn't know what he was doing. Reyat replied ''I didn't help killing those people. No way.'' He said that Talwinder Singh Parmar, who has since been murdered by the Indian police, wanted to send some kind of explosive device to India. These details match the ''statement of facts'' at Reyat's trial.

The Indian Consul General planted a story in the Globe and Mail claiming that Reyat was given a parcel to carry onto the flight by Jagdev Nijjar, whose brother was in the inner circle of Jagjit Singh Chohan, who claims to be a Khalistani leader, but who was exposed in the book Chakravyuh: Web of Indian Secularism by Professor Gurtej Singh IAS in letters showing that he connived with the Indian government in planning the attack on the Golden Temple in Amritsar.

Chohan is also tied to Dal Khalsa. If the Indian government really believes that Chohan's followers were involved in the incident, then why wasn't Chohan arrested when he returned to India last year?

A Member of the Canadian Parliament, David Kilgour, confirms the Indian government's involvement. In his book Betrayal: The Spy That Canada Forgot, he writes about a Canadian-Polish double agent who was introduced to Indian government agents. They asked him to join in their plot to carry out a second bombing of an Air India jet, telling him that ''the first one worked so well.''

The evidence clearly continues to show that the Indian regime blew up its own airliner to damage the Sikh freedom movement,'' said Dr. Aulakh. ''This is consistent with the pattern of Indian government efforts to protect its tyrannical rule over the minorities of South Asia''

The government of India has murdered over 250,000 Sikhs since 1984, more than 200,000 Christians since 1948, over 85,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits (the aboriginal people of the subcontinent), and others. Last March, the Indian government murdered 2,000 to 5,000 Muslims in Gujarat, according to the newspaper The Hindu. Over 52,000 Sikhs are being held as political prisoners. The Indian Supreme Court called the Indian government murders of Sikhs ''worse than a genocide.'' On October 7, 1987, the Sikh Nation declared the independence of its homeland, Punjab, Khalistan. No Sikh representative has ever signed the Indian constitution. The Sikh Nation demands freedom for its homeland, Khalistan.

''Only in a free and sovereign Khalistan will the Sikh Nation prosper. In a democracy, the right to self-determination is the sine qua non and India should allow a plebiscite for the freedom of the Sikh Nation and all the nations of South Asia,'' Dr. Aulakh said.

RENEWABLE FUEL EQUITY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise to join my colleague Mr. HUNTER of California in introducing the Renewable Fuel Equity Act. I'm grateful to my colleague for his leadership on this issue, and I look forward to working with him to build bipartisan support for this important legislation.

We all know we need to expand and diversify our production of energy from renewable resources. The legislation we have introduced today would help us do this by providing tax incentives for new renewable energy development.

Solar, wind, hydropower, biomass and geothermal energy are each potentially enormous energy resources. Every state has renewable energy potential. But the various kinds of renewable resources are not spread uniformly across the country. Current tax law creates regional and technological inequities by failing to provide uniform benefits for all renewable energy resources. For example, the Section 45 production tax credit enacted in 1992 has spurred significant new investment, but it only applies to power plants using wind power.

That's why we need to expand this proven incentive to all renewable energy sources. Clean power production provides greater reliability for our electricity system while promoting cleaner air and water. Renewable energy sources provide reliable power that is cost-effective over the long run, but their high initial capital cost discourages investment. Providing tax incentives for new renewable power production can make the difference.

The Hunter-Udall bill also offers incentives for smaller power systems, particularly those not connected to the grid, as these systems are unlikely to get an effective stimulus from the production tax credit. Under current law, the production tax credit does not apply to off-grid systems, and it is complex for a small farm or business to use. To address such situations, our legislation would make a 20 percent investment tax credit available to all small renewable technologies as an alternative.

Investment in new renewable power is good for the economy and the environment, and studies show that providing these tax incentives will spur new investment without cutting Treasury revenues. The Hunter-Udall bill makes good sense.

I look forward to working with my colleague and with Congress to get this sensible legislation passed.

HONORING THE CITY OF FAYETTEVILLE, NC AND THE FESTIVAL OF FLIGHT

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. ETHERIDGE. Mr. Speaker, today I have the privilege of introducing a resolution on behalf of the North Carolina's unanimous, bipartisan delegation honoring the City of Fayetteville and its Festival of Flight Celebration. We are introducing this resolution so that all in Congress and the entire nation can pay tribute to this city and its accomplishments.

Fayetteville's Festival of Flight will be the largest public event in the state marking the Wright Brothers' historic first flight, and it is one of only four events nationwide endorsed as a full partner by the United States Centennial of Flight Commission. The Festival of Flight will take place May 16–26, 2003, and it will feature a weekend arts festival, a military air show at Pope Air Force Base, a general aviation show at Grannis Field and an exposition with aviation displays and interactive exhibits depicting the past, present and future of flight.

Education is a focus of the Festival of Flight, and the State of North Carolina has developed a year-long curriculum to encourage students' interest in aviation and flight technology. This educational focus will culminate with 1,000 students and teachers being sponsored each day for exclusive access to the Festival's Aviation Exposition.

Mr. Speaker, the Fayetteville Festival of Flight is about dreaming big and reaching for the stars. It is a celebration of 12 historic seconds in 1903 that ushered in the era of modern aviation. Furthermore, it is a testament to the strength of this city, the power of innovation and the hope for the future.

I encourage my colleagues to sign on as cosponsors of this important resolution, and I urge this House to pass it soon.

RECOGNIZING A NATIONAL DAY OF REMEMBRANCE TO INCREASE PUBLIC AWARENESS OF EVENTS SURROUNDING INTERNMENTS OF JAPANESE AMERICANS DURING WORLD WAR II

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 26, 2003

Mr. FARR. Mr. Speaker, I rise today to acknowledge the efforts of the Japanese, German, and Italian American communities in educating the public about their experiences during World War II. I also commend my colleague, Rep. MICHAEL HONDA, for his efforts in redressing the mistreatment of many American ethnic groups during this period and specifically for sponsoring H. Res. 56, the Day of Remembrance Resolution.

Today we reflect upon the forced internment of thousands of American citizens during World War II. On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the Secretary of War to incarcerate Japanese Americans in designated areas controlled by the military.

Executive Order 9066 was decreed without the issue of formal charges, warrants or trials; this presidential decree denied thousands of citizens the due process of law that is guaranteed by the Constitution. Executive Order 9066 was born out of the misguided fear that some Japanese Americans might harbor anti-American sentiment and could possibly threaten the nation's security during a time of war.

The execution of this law devastated the lives of many Japanese Americans. More than 120,000 Japanese Americans on the West Coast were given one week's notice and told to bring only what they could carry before being forcibly removed from their homes. They were then relocated to internment camps where they lived behind barbed wire and endured such hardships as inadequate medical supplies and insufficient food and water.

Japanese Americans were not the only ethnic group faced with internal prejudice during this period. German and Italian Americans also faced significant intolerance from other Americans during World War II.

Prejudice against ethnic Americans still resonates today. The events of September 11 proved that terrorists threaten our country and our very way of life. Although some terrorists may still inhabit our homeland, we cannot threaten the liberty of every Arab-American in order to get to those that would threaten the United States. In this way, the events of November 19, 1941 are with us as much today as ever.

Today is a day of remembrance and a day of reflection. We must reflect upon the atrocities committed during World War II, upon the internment of Japanese-Americans and upon the prejudice many Americans faced during this time. And we must remember and learn from the mistakes of our past, so that we do not repeat them in the future.

NASA

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. LAMPSON. Mr. Speaker, after the Space Shuttle *Columbia* tragedy, it is clear that we are now very dependent on the Russian space program as the sole means of support for the Space Station until the Shuttle fleet returns to service.

It is certainly conceivable that the Shuttle fleet could be grounded for some time—after the *Challenger* accident in 1986, the Space Shuttle fleet was grounded for 32 months.

While the *Columbia* investigation is moving forward, there is always a possibility that the root cause of the accident may never be determined with absolute certainty.

In the aftermath of the *Columbia* accident, it may be impossible to maintain the Space Shuttle's viability without help from the Russians.

Payments by NASA to Russia to cover the costs of purchasing additional Soyuz and Progress vehicles appear to be prohibited under the terms of the Iran Nonproliferation Act of 2000.

The Iran Nonproliferation Act provides a narrow exception, allowing the President to request a waiver from Congress only to prevent the imminent loss of life or grievous injury to individuals aboard the International Space Station.

But I believe the Administration needs even more flexibility under the Iran Nonproliferation Act of 2000 to cover the costs of additional Soyuz and Progress vehicles at this time.

Therefore, I am introducing legislation today that amends the Iran Nonproliferation Act of 2000 to allow NASA to purchase additional Soyuz and Progress vehicles if the President notifies Congress they are needed to ensure the safety of the crew aboard the International Space Station and to maintain its operational viability while the Space Shuttle fleet is grounded.

The safety of our astronauts should be paramount. NASA should not be prevented from doing whatever is necessary to ensure that safety is maintained.

DR. ALLAN H. MELTZER HONORED BY RECEPTION OF THE FIRST IRVING KRISTOL AWARD

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. SAXTON. Mr. Speaker, I rise today to congratulate Dr. Allan H. Meltzer upon receiving the first Irving Kristol Award at the annual dinner of the American Enterprise Institute (AEI) last night. Dr. Meltzer's insightful lecture on international economics and the role of the United States in world affairs immediately followed an historic address by President George W. Bush.

Dr. Meltzer was recognized for his important contributions to monetary economics, economic history, and political theory. He has recently written a well-received and definitive history of the first several decades of the Federal Reserve System.

Dr. Meltzer also served as chairman of the International Financial Institution Advisory Commission, which made a series of recommendations for reform of the International Monetary Fund (IMF), World Bank, and other development banks.

He also has testified before Congress many times, including before the Joint Economic Committee on several occasions. The members of the Joint Economic Committee have benefited from Dr. Meltzer's expertise over the years, and I also appreciate his serving as a consultant to our committee. This award from the American Enterprise Institute to this distinguished scholar is well deserved.

NATIONAL PEACE CORPS DAY

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. KIRK. Mr. Speaker, National Peace Corps Day, on February 28, recognizes the important role the Peace Corps has played over the last 42 years and reaffirms our country's commitment to the mission of the Peace Corps, as vital today as it was over 40 years ago.

The first Peace Corps volunteers were sent to Ghana in 1961. When the Peace Corps celebrated its 40th anniversary 2 years ago, the United States also celebrated an important 40-year relationship with Ghana. Today, Ghana is the leading developing nation in west Africa, and thousands of Ghanians now have personal relationships with Americans which they would not have had without the Peace Corps.

Loret Miller Ruppe, the Director of the Peace Corps under President Ronald Reagan, was an impressive visionary and leader. She had the first vision of doubling the number of Peace Corps volunteers, In the army, a division consists of 10,000 soldiers. We now have 12 divisions in the U.S. Army. Loret Ruppe believed we should have at least one division in the Peace Corps. This vision of expanding the Peace Corps was renewed by President Clinton and reaffirmed by President Bush.

I want to commend the new direction of the Peace Corps for working to recruit not just the 22-year-old volunteers, but increasing the number of volunteers who are in their forties or fifties and choosing the Peace Corps as their second or third career. This new type of volunteer brings years of his or her technical expertise to places around the globe which need it most.

The Peace Corps has successfully altered its programs and the countries in which it operates to adapt to our changing times. Most recently the Peace Corps has expanded into Central Asia and the Balkans continuously working to improve the lives of countless people, while also working to improve U.S. relations with these emerging democracies.

National Peace Corps Day recognizes all Peace Corps volunteers, past and present. I would like to express my gratitude to those who have served overseas, committing 2 years of their life to their country and to democracy around the world. I would specifically like to recognize the 38 current volunteers from my district who are serving in six continents around the globe.

RECOGNITION OF LATINO AND IMMIGRANT WORKERS OF THE PHOENIX PROJECT

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. REYES. Mr. Speaker, I rise today to recognize the many Latino and immigrant workers of the Phoenix Project. This project encompassed the restoration of the west front of the Pentagon. We are all familiar with the horrific event that caused the Pentagon to require reconstruction. Perhaps less known, though, are the workers who restored the Pentagon in record time and under budget. When terrorists attacked the United States on September 11, 2001, they hoped to paralyze our country with fear, to break our spirit. The Phoenix Project, however, reflects the exact opposite. Three thousand workers, the majority of whom were from Latin America, descended upon the Pentagon with voracious energy and an unending willingness to help rebuild their newly adopted country.

The work they performed was back-breaking: pouring cement, installing plumbing lines, and hanging limestone slabs. Many traveled great distances to the Washington, DC area to work, living and sleeping in crowded hotel rooms. Despite these hardships, these workers labored tirelessly around the clock and throughout the weeks. It was evident to all that the Phoenix Project workers were incredibly proud to be involved in the restoration and renovation of the Pentagon. Their enthusiasm was infectious and quickly drove the project to completion. According to Walker Lee Evey, Program Manager of the Phoenix Project, ''Workers came to the managers and said, 'If you'll tell us to get this building rebuilt in a year, we'll do it. We can do that!' '' And do that they did, with determination and pride that is seldom seen.

I myself feel honored to stand here today and commend their actions. I am also proud to introduce a House Resolution today applauding their efforts, which, is being cosponsored by all 20 members of the Congressional Hispanic Caucus. At a time when many Americans are suspicious of immigrants, the Phoenix Project workers put aside hard feelings to fully restore this uniquely American symbol. They serve as a symbol of humanity and hope. Their motivation, devotion, and discipline should be honored by all Americans.

TRIBUTE TO LISA WALLACE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to say goodbye to a long-term staff member and good friend, Lisa Wallace, who is moving on to work for the House Resource Committee. This is an enormous loss for me and my staff because Lisa has been with me for nine years—beginning with my congressional campaign in 1994.

Throughout my years as a member of Congress, Lisa has always gone above and beyond her job responsibilities. As my Administrative Assistant, she has not only provided

advice and kept me on schedule—she has been a confidant and a friend.

Lisa first began working with me in the San Joaquin Valley of California. She and I initially spent our time out on the campaign trail driving from meeting to meeting and event to event. I noticed right away that Lisa was intuitive and able to catch on quickly to what was going on around her. This, of course, was critical during the campaign.

Lisa was her in D.C. with me when I signed the Contract With America. During that trip, I thought at times that she was unhappy. Lisa later told me she was simply overwhelmed with D.C., but excited about the prospect of living in this city where people live and breathe politics. It was only the beginning of her Washington, D.C. journey.

During one of the most difficult times in my life, when I learned my father passed away, Lisa was there to comfort me. On a lighter note, she suffered through my single life until I met my beloved wife, Ethie. She was there when I got married and celebrated with Ethie and I when our son, King, was born. Lisa is and will continue to be an important part of my life.

In closing, I am touched to have Lisa Wallace—one of the most reliable, loyal and trustworthy people I know—be a part of my team for the past nine years. I wish Lisa all the best in her bright future.

HONORING SUZY MEYER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Suzy Meyer for her leadership and service to her Southwestern Colorado community. Suzy serves as the editor and general manager of the Cortez Journal, the culmination of a long career in journalism. In addition to being a leader in the business community, Suzy also volunteers her time for numerous community activities. It is truly an honor to acknowledge her accomplishments before this body of Congress and this Nation.

Prior to joining the Journal, Suzy was the longtime editor of the Mancos Times. At the Cortez Journal, Suzy has been instrumental in the planning of the paper's new state-of-the-art production and office facilities. Taking on the business responsibilities of the Journal, Suzy oversaw the transition to the new facility and the expansion of the Journal's commercial printing business. The Journal now prints the Durango Herald and other area publications, and Suzy serves as an officer of the Colorado Press Association. For her efforts, she received the 2002 Chamber of Commerce Citizen of the Year Award.

As a writer, Suzy has won numerous awards and a reputation for addressing serious community issues. For the last fourteen years she has coordinated Cortez's annual Community Christmas Dinner to ensure that none of her neighbors must spend Christmas hungry or alone. She is an elder of the Montezuma Valley Presbyterian Church and has served on the board of ''Meals on Wheels'' for 15 years.

Mr. Speaker, it is a great privilege to recognize Suzy Meyer for her outstanding citizenship. She has taken the lead on difficult issues and projects in both her professional life and her volunteer service. Her dedication is a credit to this Nation and to her community.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. HOEFFEL. Mr. Speaker, unfortunately, I was absent for votes on Tuesday, February 25 and Wednesday, February 26, 2003, as a result of the passing of my mother, Mrs. Eleanore Hoeffel. Had I been present, I would have cast my votes as follows: Rollcall vote No. 33, ''aye''; Rollcall vote No. 34, ''aye''; Rollcall vote No. 35, ''aye''; and Rollcall vote No. 36, ''aye''.

PAYING TRIBUTE TO SUNSHINE CLOUD SMITH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to honor the memory of Sunshine Cloud Smith of Mancos, Colorado for her lifetime of dedication to the Southern Ute Tribe. Sunshine was a leader, a veteran, a tribal councilor, a spiritual mentor, and a teacher to everyone who she touched in life. It is truly an honor to recognize her accomplishments before this body of Congress and this Nation.

Sunshine was the granddaughter of Chief Ouray and a relative of Crazy Horse. As a leader, Sunshine was a visionary and opened many new doors and created wonderful opportunities for all women. She went to college at the University of New Mexico, and was married in 1940. Immediately thereafter, Sunshine served as a surgical technician in the United States Women's Army until 1945.

Upon her return to the reservation in 1948, Sunshine was elected to the Tribal Council and served as vice chairman for sixteen years. Her dedication to the tribal council laid the foundation for the tribe's present success. Sunshine has received several awards in recognition of her leadership contributions to Colorado and the Southern Ute Tribe. In 1989, Sunshine was recognized by the Governor of Colorado for her political and cultural contributions to the State. In 1999, Sunshine received the Western heritage Service Award from the Durango Pro Rodeo series. Moreover, she was a founding member of the Southern Ute Committee of Elders.

Mr. Speaker, it is with great respect that I pay tribute to the amazing life of Sunshine Cloud Smith before this body of Congress and this great Nation. Sunshine was a loving and caring mother and grandmother. She passed down many of the traditions and customs of the Southern Utes, and was a spiritual guide for all women of the tribe. Her accomplishments and contributions have truly made a difference. She will be missed by her family, friends and community.

CELEBRATING THE PROMOTION OF MAJOR SEBASTIAN ''MIKE'' CONVERTINO III TO THE RANK OF LIEUTENANT COLONEL

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. BOEHLERT. Mr. Speaker, I rise today to honor and congratulate one of my constituents, Major Sebastian ''Mike'' Convertino III.'' Major Convertino will be promoted to the rank of Lieutenant Colonel on February 28 at a ceremony in the Hall of Heroes at the Pentagon.

Major Convertino, who hails from my hometown of New Hartford, NY, has enjoyed a successful and meritorious career in the United States Air Force. Currently assigned to the Command, Control, Communications, and Computer Systems Directorate Joint Staff at the Pentagon, he began his career in the Air Force as a ROTC cadet at Union College in Schenectady. He received his Bachelor's degree in Electrical Engineering and Computer Science, and began an exciting and praiseworthy career in the Armed Forces.

Major Convertino has been decorated with a series of impressive awards, including: Meritorious Service Medal, Air Force Commendation Medal, National Defense Service Medal, Armed Forces Expeditionary Medal, Armed Forces Service Medal, Humanitarian Service Medal, and NATO Service Medal.

I am proud to have such a dedicated and talented individual hail from my district. Major Convertino represents the kind of outstanding individuals that man our Armed Forces. I wish Mike, his wife Kimberly, and their daughter Alexandra a great deal of success and all the best for the future.

On behalf of the 24th District of New York, as well as the entire House of Representatives, congratulations—you have made us all very proud.

PAYING TRIBUTE TO JACKIE SCHICK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Jacquelyn ''Jackie'' Mae Schick of Pagosa Springs, Colorado for her years of dedication as a civil servant to the town of Pagosa Springs.

Jackie has given generous amounts of her time and energy over the years as a leader in her community. She has served the Town of Pagosa Springs both as Town Clerk and with the Pagosa Springs Sanitation District, as well as the Colorado City Clerks Association, the International City Clerks Association, and the Chamber of Commerce.

Through her work as a mentor, Jackie contributes significantly to the lives of young people in Pagosa Springs. She has been a member of Eastern Star for forty years and even served as Worthy Matron in 1969. And in order to further reach out to youth, she has supported Pagosa Springs' Youth Recreation Program and sponsored the ''Rockies'' team for twelve years.

The Town of Pagosa Springs has been forever changed by Jackie's donation of time and leadership in these various capacities. Jackie also supported the 4-H Livestock Auction and worked for the County Extension office as a 4-H Agent from 1961–1962. In recognition of her service, the Pagosa Springs Area Chamber of Commerce will present her with a Lifetime Achievement Award.

Mr. Speaker, it is a great privilege to recognize Jackie Schick for her continuous dedication to the Pagosa Springs community before this body of Congress and this great nation. Her tireless efforts are to be commended as she sets an example for every community member to follow. Whether Jackie is mentoring youth, serving her town, or teaching Secondary School at the Methodist Church, she is making a difference for each and every citizen of Pagosa Springs.

CELEBRATING NATIONAL PEACE CORPS DAY

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Ms. KILPATRICK. Mr. Speaker, I rise to celebrate National Peace Corps Day on February 28, 2003 and to commend the organization and its volunteers for the important work they do around the world. Since 1961, more than 168,000 Americans have taken part in this important mission to volunteer in 136 countries. This mission is important on many levels.

The idea of the Peace Corps began in my home State of Michigan when John F. Kennedy, campaigning for President, proposed the concept in October of 1960 to a group of college students in Ann Arbor. He wanted to see how many of them would be interested in volunteering in developing countries to help in their progress and development. In March of 1961, the Peace Corps was established through an executive order signed by President Kennedy. Today, more than 40 years later, the Peace Corps remains a vital government program that helps to forge strong ties with other countries and to promote global peace.

Peace Corps volunteers give much of themselves during their assignment, and on a human level, there can be no greater service than helping to improve and making a positive difference in the lives of others. As a result of Peace Corps volunteer efforts, the ties between American citizens and those in host countries grow and remain strong long after the Peace Corps assignment has concluded. I know of no Peace Corps volunteer who has returned unchanged or unmoved by the positive work they have performed and the wonderful people they have met.

In my district, currently four volunteers are participating in the Peace Corps. They include: Ms. Kathryn L. Donahue placed in Lesotho; Mr. Brent J. Hayduk in the Ukraine; Ms. Maureen A. Magee in Gambia; and Mr. Seth W. Pickens in Haiti. I am so proud of them and the other volunteers across our nation. To all volunteers, past, present, and future, I say thank you for your dedication and for the honor you all bring to our country.

PAYING TRIBUTE TO NANCY NIXON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. MCINNIS. Mr. Speaker, it is with pride that I recognize Mrs. Nancy Nixon of Ouray, Colorado. Mrs. Nixon has helped her community in many ways, and her love for children is especially evident. She has selflessly devoted her time to giving children an opportunity to learn for more than twenty years.

Mrs. Nixon grew up in Kansas City, and lived in Los Angeles, before she and her husband, John, moved to the beautiful mountain community of Ouray, Colorado in 1975. Nancy and her husband have two children, both of whom are attending college. Since she first moved to Ouray more than twenty years ago, Mrs. Nixon has not stopped helping her community. In 1976, just one year after relocating, she was the first president of the Friends of the Library. She organized and chaired various community events, most notably Ouray Days. Now, Nancy and John and are both active with Ouray's Performing Arts Guild and Arts Council. Helping in her community seems to come as second nature to Nancy, from coaching the Speech Team and working with the swimmers, to organizing the community's parades and rummage sales.

Working with children is one of the many things for which Nancy has a special gift. She has been a teacher in all three levels of Ouray's School District. She was originally hired to teach middle school, but soon after, began to teach at the elementary school level as well. Years later, Nancy taught English in the high school, and now she runs the Ouray School Library. Using her position in the library as a springboard to help children, Mrs. Nixon has created KURA, a non-profit radio station broadcast from the school and involving many students. She has given many hours of encouragement and support to the kids whom she teaches and helps.

Mr. Speaker, it is with much honor that I recognize Mrs. Nancy Nixon before this body of Congress and this nation. Her spirit of caring is one that has given many gifts to Colorado, and will continue to do so. Ouray is lucky to have such a resource among its citizens.

INTRODUCTION OF THE PENSION SECURITY ACT OF 2003

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am pleased today to join Chairman JOHN BOEHNER in the reintroduction of the Pension Security Act. Last year, the House acted quickly in the face of corporate scandals to protect American workers' pensions by passing the Pension Security Act. Unfortunately, the Senate did not consider this bill in the last Congress which makes reintroduction necessary.

Pension protection remains a key priority for all of us, and with the new Congress, we have a real opportunity to send President Bush a comprehensive pension security bill he can sign into law. We should not have to wait for another corporate scandal before we empower workers with new protections that can help them enhance and protect their retirement security. We are committed to addressing the pension security of American workers. Workers must be fully protected and fully prepared with the tools they need to protect and enhance their retirement savings.

The Pension Security Act gives millions of Americans new tools to help them better manage and expand their retirement savings. The Pension Security Act gives workers new freedom to diversify contributions of company stock three years after receiving it in their 401(k) accounts; expands worker access to high quality, professional investment advice; allows workers to purchase retirement planning services with pre-tax dollars; empowers workers to hold company insiders accountable for abuses; and gives workers better information about their pension plans. It also includes a number of provisions to make it easier for small businesses to start and maintain pension plans and would further protect rank-and-file employees by ensuring that statutory stock options will not be subject to payroll taxes.

Last year, the Committee on Education and the Workforce and the Subcommittee on Employer-Employee Relations held a combined total of three hearings over four days to examine the collapse of Enron and to examine how to better protect pension participants. We heard testimony from Administration officials, pension experts, and rank-and-file employees.

One theme that emerged from the testimony was that pension plan participants need more tools to effectively manage their retirements. Secretary of Labor Elaine Chao stated: ''Partnered with the proposed increased ability for workers to diversify out of employer stock, investment advice services will be more critical than ever.'' We also heard testimony from Tom Padgett, a former Enron employee. During a hearing, Chairman BOEHNER asked Mr. Padgett: ''Did you receive any information, or as I would describe it, investment education from your employers or others talking about the need to diversify your account?'' Padgett responded without hesitation: ''No sir.''

Enron, like most U.S. companies today, did not provide its rank-and-file workers with access to investment advice. The Pension Security Act would fix outdated federal laws to allow employers to provide their workers with high-quality, professional investment advice as an employee benefit while making advice providers personally liable for any advice not provided in the employee's best interest. Millions of employees who have seen their 401(k) balances dwindle might have been able to preserve their retirement savings if they'd had access to a qualified adviser who would have warned them in advance that they needed to diversify.

I am concerned, as many of my colleagues are, about protecting workers and preparing them with the tools they need to protect and enhance their retirement savings. Congress made important steps forward last year with the Sarbanes-Oxley Act regarding corporate governance. That law incorporated two provisions from the original version of the Pension Security Act dealing with notice and trading during blackout periods.

Congress also passed the Job Creation and Worker Assistance Act (P.L. 107–147) that expanded the interest rate ''window'' for valuation of current liabilities in defined benefit plans. Earlier in the 107th Congress, we also passed the Pension Security Act and the Retirement Security Advice Act with bipartisan support. We also passed the landmark reforms authored by my friend and colleague, ROB PORTMAN, that gave workers more pension portability, faster vesting, and a host of other needed changes. These measures were a good start, but we need to do even more for American workers.

I am proud that we are introducing the Pension Security Act as a bipartisan measure and I am hopeful that we can continue to work with our Democrat counterparts to reach consensus on the pension reforms I have just outlined. The nation's employer-based pension system is essential to the security of American workers. We should move quickly to finish the good work we began last Congress and restore confidence in our pension system. I urge my colleagues to join with me in helping America's workers by supporting the Pension Security Act.

HONORING JOE KEESEE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to recognize Mr. Joe Keesee for his leadership in Cortez, Colorado's business community. In addition to building a successful small business, Joe has volunteered his time with a wide range of community organizations.

In 1970, Mr. Keesee bought the former Marsell Motors at the corner of Main and Beech streets in Cortez. Over the last thirty-two years, Mr. Keesee turned Keesee Motor Company into one of the top dealerships in the western United States. Mr. Keesee himself has received numerous Ford President's Awards, and his business was named Cortez Business of the Year for 2002.

A model small businessman, Mr. Keesee employs forty-three area residents and was one of the original founders of the Montezuma County Economic Development Council. He has been active in a wide range of civic activities, including the Montezuma County Fair, the Future Farmers of America Scholarship Fund, Partners, the Junior Rodeo, Boy Scouts, United Way, Race for the Cure, and Toys for Tots.

Mr. Speaker, it is a great privilege to recognize Joe Keesee for his service to Southwestern Colorado. His generosity with his time and talent reaches benefits the entire community. His involvement is a credit to small businesses.

INTRODUCTION OF THE PENSION SECURITY ACT OF 2003

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. BOEHNER. Mr. Speaker, I am joined today by many of my colleagues in introducing the Pension Security Act. One year ago, President Bush sent a clear message to Congress that he is committed to preserving American workers' pensions by calling for new safeguards to help workers preserve and enhance their retirement savings. The House responded to the President's call and passed the Pension Security Act on April 11, 2002 with strong bipartisan support. Unfortunately, the Senate did not act on the legislation before adjournment. I am pleased to reintroduce his proposal today.

One of the tragic realities of the corporate scandals of last year is that it rattled the confidence of American workers in the country's pension system—a system that by and large has served employees and their families well. A Pew Research Poll released on February 21, 2002 indicated that 77 percent of Americans believed the Enron case was an important issue, and 47 percent of them believed the worst thing about the Enron case by far was the employees had lost their retirement funds.

Even more tragic is the possibility that much of it could have been avoided. At least some of Enron's workers might have been able to preserve their nest eggs if Washington had taken some basic steps to update our nation's pension laws. We should not have to wait for another Enron or WorldCom before providing workers with new protections that can help them enhance and protect their retirement security.

As more and more employers provide 401(k) plans to their workers, rank-and-file employees are shouldering more of the risk of their investment. Unfortunately these employees rarely have the time or knowledge to actively manage these investments and most have no access to quality investment advice through their employer. Millions of employees who have seen their 401(k) balances dwindle might have been able to preserve their retirement savings if they'd had access to a qualified adviser who would have warned them in advance that they needed to diversify. The Pension Security Act would fix outdated federal laws and allow employers to provide their workers with high-quality, professional investment advice as an employee benefit, but also includes key safeguards to protect the interests of workers and investors.

That is why today, my collegue SAM JOHNSON (R–TX), chairman of the Employer-Employee Relations Subcommittee, and I are reintroducing the President's proposal on behalf of America's workers. Workers must be fully protected and fully prepared with the tools they need to protect and enhance their retirement savings.

Specifically, the Pension Security Act includes new measures that give employees the freedom to diversify their portfolio and would provide them better information about their pensions. Under the bill, employees may sell company stocks and diversify into other investment options after they have worked for their employer for three years. In addition, it requires companies to give workers quarterly benefit statements that include information about accounts, including the value of their assets, their right to diversify, and the importance of maintaining a diverse portfolio.

In addition, the Pension Security Act includes the provisions of the Retirement Security Advice Act (H.R. 2269), which passed the House in November 2001 with a large bipartisan vote. Current law continues to needlessly deny rank-and-file workers access to quality investment advisers to help them make sound investment decisions. The Pension Security Act encourages employers to make investment advice available to their employees and allows qualified financial advisors to offer investment advice only if they agree to act solely in the interests of the workers they advise. The Senate failed to act on this legislation prior to adjournment, though it passed the House with the support of 64 Democrats.

Lastly, the bill clarifies that companies have a fiduciary responsibility for workers' investments during a blackout period. Under current law, employers are not responsible for the results of workers' investment decisions. This ''safe harbor'' from liability does not apply during a blackout period. Under the Pension Security Act, employers will be responsible for the consequences of the workers' inability to control their investments if they violate their fiduciary in implementing or administering blackout periods.

Congress has taken some positive steps in the recent past to update our nation's pension laws, and this committee has been central to those efforts. Last year, Congress passed the Sarbanes-Oxley bill regarding corporate accountability, which incorporated two of the provisions in the Pension Security Act dealing with notice and trading during blackout periods. The House also passed the Pension Security Act last year by a margin of 255–163, with the strong bipartisan support of 46 Democrats. We also passed the landmark reforms authored by my friend and colleague, Representative ROB PORTMAN (R–OH), that gave workers more pension portability, faster vesting, and a host of other needed changes. We passed the Retirement Security Advice Act to give rank-and-file workers the same access to professional investment advice that wealthy executives have. But in spite of these efforts, a lot of work still lies ahead. We need to pass the remainder of the President's plan this year.

I am optimistic that common ground can be reached with Democrats because there is bipartisan support in Congress for the reforms I have just outlined. The nation's private pension system is essential to the security of American workers, retirees, and their families. Congress should move decisively to restore worker confidence in the nation's retirement security and pension system, and this reform proposal will do just that. I urge my colleagues to respond to the needs of America's workers by supporting the Pension Security Act.

PAYING TRIBUTE TO KEITH PROBST

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. MCINNIS. Mr. Speaker, it is with a solemn heart that I rise today and pay tribute to the passing of a Colorado leader by the name, Keith Propst of Merino, Colorado. Keith dedicated his life to championing the causes of America's farmers and ranchers as the President of the Colorado Farm Bureau and I would like to take this opportunity to recognize his life's accomplishments before this body of Congress and this nation.

Keith began life on the family ranch, the Bar Three, which his family started in 1876. Eventually, he took over the ranch where he raised Simmental cows and grew various crops and later began serving his fellow farmers and ranchers in 1950 when he joined the Farm Bureau. The respect he developed among his peers led to his election to the Colorado Farm Bureau Board of Directors and eventually to Bureau's presidency where Keith made positive and significant contributions to agriculture, water, and property rights. Guided by his character and common sense, he fought hard for what he believed in and also generously donated his time to the community through his role as a 4-H leader, Sunday school teacher, and youth group leader. I truly admired Keith for his willingness to stand up for the West, stand up for Colorado, and defend the Nation's farmers and ranchers, the stewards of America's bounty.

Mr. Speaker, throughout his life, Keith pursued a course of honor and distinction and I am truly honored to stand before this body of Congress and this nation and recognize Keith's life and achievements. His dedication to family, friends, and the causes he championed deserves more than our recognition; it deserves our admiration. At this time of great loss, my thoughts and prayers are with Keith's family and friends. We will miss you Keith.

PAYING TRIBUTE TO LARRY T. WIESE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise before you today to honor Larry Wiese of Mesa Verde, Colorado. Larry is the Superintendent of Mesa Verde National Park and I would like to take this moment to pay tribute to his leadership, dedication and service to the community before this body of Congress and this nation.

Larry's leadership abilities allowed him to make many key fire management decisions which contributed to the timely and proactive measures that saved our forests. In 2001, Larry approved an emergency aspect for the Chapin Boundary Fuel Break due to seasonal severity, and prevented the fire from spreading to the headquarters area of Mesa Verde National Park. Additionally, he directed fire operations to develop Park Evacuation Plan and performed monthly drills in 2002 before Long Mesa Fire, while insisting that division chiefs provide input to this plan to enable it to be more successful.

Larry also reviewed and created weekly business oversight review for Fire Program Severity expenditures in 2002 season. He approved partial park closure, restricting public access to lower Chapin Mesa due to extreme fire danger and public safety considerations. In order to provide more safety for park visitors, Larry approved construction of a 12-acre safety zone near headquarters for fire fighter and public safety.

During many fire suppression operations, Larry was an active participant. He attended briefings and communicated park priorities such as public and fire fighter safety and the protection of cultural and historical resources. Larry has proven instrumental in the efforts to protect Mesa Verde National Park. While on the job, he has responded proactively to severe environmental threats. He also has provided leadership and direction to park staff and fire operations throughout the most severe fire season in recorded history.

Mr. Speaker, I am proud to stand before this body of Congress and this great nation to recognize the honorable leadership of Larry Wiese. His proactive steps made the difference in providing for visitor and staff safety, in addition to preserving the cultural, historic, and natural resources we are responsible to protect. Larry's contributions have greatly benefited the people of his community and I am honored to have this opportunity to represent such a fine Coloradan. I wish Larry the best of luck with all of his future endeavors.

PAYING TRIBUTE TO BLOOMFIELD FIRE DEPARTMENT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize the City of Bloomfield Fire Department based in New Mexico for their service and dedication during one of Colorado's most formidable fire seasons. Last summer, the Bloomfield Fire Department played an integral role in containing the Missionary Ridge forest fire that burned over 70,000 acres in Southwestern Colorado, and today, I would like to pay tribute to their heroic efforts before this body of Congress and this nation.

When the Missionary Ridge fire first erupted last June, the citizens of the Durango community called upon the Bloomfield Fire Department to protect their loved ones, homes, and property from what would become the worst fire in the area's history. The fire began in a ditch beside Missionary Ridge Road just 15 miles northeast of Durango and grew to consume more than 70,000 acres, 56 residences, and 27 outbuildings.

Although the Missionary Ridge fire was a devastating reminder of how destructive forest fires can be, it also served to remind us of the men and women who risk their lives to protect their fellow citizens everyday. The Bloomfield Fire Department contributed 1400 man-hours as they worked for 14 days straight to contain the fire, relying on 35 firefighters, mostly volunteer. Additionally, the community of Bloomfield donated more than 16,000 pounds of supplies to those who were working to contain the Missionary Ridge Fire.

Mr. Speaker, it is with sincere admiration that I recognize the Bloomfield Fire Department before this body of Congress and this nation. I want to commend the brave volunteer firefighters and their support staff for their determination, courage, and resolve during last summer's efforts on Missionary Ridge. Without the help of this and others, the added devastation to our community, environment, and quality of life would have been unimaginable. Their tireless commitment throughout the fire season has served as an inspiration to us all and I am honored to pay tribute to their dedication and commitment to their neighbors in Colorado.

PAYING TRIBUTE TO FRED W. KLATT III

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Fred W. Klatt III of Durango, Colorado. Mr. Klatt has been a dedicated citizen and leader of the Durango community for over 18 years, and it is my honor to pay tribute to his accomplishments before this body of Congress and this nation.

Fred began his career in public office when he was elected to the Durango City Council in 1984, and was elected Mayor in 1987. Following his service to the city, Fred was elected La Plata County Commissioner in 1990, and served the county for over twelve years. While in office, Fred also dedicated his time to several civic boards within the community, including San Juan Forum, La Plata County Humane Society, Durango Area Chamber Resort Association, Durango Library Board and the Durango/La Plata County Airport Commission.

Fred has also been active in Durango's business community where he was the proud owner of Klatt Travel, a local travel agency. Utilizing his service as a County Commissioner and a small business owner, Fred paid special attention to the concerns of small business owners and worked tirelessly in advocating the minimization of government, reducing costs and becoming fiscally efficient to create a stronger county government. For his significant contributions and endeavors within the community, Fred was recognized in 2002 as Durango's Citizen of the Year.

Mr. Speaker, it is with honor that I commend Mr. Fred Klatt before this body of Congress and this great nation for his dedication to and leadership of La Plata County and the City of Durango. His contributions have greatly benefited the people of his community and I am honored to have this opportunity to represent such a fine Coloradan. I wish Fred the best of luck with all of his future endeavors.

A PROCLAMATION RECOGNIZING THE BICENTENNIAL OF THE STATE OF OHIO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. NEY. Mr. Speaker,

Whereas, the people of Ohio are commemorating Ohio's 200th Birthday on March 1, 2003; and

Whereas, they will be celebrating the Bicentennial in Chillicothe, the original capital of the great state of Ohio; and

Whereas, the residents of Ohio have molded a strong tradition of family values and a commitment to a high standard of living for Two-Hundred Years; and

Whereas, Ohio, since its inception, has developed into a growing and prosperous community dedicated to its past and future generations;

Therefore, I join with the residents of the 18th Congressional District and all of Ohio in celebrating the Ohio Bicentennial.

TRIBUTE TO MR. LEON EVANS, IN MEMORIAM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to Mr. Leon Evans who passed away Thursday, February 20, 2003 in Neptune, New Jersey. Mr. Evans was a dedicated, loving man and will be greatly missed by his friends and family.

Leon Evans was born on December 29, 1936 to the late Leroy and Virginia Evans in Little Rock, Arkansas. Mr. Evans is a man who recognized the value of education early on in life. First attending school in Little Rock, Arkansas, he continued his education at New Mexico State University, Las Cruces in New Mexico. Later, Mr. Evans furthered his studies at Monmouth University in West Long Branch, New Jersey.

Mr. Evans paid tribute to his county by serving in the United States Army from 1955 until his retirement on September 1, 1975. While in the Army, Mr. Evans was an instructor and fundamental Branch Supervisor at the U.S. Army Signal School in Fort Monmouth, New Jersey.

After Mr. Evans distinguished service in the United States Army he worked at Siemens Communication Systems Inc. Transmission Systems in Mount Laurel, New Jersey and Iselin, New Jersey from 1976 to 1984.

Mr. Evans was self-employed from 1984 through 1987 operating a communications service company. He later worked at Check-Mate Inc., where he provided his services to the Monmouth County area until his death.

In addition to his work ethic, Mr. Evans possessed a strong sense of community as exhibited by the various community memberships he held. Mr. Evan's was a member of Neptune's VFW Post #2639 and American Legion Post #266. He also served on the Democratic and Environmental Committees for Neptune Township and was a member of the Optimistic Social Club and the Over the Hill Gang.

I would also like to recognize Mr. Evans for his loving devotion to his family. He was married to his beloved wife, Wanda for 47 years. Together they raised five wonderful children, and enjoyed spending time with their seven grandchildren and great grandchild.

Mr. Speaker, Leon Evans had many friends and colleagues who affectionately knew him as hard working, dedicated, patriotic, and a civic-minded individual. His friends and family greatly enjoyed his company and will sorely miss him. On this day, I ask my fellow colleagues to join with me in honoring and remembering this extraordinary individual.

PANTHEON OF BLACK HEROES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 27, 2003

Mr. RANGEL. Mr. Speaker, in celebration of Black History Month, I rise to introduce a series of bills—a Pantheon of Black Heroes—recognizing the historic achievements and contributions of African Americans. Several of these heroes resided and worked in the Harlem area, while others inspired or lent inspiration to our community.

The Pantheon of Black Heroes is part of my continuing effort, begun years ago, to officially recognize some of America's best and brightest. Black History Month presents us with another opportunity to highlight the achievements of these men and women. It is our opportunity to ensure that our stories are told as we have lived them, and as we would have them handed down to those who follow us.

I ask that my colleagues join with me in recognizing the vast contributions of these great African Americans.

Arthur Ashe, Ralph Bunche, Roy Campanella, Shirley Chisholm, Katherine Dunham, Marcus Garvey, Althea Gibson, Lionel Hampton, Dorothy Height, Zora Neale Hurstson, Jesse L. Jackson, Sr., Dr. Martin Luther King, Jr., Thurgood Marshall, Adam Clayton Power, Jr., A. Philip Randolph, Sugar Ray Robinson, Arthur Schomburg, Betty Shabazz, Madame C.J. Walker, James L. Watson, and Malcolm X.

Daily Digest

HIGHLIGHTS

The House passed H.R. 534, Human Cloning Prohibition Act.

Senate

Chamber Action

Routine Proceedings, pages S2875–S2990

Measures Introduced: Thirty-one bills and five resolutions were introduced as follows: S. 2, S. 464–494, S. Res. 68–69, and S. Con. Res. 10–12. **Pages S2919–20**

Measures Passed:

Human Genome Month/DNA Day: Senate agreed to S. Con. Res. 10, designating April 2003 as ''Human Genome Month'' and April 25 as ''DNA Day''. **Pages S2979, S2989**

Ohio Bicentennial: Senate agreed to S. Res. 68, recognizing the bicentennial of Ohio's founding. **Pages S2978, S2989**

Read Across America Day: Senate agreed to S. Res. 69, designating March 3, 2003, as ''Read Across America Day''. **Pages S2979, S2989**

Nomination Considered: Senate continued consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. **Pages S2876–S2909**

A unanimous-consent agreement was reached providing for further consideration of the nomination at 12 noon, on Monday, March 3, 2003. **Page S2990**

Nomination—Agreement: A unanimous-consent-agreement was reached providing for the consideration of the nomination of Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims, at 5:30 p.m., on Monday, March 3, 2003, with a vote to occur thereon. **Page S2981**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a notice stating that the emergency declared with respect to the Government of Cuba's on February 24, 1996, is to continue in effect beyond March 1, 2003; to the Committee on Banking, Housing, and Urban Affairs. (PM–18) **Page S2916**

Nominations Received: Senate received the following nominations:

James B. Foley, of New York, to be Ambassador to the Republic of Haiti.

Jay T. Snyder, of New York, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2004.

Harold C. Pachios, of Maine, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2005. (Reappointment)

Elizabeth F. Bagley, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2005.

Marie Sophia Aguirre, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2003.

Marie Sophia Aguirre, of the District of Columbia, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2006. (Reappointment)

Barbara McConnell Barrett, of Arizona, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2003.

Barbara McConnell Barrett, of Arizona, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2006. (Reappointment)

Charles William Evers III, of Florida, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2003.

Charles William Evers III, of Florida, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring on July 1, 2006. (Reappointment)

Ephraim Batambuze, of Illinois, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2008.

Thomas Thomas Riley, of California, to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 22, 2005.

McGregor William Scott, of California, to be United States Attorney for the Eastern District of California for the term of four years.

1 Army nomination in the rank of general.

10 Navy nominations in the rank of admiral.

Page S2990

Messages From the House: Pages S2916–17

Measures Referred: Page S2917

Measures Held at Desk: Page S2917

Measures Read First Time: Page S2990

Executive Communications: Pages S2917–19

Executive Reports of Committees: Page S2919

Additional Cosponsors: Pages S2921–22

Statements on Introduced Bills/Resolutions: Pages S2922–79

Additional Statements: Pages S2913–16

Authority for Committees to Meet: Page S2981

Adjournment: Senate met at 12 noon, and adjourned at 6:45 p.m., until 12 noon, on Monday, March 3, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2990.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee concluded hearings on the nominations of Linton F. Brooks, of Virginia, to be Under Secretary of Energy for Nuclear Security, John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army, and Stephen A. Cambone, of Virginia, to be Under Secretary of Defense for Intelligence, who was introduced by Senator Allen, after each nominee testified and answered questions in his own behalf.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded hearings on the nominations of Ellen G. Engleman, of Indiana, Mark V. Rosenker, of Maryland, and Richard F. Healing, of Virginia, who was introduced by Representative Weldon, each to be a Member of the National Transportation Safety Board, Department of Transportation, after each nominee testified and answered questions in their own behalf.

AEROSPACE RESEARCH

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine U.S. involvement in aerospace research and technology, including recommendations of the ''Final Report of the Commission on the Future of the United States Aerospace Industry'', after receiving testimony from Senator Dodd; Jeremiah F. Creedon, Associate Administrator for Aerospace Technology, National Aeronautics and Space Administration; Robert S. Walker, Commission on the Future of the United States Aerospace Industry, and Edward M. Bolen, General Aviation Manufacturers Association, former Member of the Federal Aviation Management Advisory Council, both of Washington, D.C.; and Dennis Dietz, Boeing Company, and John Tomblin, Wichita State University National Institute for Aviation Research, both of Wichita, Kansas.

ENERGY PRODUCTION

Committee on Energy and Natural Resources: Committee concluded hearings to examine energy production on Federal lands, focusing on the oil, gas, geothermal and coal industries, and the environmental community, after receiving testimony from J. Steven Griles, Deputy Secretary of the Interior; Robert L. Bayless, Jr., on behalf of the Independent Petroleum Association of Mountain States and Independent Petroleum Association of America, Denver, Colorado; Steven F. Leer, Arch Coal, Inc., St. Louis, Missouri, on behalf of the National Mining Association; and David Alberswerth, Wilderness Society, Washington, D.C.

PUBLIC LANDS AND FORESTS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded hearings to examine S. 32, to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West; S. 203, to open certain withdrawn land in Big Horn County, Wyoming, to locatable mineral development for bentonite mining; S. 246, to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico; and S. 278, to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, after receiving Jim Hughes, Deputy Director, Bureau of Land Management, Department of the Interior; Jim Reaves, Director, Vegetation Management and Protection Research, Forest Service, Department of Agriculture; John Gonzales,

San Ildefonso Pueblo, New Mexico; Denny Gutierrez, Santa Clara Indian Pueblo, Espanola, New Mexico; and W. Wallace Covington, Northern Arizona University Ecological Restoration Institute, Flagstaff.

2004 BUDGET: FEDERAL HIGHWAY ADMINISTRATION

Committee on Environment and Public Works: Subcommittee on Transportation and Infrastructure concluded hearings to examine the President's proposed budget request for fiscal year 2004 for the Federal Highway Administration, after receiving testimony from Mary E. Peters, Administrator, Federal Highway Administration, Department of Transportation.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported an original bill entitled ''Miscellaneous Trade and Technical Corrections Act of 2003''.

2004 BUDGET: MEDICARE AND MEDICAID REFORM

Committee on Finance: Committee held hearings to examine the President's proposed budget request for fiscal year 2004 for the Department of Health and Human Services, focusing on Medicare and Medicaid reform, receiving testimony from Tommy G. Thompson, Secretary of Health and Human Services.

Committee recessed subject to the call.

AMERICA AND THE ISLAMIC WORLD

Committee on Foreign Relations: Committee concluded hearings to examine American public diplomacy with respect to Islam, focusing on the perception of the United States in the Islamic world, and American efforts to improve its image, after receiving testimony from Charlotte L. Beers, Under Secretary of State for Public Diplomacy and Public Affairs; Kenneth Y. Tomlinson, Chairman, Broadcasting Board of Governors; and Andrew Kohut, The Pew Research Center, Kenton W. Keith, Meridian International Center, and R.S. Zaharna, American University School of Communication, all of Washington, D.C.

NOMINATIONS

Committee on Governmental Affairs: Committee concluded hearings on the nominations of Clark Kent Ervin, of Texas, to be Inspector General, Department of Homeland Security, who was introduced by Senators Hutchison and Cornyn, Janet Hale, of Virginia, to be Under Secretary of Homeland Security for Management, who was introduced by Senator Dole, and Linda M. Springer, of Pennsylvania, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

The nominations of Deborah L. Cook, of Ohio, to be United States Circuit Judge for the Sixth Circuit, John G. Roberts, Jr., of Maryland, to be United States Circuit Judge for the District of Columbia Circuit, Jay S. Bybee, of Nevada, to be United States Circuit Judge for the Ninth Circuit, Ralph R. Erickson, to be United States District Judge for the District of North Dakota, William D. Quarles, Jr., to be United States District Judge for the District of Maryland, Gregory L. Frost, of Ohio, to be United States District Judge for the Southern District of Ohio, Jeremy H. G. Ibrahim, of Pennsylvania, to be a Member of the Foreign Claims Settlement Commission of the United States, Edward F. Reilly, of Kansas, Cranston J. Mitchell, of Missouri, each to be a Commissioner of the United States Parole Commission, Department of Justice, Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims, Timothy C. Stanceu, of Virginia, to be a Judge of the United States Court of International Trade, and Peter Joseph Elliott, of Ohio, to be United States Marshal for the Northern District of Ohio.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Tuesday, March 4.

GLOBAL AGING

Special Committee on Aging: Committee concluded hearings to examine issues related to global aging and its implications for the U.S. economy, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; Sylvester J. Schieber, Watson Wyatt Worldwide, and Paul S. Hewitt, Center for Strategic and International Studies, both of Washington, D.C.; and Gary L. Geipel, Hudson Institute, Indianapolis, Indiana.

House of Representatives

Chamber Action

Measures Introduced: 92 public bills, H.R. 2, 953–1044; and 29 resolutions, H.J. Res. 26; H. Con. Res. 57–76, and H. Res. 109–118 were introduced. **Pages H1459–66**

Additional Cosponsors: **Pages H1466–67**

Reports Filed: No reports were filed today.

Human Cloning Prohibition Act: The House passed H.R. 534, to amend title 18, United States Code, to prohibit human cloning by yea and nay vote of 241 yeas to 155 nays, Roll No. 39. **Pages H1407–1438**

Rejected the Lofgren motion to recommit the bill to the Committee on the Judiciary with instructions to report it back forthwith with amendments that exempt products derived from an embryo (including pluripotent stem cells) for use in various medical treatments by recorded vote of 164 ayes to 237 noes, Roll No. 38. **Pages H1436–38**

Agreed To:

Scott amendment No. 1 printed in H. Rept. 108–21, as modified, that sought to require a GAO study after consultation with the National Academy of Sciences to assess the need (if any) for amendment of the prohibition on human cloning. **Page H1423**

Rejected:

Greenwood amendment in the nature of a substitute No. 3 printed in H. Rept. 108–21 that sought to prohibit human somatic cell nuclear transfer technology to initiate a pregnancy and allow its use for medical research (rejected by recorded vote of 174 ayes to 231 noes with 1 voting ''present'', Roll No. 37). **Pages H1423–36**

H. Res. 105, the rule that provided for consideration of the bill was agreed to by voice vote. **Pages H1397–1407**

Legislative Program: The Majority Leader announced the Legislative Program for the week of March 3. **Page H1439**

Meeting Hour—Monday, March 3 and Tuesday, March 4: Agreed that when the House adjourns today, it adjourn to meet at noon on Monday, March 3 and agreed that when the House adjourns on Monday, it adjourn to meet at 12:30 p.m. on Tuesday, March 4, for morning hour debate. **Pages H1439–40**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, March 5. **Page H1440**

Committee Resignation: Without objection, the Chair accepted the resignation of Representative Brady of Pennsylvania from the Committee on Small Business. **Page H1440**

Presidential Message—National Emergency re Cuba's Destruction of Civilian Aircraft: Read a message from the President wherein he transmitted a notice stating that the emergency declared with respect to the Government's of Cuba's destruction of two unarmed U.S. registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 2003—referred to the Committee on International Relations and ordered printed (H.Doc. 108–42). **Page H1440**

Quorum Calls—Votes: One yea and nay vote and two recorded votes developed during the proceedings of the House today and appear on pages H1436, H1437–38, and H1438. There were no quorum calls.

Adjournment: The House met at 1 p.m. and adjourned at 7:03 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Sub committee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies held a hearing on Secretary of Agriculture. Testimony was heard from Ann M. Veneman, Secretary of Agriculture.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Secretary of Energy. Testimony was heard from Spencer Abraham, Secretary of Energy.

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Sub committee on VA, HUD, and Independent Agencies held a hearing on Community Development Financial Institutions. Testimony was heard from Tony Brown, Director, Community Development Financial Institutions, Department of the Treasury.

The Subcommittee also held a hearing on Office of Science and Technology Policy. Testimony was heard from John H. Marburger, Director, Office of Science and Technology Policy.

NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST

Committee on Armed Services: Continued hearings on the fiscal year 2004 National Defense Authorization budget request. Testimony was heard from the following officials of the Department of the Air Force: James G. Roche, Secretary; and Gen. John P. Jumper, USAF, Chief of Staff.

DOD BUDGET PRIORITIES

Committee on the Budget: Held a hearing on the Department of Defense Budget Priorities Fiscal Year 2004. Testimony was heard from Paul D. Wolfowitz, Deputy Secretary, Department of Defense; and a public witness.

MEDICAL LIABILITY REFORM—ASSESSING NEED TO ENACT

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Assessing the Need to Enact Medical Liability Reform.'' Testimony was heard from public witnesses.

NEW BASEL ACCORD—SOUND REGULATION OR CRUSHING COMPLEXITY?

Committee on Financial Services: Sub committee on Domestic and International Monetary Policy, Trade, and Technology held a hearing entitled ''The New Basel Accord-Sound Regulation or Crushing Complexity?'' Testimony was heard from Roger W. Ferguson, Jr., Vice Chairman, Board of Governors, Federal Reserve System; Donald Powell, Chairman, FDIC; John D. Hawke, Comptroller of the Currency, Department of the Treasury; and public witnesses.

ADMINISTRATION'S DRUG TREATMENT INITIATIVE

Committee on Government Reform: Sub committee on Criminal Justice, Drug Policy and Human Resources, hearing on ''Recovery Now: The President's Drug Treatment Initiative.'' Testimony was heard from John Walters, Director, Office of National Drug Control Policy; Charles Curie, Administrator, Substance Abuse and Mental Health Services Administration, Department of Health and Human Services and a public witness.

OVERVIEW—U.S. POLICY TOWARD WESTERN HEMISPHERE

Committee on International Relations: Subcommittee on the Western Hemisphere held a hearing on Overview of U.S. Policy Toward the Western Hemisphere. Testimony was heard from John P. Walters, Director, Office of National Drug Control Policy; and the following officials of the Department of State: Adolfo Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, AID; and J. Curtis Struble, Acting Assistant Secretary, Bureau of Western Hemisphere Affairs.

OVERSIGHT

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held an oversight hearing on ''New York's 'Sanctuary' Policy and the Effect of Such Policies on Public Safety, Law Enforcement, and Immigration.'' Testimony was heard from John Feinblatt, Criminal Justice Coordinator, City of New York; John Nickell, Officer, Police Department, Houston, Texas; Michael J. Cutler, former Senior Special Agent, New York District Office, Immigration and Naturalization Service, Department of Justice; and a public witness.

NASA'S BUDGET REQUEST

Committee on Science: Held a hearing on NASA's Fiscal Year 2004 Budget Request. Testimony was heard from Sean O'Keefe, Administrator, NASA.

BUDGET VIEWS AND ESTIMATES

Committee on Small Business: Approved Committee Budget Views and Estimates for Fiscal Year 2004 for submission to the Committee on the Budget.

OVERSIGHT—AGENCY BUDGETS AND PRIORITIES

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Agency Budgets and Priorities for Fiscal Year 2004. Testimony was heard from the following officials of the Corps of Engineers, Department of the Army: R. L. Brownlee, Acting Assistant Secretary of the Army (Civil Works); and Lt. Gen. Robert B. Flowers, Chief of Engineers; the following officials of the EPA: G. Tracy Mehan, III, Assistant Administrator, Water; and Marianne Lamont Horinko, Assistant Administrator, Solid Waste and Emergency Response; Bill Baxter, Director, TVA; Jamison S. Hawkins, Acting Assistant Administrator, National Ocean Service, NOAA, Department of Commerce; and Thomas A. Weber, Associate Chief, Natural Resources Conservation Service, USDA.

BUDGET VIEWS AND ESTIMATES

Committee on Veterans' Affairs: Approved Committee Budget Views and Estimates for Fiscal Year 2004 for submission to the Committee on the Budget.

PATIENTS SAFETY IMPROVEMENT ACT; ARMED FORCES TAX FAIRNESS ACT

Committee on Ways and Means: Ordered reported, as amended, the following bills: H.R. 877, Patients Safety Improvement Act of 2003; and H.R. 878, Armed Forces Tax Fairness Act of 2003.

SOCIAL SECURITY PROTECTION ACT

Committee on Ways and Means: Subcommittee on Social Security held a hearing on H.R. 743, Social Security Protection Act of 2003. Testimony was heard from James G. Huse, Jr., Inspector General, SSA; Barbara Bovbjerg, Director, Education, Workforce, and Income Security, GAO; and public witnesses.

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 28, 2003

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No meetings/hearings scheduled.

CONGRESSIONAL PROGRAM AHEAD

Week of March 3 through March 8, 2003

Senate Chamber

On *Monday*, at 12 noon, Senate will resume consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit. Also, at 5:30 p.m., Senate will consider and vote on the nomination of Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims.

During the balance of the week, Senate will continue consideration of the nomination of Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claims, and may consider any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: March 4, to hold hearings to examine the federal government's initiatives regarding the school breakfast and lunch programs, 10 a.m., SH–216.

Committee on Appropriations: March 4, Subcommittee on Military Construction, to hold hearings on the proposed budget estimates for fiscal year 2004 for military construction, 10 a.m., SD–138.

March 4, Subcommittee on Military Construction, to hold hearings on proposed budget estimates for the fiscal year 2004 for military construction programs, 10 a.m., SD–138.

March 5, Subcommittee on Energy and Water Development, to hold hearings to examine the Army Corps of Engineers and Bureau of Reclamation Hearing, 10 a.m., SD–124.

March 5, Subcommittee on Defense, to hold closed hearings on proposed budget estimates for fiscal year 2004 for operations intelligence, 10 a.m., S–407, Capitol.

March 5, Subcommittee on Energy and Water Development, to hold hearings on proposed budget estimates for fiscal year 2004 for the Army Corps of Engineers and Bureau of Reclamation energy and water development programs, 10 a.m., SD–124.

March 6, Subcommittee on VA, HUD, and Independent Agencies, to hold closed hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Housing and Urban Development, 10 a.m., SD–138.

March 6, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of State, 10 a.m., SD–192.

Committee on Armed Services: March 4, to hold closed briefings on current military operations, 9:30 a.m., SR–222.

March 6, Full Committee, to hold hearings to examine the Defense Authorization Request for Fiscal Year 2004 and the Future Years Defense Program, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: March 4, to hold hearings to examine the Administration's proposed Fiscal Year 2004 Budget for the Department of Housing and Urban Development, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: March 4, to hold hearings to examine the nominations of Charles E. McQueary, of North Carolina, to be Under Secretary for Science and Technology, Department of Homeland Security, Jeffrey Shane, of the District of Columbia, to be Associate Deputy Secretary of Transportation, and Robert A. Sturgell, of Maryland, to be Deputy Administrator of the Federal Aviation Administration, 10 a.m., SR–253.

March 5, Subcommittee on Communications, to hold hearings to examine implementation of enhanced 911 (E–911) services for wireless phones, 9:30 a.m., SR–253.

March 6, Full Committee, to hold hearings to examine the Federal Communications Commission's Spectrum Policy Task Force Report and major spectrum issues facing policymakers, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: March 4, to hold hearings to examine oil, gas, hydrogen, and conservation, focusing on financial conditions of the electricity market, 10 a.m., SD–366.

March 4, Subcommittee on National Parks, to hold hearings to examine S. 164, to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement, S. 328, to designate Catoctin Mountain Park in the States of Maryland as the ''Catoctin Mountain National Recreation Area'', S. 347, to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint special resources study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica

Mountains National Recreation Area, and S. 425, to revise the boundary of the Wind Cage National Park in the State of South Dakota, 2:30 p.m., SD–366.

March 6, Full Committee, to hold hearings to examine oil, gas, hydrogen, and conservation, focusing on energy use in the transportation sector, 10 a.m., SH–216.

March 6, Subcommittee on Water and Power, to hold hearings to examine S. 212, to authorize the Secretary of the Interior to cooperate with the High Plains States in conducting a hydrogeologic characterization, mapping, modeling and monitoring program for the High Plains Aquifer, and S. 220 and H.R. 397, to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois, 2:30 p.m., SD–366.

Committee on Finance: March 5, to hold hearings to examine the Administration's Trade Agenda, 10 a.m., SD–215.

Committee on Foreign Relations: March 4, to hold hearings to examine a new way to aid the Millennium Challenge Account, 9:30 a.m., SD–419.

March 5, Full Committee, business meeting to mark up proposed legislation concerning HIV–AIDS, 10 a.m., SD–419.

March 5, Full Committee, to hold hearings to examine the Tax Convention with the United Kingdom and Protocols amending Tax Conventions with Australia and Mexico, 3 p.m., SD–419.

March 6, Full Committee, to hold hearings to examine an agreed framework for dialogue with North Korea, 9:30 a.m., SD–419.

Committee on Governmental Affairs: March 6, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the status of the National Aeronautics and Space Administration's workforce and consider proposed personnel flexibilities to assist the agency in achieving its mission, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: March 6, Subcommittee on Employment, Safety, and Training, to hold hearings to examine the Administration's approach to reauthorize the Workforce Investment Act, 10 a.m., SD–430.

Committee on Indian Affairs: March 5, business meeting to consider pending calendar business; to be followed by hearings to examine the President's proposed budget for Fiscal Year 2004 for Indian Affairs, 10 a.m., SR–485.

Committee on the Judiciary: March 4, to hold hearings to examine the war against terrorism, focusing protecting America, 9:30 a.m., SD–106.

March 5, Full Committee, to hold hearings to examine the asbestos litigation crisis, 2 p.m., SH–216.

March 6, Full Committee, to hold hearings to examine ethical regenerative medicine research and human reproductive cloning, 2 p.m., SD–226.

Committee on Veterans' Affairs: March 4, to hold hearings to examine the nominations of Bruce E. Kasold, of Virginia, to be a Judge of the United States Court of Appeals for Veterans Claims, and John W. Nicholson, of Virginia, to be Under Secretary of Veterans Affairs for Memorial Affairs, 2:30 a.m., SR–418.

March 6, Full Committee, to hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Military Order of the Purple Heart, the Paralyzed Veterans of America, Jewish War Veterans, the Blinded Vererans Association, and the Non-Commissioned Officers Association, 10 a.m., 345 Cannon Building.

Select Committee on Intelligence: March 4, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

March 6, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House Chamber

To be announced.

House Committees

Committee on Appropriations, March 4, Subcommittee on Labor, Health and Human Services and Education, on Commissioner of Social Security Administration, 10:15 a.m., and on Inspector General of Social Security Administration, 11:15 a.m., 2358 Rayburn.

March 5, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on Farm and Foreign Agricultural Services, 9:30 a.m., 2362A Rayburn.

March 5, Subcommittee on Energy and Water Development, on Secretary of Energy, 10 a.m., 2362B Rayburn.

March 5, Subcommittee on Interior, on Forest Service, 10 a.m., B–308 Rayburn.

March 5, Subcommittee on Military Construction, on Air Force Construction, 10 a.m., and on Quality of Life, 2 p.m., B–300 Rayburn.

March 6, Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, on FDA, 9:30 a.m., 2362A Rayburn.

March 6, Subcommittee on Commerce, Justice, State and Judiciary, on Secretary of Commerce, 10 a.m., and on Attorney General, 2 p.m., 2141 Rayburn.

March 6, Subcommittee on Energy and Water Development, on Bureau of Reclamation, 10 a.m., 2362B Rayburn.

March 6, Subcommittee on Interior, on U.S. Fish and Wildlife Service, 10 a.m., B–308 Rayburn.

March 6, Subcommittee on Labor, Health and Human Services and Education, on Secretary of Education, 10:15 a.m., 2358 Rayburn.

March 6, Subcommittee on VA, HUD and Independent Agencies, on Corporation for National and Community Service, 10 a.m., and on Federal Citizen Information Center, 11 a.m., H–143 Capitol.

Committee on Armed Services, March 4, hearing on U.S.-Russian Cooperative Threat Reduction and Non-Proliferation Programs, 2 p.m., 2118 Rayburn.

Committee on the Budget, March 6, hearing on Members Day, 2 p.m., 210 Cannon.

Committee on Education and the Workforce, March 4, Subcommittee on 21st Century Competitiveness, hearing on "Improving Adult Education for the 21st Century," 2 p.m., 2175 Rayburn.

March 5, full Committee, to mark up the following bills: H.R. 444, Back to Work Incentive Act of 2003; and H.R. 1000, Pension Security Act, 10:30 a.m., 2175 Rayburn.

March 6, Subcommittee on Education Reform, hearing on ''Head Start: Improving Results for Children,'' 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, March 4, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled ''A Review of FASB Actions Post-Enron and WorldCom,'' 3 p.m., 2123 Rayburn.

March 5, Subcommittee on Energy and Air Quality, hearing entitled ''Comprehensive National Energy Policy,'' 10 a.m., 2123 Rayburn.

March 5, Subcommittee on Environment and Hazardous Materials, hearing entitled ''The Effectiveness of Leaking Underground Storage Tank Cleanup Programs,'' 1 p.m., 2322 Rayburn.

Committee on Financial Services, March 4, hearing on H.R. 522, Federal Deposit Insurance Reform Act of 2003, 2 p.m., 2128 Rayburn.

March 5, hearing on housing related agency budgets for fiscal year 2004, 10 a.m., 2128 Rayburn.

March 5, Subcommittee on Financial Institutions and Consumer Credit, hearing on H.R. 758 and H.R. 859, Business Checking Freedom Act of 2003, 2 p.m., 2128 Rayburn.

Committee on Government Reform, March 3, Subcommittee on National Security, Emerging Threats and International Relations, hearing on ''Combating Terrorism: A Proliferation of Strategies,'' 1 p.m., 2154 Rayburn.

March 4, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, oversight hearing entitled ''Federal E-Government Initiatives: Are We Headed in the Right Direction?'' 10 a.m., 2154 Rayburn.

March 5, Subcommittee on Criminal Justice, Drug Policy and Human Resources hearing on ''ONDCP Reauthorization and the National Drug Control Strategy for 2003,'' 10 a.m., 2154 Rayburn.

March 6, full Committee, hearing entitled ''Reorganization to Recruitment: Bringing the Federal Government into the 21st Century,'' 10 a.m., and to consider pending business, 2 p.m., 2154 Rayburn.

Committee on House Administration, March 5, oversight hearing on the Smithsonian Institution, 2 p.m., 1310 Longworth.

Committee on International Relations, March 6, hearing on The Millennium Challenge Account, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, March 4, hearing on H.R. 5, Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2003, 9 a.m., 2141 Rayburn.

March 4, Subcommittee on Commercial and Administrative Law, hearing on the Need for Bankruptcy Reform legislation, 2 p.m., 2141 Rayburn.

March 6, Subcommittee on the Constitution, hearing on H.J. Res. 22, proposing a balanced budget amendment to the Constitution of the United States, 12 p.m., 2226 Rayburn.

March 6, Subcommittee on Courts, the Internet, and Intellectual Property, oversight hearing on ''Copyright Piracy Prevention and the Broadcast Flag,'' 10 a.m., 2141 Rayburn.

Committee on Resources, March 5, Subcommittee on Water and Power, oversight hearing on the Bureau of Reclamation's Proposed Fiscal Year 2004 Budget, 2 p.m., 1324 Longworth.

March 6, Subcommittee on Energy and Mineral Resources, hearing on the following bills: H.R. 793, to amend the Outer Continental Shelf Lands Act to authorize the Secretary of the Interior to grant easements and rights-of-way on the Outer Continental Shelf for activities otherwise authorized by that Act; and H.R. 794, Coal Leasing Amendments Act of 2003, 10 a.m., 1334 Longworth.

March 6, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following bills: H.R. 273, Nutria Eradication and Control Act of 2003; H.R. 274, Blackwater National Wildlife Refuge Expansion Act; H.R. 289, Ottawa National Wildlife Refuge Complex Expansion and Detroit River International Wildlife Refuge Expansion Act; and H.R. 417, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California,10 a.m., 1324 Longworth.

Committee on Science, March 5, to meet for organizational purposes; followed by a hearing on The Path to a Hydrogen Economy, 10 a.m., 2318 Rayburn.

March 6, Subcommittee on Space and Aeronautics, hearing on A Review of Aeronautics R&D at FAA and NASA, 10 a.m., 2318 Rayburn.

Committee on Small Business, March 5, hearing entitled ''Small Business Access and Alternatives to Health Care,'' 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, March 4, Subcommittee on Highways, Transit and Pipelines, oversight hearing on Reauthorization of Transportation Research, Development and Education Programs, 2 p.m., 2167 Rayburn.

March 5, Subcommittee on Water Resources and Environment, oversight hearing on Independent Peer Review of Products that Support Agency Decision-Making, 2 p.m., 2167 Rayburn.

March 6, Subcommittee on Aviation, oversight hearing on Reauthorization of the Federal Aviation Administration and the Aviation Programs: Airports, 9:30 a.m., 2167 Rayburn.

March 6, Subcommittee on Railroads, hearing on Rail Infrastructure Policies and Reauthorization of Highways, Transit and Surface Transportation Programs, 1:30 p.m., 2167 Rayburn.

Committee on Ways and Means, March 4, 5, and 6, hearings on the Administration's Economic Growth Proposals, 2 p.m., on March 4 and 5 and 10 a.m., on March 6, 1100 Longworth.

March 6, Subcommittee on Health, hearing on the Medicare Payment Advisory Commission's (MedPAC) recommendations on Medicare payment policies, 2 p.m., 1100 Longworth.

Select Committee on Homeland Security, March 4, to meet for organizational purposes, 12:30 p.m., 2172 Rayburn.

Joint Meetings

Joint Meetings: March 6, Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs to examine legislative presentations of the Military Order of the Purple Heart, the Paralyzed Veterans of America, Jewish War Veterans, the Blinded Veterans Association, and the Non-Commissioned Officers Association, 10 a.m., 345 Cannon Building.

Next Meeting of the SENATE

12 noon, Monday, March 3

Senate Chamber

Program for Monday: Senate will resume consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

At 5:30 p.m., Senate will consider and vote on the nomination of Marian Blank Horn, of Maryland, to be a Judge of the United States Court of Federal Claim.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, March 3

House Chamber

Program for Monday: Pro forma session.

Extensions of Remarks, as inserted in this issue

HOUSE

Bass, Charles F., N.H., E300
Blackburn, Marsha, Tenn., E306
Boehlert, Sherwood, N.Y., E337
Boehner, John A., Ohio, E339
Brady, Robert A., Pa., E299, E301
Brown, Corrine, Fla., E330
Brown, Henry E., Jr., S.C., E334
Camp, Dave, Mich., E302
Capuano, Michael E., Mass., E299, E301, E321
Coble, Howard, N.C., E305
Collins, Mac, Ga., E313
Combest, Larry, Tex., E300
Cox, Christopher, Calif., E311, E313
Cubin, Barbara, Wyo., E328
Davis, Susan A., Calif., E307
English, Phil, Pa., E324, E325
Etheridge, Bob, N.C., E309, E335
Everett, Terry, Ala., E306
Farr, Sam, Calif., E317, E335
Filner, Bob, Calif., E333
Frank, Barney, Mass., E314
Gillmor, Paul E., Ohio, E307, E328
Gordon, Bart, Tenn., E333
Graves, Sam, Mo., E299, E300, E302, E302, E303, E304, E305, E306, E307, E308, E310, E312, E313, E314, E315, E317, E318, E320, E322, E323
Hall, Ralph M., Tex., E299, E301
Hastert, J. Dennis, Ill., E299, E310
Hoeffel, Joseph M., Pa., E337
Honda, Michael M., Calif., E308, E309, E314
Hunter, Duncan, Calif., E320
Inslee, Jay, Wash., E322
Jackson-Lee, Sheila, Tex., E308, E330
Johnson, Eddie Bernice, Tex., E309, E329
Johnson, Sam, Tex., E338
Jones, Walter B., N.C., E332
Kennedy, Patrick J., R.I., E304, E310, E312
Kildee, Dale E., Mich., E316
Kilpatrick, Carolyn C., Mich., E338
Kind, Ron, Wisc., E318
Kirk, Mark Steven, Ill., E304, E336
Kleczka, Gerald D., Wisc., E322
Lampson, Nick, Tex., E336
Lee, Barbara, Calif., E302, E316
Lucas, Frank D., Okla., E328
McCarthy, Carolyn, N.Y., E324
McCollum, Betty, Minn., E314
McDermott, Jim, Wash., E306, E318
McGovern, James P., Mass., E300
McInnis, Scott, Colo., E337, E337, E337, E338, E339, E339, E340, E340, E340
Maloney, Carolyn B., N.Y., E323
Matsui, Robert T., Calif., E310
Menendez, Robert, N.J., E308
Miller, George, Calif., E304, E333
Miller, Jeff, Fla., E324
Ney, Robert W., Ohio, E340
Norton, Eleanor Holmes, D.C., E321
Oberstar, James L., Minn., E332
Pallone, Frank, Jr., N.J., E315, E341
Radanovich, George, Calif., E336
Ramstad, Jim, Minn., E327
Rangel, Charles B., N.Y., E341
Reyes, Silvestre, Tex., E336
Ross, Mike, Ark., E327, E331
Rush, Bobby L., Ill., E331
Ryan, Timothy J., Ohio, E325
Ryun, Jim, Kans., E305, E333
Saxton, Jim, N.J., E311, E313, E336
Schakowsky, Janice D., Ill., E317
Schiff, Adam B., Calif., E324
Shays, Christopher, Conn., E324
Simmons, Rob, Conn., E307
Solis, Hilda L., Calif., E323
Stark, Fortney Pete, Calif., E319
Thompson, Bennie G., Miss., E311, E312, E313, E314, E316, E317, E320, E322, E323
Tiberi, Patrick J., Ohio, E306
Towns, Edolphus, N.Y., E304, E334
Udall, Mark, Colo., E325, E329, E335
Udall, Tom, N.M., E327, E331
Watson, Diane E., Calif., E303, E311, E313, E332
Waxman, Henry A., Calif., E302
Young, Don, Alaska, E300, E301

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