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# House of Representatives

The House met at 10 a.m.

Sister Benedict Kesock, O.S.B., Principal, St. Charles School, Arlington, Virginia, offered the following prayer:

Lord God, what a great idea to make us all different.

May we come to know one another and the ministry to which we have been called, especially those who meet within these great walls. You have asked us to be leaders, caretakers, role models. Be with us as our counselor and our support as we continue the journey of ministering to others and to one another in a world of turbulence. All that lies ahead of us is yet unseen.

We pray for our President and his advisors, for all those who make decisions which affect our lives on a daily basis. We pray, especially, for our military families, those who are separated at this time, for those who have lost their lives, and for their families; for the people of Iraq, for their suffering homeland.

We are a family of nations. Experience and history has taught that community formed out of diversity is dynamic and beautiful. Lord, keep us motivated and challenged that we may gain an ability to listen to one another and to grow. There can be unity and strength in our diversity. May our differences be stepping-stones to a lasting peace and to a new tomorrow.

We ask You, Lord, to renew our humanity in Your image and likeness and to introduce us into a world where all hostile forces are overcome. We pray for those who need to have a change of heart, for a world where we communicate in love, joy and peace, for and with the people of our universe.

Father, fill our hearts, our homes, our Nation, our world with peace, and let it begin with each one of us.

We especially remember this morning our dear friend and colleague Senator Daniel Patrick Moynihan and his family.

Feel the Spirit. Live the Spirit. Spread the Spirit. Lord, we are the Spirit. May it be said that the world is a better place because we are here. 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 Georgia (Mr. BURNS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURNS 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.

## WELCOMING SISTER BENEDICT KESOCK, O.S.B., PRINCIPAL, ST. CHARLES SCHOOL, ARLINGTON, VIRGINIA

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

Mr. MORAN of Virginia. Mr. Speaker, the invocation, the prayer for today, was delivered by Sister Benedict Kesock. Sister Benedict is a Benedictine Sister. She entered the Order in 1954, and for the last 29 years she has been at St. Charles School in Arlington, Virginia, 27 of those years as principal. She has served under nine pastors and three bishops. She has trained all of them and probably outlived most of them all.

Sister Benedict is an institution at St. Charles and in Arlington County, Virginia. She has dedicated her life to God and served God by teaching and inspiring and mentoring her students. It has been a labor of love the entire time, and it has been reciprocated.

In 1999, we thought we were going to lose Sister. She went to Arlington Hospital. They would not operate; they did not think it was worth it. So she went to Washington Hospital Center and got a six-way heart bypass in 1999, a six-way bypass. And she is still ticking, as you can see. She believes there must have been some reason that God saw to keep her with us.

This institution is terribly proud to have had Sister Benedict give us the invocation today. Her life is a testament to her faith.

She gave us one little story that I think some of you who may have been educated in Catholic schools might relate to. A former male student of hers was driving by the school where there is a lot of new construction going on. They were building a new center. There was an enormous construction hole in the ground. So one of the thousands of boys she straightened out, after seeing it, called her on his car phone to tell her, ''Sister, I didn't do it.'' Those of you who are listening may be able to relate to that feeling.

The fact is, Sister Benedict did do it. She has helped build a school, the new St. Charles Center and a community of faith in Northern Virginia. She has taught and inspired hundreds of students every year for nearly 30 years. She is what makes this country run so well.

Sister Benedict, thank you for everything you have contributed throughout your life; and thank you for giving us the prayer this morning.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be five 1-minutes per side.



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## VOICES OF CRITICISM

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

Mr. PITTS. Mr. Speaker, this week has reminded us that war is serious business. Each day we see our brave soldiers on TV making great progress against Saddam Hussein and his brutal regime. Now, more than ever, the troops need our support and encouragement.

Mr. Speaker, we should stay united behind our troops. Our troops do not need to hear criticism of their mission from this body or this Capitol. When their Nation's leaders question their mission, I can tell you, as a combat veteran, it is discouraging. It is tough to stay focused when the leaders you look to for strength are not in your corner.

Most people disregard professional protestors, especially when they see their placards saying ''capitalism is the problem.'' But when they hear their leaders criticizing their mission to liberate the people of Iraq from a brutal tyrant and his thugs who rule by terror, that is disheartening.

Mr. Speaker, I urge my colleagues to stop making our Capitol building a platform to criticize the war and our troops. That only hurts our troops in the field.

## ''PORKER OF THE WEEK'' AWARD GOES TO DEPARTMENT OF ENERGY

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

Mr. HEFLEY. Mr. Speaker, the Department of Energy recently hosted a flea market. They sold 23 trucks worth $448,000 for 17 cents each, a $9,000 copier for a nickel, and a drilling rig for $50,000. The sales also included motor homes, laboratory equipment, and cranes.

The sales were made under a Federal program intended to promote economic development in communities around Energy Department sites by selling surplus property to nonprofit organizations. But they sold all of this property to one single organization, the NTS Development Corporation of Las Vegas, which bought the drilling rig, paid a subcontractor $71,000 to inspect and clean it, and then sold the rig for $248,000 to an equipment broker in Texas. The equipment broker now has the rig listed for sale for $3.9 million.

While it is certainly a worthwhile endeavor for the Energy Department to promote its host communities, it is an appalling lack of judgment to sell pieces of equipment for millions of dollars below market value. The Department of Energy gets my ''Porker of the Week'' Award.

## HONORING CRAIG DURFEY FOR HIS FIGHT AGAINST AUTISM

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Craig Durfey for his tireless work in the fight against autism.

Craig is the founder of Parents for the Rights of Developmentally Disabled Children. As a father of children with autism, he knows firsthand the difficulties that come with dealing with this dreaded disease.

Today autism is a national crisis that affects nearly 1.5 million children. According to recent studies, as many as one in every 250 children born today will be diagnosed with autism. Autism costs the Nation between $20 billion and $60 billion annually, and the projection for the next 10 years will be that it will cost $400 billion.

Autistic children go to doctors three times more often than normal children, and many times families must travel hundreds of miles to see a knowledgeable doctor that understands autism.

Craig has been working tirelessly to provide funding for programs in my community and in the Nation that would train social service and law enforcement personnel on how to identify children with this type of disability.

I applaud Craig for his efforts, and I will continue to work on his behalf with my colleagues in the Congressional Coalition for Autism Research and Education to increase funding for ideas like Craig's and to find a cure for autism.

## REMEMBERING OUR AMERICAN PRISONERS OF WAR

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

Mr. RYUN of Kansas. Mr. Speaker, as our collective attention and focus is on the war in Iraq, it is critically important that we remember our troops who are prisoners of war. Allow me to read the names of these brave men and women who are now enduring life as a POW:

Patrick Miller, age 23, from Park City, Kansas;

Ronald D. Young, Jr., age 26, from Lithia Springs, Georgia;

David S. Williams, age 30, from Orlando, Florida;

Joseph Hudson, age 23, from Alamogordo, New Mexico;

Shoshana Johnson, age 30, from Fort Bliss, Texas;

Edgar Hernandez, age 21, from Mission, Texas; and

James Joseph Riley, age 31, from Pennauken, New Jersey.

Mr. Speaker, these soldiers are again proving that freedom is not free. May we all as Americans remember these brave men and women and pray for their families, their safety and their rapid return.

□ 1015

## SUPREME COURT TO RULE ON AFFIRMATIVE ACTION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, there is not a morning or a day, in light of the raging winds of war that our young men and women are facing in faraway places, that one sometimes may wonder about the importance of the work of this body. So I rise this morning to again ask our Nation to be reminded of those brave young men and women, those who are fighting, as well as those who tragically have now lost their lives and their mourning families and, as well, the POWs who are waiting to return home to their loved ones.

It seems almost that we should step aside from issues dealing with ordinary life. But I might ask, Mr. Speaker, that as our brave troops are fighting for freedom, and we respect and honor them, that on April 1, 2003, the Supreme Court will hear what I believe will be the most challenging civil rights argument in the last 50 years. Many of those troops are impacted by this argument, and that is the decision of whether or not to make affirmative action unconstitutional.

Affirmative action, as we know, is not a handout or a quota, but simply an opportunity to outreach to the many wonderfully diverse communities in this Nation so that our young people can sit in classrooms where they might learn from each other.

Mr. Speaker, I am disappointed in the administration for its position on affirmative action, and I believe as well that we must stand and be counted for the civil rights for all Americans. I hope the Supreme Court will respond accordingly.

## HONORING OUR TROOPS

(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 to pay tribute to our men and women in uniform. Thousands of miles from home in an unfamiliar land, these men and women fight for a cause much larger than themselves.

The men and women of the United States Armed Forces fighting in Iraq do so for freedom. They fight to protect the freedoms of their fellow Americans and to gain freedom and liberty for the tired and the poor and the downtrodden masses that have lived under the shadow of Saddam Hussein's tyrannical reign for decades.

As the President said about Hussein's reign this past Tuesday, ''We are fighting an enemy that knows no rules of

law that will wear civilian uniforms, that is willing to kill in order to continue the reign of fear of Saddam Hussein. But we are fighting with bravery and courage.''

Mr. Speaker, I believe today that there are no Democrats, there are no Republicans in support of our troops; there are only Americans, praying for their quick victory and their speedy return home to their loved ones.

Mr. Speaker, I thank them for their sacrifices in America's time of need.

## REVIEWS IN ON FCC DECISION REGARDING RULES GOVERNING TELECOMMUNICATIONS INDUSTRY

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

Mr. TERRY. Mr. Speaker, the reviews are in on the February 20 FCC decision on the rules governing the Nation's telecommunications companies, and they are not good. Specifically, the reviews state that the requirements to make the RBOCs networks and systems available on an unbundled and subsidized basis are unsound.

For many Members of this Chamber, economists, and industry observers, the FCC's proceeding was an opportunity to provide clear rules and regulatory rationality to an industry sector that has tumbled in recent years with job losses and reduced capital investments, which has affected a manufacturer in my district.

Unfortunately, from these reviews on this decision, the FCC has failed miserably in their attempt to revitalize this necessary industry.

Has this industry not suffered enough? Two trillion dollars of market cap, half a million telecommunications jobs lost, and $800 billion in debt have gone away. Hardware equipment and software manufacturers are stumbling.

The FCC has taken a mess and made it harder to clean up. Somebody has to fix this: Congress, the courts, maybe even a miracle itself from the FCC.

## PRESIDENT SHOULD DEFER TAX CUTS

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

Mr. FORD. Mr. Speaker, I want to make one appeal to the President and my Republican colleagues, and Democrats as well. We are a few days away, if not a few weeks away, from debating a tax cut bill that all of us wish and desire, for all of those here and those watching, could receive at home. We have one problem, though.

We have committed some 300,000 and, if the papers are to be believed this morning, an additional 30,000 troops will be deployed overseas. The President has his hands full, as does the national security team, in defining our goals clearly in Iraq. Yet their domestic team continues to try to advance an enormous tax cut, which all of us again want.

The problem we face is we have States that are struggling, we have a budget that is out of balance, we have a war that needs to be paid for, and we have all of our domestic needs.

Mr. Speaker, I ask the President in the most humble of ways: defer your tax cut, defer new spending. Let us do two things first: one, help the States; and, two, pay for this war. After that, all of the tax cuts and stimulus and spending programs that all of us may want, let us consider those things in that context.

I say to the President: defer your tax cuts, sir, and help our States.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). Members are reminded to address the Chair and not the President.

## GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1104.

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

There was no objection.

## CHILD ABDUCTION PREVENTION ACT

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 160 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. 1104.

□ 1021

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. 1104) to prevent child abduction, and for other purposes, with Mr. UPTON 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 gentleman from Virginia (Mr. SCOTT) each will control 22½ minutes; and the gentleman from Georgia (Mr. GINGREY) and the gentleman from California (Mr. GEORGE MILLER) each will control 7½ 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, sexual predators target America's children every day in large cities, small towns, and even in cyberspace. Sexual exploitation of children, a prime motive for kidnapping, is on the rise. When it comes to abduction, rape, and murder of children, the United States must have a zero tolerance policy.

H.R. 1104, the Child Abduction Prevention Act, is comprehensive legislation that directly and forcefully addresses these heinous crimes. The bill is virtually identical to H.R. 5422, which overwhelmingly passed the House last October by a vote of 390 to 24. Like so many other meritorious bills sent to the other body in the last Congress, this legislation was allowed to die by the Democrat leadership.

An abducted child is a parent's worst nightmare. We must ensure that law enforcement has every possible tool necessary to try to recover a missing child quickly and safely. H.R. 1104 not only gets the word out after a kidnapping, but it also takes strong steps to prevent them from occurring in the first place. The bill strengthens penalties against kidnapping and aids law enforcement agencies to effectively prevent, investigate, and prosecute crimes against children.

Prompt public alerts of an abducted child could be the difference between life and death for that innocent victim. Recognizing this, the bill codifies the AMBER Alert program currently in place in the Departments of Justice and Transportation and authorizes increased funding to help States deploy child abduction communications warning networks.

For those individuals that would harm a child, we must ensure that punishment is severe, and that sexual predators are not allowed to slip through the cracks of a system and harm other children.

To this end, this legislation provides a 20-year mandatory minimum sentence of imprisonment for nonfamilial abductions of a child under the age of 18, lifetime supervision for sex offenders, and mandatory life imprisonment for second-time offenders. Furthermore, H.R. 1104 removes any statute of limitations and opportunity for pretrial release for crimes of child abduction and sex offenses.

Those who abduct children are often serial offenders who have already been convicted of similar offenses. Sex offenders and child molesters are four times more likely than other violent criminals to recommit their crimes. This number demands attention, especially in light of the fact that a single child molester, on average, destroys the lives of over 100 children. In response, H.R. 1104 provides judges with the discretion to impose lifetime supervision upon such offenders.

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

forced into prostitution. H.R. 1104 works to end this.

This legislation also authorizes increased support through the National Center for Missing and Exploited Children, the Nation's resource center for child protection. The center assists in the recovery of missing children and raises public awareness about ways to protect children from abduction, molestation, and sexual exploitation.

Some have called for a stand-alone AMBER bill instead of the comprehensive approach we have taken to address the problem of child abductions in this country. I note with interest that the DCCC, the political wing of the House Democrats, have labeled provisions of the bill I have just outlined as controversial.

I do not think these provisions are controversial. Neither do the Department of Justice, the National Center for Missing and Exploited Children, or the 390 Members of Congress that voted for this bill last year. Mark Klaas, father of kidnap and murder victim Polly Klaas, supports us. Mr. Klaas said, ''I'm behind what Mr. SENSENBRENNER's doing. I like the idea of a 2-strike law for people who are committing sexual offenses against children. And what it says is that if somebody does that, they are going to spend the rest of their miserable life in prison if they are convicted a second time. I see no problem with putting it out on the floor and seeing where people fall on it.''

Those who say we need a stand-alone AMBER bill on the President's desk today do not understand the actual impact of such a bill. The fact is that much of the stand-alone AMBER bill has already been implemented and is in place right now.

The stand-alone AMBER bill calls for a national coordinator. On October 2, 2002, President Bush directed the Attorney General to designate a Justice Department officer to serve as AMBER Alert coordinator to help expand the AMBER Alert system nationwide. Assistant Attorney General Deborah J. Daniels was designated as that coordinator and for almost 6 months has been working to assist State and local officials with developing and enhancing AMBER plans and promoting statewide and regional AMBER coordination programs ever since.

The Departments of Justice and Transportation already have $12.5 million in the bank today, ready to respond and spend on AMBER programs.

Furthermore, in a March 18, 2003, letter to me, the Department of Justice stated that it has not been hampered in its efforts to implement an AMBER Alert program because of any legislation that has yet to be signed into law. Stand-alone AMBER legislation, in the words of the Department of Justice and their statement of administration policy, merely codifies current practice.

□ 1030

This Congress must do better than codifying current practice, and this bill does that. Let us be clear, if a stand-alone AMBER Alert were enacted into law today, nothing that is already being done would change. This bill merely supplants the Department of Justice general authorization with a specific authorization. It may make some feel good, but it will not help protect America's children from kidnapping and sexual abuse in the first place.

Federal money is in the pipeline for AMBER programs and is ready to be spent. A national coordinator has already been appointed. What we need now is a comprehensive legislative package that will crack down on child abductors, build and expand on the work of the National Center for Missing and Exploited Children, and give Federal authorities additional tools to prevent and to solve these horrific crimes.

I urge my colleagues to ignore the political rhetoric and to protect America's children by supporting this bipartisan and noncontroversial child protection legislation.

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

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

Mr. Chairman, I rise in opposition to H.R. 1104. I would like to be able to support the AMBER Alert part of the bill, but that bipartisan, noncontroversial part of the bill has been buried behind literally a host of controversial sound-bite-based provisions which have passed the House several times, only to die in the Senate.

The AMBER Alert portion of the bill would codify a program of grants and assistance to States and localities to establish a nationwide system of communications and alerts to assist in locating and returning missing and abducted children. The system has proven itself on the State level and would help save lives and additional heartache on a national basis.

The AMBER Alert bill has already passed the Senate unanimously and could pass unanimously in the House, I believe, absent the controversial sound bites that have been tacked on.

Last Congress, many of us warned the majority that coupling the AMBER Alert bill with controversial sound bites would mean that neither the AMBER Alert nor the sound bites would be passed, but the House passed the same kind of omnibus bill anyway; and, as expected, the whole thing died in the Senate. Yet, here we are again facing the same misguided strategy and this time again with even more reasons for the Senate to reject the bill which the AMBER Alert bill is buried in. Again, we have to protest the strategy that will again defeat the AMBER Alert system and again defeat the sound bites as well.

Mr. Chairman, I think the Senate has chosen not to consider many of the controversial items hitchhiking on the AMBER Alert bill for good reasons: more death penalties, at a time when we know the death penalty has problems; more mandatory minimums, two strikes and you are out. We are authorizing FBI wiretaps for behavior that is not even a crime; pretrial detention, lifetime supervision, and removing the statute of limitations on crimes such as adults crossing State lines to engage in consensual sex that would be a crime in the home State. I would just remind Members that any kind of sex outside of marriage is a crime in Virginia.

Virtually all of the crimes described in the bill are already crimes with significant penalties. Others have already passed the House in separate bills and are still pending in the Senate, as they have been for the last 6 years.

It is wrong to hijack the AMBER Alert bill to try to pass these things again. It will not help AMBER Alert, and it will not help pass the extraneous provisions.

It is true that the President has not waited for Congress to pass an AMBER Alert bill and has, by executive order, implemented many of the provisions of the bill. But the passage of AMBER Alert is still necessary to make the program permanent and to increase the funding of the program.

Mr. Chairman, we have letters from the National Association of Police Organizations, and I will just read two paragraphs from it:

''On behalf of the National Association of Police Organizations, representing 230,000 rank and file police officers from across the United States, I would applaud your valiant efforts in calling for an immediate passage of stand-alone AMBER Alert legislation. The recent successful recovery of Elizabeth Smart exemplifies the power of an informed public.

''In this light, legislation that will greatly enhance recovery abilities should not be tied down with additional controversial provisions and political wrangling. The Senate quickly passed S. 221 92 to nothing. Like other child abduction bills, H.R. 412 and S. 121 enjoy broad bipartisan support.''

We have other letters asking for passage of a stand-alone AMBER Alert bill from the Edward, Lois and Elizabeth Smart family and from the Polly Klaas Foundation. I would ask that we defeat the bill and take up H.R. 412, the stand-alone AMBER Alert bill.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), the author of the stand-alone AMBER Alert bill on the House side.

Ms. DUNN. Mr. Chairman, on behalf of the Smart family, the Polly Klaas Foundation, the National Center for Missing and Exploited Children, and the thousands of families still searching for their missing children, I rise today to join our chairman in offering hope that we will establish a voluntary, nationwide AMBER Alert system to find children.

I want to compliment the chairman for moving this bill so speedily through the House of Representatives.

The AMBER Alert was named after a little girl named Amber Hagerman who was kidnapped and killed by her abductor. The community rallied around her family to begin a search that resulted in the AMBER Alert program.

In 1997, a Washington State child homicide study, which examined over 600 child abduction murder cases from all over the country, found that the first 3 hours of a child's abduction are critical to bringing this child home safely. This is the reason that we are seeking an AMBER Alert program.

To date, AMBER has been credited with the safe recovery of 52 children, including, very recently, a 12-year-old California girl reunited with her family after a witness saw the car described in AMBER Alert messages transmitted across the State.

We know the AMBER Alert system works by allowing communities to tap into the resources of an educated public, prepare law enforcement and engage the media in reuniting children with their family. The media and an educated public were absolutely critical in the safe return of Elizabeth Smart.

President Bush and his administration showed strong and early support for our legislation last year and took the first steps by providing grants to States and localities to help establish AMBER Alert programs. It is now time for Congress to codify AMBER Alert and provide additional funding to power all communities with the tools and resources to react quickly to child abductions and bring these children home safely to the arms of their parents.

We witnessed a very joyful reunion of Elizabeth Smart and her family 2 weeks ago. I know that President Bush is committed to signing AMBER Alert into law very soon. I also know that our leadership will keep its commitment not to allow it to languish in a conference committee.

Mr. Chairman, would it not be wonderful never again to have to name another piece of legislation after a little child who died? I urge our opponents and supporters everywhere to get together with us on AMBER Alert. It is a wonderful opportunity to establish a great system. Let us support this legislation today.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. COBLE), the chairman of the Subcommittee on Crime, Terrorism and Homeland Security.

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

Mr. COBLE. Mr. Chairman, I thank the gentleman for yielding time to me.

The gentleman from Wisconsin has pretty thoroughly examined this bill. I just want to reiterate that this legislation is good policy. It has the potential to protect and save lives, the lives of the most innocent among us.

H.R. 1104 is divided into three titles to improve the law related to child abductions by addressing sanctions and offenses, investigation and prosecution, and public outreach. The legislation sends a clear message that child abductors will not escape justice.

Title I, ''Sanctions and offenses,'' strengthens the penalties against kidnapping by providing for a 20-year mandatory minimum sentence of imprisonment for nonfamily abductions of a child under the age of 18. This title also requires lifetime supervision for sex offenders, which is similar to a bill that passed the House last year 409 to 3.

Also included is a provision that requires mandatory life imprisonment for second-time sex offenders that also passed this body 382 to 34 last Congress. In addition, this title directs the U.S. Sentencing Commission to increase offense levels for crimes of kidnapping and adds child abuse that results in death as a predicate for first degree murder.

Title II, ''Effective investigation and prosecution,'' gives law enforcement agencies the tools they need to enforce the laws against child abduction. This title adds four new wiretap predicates that relate to sexual exploitation crimes against children which previously passed the House 396 to 11 last Congress. The title also provides that child abductions and felony sex offenses can be prosecuted without limitation of time and provides a rebuttal presumption that child rapists and kidnappers should not get pretrial release.

Title III, ''Public outreach,'' establishes a national Amber Alert program based on the bill of the gentlewoman from Washington (Ms. DUNN) and the gentleman from Texas (Mr. FROST) to codify the AMBER Alert program currently in place. This is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child-abduction cases. The goal of the AMBER Alert, as has been explained, is to have the assistance of millions of people in the search for an abducted child.

This title also increases support for the National Center for Missing and Exploited Children, the Nation's resource center for child protection, by doubling its authorization to $20 million.

Furthermore, Mr. Chairman, the title authorizes COPS funding for local law enforcement agencies to establish sex offender apprehension programs within their States.

Mr. Chairman, the recent wave of high-profile child abductions illustrates the tremendous need for this legislation in this area. The criminals breach the security of our homes to steal, molest, rape and kill our children. Immediate action is necessary.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 6 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. Chairman, I thank the distinguished gentleman from Virginia for yielding time to me, and I particularly thank him for his very thoughtful remarks on a very important legislative initiative.

I would like to thank my colleague and friend, the gentleman from Texas (Mr. FROST), and the gentlewoman from Washington (Ms. DUNN) for their insight and leadership on an AMBER Alert national bill and my colleague and friend in the other body from the State of Texas, likewise, for the leadership on this issue.

Mr. Chairman, I am going to eventually vote for final passage. I think it is important to get that on the record. But I also believe it is important to acknowledge the fine analysis the gentleman from Virginia (Mr. SCOTT) has given to this legislation and to be able to share with my colleagues why it is extremely important that we use a different approach in this House.

Many times we are viewed as both partisan and singular in perspective as it is directed to the two bodies that are called Congress. Many times our legislative tactics are perceived as one-upsmanship, or ''got you.'' I believe it is important in the instance of this legislation as it initially started out, the AMBER Alert bill, to really be both bipartisan, bicameral, and to respect the underpinnings and the importance, if you will, of passing a clean AMBER Alert bill.

I was disappointed in the Committee on Rules, in the typical response that one receives, in not having an amendment that had to do with added funding for our Juvenile Division in the Department of Justice.

As the war is raging in Iraq, we find there are troubling times in many of our cities as it relates to gang warfare. Many of us thought that we had overcome that over the past years, but in Los Angeles in particular I have had a number of colleagues indicate the tragedies that are going on with the intense gang wars. I believe the more monies that we can invest in rehabilitating our youth, in providing mentoring programs for our youth, that is a good investment. That amendment was not accepted.

But since the process was opened, the amendment was offered. I would have been willing, Mr. Chairman, to have eliminated all efforts at amendment so that a freestanding AMBER Alert bill could be passed. What does that mean? It does not mean that the viable provisions that have been added to this legislation do not have merit. I believe they sufficiently have enough merit that we could proceed with them independently in a separate bill.

My understanding is that the other body is not going to take this bill as it is. There may be the thought that we will go into conference, and what that will do is to cause a delay. I believe

that, in formulating legislation, we should be listening to those that we represent.

I would like to share the words of the Polly Klaas Foundation that urges Congress to pass immediately H.R. 412, a freestanding bill.

''H.R. 412 is a popular bipartisan bill from MARTIN FROST and JENNIFER DUNN that would establish a national AMBER Alert network.''

□ 1045

The bill needs to stand as it is, as a Senate-passed stand-alone AMBER bill months ago, and the House should do the same. Every day that the AMBER Alert bill languishes, so does the safety of our children.

As one who can see the AMBER Alert system working in Texas, Mr. Chairman, I can tell my colleagues that it has amazing results when the flashing lights on freeways show that those who are traveling those freeways can immediately respond to local law enforcement. That is what the AMBER Alert does.

Clearly I would say that in the Elizabeth Smart case, her father indicated his desire to see a freestanding AMBER Alert bill passed, and he indicated that the community was largely, in part, the result or the basis upon which Elizabeth Smart was found.

This bill has an expansion of the death penalty. They may be valuable, but we should have separate hearings on that.

This bill increases mandatory sentences. They could be valuable, but we should have separate hearings on that.

This bill expands wiretap authority; and even though I believe child predators are the worst, we should have separate proceedings on that and separate freestanding bills.

The fact that this bill eliminates the statute of limitations is a problem. Eliminating pretrial release should be addressed, although I wholly agree with the idea that we should separate predators from our community. But all of these matters, Mr. Chairman, I believe require an independent assessment and would do well in this body and the Senate if they were freestanding.

The only thing we do today is to get probably an enormous vote in favor, and that will probably occur; but what we do is we stall the process of a legislative initiative that could move quickly through both bodies, and I believe that is not the task of legislators who are sincere about their work on behalf of constituents. I think it is important, Mr. Chairman, that we bifurcate our work, move a freestanding AMBER Alert bill along and begin to assess these very reasonable additions in a freestanding bill so that we can have finally signed by the President of the United States the AMBER National Alert System that so many cities and counties and States need and the funding that goes with it and, might I add, the additional funding that might come as it relates to other entities that we are interested in.

I would ask my colleagues to speak to the issue of a freestanding AMBER Alert bill and bring this bill back. I wish we could have a motion to recommit to bring it back.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds just to point out that neither the Senate-passed stand-alone AMBER Alert bill nor its companions in the House establish a mandatory national AMBER system. All of the bills are voluntary. The States can apply for grants. It is my hope that they will do so.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I have been tracking the progress of this bill for some time now, and I applaud the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary. My district had a young girl missing for most of this month, a 14-year-old girl by the name of Lindsay Ryan. It was alleged that she was, in fact, abducted by a convicted murderer, and Michigan's AMBER Alert was initiated.

I called the county sheriff, Joe Underwood, a fine professional, as I tried to lend him my moral support. As I talked with him, I asked him the question of what could I do to help. He shared his frustration that other States did not have a system like we have in Michigan. He felt that, in fact, if other States, and there are 12 that have no AMBER Alert system at all, but if other States had a system like Michigan, the word would have gotten out right away. My district is right along the Indiana border, very close to Illinois.

After our conversation, I called the Committee on the Judiciary; and in fact, they told me about this piece of legislation which I cosponsor. I am delighted to say that it is on the House floor today, and there is good news.

Just like there was good news with Elizabeth Smart last week, there was good news this week with Lindsay Ryan. She was found alive, alive because California had a system. It was probably the good work of a Frito-Lay truck driver that, in fact, spotted the vehicle, and the police were able to get to the scene and rescue Lindsay Ryan, who is now with her family alive and hopefully well.

We want to prevent this tragedy for other families, whether they be in Michigan or North Carolina, Wisconsin or any other State. An AMBER Alert system nationwide is needed, for this family, for every family; and I would urge my colleagues to pass this legislation so that, in fact, we can use the eyes and ears of millions of Americans looking to prevent a nightmare that no family ever wants to have happen in their community or certainly in their family.

Mr. SCOTT of Virginia. Mr. Chairman, could the Chair advise us as to the amount of time remaining on both sides?

The CHAIRMAN pro tempore (Mr. HOEKSTRA). The gentleman from Virginia (Mr. SCOTT) has 12½ minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8¼ minutes remaining.

Mr. SCOTT of Virginia. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT. Mr. Chairman, I thank the gentleman from Virginia for yielding time; and I hate to disappoint my good friend, the gentleman from Michigan (Mr. UPTON), to advise him that our fear is that by burdening this bill down with various provisions, other than the AMBER Alert provisions, it will follow the same route that it has followed in the past.

It will be passed here in the House, it will go to the Senate, and it will not receive action because the AMBER Alert part of this bill is burdened with other bills which we have passed many times on this side, but have never been taken up, and the Senate has refused to take them up on the other side. So while I applaud his efforts to support the AMBER Alert part of this bill, doing it in the way that we are doing it is probably the kiss of death for the bill.

Before I go on that, I want to take a moment to praise the efforts of my good friend and colleague from Virginia who for the last 11 years has been the voice of sanity in the criminal law area. He has sat in hearing after hearing after hearing and taken politically difficult positions on bills, trying to reinforce to us that everything that sounds good, that may be politically popular, is not an effective crime tool; and he has done it at a time, on a sustained basis, when many of my colleagues have used as their spring, summer, fall and winter exercises the politically popular exercise of beating on their chest and saying I am hard on crime, without considering the consequences of what they are voting for.

Again, parts of this bill today do exactly the same. I am struck by the argument that the chairman of our committee has put forward to us. On the one hand, he says the AMBER Alert part of this bill really does nothing that is not already able to be done, and then I scratch my head and I said, well, if that is the case, why are we even here doing the AMBER Alert part of this? Is the AMBER Alert part of this bill, which all of us feel so strongly about, which all of us would vote for in a heartbeat if it were a stand-alone bill, is it being used as a bus to load on all of these other controversial provisions that otherwise would not be considered?

If these other provisions have merit, let them be considered as separate stand-alone bills, let us evaluate them, let us evaluate their impact on reducing crime and addressing the problems that exist in our Nation, and let the

Senate and the House vote on those things separately.

What we appeal to the leadership to do and have been for the last 3, 4, 5 weeks is to give us an AMBER Alert bill that is a stand-alone bill, that could pass this House by unanimous consent. There would not be one dissenting vote. And not only would it pass this House by unanimous consent; it would go to the Senate, and the Senate would pass it immediately, probably this week; and it would go to the President's desk and be signed into law probably early next week.

Instead, what we have done is used the AMBER Alert part of the bill as a vehicle to bring other more controversial provisions into a debate; many of those provisions have already been passed by this House and sent to the Senate and have languished there in the past. We have done this before.

The question is why are we doing it again? Is there some real motivation that is different than the one we understand or is there a real desire to pass the AMBER Alert part of the bill? If there is, I would appeal to my colleagues to let that bill, release it, do not hold it as a hostage. Release that bill, and let it stand on its own. Let us vote on it. Let us send it to the Senate; let them vote on it. Let it be sent to the President for signature, and then we would have a national AMBER Alert bill that does and gives us the benefit of that system for the States that wish to use it.

I appreciate the gentleman yielding time; but more importantly, I appreciate him standing and fighting for things that make sense in the criminal justice context, rather than just things that are politically popular, that allow us to beat on our chest and say we are hard on crime regardless of the impact on reducing crime.

Mr. GINGREY. Mr. Chairman, I yield myself 2 minutes.

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

Mr. GINGREY. Mr. Chairman, I rise in support of H.R. 1104, the Child Abduction Prevention Act, which provides for the national coordination of the AMBER Alert communications network and strengthens criminal penalties for kidnappers, child molesters, and the sexual exploitation of children.

This legislation also provides double, double the current authorization funding for the National Center for Missing and Exploited Children, which serves as the Nation's resource center to aid in finding and rescuing missing and exploited children and helping their families in their time of need.

In section 305 of H.R. 1104, the Committee on Education and the Workforce, of which I am a member, authorizes $20 million for the National Center for Missing and Exploited Children for fiscal years 2004 and 2005. Again, this is double the current level of funding.

As the Nation's resource center for missing and exploited children, the center carries out many important responsibilities that provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children. The center is active both nationally and internationally.

Mr. Chairman, it is important to note the center does not investigate abducted, runaway or cases involving sexually exploited youth, but receives leads and relays them to various investigative law enforcement units.

In an effort to assist law enforcement, the center offers both technical assistance, information dissemination, and advice. It also offers a free consulting service to agencies by expert retired law enforcement officers who are skilled in investigating cases involving sexual abuse of children and child abduction.

□ 1100

Mr. Chairman, I could continue on about the need for the Center for Missing and Exploited Children, but in the interest of progressing this debate, I would like to urge my colleagues to support this bill.

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

Mr. SCOTT of Virginia. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Illinois (Mr. DAVIS) for purposes of control.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I would like to be associated with the comments that were just made by the gentleman from Georgia (Mr. GINGREY). I rise in strong support of the AMBER Alert provisions of this bill to prevent child abduction and to then do all we can in finding the child. A nationwide AMBER Alert would allow all of America to have the information to assist the family, the community, and the local police in finding a missing child. If already in place, the two Bradley sisters from Chicago would have been located.

Like most stories of missing children, 10-year-old Tionda and 3-year-old Diamond disappeared without a trace, without anyone seeing where they went or who they went with. On Friday, July 6, 2001, Tionda had left a note telling their mother that she and her sister were going to go to the store and then go to the school playground. Several neighborhood children have told police that they did see the sisters playing outside their complex around noon that day. Sadly, no one has seen them since.

The neighborhood surrounding their home and even Lake Michigan has been searched with only disappointing news. No clues, no evidence has been found to place either child. It has been 659 days since this mother has seen her two daughters. I urge America to go to the Bradley's Web site and see if you have seen either one of them.

Mr. Chairman, all of America would be benefited by the AMBER Alert system put in place now.

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

Mr. GINGREY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HOEKSTRA), the chairman of the Subcommittee on Select Education.

Mr. HOEKSTRA. Mr. Chairman, I rise in support of H.R. 1104, the Child Abduction Prevention Act, which strengthens the punishment and consequences of criminals who dare to harm our children. An important provision of H.R. 1104 doubles the authorization level for the National Center for Missing and Exploited Children, which serves as the national resource center and clearinghouse to aid missing and exploited children and their families.

The Center is a private, nonprofit organization, mandated by Congress, working in cooperation with the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice. It is a critical resource for aiding the over 18,000 law enforcement agencies throughout the Nation in their search for missing children.

According to statistical data from the National Center for Missing and Exploited Children, from its inception in 1984 through the end of 2002, the Center handled 1,718,784 telephone calls through its national Hotline 1–800–THE-LOST. It trained 179,685 police and other professionals and distributed over 27 million issue-based publications. The Center has also worked with law enforcement on 87,513 missing child cases, resulting in the recovery of over 71,000 children, an incredible success rate of more than 80 percent.

The National Center for Missing and Exploited Children is uniquely positioned to access vital information to aid in the search and recovery of missing kids. It is the only child protection nonprofit organization with access to the FBI's National Crime Information Center Missing Person, Wanted Person and Unidentified Person Files, the National Law Enforcement Telecommunications System, and the Federal Parent Locator Services. Additionally, it is the only organization operating a 24-hour, toll-free Hotline for the recovery of missing children in cooperation with the U.S. Justice Department. It is also the sole organization operating a 24-hour, toll-free child pornography tip line in cooperation with the U.S. Customs Service and the U.S. Postal Inspection Service.

Please join me in voting for and supporting H.R. 1104.

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

I rise in opposition to H.R. 1104. While I am happy to have this time to speak on the floor, I am very disappointed that the Committee on Education and the Workforce did not debate this issue before it came to the

floor. Members on the Committee on Education and the Workforce wanted to review the provisions in the bill that are under our committee's jurisdiction.

It is clear that the AMBER Alert system is highly effective and should be made available nationwide. However, I believe we need a clean AMBER Alert bill; and, once again, my colleagues on the other side of the aisle have failed to bring forth a clean bill. Instead, they have opted to load it up with extra provisions that they know will not be accepted by the other body.

This important legislation could have been passed 6 months ago, but instead today we are considering legislation that is broad and controversial. The controversial provisions include the expansion of the death penalty, mandatory minimum sentencing, criminalization of traveling with a criminal intent, the two-strikes-and-you-are-out provision, the expansion of wiretap authority, the eliminations of the statute of limitations on sexual abuse cases, and eliminating pretrial release.

Mr. Chairman, are all these provisions really necessary to help find and protect missing children?

That is why I have supported and will continue to support the bipartisan Frost-Dunn AMBER Alert Act which will strengthen the AMBER Alert program immediately. The Frost-Dunn bill provides $25 million in grants and works to build a seamless network of local AMBER plans. What our local communities really need is more resources to increase highway signs, to educate and train law enforcement, and to gain additional equipment. This bill is the clean legislation that we should be considering today.

Mr. Chairman, I urge Members to vote ''no'' on H.R. 1104, and I demand that we look at a clean AMBER Alert bill.

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

Mr. CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8¼ minutes remaining, the gentleman from Illinois (Mr. DAVIS) has 6 minutes remaining, the gentleman from Georgia (Mr. GINGREY) has 3½ minutes remaining, and the gentlewoman from California (Ms. WOOLSEY) has 5½ minutes remaining.

Mr. GINGREY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYCE), who is a cosponsor of this very important piece of legislation.

Mr. ROYCE. Mr. Chairman, I rise in strong support of this legislation, which, of course, includes the AMBER Alert bill.

Last September, President George Bush took immediate action to help expand and improve the AMBER Alert system; and he provided a total of $10 million from existing funds in order to expand and develop the AMBER training and education programs and in order to upgrade the emergency alert system. I support President Bush's efforts, and I urge Congress to pass this important bill so that we can continue our efforts to ensure that an AMBER Alert system will be there for all of our Nation's children.

As we witnessed, AMBER plans have worked to bring home children safely; and I wanted to share one particular story about a 10-year-old girl from Riverside, California, named Nicole Timmons. We have the system in California, but, luckily, neighboring Nevada also picked up this alert; and on the Nevada radio stations they reported that Nicole had just been kidnapped by an individual and gave a certain amount of information. Luckily, a very alert citizen in Nevada was listening to this broadcast as he was driving next to the vehicle that Nicole was being transported in, being abducted in. He noticed that the driver was behaving rather suspiciously, and he noticed this 10-year-old girl. As a consequence, he immediately notified law enforcement. They moved in, and they rescued Nicole.

What is important here is in 75 percent of the cases where a young child is killed by an abductor, that murder occurs within the first 3 hours. That is why it is necessary that these alerts go up immediately to give other citizens a chance to help apprehend, to help report suspicious behavior, to help look for that abductor.

Of course, we have to ask ourselves, what if Nevada had not picked up the California alert? That is why we want to expand it across the Nation.

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is unfortunate that we will delay the opportunity to find Tionda and to find Diamond. We will delay the opportunity because, instead of having a simple, clean AMBER Alert bill that could be passed immediately in both Houses, we have a complex, complicated, bogged-down bill with all kinds of impediments and extraneous items in it that makes it very difficult for individuals to support if they also want to support a judicial system that deals in a rational, logical, sane, sensible, less-than-punitive way.

I do not know if it is going to be possible to change that, but I would certainly hope there would be some way to extricate, to take out those onerous portions of the bill so that we can move ahead and find missing children, find children who are away from their parents, find children that we do not know where they are. So I would hope when the end comes, we will come to an alert system that puts us on the track to find missing children.

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

Mr. GINGREY. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BURNS) a member of the Committee on Education and the Workforce.

Mr. BURNS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to express my support for H.R. 1104, the Child Abuse Prevention Act. This legislation is critical for the protection of the greatest resource in America, our children. The bill increases the authorization funding for the National Center for Missing and Exploited Children. It serves as a resource Center and a national clearinghouse to aid missing and exploited children and their families.

The National Center for Missing and Exploited Children operates a 24-hour Hotline to report information on missing children; and, through that Center, the information is sent out to law enforcement agencies both here and abroad. The Center verifies information on missing children entered in the FBI's National Crime Information System and instructs law enforcement in the proper handling of these cases.

The act also provides national coordination of the AMBER Alert system, which has already proven successful in multiple States by allowing law enforcement to put out an immediate bulletin when a child has been reported missing.

Finally, and most importantly, this bill dramatically increases the penalties for people who would harm children or use them in pornography. These penalties should be the most severe that society can deliver for such disgusting crimes against our children.

Ms. WOOLSEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, as the chairman and founder of the Congressional Caucus on Missing and Exploited Children, I am proud to be part of this overall issue of child abduction. Missing and exploited children is an issue that I became critically aware of within a few months after coming to Congress when, in 1997, Laura Kate Smither was abducted from her neighborhood, and 2½ weeks later her body was found in a drainage ditch.

Following that, I came back here and met with my staff, and one of my staff had been a volunteer with an organization called the National Center for Missing and Exploited Children during high school.

□ 1115

I quickly went over to the center and met Ernie Allen and have become a good friend of Mr. Allen, who is the president and CEO of that wonderful organization. I think I have found more in that organization than what I ever dreamed of being able to find. It does some amazing work. They have helped raise the overall level of awareness, which is the goal of the congressional caucus since we have formed it in 1997, now with about 150 members.

I am proud of the fact that there are bills, many different bills, plural, that are up on the floor and that are being discussed. Obviously, I too wish that we could take some of them separately. I think the AMBER Alert would instantly become law. We have had that debate; and now we are debating H.R. 1104, of which I am a cosponsor. And I

do ask and urge the passage of H.R. 1104.

The national center does so much varied work in providing their hotline, in providing assistance to communities, to families, to law enforcement, the magnificent work that it has done through its image enhancement activities that have helped find children years later after they were taken. There are a significant number of extremely dedicated, powerful people that they have put together and formed efforts to get information into our schools with curricula that will change the lives of children, with the law enforcement training through the Jimmy Ryce Law Enforcement Center, which offers free training activity to any chief executive of any law enforcement agency in the United States, a powerful organization. The $20 million that we are asking for in fiscal years 2004 and 2005 will be some of the best money that this Congress can possibly spend. I urge the passage of H.R. 1104.

Ms. WOOLSEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I rise in support of the Child Abduction Protection Act and thank my California colleague for yielding me this time. I am a proud supporter of the AMBER program, which was created in Arlington, Texas. Everyone knows the history of the AMBER program, named for Amber Hagerman; but I am particularly proud that about 3 years ago our office in Houston started working on getting our radio network and the law enforcement in Houston, Texas, together.

I have a former staff member who now works for our leader, NANCY PELOSI, Cindy Jimenez, who was instrumental in this. And now in Houston not only this week was the AMBER Alert activated in Houston and a 14-year-old girl returned safely yesterday, but we have used it well over a half a dozen times in my community. My community, I say. We share eight Members of Congress, so it is a large community.

The sooner the word gets out that children are abducted, the better the chances of them being brought home. Particularly in my area we made sure we did it in both Spanish and English. We have had some tragedies in my area that are predominantly Hispanic, so it has to be in both languages, or any language that is available in the community.

H.R. 1104 makes grants to States. Again, we need it for the State of Texas as a whole. I express my disappointment that it has been bogged down, but I intend to support the full bill.

Mr. Chairman, I rise today to voice my support for the Child Abduction Protection Act, which includes language to improve the Amber program.

I am proud supporter of the AMBER program, which was created in Arlington, Texas. The AMBER Plan is named in memory of nine-year-old Amber Hagerman. In 1996, Amber was abducted while playing near her Arlington, Texas home. She was later found murdered.

In response to community concern, the Association of Radio Managers, with the assistance of area law enforcement, created the AMBER Plan to give listeners timely information about area child abductions. The plan calls for law enforcement agencies to provide radio stations with an alert upon the immediate confirmation of a child's abduction. All participating radio stations will break programming to broadcast the alert and any subsequent information provided by police. This program has blossomed into a nationwide effort where 39 states have adopted a statewide AMBER plan. To day the AMBER Plan has been credited with recovering 51 children!

Just this week, the police in my hometown of Houston, Texas, activated the AMBER system when a 14-year-old girl went missing from her middle school. Fortunately, the young lady was returned safely to her home.

The AMBER alert has been successful in Houston, Texas many times and I am proud our office played a part in organizing the Houston effort almost 3 years ago. Ms. Cindy Jimenez, my former staff member now with Democratic leader NANCY PELOSI, worked successfully to coordinate the cooperation between news media and law enforcement.

This kind of success story highlights the needs to ensure that states have the resources they need to set up AMBER plans. Seventy-four percent of abducted children who are murdered are dead within three hours of the abduction. The sooner word gets out that these children have been abducted, the better the chances that they will be brought home safely.

H.R. 1104 makes grants available to the states for them to set up AMBER alert plans, and also creates an Amber alert coordinator within the Department of Justice. I strongly support this provision.

I would like to express my disappointment, however, that this legislation has been weighted down with controversial issues. Issues such as mandatory minimum sentencing and making certain crimes punishable by the death penalty are matters for another day.

These issues are sure to slow down this important legislation. I urge the sponsors of this legislation to remove the controversial provisions so that the AMBER plan legislation can be enacted quickly.

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

The CHAIRMAN. The gentleman from Illinois (Mr. DAVIS) is recognized for 4½ minutes.

Mr. DAVIS of Illinois. Mr. Chairman, as I listened to the debate and as I listened to the virtues of the proposed legislation and as I listened to those who expressed opposition, it would seem to me that there ought to be a middle ground, that there ought to be a point where the children come first, where finding them, making sure that their parents can wake up and see their children that they have not seen. That often requires a bit of give and take.

I think that there could be other opportunities to debate and discuss criminal justice punishment, to discuss what it is that you do as individuals have committed a crime. It would serve us well if we could arrive at the point where today we are simply talking about finding missing children, not punishing perpetrators, not putting people in jail, but finding missing children.

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

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

The CHAIRMAN. The gentlewoman from California (Ms. WOOLSEY) is recognized for 2 minutes.

Ms. WOOLSEY. Mr. Chairman, citizens in my district have a special desire to see clean AMBER Alert legislation passed because of a beautiful teenaged girl named Polly Klaas. Polly resided in my hometown of Petaluma, California. She was kidnapped from her home and murdered in 1993. It was because of failed communication in the early part of the search that ruined our chances, or any chances, of an early and potentially successful resolution to her kidnapping.

Since then, organizations in my district, namely, the Polly Klaas Foundation and BeyondMissing, have worked to ensure that more is done for missing children. These organizations both advocate a national AMBER Alert system that will define how seriously Americans support child safety and saving lives. But they want a clean AMBER Alert system. That is why it is crucial that we pass a clean bill today, not one that will be filled with extra add-ons, unrelated provisions, provisions not acceptable to the other body, hindering the ultimate goal of creating a system where we can find the children who are lost in this country.

So I ask, please vote for a clean AMBER Alert system, one that will be able to do the job, do it immediately, and not get bogged down in the Senate.

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

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

Mr. Chairman, as the Nation's resource center for child protection, the National Center for Missing and Exploited Children spends 94 percent of its revenue directly on programs and services. Due to their commitment to spend their resources on helping children, the center received an A+ rating in the Winter 2003 American Institute of Philanthropy Charity Rating Guide. This rating is used to recommend charities based on percentage of money spent on charitable purposes versus administrative expenses.

There were an estimated total of 58,200 children abducted by nonfamily members in 1999. Mr. Chairman, that is 160 abductions a day. To reduce this number, we must pass H.R. 1104. I would again urge my colleagues to support this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time.

I have to admit some disappointment in the debate that we are having today. There are those who want to focus on process and the structure of legislation, and there are those who want to get at the serious problem of child molesters and abductors and removing them from the streets. Mr. Chairman, we have been fighting this battle against child abduction and molesting for a long time. We have been fighting it a long time because it is a battle that we dare not lose.

I do not have much time to speak, but let me give Members three quick facts that I think point out the scope of this problem. Mr. Chairman, the average child molester in America will commit crimes for 16 years before he is caught. So when we see on television or when we read in the newspaper about someone who is caught, a child molester who is caught, an abductor who is caught, remember that the chances are that they have been doing this for years before they were caught.

Fact number two. According to former Attorney General Janet Reno, the recidivism rate for child molesters is 75 percent. That is on the low side of the estimates that I have seen. When we find someone, when we catch someone who has molested our young children, the chances are that they have done it before and the chances are that they will do it again unless we stop them.

My final fact is one that I find devastating. According to a number of surveys, the average child molester will commit 511 crimes in his lifetime. The number of repeat child molesters fortunately is relatively small, but the damage and the destruction that they do in America today is incredible. It is outrageous. Every child molester that we put away is a life saved, is a family rescued.

Mr. Chairman, today is a good day. I want to thank the chairman for leading us to this point. Today we fight back against child molestation. Today we fight back against those monsters who would prey upon our kids.

I would like to speak quickly to one provision in here because it is one of these provisions that is, quote-unquote, ''bogging down this bill.'' It is called two strikes. It says that if you have been arrested and convicted of a serious sex crime against our kids and after you are released you do it yet again, you are going to go to prison for the rest of your life, no questions, no parole. We will stop this terrible, terrible scourge. This is not a controversial provision. It had 382 votes last session.

The speaker before me referred to BeyondMissing, an organization I helped launch. I have a letter here that I will place into the RECORD from BeyondMissing asking us to pass this bill with two strikes in it. They want the bill as has been presented. AMBER Alert after we pass this bill will become the law of the land very quickly, but we must not back down. For the sake of the crimes that we can prevent, for the sake of the innocents we can protect, let us pass this bill as it is constituted, let us get it over to the President's desk, and let us make this the law of the land.

BEYOND MISSING, INC.,
*Sausalito, CA, March 26, 2003.*

Re HR 1104 Child Abduction Prevention Act.

MEMBERS OF THE HOUSE OF REPRESENTATIVES,
*107th Congress (2001–2002), Washington, DC.*

DEAR MEMBER OF CONGRESS: As the father of a child kidnapped and murdered by a recidivist violent offender I understand the need to do what ever is necessary to protect America's children from abuse, abduction and neglect. That is why I implore you to vote aye on HR 1104 the ''Child Abduction Prevention Act''.

Although there is a groundswell of support for a National Amber Alert, this important tool to assist in the recovery of kidnapped children is but one piece in a very complex puzzle that must be assembled if we are to truly protect America's children from victimization.

Strict, mandated prison sentences for those who would kidnap children; denial of pretrial release for child rapists or kidnappers; a ''Two Strike'' law for sexual predators and COPS funding for a sex offender apprehension program are equally important pieces of the same child protection puzzle.

HR 1104 can deliver the message that America will no longer tolerate those who would terrorize innocent citizens through the exploitation and victimization of our children. Although America's focus is currently on foreign terrorists, it is the domestic variety that truly threatens our safety. We should never forget that homeland security begins at home.

I join Chairman Sensenbrenner and Representative Mark Green in asking you to vote aye on HR 1104 the ''Child Abduction Prevention Act''. With the unprecedented attention that has been afforded child abduction in the past year you are in a position to memorialize America's recent child victims in accomplishment. If you fail to do so, they will be remembered only as statistics and surely they deserve better than that. Please take advantage of this opportunity to send a loud and clear message that we will no longer tolerate the abduction and abuse of America's children.

Sincerely,

MARC KLAAS,
*President, Beyond Missing, Inc.*

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

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

Mr. CANNON. I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I rise in support of H.R. 1104, the Child Abduction Prevention Act. I would like to commend Chairman SENSENBRENNER for crafting such thoughtful and meaningful legislation to help protect our children from the sick people who would do them harm. It is essential that we enact legislation to help prevent kidnapping and recover abducted children. Over 70 percent of abducted children who are murdered are killed within the first 3 hours after they are taken, and almost two-thirds of the killers have had prior records of violent crimes. This legislation goes a long way toward providing protections by establishing the means to help prevent abductions and to aid in the quick return of children who have been kidnapped.

With this bill, we enhance the operation of the AMBER Alert communications network to facilitate the recovery of abducted children. As it now stands, AMBER Alert is in place in 38 States. I hope that every State will implement this program. We are all aware of the important role that the National Center for Missing and Exploited Children has played in the search for abducted children for nearly 20 years. This bill helps ensure it will continue to play a crucial role by reauthorizing and doubling its annual grant to $20 million each year.

Another important provision of this legislation will help prevent repeat offenses by child abductors. In addition to mandating a minimum 20-year sentence for kidnapping or abducting a person under the age of 18 years, it contains a ''two strikes and you're out'' provision that requires a mandatory sentence of life imprisonment for twice-convicted child offenders.

I would like to say once again how blessed we are for the return of Elizabeth Smart in my home State of Utah. Many prayers were answered, including those of my 5-year-old daughter. It is a miracle. We are all thrilled and grateful with this wonderful news. Yesterday, I had the pleasure of speaking with Elizabeth's father, Ed Smart, about the importance of this legislation. He is supportive and appreciative of the work Chairman SENSENBRENNER and the House have done to protect our children. Ed hopes, as I do, that today's child protection legislation will be sent to the President's desk and signed into law as soon as possible.

Mr. Chairman, I support all of the provisions of this bill. I urge my colleagues to join with us in voting for it.

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

The CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 3¼ minutes.

Mr. SENSENBRENNER. Mr. Chairman, on the other side of the aisle some Members have come up and stated that we ought to bust this bill apart and strip out all of the non-AMBER Alert-related issues. That would be a big mistake. It would be a huge mistake because most of these provisions are designed to prevent kidnappings and molestations from happening in the first place.

I support AMBER Alert. It is important once a kidnapping takes place that the police and the public and the news media know about that kidnapping so that an alert public can hopefully spot the abducted child and return the child to his or her parents.

□ 1130

But even more important in my opinion is to prevent the kidnappings and the molestations in the first place because if that ever happens, those people's lives are scorched for life.

In H.R. 1104 there are a number of provisions. I do not think they are controversial, but let me enumerate them. It provides the judge with the discretion to extend the supervision of a released child sex offender up to a maximum of life, eliminates the statute of limitations for child abductions and sex crimes, denies pretrial release for child rapists and child abductors, requires a mandatory sentence of life imprisonment for twice-convicted child sex offenders, reauthorizes and doubles the annual grant to the National Center for Missing and Exploited Children to $20 million a year through fiscal 2005, mandates a minimum 20-year prison sentence for the kidnapping of a person under the age of 18 by a nonfamily member, authorizes COPS funding for a sex offender apprehension program, adds four new wiretap predicates that relate to sexual exploitation crimes against children.

We give these predicates so that the police will have the same authority to seek court wiretap authority when someone is using the Internet to try to entice children that the police presently have in cases of organized crime, international terrorism, or drug trafficking.

The bill facilitates the prevention of international parental kidnapping by adding an attempt to liability to the statute defining that offense, and it punishes persons who travel to foreign countries to engage in illegal sexual relations with minors and criminalizes the actions of sex tourism operators.

These are provisions that the opponents of this bill want to strip out. They are important provisions. They ought to be the law of the land, and we ought to pass H.R. 1104 intact today to make them the law of the land.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today in reluctant support of H.R. 1104, the Child Abduction Prevention Act. While there are some provisions in this bill which I oppose, I feel it is crucial that the House pass legislation as soon as possible that would help foster the establishment of a coordinated, national AMBER Alert system.

I believe that the government must do all it can to facilitate the expansion of the AMBER Alert program which has been credited with recovering at least 27 children. I am proud to say that Illinois has a statewide AMBER Alert program. However, I am disappointed that the House leadership did not give us the opportunity to vote on a stand-alone AMBER Alert bill, H.R. 412, of which I am a cosponsor, and instead forced us to vote on a bill that includes controversial provisions.

Specifically, this bill expands cases in which the death penalty can be imposed. I strongly oppose capital punishment, and therefore oppose this provision. In addition, this bill includes an amendment which I voted against which turns the Sentencing guidelines into little more than mandatory minimum sentencing laws by revising the standards and procedures under which a judge can depart from sentencing guidelines in order to account for specific circumstances. I oppose this provision because I strongly oppose mandatory minimum sentencing laws. This provision not only overturns an important Supreme Court decision which left some room for judicial discretion in sentencing, but, like other mandatory minimum sentencing laws, it takes away a judge's ability to be fair and exacts a one-size-fits-all standard on our judicial system.

It is my hope that this bill will move to Conference with the Senate and that the majority of these controversial provisions will be stripped out in order to pass a clean AMBER Alert bill. We should not be tainting a bill that is intended to help recover missing children with provisions that threaten the fairness and justice of our judicial system. I urge my colleagues to put aside their own agendas to ensure that all states have the ability to start their own AMBER Alert programs and work together so that families of abducted children will have some hope of the real possibility that their child could soon be returned to them.

Mr. HOLT. Mr. Chairman, I rise today to express my serious reservations with the Child Abduction Prevention Act. Although these reservations were not sufficient enough to compel me to vote against it, I want to make it clear that I am not pleased with the tactics employed by the House leadership that brought this bill to the Floor.

By introducing the Child Abduction Prevention Act today and passing a rule to prevent the clean Frost-Dunn AMBER Alert Network Act from coming to a vote, this House Leadership has imperiled chances for the AMBER Alert to become law in the near-term. In fact, AMBER Alert could have become law this week if the leadership so willed it. The House Leadership, however, has chosen repeatedly to undermine all heartfelt attempts by me and many of my colleagues to make the AMBER Alert national law right now. Today's vote is only another indication of the Leadership's willful intransigence. This bill was supposed to be about protecting our nation's children. It was supposed to be about supporting a National AMBER Alert Network. Sadly, this bill was really about politics.

I ran for Congress more than four years ago because I wanted to restore the trust of the American people in our system of self-government. I wanted to break through the cynicism that had poisoned the people's faith in our democracy and in our elected representatives. The cynical tactics employed by the House Leadership today on the AMBER Alert are exactly what I came here to Congress to fight.

Last October, this same House Leadership had the opportunity to make the AMBER Alert national law. The Senate had passed an AMBER Alert bill. The House had an opportunity to pass it quickly into law, but the Leadership decided to play politics with the bill and added a list of other provisions. At the time I took a stand against the Leadership and opposed their political games, and I took on the nay-sayers back home who said I should have backed down. The facts are the same today as they were then: these tactics are designed to prevent AMBER Alert from becoming law. As a result, six months have passed and we still don't have AMBER Alert.

I wanted to bring a clean AMBER Alert bill to the House floor identical to the one passed twice now by the Senate. I am an original cosponsor of the Frost-Dunn National AMBER Alert bill and I have tried to convince the Leadership to bring it to the Floor for a vote.

I voted for this version of the Child Abduction Act today because I support AMBER Alert, but it was not an easy vote. I voted for this bill despite the fact that I know there is a better way to turn AMBER Alert into national Law. I voted for this bill, despite the fact that I have serious reservations about provisions that would impose the death penalty for certain crimes where it does not now apply, increase mandatory sentences for certain offenses, and expand the wiretapping authority of the federal government.

In the end, however, I voted for this bill because I am now convinced after months of struggle that neither the principle of my protest nor the strength of my argument will change the collectively obstinate mind of the House Leadership. If even the personal pleas of Elizabeth Smart and her family cannot influence the House Leadership to bring a clean AMBER Alert bill to a vote, then I must conclude that neither can mine. I am now convinced that the only way AMBER will become law is by the overwhelming force of conscience—from the public, from Congress, and from me personally—to communicate in no uncertain terms that AMBER Alert will not be stopped by cynical political games. The only true loser today are America's children who will now have to wait even longer for Congress and the President to strengthen our national AMBER Alert system.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of H.R. 1104, the Child Abduction Prevention Act. Last Congress the House of Representatives passed parts of this bill, unfortunately these reforms were never taken up by the other body.

Mr. Chairman, the longer I work with this issue of the vulnerability of children to sexual molestation and exploitation, the starker the picture becomes. According to the United States Department of Justice, the number of missing persons reported to law enforcement increased 468 percent in the past 20 years. And every year 3,000 to 5,000 children are kidnapped by sexual predators.

Mr. Chairman, right now while we debate this bill sexual predators are trolling the internet looking for potential victims. They manipulate children, convince them they are a friend, and force the child to not trust anyone else. These predators are serial offenders who often travel to conduct multiple sexual offenses against multiple children.

We need to stop these sexual predators before they can lay a hand on a child, because once a child comes into contact with a predator it is often too late. 3 out of 4 children who are kidnapped and murdered are killed within three hours of their abduction.

Mr. Chairman, the average victim is an 11-year-old-girl with a stable family relationship who has initial contact with the abductor within a quarter mile of her home. Our law enforcement officers are fighting a difficult battle, and this legislation acknowledges that technological advances have fundamentally changed the method through which a sex predator lures a child into an exploitive relationship.

When Detective James Wardwell, from my hometown of New Britain, Connecticut, testified before the Crime Subcommittee on this very issue he told us that as a matter of

course, sex predators want to know who they are communicating with. Invariable, sex predators move their conversations off-line and onto the telephone, especially when they are preparing to meet the child. The authorities need the ability to track these conversations, if we are to effectively protect our children.

In addition to fighting the sexual exploitation of children in the United States, this bill also helps the FBI and the Customs service fight the growing sex tourism industry. More and more Americans are traveling overseas to nations that have limited child prostitution laws or enforcement. Travel agencies have sprung up that cater to these pedophiles, and so called ''situation abusers.'' Just because their intended victims are not American citizens does not absolve us of the need to capture dangerous criminals. These people do not only act on their predatory impulses overseas. They return to the United States emboldened by their experiences. They are often people who commit multiple offenses, with multiple victims. Capturing these dangerous criminals at the earliest opportunity can prevent the needless destruction of the life of any number of children. This bill focuses on the reprehensible agencies which facilitate this travel and makes it easier for law enforcement to track them and their rogue clientele.

We must modernize our laws because sex predators no longer lurk at the school yard. Today they lurk in Internet chatrooms. Today our children are under attack on the Internet, and under siege in chat rooms. Sex predators seek out children on-line, manipulate, meet, molest and murder them. We must act to give our law enforcement agencies all the tools necessary to stop sexual predators before they can strike.

Wiretapping is an effective tool that will prove especially useful in dealing with sex predators and persons involved in the sex tourism industry. Law enforcement officers will still have to present their case to a judge to authorize the use of the wiretap. Wiretapping provides the best physical evidence to secure a conviction and get pedophiles off the street, especially when the child victims are unable to cooperate with authorities. Also, it is worth noting that wiretap transcripts can be used in lieu of a child's testimony when prosecuting these sexual predators.

I urge my colleagues to support the Child Abduction Prevention Act.

Mr. REYES. Mr. Chairman, I rise today in support of H.R. 1104, the Child Abduction Prevention Act. This bill is important to ensure that there are enough resources dedicated to the recovery of missing and abducted children.

I am proud to have associated myself as an original cosponsor of H.R. 412, the AMBER Alert Network Act, a bill introduced by my colleague from Texas, Mr. FROST, and my colleague from Washington, Ms. DUNN.

This AMBER bill strengthens missing child alerts by providing state and local plans with grants to fund communications improvements like highway signs so an abductor can't escape simply by traveling outside the reach of radio and TV broadcasts. It also formally establishes a national AMBER coordinator office at the Justice Department to establish voluntary standards, provide training and help states coordinate their AMBER plans.

I am deeply disappointed that the Republican Leadership has failed to see the importance of the expeditious review of this bill. By bringing to the floor the Senate-passed bill identical to the Frost/Dunn AMBER Bill, resources could have been made available to our state and local governments more quickly. Instead the decision of the Republican Leadership will only serve to further delay these valuable resources for months.

Mr. Chairman, our children deserve better. It was my hope, that given the recent high-profile abductions, the Leadership of this House would put partisanship aside and focus on the lives of our children before anything else.

Regardless of this, I support this bill brought before us today. Although I am disappointed with the way this issue has come to surface, my support for the legislation remains the same.

Mr. Chairman, I wish to take a moment to commend Mr. FROST and Ms. DUNN for their continued pursuit to help our children and families.

I respectfully urge my colleagues to vote in favor of this bill, and to continue to work on behalf of our nation's children.

Mr. STARK. Mr. Chairman, I rise today to opposition to H.R. 1104, the Child Abduction Prevention Act. I am greatly troubled by this vote.

I support the AMBER Alert program as a vital means to prevent child abduction and track down those who prey upon our children. I am a cosponsor of the bipartisan Frost-Dunn AMBER Alert Network Act that would help all states implement this vital program. It would ensure that a strong nation-wide network exists to protect our children from these horrific crimes.

Yet, Republicans have never allowed a clean vote on this legislation. They have decided once again to include this legislation within a larger criminal justice bill that includes new, draconian sentencing guidelines and abuses to our basic Constitutional rights. I cannot in good conscience support these provisions. They will ultimately doom this bill when it comes before the Senate, just like last year.

Just as with the child abduction bill brought to the House floor last October, I object to allowing the government to abuse fundamental privacy rights as this bill does. The Republicans continue to push provisions giving the FBI unprecedented wiretap authority to engage in secret surveillance of our homes. This is unconstitutional and I will support it.

Chairman SENSENBRENNER and the Republican Leadership again insisted on including a ''2 strikes and you're out'' sentencing provision. This type of mandatory minimum sentence is not only draconian, it is ineffective in deterring these types of crimes.

This bill again will expand the number of crimes punishable under the death penalty. This is done despite evidence that many Americans have been wrongly sentenced to death. This is wrong and I will not support it.

I urge my colleagues to join me in voting again against this legislation. Lets send a message to the House Republicans to stop putting their blind allegiance to right wing politics ahead of the safety of our kids. Let's get the national AMBER Alert network off the ground once and for all—for the sake of all America's families and their children.

Mr. DELAY. Mr. Chairman, today the House will consider the ''Child Abduction Prevention Act'' sponsored by Chairman SENSENBRENNER.

This bill, H.R. 1104, is drafted to do two important things: increase the communication systems to locate a missing child and put in place stronger penalties to prevent child abductions and sexual exploitation. Both things are needed to make our children safer.

Support of the AMBER Alert communications plans is a key component of this legislation. AMBER Alert is used by state and local enforcement agencies to search for abducted children. Currently there are 87 AMBER plans across the country with 38 of them statewide. Forty seven children have been recovered as a direct result of AMBER.

AMBER Alert systems must be coordinated and funded to increase communication when a child is a abducted or reported missing. This bill increases AMBER funding and puts in law the national coordinator already in place at the Department of Justice.

But increasing communication alone will not deter child abductors or child predators from abusing children. It will take the strong penalties contained in this legislation to prevent child abductions and child exploitation.

This legislation puts in place the necessary enforcement tools to assure that child abductors and child predators will not escape justice.

This bill offers a comprehensive package of child abduction prevention tools that make severe child abuse and torture a capital crime; provide stronger penalties against kidnapping and sexual trafficking; keep child kidnappers behind bars until trial; and put a ''two strikes you're out'' law in place.

After all, how many children's lives do you have to ruin before you should be locked up for life?

Additionally, this legislation keeps all the safeguards in place for wiretapping, but creates 4 new circumstances to allow better monitoring of criminals' abuse of children's chat rooms.

We used to be able to keep an eye on our children at the playground in order to keep them safe. Chat rooms pose a dangerous new challenge that we must confront.

I believe that H.R. 1104 shows the American people that communication and prevention are necessary to protect our children and keep them safe.

Mr. BOEHNER. Mr. Chairman, I speak in support of H.R. 1104, the Child Abduction Prevention Act, which strengthens the punishment and consequences of those criminals who would dare to harm our children, as well as provides for the national coordination of the AMBER Alert communications network. This legislation also increases the authorization for the National Center for Missing and Exploited Children (NCMEC), which serves as the national resource center and clearinghouse to aid missing and exploited children and their families.

H.R. 1104 includes Section 305, which increases the authorization level of the National Center for Missing and Exploited Children to $20,000,000 for fiscal years 2004 and 2005. As the nation's resource center and clearinghouse for missing and exploited children, the Center carries out many important responsibilities that provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

In order to do this, the Center operates a national 24-hour toll-free telephone line for individuals to report information regarding the location of any missing child. A call to NCMEC's

Hotline sets into motion the Missing Children's Division where Case Management staff:

Disseminate lead information to the investigating agency in charge of a missing or sexually exploited child's case;

Assist citizens and law enforcement in filing missing person reports;

Verify information on missing children entered into the FBI's National Crime Information Center (NCIC) computer system and instruct law enforcement in the proper handling of these cases;

Offer resources and information to assist in local, regional, national, or international searches;

Coordinate with and send publications to enhance the investigative skills of law enforcement officers handling these cases; and

Work in conjunction with INTERPOL, the U.S. Department of State, FBI, and the U.S. Customs Service.

And on behalf of the U.S. Department of State, NCMEC handles cases coming into the United States arising from the Hague Convention on International Child Abduction.

This worthwhile organization deserves our support. I urge my colleagues to support H.R. 1104.

Mr. UDALL of New Mexico. Mr. Chairman, I rise to express my strong disappointment in the House Leadership's politics-as-usual tactics that effectively continue to hold the AMBER bill hostage, a word I do not use lightly considering the gravity of this important legislation.

Yesterday, the House had yet another opportunity to expedite the enactment of a national AMBER Alert System. The AMBER bill has had strong bipartisan support for several months now. The national alert system would be law today but for Leadership's permitting Judiciary Committee Chairman SENSENBRENNER to hinder passage of a widely supported stands alone AMBER bill. Instead of a simple House bill narrowly tailored to address the abduction of missing children in the United States, the Chairman instead presented for a vote a broader and more complicated bill riddled with controversial provisions. Yet as a result of yesterday's vote on the rule for the Sensenbrenner bill, the national AMBER Alert System faces further delay and an uncertain outcome due to the impending conference with the Senate.

The Senate first passed a clean AMBER bill six months ago, and did so again this past January, both times by unanimous consent. H.R. 412, the popular bipartisan bill that I proudly and fervently cosponsored in the House that same month, contains the same language as the uncontroversial Senate bill. However, Chairman SENSENBRENNER has refused to allow his committee to consider H.R. 412 as a freestanding bill and instead insists on pushing his version containing unrelated provisions that the Senate has previously contested. As such, the debate of what should be a simple, common sense proposal must continue.

Prolonging the debate on this important legislation is outrageous and unnecessary. The AMBER Alert System is a proven and invaluable tool for aiding the recovery of abducted children. Sadly though, children continue to go missing in this country every day. How many of these will be affected by the failure to enact a national AMBER Alert bill in a timely manner?

The Congress needed to enact this critically important legislation sooner rather than later. Accordingly, I reiterate my disappointment in the political wrangling that continues to prolong this bill's eventual presentation to the President.

Mrs. BLACKBURN. Mr. Chairman, as we debate H.R. 1104, the Child Abduction Prevention Act of 2003, it is important to talk about not only the AMBER Alert provision in the bill, but to also praise additional measures of the legislation that serve and protect our Nation's children. Certainly the AMBER Alert system has helped to find missing children throughout the nation and in my home state of Tennessee, but this bill has a wider scope by working to stop abductions before they occur.

H.R. 1104 gives us the ability to provide stronger penalties against kidnappers, sex offenders and child abductors. It aids law enforcement by giving them the ability to prosecute the criminals responsible for these crimes. For example, it requires a minimum 20-year sentence for criminals that kidnap or abduct a child under the age of 18.

Of great importance, it denies pretrial release for child kidnappers or child rapists and eliminates the statute of limitations for child kidnapping or sex crimes.

Further, it gives a judge the discretion to rule that a released sex offender's supervision be extended up to a maximum of life. It also requires a mandatory life in prison sentence to twice convicted child sex offenders. These two provisions may give parents a small sense of relief that a sex offender will not move into their neighborhood and prey on their children.

Each of these measures will work to enhance the good work being done at the local level by our child advocacy centers and organizations.

In addition, the Child Abduction and Prevention Act of 2003 provides extra money for the Missing and Exploited Youth Program—an essential element to both finding missing children and preventing child abductions. It reauthorizes the annual grant to the National Center for Missing and Exploited Youth and doubles the funding level to $20 million each year through 2005.

Unquestionably, the AMBER Alert provision in this bill is an essential one. But it is also imperative that we act to stop abductions before they happen. The Child Prevention Act of 2003 does just that.

Mr. GOODLATTE. Mr. Chairman, I rise today in support of H.R. 1104, the Child Abduction Prevention Act. This important legislation cracks down on child predators and provides the resources to help ensure that abducted children are safely returned home.

Specifically, H.R. 1104 increases the minimum and maximum penalties for the sexual exploitation and sex trafficking of children. It also directs the Sentencing Commission to increase the base offense level for kidnapping.

Furthermore, it removes the statute of limitations for child abductions and for many felony sex offenses. This provision will be particularly helpful in situations where DNA evidence conclusively proves the identity of a perpetrator years after the crime was committed.

In addition to increasing criminal penalties for child predators, H.R. 1104 also establishes and funds an AMBER alert coordination program. To accomplish this, the bill first establishes an AMBER alert coordinator within the Department of Justice to assist States with developing, enhancing, and coordinating their AMBER alert plans. Second, the bill authorizes $5 million to be distributed to the Department of Justice to award grants to encourage the development of AMBER alert activities. The establishment of this AMBER alert coordination program is a crucial step toward bringing missing and abducted children home safely.

As a member of the Congressional Missing and Exploited Children's Caucus, I have long been concerned about the safety of children, the most vulnerable members of our society. The caucus has worked to build awareness about missing children, and to create a cohesive voice in Congress so that we might introduce and pass legislation that will strengthen law enforcement and community mobilization efforts to combat child abduction. H.R. 1104 achieves both of these goals and I encourage each of my colleagues to support this important legislation.

Mr. HEFLEY. Mr. Chairman, I rise today in strong support of H.R. 1104, the Child Abduction Prevention Act. This important legislation has several provisions that go a long way toward securing the safety of our Nation's children.

H.R. 1104 allows judges to extend supervision of released sex offenders for the rest of their life. This bill will eliminate the statute of limitations for child abductions and sex crimes so that we can prosecute these criminals whenever and wherever we find them. The clock will never run out and these criminals will not get away with their despicable crimes. H.R. 1104 will deny pre-trial release for child rapists or child abductors so they cannot flee this country and escape prosecution. This bill establishes a mandatory two-strikes-you're-out sentence for twice-convicted child sex offenders. H.R. 1104 will also mandate a minimum 20-year prison sentence for kidnaping of a minor non-family member.

Another important part of this legislation is the re-authorization and doubling of the annual grant to the National Center for Missing and Exploited Children. H.R. 1104 also allows the COPS program to use federal funds for a sex offender apprehension program to track sex offenders that violate the terms of their release. Finally, Mr. Chairman this bill establishes a national AMBER Alert program to facilitate the recovery of abducted children.

On this final point Mr. Chairman I would like to take a minute to discuss the importance of this program. Many people in both chambers of Congress have worked long and hard to create the AMBER Alert program on a national level. I was the first member of this Congress to introduce legislation in the House that would establish a national AMBER Alert program because I feel very strongly that our Nation's youth need to be protected. As many of you are aware, the AMBER Alert program would require the Attorney General to assign a national coordinator for the AMBER Alert communications network. This coordinator would be responsible for (1) eliminating the gaps in this network; (2) working with the States to develop additional networks and ensure regional coordination; (3) act as the nationwide point of contact for network development for regional coordination. The AMBER Alert coordinator would notify the FBI concerning each child abduction for which the AMBER Alert network is activated and establish minimum standards for issuing and disseminating alerts.

The AMBER Alert legislation would require the Secretary of Transportation to provide grants to the States for the development and enhancement of the communications system along highways for the AMBER Alert network. These grants will improve the development or enhancement of electronic message boards and placement of additional signs along highways.

Finally this legislation will direct the Attorney General to provide grants to States for the development of programs and activities for the support of the AMBER Alert communications plans.

Mr. Chairman, I would like to thank all the members who have worked so hard on this legislation. This is a vital piece of legislation that, when enacted, will go a long way toward securing this country's youth.

Mr. TERRY. Mr. Chairman, I rise in strong support of H.R. 1104, the Child Abduction Prevention Act.

Our nation rejoiced with the family of Elizabeth Smart when she was recovered safely after spending nine months at the mercy of her kidnapper. We will always remember her courage in the face of terror, the steadfastness of her family, the determination of law enforcement officers, and the life-saving help of the two couples who alerted police to her abductor. The remarkable conclusion to this kidnapping has inspired our nation and drawn further attention to the plight of missing children and their families.

According to the U.S. Department of Justice, there were 58,200 children abducted by non-family members in 1999. Nearly half of these children were sexually assaulted, and about 100 were murdered. The National Center for Missing and Exploited Children reports that "74 percent of abducted children who are murdered are dead within three hours of the abduction."

H.R. 1104 will help recover children in these first crucial hours by aiding more states with setting up AMBER alert systems to utilize the eyes and ears of the public. This legislation will also help to keep career child rapists and killers off our streets by establishing a mandatory lifetime prison sentence for twice-convicted child molesters, and a 20-year sentence for non-family child abductors. These critical steps will help more families with missing children experience the joy of having their child come back home.

Mr. Chairman, I urge my colleagues to join me in supporting this legislation to help save the lives of kidnapped children and prevent future abductions. I yield back the balance of my time.

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

The CHAIRMAN pro tempore (Mr. SHIMKUS). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1104

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

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Child Abduction Prevention Act''.*

***TITLE I—SANCTIONS AND OFFENSES***

***SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.***

*Section 3583 of title 18, United States Code, is amended—*

*(1) in subsection (e)(3), by inserting ''on any such revocation'' after ''required to serve'';*

*(2) in subsection (h), by striking ''that is less than the maximum term of imprisonment authorized under subsection (e)(3)''; and*

*(3) by adding at the end the following:*

*''(k) Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a minor victim, and for any offense under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425, is any term of years or life, and the sentence for any such offense that is a felony shall include a term of supervised release of at least 5 years.''.*

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

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

*(1) in subsection (a)—*

*(A) by inserting ''child abuse,'' after ''sexual abuse,''; and*

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

*(2) by inserting at the end the following:*

*''(c) For purposes of this section—*

*''(1) the term 'assault' has the same meaning as given that term in section 113;*

*''(2) the term 'child' means a person who has not attained the age of 18 years and is—*

*''(A) under the perpetrator's care or control; or*

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

*''(3) the term 'child abuse' means intentionally, knowingly, or recklessly causing death or serious bodily injury to a child;*

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

*''(5) the term 'recklessly' with respect to causing death or serious bodily injury—*

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

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

*''(6) the term 'serious bodily injury' has the meaning set forth in section 1365; and*

*''(7) the term 'torture' means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).''.*

***SEC. 103. SEXUAL ABUSE PENALTIES.***

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

*(A) in section 2251(d)—*

*(i) by striking ''20'' and inserting ''30''; and*

*(ii) by striking ''30'' the first place it appears and inserting ''50'';*

*(B) in section 2252(b)(1)—*

*(i) by striking ''15'' and inserting ''20''; and*

*(ii) by striking ''30'' and inserting ''40'';*

*(C) in section 2252(b)(2)—*

*(i) by striking ''5'' and inserting ''10''; and*

*(ii) by striking ''10'' and inserting ''20'';*

*(D) in section 2252A(b)(1)—*

*(i) by striking ''15'' and inserting ''20''; and*

*(ii) by striking ''30'' and inserting ''40''; and*

*(E) in section 2252A(b)(2)—*

*(i) by striking ''5'' and inserting ''10''; and*

*(ii) by striking ''10'' and inserting ''20''.*

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

*(A) in section 2422(a), by striking ''10'' and inserting ''20'';*

*(B) in section 2422(b), by striking ''15'' and inserting ''30''; and*

*(C) in section 2423(a), by striking ''15'' and inserting ''30''.*

*(3) Section 1591(b)(2) of title 18, United States Code, is amended by striking ''20'' and inserting ''40''.*

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

*(A) in section 2251(d)—*

*(i) by striking ''or imprisoned not less than 10'' and inserting ''and imprisoned not less than 15'';*

*(ii) by striking ''and both,'';*

*(iii) by striking ''15'' and inserting ''25''; and*

*(iv) by striking ''30'' the second place it appears and inserting ''35'';*

*(B) in section 2251A(a) and (b), by striking ''20'' and inserting ''30'';*

*(C) in section 2252(b)(1)—*

*(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 10 years and'';*

*(ii) by striking ''or both,''; and*

*(iii) by striking ''5'' and inserting ''15'';*

*(D) in section 2252(b)(2)—*

*(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 5 years and'';*

*(ii) by striking ''or both,''; and*

*(iii) by striking ''2'' and inserting ''10'';*

*(E) in section 2252A(b)(1)—*

*(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 10 years and'';*

*(ii) by striking ''or both,''; and*

*(iii) by striking ''5'' and inserting ''15''; and*

*(F) in section 2252A(b)(2)—*

*(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 5 years and'';*

*(ii) by striking ''or both,''; and*

*(iii) by striking ''2'' and inserting ''10''.*

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

*(A) in section 2422(a)—*

*(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 2 years and''; and*

*(ii) by striking '', or both'';*

*(B) in section 2422(b)—*

*(i) by striking '', imprisoned'' and inserting ''and imprisoned not less than 5 years and''; and*

*(ii) by striking '', or both''; and*

*(C) in section 2423(a)—*

*(i) by striking '', imprisoned'' and inserting ''and imprisoned not less than 5 years and''; and*

*(ii) by striking '', or both''.*

***SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.***

*(a) SENTENCING GUIDELINES.—Notwithstanding any other provision of law regarding the amendment of Sentencing Guidelines, the United States Sentencing Commission is directed to amend the Sentencing Guidelines, to take effect on the date that is 30 days after the date of the enactment of this Act—*

*(1) so that the base level for kidnapping in section 2A4.1(a) is increased from level 24 to level 32 (121–151 months);*

*(2) so as to delete section 2A4.1(b)(4)(C); and*

*(3) so that the increase provided by section 2A4.1(b)(5) is 6 levels instead of 3.*

*(b) MINIMUM MANDATORY SENTENCE.—Section 1201(g) of title 18, United States Code, is amended by striking ''shall be subject to paragraph (2)'' in paragraph (1) and all that follows through paragraph (2) and inserting ''shall include imprisonment for not less than 20 years.''.*

***SEC. 105. PENALTIES AGAINST SEX TOURISM.***

*(a) IN GENERAL.—Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:*

*''(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—A person who travels in interstate commerce or travels into the United*

*States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.*

*''(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.*

*''(d) ANCILLARY OFFENSES.—Whoever arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 30 years, or both.*

*''(e) ATTEMPT AND CONSPIRACY.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.*

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

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

*(b) CONFORMING AMENDMENT.—Section 2423(a) of title 18, United States Code, is amended by striking ''or attempts to do so,''.*

***SEC. 106. TWO STRIKES YOU'RE OUT.***

*(a) IN GENERAL.—Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:*

*''(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—*

*''(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.*

*''(2) DEFINITIONS.—For the purposes of this subsection—*

*''(A) the term 'Federal sex offense' means—*

*''(i) an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2244(a)(1) or (2) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), 2251 (relating to sexual exploitation of children), 2251A (relating to selling or buying of children), or 2422(b) (relating to coercion and enticement of a minor into prostitution); or*

*''(ii) an offense under section 2423(a) (relating to transportation of minors) involving prostitution or sexual activity constituting a State sex offense;*

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

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

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

*''(C) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;*

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

*''(E) the term 'State' has the meaning given that term in subsection (c)(2).''.*

*(b) CONFORMING AMENDMENT.—Sections 2247(a) and 2426(a) of title 18, United States Code, are each amended by inserting '', unless section 3559(e) applies'' before the final period.*

***SEC. 107. ATTEMPT LIABILITY FOR INTERNATIONAL PARENTAL KIDNAPPING.***

*Section 1204 of title 18, United States Code, is amended—*

*(1) in subsection (a), by inserting '', or attempts to do so,'' before ''or retains''; and*

*(2) in subsection (c)—*

*(A) in paragraph (1), by inserting ''or the Uniform Child Custody Jurisdiction and Enforcement Act'' before ''and was''; and*

*(B) in paragraph (2), by inserting ''or'' after the semicolon.*

## *TITLE II—INVESTIGATIONS AND PROSECUTIONS*

### *Subtitle A—Law Enforcement Tools To Protect Children*

***SEC. 201. INTERCEPTIONS OF COMMUNICATIONS IN INVESTIGATIONS OF SEX OFFENSES.***

*(a) IN GENERAL.—Section 2516(1) of title 18, United States Code, is amended—*

*(1) in paragraph (a), by inserting after ''chapter 37 (relating to espionage),'' the following: ''chapter 55 (relating to kidnapping),''; and*

*(2) in paragraph (c)—*

*(A) by inserting ''1591 (sex trafficking),'' before ''section 1751'';*

*(B) by striking ''2251 and 2252 (sexual exploitation of children)'' and inserting ''2251, 2251A, 2252, 2252A, and 2260 (sexual exploitation of children)''; and*

*(C) by inserting ''sections 2421, 2422, 2423, and 2425 (transportation for illegal sexual activity and related crimes),'' before ''section 1029''.*

*(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, is amended—*

*(1) by striking ''or'' at the end of paragraph (q);*

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

*''(r) a violation of section 2422 (relating to coercion and enticement) and section 2423(a) (relating to transportation of minors) of this title, if, in connection with that violation, the intended sexual activity would constitute a felony violation of chapter 109A or 110, including a felony violation of chapter 109A or 110 if the sexual activity occurred, or was intended to occur, within the special maritime and territorial jurisdiction of the United States, regardless of where it actually occurred or was intended to occur; or''; and*

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

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

*(a) IN GENERAL.—(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:*

***''§ 3297. Child abduction and sex offenses***

*''Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under section 1591, 2241, 2242, 2244(a)(1), 2244(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, 2423, or 2425.''.*

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

*''3297. Child abduction and sex offenses.''.*

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

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

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

*Section 3142(e) of title 18, United States Code, is amended by striking ''or 2332b'' and inserting ''1201, 1591, 2241, 2242, 2244(a)(1), 2242(a)(2), 2251, 2251A, 2252, 2252A, 2260, 2332b, 2421, 2422, 2423, or 2425''.*

### *Subtitle C—No Waiting Period To Report Missing Children "Suzanne's Law"*

***SEC. 241. AMENDMENT.***

*Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking ''age of 18'' and inserting ''age of 21''.*

## *TITLE III—PUBLIC OUTREACH*

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

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

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

*(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;*

*(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;*

*(3) work with States to ensure appropriate regional coordination of various elements of the network; and*

*(4) act as the nationwide point of contact for—*

*(A) the development of the network; and*

*(B) regional coordination of alerts on abducted children through the network.*

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

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

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

*(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—*

*(1) the issuance of alerts through the AMBER Alert communications network; and*

*(2) the extent of the dissemination of alerts issued through the network.*

*(b) LIMITATIONS.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.*

*(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that appropriate information relating to the special needs of an abducted child (including health care needs) are disseminated to the appropriate law enforcement, public health, and other public officials.*

*(3) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the*

*AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.*

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

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

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

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

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

*(b) DEVELOPMENT GRANTS.—*

*(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the development of a State program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. The State program shall provide for the planning, coordination, and design of systems, protocols, and message sets that support the coordination and communication necessary to notify motorists about abductions of children.*

*(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State for the following purposes:*

*(A) To develop general policies and procedures to guide the use of changeable message signs or other motorist information systems to notify motorists about abductions of children.*

*(B) To develop guidance or policies on the content and format of alert messages to be conveyed on changeable message signs or other traveler information systems.*

*(C) To coordinate State, regional, and local plans for the use of changeable message signs or other transportation related issues.*

*(D) To plan secure and reliable communications systems and protocols among public safety and transportation agencies or modify existing communications systems to support the notification of motorists about abductions of children.*

*(E) To plan and design improved systems for communicating with motorists, including the capability for issuing wide area alerts to motorists.*

*(F) To plan systems and protocols to facilitate the efficient issuance of child abduction notification and other key information to motorists during off-hours.*

*(G) To provide training and guidance to transportation authorities to facilitate appropriate use of changeable message signs and other traveler information systems for the notification of motorists about abductions of children.*

*(c) IMPLEMENTATION GRANTS.—*

*(1) IN GENERAL.—The Secretary may make a grant to a State under this subsection for the implementation of a program for the use of changeable message signs or other motorist information systems to notify motorists about abductions of children. A State shall be eligible for a grant under this subsection if the Secretary determines that the State has developed a State program in accordance with subsection (b).*

*(2) ELIGIBLE ACTIVITIES.—A grant under this subsection may be used by a State to support the implementation of systems that use changeable message signs or other motorist information systems to notify motorists about abductions of children. Such support may include the purchase and installation of changeable message signs or other motorist information systems to notify motorists about abductions of children.*

*(d) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under this section may not exceed 80 percent.*

*(e) DISTRIBUTION OF GRANT AMOUNTS.—The Secretary shall, to the maximum extent practicable, distribute grants under this section equally among the States that apply for a grant under this section within the time period prescribed by the Secretary.*

*(f) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for the receipt of grants under this section.*

*(g) DEFINITION.—In this section, the term ''State'' means any of the 50 States, the District of Columbia, or Puerto Rico.*

*(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $20,000,000 for fiscal year 2004. Such amounts shall remain available until expended.*

*(i) STUDY OF STATE PROGRAMS.—*

*(1) STUDY.—The Secretary shall conduct a study to examine State barriers to the adoption and implementation of State programs for the use of communications systems along highways for alerts and other information for the recovery of abducted children.*

*(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, together with any recommendations the Secretary determines appropriate.*

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

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

*(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—*

*(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;*

*(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans; and*

*(3) such other activities as the Attorney General considers appropriate for supporting the AMBER Alert communications program.*

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

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

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

*(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Justice $5,000,000 for fiscal year 2004 to carry out this section.*

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

***SEC. 305. INCREASED SUPPORT.***

*Section 404(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5773(b)(2)) is amended by inserting ''and $20,000,000 for each of fiscal years 2004 and 2005'' after ''and 2003''.*

***SEC. 306. SEX OFFENDER APPREHENSION PROGRAM.***

*Section 1701(d) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—*

*(1) by redesignating paragraphs (10) and (11) as (11) and (12), respectively; and*

*(2) by inserting after paragraph (9) the following:*

*''(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;''.*

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 108–48. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 108–48.

AMENDMENT NO. 1 OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. PENCE:

At the end of title I (page ____, after line ____), insert the following:

**SEC. 108. MISLEADING DOMAIN NAMES ON THE INTERNET.**

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252A the following:

**''§ 2252B. Misleading domain names on the Internet**

''(a) Whoever knowingly uses a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet shall be fined under this title or imprisoned not more than 2 years, or both.

''(b) Whoever knowingly uses a misleading domain name with the intent to deceive a minor into viewing material that is harmful to minors on the Internet shall be fined under this title or imprisoned not more than 4 years, or both.

''(c) For the purposes of this section, a domain name that includes a word or words to indicate the sexual content of the site, such as 'sex' or 'porn', is not misleading.

''(d) For the purposes of this section, the term 'material that is harmful to minors' means any communication that—

''(1) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

''(2) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

''(3) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the time relating to section 2252A the following new item:

''2252B. False or misleading domain names on the Internet.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Indiana (Mr. PENCE) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise today as the author of the Pence amendment, the Truth in Domain Names Act, as a legislator, as a member of the Committee on the Judiciary, its Subcommittee on Courts, the Internet, and Intellectual Property; but also, most importantly, Mr. Chairman, I rise today as a dad who loves to sit my 9-year-old daughter or my 11-year-old son on my knee and help them with their homework on the Internet. It was the experience of doing that that inspired me in the last Congress to author the Truth in Domain Names Act, and it has inspired me to bring this amendment to the underlying bill, the Child Abduction Prevention Act, today.

Thanks to the extraordinary leadership of the gentleman from Wisconsin (Chairman SENSENBRENNER), we are considering a bill today that will make measurable progress in protecting our children from child predators. I would offer humbly today, Mr. Chairman, that the Pence amendment is just such a bill.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I believe the gentleman's amendment is a very constructive amendment. I urge the committee to adopt it.

Mr. PENCE. Mr. Chairman, I thank the gentleman. The Pence amendment will make it a criminal act to knowingly use a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet; and, most especially, it would make it a criminal act to knowingly use a misleading domain name with the intent to deceive a minor into viewing material on the Internet that is harmful.

Like many of the Members, I believe the Internet should remain free of regulation, Mr. Chairman. The Pence amendment is not regulation of the Internet. It is an anti-fraud bill. It does not prevent any material from being displayed on the Internet. In fact, a domain name that includes word or words to indicate sexual content on the site like the word ''sex'' or ''porn'' is by definition in this law not considered misleading. The amendment simply requires Web site owners to be honest about the content of their site, preventing families just like mine from surfing the Internet as their children do homework and all of a sudden finding themselves in a place of prurient and pornographic material.

I am not the only one with this problem. A recent survey conducted in the year 2000 by the Crimes Against Children Research Center found that 71 percent of teens had accidentally come across inappropriate sexual material on the Internet. Another study conducted by the Berkeman Center at Harvard Law School reviewed 5,000 domain names that were just slight misspellings of existing Web sites and found, and I am quoting, ''A majority of these domain names are variations on sites frequently used by children; and although their domain names do not suggest the presence of sexually explicit content, more than 89 percent of the Web sites examined contained sexually explicit material.''

The Pence amendment is endorsed by leading organizations of a child advocate nature, and I urge its passage.

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

The CHAIRMAN pro tempore. Is there any Member seeking time in opposition?

Mr. SCOTT of Virginia. Yes, Mr. Chairman.

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

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

This is one of the reasons why it is difficult to consider legislation on the floor that had not been considered by committee. Reading the legislation, it appears that they have defined things that are obscene and, if that is the case, the whole site can be busted for obscenity. If it is not obscene, I am not sure that the amendment even applies. Adding ''misleading'' will just add complications to the prosecution because if we can prosecute for the obscenity, we do not have to get into the question of whether the title was misleading or not. We have constitutional implications with this because ''misleading'' may apply to adults as well as children.

There have been no hearings on this to my knowledge and certainly no committee consideration of this. I would point out that if the exemption on the bill, if we have a sexual implication in the name of the Web site, that might cause as many problems as it does solutions because it would make it easier to find the pornographic and obscene sites.

The AMBER alert bill ought to be passed by itself. We ought not be complicated with amendments such as this that have not been considered on the floor. So I would hope we would defeat the amendment, take the AMBER alert portion of the bill by itself so that that could be passed and considered, and deal with this kind of a measure in committee where we can deliberate and get all the fact and implications.

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

Mr. PENCE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT), a distinguished member of the Committee on Appropriations, one of the leading advocates of pro-family issues in Congress.

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

Mr. ADERHOLT. Mr. Chairman, first of all, let me thank the full committee Chair for his support for this amendment. We think this is certainly important, and it speaks well of him and his committee for accepting this amendment, support of it.

I am proud to stand here today in strong support of this amendment offered by the gentleman from Indiana (Mr. PENCE), my good friend and colleague. Passage of this legislation represents a positive step towards protecting our children from pornographic Web sites.

As the dad of a 3-year-old, I know personally that there is no substitute for parental supervision when it comes to the safety of our children. This bill does not assume to be the solution to parents who make the Internet a babysitter for their kids. Instead, this is meant to be a tool in the arsenal of responsible parenting. I believe this is why the National Center for Missing and Exploited Children is supporting this amendment.

The purpose of this bill is to punish those who use misleading domain names to attract children to pornographic Web sites. These sites use legitimate-sounding names to lure children to view pornographic material. This amendment, as has been cited, would authorize punishment of up to a quarter million dollars and imprisonment to 4 years. I would urge my colleagues to support this amendment and support final passage.

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

Mr. PENCE. Mr. Chairman, I have one remaining speaker on this amendment and would reserve the right to close.

The CHAIRMAN pro tempore. The gentleman in opposition has the right to close.

Mr. PENCE. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE), probably one of the leading congressional advocates for youth issues, the gentleman from the Committee on Education and the Workforce.

Mr. OSBORNE. Mr. Chairman, I thank the gentleman from Indiana (Mr. PENCE) for yielding me this time. I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his support of this amendment.

A year ago, my staff brought to my attention the fact that my name uses a search word that brought up a porn site so that meant that anyone in my District who was doing research on their Congressman was subject to a porn site and anyone doing research on athletics or football quite often would be subjected to the same pornographic material. I have grandchildren who are ages 6, 7, and 10, who all use the computer much better than I do, and it really concerns me that innocent words like ''Barbie'' or ''Disneyland'' can bring up graphic pornographic material or invite them into chat rooms that are frequented by pedophiles. So this is an issue that is very personal with me.

Of course, we are concerned about first amendment rights, but what about the rights of children who grow up in a wholesome environment to maintain some innocence, to not be exploited? The Pence amendment makes the use of domain names to deliberately mislead children viewing pornography to be a criminal activity. I urge support of the Pence amendment.

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

In closing, I would like to say that this bill has significant constitutional implications. I include for the RECORD a letter from Artist Empowerment Coalition in opposition to the amendment.

ARTIST EMPOWERMENT COALITION,
*New York, NY, March 26, 2003.*

Honorable Member,
*House Committee on Judiciary,*
*Washington, DC.*

Dear MEMBER: The Artist Empowerment Coalition (AEC) strongly opposes the language in Section 108 of the Amber Bill, which refers to MISLEADING DOMAIN NAMES ON THE INTERNET. The AEC represents a nationwide coalition of artists, songwriters, producers and industry executives. On behalf of the coalition, we ask that you oppose this amendment and prevent its inclusion in the legislation. The impact of its passage would be much broader and more harmful than the intent in our view, for the following reasons:

1. It is the artists' 1st Amendment right to express themselves creatively on the web or otherwise.

2. Recording artists of all genres have website domain names, which vary in origin and may reflect simply their names, titles, who they are and/or what they represent musically.

3. In some instances, an artists website content can include language and lyrics which are part of their overall body of work.

4. The content of the website and their creative expression is not and cannot always be reflected within the domain name.

5. Under Section 108 of this proposed amendment, content of an artists' website, judged subjectively, may be deemed ''obscene'' and therefore, based upon absence of labeling to that effect, exposes an artist to punishment under the law which can include, but is not limited to imprisonment.

6. The domain name selection, and its use on the part of an artist, is not, in this case, ''knowingly misleading,'' rather it is selected based upon an artists rights under the 1st Amendment of the Constitution.

Further, the AEC believes artists should have the right to use domain names, which are not subject to ''labeling'' and third party interpretations. We believe it is wrong to imply that an artist intends to ''knowingly deceive'' a person or persons simply by using his or her name, for instance, as the domain name rather than a description of the website contents.

While the AEC supports efforts to protect children from kidnapping and efforts to apprehend criminals, we oppose this and any measure, which wrongly makes criminals of the creative community, hinders the creative process and violates creative rights under the law. Please vote ''NO'' on this bill as amended.

Sincerely,

TRACEY WALKER,
*Director of Public Affairs.*

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 108–48.

AMENDMENT NO. 2 OFFERED BY MR. FEENEY

Mr. FEENEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FEENEY:

At the end of title I (page , after line ), insert the following:

**SEC. . SENTENCING REFORM.**

(a) REQUIREMENT TO SPECIFY IN THE GUIDELINES THE GROUNDS UPON WHICH DOWNWARD DEPARTURES MAY BE GRANTED.—Section 3553(b) of title 18, United States Code, is amended to read as follows:

''(b) APPLICATION OF GUIDELINES IN IMPOSING A SENTENCE.—The court shall impose a sentence of the kind, and within the range, referred to in subsection (a)(4) unless the court finds that—

''(1) there exists an aggravating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described; or

''(2) there exists a mitigating circumstance of a kind, or to a degree, that—

''(A) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

''(B) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

''(C) should result in a sentence different from that described.

In determining whether a circumstance was adequately taken into consideration, the court shall consider only the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission, together with any amendments thereto by act of Congress. In the absence of an applicable sentencing guideline, the court shall impose an appropriate sentence, having due regard for the purposes set forth in subsection (a)(2). In the absence of an applicable sentencing guideline in the case of an offense other than a petty offense, the court shall also have due regard for the relationship of the sentence imposed to sentences prescribed by guidelines applicable to similar offenses and offenders, and to the applicable policy statements of the Sentencing Commission, together with any amendments to such guidelines or policy statements by act of Congress.''.

(b) REFORM OF EXISTING PERMISSIBLE GROUNDS OF DOWNWARD DEPARTURES.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(1) Section 5K2.0 is amended as follows:

(A) Strike the first and second paragraphs of the Commentary to section 5K2.0 in their entireties.

(B) Strike ''departure'' every place it appears and insert ''upward departure''.

(C) Strike ''depart'' every place it appears and insert ''depart upward''.

(D) In the first sentence of section 5K2.0—

(i) strike ''outside'' and insert ''above'';

(ii) strike ''or mitigating''; and

(iii) strike ''Under'' and insert:

''(a) UPWARD DEPARTURES.—Under''.

(E) In the last sentence of the first paragraph of section 5K2.0, strike ''or excessive''.

(F) Immediately before the Commentary to section 5K2.0, insert the following:

''(b) DOWNWARD DEPARTURES.—

''Under 18 U.S.C. §3553(b)(2), the sentencing court may impose a sentence below the range established by the applicable guidelines only if the court finds that there exists a mitigating circumstance of a kind, or to a degree, that—

''(1) has been affirmatively and specifically identified as a permissible ground of downward departure in the sentencing guidelines or policy statements issued under section 994(a) of title 28, United States Code, taking account of any amendments to such sentencing guidelines or policy statements by act of Congress;

''(2) has not adequately been taken into consideration by the Sentencing Commission in formulating the guidelines; and

''(C) should result in a sentence different from that described.

''The grounds enumerated in this Part K of chapter 5 are the sole grounds that have been affirmatively and specifically identified as a permissible ground of downward departure in these sentencing guidelines and policy statements. Thus, notwithstanding any other reference to authority to depart downward elsewhere in this Sentencing Manual, a ground of downward departure has not been affirmatively and specifically identified as a permissible ground of downward departure within the meaning of section 3553(b)(2) unless it is expressly enumerated in this Part K as a ground upon which a downward departure may be granted.''.

(2) At the end of part K of chapter 5, add the following new sections:

**''§5K2.22 Specific Offender Characteristics as Grounds for Downward Departure (Policy Statement)**

''Age may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by §5H1.1.

''An extraordinary physical impairment may be a reason to impose a sentence below the applicable guideline range only if and to the extent permitted by §5H1.4. Drug, alcohol, or gambling dependence or abuse is not a reason for imposing a sentence below the guidelines.

**''§5K2.23 Early Disposition Programs as a Ground for Downward Departure (Policy Statement)**

''Upon motion of the government stating that:

''(1) due to extraordinary resource constraints, not typical of most districts, associated with the disproportionately high incidence of illegal reentry or other specific offenses within a particular district, the Attorney General has formally certified that the district is authorized to implement an early disposition program with respect to those specific categories of offenses;

''(2) pursuant to such specific authorization, the United States Attorney for the district has implemented such an early disposition program with respect to the category of offense for which the defendant has been convicted;

''(3) pursuant to such an early disposition program, the defendant, within 30 days of his or her first appearance before a judicial officer in connection with such a charge, entered into a plea agreement whereby he or she agrees, inter alia—

''(A) not to file any of the motions described in Federal Rule of Criminal Procedure 12(b)(3);

''(B) to waive appeal;

''(C) to waive the opportunity to pursue collateral relief under 28 U.S.C. §§2254 and 2555, including ineffective assistance of counsel claims; and

''(D) if an alien, to submit to uncontested removal from the United States upon completion of any sentence of imprisonment;

''(4) the plea agreement contemplates that the government will move for a downward departure based on the defendant's prompt agreement to enter into such an early disposition plea agreement; and ''(5) the defendant has fully satisfied the conditions of such plea agreement,

then, if the court finds that these conditions have been met and also finds that the defendant has received the maximum adjustment for which he is eligible (given his offense level) under §3E1.1, the court may depart downward from the guidelines under this section only to the extent agreed to by the parties in the plea agreement, which in no event shall exceed 4 levels.

''Commentary

''Several districts, particularly on the southwest border, have early disposition programs that allow them to process very large numbers of cases with relatively limited resources. Such programs are based on the premise that a defendant who promptly agrees to participate in such a program has saved the government significant and scarce resources that can be used in prosecuting other defendants and has demonstrated an acceptance of responsibility above and beyond what is already taken into account by the adjustments contained in §3E1.1. This section preserves the authority to grant limited departures pursuant to such programs. In order to avoid unwarranted sentencing disparities within a given district, any departure under this section must be pursuant to a formal program that is approved by the United States Attorney and that applies generally to a specified class of offenders. Authorization for the district to establish an early disposition program must also have been specifically conferred by the Attorney General, and may be granted only with respect to those particular classes of offenses (such as illegal reentry) whose high incidence within the district has imposed an extraordinary strain on the resources of that district as compared to other districts. To be eligible for the departure, the plea agreement under the program must reflect that the defendant has agreed to an expeditious plea, as described. A defendant who has not received any adjustment for acceptance of responsibility under §3E1.1 cannot receive a departure under this provision. A defendant whose offense level makes him eligible for the additional adjustment under §3E1.1(b), but who fails to satisfy the requirements for such an adjustment, is likewise ineligible for a departure under this provision. This section does not confer authority to depart downward on an ad hoc basis in individual cases. Moreover, because the Government's affirmative acquiescence is essential to the fair and efficient operation of an early disposition program, a departure under this section may only be granted upon a formal motion by the Government at the time of sentencing. Nothing in this section authorizes a sentence below a statutory mandatory minimum.''.

(3) Section 5K2.20 is deleted.

(4) Section 5H1.6 and section 5H1.11 are each amended by striking ''ordinarily'' every place it appears.

(5) Section 5K2.13 is amended by—

(A) striking ''or'' before ''(3)''; and

(B) replacing ''public'' with ''public; or (4) the defendant has been convicted of an offense under chapter 71, 109A, 1110, or 117 of title 18, United States Code.''.

(c) STATEMENT OF REASONS FOR IMPOSING A SENTENCE.—Section 3553(c) of title 18, United States Code, is amended—

(1) by striking ''described.'' and inserting ''described, which reasons must also be stated with specificity in the written order of judgment and commitment, except to the extent that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32. In the event that the court relies upon statements received in camera in accordance with Federal Rule of Criminal Procedure 32 the court shall state that such statements were so received and that it relied upon the content of such statements.'';

(2) by inserting '', together with the order of judgment and commitment,'' after ''the court's statement of reasons''; and

(3) by inserting ''and to the Sentencing Commission,'' after ''to the Probation System''.

(d) REVIEW OF A SENTENCE.—

(1) REVIEW OF DEPARTURES.—Section 3742(e)(3) of title 18, United States Code, is amended to read as follows:

''(3) is outside the applicable guideline range, and

''(A) the district court failed to provide the written statement of reasons required by section 3553(c);

''(B) the sentence departs from the applicable guideline range based on a factor that—

''(i) does not advance the objectives set forth in section 3553(a)(2); or

''(ii) is not authorized under section 3553(b); or

''(iii) is not justified by the facts of the case; or

''(C) the sentence departs to an unreasonable degree from the applicable guidelines range, having regard for the factors to be considered in imposing a sentence, as set forth in section 3553(a) of this title and the reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 3553(c); or''.

(2) STANDARD OF REVIEW.—The last paragraph of section 3742(e) of title 18, United States Code, is amended by striking ''shall give due deference to the district court's application of the guidelines to the facts'' and inserting '', except with respect to determinations under subsection (3)(A) or (3)(B), shall give due deference to the district court's application of the guidelines to the facts. With respect to determinations under subsection (3)(A) or (3)(B), the court of appeals shall review de novo the district court's application of the guidelines to the facts''.

(3) DECISION AND DISPOSITION.—

(A) The first paragraph of section 3742(f) of title 18, United States Code, is amended by striking ''the sentence'';

(B) Section 3742(f)(1) of title 18, United States Code, is amended by inserting ''the sentence'' before ''was imposed'';

(C) Section 3742(f)(2) of title 18, United States Code, is amended to read as follows:

''(2) the sentence is outside the applicable guideline range and the district court failed to provide the required statement of reasons in the order of judgment and commitment, or the departure is based on an impermissible factor, or is to an unreasonable degree, or the sentence was imposed for an offense for which there is no applicable sentencing guideline and is plainly unreasonable, it shall state specific reasons for its conclusions and—

''(A) if it determines that the sentence is too high and the appeal has been filed under subsection (a), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);

''(B) if it determines that the sentence is too low and the appeal has been filed under subsection (b), it shall set aside the sentence and remand the case for further sentencing proceedings with such instructions as the court considers appropriate, subject to subsection (g);''; and

(D) Section 3742(f)(3) of title 18, United States Code, is amended by inserting ''the sentence'' before ''is not described''.

(e) IMPOSITION OF SENTENCE UPON REMAND.—Section 3742 of title 18, United States Code, is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting the following after subsection (f):

''(g) SENTENCING UPON REMAND.—A district court to which a case is remanded pursuant to subsection (f)(1) or (f)(2) shall resentence a defendant in accordance with section 3553 and with such instructions as may have been given by the court of appeals, except that—

''(1) In determining the range referred to in subsection 3553(a)(4), the court shall apply the guidelines issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, and that were in effect on the date of the previous sentencing of the defendant prior to the appeal, together with any amendments thereto by any act of Congress that was in effect on such date; and

''(2) The court shall not impose a sentence outside the applicable guidelines range except upon a ground that—

''(A) was specifically and affirmatively included in the written statement of reasons required by section 3553(c)in connection with the previous sentencing of the defendant prior to the appeal; and

''(B) was held by the court of appeals, in remanding the case, to be a permissible ground of departure.''.

(f) DEFINITIONS.—Section 3742 of title 18, United States Code, as amended by subsection (e), is further amended by adding at the end the following:

''(j) DEFINITIONS.—For purposes of this section—

''(1) a factor is a 'permissible' ground of departure if it—

''(A) advances the objectives set forth in section 3553(a)(2); and

''(B) is authorized under section 3553(b); and

''(C) is justified by the facts of the case; and

''(2) a factor is an 'impermissible' ground of departure if it is not a permissible factor within the meaning of subsection (j)(1).''.

(g) REFORM OF GUIDELINES GOVERNING ACCEPTANCE OF RESPONSIBILITY.—Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended—

(1) in section 3E1.1(b)—

(A) by inserting ''upon motion of the government stating that'' immediately before ''the defendant has assisted authorities''; and

(B) by striking ''taking one or more'' and all that follows through and including ''additional level'' and insert ''timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently, decrease the offense level by 1 additional level'';

(1) in the Application Notes to the Commentary to section 3E1.1, by amending Application Note 6—

(A) by striking ''one or both of''; and

(B) by adding the following new sentence at the end: ''Because the Government is in the best position to determine whether the defendant has assisted authorities in a manner that avoids preparing for trial, an adjustment under subsection (b)(2) may only be

granted upon a formal motion by the Government at the time of sentencing.''; and

(3) in the Background to section 3E1.1, by striking ''one or more of''.

(h) IMPROVED DATA COLLECTION.—Section 994(w) of title 28, United States Code, is amended to read as follows:

''(w)(1) The Chief Judge of each district court shall ensure that, within 30 days following entry of judgment in every criminal case, the sentencing court submits to the Commission a written report of the sentence, the offense for which it is imposed, the age, race, sex of the offender, and information regarding factors made relevant by the guidelines. The report shall also include—

''(A) the judgment and commitment order;

''(B) the statement of reasons for the sentence imposed (which shall include the reason for any departure from the otherwise applicable guideline range);

''(C) any plea agreement;

''(D) the indictment or other charging document;

''(E) the presentence report; and

''(F) any other information as the Commission finds appropriate.

''(2) The Commission shall, upon request, make available to the House and Senate Committees on the Judiciary, the written reports and all underlying records accompanying those reports described in this section, as well as other records received from courts.

''(3) The Commission shall submit to Congress at least annually an analysis of these documents, any recommendations for legislation that the Commission concludes is warranted by that analysis, and an accounting of those districts that the Commission believes have not submitted the appropriate information and documents required by this section.''.

(i) SENTENCING GUIDELINES AMENDMENTS.—(1) Subject to subsection (j), the Guidelines Manual promulgated by the Sentencing Commission pursuant to section 994(a) of title 28, United States Code, is amended as follows:

(A) Application Note 4(b)(i) to section 4B1.5 is amended to read as follows:

''(i) IN GENERAL.—For purposes of subsection (b), the defendant engaged in a pattern of activity involving prohibited sexual conduct if on at least two separate occasions, the defendant engaged in prohibited sexual conduct with a minor.''.

(B) Section 2G2.4(b) is amended by adding at the end the following:

''(4) If the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence, increase by 4 levels.

''(5) If the offense involved—

''(A) at least 10 images, but fewer than 150, increase by 2 levels;

''(B) at least 150 images, but fewer than 300, increase by 3 levels;

''(C) at least 300 images, but fewer than 600, increase by 4 levels; and

''(D) 600 or more images, increase by 5 levels.''.

(C) Section 2G2.2(b) is amended by adding at the end the following:

''(6) If the offense involved—

''(A) at least 10 images, but fewer than 150, increase by 2 levels;

''(B) at least 150 images, but fewer than 300, increase by 3 levels;

''(C) at least 300 images, but fewer than 600, increase by 4 levels; and

''(D) 600 or more images, increase by 5 levels''.

(2) The Sentencing Commission shall amend the Sentencing Guidelines to ensure that the Guidelines adequately reflect the seriousness of the offenses under sections 2243(b), 2244(a)(4), and 2244(b) of title 18, United States Code.

(j) CONFORMING AMENDMENTS.—

(1) Upon enactment of this Act, the Sentencing Commission shall forthwith distribute to all courts of the United States and to the United States Probation System the amendments made by subsections (b), (g), and (i) of this section to the sentencing guidelines, policy statements, and official commentary of the Sentencing Commission. These amendments shall take effect upon the date of enactment of this Act, in accordance with paragraph (5).

(2) On or before May 1, 2005, the Sentencing Commission shall not promulgate any amendment to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission that is inconsistent with any amendment made by subsection (b) or that adds any new grounds of downward departure to Part K of chapter 5. At no time may the Commission promulgate any amendment that would alter or repeal section 5K2.23 of the Federal Sentencing Guidelines Manual, as added by subsection (b).

(3) With respect to cases covered by the amendments made by subsection (i) of this section, the Sentencing Commission may make further amendments to the sentencing guidelines, policy statements, or official commentary of the Sentencing Commission, except the Commission shall not promulgate any amendments that, with respect to such cases, would result in sentencing ranges that are lower than those that would have applied under such subsections.

(4) At no time may the Commission promulgate any amendment that would alter or repeal the amendments made by subsection (g) of this section.

(5) Section 3553(a) of title 18, United States Code, is amended—

(A) by amending paragraph (4)(A) to read as follows:

''(A) the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines—

''(i) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such guidelines by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

''(ii) that, except as provided in section 3742(g), are in effect on the date the defendant is sentenced; or'';

(B) in paragraph (4)(B), by inserting '', taking into account any amendments made to such guidelines or policy statements by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28)'' after ''Code'';

(C) by amending paragraph (5) to read as follows:

''(5) any pertinent policy statement—

''(A) issued by the Sentencing Commission pursuant to section 994(a)(1) of title 28, United States Code, subject to any amendments made to such policy statement by act of Congress (regardless of whether such amendments have yet to be incorporated by the Sentencing Commission into amendments issued under section 994(p) of title 28); and

''(B) that, except as provided in section 3742(g), is in effect on the date the defendant is sentenced.''.

(k) COMPLIANCE WITH STATUTE.—Section 994(a) of title 28, United States Code, is amended by striking ''consistent with all provisions of this title and title 18, United States Code,'' and inserting ''consistent with all pertinent provisions of any Federal statute''.

(l) REPORT BY THE ATTORNEY GENERAL.—

(1) Not later than 15 days after a district court's grant of a downward departure in any case, other than a case involving a downward departure for substantial assistance to authorities pursuant to section 5K1.1 of the Sentencing Guidelines, the Attorney General shall report to the House and Senate Committees on the Judiciary, setting forth the case, the facts involved, the identity of the district court judge, the district court's stated reasons, whether or not the court provided the United States with advance notice of its intention to depart, the position of the parties with respect to the downward departure, whether or not the United States has filed, or intends to file, a motion for reconsideration; whether or not the defendant has filed a notice of appeal concerning any aspect of the case, and whether or not the United States has filed, or intends to file, a notice of appeal of the departure pursuant to section 3742 of the title 18, United States Code.

(2) In any such case, the Attorney General shall thereafter report to the House and Senate Committees on the Judiciary not later than 5 days after a decision by the Solicitor General whether or not to authorize an appeal of the departure, informing the committees of the decision and the basis for it.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Florida (Mr. FEENEY) and a Member opposed each will control 10 minutes.

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

Mr. FEENEY. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, this amendment addresses long-standing and increasing problems of downward departures from the Federal sentencing guidelines. According to the testimony of the Department of Justice, this is especially a problem in child pornography cases.

Although the guidelines continue to state that departures should be very rare occurrences, they have in fact proved to be anything but. The Department of Justice testified before the Subcommittee on Crime, Terrorism, and Homeland Security that the rate of downward departures on grounds other than substantial assistance to the government has climbed steadily every year for many years. In fact, the rate of such departures for nonimmigration cases has climbed to 50 percent in the last 4 years from 9.6 percent in fiscal year 1996 to 14.7 percent in fiscal year 2001.

□ 1145

Increasingly, the exceptions are overriding the rule.

By contrast, Mr. Chairman, upward departures are virtually nonexistent. During the same period of time, from fiscal year 1996 to fiscal year 2001, the upward departure rate has held steady at 0.6 percent. That means that judges, by a 33 to 1 ratio, are deviating from the guidelines in order to basically help convicted defendants.

The Department of Justice believes that much of this damage is traceable to the Supreme Court's 1996 decision in Koon versus the United States. In the Koon case, the court held that any factor not explicitly disapproved by the

sentencing commission or by statute could serve as grounds for departure. So judges can make up exceptions as they go along. This has led to an accelerated rate of downward departures.

Judges who dislike the Sentencing Reform Act and the sentencing guidelines now have significant discretion to avoid applying a sentence within the range established by the commission, and it is difficult for government to effectively appeal such cases.

The amendment I offer today contains a number of provisions designed to ensure more faithful adherence to the guidelines so defendants in cases involving child pornography and sexual abuse receive the sentences that Congress intended.

Specifically, this amendment would put strict limitations on departures by allowing sentences outside the guidelines range only upon grounds specifically enumerated in the guidelines as proper for departure. This would eliminate ad hoc departures based on vague grounds, such as ''general mitigating circumstances.'' This amendment would also reform the existing grounds of departure set forth in the current guidelines by eliminating those that have been most frequently abused, such as ''aberrant behavior,'' which is already taken into account in a person's past criminal history.

In addition, Mr. Chairman, this amendment would require courts to give specific responses for any departure from the guidelines. It would change the standard of review for appellate courts to a de novo review, which would be more effective to review illegal and inappropriate downward departures. It would prevent sentencing courts upon remand from imposing the same illegal departure on some different theory and only allow courts to reduce a person's sentence for acceptance of responsibility when the government agrees with that finding.

Additionally, the definition of ''pattern of activity involving prohibited sexual conduct'' in the sentencing guidelines is hereby broadened. Currently, the guideline provides that such a pattern exists only where the defendant engaged in prohibited sexual contact on at least two separate occasions with at least two different minor victims. This definition does not adequately take account of the frequent occurrence where repeated sexual abuse against a single child occurs and the severity of the harm to such victims from such repeated abuse. The amendment would broaden the definition to include repeated abuse of the same victim on separate occasions.

Mr. Chairman, finally, the guidelines are remanded with regard to penalties for the possession of child pornography in two ways. First, penalties are increased if the offense involved material that portrays sadistic or masochistic conduct or other depictions of violence; and, second, penalties are increased based on the amount of child pornography involved in the offense.

The famous philosopher and statesman Cicero said that justice is the set and constant purpose which gives every man his due. Unfortunately, judges in our country all too often are arbitrarily deviating from the sentencing guidelines enacted by the United States Congress based on their personal biases and prejudices, resulting in wide disparity in sentencing.

Mr. Chairman, I would ask my colleagues to support this amendment. I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his great work on the bill, H.R. 1104, in protecting children and for his support for this amendment.

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

The CHAIRMAN pro tempore (Mr. SHIMKUS). Does the gentleman from Virginia (Mr. SCOTT) claim the time in opposition?

Mr. SCOTT of Virginia. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes.

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

Mr. Chairman, this amendment would have the effect of turning the sentencing guidelines into mandatory sentences in the cases it affects. We have not had hearings or markups on this matter; and this is not the way we should amend the sentencing guidelines, without thought or consideration.

The purpose of the sentencing guidelines is to provide intelligent consistency in sentencing, considering each sentence within the overall framework of other sentences, and ensuring that more serious crimes get more serious punishment. That is impossible when you just take one crime at a time outside of that context with a floor amendment such as this.

The fact is, it makes no sense to have people with different degrees of criminality getting equal sentences or people with equal degrees of criminality getting vastly different sentences.

The evidence is that the guidelines are operating the way they are supposed to. About 85 percent of the sentences are either within the guideline range or outside of the guidelines at the request of the prosecution.

The sentencing commission should retain the appropriate discretion, since that discretion has been essentially taken away from judges. If we want the commission to look at this specific problem of downward departures in these cases, we should direct the sentencing commission to do just that and not take it upon ourselves to do it all by ourselves in a vacuum.

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

Mr. FEENEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I compliment the gentleman from Florida for proposing an excellent amendment. Let me say I am really puzzled that my friend the gentleman from Virginia (Mr. SCOTT) is opposing this amendment.

Back in 1992, there was a citizen of Los Angeles County named Rodney King that was beaten up by a bunch of police officers. Those police officers were tried and convicted of a civil rights violation in a Federal Court.

The judge there had a downward departure from the sentence that Police Officer Koon would have received, which would have been 70 to 87 months under the sentencing guidelines. The District Court said, as a result of the widespread publicity and emotional outrage which would have surrounded this case, the officers were particularly likely to be targets of abuse in prison, had they been burdened by having been subjected to successive State and Federal prosecutions. So Mr. Koon only got 30 months in prison, when the guidelines required 70 to 87 months in prison.

Now, the Congressional Black Caucus sent a letter to Attorney General Janet Reno; and that was reported in the August 13, 1993, edition of the Los Angeles Times. The Black Caucus, the gentlewoman from California (Ms. WATERS), and 24 other members of the CBC wrote the Attorney General asking that this be appealed.

The government did appeal that sentence and won its case in the Appeals Court, and the Appeals Court held that there should be a de novo review of the sentence. Then there was an appeal to the United States Supreme Court which reversed the Appeals Court and said that the only time a district judge's departure from sentencing guidelines could be reviewed and reversed was if there was an abuse of discretion.

There is a provision in the amendment offered by the gentleman from Florida (Mr. FEENEY) that does precisely what the Congressional Black Caucus asked for almost 10 years ago, and that is to give appeals courts de novo review over sentencing guidelines.

So I am puzzled at the gentleman from Virginia's opposition. We are doing what he asked for, but maybe 10 years too late.

Now, I think it is outrageous that one out of every five cases of those convicted of sexually abusing a child or sexually exploiting a child through child pornography have received a downward departure from the sentencing guidelines. The law says this is supposed to be rare, but, instead, a 20 percent downward departure rate is not rare.

Mr. Chairman, I think that the amendment that has been offered by the gentleman from Florida plugs this loophole. It ought to be passed.

Mr. Chairman, I include for the RECORD the August 6, 1993, letter from

the Congressional Black Caucus to the Attorney General of the United States.

HOUSE OF REPRESENTATIVES,
*Washington, DC, August 6, 1993.*

Hon. JANET RENO,
*Attorney General, Department of Justice, Washington, DC.*

DEAR ATTORNEY GENERAL RENO: As members of the Congressional Black Caucus, we are writing to you because of our concern about the sentencing of Officer Laurence Powell and Sergeant Stacey Koon by Judge John Davies in the Rodney King civil rights case.

We are troubled that the sentence for the crime was reduced to 30 months upon the court's consideration of mitigating facts. Such a reduction for mitigation factors may be appropriate in other circumstances. However, we feel that the dependents' special status as police officers, with special duties owned to the public, should have mitigated against such a significant reduction.

As you well know, the maximum possible penalty was ten years and fines of up to $250,000. Your federal prosecutors were asking for seven to nine years. Our federal sentencing guidelines recommended minimum sentences in a range of four to seven years in prison.

Instead, Judge John Davies made broad use of subjective factors. He stated that he read only letters addressed to him from the friends and families of Officer Powell and Sergeant Koon. He argued that much of the violence visited on Rodney King was justified by King's own actions. However, these officers were convicted on charges of violating Rodney King's civil rights. We believe these mitigating factors did not justify so large a reduction given the defendant's special responsibilities as police officers.

In addition, Judge Davies did not afford proper weight to the racist comments made over police radio by those convicted on the night of the beating in discounting race as a motivation for the beating. He similarly failed to take into account the remarkable lack of remorse shown by Officer Powell and Sergeant Koon since their conviction.

People of good will all over this country and of all races were heartened when Officer Powell and Sergeant Koon were convicted by a jury of their peers, a verdict made possible by the Justice Department's resolve to file civil rights charges and by the phenonemal performance of federal prosecutors. With these severely reduced sentences, however, we are sending a mixed message. Are police officers going to be held responsible for excessive use of force or not?

We think what has been lost, in all this, is the police officers have an enhanced responsibility to upheld the law.

Notwithstanding Judge Davies' authority to modify the sentencing guidelines, most experts agreed that the minimum four to seven years sentence should have been followed in this case.

We realize that the trial judge is afforded sufficient latitude in sentencing, but we urge the Department of Justice to appeal these sentences. We need to reexamine these sentences so that justice can finally be done in this difficult, painful case. Only then can we begin to put this behind us.

Sincerely,

Maxine Waters, Eva M. Clayton, Sanford Bishop, Major R. Owens, Eddie Bernice Johnson, Walter Tucker, Floyd H. Flake, William Clay, Albert R. Wynn, Charles B. Rangel, Carrie P. Meek, William J. Jefferson, James E. Clyburn, Donald M. Payne, Earl Hilliard, Alcee Hastings, Bennie M. Thompson, Kweisi Mfume, Glee Fields, Louis Stokes, Cynthia McKinney, Melvin L. Watt, John Lewis, Ronald V. Dellums, Corrine Brown.

Mr. SCOTT of Virginia. Mr. Chairman, I reserve the balance of my time, and reserve the right to close.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. FEENEY) has 2½ minutes remaining.

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

Mr. Chairman, it does not surprise me that the Congressional Black Caucus long before I got here took the position that we should not have the whims and biases and prejudices of individual judges responsible for deviating widely in the sentencing in the same exact types of cases. So I think the chairman of the Committee on the Judiciary has done a wonderful job pointing out the problem when you allow widespread deviation.

There really had been no standards. Why have guidelines at all, if judges can make up ad hoc reasons to implement those guidelines?

This is an especially important problem in cases of child abuse and in cases of sexual offenses because of the enormously high recidivism rate. We have heard Attorney General Reno says something like 75 percent of sexual offenders are going to repeat their offenses. We know that exhibitionists, for example, have some of the highest sex offense recidivism rates, something like between 41 and 71 percent. The next highest recidivism rate is found among child molesters who offend against boys, somewhere upwards of 40 or 45 percent.

Now, it does the People's Congress no good to pass laws prohibiting child pornography or kidnapping or sexual abuse, for example, if we are going to have liberal judges deviate on a regular basis.

Mr. Chairman, I am delighted to have the endorsement of the Congressional Black Caucus for my idea, if not my amendment necessarily.

Mr. Chairman, in closing, I would just say that equality in sentencing is important for a number of reasons. Number one, we want to send a message to criminals and would-be criminals; and, number two, we wanted to make sure that all criminals are treated equally.

I think that is what this amendment does. I think it provides certainty. I think it provides a very important deterrent effect. We will have a lot less child abuse, a lot less child pornography, and perhaps less kidnapping if we adopt this amendment.

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

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

Mr. Chairman, when you ask for the courts to review it, that is so it can be considered in the courts with all the evidence, not in the political branch. It is better to leave it to the sentencing commission and the courts than to floor amendments in the House of Representatives.

If this is such a good idea, then let us do it through the regular order. Let us have some hearings, subcommittee markup, committee markup, and then we can slowly and deliberately consider such an amendment.

The purpose of the sentencing commission is to get away from the floor amendments and the sound bites so you can have intelligent sentencing. We have had situations where you have had sentences that are way out of proportion to crimes that are just as serious, or less serious, totally out of context. That is why we try to get away from it, so that serious crimes get serious punishment, lesser crimes get lesser punishment.

That is the purpose of the sentencing commission. You cannot do that with floor amendments in the House of Representatives. That is why we would hope this amendment could be defeated. We could get a clean Amber Alert bill passed so we can get that enacted and not have to get bogged down in consideration of amendments such as this.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. FEENEY).

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

Mr. FEENEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. FEENEY) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 108–48.

AMENDMENT NO. 3 OFFERED BY MR. POMEROY

Mr. POMEROY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. POMEROY:

At the end of subtitle B of title II (page , after line ), insert the following new section:

**SEC. . INFORMATION AND DOCUMENTATION REQUIRED BY ATTORNEY GENERAL UNDER VICTIMS OF CHILD ABUSE ACT OF 1990.**

(a) REGIONAL CHILDREN'S ADVOCACY CENTERS.—

(1) IN GENERAL.—Section 213 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001b) is amended—

(A) in subsection (b)(2)—

(i) by striking ''and'' at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(C) provide such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds for purposes of evaluation of the effect of grants on the community response to child abuse.''; and

(B) in subsection (d)(3)(A), by inserting after ''activities'' the following: ''or substantially fails to provide information or documentation required by the Attorney General''.

(2) CLERICAL AMENDMENTS.—Such section is further amended—

(A) in subsection (c)(4)—

(i) by striking ''and'' at the end of subparagraph (B)(ii);

(ii) in subparagraph (B)(iii), by striking ''Board'' and inserting ''board''; and

(iii) by redesignating subparagraphs (C) and (D) as clauses (iv) and (v), respectively, of subparagraph (B), and by realigning such clauses so as to have the same indentation as the preceding clauses of subparagraph (B);

(B) in subsection (e), by striking ''Board'' in each of paragraphs (1)(B)(ii), (2)(A), and (3), and inserting ''board''.

(b) LOCAL CHILDREN'S ADVOCACY CENTERS.—Section 214 of that Act (42 U.S.C. 13002) is amended in subsection (b)(2)(J) by inserting before the period at the end the following: '', including such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds for purposes of evaluation of the effect of grants on the community response to child abuse.''.

(c) GRANTS FOR SPECIALIZED TECHNICAL ASSISTANCE AND TRAINING PROGRAMS.—Section 214A of such Act (42 U.S.C. 13003) is amended in subsection (c) by adding at the end the following new paragraph:

''(3) Any recipient of a grant under this section shall provide such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds for purposes of evaluation of the effect of grants on the community response to child abuse.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—The text of section 214B of such Act (42 U.S.C. 13004) is amended to read as follows:

''(a) SECTIONS 213 AND 214.—There are authorized to be appropriated to carry out sections 213 and 214, $15,000,000 for each of fiscal years 2004 and 2005.

''(b) SECTION 214A.—There are authorized to be appropriated to carry out section 214A, $5,000,000 for each of fiscal years 2004 and 2005.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from North Dakota (Mr. POMEROY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Dakota (Mr. POMEROY).

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

Mr. Chairman, as we consider this bill, which will strengthen penalties against kidnapping and aid law enforcement agencies to effectively prevent, investigate and prosecute crimes against children, we should also take this opportunity to reauthorize the Victims of Child Abuse Act. This law, initially passed in 1992, supports grants for programs to assist the victims of child abuse.

Our colleague, the gentleman from Alabama (Mr. CRAMER), was involved in the original enactment of this legislation and continues to be very active in the programs administered through this program and deserves a great deal of credit for the activity underlying the amendment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a very good amendment. This program is a very important one. It is too important to let go by the wayside. I believe we should take this opportunity to reauthorize it in the context of this bill and would urge the committee to support the gentleman's amendment.

Mr. POMEROY. Mr. Chairman, I appreciate very much the chairman's comments in that regard. They are similar to comments made by the district attorneys in a letter from the National District Attorneys Association citing the extraordinary value of these programs.

In the interest of time and in the interest of debate and with the endorsement of the Committee on the Judiciary chairman, I would put into the record the statement that I make on behalf of this amendment, along with the letter from the National District Attorneys Association, and urge its adoption.

Mr. Chairman, as we consider this bill which would strengthen penalties against kidnapping and aid law enforcement agencies to effectively prevent, investigate, and prosecute crimes against children, we should also take this opportunity to reauthorize the Victims of Child Abuse Act. This law supports grants for programs to assist victims of child abuse.

Congress passed the Victims of Child Abuse Act in 1992. This Act provided for the establishment of four Regional Children's Advocacy Centers to provide information, technical assistance, and training to assist communities in establishing programs, particularly children's advocacy centers, that respond to child abuse. Since that time, these local and regional centers have served and assisted victims of child abuse heal and recover.

The need for these centers and programs in increasing. In my home state of North Dakota, we have one Children's Advocacy Center (CAC), located in Bismarck. It opened in 1996 and is completely funded by grants. Since its opening, it has assessed and closed over 4,000 cases of abuse and/or neglect. Unfortunately, over 7,000 children have been suspected to be victims during this time. Referrals have increased by 49 percent since 2000 and 72 percent of all victims were 8 and under. As you can see, this center serves a fragile population and addresses a vital need. The Center serves 49 out of 53 counties and all four Native American reservations.

Children's Advocacy Centers are important because they make the process of reporting child abuse and receiving treatment easier on children. They provide consistent and timely response to abuse reports; effective medical and mental health treatment or referrals; and reduce the number of child interviews by prosecutors and investigators, lessening the mental impact of continued exposure to the abuser.

Nationally, there are 464 Children Advocacy Centers in the United States that are members of the National Children's Alliance (NCA). There are an additional 221 programs that are recognized by NCA as being engaged in the process of creating a CAC. The National Children's Advocacy Center (NCAC) in Hunstville, Alabama has had a significant impact on CAC development, and I want to acknowledge Representative BUD CRAMER of his outstanding work in developing the first CAC program.

I support Representative CRAMER in his work and seek to extend the legislation that helps fund its programs. The authorization for this funding expired in fiscal year 2000. While funding has continued through the annual appropriations process, Congress should reauthorize the program and demonstrate our support for its mission. The amendment would authorize $15 million for Regional and Local Children's Advocacy Centers through 2005, and would provide $5 million for grants for specialized technical assistance and training programs.

This amendment also adds tools for the Department of Justice to evaluate these grant programs to ensure that these funds are being used to achieve the very important goals they were designed for—helping children and families deal with the tragedy of child abuse. These tools are to be used only to improve the current delivery of child abuse prosecution and recovery.

Let's make sure every victim of child abuse has access to the resources he or she may need to assist in the prosecution of their abuser and recovery. I urge my colleagues to support this vital amendment.

*Alexandria, VA, March 27, 2003.*

Hon. JIM SENSENBRENNER, Jr.,
*Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN SENSENBRENNER: On behalf of the National District Attorneys Association I want to urge the passage of the Pomperoy amendment to H.R. 1104, the Child Abduction Prevention Act. This amendment reauthorizes funding for the National Center for the Prosecution of Child Abuse, a vitally important resource for the local prosecutors of this country.

The National Center for the Prosecution of Child Abuse is dedicated to training prosecutors, police investigators, medical personnel and social workers on the intricacies of investigating and prosecuting cases of child abuse and neglect. Additionally they provide on going technical assistance to prosecutors in the field—even in the midst of a case.

Child abuse cases are some of the most complex to investigate and prosecute. The training and assistance that the Center provides is crucial to fight this scourge. I urge speedy acceptance of Mr. Pomeroy's effort to ensure that our children are protected to the utmost extent of the law.

Sincerely,

DAN M. ALSOBROOKS,
*President.*

Mr. POMEROY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Is there any Member seeking time in opposition?

There being none, all time for debate has expired.

The question is on the amendment offered by the gentleman from North Dakota (Mr. POMEROY).

The amendment was agreed to.

□ 1200

The CHAIRMAN pro tempore (Mr. SHIMKUS). It is now in order to consider amendment No. 4 printed in House Report 108–48.

AMENDMENT NO. 4 OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment:

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FOLEY:

At the end of section 301 of the bill, insert the following:

(e) REPORT.—Not later than March 1, 2005, the Coordinator shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the AMBER plans of each State that has implemented such a plan. The Coordinator shall prepare the report in consultation with the Secretary of Transportation.

In section 304(b) of the bill, strike ''and'' at the end of paragraph (2), redesignate paragraph (3) as paragraph (4), and insert after paragraph (2) the following:

(3) the development and implementation of new technologies to improve AMBER Alert communications; and

In section 304(f)(1) of the bill, strike the period at the end insert the following:

and, in addition, $5,000,000 for fiscal year 2004 to carry out subsection (b)(3).

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Florida (Mr. FOLEY) and a Member opposed each will control 5 minutes.

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

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

I rise today in support of my amendment to H.R. 1104, which will help strengthen the AMBER Alert provision being considered today.

First let me thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, for his efforts to move this important package through the House today. Provisions like the ''two strikes and you're out'' for repeat child sex offenders, penalties for international sex tourism, the doubling of funding for the National Center for Missing and Exploited Children, and, of course, the AMBER Alert Act all make this legislation another nail in the coffin for those who prey on the most innocent of our society, and that is our children.

Last summer we were all shocked and horrified by the high-profile abduction cases of children from all over our country. Every time there was a new report of a missing child, one could almost feel the collective shudder of parents from the east coast to the west. The only comfort we had was the successful recovery of several children as a result of the AMBER Alert system.

AMBER, which stands for America's Missing Broadcast Emergency Response plan, is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child abduction cases. Just like with severe weather alerts, broadcasters use the Emergency Alert System to air a description of the missing child and suspected abductor.

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

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

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment. I commend the gentleman from Florida for drafting and offering it, and I would urge the Committee to adopt it.

Mr. FOLEY. Mr. Chairman, I appreciate the support of the chairman of the committee.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON), the cochair of the Congressional Caucus for Missing and Exploited Children.

Mr. LAMPSON. Mr. Chairman, I thank the gentleman from Florida for yielding to me to speak in favor of the amendment that the gentleman is offering.

The gentleman's amendment is designed to enhance the AMBER Alert provisions contained in H.R. 1104. Specifically, the amendment provides an additional $5 million in grant funding to help States implement new technologies designed to improve the dissemination of AMBER alerts.

Though the use of highway signs and media outlets is a start, we must begin to look at new technologies like the Internet and e-mail to get these important alerts out.

The amendment will also require the new AMBER Alert coordinator to submit a report by March 1, 2005, to Congress on the effectiveness and status of the AMBER Alert plans in each State. This report will provide the information Congress needs to determine the progress that the national coordinator and the States are making toward statewide integrated AMBER Alert systems.

AMBER Alert is one of the most effective tools that we have to bring kids home. I thank the gentleman for the work that he has done on this issue and for joining me as the cochair on the Congressional Caucus for Missing and Exploited Children, and I hope the Congress passes the AMBER Alert legislation immediately, and this amendment.

Mr. FOLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does anyone seek time in opposition?

The question is on the amendment offered by the gentleman from Florida (Mr. FOLEY).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 5 printed in House Report 108–48.

AMENDMENT NO. 5 OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CARTER:

Add at the end the following:

**SEC. . FEASIBILITY STUDY FOR A SYSTEM OF BACKGROUND CHECKS FOR VOLUNTEERS.**

(a) STUDY REQUIRED.—The Attorney General shall conduct a feasibility study within 120 days after the date of the enactment of this Act. The study shall examine, to the extent discernible, the following:

(1) The current state of fingerprint capture and processing at the State and local level, including the current available infrastructure, State system capacities, and the time for each State to process a civil or volunteer print from the time of capture to submission to the Federal Bureau of Investigation (FBI).

(2) The intent of the States concerning participation in a nationwide system of criminal background checks to provide information to qualified entities.

(3) The number of volunteers, employees, and other individuals that would require a fingerprint based criminal background check.

(4) The impact on the FBI's Integrated Automated Fingerprint Identification System (IAFIS) in terms of capacity and impact on other users of the system, including the effect on FBI work practices and staffing levels.

(5) The current fees charged by the FBI, States and local agencies, and private companies to process fingerprints.

(6) The existence of ''model'' or best practice programs which could easily be expanded and duplicated in other States.

(7) The extent to which private companies are currently performing background checks and the possibility of using private companies in the future to perform any of the background check process, including, but not limited to, the capture and transmission of fingerprints and fitness determinations.

(8) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint based and other criminal background check system.

(9) Any other information deemed relevant by the Department of Justice.

(b) REPORT.—Based on the findings of the feasibility study, the Attorney General shall, not later than 120 days after the date of the enactment of this Act, submit to Congress a report, including recommendations, which may include a proposal for grants to the States to develop or improve programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly, or the disabled.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Texas (Mr. CARTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CARTER).

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

The National Child Protection Act was enacted in 1993. It was followed by legislation to include this through the Volunteers for Children Act. These acts provided a process for background checks for volunteers to ensure that individuals who are allowed the privilege of working with our children have nothing but good intentions. But according to groups that depend on volunteers to work with children, this process is not working.

No one has been able to provide an explanation as to why the process has failed. There are a number of different factors which could be hampering the process, including the existing capacity or infrastructure of the FBI and the States to collect and process and share fingerprint background information and the cost to run such a program.

My amendment requests the Department of Justice to conduct a feasibility study to determine the extent of the

problem and requests the Department of Justice to propose a solution based on its findings.

The study will examine the current state of the fingerprint capture and processing at the State and local level, including the current available infrastructure, the State capacities, and time for each State to process a civil-volunteer print from the time of capture to submission to the FBI.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a very necessary amendment, if I could just take a minute to explain why.

In 1993, the National Child Protection Act was passed to provide a process for background checks for volunteers. It did not get up and running.

Additional legislation to improve the process was enacted through the Volunteers for Children Act of 1998. It still is not up and running.

What the gentleman from Texas is proposing is to tell the Justice Department that they have 120 days to tell us why these programs are not up and running, what is needed to fix them, and to get on with the background check system so that those who do volunteer to work not only with children, but also the disabled and the elderly, can be checked out to see if altruism is not their sole motivation for working with these groups of people.

I think that this is a very good amendment, and I hope that it would be adopted.

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I would point out that this is going in the right direction. We need to work on this as quickly as possible, in this bill or outside of this bill. I think it is a good idea, and I am in support of the amendment.

Mr. CARTER. In light of the support of the chairman of the committee, I would like to conclude by saying that over the last 20 years I have tried over 100 of these cases, and last year I had a lady come up to me in a grocery store and told me about her child who was going to Colorado to testify in a case against a child sex molester who had molested him in a case that I tried back in 1985; and he was going to testify in the case that was now pending in Colorado. If this system had been up and in effect at that time, we would have been able to find that predator and prevent him from doing this again.

Mr. Chairman, I yield the remaining time to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I will submit my comments for the RECORD.

I rise to strongly support the Carter amendment. The gentleman from Texas (Mr. LAMPSON) and I both were authors in 1998 for the Volunteers for Children Act. It is working very successfully in Florida. The FDLA has told us it is one of the most aggressive tools that they have to protect our children. I strongly support the gentleman's inquiry to Justice. I hope they will yield the important results that this is an enormously helpful program. So I support the gentleman's efforts.

Mr. Chairman, I rise today in support of my friend from Texas's amendment.

In 1993, Congress passed a critical safeguard for children—the National Child Protection Act, commonly known as the Oprah Winfrey Act. The law gave groups such as schools, day care facilities and youth volunteer organizations access to FBI fingerprinting checks to help ensure that they weren't inadvertently hiring convicted child molesters to tend their young charges.

But there was a hitch. Under the law, these national fingerprint-based checks are only available if states put into place laws approved by the U.S. Attorney General specifically allowing access to them. As a result, while nearly all states had laws providing background checks for various people, such as school personnel or day care workers, only about six had laws specifically giving nonprofit youth-serving organizations like the Boys and Girls Clubs access to do national fingerprint checks on would-be volunteers.

In 1998, I along with Congressman LAMPSON and Senator BIDEN introduced the Volunteers for Children Act which would allow youth-serving nonprofit organizations to request national fingerprint background checks in the absence of state laws providing such access. This bill, which has since been enacted into law, has only been followed by a few states.

The amendment my friend from Texas offers today will require the Department of Justice to conduct a study on the implementation of the Volunteers for Children Act by the states and to provide recommendations to Congress on how to improve state compliance.

In encourage all of my colleagues to vote for the amendment and I look forward to working with Chairman SENSENBRENNER and Chairman COBLE to once and for all fix this very important law.

Mr. CARTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Is there anyone seeking time in opposition to the amendment?

The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 108–48.

AMENDMENT NO. 6 OFFERED BY MR. LAMPSON

Mr. LAMPSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. LAMPSON: Add at the end the following:

**SEC. . FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN.**

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

''(f) Under the direction of the Secretary of the Treasury, officers and agents of the Secret Service are authorized, at the request of any State or local law enforcement agency, or at the request of the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Texas (Mr. LAMPSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. LAMPSON).

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

For 2½ years I have stood on this floor almost every day talking about the issue of missing and exploited children, encouraging our colleagues to join us in developing legislation to help raise the level of awareness of this horrendous issue across the United States of America to higher and higher heights, and I am proud of the fact that we are here today discussing the legislation that we are.

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

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

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

This is also a very good amendment. It broadens the tools that law enforcement can use to track down missing children through better forensic investigation. I commend the gentleman from Texas for offering this amendment, and I hope that the committee adopts it.

Mr. LAMPSON. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his support.

It was about a decade ago, I guess, that Congress authorized the United States Secret Service to participate in a multi-agency task force for the purpose of providing resources, expertise, and other assistance to local law enforcement agencies and the National Center for Missing and Exploited Children in cases involving missing and exploited children. This began a very strong partnership between the Secret Service and the National Center for Missing and Exploited Children and resulted in the Secret Service providing critical forensic support, including polygraph examinations, handwriting examinations, fingerprint research and identification, age progressions and regressions, and audio and video enhancements to NCMEC and law enforcement in numerous missing children's cases.

However, there is a clear need to provide explicit statutory jurisdiction to the Secret Service to continue this forensic and investigative support upon request from local law enforcement and from the National Center for Missing and Exploited Children, and this amendment will do just that.

Ernie Allen, who is the President of the National Center, has strongly endorsed this legislation and has said the

following: ''When the National Center was created, President Reagan envisioned a national clearinghouse that worked hand in hand with Federal and local law enforcement, the private sector, and the public, each playing a strong, diverse role in the effort to reunite families and better protect children. The United States Secret Service has played a key role in this effort, and we could not be more enthusiastic about their partnership with us.''

Mr. Chairman, I think this is a good amendment. I appreciate very much the gentleman's speaking in favor of the amendment, the chairman of the committee; and I urge its adoption.

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

Mr. LAMPSON. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I want to enter my comments into the RECORD and commend the gentleman for this amendment. It is very, very important work.

Mr. Chairman, I rise today in support of my friend from Texas's amendment. For the past several years, as co-chairs of the Congressional Missing and Exploited Children's Caucus, we have worked diligently to provide the resources to law enforcement necessary to protect our children and this amendment is further proof of Mr. LAMPSON's commitment and service to that goal.

Nearly a decade ago, Congress authorized the U.S. Secret Service to participate in a multi-agency task force with the purpose of providing resources, expertise and other assistance to local law enforcement agencies and the National Center for Missing and Exploited Children (NCMEC) in cases involving missing and exploited children.

This began a strong partnership between the Secret Service and NCMEC, and resulted in the Secret Service providing critical forensic support—including polygraph examinations, handwriting examinations, fingerprint research and identification, age progressions/regressions and audio and video enhancements—to NCMEC and local law enforcement in numerous missing children cases.

However, there is a clear need to provide explicit statutory jurisdiction to the Secret Service to continue this forensic and investigative support upon request from local law enforcement or NCMEC.

This amendment will do just that and I encourage all of my colleagues today to join with me in voting for this important measure.

Mr. LAMPSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does anyone rise in opposition to the amendment?

The question is on the amendment offered by the gentleman from Texas (Mr. LAMPSON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 7 printed in House Report 108–48.

AMENDMENT NO. 7 OFFERED BY MR. ACEVEDO-VILÁ

Mr. ACEVEDO-VILÁ. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ACEVEDO-VILÁ:

At the end of the bill, add the following:

TITLE IV—MISSING CHILDREN PROCEDURES IN PUBLIC BUILDINGS

**SEC. 401. SHORT TITLE.**

This title may be cited as the ''Code Adam Act''.

**SEC. 402. DEFINITIONS.**

In this title, the following definitions apply:

(1) CHILD.—The term ''child'' means an individual who is 17 years of age or younger.

(2) CODE ADAM ALERT.—The term ''Code Adam alert'' means a set of procedures used in public buildings to alert employees and other users of the building that a child is missing.

(3) DESIGNATED AUTHORITY.—The term ''designated authority'' means—

(A) with respect to a public building owned or leased for use by an Executive agency—

(i) except as otherwise provided in this paragraph, the Administrator of General Services;

(ii) in the case of the John F. Kennedy Center for the Performing Arts, the Board of Trustees of the John F. Kennedy Center for the Performing Arts;

(iii) in the case of buildings under the jurisdiction, custody, and control of the Smithsonian Institution, the Board of Regents of the Smithsonian Institution; or

(iv) in the case of another public building for which an Executive agency has, by specific or general statutory authority, jurisdiction, custody, and control over the building, the head of that agency;

(B) with respect to a public building owned or leased for use by an establishment in the judicial branch of government, the Administrative Office of the United States Courts; and

(C) with respect to a public building owned or leased for use by an establishment in the legislative branch of government, the Capitol Police Board.

(4) EXECUTIVE AGENCY.—The term ''Executive agency'' has the same meaning such term has under section 105 of title 5, United States Code.

(5) FEDERAL AGENCY.—The term ''Federal agency'' means any Executive agency or any establishment in the legislative or judicial branches of the Government.

(6) PUBLIC BUILDING.—The term ''public building'' means any building (or portion thereof) owned or leased for use by a Federal agency.

**SEC. 403. PROCEDURES IN PUBLIC BUILDINGS REGARDING A MISSING OR LOST CHILD.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the designated authority for a public building shall establish procedures for locating a child that is missing in the building.

(b) NOTIFICATION AND SEARCH PROCEDURES.—Procedures established under this section shall provide, at a minimum, for the following:

(1) Notifying security personnel that a child is missing.

(2) Obtaining a detailed description of the child, including name, age, eye and hair color, height, weight, clothing, and shoes.

(3) Issuing a Code Adam alert and providing a description of the child, using a fast and effective means of communication.

(4) Establishing a central point of contact.

(5) Monitoring all points of egress from the building while a Code Adam alert is in effect.

(6) Conducting a thorough search of the building.

(7) Contacting local law enforcement.

(8) Documenting the incident.

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ.)

Mr. ACEVEDO-VILÁ. Mr. Chairman, I yield myself 3 minutes.

The amendment that I am offering today requires certain procedures be established and followed when a child is reported lost or missing in a Federal building. The purpose of this set of procedures, called Code Adam, is to prevent child abductions in Federal buildings. Code Adam has proven extremely successful in thwarting many attempted abductions through the issuance of a Code Adam Alert in commercial establishments.

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

Mr. ACEVEDO-VILÁ. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I also believe that this is a very constructive amendment, and I commend the gentleman from Puerto Rico for offering it; and I hope that it is adopted.

Let me say that one of the first things I did when I came to Congress was I helped pass the Missing Children's Act which was in response to the abduction and gruesome murder of Adam Walsh, whose father, John Walsh, has obtained quite a bit of fame in being an advocate for missing and exploited children.

The Code Adam proposal has been very successful when privately implemented in Wal-Mart stores around the country, and I think that having a Code Adam alert system in place nationwide for all public buildings will significantly improve the chance of recovering children who might be abducted in a shopping mall or some other public building. I think the gentleman from Puerto Rico has done the children of this country a great service by offering this amendment, and I hope that it is adopted.

Mr. ACEVEDO-VILÁ. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary. I appreciate his support for this amendment.

As the chairman said, this was created by Wal-Mart in 1994 as a private initiative, and it has become one of the country's largest child safety programs.

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With the help of the National Center for Missing and Exploited Children that also is supporting my amendment, over 36,000 stores across the United States have already used it successfully. Code Adam, as the chairman just mentioned, is named in memory of 6-year-old Adam Walsh, whose abduction from a Florida shopping mall and murder in 1981 brought the horror of child abduction to national attention.

I ask for Members' support for this bipartisan amendment. Its enactment will complement existing security procedures and others being considered in this bill, including the AMBER Alert, in order to guarantee immediate preventive action against successful child abductions.

Effective procedures required by this amendment include notification of security personnel that a child is missing, issuance of a Code Adam alert, and distribution of the child's description to all employees using fast and effective means of communication.

It also provides that all points of egress must be monitored while the Code Adam alert is in effect and the local law enforcement be notified if the child remains missing after all established procedures are followed.

I am very proud to say that Puerto Rico has already enacted a law adopting Code Adam in its government buildings. With the adoption of this amendment, all Federal buildings will also establish Code Adam to ensure that we are prepared to respond quickly if a child is reported missing.

Mr. Chairman, I urge my colleagues to vote yes on the Code Adam amendment. Let us draw from the success achieved in stores across the country and adopt it in Federal buildings, those that belong to the people of the United States, and where all of us, but especially our children, should be safest.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, last year I joined my colleague, the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ), and Senator HILLARY RODHAM CLINTON to introduce the Code Adam Act. Code Adam is a proven, successful program that has saved lives in the retail environment, and it is time that we bring that same measure of safety to children in Federal buildings, just as we have done with the effort to put bulletin boards throughout all Federal buildings and display the pictures of missing children.

Code Adam was created, as we have already heard, by Wal-Mart as a special alert through a store's customer address system when a customer reports a missing child. Since Code Adam began in 1994, it has been a powerful tool against child abductions and lost children in more than 25,000 stores across the Nation.

This amendment would require the implementation of this protocol in all Federal buildings. Wal-Mart started this fantastic program in the name of Adam Walsh, John Walsh's son, who was abducted and murdered in Florida over 20 years ago.

Every day I see children walking through the halls of Congress and in Federal buildings back at home in Texas. God forbid, if a child would go missing in one of these buildings, this amendment would make sure a plan was in place to secure that building and find the child before something tragic occurs.

Mr. FOLEY. Mr. Chairman, I rise today in support of my friend from Puerto Rico's amendment.

Code Adam, one of the country's largest child-safety programs, was created and promoted by the Wal-Mart retail stores and named in memory of 6-year-old Adam Walsh whose abduction from a Florida shopping mall and murder in 1981 brought the horror of child abduction to national attention.

When a customer reports a missing child to a store employee, a ''Code Adam'' alert is announced over the public-address system. A brief description of the child is obtained and provided to all designated employees who immediately stop their normal work to search for the child, and monitor all exits to help prevent the child from leaving the store.

If the child is not found within 10 minutes of initiating a store-wide search, or if the child is seen accompanied by someone other than a parent or guardian, store personnel contact the local police department and request assistance.

Since the Code Adam program began in 1994, it has been a powerful preventive tool against child abductions and lost children in more than 36,000 stores across the nation.

Despite its success, however, the only jurisdiction that has adopted Code Adam for government buildings is Puerto Rico.

This amendment will direct each federal building (including here on Capitol Hill) to establish a Code Adam program and procedures for locating a child who is missing in a federal building.

As co-chair of the Congressional Missing and Exploited Children's Caucus, I urge all of my colleagues to vote for this very important amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, as the Chairman of the Government Reform Committee, which has jurisdiction over federal buildings, including buildings owned or leased by the U.S. Postal Service, I rise in support of the Acevedo-Vilá amendment.

My Committee did not have the opportunity to examine this proposal before its consideration here on the floor as an amendment to the Child Abduction Prevention Act. Nevertheless, since the underlying intent of this legislation is to not only return abducted children to their parents, which we do through the national AMBER Alert network, but to keep them from being abducted in the first place, I believe establishing procedures to locate missing children in public buildings is a positive step.

This time of year, we all see the large numbers of children that come to our nation's capital to visit the Smithsonian Museums, the monuments, or to see the cherry blossoms. It makes sense for our public facilities to have an established system to help keep these children from either wandering away on their own or being taken away by a kidnapper.

Every parent knows the heart-stopping panic that ensues when a child suddenly is nowhere to be found. Having a ''Code Adam alert'' system in place gives parents the peace of mind of knowing their children can be returned to them quickly and safely. I urge my colleagues to give it their support.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Does any Member seek time in opposition?

The question is on the amendment offered by the gentleman from Puerto Rico (Mr. ACEVEDO-VILÁ).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 8 printed in House Report 108–48.

AMENDMENT NO. 8 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of amendment No. 8 is as follows:

Amendment No. 8 offered by Mr. SMITH of Texas:

Add at the end the following:

TITLE —

**SEC. 01. FINDINGS.**

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. ''The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance,'' New York v. Ferber, 458 U.S. 747, 757 (1982), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. ''The most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product.'' Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to:

(A) computer generate depictions of children that are indistinguishable from depictions of real children;

(B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or

(C) disguise pictures of real children being abused by making the image look computer-generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer-generated. The technology will soon exist, if it does not already, to computer generate realistic images of children.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and/or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they posses are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges increased significantly after the decision in Ashcroft v. Free Speech Coalition 535 U.S. 234 (2002).

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic assessment may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact of the Free Speech Coalition decision on the Government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases have almost universally raised the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful. In addition, the number of prosecutions being brought has been significantly and adversely affected as the resources required to be dedicated to each child pornography case now are significantly higher than ever before.

(11) Leading experts agree that, to the extent that the technology exists to computer generate realistic images of child pornography, the cost in terms of time, money, and expertise is—and for the foreseeable future will remain—prohibitively expensive. As a result, for the foreseeable future, it will be more cost-effective to produce child pornography using real children. It will not, however, be difficult or expensive to use readily available technology to disguise those depictions of real children to make them unidentifiable or to make them appear computer-generated.

(12) Child pornography results from the abuse of real children by sex offenders; the production of child pornography is a byproduct of, and not the primary reason for, the sexual abuse of children. There is no evidence that the future development of easy and inexpensive means of computer generating realistic images of children would stop or even reduce the sexual abuse of real children or the practice of visually recording that abuse.

(13) In the absence of congressional action, the difficulties in enforcing the child pornography laws will continue to grow increasingly worse. The mere prospect that the technology exists to create composite or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution; for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. Moreover, imposing an additional requirement that the Government provide beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.

(14) To avoid this grave threat to the Government's unquestioned compelling interest in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(15) The Supreme Court's 1982 Feber v. New York decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary now to ensure that open and notorious trafficking in such materials does not reappear, and even increase, on the Internet.

**SEC. 02. IMPROVEMENTS TO PROHIBITION ON VIRTUAL CHILD PORNOGRAPHY.**

(a) Section 2256(8)(B) of title 18, United States Code, is amended to read as follows:

''(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or in indistinguishable (as defined in section 1466A) from, that of a minor engaging in sexually explicit conduct; or''.

(b) Section 2256(2) of title 19, United States Code, is amended to read as follows:

''(2)(A) Except as provided in subparagraph (B), 'sexually explicit conduct' means actual or simulated—

''(i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex:

''(ii) bestiality;

''(iii) masturbation;

''(iv) sadistic or masochistic abuses; or

''(v) lascivious exhibition of the genitals or pubic area of any person;

''(B) For purposes of subsection 8(B) of this section, 'sexually explicit conduct' means—

''(i) graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

''(ii) graphic or lascivious simulated;

''(I) bestiality;

''(II) masturbation; or

''(III) sadistic or masochistic abuse; or

''(iii) graphic or simulated lascivious exhibition of the genitals or pubic area of any person;''.

(c) Section 2256 is amended—

(1) in paragraph 8(D), by striking ''and'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(3) by inserting at the end the following new paragraph:

''(10) 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.''.

(d) Section 2252A(c) of title 18, United States Code, is amended to read as follows:

''(c)(1) Except as provided in paragraph (2), it shall be an affirmative defense to a charge of violating this section that the production of the alleged child pornography did not involve the use of a minor or an attempt or conspiracy to commit an offense under this section involving such use.

''(2) A violation of, or an attempt or conspiracy to violate, this section which involves child pornography as defined in section 2256(8)(A) or (C) shall be punishable without regard to the affirmative defense set forth in paragraph (1).''.

**SEC. 03. PROHIBITION ON PANDERING MATERIALS AS CHILD PORNOGRAPHY.**

(a) Section 2256(8) of title 18, United States Code, is amended—

(1) in subparagraph (C), by striking ''or'' at the end and inserting ''and''; and

(2) by striking subparagraph (D).

(b) Chapter 110 of title 18, United States Code, is amended—

(1) by inserting after section 2252A the following:

**''§ 2252B. Pandering and solicitation**

''(a) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to provide or sell a visual depiction to another, and who in connection therewith knowingly advertises, promotes, presents, or describes the visual depiction with the intent to cause any person to believe that the material is, or contains, a visual depiction of an actual minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) Whoever, in a circumstance described in subsection (d), offers, agrees, attempts, or conspires to receive or purchase from another a visual depiction that he believes to be, or to contain, a visual depiction of an actual minor engaging in sexually explicit conduct shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(c) It is not a required element of any offense under this section that any person actually provide, sell, receive, purchase, possess, or produce any visual depiction.

''(d) The circumstance referred to in subsection (a) and (b) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person who travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.''; and

(2) in the table of sections at the beginning of the chapter, by inserting after the item relating to section 2252A the following:

''2252B. Pandering and solicitation.''.

**SEC. 04. PROHIBITION OF OBSCENITY DEPICTING YOUNG CHILDREN.**

(a) Chapter 71 of title 18, United States Code, is amended—

(1) by inserting after section 1466 the following:

**"§ 1466A. Obscene visual depictions of young children**

''(a) Whoever, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) Whoever, in a circumstance described in subsection (d), knowingly possesses a visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

''(c) For purposes of this section—

''(1) the term 'visual depiction' includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means;

''(2) the term 'pre-pubescent child' means that (A) the child, as depicted, is one whose physical development indicates the child is 12 years of age or younger; or (B) the child, as depicted, does not exhibit significant pubescent physical or sexual maturation. Factors that may be considered in determining significant pubescent physical maturation include body habitus and musculature, height and weight proportion, degree of hair distribution over the body, extremity proportion with respect to the torso, and dentition. Factors that may be considered in determining significant pubescent sexual maturation include breast development, presence of axillary hair, pubic hair distribution, and visual growth of the sexual organs;

''(3) the term 'sexually explicit conduct' has the meaning set forth in section 2256(2); and

''(4) the term 'indistinguishable' used with respect to a depiction, means virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

''(d) The circumstance referred to in subsections (a) and (b) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means of instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, on in interstate or foreign commerce by any means, including by computer;

''(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means; include by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

''(e) In a case under subsection (b), it is an affirmative defense that the defendant—

''(1) possessed less than three such images; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

''(A) took reasonable steps to destroy each such image; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.

**"§ 1466B. Obscene visual representations of sexual abuse of minors**

''(a) Whoever, in a circumstance described in subsection (e), knowingly produces, distributes, receives, or possesses with intent to distribute a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

''(1) depicts a minor engaging in sexually explicit conduct; and

''(2) is obscene;

or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) Whoever, in a circumstance described in subsection (e), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

''(1) depicts a minor child engaging in sexually explicit conduct, and

''(2) is obscene,

or attempts or conspires to do so, shall be subject to the penalties set forth in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

''(c) It is not a required element of any offense under this section that the minor child depicted actually exist.

''(d) For purposes of this section, the terms 'visual depiction' has the meaning given that term in section 1466A, and the terms 'sexually explicit conduct' and 'minor' have the meanings given those terms in section 2256(2)(B).

''(e) The circumstance referred to in subsection (a) and (b) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

''(f) In a case under subsection (b), it is an affirmative defense that the defendant—

''(1) possessed less than three such images; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

''(A) took reasonable steps to destroy each such image; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.''; and

(2) in table of sections at the beginning of the chapter, by inserting after the item relating to section 1466 the following new items:

''1466A. Obscene visual depictions of young children.

''1466B. Obscene visual representations of pre-pubescent sexual abuse''.

(b)(1) Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 1466A or 1466B of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) The Sentencing Commission may promulgate guidelines specifically governing offenses under sections 1466A and 1466B of title 18, United States Code, provided that such guidelines shall not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

**SEC. 05. PROHIBITION ON USE OF MATERIALS TO FACILITATE OFFENSES AGAINST MINORS.**

Chapter 71 of title 18, United States Code, is amended—

(1) by inserting at the end the following:

**"§ 1471. Use of obscene material or child pornography to facilitate offenses against minors**

''(a) Whoever, in any circumstance described in subsection (c), knowingly—

''(1) provides or shows to a person below the age of 16 years any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, any obscene matter, or any child pornography; or

''(2) provides or shows any obscene matter or child pornography, or any visual depiction that is, or is indistinguishable from, that of a pre-pubescent child engaging in sexually explicit conduct, or provides any other material assistance to any person in connection with any conduct, or any attempt, incitement, solicitation, or conspiracy to engage in any conduct, that involves a minor and that violates chapter 109A, 110, or 117, or that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction of the United States,

shall be subject to the penalties set forth in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) For purposes of this section—

''(1) the term 'child pornography' has the meaning set forth in section 2256(8);

''(2) the terms 'visual depiction,' 'pre-pubescent child', and 'indistinguishable' have the meanings respectively set forth for those terms in section 1466A(c); and

''(3) the term 'sexually explicit conduct' has the meaning set forth in section 2256(2).

''(c) The circumstance referred to in subsection (a) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in

interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction or obscene matter by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction or obscene matter involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.''; and

''(2) in the table of sections at the beginning of the chapter, by inserting at the end the following:

''1471. Use of obscene material or child pornography to facilitate offenses against minors.''.

**SEC. 06. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.**

Section 2251 is amended—

(1) by striking ''subsection (d)'' each place it appears in subsections (a), (b), and (c) and inserting ''subsection (e)'';

''(2) by redesignating subsections (c) and (d), respectively, as subsections (d) and (e); and

''(3) by inserting after subsection (b) a new subsection (c) as follows:

''(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its possessions and Territories, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

''(2) The circumstances referred to in paragraph (1) is that—

''(A) the person intends such visual depiction to be transported to the United States, its possessions, or terrorities, by any means including by computer or mail, or

''(B) the person transports such visual depiction to, or otherwise makes it available within, the United States, its possessions, or territories, by any means including by computer or mail.''.

**SEC. 07. STRENGTHENING ENHANCED PENALTIES FOR REPEAT OFFENDERS.**

Sections 2251(e) (as redesignated by section__ 06(2)), 2252(b), and 2252A(b) of title 18, United States Code, are each amended—

(1) by inserting ''chapter 71,'' immediately before each occurrence of ''chapter 109A,''; and

(2) by inserting ''or under section 920 of title 10 (article 120 of the Uniform Code of Military Justice),'' immediately before each occurence of ''or under the laws''.

**SEC. 08. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.**

(a) Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''2252B,'' after ''2252A,''; and

(B) by inserting ''or a violation of section 1466A or 1466B of that title,'' after ''of that title),'';

(2) in subsection (c), by inserting ''or pursuant to'' after ''to comply with'';

(3) by amending subsection (f)(1)(D) to read as follows:

''(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.'';

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

''(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.''.

(b) Section 2702 of title 18, United States Code is amended—

(1) in subsection (b)—

(A) in paragraph (6)—

(i) by inserting ''or'' at the end of subparagraph (A)(ii);

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(B) by redesignating paragraph (6) as paragraph (7);

(C) by striking ''or'' at the end of paragraph (5); and

(D) by inserting after paragraph (5) the following new paragraph:

''(6) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''; and

(2) in subsection (c)—

(A) by striking ''or'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by adding after paragraph (4) the following new paragraph:

''(5) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''.

**SEC. 09. SEVERABILITY.**

If any provision of this title, or the application of such provision to any person or circumstance, is held invalid, the remainder of this title, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

**SEC. 10. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.**

Section 3486(A)(1)(C)(i) of title 18, United States Code, is amended by striking ''the name, address'' and all that follows through ''subscriber or customer utilized'' and inserting ''the information specified in section 2703(c)(2)''.

**SEC. 11. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.**

Section 2516(1)(c) of title 18, United States Code, is amended by inserting ''1466A, 1466B,'' before ''2251''.

**SEC. 12. RECORDKEEPING TO DEMONSTRATE MINORS WERE NOT USED IN PRODUCTION OF PORNOGRAPHY.**

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 160, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I support this amendment as an important step to stop the exploitation of our children. This amendment is directly connected to the abduction of children, since children are abducted and sold into the sex industry for both pornography and for prostitution.

The amendment addresses growing challenges to the government's ability to prosecute child pornographers. It also includes a provision to address child pornography that is produced overseas to be distributed in the United States. The exploitation of any child is unacceptable, and the United States must take affirmative steps to prevent this exploitation wherever it occurs.

The amendment is essentially the same as the Child Obscenity and Pornography Prevention Act, which passed the House in the last Congress by a vote of 413 to 8. This legislation had strong bipartisan support. Congress understood then what has become even more clear now, that this legislation ensures the enforceability of existing child pornography laws.

During the 1990s, advances in computer technology threatened the government's ability to protect real children. Congress attempted to address this concern in 1996 with the Child Pornography Prevention Act, parts of which were subsequently struck down by the Supreme Court in the Free Speech Coalition decision.

Regardless of whether we agree or disagree with the court's decision, we must now deal with its consequences. Since that decision, defendants in child pornography cases have routinely claimed that the depictions of child pornography could be virtual, thus requiring the government to prove first that the depicted image is a real person.

The mere existence of computer technology that creates virtual depictions which are indistinguishable from depictions of actual children allows defendants who possess images of real children to escape prosecution. This Congress has an obligation to correct this absurd permutation in the law.

Given the prevalence of the Internet, we absolutely cannot protect our children if prosecutors must first complete

the almost impossible task of identifying the children depicted in child pornography. Unless this amendment is adopted, the Supreme Court's decision will effectively legalize all child pornography by throwing an insurmountable burden in the face of the prosecution.

I urge my colleagues to support this critical amendment.

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

Mr. SCOTT of Virginia. Mr. Chairman, I seek time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. SCOTT) is recognized for 10 minutes in opposition.

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

Mr. Chairman, this amendment is designed as a fix for last year's decision in Ashcroft versus Free Speech Coalition. The problem with the amendment is that it has the same problems as the law that was struck down. The Ashcroft case held that sale or possession of non-obscene computer-generated material depicting child-like characters engaged in explicit sexual activities does not constitute a crime. This bill says it is a crime, just like the law that was struck down.

Child pornography and object are despicable and illegal and can and are banned and prosecuted. These crimes and their severe punishments are left intact by the Ashcroft decision. What the court struck down was the criminalization of computer-generated and other depictions of children, which is not obscene, in undesirable, including sexual, situations where no child was actually involved in making the material.

We all see pornography as despicable, period. But under our laws, pornography that is not obscene and does not involve real children is just that, pornography. Whether we like it or not, the Supreme Court has told us that pornography is not illegal. It is a category of speech that is despicable but not illegal.

While pornography is legal, child pornography is illegal. But to constitute child pornography, the Supreme Court has told us that a child has to be involved in the production. Virtual computer-generated images, therefore, unless they are obscene, are not illegal.

The law called into question in Ashcroft was a law enacted in 1996. The problem the court found with the law was that, while it prohibited images that constituted child pornography, it also prohibited images that did not constitute child pornography, because actual children were not involved in the production.

The court made it clear that protected speech may not be banned as a means to ban unprotected speech. This would turn the first amendment upside down.

Proponents of the bill believe that the court left intact or left open the question of whether government can establish a sufficiently compelling State interest to justify criminalization of computer-generated images that are not obscene and do not involve real children. However, the court cited in its decision New York versus Ferber from 1992 when it said, virtual images record no crime and creates no victims by its production and therefore are legal.

Proponents also argue that the court did not consider the harm to real children which would occur when, through technological advances, it will become difficult to tell real children from virtual children, thereby allowing real children to be harmed because the government cannot tell the difference for the purpose of bringing prosecution.

But the court did clearly consider that, and stated, and I quote from the decision, ''The government next argues that its objective of eliminating the market for pornography produced using real children necessitates a prohibition on virtual images as well. Virtual images, the government contends, are indistinguishable from the real ones. They are part of the same market and often exchanged. In this way, it is said virtual images promote the trafficking in works produced through the exploitation of real children.''

But then the court says, and I continue quoting, ''The hypothesis is somewhat implausible. If virtual images are identical to illegal child pornography, the illegal images will be driven from the market by indistinguishable substitutes. Few pornographers would risk prosecution by abusing real children if fictional computer-generated images would suffice.''

Nor was the court persuaded by the argument that virtual images will make it difficult for the government to prosecute cases. As to that concern, the court said, ''Finally, the government says that the possibility of producing images by using computer imaging makes it difficult for it to prosecute those who produce pornography using real children. Experts, we are told, may have difficulty in saying whether the pictures were made using real children or by using computer imaging. The necessary solution, the argument runs, is to prohibit both kinds of images.

''The argument,'' the court said, ''in essence is that protected speech may be banned as a means to ban unprotected speech. This analysis turns the first amendment upside down. The government may not suppress lawful speech as a means to suppress unlawful speech.''

Finally, Mr. Chairman, the government suggests that because the court determined that it did not decide whether an affirmative defense could save an otherwise unconstitutional law, it left open that possibility. That may be technically true, but listen to what the court said: ''In order to force this objection, the government would have us read the CPPA as not a measure suppressing speech but as a law shifting the burden to the accused to prove the speech is lawful. In this connection, the government relies on an affirmative defense under the statute which allows a defendant to avoid conviction for nonpossession offenses by showing that the materials were produced using only adults and were not otherwise distributed in a manner conveying the impression that they depicted real children.

''The government raises serious constitutional difficulties by seeking to impose on the defendant the burden of proving his speech was not unlawful. The affirmative defense applies only after the prosecution has begun, and the speaker must himself prove, on the pain of felony conviction, that his conduct falls within the affirmative defense.

''In cases under the CPPA, the evidentiary burden is not trivial. Where the defendant is not the producer of the work, he may have no way of establishing the identity or even the existence of the actors. If the evidentiary issue is a serious problem for the government, as it asserts, it will be at least as difficult for the innocent possessor.''

This statute, however, Mr. Chairman, by its very words, makes illegal what the court said was legal. Five Justices joined in the majority opinion. One concurred, one concurred in part and dissented in part, two dissented.

With five Justices, all of whom are still on the court, agreeing with the whole decision and only three dissenting in any part at all, this is not a close decision with wavering members.

So, Mr. Chairman, I think we should avoid the necessity of the court's telling us again that we cannot prosecute child pornography unless real children were, in fact, involved in the production of the material or unless they are otherwise legally obscene.

Finally, Mr. Chairman, we should note the subsequent action in the Ashcroft case. The trial court on February 7, just a few weeks ago, ordered attorney's fees to the plaintiff on the grounds that the government's defense of the statute was not substantially justified. This is essentially the same statute. It says that virtual child images can be made illegal. The court has said that virtual images cannot be made illegal. Those of us who are familiar with our system of government recognize that the same ruling by the same Supreme Court will find this bill unconstitutional and unenforceable; and, therefore, the amendment should be opposed.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment addresses the April 16, 2002, Supreme Court decision in Ashcroft versus Free

Speech Coalition. That decision struck down in 1996 a law written to combat computer-generated pornography because it was too broad.

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The overturning of this law to combat child pornography has emboldened those who would have used children. Regrettably, the prediction of the president of the National Center for Missing and Exploited Children has come true. He said, ''The court's decision will result in the proliferation of child pornography in America unlike anything we have seen in more than 20 years.''

A Government Accounting Office report just 2 weeks ago found that in the weight of the Supreme Court decision, child pornographers now are increasing their presence on the Internet and are engaging in their depraved actions with relative ease. The Internet has proved a useful tool for pedophiles and sex predators as they distribute child pornography, engage in sexually explicit conversations with children, and hunt for victims in chat rooms.

Every parent should know what their children see and do online. Unfortunately, the new playground for child pornographers is the Internet.

Our children are the most vulnerable among us, and we need to protect them. If this amendment becomes law, child pornographers will be a mere click away from a lengthy prison sentence. This amendment increases penalties and provides prosecutors with the tools they need to win convictions against child pornographers, and it responds to the Supreme Court's constitutional concerns by narrowing the definition of child pornography and includes an affirmative defense when real children are not depicted.

This amendment passed the House as separate legislation last year by a vote of 413 to 8, but the Senate failed to act. I hope my colleagues again will support the provisions in this amendment which will reduce child pornography on the Internet.

Mr. Chairman, I insert for the RECORD the analysis of the constitutionality of this legislation.

CONSTITUTIONAL ANALYSIS OF THE SMITH AMENDMENT TO H.R. 1104—THE ''CHILD OBSCENITY AND PORNOGRAPHY PREVENTION ACT''

On April 16, 2002, the Supreme Court in Ashcroft v. Free Speech Coalition, held that two of Federal definitions of child pornography unconstitutional. §18 U.S.C. §2256(8)(B), defined child pornography to include wholly computer generated pictures that appear to be of a minor engaging in sexually explicit conduct. §18 U.S.C. §2256(8)(D), defined child pornography to include a visual depiction where it is advertised, promoted, or presented, to convey the impression that the material contains a visual depiction of a minor engaging in sexually explicit conduct.

The Court's decision does not bar Congress from outlawing virtual child pornography when the prohibition is narrowly-drawn to promote a compelling government interest. In fact, the Court in its opinion, expressly left that option open for Congress. The Court stated: ''We need not decide, however, whether the Government could impose this burden on a speaker. Even if an affirmative defense can save a statute from First Amendment challenge, here the defense is incomplete and insufficient, even on its own terms.'' Justice Thomas, concurring, stated that the ''Court does leave open the possibility that a more complete affirmative defense could save a statute's constitutionality, see ante, at 1405, implicitly accepting that some regulation of virtual child pornography might be constitutional.'' No member of the Court took exception with his conclusion.

Congress clearly has a compelling interest to protect children from sexual exploitation. That interest extends to the prosecution of those who exploit children. These prosecutions are seriously threatened by the mere possibility that technology exists to create a depiction of a virtual child. This possibility allows those who harm real children to claim that the child pornography they possess does not contain real children.

Computer technology already exists today to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer generated. Furthermore, evidence was presented to the Congress that the technology may already exist to depict virtual children to look real and completely indistinguishable.

Compounding the problem, is the fact that the vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, or related media and that a computer image seized from a child pornographer is rarely a first-generation product. These pictures are e-mailed over and over again or scanned in from photographs of real children being abused and exploited. The transmission of images over an e-mail system can alter the image and make it impossible even for an expert to know whether or not a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic delineation may depend on the quality of the image scanned and the tools used to scan it.

To prove a child is real will require identifying the actual child. This is usually an impossible task. The quandary is that while there is no substantial evidence that any of the child pornography images being trafficked today were made in any other way than by the abuse of real children, technological advances are leading many criminal defendants to suggest otherwise. These defendants are claiming that the images they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. This is not a new defense, but without a narrowly drafted statute intended to prohibit the use of virtual child pornography that an ordinary person viewing the depiction could not distinguish from a depiction of a real child, it will be impossible for the government to prosecute child pornography cases involving computer images. Some in the Court are cognizant that technology may threaten the Government's compelling state interest of effective prosecution of those who sexually exploit children and thus threaten the Government's ability to protect children.

A representative from the Department of Justice testified:

As Justice Thomas noted in his concurring opinion, ''if technological advances thwart prosecution of 'unlawful speech,' the Government may well have a compelling interest in barring or otherwise regulating some narrow category of 'lawful speech' in order to enforce effectively laws against pornography made through the abuse of real children.'' 122 S. Ct. at 1406–07 (Thomas, J., concurring in the judgment). Similarly, Justice O'Connor noted in her opinion concurring in part and dissenting in part that, ''given the rapid pace of advances in computer-graphics technology, the Government's concern is reasonable.'' Id. at 1409. Moreover, to avert serious harms, Congress may rely on reasonable predictive judgments, even when legislating in an area implicating freedom of speech. *See Turner Broad. Sys. Inc.* v. *FCC* 520 U.S. 180, 210–11 (1997). We believe that Congress has a strong basis for concluding that the very existence of sexually explicit computer images that are virtually indistinguishable from images of real minors engaged in sexually explicit conduct poses a serious danger to future prosecutions involving child pornography. Indeed, we already have some sense of the impact of the Court's decision. The Ninth Circuit had invalidated the same provisions of law in 1999, and all accounts indicate that the number and scope of child pornography prosecutions brought by our prosecutors in the Ninth Circuit has been adversely impacted.

Since the Supreme Court's decision in *Free Speech Coalition*, evidence of this growing threat is clear as defendants in almost every child pornography case contend that the depictions could be virtual, requiring the prosecutors to prove that the children depicted are real. Some of the defense efforts are succeeding. For example, after *Free Speech Coalition*, a court granted the defendant's motion to withdraw a guilty plea and held that the government must prove beyond a reasonable doubt that the defendant knew that the images depicted real children.

Moreover, the existence of computer generated images of child pornography that is indistinguishable from depictions of real children will bolster the child pornography market and those who abuse children to produce such pictures. The majority opinion in Free speech Coalition stated, in dicta, that ''if virtual images were identical to illegal child pornography, the illegal images would be driven from the market by the indistinguishable substitutes.'' Contrary to that belief, the President and CEO of NCMEC ''believe[s] that the Court's decision will result in the proliferation of child pornography in America, unlike anything we have seen in more than twenty years.'' He concluded that ''as a result of the Court's decision, thousands of children will be sexually victimized, most of whom will not report the offense.''

The Court stated that ''[f]ew pornographers would risk prosecution by abusing real children if fictional, computerized images would suffice.'' This conclusion is simply wrong. The individuals who produce, trade, and exchange child pornography are rarely profit motivated. Pictures of abuse of real children are sold, but they are also traded and displayed—they are trophies and signs of validation for deviant behavior.

While the Supreme Court has certainly opened the door for the adult entertainment industry to enter the child pornography market, legalizing virtual child pornography will not reduce the market for real children. Rather, the result will be a market that contains both real and virtual children (as it does now). The only difference is that now child molesters will be able to hide their abuse with altered or merely e-mailed photographs of their victims and the market will no longer be underground but will return to the public ''adult book stores.''

Child pornography—virtual or otherwise—is detrimental to the nation's most precious and vulnerable asset, our children. Regardless of the method of its production, child pornography is used to promote and incite deviant and dangerous behavior in our society. As the President and CEO of the NCMEC

testified ''there is compelling evidence that visual depictions of sexually explicit conduct involving children cause real physical, emotional and psychological damage not only to depicted children but also to non-depicted children. It is just as insidious, whether it is a photographic record of a child's actual victimization, or a photographic depiction used as a tool or device to subsequently victimize other children.''

Sex predators produce, trade, and use child pornography for several insidious purposes. Pedophiles not only like to create a permanent record for arousal and gratification, but also like to trade these pictures with other pedophiles to validate their actions. Additionally, sex offenders use child pornography to lower children's inhibitions to make them believe that such behavior is acceptable and normal. There are also those who sell it for profit.

Prior to 1982, child pornography lined the shelves of many ''adult'' entertainment stores. This changed after the 1982 Supreme Court's New York v. Ferber decision that found child pornography was not entitled to First Amendment protection. In Ferber, the Court found that: ''[i]t is evident beyond the need for elaboration that a State's interest in 'safeguarding the physical and psychological well-being of a minor' is 'compelling.'" Further the Court found that: ''[t]he distribution of photographs and films depicting sexual activity by juveniles is intrinsically related to the sexual abuse of children in at least two ways. First, the material produced are a permanent record of the children's participation and the harm to the child is exacerbated by their circulation. Second, the distribution network for child pornography must be closed if the production of material which requires the sexual exploitation of children is to be effectively controlled.''

While child pornography disappeared from bookstores following Ferber, it did not disappear from existence.'' The child pornography market merely went underground, but this underground market was spurred by the advent of the Internet. Nevertheless, law enforcement had begun to make enormous strides in the enforcement and prosecution of child pornography crimes.

Again, the Government has a compelling state interest in protecting children from those who sexually exploit them including both child molesters and child pornographers. The Supreme Court in *New York v. Ferber*, concluded that ''[t]he prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance.'' In *Osborne v. Ohio*, the Court recognized that this compelling state interest extends to stamping out the vice of child pornography ''at all levels in the distribution chain.''

It follows that the Government has a compelling interest to ensure that the criminal prohibitions against child pornography remain enforceable and effective. As the Court stated in *Ferber*, ''[t]he most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product.''

It became apparent in the 1990's that advances in technology threatened the Government's compelling state interest in protecting real children through the effective prosecution of the child pornography laws that cover the visual depictions of real children. In 1996, the Congress attempted to address this concern with the Child Pornography Prevention Act. The 1996 language included a prohibition of any virtual depictions as well as pictures of youthful-looking adults. The Supreme Court found the 1996 statutory language overbroad, and therefore, unconstitutional.

This legislation is constitutional as it narrows the definition in significant ways and strengthens the affirmative defense. Furthermore, there is a compelling state interest for the narrowly drawn prohibition. The Government's compelling state interest is to protect children from exploitation. And the protection includes the prosecution of those who would or do exploit children. The Court gave the Congress an opportunity to addresses its concerns, and the Congress has an obligation to do so.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me the time.

I have the greatest respect for the legal skill of my friend and colleague from Virginia. I disagree with his take on this particular amendment, however. I am a cosponsor of the legislation represented by the amendment and am pleased today to speak for its passage.

I want to commend, in particular, the gentleman from Texas (Mr. SMITH), who in an exemplary bipartisan manner worked to build this legislation, crafted around a very careful reading of the Supreme Court ruling, a reference by the gentleman from Virginia (Mr. SCOTT), and then forged the legislative response that will withstand Supreme Court review.

This is not an exercise of making a statement only to be followed by the inevitable Supreme Court ruling throwing out the legislation. This one is written to withstand review to answer the constitutional objections raised about the earlier legislation, and it comes at a critical point in time for our country.

The Internet, as this wonderful new technology is changing so many things, has had the unfortunate effect of enabling child pornographers beyond ever before, at the very time when we have computer technology being used in the creation and dissemination of graphic, completely unacceptable child pornography. The legislation responds to that, includes several different components that go beyond any component of what might be in a free-speech argument, banning the use by an adult to a minor, the exchange of this material over the Internet, commonly used as part of an enticement procedure by perpetrators of those who would exploit children and lure them into contact.

It creates a per se definition that explicit sexual acts depicted between very young children is per se obscene. I believe this will make a very useful contribution to our judges as they evaluate the unseemly cases brought before them.

This is an important amendment. I urge its adoption.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from North Dakota (Mr. POMEROY) for his remarks.

Mr. Chairman, may I ask how much time remains on our side.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Texas (Mr. SMITH) has 5 minutes remaining, and the gentleman from Virginia (Mr. SCOTT) has 30 seconds remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin (Mr. GREEN) the vice-chairman of the Subcommittee on Crime, Terrorism and Homeland Security.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Texas for yielding me the time, and I want to commend the gentleman for this legislation.

This is a terribly important tool for prosecutors; and it is yet another reason why this bill, this larger legislation, is such a historic advance in the battle against those who would prey on our kids. I know we all recognize that technology, quite frankly, is outpacing our ability to deal with it, ethically and legally.

The computer information revolution has created a wonderful window on the world for our young people, but its darker shadows and darker moments can allow monsters into our home and, quite frankly, allow monsters closer to our children.

We cannot and must not allow the porn industry to hide behind emerging technologies and hyperlegal nuances. I refuse to say what the opponents imply today, that is, that somehow child pornography becomes a victimless crime with a couple of key strokes.

It is time to chase those dark shadows away. It is time to give prosecutors the tools to fight back. It is time to give them what they are asking for, the ability to shine a light on child pornography, the ability to fight back and to end this terrible scourge. This is a critical part, in my view, to a comprehensive response of child abduction and those who would prey on our kids.

Again, I want to compliment the gentleman. I think this is a great addition to this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentlewoman from Pennsylvania (Ms. HART), a very active member of the Committee on the Judiciary.

Ms. HART. Mr. Chairman, I would like to thank the gentleman from Texas (Mr. SMITH) as sponsor of the amendment.

A little over a year ago, a 13-year-old girl was abducted from her home near Pittsburgh. She was found tied to a bed in a Herndon, Virginia, townhome. The adult male abductor had met this girl on the Internet and had bragged to other would-be child molesters that he had finally found a young girl to make his sex slave.

The man had a history of viewing and exchanging child pornography over the Internet. Currently, law enforcement has little power to stop this. The bill today, which includes the AMBER

Alert, which helps to locate abducted children, it also includes, most importantly, laws to strengthen the ability to ensure children are not abducted in the first place.

The amendment further strengthens the bill by making it illegal to possess, distribute or create computer or computer-related images depicting child pornography. Child pornography feeds the sick desires of pedophiles. It entices its viewers to take advantage of real young children.

This amendment provides another tool to get perpetrators of child abuse and child pornography off the streets and out of Internet chat rooms before more children are targeted.

With the Smith amendment, this bill will close the door left open by the Supreme Court decision last April that overturned similar provisions of a 1996 law. I encourage my colleagues to think first of the children and the families who have been so unnecessarily harmed by child abductors and child molesters in our Nation.

This law, with this amendment attached, will go a long way to preventing those horrible stories that we so hate to hear on the news.

Mr. SMITH of Texas. Mr. Chairman, I yield back the balance of my time.

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

The Supreme Court told us that virtual images produced without real children cannot be prohibited unless they are obscene. The bright line is a person has got to use real children for it to be illegal. This bill says that virtual images without using children are illegal. The same Supreme Court will make the same decision.

This amendment is unconstitutional and ought to be rejected.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

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

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote; and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. SMITH) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 2 offered by the gentleman from Florida (Mr. FEENEY), amendment No. 8 offered by the gentleman from Texas (Mr. SMITH).

The Chair will reduce to 5 minutes the time for the second vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. FEENEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Florida (Mr. FEENEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 357, noes 58, answered ''present'' 1, not voting 18, as follows:

[Roll No. 87]

AYES—357

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

NOES—58

Abercrombie
Allen
Baird
Becerra
Berman
Cardin
Carson (IN)
Davis (AL)
Davis (IL)
DeGette
Delahunt
Farr
Fattah
Filner
Grijalva
Hastings (FL)
Hinchey
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kucinich
LaTourette
Lee
Lewis (GA)
Majette
McCollum
McDermott
Meek (FL)
Millender-McDonald
Mollohan
Nadler
Oberstar
Olver
Paul
Payne
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Snyder
Stark
Udall (NM)
Velazquez
Waters
Watt
Waxman
Woolsey

ANSWERED ''PRESENT''—1

Owens

NOT VOTING—18

Ballance
Brown (OH)
Brown, Corrine
Buyer
Clay
Combest
Conyers
Cummings
Dingell
Fletcher
Gephardt
Hyde
Jefferson
McCarthy (MO)
McCotter
Miller, George
Oxley
Solis

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington) (during the vote). The Chair advises Members there are 2 minutes remaining in this vote.

□ 1302

Ms. WOOLSEY, Ms. DEGETTE, Mr. DAVIS of Illinois, Ms. MILLENDER-McDONALD, Messrs. RUSH, MEEK of Florida, KUCINICH, BECERRA, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia and Mr. RAHALL changed their vote from ''aye'' to ''no.''

Mrs. TAUSCHER, Ms. BERKLEY, Messrs. HINOJOSA, LARSON of Connecticut, WEXLER, PETERSON of Pennsylvania and Ms. HARMAN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. BALLANCE. Mr. Chairman, on rollcall No. 87, I was in attendance at a meeting of the CBC Foundation at the National Press Club and did not return in time to vote. Had I been present, I would have voted ''no.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The remaining question in this series will be a 5-minute vote.

AMENDMENT NO. 8 OFFERED BY MR. SMITH OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SMITH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 406, noes 15, not voting 13, as follows:

[Roll No. 88]

AYES—406

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

NOES—15

Abercrombie
Conyers
Davis (IL)
Jackson (IL)
Jones (OH)
Lee
McDermott
Nadler
Paul
Rush
Sanders
Scott (VA)
Stark
Watt
Woolsey

NOT VOTING—13

Brown, Corrine
Buyer
Clay
Combest
Fletcher
Gephardt
Hyde
McCarthy (MO)
McCarthy (NY)
McCotter
Miller, George
Rodriguez
Skelton

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1311

Mr. DAVIS of Illinois and Mr. RUSH changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. SKELTON. Mr. Chairman, on rollcall No. 88, I was unavoidably detained. Had I been present, I would have voted ''aye.''

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. HASTINGS of Washington, 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. 1104) to prevent child abduction, and for other purposes, pursuant to House Resolution 160, 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.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, 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.

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.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This 15-minute vote on the passage of H.R. 1104 will be followed by two 5-minute votes on postponed suspensions.

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

[Roll No. 89]

AYES—410

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

NOES—14

Conyers
Jackson (IL)
Jones (OH)
Lee
McDermott
Mollohan
Oberstar
Paul
Sabo
Sanders
Scott (VA)
Stark
Waters
Watt

NOT VOTING—10

Brown, Corrine
Buyer
Clay
Combest
Fletcher
Gephardt
Hyde
McCarthy (MO)
McCotter
Miller, George

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1330

Mr. JACKSON of Illinois, Ms. LEE and Mr. SANDERS changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 99

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Daniel Patrick Moynihan, former Member of the United States Senate.

The message also announced that pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, the Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, appoints the following Senators to the United States Holocaust Memorial Council for the One Hundred Eighth Congress—

the Senator from Utah (Mr. HATCH);

the Senator from Maine (Ms. COLLINS); and

the Senator from Minnesota (Mr. COLEMAN).

The message also announced that pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1237(E) of Public Law 106–398, the Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission—

C. Richard D'Amato of Maryland, for a term expiring December 31, 2005;

Patrick A. Mulloy of Virginia, for a term expiring December 31, 2004; and

William A. Reinsch of Maryland, for a term expiring December 31, 2003.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

## SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 153.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and agree to the resolution, H. Res. 153, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 346, nays 49, answered ''present'' 23, not voting 16, as follows:

[Roll No. 90]

YEAS—346

Abercrombie
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez

Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Isakson
Issa
Istook
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—49

Ackerman
Allen
Baird
Ballance
Berkley
Blumenauer
Capuano
Conyers
DeGette
Delahunt
Dooley (CA)
Edwards
Farr
Fattah
Frank (MA)
Hastings (FL)
Hinchey
Inslee
Jackson (IL)
Jones (OH)
Kennedy (RI)
Kilpatrick
Kucinich
Lee
Lewis (GA)
Lofgren
Majette
McDermott
McGovern
Oberstar
Olver
Payne
Rangel
Roybal-Allard
Rush
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Smith (WA)
Solis
Stark
Tauscher
Velazquez
Waters
Waxman
Weiner
Woolsey

ANSWERED ''PRESENT''—23

Cardin
Davis (CA)
DeFazio
Dicks
Emanuel
Filner
Gutierrez
Harman
Hill
Israel
Kind
Lantos
Owens
Rothman
Schiff
Sherman
Snyder
Thompson (CA)
Tierney
Udall (CO)
Van Hollen
Watt
Wexler

NOT VOTING—16

Becerra
Berman
Brown, Corrine
Buyer
Clay
Combest
Fletcher
Gephardt
Houghton
Hyde
Johnson (CT)
Larsen (WA)
McCarthy (MO)
McCotter
Miller, George
Obey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1339

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

Ms. LORETTA SANCHEZ of California changed her vote from ''nay'' to ''yea.''

Mr. VAN HOLLEN changed his vote from ''yea'' to ''present.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. RUSH of Illinois. Mr. Speaker, on rollcall No. 90 I was misrecorded, and I duly intended to vote ''no'' on this particular rollcall.

## CONCERNING TREATMENT OF MEMBERS OF ARMED FORCES HELD AS PRISONER OF WAR BY IRAQI AUTHORITIES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 118, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 118, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 91]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott

McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Bachus
Becerra
Berman
Brown, Corrine
Buyer
Clay
Combest
Fletcher
Gephardt
Hyde
John
McCarthy (MO)
McCotter
Miller, George
Nussle

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1346

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1104, CHILD ABDUCTION PREVENTION ACT OF 2003

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1104, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

## PROSECUTORIAL REMEDIES AND TOOLS AGAINST THE EXPLOITATION OF CHILDREN TODAY ACT OF 2003 OR ''PROTECT ACT''

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 160, I call up the Senate bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 151 is as follows:

S. 151

*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 ''Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003'' or ''PROTECT Act''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Obscenity and child pornography are not entitled to protection under the First Amendment under Miller v. California, 413 U.S. 15 (1973) (obscenity), or New York v. Ferber, 458 U.S. 747 (1982) (child pornography) and thus may be prohibited.

(2) The Government has a compelling state interest in protecting children from those who sexually exploit them, including both child molesters and child pornographers. ''The prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance,'' New York v. Ferber, 458 U.S. 747, 757 (1982) (emphasis added), and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain. Osborne v. Ohio, 495 U.S. 103, 110 (1990).

(3) The Government thus has a compelling interest in ensuring that the criminal prohibitions against child pornography remain enforceable and effective. ''[T]he most expeditious if not the only practical method of law enforcement may be to dry up the market for this material by imposing severe criminal penalties on persons selling, advertising, or otherwise promoting the product.'' Ferber, 458 U.S. at 760.

(4) In 1982, when the Supreme Court decided Ferber, the technology did not exist to: (A) computer generate depictions of children that are indistinguishable from depictions of real children; (B) use parts of images of real children to create a composite image that is unidentifiable as a particular child and in a way that prevents even an expert from concluding that parts of images of real children were used; or (C) disguise pictures of real children being abused by making the image look computer generated.

(5) Evidence submitted to the Congress, including from the National Center for Missing and Exploited Children, demonstrates that technology already exists to disguise depictions of real children to make them unidentifiable and to make depictions of real children appear computer generated. The technology will soon exist, if it does not already, to computer generate realistic images of children.

(6) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, or related media.

(7) There is no substantial evidence that any of the child pornography images being trafficked today were made other than by the abuse of real children. Nevertheless, technological advances since Ferber have led many criminal defendants to suggest that the images of child pornography they possess are not those of real children, insisting that the government prove beyond a reasonable doubt that the images are not computer-generated. Such challenges increased significantly after the Ashcroft v. Free Speech Coalition decision.

(8) Child pornography circulating on the Internet has, by definition, been digitally uploaded or scanned into computers and has been transferred over the Internet, often in different file formats, from trafficker to trafficker. An image seized from a collector of child pornography is rarely a first-generation product, and the retransmission of images can alter the image so as to make it difficult for even an expert conclusively to opine that a particular image depicts a real child. If the original image has been scanned from a paper version into a digital format, this task can be even harder since proper forensic assessment may depend on the quality of the image scanned and the tools used to scan it.

(9) The impact on the government's ability to prosecute child pornography offenders is already evident. The Ninth Circuit has seen a significant adverse effect on prosecutions since the 1999 Ninth Circuit Court of Appeals decision in Free Speech Coalition. After that decision, prosecutions generally have been brought in the Ninth Circuit only in the most clear-cut cases in which the government can specifically identify the child in the depiction or otherwise identify the origin of the image. This is a fraction of meritorious child pornography cases. The National Center for Missing and Exploited Children testified that, in light of the Supreme Court's affirmation of the Ninth Circuit decision, prosecutors in various parts of the country have expressed concern about the continued viability of previously indicted cases as well as declined potentially meritorious prosecutions.

(10) Since the Supreme Court's decision in Free Speech Coalition, defendants in child pornography cases have almost universally raised the contention that the images in question could be virtual, thereby requiring the government, in nearly every child pornography prosecution, to find proof that the child is real. Some of these defense efforts have already been successful.

(11) In the absence of congressional action, this problem will continue to grow increasingly worse. The mere prospect that the technology exists to create computer or computer-generated depictions that are indistinguishable from depictions of real children will allow defendants who possess images of real children to escape prosecution, for it threatens to create a reasonable doubt in every case of computer images even when a real child was abused. This threatens to render child pornography laws that protect real children unenforceable. Moreover, imposing an additional requirement that the Government prove beyond a reasonable doubt that the defendant knew that the image was in fact a real child—as some courts have done—threatens to result in the de facto legalization of the possession, receipt, and distribution of child pornography for all except the original producers of the material.

(12) To avoid this grave threat to the Government's unquestioned compelling interest

in effective enforcement of the child pornography laws that protect real children, a statute must be adopted that prohibits a narrowly-defined subcategory of images.

(13) The Supreme Court's 1982 Ferber decision holding that child pornography was not protected drove child pornography off the shelves of adult bookstores. Congressional action is necessary now to ensure that open and notorious trafficking in such materials does not reappear, and even increase, on the Internet.

**SEC. 3. CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.**

Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (3) and inserting the following:

''(3) knowingly—

''(A) reproduces any child pornography for distribution through the mails, or in interstate or foreign commerce by any means, including by computer; or

''(B) advertises, promotes, presents, distributes, or solicits through the mails, or in interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains—

''(i) an obscene visual depiction of a minor engaging in sexually explicit conduct; or

''(ii) a visual depiction of an actual minor engaging in sexually explicit conduct;'';

(B) in paragraph (4), by striking ''or'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following:

''(6) knowingly distributes, offers, sends, or provides to a minor any visual depiction, including any photograph, film, video, picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, where such visual depiction is, or appears to be, of a minor engaging in sexually explicit conduct—

''(A) that has been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer;

''(B) that was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer; or

''(C) which distribution, offer, sending, or provision is accomplished using the mails or by transmitting or causing to be transmitted any wire communication in interstate or foreign commerce, including by computer,

for purposes of inducing or persuading a minor to participate in any activity that is illegal.'';

(2) in subsection (b)(1), by striking ''paragraphs (1), (2), (3), or (4)'' and inserting ''paragraph (1), (2), (3), (4), or (6)''; and

(3) by striking subsection (c) and inserting the following:

''(c) Affirmative Defense.—It shall be an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) that—

''(1)(A) the alleged child pornography was produced using an actual person or persons engaging in sexually explicit conduct; and

''(B) each such person was an adult at the time the material was produced; or

''(2) the alleged child pornography was not produced using any actual minor or minors.

No affirmative defense under subsection (c)(2) shall be available in any prosecution that involves child pornography as described in section 2256(8)(C). A defendant may not assert an affirmative defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) unless, within the time provided for filing pretrial motions or at such time prior to trial as the judge may direct, but in no event later than 10 days before the commencement of the trial, the defendant provides the court and the United States with notice of the intent to assert such defense and the substance of any expert or other specialized testimony or evidence upon which the defendant intends to rely. If the defendant fails to comply with this subsection, the court shall, absent a finding of extraordinary circumstances that prevented timely compliance, prohibit the defendant from asserting such defense to a charge of violating paragraph (1), (2), (3), (4), or (5) of subsection (a) or presenting any evidence for which the defendant has failed to provide proper and timely notice.''.

**SEC. 4. ADMISSIBILITY OF EVIDENCE.**

Section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(e) ADMISSIBILITY OF EVIDENCE.—On motion of the government, in any prosecution under this chapter, except for good cause shown, the name, address, social security number, or other nonphysical identifying information, other than the age or approximate age, of any minor who is depicted in any child pornography shall not be admissible and may be redacted from any otherwise admissible evidence, and the jury shall be instructed, upon request of the United States, that it can draw no inference from the absence of such evidence in deciding whether the child pornography depicts an actual minor.''.

**SEC. 5. DEFINITIONS.**

Section 2256 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ''and shall not be construed to require proof of the actual identity of the person'';

(2) in paragraph (2)—

(A) by striking ''means actual'' and inserting the following: ''means—

''(A) actual'';

(B) in subparagraphs (A), (B), (C), (D), and (E), by indenting the left margin 2 ems to the right and redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(C) in subparagraph (A)(v), as redesignated, by inserting ''or'' after the semicolon; and

(D) by adding at the end the following:

''(B)(i) actual sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;

''(ii) actual or lascivious simulated—

''(I) bestiality;

''(II) masturbation; or

''(III) sadistic or masochistic abuse; or

''(iii) actual lascivious or simulated lascivious exhibition of the genitals or pubic area of any person;'';

(3) in paragraph (8)—

(A) by striking subparagraph (B) and inserting the following:

''(B) the production of such visual depiction involves the use of an identifiable minor engaging in sexually explicit conduct; or'';

(B) in subparagraph (C)—

(i) by inserting after ''is engaging in sexually explicit conduct'' the following: '', except that the term 'identifiable minor' as used in this subparagraph shall not be construed to include the portion of the definition contained in paragraph (9)(B)''; and

(ii) by striking ''or'' at the end; and

(C) by striking subparagraph (D); and

(4) by striking paragraph (9), and inserting the following:

''(9) 'identifiable minor'—

''(A)(i) means a person—

''(I)(aa) who was a minor at the time the visual depiction was created, adapted, or modified; or

''(bb) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

''(II) who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

''(ii) shall not be construed to require proof of the actual identity of the identifiable minor; or

''(B) means a computer image, computer generated image, or digital image—

''(i) that is of, or is virtually indistinguishable from that of, an actual minor; and

''(ii) that depicts sexually explicit conduct as defined in paragraph (2)(B); and

''(10) 'virtually indistinguishable'—

''(A) means that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor; and

''(B) does not apply to depictions that are drawings, cartoons, sculptures, diagrams, anatomical models, or paintings depicting minors or adults or reproductions of such depictions.''.

**SEC. 6. OBSCENE VISUAL REPRESENTATIONS OF THE SEXUAL ABUSE OF CHILDREN.**

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2252A the following:

**''§ 2252B. Obscene visual representations of the sexual abuse of children**

''(a) IN GENERAL.—Any person who, in a circumstance described in subsection (d), knowingly produces, distributes, receives, or possesses with intent to distribute, a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

''(1)(A) depicts a minor engaging in sexually explicit conduct; and

''(B) is obscene; or

''(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

''(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(1), including the penalties provided for cases involving a prior conviction.

''(b) ADDITIONAL OFFENSES.—Any person who, in a circumstance described in subsection (d), knowingly possesses a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that—

''(1)(A) depicts a minor engaging in sexually explicit conduct; and

''(B) is obscene; or

''(2)(A) depicts an image that is, or appears to be, of a minor engaging in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; and

''(B) lacks serious literary, artistic, political, or scientific value;

or attempts or conspires to do so, shall be subject to the penalties provided in section 2252A(b)(2), including the penalties provided for cases involving a prior conviction.

''(c) NONREQUIRED ELEMENT OF OFFENSE.—It is not a required element of any offense under this section that the minor depicted actually exist.

''(d) CIRCUMSTANCES.—The circumstance referred to in subsections (a) and (b) is that—

''(1) any communication involved in or made in furtherance of the offense is communicated or transported by the mail, or in interstate or foreign commerce by any means, including by computer, or any means or instrumentality of interstate or foreign commerce is otherwise used in committing or in furtherance of the commission of the offense;

''(2) any communication involved in or made in furtherance of the offense contemplates the transmission or transportation of a visual depiction by the mail, or in interstate or foreign commerce by any means, including by computer;

''(3) any person travels or is transported in interstate or foreign commerce in the course of the commission or in furtherance of the commission of the offense;

''(4) any visual depiction involved in the offense has been mailed, or has been shipped or transported in interstate or foreign commerce by any means, including by computer, or was produced using materials that have been mailed, or that have been shipped or transported in interstate or foreign commerce by any means, including by computer; or

''(5) the offense is committed in the special maritime and territorial jurisdiction of the United States or in any territory or possession of the United States.

''(e) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge of violating subsection (b) that the defendant—

''(1) possessed less than 3 such visual depictions; and

''(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any such visual depiction—

''(A) took reasonable steps to destroy each such visual depiction; or

''(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'visual depiction' includes undeveloped film and videotape, and data stored on a computer disk or by electronic means which is capable of conversion into a visual image, and also includes any photograph, film, video, picture, digital image or picture, computer image or picture, or computer generated image or picture, whether made or produced by electronic, mechanical, or other means;

''(2) the term 'sexually explicit conduct' has the meaning given the term in section 2256(2); and

''(3) the term 'graphic', when used with respect to a depiction of sexually explicit conduct, means that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The section analysis for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2252A the following:

''2252B. Obscene visual representations of the sexual abuse of children.''.

(c) SENTENCING GUIDELINES.—

(1) CATEGORY.—Except as provided in paragraph (2), the applicable category of offense to be used in determining the sentencing range referred to in section 3553(a)(4) of title 18, United States Code, with respect to any person convicted under section 2252B of such title, shall be the category of offenses described in section 2G2.2 of the Sentencing Guidelines.

(2) RANGES.—The Sentencing Commission may promulgate guidelines specifically governing offenses under section 2252B of title 18, United States Code, if such guidelines do not result in sentencing ranges that are lower than those that would have applied under paragraph (1).

**SEC. 7. RECORDKEEPING REQUIREMENTS.**

Section 2257 of title 18, United States Code, is amended—

(1) in subsection (d)(2), by striking ''of this section'' and inserting ''of this chapter or chapter 71,'';

(2) in subsection (h)(3), by inserting '', computer generated image, digital image, or picture,'' after ''video tape''; and

(3) in subsection (i)—

(A) by striking ''not more than 2 years'' and inserting ''not more than 5 years''; and

(B) by striking ''5 years'' and inserting ''10 years''.

**SEC. 8. SERVICE PROVIDER REPORTING OF CHILD PORNOGRAPHY AND RELATED INFORMATION.**

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended—

(1) in subsection (b)(1), by inserting ''or a violation of section 2252B of that title'' after ''of that title)'';

(2) in subsection (c), by inserting ''or pursuant to'' after ''to comply with'';

(3) by amending subsection (f)(1)(D) to read as follows:

''(D) where the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.'';

(4) by redesignating paragraph (3) of subsection (b) as paragraph (4); and

(5) by inserting after paragraph (2) of subsection (b) the following new paragraph:

''(3) In addition to forwarding such reports to those agencies designated in subsection (b)(2), the National Center for Missing and Exploited Children is authorized to forward any such report to an appropriate official of a state or subdivision of a state for the purpose of enforcing state criminal law.''.

**SEC. 9. CONTENTS DISCLOSURE OF STORED COMMUNICATIONS.**

Section 2702 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking ''or'' at the end;

(B) in paragraph (6)—

(i) in subparagraph (A)(ii), by inserting ''or'' at the end;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(C) by redesignating paragraph (6) as paragraph (7); and

(D) by inserting after paragraph (5) the following:

''(6) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''; and

(2) in subsection (c)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) to the National Center for Missing and Exploited Children, in connection with a report submitted under section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032); or''.

**SEC. 10. EXTRATERRITORIAL PRODUCTION OF CHILD PORNOGRAPHY FOR DISTRIBUTION IN THE UNITED STATES.**

Section 2251 of title 18, United States Code, is amended—

(1) by striking ''subsection (d)'' each place that term appears and inserting ''subsection (e)'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following:

''(c)(1) Any person who, in a circumstance described in paragraph (2), employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, its territories or possessions, for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e).

''(2) The circumstance referred to in paragraph (1) is that—

''(A) the person intends such visual depiction to be transported to the United States, its territories or possessions, by any means, including by computer or mail; or

''(B) the person transports such visual depiction to the United States, its territories or possessions, by any means, including by computer or mail.''.

**SEC. 11. CIVIL REMEDIES.**

Section 2252A of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

''(f) CIVIL REMEDIES.—

''(1) IN GENERAL.—Any person aggrieved by reason of the conduct prohibited under subsection (a) or (b) may commence a civil action for the relief set forth in paragraph (2).

''(2) RELIEF.—In any action commenced in accordance with paragraph (1), the court may award appropriate relief, including—

''(A) temporary, preliminary, or permanent injunctive relief;

''(B) compensatory and punitive damages; and

''(C) the costs of the civil action and reasonable fees for attorneys and expert witnesses.''.

**SEC. 12. ENHANCED PENALTIES FOR RECIDIVISTS.**

Sections 2251(d), 2252(b), and 2252A(b) of title 18, United States Code, are amended by inserting ''chapter 71,'' before ''chapter 109A,'' each place it appears.

**SEC. 13. SENTENCING ENHANCEMENTS FOR INTERSTATE TRAVEL TO ENGAGE IN SEXUAL ACT WITH A JUVENILE.**

Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that guideline penalties are adequate in cases that involve interstate travel with the intent to engage in a sexual act with a juvenile in violation of section 2423 of title 18, United States Code, to deter and punish such conduct.

**SEC. 14. MISCELLANEOUS PROVISIONS.**

(a) APPOINTMENT OF TRIAL ATTORNEYS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Attorney General shall appoint 25 additional trial attorneys to the Child Exploitation and Obscenity Section of the Criminal Division of the Department of Justice or to appropriate U.S. Attorney's Offices, and those trial attorneys shall have as their primary focus, the investigation and prosecution of Federal child pornography laws.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out this subsection.

(b) REPORT TO CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General shall report to the Chairpersons and Ranking Members of the Committees on the

Judiciary of the Senate and the House of Representatives on the Federal enforcement actions under chapter 110 of title 18, United States Code.

(2) CONTENTS.—The report required under paragraph (1) shall include—

(A) an evaluation of the prosecutions brought under chapter 110 of title 18, United States Code;

(B) an outcome-based measurement of performance; and

(C) an analysis of the technology being used by the child pornography industry.

(c) SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 18, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, as appropriate, amend the Federal Sentencing Guidelines and policy statements to ensure that the guidelines are adequate to deter and punish conduct that involves a violation of paragraph (3)(B) or (6) of section 2252A(a) of title 18, United States Code, as created by this Act. With respect to the guidelines for section 2252A(a)(3)(B), the Commission shall consider the relative culpability of promoting, presenting, describing, or distributing material in violation of that section as compared with solicitation of such material.

**SEC. 15. AUTHORIZATION OF INTERCEPTION OF COMMUNICATIONS IN THE INVESTIGATION OF SEXUAL CRIMES AGAINST CHILDREN.**

Section 2516(1)(c) of title 18, United States Code, is amended—

(1) by inserting ''section 1591 (sex trafficking of children by force, fraud, or coercion),'' after ''section 1511 (obstruction of State or local law enforcement),''; and

(2) by inserting ''section 2251A (selling or buying of children), section 2252A (relating to material constituting or containing child pornography), section 2252B (relating to child obscenity), section 2260 (production of sexually explicit depictions of a minor for importation into the United States), sections 2421, 2422, 2423, and 2425 (relating to transportation for illegal sexual activity and related crimes),'' after ''sections 2251 and 2252 (sexual exploitation of children),''.

**SEC. 16. INVESTIGATIVE AUTHORITY RELATING TO CHILD PORNOGRAPHY.**

Section 3486(a)(1)(C)(i) of title 18, United States Code, is amended by striking ''the name, address'' and all that follows through ''subscriber or customer utilized,'' and inserting ''the information specified in section 2703(c)(2)''.

**SEC. 17. SEVERABILITY.**

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

MOTION OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 160, I offer a motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves to strike all after the enacting clause of S. 151, and insert in lieu thereof the provisions of H.R. 1104 as passed by the House.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 1 hour.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume, and I will not take a long time on this motion.

The House has worked its will on H.R. 1104, and Members should be congratulated for their hard work. However, this is no time to pat ourselves on the back. There is still work to do with the other body, and I am prepared to get that job done.

The following procedural maneuvers are necessary to get us to conference with the Senate. Many have complained that H.R. 1104 would get bogged down with the other body. This procedure ensures that we are able to expeditiously convene a conference to resolve differences between the House and the Senate versions of this legislation. The Committee on Rules, in its wisdom, has crafted a rule that permits us to expeditiously get to conference so that the House and Senate Committees on the Judiciary can get to work. I am ready to roll up my sleeves to make sure this child protection legislation is on the President's desk soon.

Mr. Speaker, this motion permits the House to get to a stage of disagreement with the Senate so the House can consider the next motion I will offer requesting a conference with the other body. I encourage all Members to support this motion so we can resolve our differences with the other body and send to the President strong child protection legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. Without objection, the title of the Senate bill is amended so as to read: ''To prevent child abduction and the sexual exploitation of children, and for other purposes.''

There was no objection.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 1104) was laid on the table.

MOTION TO GO TO CONFERENCE

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves that the House insist on its amendments to S. 151 and request a conference with the Senate thereon.

The motion was agreed to.

MOTION TO INSTRUCT CONFEREES

Mr. SCOTT of Virginia. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SCOTT of Virginia moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 151, be instructed to insist that—

(1) the committee of conference allow opportunity for members of the committee of conference to offer and debate amendments at all meetings of such conference; and

(2) all meetings of the committee of conference—

(A) be open to the public and to the print and electronic media; and

(B) be held in venues selected to maximize the capacity for attendance of the public and the media.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 30 minutes.

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

Mr. SCOTT of Virginia. Mr. Speaker, I believe the motion is self-explanatory, and I would hope that it would be adopted.

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

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

Mr. Speaker, I have no objection to the motion, but I hope it will not be used to slow down the proceedings of the conference so that we can expeditiously reach a conference report.

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

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

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

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference: Messrs. SENSENBRENNER, COBLE, SMITH of Texas, GREEN of Wisconsin, Ms. HART, Mr. CONYERS and Mr. SCOTT of Virginia.

For consideration of the Senate bill and House amendments and modifications committed to conference: Mr. FROST.

There was no objection.

## ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 522, FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2003

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 522, the Federal Deposit Insurance Reform Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy with a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 10 a.m. on Tuesday, April 1. Members should draft their amendments to the bill as ordered and reported by the Committee on Financial Services on March 13, which is expected to file its report later today.

Members are advised that the text should be available for their review on both the Committee on Financial Services and the Committee on Rules Web sites by Friday, March 28.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

## ANNOUNCEMENT BY THE COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 735, THE POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT OF 2003

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 735, the Postal Civil Service Retirement System Funding Reform Act of 2003.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy with a brief explanation of the amendment to the Committee on Rules in H–312 of the Capitol by 4 p.m. on Monday, March 31. Members should draft their amendments to the bill as ordered by the Committee on Government Reform on March 6. Members are advised that the text should be available for their review on the Web site of the Committee on Rules later today.

Members should use the Office of the Legislative Counsel to make sure that their amendments are properly drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain that their amendments comply with the Rules of the House.

## LAYING ON THE TABLE H. RES. 152

Mr. DREIER. Mr. Speaker, I ask unanimous consent that House Resolution 152 be laid on the table.

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

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces the judicial conferees on S. 151 may be announced later.

## LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the schedule of the distinguished majority leader, the gentleman from Texas (Mr. DELAY), and I yield to the majority leader.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, the House will convene on Monday 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. A final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these bills will be rolled until 6:30 p.m. on Monday.

On Tuesday, we expect to consider several additional bills under suspension of the rules, including legislation that will provide relief from student loan payments to our men and women currently serving in the Middle East. We would also hope to go to conference on the 2004 budget resolution.

For Wednesday and the balance of the week, we have several measures that we will consider under a rule. Those include H.R. 522, a bill to reauthorize the Federal Deposit Insurance Program; H.R. 735, which would alter the method used to calculate Postal Service contributions to the Federal Employee Pension System; and H.R. 743, the Social Security Protection Act.

Finally, next week, we hope to be considering the Fiscal Year 2003 War Supplemental that was requested by the President earlier this week. I believe that the Committee on Appropriations has tentatively scheduled a markup of this legislation for Tuesday.

Now, Members should be aware, while I remain hopeful that we could consider this legislation on the floor on Thursday, I know that this schedule would disrupt the traditional 3-day layover practice by the Committee on Appropriations, but if the supplemental is not available for floor consideration on Thursday, Members should be advised we would be in session next Friday to consider this very important bill.

I thank the gentleman for yielding. I would be happy to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information.

Following up on what he said at the end of his statement, am I to understand that if the supplemental is passed on Thursday, it is the gentleman's expectation we will not be in next Friday?

Mr. DELAY. Mr. Speaker, if the gentleman will yield, the gentleman is correct. If we can get the supplemental passed by the House by Thursday, we would not be in on Friday. But Members need to be advised that the President has asked the bipartisan leadership to try to get the supplemental to his desk before the Easter break, and we have to get it done next week in order to accomplish that.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his comments.

I would say to the distinguished majority leader, having talked to the ranking member and former chairman of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), I think if we can reach a bipartisan agreement, we too want to make sure that we provide the appropriate resources for our men and women in harm's way to assure them that there is going to be no reluctance on our part to accomplish that effort. But I emphasize that my belief is that if we can reach a bipartisan agreement, and I am hopeful, I know the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) can accomplish that; and if the leadership would help in accomplishing that objective, I think that would be a worthy objective for our country and for this House.

The budget conference and conferees, does the gentleman know when they will be appointed? I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding.

We are hoping to go to conference and name conferees on Monday, if we can get the papers from the Senate. Right now we could have done it today, but we are waiting for the papers to come over from the other body, and they tell us it will be very difficult to get those papers to us by Monday. But if we can get everything straight, then we will go to conference on Monday. If not, we will have to wait until Tuesday.

Mr. HOYER. Mr. Leader, the reason I was looking to staff, obviously, as the gentleman well knows, if we are not going to go in until 6:30 and we will probably do suspension bills that night, clearly, if we go to conference, a motion to instruct would be in order; and I think it would be our intention to offer such a motion.

Therefore, having notice at this juncture, or I understand the gentleman's not having specific knowledge of when the papers are going to come over, but I might say to the gentleman that if we can have some specificity, and apparently Tuesday we will have the papers, the gentleman is reasonably confident, perhaps we could agree that it would be then Tuesday so that on our side we could plan to have the motion to which we would be entitled ready and available at that time.

□ 1400

Mr. DELAY. I thank the gentleman for his comment, Mr. Speaker. We want to make sure that the minority protects their rights and reserves their rights to proceed to a motion to instruct.

My assumption is that we will have what we need to go to conference on the floor of this House no later than Tuesday, and we have every anticipation that we will be going to conference on Tuesday, but we would like to go a day earlier. As the gentleman knows, there is a lot of legislation we would like to do in the next 2 weeks, and floor time is at a premium.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I appreciate the gentleman's view. I share that view. We want to try to get this done. I am going to ask him about the week following.

I understand floor time is at a premium, but we are not going to meet, apparently, on Friday if we get the supplemental done in a timely fashion, so we are not going to be using that time.

My only point is that if we do not know until Monday at noontime or Monday at 10 o'clock, it makes it more difficult for us. Frankly, I think it would be appropriate if the gentleman could perhaps agree that this will be on Tuesday, because he is not sure it is going to get over on Monday. I think that puts us in a little better shape.

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, we will inform the leadership of the minority as soon as we know. We are urging the other body to move quickly, and we will keep the leadership of the minority informed at every step of this process so their side will have plenty of notice. Hopefully, we will have this decision done by tomorrow, and the gentleman will have plenty of time to do his planning.

Mr. HOYER. I thank the gentleman, Mr. Speaker.

Reclaiming my time again, Mr. Speaker, and I do not want to beat this dead horse too badly, but on Monday my presumption is that the only votes at 6:30 are suspension votes; is that correct?

Mr. DELAY. If the gentleman will continue to yield, that is correct, unless we try to go to conference on the budget. We would have a motion to instruct.

Mr. HOYER. Would we do that subsequent to the vote on the suspensions, or in the afternoon? Obviously, the problem with the afternoon is most Members, as the gentleman knows, come back in time for the vote, Members flying from the West Coast. So there are those complications.

Would the gentleman inform me as to what the intent would be, either before the 6:30 suspension votes or after?

Mr. DELAY. If the gentleman will yield, Mr. Speaker, I would suspect that certainly, with the gentleman's agreement, that we could start the process around 5 or 5:30 and wait on the votes until we have finished voting on the suspensions; or we could start the debate on the motion to instruct after the vote on the suspensions. We will be glad to work with the gentleman on how we do that, whatever is most convenient to the Members.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman. We will discuss this with the gentleman from South Carolina (Mr. SPRATT), the ranking member. I am sure the gentleman will want to discuss it with the gentleman from Iowa (Mr. NUSSLE) as well. Hopefully, we can reach an agreement so all Members can be accommodated to participate in that important debate.

Mr. Leader, the partial birth abortion bill, I understand that was marked up yesterday. Does the gentleman know when that will be coming to the floor? Is it going to be next week or the week after?

Mr. DELAY. If the gentleman will yield, Mr. Speaker, the gentleman is correct, the Committee on the Judiciary reported this legislation out early this week. We would like to consider this bill in the very near future, but, as I mentioned earlier, over the next 2 weeks floor time is going to be at very much a premium. We would like to do it, but it looks like in trying to assess what the needs of the House are for the next 2 weeks we are not going to be able to get to this bill before the Easter break. It is more likely that we will consider the bill in May.

Mr. HOYER. I thank the gentleman for that response.

The smallpox vaccination compensation bill, I know there are ongoing discussions. It is my understanding, from what I have heard the gentleman say, that the expectation is that is not going to be on the calendar next week.

Mr. DELAY. If the gentleman will yield, Mr. Speaker, he may remember that last week during our discussion I mentioned that we are trying to move forward on a product under a very tight time frame that all Members could support. We really would like to see this bill come to the floor in a bipartisan way.

I understand the gentleman from Louisiana (Chairman TAUZIN) and the ranking member, the gentleman from Michigan (Mr. DINGELL), have had daily, if not hourly, discussions on this legislation and at times have become very close to a compromise that all Members could likely support. The bill was pulled from consideration this week primarily because the interested parties believe that the differences on the issues are minimal now and that more time could in fact yield a reasonable compromise.

I would just note for the gentleman that this is a relatively small authorization for a fund that would serve a very targeted community, and usually the House considers legislation of this nature under suspensions of the rules. I would hope that we could bring this bill under suspension as soon as possible.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I would ask the leader, and we have had this discussion before, we are all hopeful, I think, that the discussions between the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) and the gentlewoman from California (Mrs. CAPPS), who is on the floor, who has been such a leader in this legislation, and others on the gentleman's side of the aisle could come and reach agreement.

However, if an agreement could not be reached, the problem is with the Suspension Calendar that it allows no amendments and therefore allows of no alternative possibilities to be considered by the whole House.

We would hope that if this matter cannot be resolved, and we are hopeful that it can, and I know I speak for the gentlewoman from California (Mrs. CAPPS), she is hopeful that it can, and I think I speak for the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) as well, that they would like to reach agreement; but if agreement cannot be reached, I would urge the majority leader to bring this bill to the floor with the procedure that allows for alternative proposals to be considered by the whole House.

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, I do understand his concerns. We are working very, very hard on this bill. I think we can bring this bill to the floor. It is needed.

Frankly, we have been working on it for way too long. It should have been passed weeks ago. I have every confidence that we can bring a bill to the floor that will get an overwhelming vote by this House.

Mr. HOYER. Reclaiming my time, Mr. Speaker, I thank the gentleman for his comments. We all agree that this bill is needed. We also all know that the President's expectation of the number of people who would have gotten the smallpox vaccination at this point in time, particularly as it relates to first responders, nurses, police, emergency medical technicians, would have been far higher than it has been to date, so we are trying to facilitate that.

Clearly, the passage of this bill would be facilitated by having a bipartisan agreement that will not be contentious. But of course, as the gentleman knows, at the nub of this issue is how substantively we can accomplish the objective of getting as many of our nurses and police and emergency response personnel to voluntarily participate in this vaccination process.

So, again, I would urge the gentleman, if we cannot reach agreement, let the floor consider alternatives and let them decide, the floor, the Members of this House, as to what procedures and process and compensation will best facilitate that end. I thank the gentleman for his comments.

Lastly, Mr. Speaker, I would ask the leader, regarding the tax bill, I know the gentleman mentioned it, but when does he anticipate that coming to the floor?

Mr. DELAY. If the gentleman will continue to yield, Mr. Speaker, the gentleman knows we are sort of at the mercy of the other body. The quicker we can complete a conference report on the budget, the quicker we can move the economic growth package. We are working as hard as we can to convince the Committee on the Budget, the budget committees of both houses, to work through the weekend, work all through next week, so we can bring the conference report to the floor.

If that happens, then we know what we have to deal with; and I would hope

that this House could bring the economic growth and jobs creation package to the floor before the Easter break.

Mr. HOYER. I thank the gentleman for his comments, Mr. Speaker.

## ADJOURNMENT TO MONDAY, MARCH 31, 2003

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, March 31, for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). 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.

## PAYING HOMAGE TO CORPORAL JOSE ANGEL GARIBAY, AN AMERICAN HERO

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

Mr. ROHRABACHER. Mr. Speaker, I rise today to pay homage and respect to Corporal Jose Angel Garibay, a 21-year-old Marine killed in action in Iraq a few days ago.

Jose Garibay was a proud American of Mexican American descent. He is now an American hero. He was born in Jalisco, Mexico. His family moved to California while he was still a baby. Like almost all Americans, his family came here seeking opportunity and freedom.

Corporal Garibay grew up in Costa Mesa, California. He exemplified what anyone would call an all-American kid. He was a source of joy and pride to his family. He was a star football player on the Newport Harbor High School football team; and he joined the Marines 3 years ago, shortly after graduating from high school.

He was a loving son to his mother, Simona; and he had hoped to use his military pay to help his mother buy a house. He put his own family first and foremost in his life, and through his sacrifice for our Nation in this war against tyranny and terrorism he proved that love of country and love of family are inseparably linked.

Corporal Garibay, his supreme sacrifice will not be forgotten. He will be remembered alongside the many brave American heroes who have gone before him in defending family, freedom, and country.

Today we send our greatest sympathy to the Garibay family. May God's love and the gratitude of our Nation comfort them and comfort the families of all of our fallen heroes.

## JIM RICHARDSON POST OFFICE DESIGNATION IN CHARLOTTE, NORTH CAROLINA

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

Mr. WATT. Mr. Speaker, later today, with the bipartisan unanimous support of the members of the North Carolina delegation, I will be dropping a bill to rename the United States Post Office at 2127 Beatties Ford Road in Charlotte, North Carolina, in honor of Jim Richardson, one of my constituents.

James Franklin Richardson, Sr., known by most people simply as Jim, was born in 1926 in Charlotte. In 1949, Jim began a 33-year career with the United States Postal Service. During his 33-year career, Jim had numerous positions, including Postal Service Clerk in the Charlotte Post Office and Railway Postal Service Worker. He subsequently held a number of supervisory positions and retired as the U.S. Postmaster in Mt. Holly, North Carolina, receiving a certificate of appreciation from the U.S. Postal Service.

I honor him today and will drop this bill. I ask for support from my colleagues.

Mr. Speaker, I rise today to honor Jim Richardson, a man who has dedicated a lifetime to making the world around him a better place. As a lasting tribute to Jim's dedication to his country, his community and to the State of North Carolina I will shortly introduce legislation to designate the United States Post Office at 2127 Beatties Ford Road in Charlotte, North Carolina as the "Jim Richardson Post Office."

Mr. James Franklin Richardson, Sr., known by most people simply as "Jim," was born on May 20, 1926 in Charlotte, North Carolina. He grew up in Charlotte where he attended Isabella Wyche Elementary and graduated from Second Ward High. Jim served in the United States Navy during World War II and, following an honorable discharge, attended Johnson C. Smith University, where he graduated in 1949 with a Bachelor of Science degree in Physical Education and General Science.

In 1949 Jim began a 33-year career with the United States Postal Service. During his 33-year career. Jim held numerous positions within the Postal Service, including serving as Postal Service Clerk in the Charlotte Post Office and later as a clerk with the Railway Postal Service, where he served on many train routes. When mail routes on trains were eliminated, Jim returned to the Charlotte Post Office and held a number of supervisory positions. He served the last eight years of his tenure as U.S. Postmaster in Mt. Holly, North Carolina and received a Certificate of Appreciation from the United States Postal Service in Recognition of Exceptional Performance in the Interest of Improved Postal Service.

In 1985 Jim was elected to the North Carolina House of Representatives, where he served one two-year term before being elected to the North Carolina Senate in the Senate District I previously represented. He served four terms in the state Senate before his retirement in 1994. With strong, bi-partisan encouragement, Jim ran for and was elected to the Mecklenburg County Commission where he served six years. There are few people I know in North Carolina who enjoy the kind of bi-partisan admiration Jim has that I believe results from his affable demeanor, willingness to work on issues across party lines and willingness to vote his convictions without regard to partisan expectations.

I hope this House will join me by honoring Jim Richardson for his civility and for his role as a true American patriot, a great communicator and a tireless voice for the voice-less.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). 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.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## ORDER OF BUSINESS

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent to proceed with my special order at this time.

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

There was no objection.

## THE LACK OF FEDERAL RESOURCES ALLOCATED TO LOCAL LAW ENFORCEMENT, AMERICA'S FRONT LINE IN THE WAR ON TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CARDOZA) is recognized for 5 minutes.

Mr. CARDOZA. Mr. Speaker, I rise today to address the lack of Federal resources being allocated to local law enforcement officials, our front line in our war on terrorism.

Several weeks ago, I sent out an e-mail asking first responders from my district to attend a brown bag lunch to discuss the challenges they face. With less than 24 hours' notice, nearly 60 law enforcement officials and fire professionals changed their schedules and attended this meeting.

While in nearly every case they support the administration's efforts on terrorism, as do I, to an individual they were disappointed in the lack of resources provided by their Federal

Government. These men and women are made of the same mettle as the first responders who were on the scene September 11 in New York City and in Washington, D.C., but they need the tools to do their jobs. They have communication systems that are woefully inadequate for the jobs they need to do.

□ 1415

Fire and police are unable to communicate on the same radios. Regrettably, the supplemental the administration just sent over does not address these needs. While it provides overall increases for homeland security, it contains no funds to provide interoperable communication equipment so that police, firefighters and emergency workers can talk to one another during an emergency.

I am hopeful that these concerns are addressed as the debate on the supplemental bill progresses. Our first responders must have enhanced communications equipment to respond adequately to emergencies. If police, firefighters and other first responders are unable to communicate with each other, lives will be lost due to lack of coordination; and that simply should not happen.

Let me also say that I am sympathetic to the needs of our big cities, especially those that have suffered from terrorist attacks in the past. We should work together to make certain that law enforcement and other first responders in those cities have the resources they need to respond to future threats and attacks.

At the same time, we should not neglect the needs of first responders in smaller communities. Let us not forget, the second largest act of terrorism committed in the United States soil occurred in Oklahoma City, which did not rank high on any list of targets that we have seen recently.

Quite simply, acts of terrorism, by either domestic or international sources can occur anywhere at any time, and our local first responders must have the tools necessary to respond.

In my district, preparing for potential attack also means recognizing the threat posed by agriterrorism or the use of disease or outbreak to cripple the agricultural industry. As we have seen with the outbreak of bovine TB, exotic Newcastle disease, the introduction of an organism that can be devastating to the industry and a threat to the Nation's food supply.

To further highlight the challenge facing our first responders, I want to focus on one of the local law enforcement agencies in my district, the sheriff's department in Stanislaus County.

I recently spoke with our sheriff, Les Weidman, who has got his hands full, not only dealing with the threat posed by future terrorist attacks but also trying to deal with the methamphetamine crisis in California's central valley. Like sheriffs across the country, Sheriff Weidman has seen a dramatic increase in meth labs in our area.

Sheriff Weidman recently held a news conference where he uncovered a link between drug production and terrorist groups. Mr. Speaker, this is a disturbing turn of events. He announced that millions of dollars of profits from drug deals had been diverted to Middle Eastern terrorist organizations. While his efforts are laudable, his small force of 450 officers is barely enough to do the job.

No matter how dedicated they are, without adequate tools they will not be able to get the job done alone. In fact, Sheriff Weidman recently told me that his department cannot afford the most basic protective gear for his deputies because of the cost. Only 35 out of the 450 officers that he has on duty have been issued protective kits against the use of chemical or biological weapons.

Addressing the threats posed by terrorism is a Federal issue with national implications, but dealing with the immediate effects of a terrorist attack will most likely be performed by local law enforcement officers and other first responders. What sort of message is the Federal Government sending to the local men and women on the front lines in our home districts if we cannot even provide them with the basic tools and resources necessary to carry out the most pressing national concern?

I would submit today that we are not doing nearly enough, Mr. Speaker. As we move forward this year and in this session of Congress, I hope we can work together to provide our law enforcement officials with the resources they need to protect our communities. This is not, nor should it be, a partisan issue.

I have been pleased to meet with a number of administration officials since taking office, and I am impressed with the level of commitment and dedication they place in protecting our homeland; but when local law enforcement officials tell me that communications capability is locally inadequate, it is clear to me that we must do more.

Working together, I am confident that we can, in fact, do this. If we mean what we say about providing homeland security for our Nation, we must start by providing support to our local first responders.

## COMMENDATION FOR MEREDITH BROADBENT

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, I would like to commend a valuable member of my staff, a treasure who has served the Committee on Ways and Means for over 20 years. Meredith Broadbent, who serves as senior professional staff member to our Subcommittee on Trade, is a noted expert in all areas of trade policy but especially agriculture and textiles, two of the most complex areas. She has committed her career to developing good trade policy, and she has been involved in every major trade initiative over the last 20 years.

Most recently, she was a key player in granting the President Trade Promotion Authority, according preferential trade benefits to the Caribbean, African and Andean countries, and extending permanent normal trade relations to China. Trade initiatives such as these are good for spurring U.S. economic growth but also to help foster a world that trades in freedom and lives in liberty and prosperity.

Ms. Broadbent's wise counsel, sound judgment, and thorough expertise will be truly missed. I am glad that she will continue to serve her country in the international trade arena as Assistant United States Trade Representative for Industry, Market Access and Telecommunications. She will be a tremendous asset to the Bush administration, and I wish her well.

Moreover, I know as chairman of the Subcommittee on Trade that I will still have the privilege of working with Meredith as our Assistant United States Trade Representative. God bless her.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## REMOVE COLOMBIA FROM THE SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, we are facing the first supplemental spending request to fund the war in Iraq and its aftermath and to partially support critical needs for our own homeland security. I expect we will be taking up that debate as early as next week.

I believe it is important that this Congress is finally beginning to debate the costs and the consequences of this war and how it will affect our homeland security, something we have failed to do for the last 5 months.

However, as I read the fine print of the administration's request, I see additional military assistance for Colombia. What is Colombia doing in a supplemental for the war in Iraq? There is a request for $34 million in military aid for Colombia in the section for the Department of Defense/operations and maintenance to ''increase the operational tempo for the unified campaign against narcotics trafficking and terrorist activities.''

There is another $34 million in military aid for Colombia in the State Department section, and there is an unspecified amount for Colombia under the international assistance programs/international security assistance for

foreign military financing, and it is my understanding that the State Department officials have informed some committee staff that Colombia's share of those funds will be around 36 to $37 million.

All told, that is another $100 million in additional military aid for Colombia. Mr. Speaker, that is more money than the State of Massachusetts will receive under the supplemental for critical homeland security priorities. It is more than most States will receive.

In Massachusetts, communities are laying off police, firefighters, and other emergency first responders. Dozens of our cities and towns have critical vacancies because many of our local police, our State police, our sheriffs, firefighters, and medical staff have been called to active duty and are right now serving in Iraq.

I have been told that there is just not enough money to help places like Seekonk or Worcester or Southborough fill these critical vacancies to keep our families safe; but apparently there is plenty of cash for Colombia.

Mr. Speaker, there is nothing that Colombia needs that cannot be handled through the regular authorization and appropriations process. Indeed, just last month on February 12, this Congress approved over $500 million for Colombia for fiscal year 2003, $400 million for the Andean Counterdrug Initiative, and another $99 million in foreign military financing.

For fiscal year 2004, the President has asked for more than $700 million for Colombia in the foreign operations and defense appropriations bills. Those bills will begin moving through subcommittee shortly after Congress returns from our April recess.

U.S. military and other aid for Colombia has been approved and is in the spending pipeline ready to go. On Monday, when he sent up the supplemental request, President Bush asked the Congress ''to refrain from attaching items not directly related to the emergency at hand.''

Mr. Speaker, Colombia falls into that category. These requests for Colombia are unrelated to the needs of our troops and our missions in Iraq and South Asia and unrelated to meeting the needs of our own homeland security; and I call upon the administration to withdraw the request for Colombia from this supplemental, and if that fails to happen, I ask the Committee on Appropriations to eliminate those requests and shift those resources to help our States and our communities meet critical hometown security priorities.

Mr. Speaker, I was in Colombia in February. I traveled to several sites throughout the country. I met with local military commanders, religious leaders, governors, mayors, labor leaders, school teachers, displaced families, indigenous peoples, Afro-Colombians, lawyers, the magistrates of the constitutional court, members of the Colombia Government and U.S. embassy staff. I was also in Colombia 2 years ago, and the difference is striking.

Sadly, Mr. Speaker, today the human rights situation is worse. The violence has increased. There is less political space for people to organize, speak out or voice alternatives to official policy. The country is increasingly militarized; and there is little support for basic economic development, unless it comes from other countries or the U.N.

The 40-year-old civil war in Colombia is dirtier and uglier than ever and shows no signs of ending anytime soon. The nature of the U.S. role in that war has changed. We are now more deeply involved in a counterinsurgency than ever before. Americans have died and are being held hostage by guerrilla forces. The Colombian military continues to work with awful right-wing paramilitary forces.

Mr. Speaker, I do not want to see American men and women dying in a war in Colombia where the Colombian military is still reluctant to engage directly insurgent and paramilitary forces. I think it is a mistake for the United States to escalate its military involvement in Colombia.

Some of my colleagues may disagree, but at the very least, this escalation deserves a full debate. We must not allow such a dramatic increase in our military involvement to pass without comment and votes. Congress must assert its proper role.

Withdraw the requests for Colombia in this supplemental. Put that money to better use by supporting our police and firefighters here at home.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

(Mr. MCCOTTER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

(Mr. KENNEDY of Rhode Island addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## ORDER OF BUSINESS

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take my special order at this time.

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

There was no objection.

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## USE OF CHEMICAL WEAPONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I come to the floor with an issue that I feel the Members of this House should think about.

The BBC carried a story on March 27 saying that there was proof of biological weapons found. They found protection suits, gas masks; and officials argued that these precautions were not to counter the threat of coalition attacks, as the Iraqis would know that the United Kingdom and U.S. forces in the gulf do not possess chemical and biological weapons.

Mr. Hoon, who is the Secretary in the British Government, conceded that the discovery of the suits was obviously not conclusive proof that Iraqi forces were set to use chemical or biological weapons, but he added, ''It's clearly indicative of an intention, otherwise why equip his own forces to deal with a threat which he knows we do not have?''

I just received an e-mail message from one of my friends in the British House of Lords who said to me there was a news story on the BBC this morning about the U.S. administration saying they may be prepared to use nonlethal chemical weapons in Iraq in an urban situation where it would be preferable to stun people rather than kill them. Now I do not know how we put those two stories together. We think the Iraqis are getting ready to do something; but the BBC, the very same, carries the story which we will never find in an American newspaper or on American television that we are talking about using chemical weapons.

My correspondent went on to say this would be illegal; they are very nasty substances and can kill children. They would be effective against military forces equipped with even rudimentary gas masks. I am sure my colleagues will be speaking out against such a thing. However, it might help them to know that I am hoping to ask our government what action they would take in such a situation.

□ 1430

''My party will certainly call for the U.K. troops to cease work with American forces if they use illegal chemical weapons, even nonlethal ones. If it happens during the Easter recess, we would call for a recall of Parliament to debate it.''

Mr. Speaker, I bring this to the floor because the media in this country has done a terrible job reporting the war. They give us one side, they are all embedded inside our military, and they get whatever they are supposed to put out about what is going on. They are not looking broadly across the horizon at what is happening.

The Washington Post carried a story today that the American people are so dissatisfied with the American press that the number one hit on the Internet is Al Jazeera, a Qatar television station that provides another point of view. Americans are trying to find out what the truth is.

Mr. Speaker, I do not know, I cannot make head nor tail out of this. I looked

quickly to see if I could find the story, but it is not written in the BBC. I have no reason to believe that my correspondent would not tell me the truth. I believe this Congress should look into this issue.

If we are going to start a war in which we are going after a country and we say they have weapons of mass destruction, we know it, but we have not found any, and now the story comes out that we are getting ready to use them. Remember what happened in Moscow when the Chechnyan rebels took over that theater with all those people in there, and the Russian Army used a nonlethal chemical weapon to stun the people, and they had several hundred die? The question is, are we prepared to use those on civilians in Iraq or how do we keep it only on the military and not on the civilians? When gas is spread, it goes around, and people breathe it.

The United States Congress should be made aware of this. I do not go to the secret briefings because I want to be able to talk out here about what I hear in the general public. I do not think that they will tell Members in a secret briefing whether they will use it, but Congress should demand from the people in the war department and the White House as to whether or not they intend to use any kind of nonlethal chemical weapons. Are they talking about tear gas? What are they talking about? We do not want to be a part of doing the very thing that we accuse the Iraqis of.

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

(Ms. CARSON of Indiana addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## THE WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I listened to the previous speaker, and I am curious if the gentleman's preference is tear gas or bullets. I think it is a fair request that it be disclosed, what kind of gas or what kind of chemical might be used, but I think it is somewhat of an exaggeration to say the United States is going to use chemicals like those which Iraq possesses, and those are chemicals like nerve gas, ricin, and anthrax. I can assure the gentleman that the United States has no intention of using ricin, nerve gas, anthrax or those types of weapons.

I think it is entirely appropriate, if we enter into urban combat, which we have to expect is going to happen, if we have an opportunity, primarily because the civilian population is in a particular facility, if we can use tear gas instead of putting a mortar into the building, maybe we ought to use tear gas.

But for people from foreign countries to stand up and say the United States is using gas, they will be disappointed to find out the type of gas, and I do not know whether it would be used or not, but I think it would make sense to use tear gas if we can disarm and minimize our casualties towards civilians. Keep in mind the United States has done an incredible job on minimizing casualties on civilians.

It is interesting to note that the Iraqis care less about their people because they are willing to use their people as human shields than we care about their people. The United States cares enough about their people that on many occasions we will not return fire because of the Iraqi citizen that is being used as a human shield, but not on all occasions. They should not depend on that working every time. They think less of their citizens because they will use them as a shield. We think more of their citizens because we do not want citizen casualties.

I listened today to some comments from some of my colleagues, and there are two things that I want to correct. One, this is the United States against Iraq; and two, Europe is opposed to this.

In fact, if we look at Europe, Members will find that Jacques Chirac likes to pronounce that France is Europe. France is not Europe. France is a part of Europe. It is not Europe.

Jacques Chirac likes to play like he is the king of the kingdom of Europe. Europe has many different countries, and most of those countries in Europe support the United States of America. The United States of America is not acting alone in this action. The United States of America, in fact, has more allies in this action than we had during the entire first Persian Gulf War, not less, more. And on the European continent, look at the countries that are supporting the United States.

First, perhaps it is more appropriate to look at the countries that are opposing the United States. There are six, three of them being in Europe: France, Germany, and Belgium.

Now look at the countries that are supporting the United States. The British, the strongest ally we have had in a long time, the Italians, the Spanish, the Polish, the Hungarians, the Dutch. I can give Members generally the countries, Afghanistan, Albania, Australia, Colombia, the Czech Republic, El Salvador, Estonia, Ethiopia, Georgia, Iceland, Japan, South Korea, Lithuania, Macedonia, Nicaragua, the Philippines, Romania. It is not just the United States. It is the United States and the British who are leading the cause, but they have lots of support throughout this world. And when Jacques Chirac speaks about Europe, he ought to be more careful.

It is such a sad case in our history that a long-time alliance and friendship with our old friends in France and Germany has been so denigrated by political leaders in Germany and France who are seizing upon popular opinion to use the United States as a vehicle to bash to continue to increase their ratings in the popularity policy. This alliance and this relationship we have had over there has gone way too many years for it to be trashed by Chancellor Schmidt in Germany and Chirac over in France, but they have done a pretty successful job of doing it.

I can tell Members in my opinion we would not be engaged in military combat today had the French and the Germans, or had the French and the Germans initially in 1992, in 1993, in 1994, in 1995, in 1996, in fact, after the Iraqis gassed 60,000 of their own people, and not with the type of gas like the gentleman from Washington (Mr. MCDERMOTT) was talking about, tear gas and so on, gassed them with ricin. They killed 60,000. But what did the French and the Germans do? Negotiate, negotiate, negotiate. Let us have meeting, after meeting, after meeting; resolution, after resolution, after resolution. Had the French and the Germans and the country of Belgium, had they decided to get tough back in 1992 or any of those other years, we would not be where we are today.

I note that my colleague says the United States started this war. This war was started back in 1991 when Iraq continually defied the world's demand that he disarm those weapons of mass destruction.

There is not a country in the world, including the French, by the way, including Germany, there is not a nation in the world that denies that Saddam Hussein has these weapons or denies that he is a wicked guy. But there are a lot of them that want to do everything they can to get rid of Saddam Hussein except fight him. That is where the French fall in place.

I think it is important for our population to understand, I think it is very important that there are lots of other reasons that Jacques Chirac and Chancellor Schmidt over in Germany are taking on this anti-U.S. attitude and feeding the frenzy to hate America.

Once this gets resolved, take a look at how many contracts the French have with the Iraqis, business contracts. Mr. Speaker, do you know who approved the building of a nuclear plant in Iraq years ago, and the building of a nuclear plant that was justified because they needed it for energy in the country that has the second largest oil reserves in the world? Jacques Chirac approved it when he was prime minister.

Take a look at the history that we have connected with this, and we will find out how inherent these conflicts are. How interesting that Jacques Chirac and Chancellor Schmidt are now saying we ought to be the ones that let our contractors go in and rebuild Iraq after this conflict is over. Their decision has a lot less to do with true disagreements of substance with the United States and a whole lot more to do with business agreements and business contracts and oil.

Let me say something about the oil situation. Many people talk about this is all about oil. It is about oil, but it is not about oil for the United States of America. If it was about oil for the United States or the British, the easiest thing for us to do, and we could do it in 24 hours, is to lift the sanctions, take off the economic sanctions.

I will tell what oil it is about. It is about oil for the French. The French have below-market, large contracts for oil resources from Iraq. That is what it is. If we want to talk about oil, we had better look at the French.

I happen to think that once we are successful in taking out this regime and we are rebuilding Iraq, and the oil that is for the people of Iraq and owned by the people of Iraq, I think the first thing we ought to do is make sure that oil is being sold at the market price, and I think we ought to call up Jacques Chirac and say you have been getting a sweetheart deal for a long time. Guess what? You care about the Iraqi people, we care about the Iraqi people, no more sweetheart deals. The French are going to pay the true value for their oil so we are assured that the people of Iraq get the true value for their oil, and it is given to the people of Iraq. That is how we ought to approach this.

The same thing with Germany, by the way.

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

Mr. MCINNIS. I yield to the gentleman from Georgia.

RECOGNITION OF THE 173RD AIRBORNE BRIGADE

Mr. NORWOOD. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Colorado.

Mr. Speaker, yesterday over the northern Iraq city of Bashur, in the deepest, darkest time of the night, the unmistakable and ominous rumblings of C–17 transport planes could be heard overhead. They came in low, delivering roughly 1,000 paratroopers from the U.S. Army's 173rd Airborne Brigade, known affectionately as Sky Soldiers.

□ 1445

They were there to support the U.S.-led coalition of nations to liberate the Iraqi people and end Saddam Hussein's reign of terror.

Their immediate mission was to secure a snow-covered airfield near Bashur that could be used to bring in additional support and supplies. Within hours of their successful landing in the still of the night, by the way, one of the largest of its kind since World War II, the 173rd Airborne Brigade, the Sky Soldiers, under the command of Colonel William Mayfield, had accomplished their mission.

Mr. Speaker, I am proud of all of our men and women fighting for freedom around the clock today in Iraq, but there is no question I do feel a special kinship and bond with the Sky Soldiers and a keen sense of pride in their contributions during this ongoing military campaign. I feel this way, Mr. Speaker, because I too served with the 173rd Brigade during the Vietnam War.

Since it was originally constituted in 1917 as an infantry brigade and an element of the 87th Division, the 173rd Airborne Brigade has compiled a proud history of wartime accomplishment and distinction. During World War II, the Headquarters Company of the 173rd Infantry Brigade fought in three European campaigns as the 87th Reconnaissance Troop. The troop reverted to Reserve status after war, but in 1963 it was allotted to the Army and activated on Okinawa as the 173rd Airborne Brigade under the command of Brigadier General Ellis Williamson. While training extensively to make mass parachute jumps, the brigade earned the nickname of Sky Soldiers. The brigade was deployed to Vietnam in 1965 and became the first major ground combat unit of the U.S. Army to serve there. At its height in Vietnam, the 173rd had roughly 3,000 soldiers assigned.

Mr. Speaker, as I mentioned, the 173rd has a proud and distinguished wartime record. During its more than 6 years of continuous combat in Vietnam, the brigade earned 14 campaign streamers and four unit citations. At the same time, individual Sky Soldiers received 13 Medals of Honor, 32 Distinguished Service Crosses, 1,736 Silver Stars and over 6,000 Purple Hearts. Here in Washington on the Vietnam Memorial Wall, there are over 1,790 Sky Soldier names listed, a lasting reminder of the contribution made to our Nation by the 173rd during the Vietnam War. Today, the 173rd Airborne Brigade is based in Italy where it serves as the European Command's only conventional airborne strategic response force for the European theater.

Mr. Speaker, the 173rd was heard from last night and, make no mistake about it, they will be heard from again. With the U.S. Army's Sky Soldiers on the ground and on the job in northern Iraq, our military campaign to end Saddam Hussein's torturous regime is one step closer to victory. Finally, Mr. Speaker, until that victory is securely in hand and this campaign has ended, let us keep the Sky Soldiers and all of our brave military men and women defending freedom in our thoughts and prayers. All the way to the Herd and God bless.

I thank the gentleman for yielding.

Mr. MCINNIS. Mr. Speaker, I appreciate the gentleman's comments.

I had said in my earlier comments that preceded those comments about the French and the Germans, I wanted to move from that and talk a little about some of the people out of Hollywood, for example, some of the protesters who in my opinion are spending more time supporting Saddam Hussein than they are the President of our own country. I want to talk about casualties, and I want to just read some letters that I have gotten in the last few days from parents of some of our brave men and women that are over there.

Keep in mind that when we talk about the military forces, we should remember that the military forces that are making this happen, that are protecting this country, that are providing the United States of America with the security and frankly with our liberty and as the former Senator Thompson said today, it is the brave soldier who has allowed us, it is the brave who have allowed us to be a country of the free. What I want to point out is throughout this country, today, in the United States there are lots of military people involved in planning, lots of people involved in logistics. In fact, last night just visiting with one of my colleagues, I said, look, somewhere out there in the logistical divisions of our armed services, somebody has got to figure out how to transport 350,000 tubes of toothpaste every 2 weeks, acquire them, package them, ship them and distribute them so all of our service people have toothpaste to use when they want to brush their teeth. There is lots that has to go into the supply line.

That leads me into my next comment. Remember, we have only been engaged in this conflict for 7 days. One week. I know there were some people that thought that Iraq was just going to willy-nilly lay down and that Saddam Hussein was going to walk off the scene and that our tanks were going to drive in as fast as they could to the city hall in downtown Baghdad and have coffee. Those people were so optimistic they were unrealistic. We are 7 days into this now, and all of a sudden I note that some of the national media is looking at the most wild, optimistic reports and since obviously we are not driving into downtown Baghdad to the city hall down there, they are saying, what is happening to the United States? Are we faltering? Is the war plan not working?

You talk about a misconception. You talk about a diversion to what is really occurring over there. The other thing that we have got to be very careful about are the casualties. Good God, we all know how horrible a casualty is; and we have a lot of people, primarily young men and women serving for our country, and they are on the front line and they are engaged in combat. This war and every war is nasty. As Tony Blair said this morning in his press conference, it is a nasty and bloody business. And that is exactly what it is.

But we have become conditioned almost in our society that we can engage in a conflict with minimal or zero casualties. I believe in Kosovo, it was all

taken from the air at many, many tens of thousands of feet; and I think the only casualties we had were accidents. Somehow some parts of the American population are believing that you can engage like this, for the right reasons, by the way, but engage in something like this without casualties. I pulled this article out of The New York Times Today by Todd Purdum. Todd put out of some of the statistics. He talks about the calculus of casualties. The Battle of the Bulge in World War II, 19,000 Americans, 19,000 casualties in the Battle of the Bulge. On one single day, September 17, 1862, at least 3,650 Confederate and Union soldiers died on the field. 3,650 in one day. At the height of the Vietnam War, roughly 200 Americans a week were killed.

He says:

''Modest as the latest losses are by historical standards of combat,'' speaking of the first Persian Gulf war, the battle with Kosovo and where we are engaged right now, ''modest as the latest losses are by historical standards of combat, they have already prompted sharp shifts in public perceptions about how well the campaign against Saddam Hussein is going, though they have not, according to polls so far, reduced overall support for the war.

''But as coalition forces face unexpected complexities on their march to Baghdad, the administration faces the political challenge of preparing a public lulled by the relatively low losses in Afghanistan and the first Persian Gulf war for a conflict that could be costlier than some optimists predicted.''

That is the point. We cannot assume a self-defeatist attitude because we take some casualties. Imagine if we did not take those casualties today, what kind of casualties we would be passing on to the next generation, because this generation shirked its responsibility, walked away from its responsibility and did not stand up with our allies, which as I mentioned earlier are larger in number than the allies we had in the first Persian Gulf war.

Imagine what the casualties would be 10 years from now if we just pass this problem on to the next generation. Iraq would have been, and we are not going to let it happen obviously, but it would have been if we had not taken this action, in 3 years, in my opinion, and I know quite a bit on both countries, in 3 years in my opinion, Iraq would have been another North Korea. How are you going to deal with North Korea? If you think we have a problem dealing with one North Korea, you ought to try dealing with two North Koreas. Thank goodness we have got the gumption, thank goodness we have the persistence, thank goodness we have the resources and the military might and, frankly, the moral belief that this is just and we know it is just, thank goodness we have the ability to go in there and do this and stop this evil thing.

It truly is a difference between good and evil. Some people say, you sound like you are preaching from a pulpit. If they knew me very well, they know they would never let me on the pulpit. But first of all let me say to you that it is truly evil we are trying to overcome and there will be casualties. I do not speak lightly of these casualties. I just read about a family whose daughter is missing. She was ambushed. She was a cook, a clerical, the convoy took the wrong turn and drove right into enemy hands. She is missing and that family is going through hell. Every family that suffers a casualty until they find out, one, that their son or daughter is going to make it; or, two, the death of a child, the horror of being in your house and looking out your picture window and seeing a military officer with a chaplain standing there waiting for you to answer your door. This is heavy, heavy stuff. Our President knows it is heavy stuff. The administration knows it.

Look at what we have got. We have got Colin Powell. He has been on that battlefield. He knows what we are talking about when we talk about heavy weight and casualties. DICK CHENEY, a former Secretary of Defense during the first Persian Gulf war. Condoleezza Rice. Take a look at these people. We know the heavy weight, but we must be prepared as a Nation not to let ourselves when we have 27 casualties, we may have 27 or 29 casualties to this point, that all of a sudden we say, My gosh, things aren't going well. We are not going to be able to accomplish this without casualties. But I can tell you the casualties we take as a result of getting rid of this regime will be a fraction of the casualties we as a Nation, we as the United States and our allies would take if we allowed Saddam Hussein down the route he was traveling for the development of his weapons of mass destruction and his propensity to pass those weapons on to terrorists and so on.

I want to just take a couple of moments and read some letters. First I want to read one of my favorite letters. I have noted that many of our international experts whose primary way of making a living are Hollywood actors have all of a sudden rediscovered their expertise in foreign affairs. It is very interesting to put a comparison. For example, Martin Sheen, whom I think got out of high school, to the best of my knowledge has never taken 1 hour of credit in foreign affairs, to the best of my knowledge outside of a good place to make a film has no knowledge of international politics or geopolitical politics is making all the comments that he is commenting. Take his resume and compare it next to Colin Powell. Tell me who knows more about foreign affairs. Yet Martin Sheen and some of his cohorts out there in Hollywood, in Tinseltown out there, are making these opinions. I saw a letter, very interesting, from Charlie Daniels. I thought I would read the letter. It is serious. It is an open letter to the Hollywood bunch. I am quoting Charlie Daniels:

''Okay, let's say just for a moment you bunch of pampered, overpaid, unrealistic children had your way and the USA did not go into Iraq.

''Let's say that you really get your way and we destroy all of our nuclear weapons, stick daisies in our gun barrels and sit around with some white wine and cheese and pat ourselves on the back, so proud of what we have done for world peace.

''Let's say that we cut the military budget to just enough to keep the National Guard on hand to help out with floods and fires.

''Let's say that we close down our military bases all over the world and bring our troops home, increase foreign aid, and drop all trade sanctions against everybody.

''I suppose that in your fantasy world, this would create a utopian world where everybody would live in peace. After all, the great monster, the United States of America, the cause of all of the world's trouble, would have disbanded its horrible military and certainly all of the other countries of the world would follow suit.

''After all, they only arm themselves to defend their country from the mean USA.

''Why, you bunch of pitiful, hypocritical, idiotic spoiled mugwumps. Get your head out of the sand and smell the Trade Towers burning.

''Do you think that a trip to Iraq by Sean Penn did anything but encourage a wanton murderer to think that the people of the USA didn't have the nerve or guts to fight him?

''Barbara Streisand's fanatical and hateful rantings about George Bush makes about as much sense as Michael Jackson hanging a baby over a railing.

''You people need to get out of Hollywood once in a while and get into the real world. You'd be surprised at the hostility you would find out here.

''Stop in at a truck stop and tell an overworked long-distance trucker that you don't think Saddam Hussein is doing anything wrong.

''Tell a farmer with a couple of sons in the United States military that you think the United States has no right to defend itself.

''Go down to Baxley, Georgia, and hold an antiwar rally and see what the folks down there think about you.

''You people are some of the most disgusting examples of a waste of protoplasm I've ever had the displeasure to hear about.

''Sean Penn, you are a traitor to the United States of America. You gave aid and comfort to the enemy. How many American lives will your little fact-finding trip to Iraq cost? You encourage Saddam Hussein to think that we didn't have the stomach for war.

□ 1500

''You people protect one of the most evil men on the face of this Earth, and won't lift a finger to save the life of an unborn baby. Freedom of choice, you say?

''Well, I'm going to exercise some freedom of choice of my own. If I see any of your names on a marquee, I'm going to boycott the movie. I will completely stop going to the movies if I have to. In most cases it certainly wouldn't be much of a loss.

''You scoff at our military whose boots you're not even worthy to shine. They go to battle and risk their lives so ingrates like you can live in luxury. The day of reckoning is coming when you will be faced with the undeniable truth,'' the undeniable truth, ''that the war against Saddam Hussein is the war on terrorism.

''America is in imminent danger. You're either for her or against her. There is no middle ground. I think we all know where you stand. What do you think? God bless America, Charlie Daniels.''

I know that is a strongly-worded letter, but there are a lot of people in America who believe in the price that Americans generation after generation have paid so that many of our friends throughout the world can exercise freedom and can enjoy security away from the type of people like Adolph Hitler who were, by the way, as a result of the last century where our Nation went on to European soils, at least twice on to European soils and have thousands and thousands of American men, primarily men by then, although we may have had some women in the nurse corps, but today it would be thousands and thousands of young men and women.

Thousands of men back there in that time period, their bodies are buried on European soils, not because United States had a dog in the fight, but because the United States had a friend in the fight. The United States had a principle in the fight. The United States believes that countries have a right, have a right, to be liberated with freedom, have a right for liberty, have a right to justice. It is the United States of America that has led this world, generation after generation after generation, in striving for equal rights, for rights of people, for the common person, for the American dream, for the ability to travel as we wish, for the ability to go to schools as we wish. It is the United States of America which exports the largest product, the most desired product in the world; and it is the United States of America which is the leading exporter of that product. And what is that product? That product is freedom. It is freedom. And that is what this country is about.

The force we have today, we are not in a draft. Some young man asked me the other day in the office, he said, Sir, are we going to get a draft? I said, A draft would be a huge mistake for this country. The reason why we have a force where everybody in our military now is there because they wanted to be there. Our morale is sky high in the military. It does not help to hear Sean Penn or Martin Sheen out there yapping away. It does not help to see the banner in San Francisco that I saw on TV, the banner in San Francisco last week that said ''Be loyal to our troops, have them shoot their officers.'' That does not help the morale of our forces, but fortunately our young men and women who are amazingly mature at their age see beyond that. They want to be there. They want to fight for this country.

In that light I just want to read a couple of letters. I am going to read them verbatim. I usually do not like to read, but I do not have this letter in memory. But listen to it: ''Dear Mom, it's really your decision to march if you want to or not. You are the one who has to decide if what we are doing here is right or not. My opinion is not yours.

''I do, however, have things I would like for you and Grandma and everybody else at home to know. I am a United States soldier. I was sworn to defend my country against all enemies, foreign and domestic. People may not agree with the things we are ordered to do. I would like to address those people by telling them that terrorism is not only a threat to us as Americans but to many other innocent people in the world.

''What type of country would we be if we didn't defend the rights and the freedoms of others, not because they're Americans but how about just because they're human?

''We live in a country where people feel secure with their daily lives. They do business like usual and don't worry about the thought of terrorism actually happening to them. The people of 9–11 thought the same thing. We now know that it can happen to anyone at any time. Yet as Americans we're afraid of losing our soldiers to defend our security. I can only speak for myself when I say that my life is an easy expense to ensure that my family and friends can live in peace.

''I strongly believe in what we are doing and wish you were here to see for yourselves the honor and privilege that American soldiers aboard this ship are feeling, knowing that we are going to be a part of something so strong and so meaningful to the safety of our loved ones. Then you would know what this potential war is about.

''We will stand tall in front of terrorism and we will defeat it. We as soldiers are not afraid of what may happen. We are only afraid of Americans not being able to understand why we are here.'' And let me repeat that. This is from a soldier, and, by the way, this soldier, I would guess, is somewhere between 18 and 22 years old. Let me repeat this: ''We are only afraid of Americans not being able to understand why we are here. I ask for your courage as Americans to be strong for us.'' This is a message from the battlefield coming back to us. ''I ask for your courage as Americans to be strong for us. I ask for your understanding in what we believe is right. I ask for your support in all that we are sworn to do: defend our country and the life of all.''

''We will succeed in our task and will end the threat of terrorism in our backyard. We will also end the threat of terrorism in our neighbor's backyard. We have to remind ourselves of what this country stands for: life, liberty, and justice for all. In order to maintain those rights, we have to stop the threat of terrorism.''

''I am proud to be here. I will be coming home but not until I know that it's going to be safe for all Americans and for everyone I love. My family is first. My country is where they live. I will defend it.'' Signed by a soldier, 18 to 22. And, by the way, when he says ''potential war,'' he is now engaged in combat on the front line in Iraq.

I want to read another letter. Some people would say this is a war against the Muslims or the religion of Islam, this is a war against the Arabs. Keep in mind that there are several Arab countries who hate Saddam Hussein. There are several Arab countries who are assisting our efforts. Take a look at Saudi Arabia. Take a look at Turkey. Turkey, by the way, the only democracy. They are not giving us the help we had hoped, but the fact is they are still in there helping us. It is the only democracy in the Arab world. This is not a conflict about religion. This is not a conflict about America's like or dislike or approval or disapproval of Islam, not at all.

And I want to read a letter from some American Muslims: ''Dear Scott, Malik and I want you to know we support the President in our war on Iraq. As American Muslims, we feel strongly that we cannot allow dictators around the world to risk our freedom. If there is anything we can do, please let us know. We hope and pray for the safety and return home of all our soldiers. May they all return home soon. Sincerely, Simi.''

I have another letter, and I do not want to bog us down with these letters, but the message I am trying to relay here is the United States of America is on a mission which is just. The United States of America is on a mission that is not going to be finished in 2 or 3 days. It is not going to be finished in day 7. We are 1 week into this. This is going to be a tough battle. Saddam Hussein has got people in his regime. We did not say we are going to come in and take territory and let his regime continue to rule that country. We have said to that regime, We will replace you. You are out of town. You are out of Dodge. You are done. No more of your regime. They have got nothing to lose but to fight for all the corruption, all the weapons that they have, to fight to the very last person that receives the fruits of that regime.

But the people receiving the fruits of that regime are small when we compare it to the people of Iraq that have received the wrath of that regime. The women that have been raped at such young ages, the starvation, the lack of health care, the gassing of their own citizens. Keep in mind years ago in the

United States of America at Kent State University, remember that, the protest of the Vietnam War, our National Guard shot four American citizens. I think we killed four American citizens in a riot. This country went crazy, and I will bet if we look back at Martin Sheen, who was probably a little younger there, but I will bet Martin Sheen was leading the protest. How could a country kill its own citizens? How could this possibly happen? And yet today many of these very people, Sean Penn, Martin Sheen, those kinds of people, turn a blind eye towards Saddam Hussein, who in one incident alone gassed 60,000 people; and if any of the Members want to question that, I would be happy to supply them with the picture of the mother and the daughter and I want them to take a look at their faces. They are not the face of a deceased person. They are the face of a person that died a horrible death, and this man is responsible for it. This man has killed more Muslims than any other man in the history of the world.

And we have our friends, the French and the Germans, who continually through denial after denial after denial through resolution after resolution after resolution just turn a blind eye. It is like ignoring cancer. If I ignore it long enough, it will go away. It will not get worse. I want to pretend it is not there. I do not want to hear the news they have to tell me. I do not want to go through what it is going to take to fight it. I just want it to go away. Cancer is not going to let us; neither will Saddam Hussein.

Thank goodness there are people like the United States and the United Kingdom and the Spanish and the Italians and the Polish and the Hungarians and the Netherlands and the Australians and the Turks and that list goes on to about 45. Thank goodness there are 45 nations in this country willing to stand up to tyranny. Thank goodness those young soldiers right now being shot at, right now while we are talking, right now worrying about whether or not they will be alive in 5 minutes, thank goodness they have the confidence to know that this administration and the majority of the people in this country, 75 percent of the people in this country, are saying to those brave young men and women we are doing what is just, keep up the good fight, we are praying for them and we want them to come home as soon as they can come home and as soon as that mission is completed.

And I will tell the Members something. Our resilience will be tested every day of this war. There is a reason that the Arab television network broadcast those American and yesterday those two British soldiers, their dead bodies. There is a reason they broadcast that, because they think they can psych out the American population and the British population by showing a few body bags. They think they can weaken our stomach, and I will say nobody can look at those pictures without a weakening of the stomach. It does weaken our stomach. It is horrifying. But if they think for one moment that that is going to weaken our resolve, do not let it happen. In fact, I can tell the Members for the young military men and women over there, it did not weaken their resolve, it strengthened their resolve. It has strengthened that resolve, and that is why having a volunteer force, by the way, I mean those people want to be there, and watch what happens when these people come home. They are not going to be ashamed of the United States of America and the country that they have fought for and been wounded for and the families who lose their loved ones over there. They are not going to be ashamed of this country. They are going to be proud, and they are going to be proud of our President.

Think of the pressure that this President is under. What other President in recent history has gone through what this President has: 9–11, the war on Afghanistan. On some Saturday morning when he is getting up like the rest of us, they call him on the phone and say guess what, the shuttle is missing. We do not know where the shuttle is. They lose the shuttle. Or by the way, Mr. President, we had better take a look at what is happening in Jerusalem. We just had another suicide bomber. By the way, Mr. President, take a look at the economy. For two quarters before you took office, this thing was going bad. It is really in tough shape right now.

□ 1515

Oh, by the way, Mr. President, our good friends, the French, of whom we have time after time after time gone to their assistance, you know, the French have a way of starting a fight and then they back out of it and we are the ones that have to go in there.

And the Germans, Mr. President, they not only are not going to help us, they actively hired lobbyists. They hired lobbyists and got the equivalent of our State Department to travel around the world to lobby other countries to oppose the United States of America.

I will tell you, this President has stood up well. He is a strong leader, and he has got the confidence of the United States Congress, he has the competence of the American people, and he will succeed in his leadership of this mission.

I want to read another letter. This is from parents. They sent it out. They write: ''Please feel free to read this.'' This is a Mr. and Mrs. Corey.

Land of the free because of the brave. Land of the free, because of the brave. Please support our troops.

We are the proud parents of two United States Marines. We will not bother discussing our political views, one party versus another. What we will say is that we do not want our sons nor any of our sons and daughters and husbands and wives or grandchildren in our extended military family to die in vain.

Like most, we pray for peace, but we are sick, literally sick. Why? Because we lived through the Vietnam era and we saw firsthand how our veterans were treated. We are so afraid that it is beginning to happen again. We are not alone. Nor are we the only ones who believe with all of our heart that the key to winning any war on terrorism will depend on how we are here at home and how emotionally we support our troops, regardless of our politics.

Vietnam proved how we defeated ourselves by the way we divided our own Nation and treated our troops. We never lost a battle in Vietnam; we lost the battle on the political front. We are beginning to lose again, and the bullets have yet to fly.

Our sons did not choose to become a United States Marine to kill people. They had dreams of a career, of travel and of protecting us from the terror of 9/11 from happening again. Both sons are the best sons a parent could ever hope for. The thought of someone throwing animal feces at our military when they finally return home, hearing nothing but negative media about how Americans hate them and the war, the thought of what it would do to our servicemen and women's spirit, scare the military families to the point of sleepless nights.

The media, stronger than the White House itself, can change that fear, help keep it from being a reality. Everyone is quick to show the war protestors out marching. What has been done to show those who support our forces? We are not marching on the streets, we are not chanting and screaming clever chants. We are not holding up signs. We are not throwing blame or calling names.

No, we are at home, boxing care packages to our service people. We put yellow ribbons on our doors, trees, car antennas, blue star flags on our windows. We pray 100 times a day, and we light a candle every day. We are sending birthday cards, thank you letters, notes of cheer, to the members in the service whom we have never met, nor may ever, because they are our extended family in the service. They need to know, amidst all the bad publicity, there are those of us who are grateful for their choice and sacrifice for us to live in the land of the free, because of the brave.

You have never read about us in the headlines. So what can be done? What can a community do? The answer is simple. Our community, including our schools, could begin by starting patriotic projects such as write a letter, send a card of encouragement, a mere thank you. In our son's shop alone there are five lonely marines who have no family back home to encourage and send support.

Regardless of how one feels politically, our service people need our support emotionally; not ticker tape parades, but support for the job they do.

A San Diego columnist quoted a marine as saying, ''comes with a job description of taking a bullet for a mere $14,000 a year.''

Our service people do not make the policy, they follow orders. They chose to join for their own reasons. They all share one common belief, and I want to repeat this, they all share one common belief, and that is that you and I are worth dying for.

Think of that. ''They all share one common belief, and that is that you and I are worth dying for.''

The American people need to be reminded of that. It is not a matter of free speech or our President or who is right or who is wrong. It is a matter of starting a better pattern for the future return of our loved ones when they come home, throwing flower petals versus stones, of saying ''thank you'' instead of ''go to hell.''

We hope we can count on you to take up the cause. If you would like to show your support to our troops by sending letters, cards and care packages, it would be most appreciated. May you know you have no need to worry, for our service members have your back covered. Sleep well.

I want to repeat that. ''May you know,'' may you know, ''that you,'' you, ''have no need to worry, because our service members,'' our men in the military forces, ''have your back covered.''

These are the kind of letters that, in my opinion, express what is so, so fundamentally important about this country. This Nation truly is the lead country in the world, closely followed by many of our allies like the British, as a country that believes in freedom but understands that freedom requires sacrifice, freedom requires a price.

Look at what that says for a Nation like ours, when we have young people, voluntarily, voluntarily join our armed forces to make sure that the people that are not on the front line but that are home will get to enjoy security, liberty, justice for all, freedom.

Think about it. It is so important that the time has come for people to put down their signs of protest and raise their signs with simply two words: ''Thank you.'' Thank you. It would not be too much to ask of Martin Sheen to take the tape off his mouth that he had on there yesterday. It wouldn't take too much to ask those people in San Francisco carrying a big banner that says ''support our troops, shoot their officers,'' it would not be asking too much of those people to put down their sign and replace it with a sign that simply says ''thank you.'' It would go a long, long ways.

Mr. Speaker, I ask that all of you, all of you, say a prayer to whatever supreme being you believe in, say a prayer for these men and women that are standing on the front line so the rest of us can be back here and feel secure. They are there for the right reason. They are there on a mission. They will accomplish their mission. It is not going to be done in 7 days. There will be casualties. In war, you have good days and you have bad days. You have good days and you have bad days.

A weakening of our resilience, a weakening of our resilience, those of us not on the front line, those of us back in this country, that weakening will be sensed by these people. We cannot allow our resolve to weaken. We must stay strong, as we have, and we must send our prayers and our hopes to these young men and women over on that front line.

So, Mr. Speaker, in conclusion, once again, I would be awful proud of Martin Sheen and Sean Penn and many of those other people, Julia Roberts, the Dixie Chicks, people like that, I would be awfully proud of them if, just for a change, they would carry that sign that said ''thank you.''

## KEEP TITLE IX INTACT

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 60 minutes as the designee of the minority leader.

Ms. SLAUGHTER. Mr. Speaker, in 1972, about 30,000 women played college sports. Today, that number has increased by more than 500 percent.

In 1972, about 200,000 girls played high school sports. Today, that number has increased by more than 80 percent.

Mr. Speaker, it is no coincidence that women and girls have more opportunity today than they did 30 years ago. That is not because they have more interest than they used to, and it is not because they have more ability than they used to. The increased opportunities are attributable to one law, Title IX.

Title IX of the Education Amendments of 1972 is the Federal law that prohibits sex discrimination in education. It states: ''No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving Federal financial assistance.''

In essence, Title IX requires schools and colleges receiving Federal funds to give women and girls equal athletic opportunities, including athletic scholarships, equipment, coaching and facilities, among other benefits.

Unfortunately, Title IX has come under assault. Those who favor changing Title IX argue, mistakenly, that it has led to the disappearance of athletic opportunities for male athletes. While both sides of the debate over Title IX athletics policies agree that they should allow for gender parity and overall fairness in sports, the real question that begs to be answered is, what constitutes fairness?

For those who wanted to alter Title IX and how it has been implemented, fairness means that male athletes should have a monopoly over opportunities and resources for their programs, regardless of how underfunded or nonexistent similar programs for female athletes may be.

For these challengers to Title IX, it is fair that, while more women than men attend college, only 42 percent of all college athletes are women. For them, it is fair that females currently receive 1.1 million fewer, 41 percent, opportunities at the high school level and 58,000 fewer, 38 percent, opportunities at the college level than do their male counterparts.

This ill-conceived notion of fairness that opponents of Title IX put forth justifies the fact that men currently receive $133 million more than women in athletic scholarships. Division I-A colleges and universities allocate on average 71 percent of their scholarship money for men's athletics, and their recruiting dollars for male athletes double those spent on female athletes.

Opponents of Title IX charge that the law takes money and opportunities away from men's athletics. What these people fail to realize is that Title IX does not deprive men of athletic resources. The real problem is that the resources that male athletes receive are distributed inequitably among men's sports.

Take these statistics, for example. Football and men's basketball consume 72 percent of the total men's athletic operating budget at Division I institutions, leaving other men's sports to compete for the remaining funds.

Sixty-eight percent of the increased expenditures for men's Division I-A sports programs from 1998 to the Year 2000 went to football alone. The increase for football exceeded the entire operating budget for women's Division I sports in 2000 by over $1.69 million.

What is more, large football and basketball programs are not as revenue producing as Title IX proponents claim. The vast majority of NCAA football and men's basketball programs spend more money than they bring in. In fact, 64 percent of Division I and II football programs do not generate enough money to pay for themselves, much less any other sports. In 1999, these programs reported annual deficits averaging $1 million for Division I-A athletics.

Now, do not get me wrong, I love football, and I graduated from the University of Kentucky, so I love basketball. I just do not believe that our little girls should be denied the opportunity to play sports so that football teams can dip from a bottomless fount of funds.

Opponents of Title IX not only feel that this gross imbalance is fair, but they oppose any efforts to salvage the progress that has been made. It bothers me deeply that opponents of Title IX say that male athletes are treated unfairly. Although 30 years of progress since Title IX have seen sports participation for males and females grow, female athletes are still not treated equitably.

I urge all of my colleagues to cosponsor House Resolution 137, expressing the sense of Congress that changes to Title IX athletic policies contradict the spirit of athletic equality and gender parity and should not be implemented and that Title IX should be kept intact.

My resolution has been signed by both Republicans and Democrats, by men and women.

□ 1530

It is receiving this wide support for one simple reason: it is the right thing to do. Most Americans know that it is the right thing to do. A Gallup poll in early January reported that seven out of 10 adults who understood the law supported keeping title IX intact and rejecting any changes. In fact, a Wall Street Journal poll from January found that 66 percent of Americans go so far as to favor cutting men's teams

in order to ensure equal athletics opportunities for women.

Any changes to title IX must be rejected on their face because tinkering with the law in any way implies that title IX does not work and that it needs improvement.

I come from the ''If it ain't broke, don't fix it'' school; and, Mr. Speaker, title IX is not broken. Title IX has been the dam that holds back gender discrimination in educational programs for 30 years, allowing millions of young women the opportunity to pursue goals of which their predecessors, including me, could only dream.

I am standing here to defend the integrity of this landmark civil rights law because it is the right thing to do, but I also rise in honor of my dear friend and beloved colleague, Patsy Mink. In 1972 Patsy helped to enact title IX and in honor of her valiant work, Congress renamed title IX the ''Patsy Mink Equal Opportunity in Education Act.'' She would be standing right here beside me if she were alive today. She struggled for 30 years to protect educational equity for men and women, and it is the memory of the beautiful legacy that she left behind that we must not give up on the fight to preserve equality for women.

Opponents of title IX are trying to redefine what America sees as fair. As a consistent defender of gender equality and protection of equal rights for all of our citizens, male and female, I am outraged by this particular brand of fairness. Patsy would have been outraged as well, and she would not have tolerated it.

I hope all of my colleagues will join me with our Republican and Democratic friends who support this legislation as we all fight to preserve the integrity of this landmark law. Please cosponsor this title IX resolution for Patsy Mink, for our Nation's girls, and for the sake of equality.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise to express my support for title IX. As my colleagues may know, title IX is facing sharp criticism from the Bush administration for being discriminatory. Despite the overwhelming successes and support that title IX enjoys, Secretary Rod Paige created the Commission on Opportunity and Athletics to determine whether this measure needs to be updated for the 21st century. The commission's recommendations could result in the loss of thousands of slots on teams for female athletes and millions of scholarship dollars.

Donna de Varona and Julie Foudy, Olympic Gold medalists and members of the commission, refused to sign the proposed changes to title IX. In their minority report, Foudy and de Varona cited various problems in the commission's process, including the omission of representatives of high school athletics, failure to examine potential remedies for discrimination against women and girls, and profound imbalance of viewpoints in panelist testimonies. Even though Secretary Paige said he would not consider certain controversial proposals to alter the landmark legislation, there is growing concern over his sincerity, since he did not withdraw the recommendation to use interest surveys to estimate how many girls are available to participate in sports. Both de Varona and Foudy withdrew their support of this proposal.

There is concern from the Bush administration that title IX has adversely affected men's sports programs, such as gymnastics and wrestling. However, these sports faced the greatest decline since 1982 and 1992, when there was little enforcement of title IX. There are reports that programs such as football and men's basketball take more than their fair share of the athletic budget, leaving insufficient funds for other sports, regardless of gender.

When rethinking title IX, we must go back to its original purpose, and that is to ensure that ''no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.'' I support, Mr. Speaker, equal opportunity for both sexes and believe resources can be allocated under title IX to both male and female athletic programs in an equitable manner.

Title IX does not apply solely to athletics. It includes access to educational programs too. Title IX and the Women's Educational Equity Act of 1974 have opened doors for women seeking a college or postgraduate degree. In 1972, the year title IX was signed, women earned just 7 percent of all law degrees. By 1997 they received 44 percent. Five years after title IX was signed, women earned only 9 percent of all medical degrees. But because of title IX, 41 percent received medical degrees.

So we see title IX indeed can work.

Education is the key to a better life, and title IX has greatly aided a woman's ability to achieve the American dream. I will continue to support title IX and to encourage my colleagues to do the same. It is a question of equity, Mr. Speaker.

Ms. SLAUGHTER. Mr. Speaker, I yield to the gentlewoman from California (Ms. WOOLSEY), a tireless fighter for gender equity.

Ms. WOOLSEY. Mr. Speaker, I am pleased to join my colleagues today in support of title IX, and I would like to thank the gentlewoman from New York (Ms. SLAUGHTER) for organizing this afternoon's effort.

As we stand here today, title IX is being threatened by recommendations from the commission on title IX, a commission appointed by President Bush and his administration to study title IX, hoping to alter the law.

Before title IX, fewer than 30,000 girls participated in intercollegiate athletics. Today, more than 100,000 women compete. In high school, fewer than 7 percent of girls played various sports prior to title IX, and today, the number of participants has increased to 40 percent, over 40 percent, as a matter of fact.

Do these gains mean that the work of title IX is finished, and that it is time for the supporters of title IX to take their balance and go home? Absolutely not.

Contrary to the scare tactics being used by opponents of title IX to say that women's sports are using up athletic funds needed for men's sports, the facts show that women, even with title IX, continue to receive far less funding for their sports than men. It is a fact: title IX does not deprive men of athletic resources.

In fact, the real problem is that the resources that the male athletics receive are distributed inequitably among men's sports. In addition, schools choose to eliminate teams for many reasons, and all of those reasons are not related to title IX.

In fact, I had a very interesting experience as a member of the Committee on Education and the Workforce when we had a hearing on title IX quite a few years ago, I think it was about 5 years ago, as a matter of fact. I sat there and I listened to the witnesses at this hearing tell us that men's wrestling, men's football, and every sport that the guys are interested in were being threatened because of women's sports and because of an investment in title IX.

Somehow or another, they made a big mistake. They brought forward an individual representing San Francisco State University who sat before us and told us that the men's football program at San Francisco State was eliminated because of title IX. Well, I had my ability at that point to contradict, because, Mr. Speaker, one of my sons, I have three sons and a daughter, all athletes, including my daughter. One of my sons was an all-American football player from San Francisco State University. He was a tackle. He was the captain of the defensive team, and I went to every single game. Mr. Speaker, I loved cheering for that kid and that team. Well, there were no programs at the games, there was no band, there were no food vendors, and the reason was, nobody at that school was particularly interested in football. And I knew that, we knew that, and a few years after my son graduated from college, the program was discontinued. But it had nothing to do with title IX; it had to do with the fact that at that time in San Francisco at that particular university, it was a State University, there was just no interest in the program.

Title IX, therefore, must continue to be defended. We cannot have it used as the reason for men's sports not getting their due when they get more than their due. In my own State of California where women make up over 56 percent of the full-time students at our

108 State and community colleges, women's sports receive 35 percent of the athletic budget. And let me remind my colleagues, they make up 56 percent of full-time student bodies.

In Georgia, more than 86 percent of the legislative branch for stadiums, for lighting and equipment at public schools went to boys' sports projects; 86 percent. So while title IX is transforming the playing field for men's and women's sports in general, it is not level yet.

Mr. Speaker, we need to keep title IX strong. We need to fight any attempts by this administration or Congress that will weaken its effectiveness. It is not just because we want girls to get to play; it is because when one plays on a team or when one is in an individual sport and that sport is valued at all, one learns. One learns competitiveness; one learns how to compete with one's self and do better the next time; one learns how to win and one learns how to lose, and one learns how to play on a team. All of that plays out later when one is involved in the business world, when one is involved in raising children, when one is involved in knowing how important one's own self-esteem is and how important it will be to raising one's children. So we must strengthen title IX. We must never weaken its effectiveness.

## MORE SUPPORT FOR TITLE IX

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. HOLT) is recognized for the remaining time of the gentlewoman from New York (Ms. SLAUGHTER).

Mr. HOLT. Mr. Speaker, I rise in support of title IX. Title IX of the educational amendments of 1972 have really been instrumental in prohibiting discrimination on the basis of sex by mandating gender equality and educational programs and activities receiving Federal financial assistance.

Before the passage of title IX, when I and most of our colleagues were in college, many schools saw no problem in maintaining strict limits on admission of women or in simply refusing to admit them, or in denying them access to much of the opportunities within colleges and universities.

□ 1545

This has changed dramatically since the passage of Title IX. The effects of the legislation are evident in the success of women in the classroom, on the campus, and in our society at large.

In 1972, women received only 9 percent of medical degrees, 7 percent of law degrees, a quarter of doctoral degrees. By 2000, women received 45 percent of medical degrees, 44 percent of law degrees, and 44 percent of doctoral degrees. There is a connection.

Thanks to Patsy Mink and others who fought to get Title IX into the legislation, women now have opportunities on the athletic field, throughout the campus, and throughout their lives. By participating in sports, young women realize significant benefits that often correlate to achievement in the classroom and, ultimately, success in college and in the work force.

Women who participate in athletics have higher graduation rates and develop important skills like teamwork, leadership, discipline, that stay with them throughout their lives.

Attacks on Title IX have taken on really ludicrous dimensions. I have heard some teams, male teams, blame their losing seasons on Title IX. I am sorry, it just does not wash. Title IX is a success. It is a great boon to our society, to our economy, to the education of our people.

Unfortunately, the administration is considering proposals that would dramatically weaken the important provisions of Title IX. Female athletes stand to lose scholarships, they stand to lose chances for athletic participation, they stand to lose much of what we have gained since Patsy Mink fought to get Title IX into law.

We may not allow, we cannot allow this to happen. We cannot allow the administration to diminish the opportunities afforded to American women or to undo the progress we have made over the past 30 years. Title IX has enabled millions of young women to pursue goals which their grandmothers and mothers could have only dreamed of.

Mr. Speaker, I hope all my colleagues will join me as we work to preserve the integrity of this landmark law.

## QUESTIONING WISDOM OF HUGE ECONOMIC AID PACKAGE TO TURKEY

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to speak about what I consider to be a dangerous precedent that is included in the supplemental appropriations bill. In the bill that was sent to Congress only a few days ago, the President requested an astounding $1 billion in aid to Turkey that can be leveraged into $8.5 billion in loan guarantees.

Mr. Speaker, I have a number of concerns about this deal which I do not believe have been addressed. Over the last few months, I have repeatedly questioned the wisdom of providing Turkey with a huge economic aid package. In a letter I wrote to Secretary of State Colin Powell on February 24, I expressed my displeasure at the size of the economic package to be provided to Turkey.

Estimates on that initial deal ranged from $6 billion to $30 billion. Despite the sum of money that was offered, Turkey did not provide the bases we were already using to enforce the no-fly zones over the last 12 years in northern Iraq. It appears that, because of this decision, our forces were forced to show their flexibility and ship south to Kuwait to engage in combat in Iraq.

Only last week, after the bombing of Bagdad began, did Turkey even grant the U.S. military the ability to have overflight rights, and Turkey was the last government in NATO to provide these rights. It appears that even though they did this reluctantly, they will still benefit from a huge aid package in the supplemental bill.

Mr. Speaker, I firmly believe this package is inappropriate, given the minimum amount of assistance that Turkey is providing to the United States.

I am also not convinced that Turkey will not enter the Kurdish region of northern Iraq. Although the President and members of his administration have assured the American public that Turkey will remain on the sidelines, Turkey continues to amass large numbers of Turkish forces along their border with Iraq. These troops' mobilizations have led the Kurdish militias to set up defense positions along the border as well, creating an unnecessarily tense situation.

Mr. Speaker, the Turkish government also has not promised to stay out of Iraq. They have stated for months that they intend to enter northern Iraq to set up a buffer zone to not have a repeat of the refugee crisis from the 1991 Gulf War. But after it became clear that the administration would be working closely with the Iraqi Kurds to deal with the impending humanitarian crisis, the Turkish government switched their stories. This past Saturday, Turkish foreign minister Abdullah Gul said his government would send forces into northern Iraq to suppress ''terrorist activity.''

Mr. Speaker, the Turkish government has repeatedly called their own Kurdish citizens terrorists in the last few years. The Turkish authorities have recently banned one Kurdish political party and are currently working on banning the other. They have also not fully implemented reforms to give their minority populations property and language rights, one of the many conditions that the European Union set during Turkish entrance talks.

The tragedy that would occur should the Turkish government enter northern Iraq would be immense. Turkey has repeatedly shown its inability to govern the Kurds even with marginal respect for human rights in its own territory. By calling Kurds in Iraq terrorists as they threaten to enter Iraqi sovereign territory, the Turkish government is not only risking the outcome of the current conflict between the United States and Iraq but the future of the entire region.

Mr. Speaker, I do not believe that any money should be given to Turkey without a number of assurances. Humanitarian concerns aside, I also do not agree that the aid package to Turkey will make a significant economic

impact for the Turkish people. The Turkish government's inability to implement economic reforms mandated by the International Monetary Fund continues to plague their banking and economic systems.

Mr. Speaker, the supplemental appropriations request will undoubtedly pass. No one in this Congress will obstruct the important funds that need to get to our brave men and women putting their lives on the line in hostile territory.

However, in order for Turkey to receive their huge economic aid package, I believe the Turkish government must fulfill the following commitment: that Turkey agrees to allow unfettered U.S. and international humanitarian aid transited through and/or being staged in Turkish territory in support of the northern Kurds; second, that Turkey explicitly agrees not to cross into northern Iraq, as demanded by President Bush; third, that Turkey agrees they can provide only logistical support to the humanitarian effort in the north; fourth, that Turkey agrees to economic and banking reforms, as specified by international lending institutions; and, fifth, that Turkey provide full minority rights to its citizens, as provided for in international and European conventions.

Mr. Speaker, we should not be willing to provide huge sums of money to countries that twist our arms in times of need. I hope we can address these needs while debating the President's supplemental appropriations request next week.

## THE PLIGHT OF THE NATION AND THE WORLD RELATING TO CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate this opportunity to bring to the attention of this Nation and my colleagues the combined plight of the Nation and the combined plight of the world, particularly as it relates to children.

It is certainly important, Mr. Speaker, to note that we have been engaged in a budget process. That budget process will be impacting the children of the Nation, so I wanted to speak today about how we need to turn this Nation around.

I am reminded, Mr. Speaker, that just a few years ago we had great focus and concern on the high schools of our Nation as gun violence broke out across the Nation in urban areas, rural areas. It was baffling to most of us. The most striking was Columbine. Enormous carnage occurred at the hands of young people.

During that time, we had many meetings in this House and great concern with funding for juvenile programs; great interest in gun reform, if you will; a lot of intensity and focus on how we could best stop the gun violence. It always seems that we attempt to close the barn door when the horse and the cow have escaped.

Now, some few years later, Members do not hear us talking about what do we do about violence in our high schools, gun violence in our high schools. We do not talk further about the question, if you will, of providing resources for school counselors, guidance counselors.

I have legislation, Mr. Speaker, that would increase the number of community mental health clinics, increase the number of guidance counselors who can separate themselves away from paperwork. Yet this body has not seen fit to focus on legislation that, in essence, Mr. Speaker, would promote our children first.

After 9/11, there was a great notation that in New York many children were left abandoned or orphaned because they were being raised by single parents in many instances, or their parents were in foreign countries, the other parent. Interestingly enough, Mr. Speaker, interestingly enough, we found out that that was the case.

This body over a period of weeks passed legislation that I was very gratified that I had authored that the children of 9/11 in governmental benefits would be promoted first, would be first over others to receive benefits, responding to a crisis. Why do we not respond to the needs of our children now, Mr. Speaker, before the crisis?

Right now in our schools we are finding out that young people are failing in their standardized tests; that there is an unequal, if you will, educational system, separate and unequal, in many of our rural and urban areas. The physical plants are crumbling.

Just last week, I had the opportunity to talk with some of my school districts.

□ 1600

In speaking to them, and asking the hard questions about homeland security, they are proceeding to put in place that their skills will be safe houses, safe places, a safe plan so that parents would know if there was a crisis, that they did not need to run quickly to the school to take their child away. They might be in danger, but is it not interesting that this body has not seen fit to pass a program to rebuild our schools.

A plan that we have offered, the Democrats have offered over and over, the school construction plan, to rebuild America's crumbling schools. We could have done this two sessions ago, but our good friends on the other side of the aisle thought that this was an unnecessary expenditure and look where we are today. Looking at school buildings as potential safe houses, promoting safe plans that would keep children inside schools. Do we not need the same kind of important and well-structured physical structure that, of course, our good friends would have in more prosperous areas and school districts?

Here we go again, not being preventive, not striking while the iron is hot but waiting for disaster to befall us.

I think it is extremely important that we recognize that our children should be first. So I just want to share with my colleagues, Mr. Speaker, both the plight of our children domestically, because this is a week that we have responded to the needs of children, and to say what more we can do to provide a safe Nation for our children.

First of all, Mr. Speaker, it sounds like we are going astray, but we can eliminate the President's $726 billion tax cut, and we can do that and focus our investment in the resources that would help not only the children but their parents and their community.

A few of us just spoke a few minutes ago about the waging and raging war. We have said it over and over again. We voted today to encourage a period of fasting and praying, whatever faith a person may have, if they desire to engage in such, a voluntary fasting and praying. We did that today, and one of the Members who spoke at this press conference on the question of peace so eloquently stated, and I recite his words, that we pray for President Bush; that he may be wise in his decisions; and that he may reflect upon options for peace; and that we will have the opportunity to bring these brave young men and women home; that we have the opportunity to press forward on a cease fire; that, in fact, we find our way not to enter Baghdad, to increase the numbers of lost lives of both our troops and others.

The $726 billion tax cut does not seem to recognize that there must be mutual sacrifice. Today, as we speak, young men and women are sacrificing for us, and they are willing to sacrifice their lives for us. How in the heck, Mr. Speaker, can a $726 billion tax cut, failing to take into consideration the enormous growing unemployment, the $280-plus billion deficit right as we speak and the $1 trillion deficit expected to grow over a decade, how in the world can we afford to pay for a growing, costly war which may cost upwards of $1 trillion which would include potential occupation and governance of Iraq and maybe even alone, not with our allies? How can we afford a $726 billion tax cut?

Might I draw from the words of the gentleman from New York (Mr. RANGEL) in the idea of mutual sacrifice. I would not expect that there would be one ''no'' vote in corporate America and the richest of us in America, one ''no'' vote to say I will bypass the $726 billion tax cut for the troops, for rebuilding Iraq and for our children.

We have not been shown by the Nation's media, American media, the devastation that is being promoted or being wrecked in Iraq. I am talking about the civilians. We already know the sanction has caused a huge number

of deaths of Iraqi children. We already know that has been occurring, preceding us entering the country because of their inability to get medical care and food; but we do not know what kind of damage we are facing.

Mr. Speaker, I have been very fortunate as a Member of Congress. My constituents honor me. This body honors me. I am honored to be here, and out of that respect for my constituents, I have chosen to accept invitations to visit our troops, invitations to be in Bosnia, Mr. Speaker, before the peace treaty was signed, the very war that I heard many of my colleagues get up and oppose, and that happened to have been a NATO alliance effort and short lived as it was.

By doing that, Mr. Speaker, I went to cities like Sarajevo and saw the realistic and real devastation of war, buildings, of which we would pride ourselves as being historic, leveled, people walking the streets in tattered clothes. War is ugly.

Kosovo, I saw the devastation of the million refugees marching and fleeing the killing that might have occurred if they had not left their homeland, and I see now still the work we have to do to restore those people. They were living in huge refugee camps; and in visiting those camps, I saw the ugliness of it, the uncleanliness of it, and the pain. The Kosovo war again was NATO allies, but I went because it is best to see firsthand both the presence of war and the vestiges of war.

So it is key that we recognize that we may have to sacrifice to rebuild a nation that we are now at war with. I know Americans are caring people. I know that because we move so swiftly to provide humanitarian aid to our own and to others, and so I know Americans would want to be on the front lines of helping those children and those families in Iraq.

I know that we would want to teach them other than terrorism and other than issues that would divide our world. But, Mr. Speaker, we cannot do it with a $726 billion tax cut and an increasing amount of dollars for the war. We cannot do it with the budget that has been presented by the President or the budget that has been passed by this House by one vote. We cannot do it to our veterans who clearly do not deserve a 28 percent cut in their budget and as well the door being closed at veterans hospitals on a daily basis. These are veterans that are parents of young children.

Mr. Speaker, I would simply say that we have a lot of work to do if we care about our children. It is a disappointment that we would offer this budget and this approach to America and the world. I am disappointed that the President's budget raises spending on international affairs by substantially more than inflation. The cut to domestic appropriations must be $129 billion; and might I balance my remarks, Mr. Speaker, because I support our work internationally. I believe it is important to gain friends.

I know that a good friend of mine, former Congressman Cleo Fields, who I am delighted to see has joined us on the floor, was a champion for ensuring that we not only balance friendship overseas, but he was a champion on school issues and the issues of providing for our children, representing his constituents out of Louisiana. Clearly, I can say to my colleagues that I would hope that our work would be befitting of his legacy and that we would not see domestic spending going down.

It is certainly a crisis when we see that over 10 years, $244 billion in domestic discretionary spending is going out the window. We know what that means, Mr. Speaker. It means the CHIP program, the Childrens Health Insurance Program, that is what is going out. It means that Medicaid for children who need mental health services is going out.

Mr. Speaker, I have some information coming that I think is extremely important, but it means that those kinds of resources are coming quickly, hard hitting, and it is coming on top of States who, as we speak, Texas with a $12 billion deficit, California with a $38 billion deficit, other States with enormous deficits. It seems it is coming right when our States are hurting. Governors are hurting. Cities are hurting. It is extremely important.

So I would ask that my colleagues listen as we move toward designing the emergency supplemental, that is, the appropriations that would include funding for the war. I would ask my colleagues to consider the importance of remembering our children, and I would ask them to remember what we are doing when we are cutting funds, and I am going to be citing a few for my colleagues.

We mentioned $244 billion that we will see cut in domestic discretionary spending below the current service level over 10 years. In addition, the Republican budget requires $265 billion in cuts to public benefits, as I said, veterans benefits, Medicaid, Medicare. The cuts are likely to hit veterans programs, loans for college students, school lunch programs, Medicaid, pensions for Federal employees and railroad employees and agricultural programs.

Recently, I visited with Forest Brook High School, the Jaguars, almost 500 students in an auditorium. They were so bright. They were a recognized school. They are moving to be an exemplary school. That means they are crossing the T's and dotting the I's as it relates to their academic prowess; but they asked the hard questions about this war. But one young lady, a student, got up and said, Will I be able to have an education? I do not know, Mr. Speaker, with this kind of budget because Pell grants are being cut. Colleges are being cut.

I understand in some legislatures and States that college presidents were asked, send their testimony in writing because they were too embarrassed to have college presidents come and tell them how many services will be cut and how much they would be raising their tuition. What an embarrassment.

Already, we know that school lunch programs are in jeopardy, and, yes, loans for our college students. What is our concern for the children?

Mr. Speaker, I would offer to say to my colleagues we can do better, and even though we have come to an end in this week's legislative effort, I believe that we have to be responsible in investing in our children and investing in America's domestic tranquillity and its economy.

We must be concerned about creating jobs. That helps improve the quality of life of our children because it improves the quality of life of their parent or guardian or that grandmother. We tend to forget things, and that is one of my underlying themes. We are always ready to put out the fire. I would like to make sure we do not have a fire, and we all ran to put out the Enron fire. Lo and behold the collapse of corporate integrity, one of the largest bankruptcies that we have ever seen and the laying off of thousands of my constituents who were impacted, and they impacted the children that they were responsible for.

The Democratic stimulus plan looks to creating jobs. Right now we have got a huge number of jobs being cut. I think upwards of 200,000 and less jobs are being created. The Democratic plan will create about twice as many jobs as the President's budget, and the Republican budget, according to mainstream economic forecasting models, by costing less than one-sixth as much over the long term.

□ 1615

Democrats provide an immediate $136 billion in tax cuts as opposed to $726 billion. That is what you call mutual sacrifice. It is a stimulus which we will immediately see. What does that do? It puts the children's parents and guardians back to work. Remember, I have said the children should be our priority. I believe that we have harmed the domestic tranquility.

We have failed our senior citizens by not yet moving on a guaranteed robust prescription drug plan, one that guarantees prescription drugs to our senior citizens. Mr. Speaker, some of them are in fact the grandparents who are taking care of the children in many of our communities through the tragedy of drug addiction or incarceration or for some failure to that child's parent. The grandparent steps in, they have the responsibility of caring for that child, the responsibility of being on Medicare with no other funds and they cannot pay for their prescription drugs. Again, the children are harmed.

And so, Mr. Speaker, I think that we need to begin to look constructively at how we can help the children. I want to go for a moment to education and health care and specifically to the

Leave No Child Behind Act. The Republicans cut 2004 appropriations for Department of Education by $1.4 billion, 2.7 percent below the 2003 enacted level. However, because Republicans matched the President's funding for several Leave No Child Behind Act programs, their across-the-board cut reduces all the education programs by 10.2 percent below the President's levels and by 8.3 percent below the 2003 enacted programs.

Let me give you an example, Mr. Speaker. Tremendous cuts to safe and drug-free schools, after-school programs, education for homeless children, vocational education and aid to Historically Black Colleges and Universities and other programs.

How does that hit home? It hits home, Mr. Speaker, in the course and manner of real people. Our school districts are not celebrating that you are cutting their safe and drug-free schools because, Mr. Speaker, some of them have been able to access those dollars to help them in their homeland security needs. And so to cut the safe and drug-free schools just puts the responsibility or the burden on the local districts and their dwindling tax base and gives the United States Government another free ride. We are saying to them, do you have a safe plan, are you protecting the children where most children spend a great part of their life, in school; and we are telling them we are going to cut safe and drug-free schools, the after-school programs.

Some years ago, Mr. Speaker, I served as a member of the Houston City Council and in serving as a member of the Houston City Council, I worked very hard to put in place for the city of Houston after-school programs in the parks. Let me compliment Mayor Lee P. Brown and the city of Houston and city council members for continuing that program and having an expanded program that embraces the churches. I was able to add $1 million to my district a year or two ago to have that after-school program continue. Who knows what will happen now? Here we go dumping our burdens on our local communities. After-school programs are vital because we realize statistically that children get in most of the trouble that they get into from 3 to 7 when parents are working and the latchkey children are bound.

But we apparently in this body are not concerned because the President's budget, and I would imagine the budget we voted on by one vote just a few days ago did the same thing. Homeless children should be calculated as part of homeless families which increase all the time. Transitional home units are not being built but families who are transient, who are moving from home to home, are part of our homeless families and they have children. I know my school district has a large number of them; and we are cutting housing for homeless children, our vocational education which allows individuals to get skills and go from the high school to the work room with a skill that can provide for them.

Then I am concerned for the historically black and Hispanic-serving institutions. Tragically, of course, we will be hearing the Supreme Court argument on April 1 about affirmative action, the challenge of affirmative action before the United States Supreme Court, and I raise that as a tool, a vehicle for many children in our Nation, young Hispanics, African Americans and other minorities, women included, who have utilized the tool of affirmative action not to exclude anyone but simply to give them a hand up. What a tragedy that this administration in a time when young men and women are in harm's way in the military to be able to note that this government would stand in opposition to affirmative action. We certainly hope that the United States Supreme Court will listen carefully to the arguments, and I believe that they will carefully assess that the University of Michigan affirmative action programs are in fact constitutional. Many of us will be gathering in Houston, Texas, for a summit on the question of affirmative action and the abysmal record of civil rights in this administration because we believe that we do in fact leave children behind if we do not promote the civil rights of a Rosa Parks and Martin Luther King. We do not in fact provide opportunities to continue for higher education.

I think as an aside, it is important to note, Mr. Speaker, that civil rights is a very core part of America's history. There are moments that I was not proud of America, as many of you know, it would be certainly our slave history; but there are certainly moments that we can all be proud of America because she sought corrective measures. Though there was a violent period through the civil rights era of the 1960s and certainly voices being raised of protest, there were moments when America stood tall. The Voter Rights Act of 1965, the Civil Rights Act of 1964, the executive order on affirmative action that Richard Nixon signed, those were positive moments. Why would we stoop to the level that we are stooping to, to have the United States Government challenge affirmative action as a viable tool?

The reason why I connect this to being preventative and dealing with our children, Mr. Speaker, is because in Texas when the Hopwood decision was rendered, we lost large numbers of our Hispanic and African American young people because they were denied admission to our institutions of higher learning. We were willing to lose them and deny them because of, I think, misdirected decisions and others who would represent that they are excluded because of affirmative action. Obviously, I find great pause and question as to why the United States Government could not be on the side of arguing for the constitutionality of the Michigan plan as opposed to being against it, because I know the ripple effect that will occur if the Supreme Court pronounces it unconstitutional. We will see affirmative action plans being dismantled around the Nation. But to the credit of the private sector, let me congratulate corporate America where large numbers of them have submitted, if you will, and there is a great deal of joy that they have submitted amicus briefs in support of this plan.

And so, Mr. Speaker, I hope that we can all see the importance of being proactive and to be preventative. Certainly we have situations that that is not occurring. As I have indicated, it is extremely important that our children be in the highest priority. I went off a little bit to the side on affirmative action and civil rights because I noted that the cuts would impact historically black colleges and Hispanic-serving institutions. America is only at its best when all of us have access to equal education.

Mr. Speaker, I want to speak to rural America, and I want to speak to urban America. We want to make sure that our educational systems are equal. I want to cite a Governor that I have great respect for, Governor Mark White, who came in and did something in Texas that was innovative and shocking: no pass, no play. The reason why he implemented that and that had to do with playing sports, and we are in Texas a football State. Every Friday night you will find us right where we need to belong with our families watching the football, the basketball, the baseball. To be able to be a Governor and say no pass, no play was outrageous. But he did that because he did not care to say that if you were in a prominent school district, you had the right to a good education. He wanted you to have a good education no matter where you were.

And so the very fact that No Child Left Behind is being cut is a tragedy. The very fact that there are children being tested today and are failing standardized tests is a tragedy because part of the laws that we put in place, Mr. Speaker, for No Child Left Behind was to give those schools who had less moneys and their children were failing, to give them moneys to improve their teaching quality. We wanted to remedy the problem of failing students. We did not want to condemn the school, close the school, condemn the children, condemn the parents. We wanted to help them. But here we go in 2003, failing to provide the kind of support that we need.

Job training has been cut by this budget, and I believe it again undermines trying to get people reemployed. I mentioned to you about Enron. There are many of those individuals still unemployed. Some of them are overqualified. Some of them need to be retrained. They represent a different set of circumstances than those who need more training. But I would argue that we should invest in human capital. Again, domestic tranquility. I want to

give you the figure that the President's funding for Pell grants would reduce the maximum Pell grants by $50; but over a period of time, that has an impact. This is back to the level of the maximum award in 2002. As I said to you, Mr. Speaker, there are presidents who are saying in State schools that we are raising your tuition. That sort of puts a slice, if you will, to a number of individuals seeking higher education and goes to the question of that student at Forest Brook High School earlier this week who asked, will I be able to get an education? Mr. Speaker, I do not know.

We will also be saying to those children who need Head Start, that 28,000 of you because of this budget will not be able to attend Head Start. I am very proud of my children, as we all are. My son is an 11th grader. My daughter is a new teacher. She is in a program that should be promoted and complimented, Teach for America. She is teaching in one of our schools in Houston. They are wonderful children, first graders. But many of them, Mr. Speaker, were not able to participate in early childhood education where they were exposed to learning and reading, and it is evident in the difficulty of learning to read. This is what will happen if we cut enough funds that it would result in 28,000 low-income children not being able to utilize Head Start. Do we really know what that means, Mr. Speaker? I am not sure we do.

I want to just cite H.G. Wells who said, ''Human history becomes more and more a race between education and catastrophe.''

Clearly if we allow generations to be uneducated, if we create an equal divide, if we go back to pre-Thurgood Marshall's argument to the Supreme Court in 1954 where we were arguing against allegedly separate but equal, it was separate and unequal, or the Kerner Report in 1967 which said we live in a Nation black and white and unequal. We are back there again in the unequalness of housing, education and health care.

□ 1630

Mr. Speaker, if we are to do that, then we are raising throngs of individual young people who maybe speak a different language, who are now disadvantaged because they are not able to get early childhood education, they are not able to get Head Start. Why would we, Mr. Speaker, want to undermine, if you will, our responsibilities to those young people? And, Mr. Speaker, I think it is important that we fight against not promoting our children first, and clearly the lack of funding for Head Start is one of them.

Might I cite, Mr. Speaker, a rising issue before I address the question of our children living across the world, and that is this question dealing again with our little ones and the amount of money that we are going to see leaving them and going somewhere else. As I do that, let me just cite one other fact that I think is extremely important, and that is that 50 percent of our children heading towards college are not prepared for college courses. That is a little tidbit that I wanted to add, because it goes to the question of affirmative action. It goes to the question of Leave No Child Behind, that once we cut off K through 12, then of course we are simply cutting off opportunity.

I want to applaud two amendments, or at least one amendment, one by legislative initiative by the gentleman from Pennsylvania (Mr. FATTAH), a constitutional amendment to provide equality for children, a bill of rights for children as it relates to education.

But as I close on that topic, I want to speak to another tragedy amongst our midst, if you will, and that is the question of child abuse. Again, Mr. Speaker, I have said that this discussion this afternoon is about promoting our children, the interests of our children. The work of the Congressional Children's Caucus that I chair has been always to promote children as a national agenda item, which is why legislation such as the 9/11 Save Our Children, the mental health legislation that was promoted, the issues that we discussed on mentoring, the work being done with Afghan children, it is all about recognizing the importance of protecting our children.

So I want to raise the question of where are our missing children and why can they not be found and the fact that we have a crisis in the Nation on efforts to find our children. And I cite Rilya Wilson, the tragedy in Florida. 5-year-old Rilya Wilson was staying with her grandmother in January of 2001 when someone showed up saying they were with the Department of Children and Families and took her away.

A man claiming to need help finding his dog grabbed 5-year-old Samantha Runnion while she played a board game with her friend on the front lawn of her home in Orange County, California. A body was found later in a gruesome pose in a forested area less than an hour's drive away. Unfortunately, a horrible discovery found that she had been molested and asphyxiated. The trail of evidence led police to a man who was acquitted of molesting two girls 2 years ago.

In my own district, we are still looking for Laura Ayala, crying, with her family painfully wondering what happened.

Danielle van Dam's body was recovered.

Jahi Turner, a 2-year-old African American boy, disappeared after we found Danielle van Dam on April 25.

Clearly, we believe that our children are precious, but do we realize that murder is the only major cause of childhood death that has increased over the past 3 decades? About 200 to 300 children are taken in kidnappings by strangers each year, with about 100 of those kids found murdered. Typically black, Hispanic, and poor children are disproportionately represented among that number.

We are gratified and excited that Elizabeth Smart came home to her loving family.

Mr. Speaker, we have a crisis of child abuse and child molestation, and we need to get in front of the problem. So we need a budget that reinforces our support of child abuse prevention. We need to audit the Children's Protective Services in many of our States, and I am going to take a point of personal privilege and suggest that the Harris County Children's Protective Service has been working diligently to find abandoned children or to prevent abandoned children but, more importantly, to be a stickler on ensuring that we are attentive to children we have placed in foster care.

We have had some ups and downs and tragedies. We even just recently had a tragedy with a suicide in one of our mental health facilities dealing with children, and I know that we will be focusing on that investigation in my own community.

It happens to say that we need more mental health facilities for our children. That is a crisis as well. But there is no doubt, Mr. Speaker, that we are abandoning our children to the extent that they need resources, they need education, they need affirmative action, they need civil rights. They need the Children's Health Insurance Program. They need a peaceful world. They need a world without war. They need to bring some of the young parents home, similar to the young Marine who has to make a choice with honorable service to her Nation and a 4-month-old baby because her husband is already deployed on the front lines. They need someone caring about their plight.

So I ask my colleagues as we begin this journey toward the passage of the emergency supplemental, as we pass the budget with one vote, as we talk about a $726 billion tax cut, where are our hearts for our children? Do we really realize that children themselves need mental health services and they grapple with depression and we do not have enough beds in America for our children, mental health beds?

My dear, dear friend, the late Senator Paul Wellstone, a man that we grew to love, championed for mental health services for all Americans, championed for parity in health care for mental health services, a champion for going to any part of the world to look and to investigate the plight of children, a man who joined me in Houston, Texas where, we listened to 90 witnesses about the plight of children without mental health services. Mr. Speaker, it was clearly a tragic loss, but in his name as we move toward this process, might I simply ask my colleagues to look at some of the issues that I have discussed and as well look at some of the needs of children around the world.

So I will close with simply, Mr. Speaker, sharing some of the sights and the plights of our children. This

may not be an American child, but I have described the pain that we are experiencing in this country and that our budget clearly does not speak to that pain. So I would ask that as we look to our budgeting process that we remember USAID and the funds needed to help the children of the world, and I cite specifically the faces of Afghan children and who knows what other children will be facing a devastating condition.

When I visited Afghanistan, these are the children that I saw, a thousand of them in an orphanage, covered with sores, no school books, no pencils, no paper, very limited resources. Would this not be a better posture for America to take, one of peace, reconciliation, and humanitarian aid as we spend $1 billion a month in Afghanistan?

These are the children and the faces that need to be helped, mother and child. And there are children that are going to be left in terrible conditions as well, children that we would want to help, our own children, America's children, that do not have Head Start. They do not have health coverage. They do not have housing because we are cutting homeless programs for children. They do not have school counselors who can do something other than paperwork.

The children of America. They are under siege because child abuse is still rampant, sexual predators are about and abound. So as we have done some good things, Mr. Speaker, that I acknowledge, passing legislation that speaks to runaway children and children that are abducted, there is much more work to be done.

I would argue that if we are to be a Nation of values, believing in the Declaration of Independence, that we all are created equal, with certain inalienable rights of life and liberty and the pursuit of happiness, we will respect our conscience. We will respect the work that is done in this body. We will not demean and degrade anyone who rises to speak more for peace than for war. Because we have to make choices, and those choices should be for our children, the longing of these faces who long for us to be credible and to be preventative and to stop the gunfire, the violence, to stop the lack of foster parents and care and the lack of jobs for their parents.

See these faces, Mr. Speaker. Can we not be responsive? Will there not be a signal and a clarion call for the emergency supplemental to not bust the budget and will there be the call for mutual sacrifice, tax cuts that stimulate the economy, not bust the economy?

And, if the Members will, Mr. Speaker, with these smiling faces I end on the note an opportunity to bring the young men and women home to a Nation that will parade them and honor them, but not only that, take care of them and their families. Might this be the kind of bipartisan spirit that this Congress could engage in to show to the world that America has sought her higher angels and the premises upon which she was founded, to create a more perfect union? Is that not the America we all know and love?

God bless this Nation, and God bless our troops.

''Human history becomes more and more a race between education and catastrophe.'' H.G. Wells spoke those words in 1920 and they are just as valid today. As our interact ion with technology increases in the workforce and in our day-to-day lives it is ever more vital that our young people be educated to manipulate that technology or they will be left behind.

We as a country will indeed be in danger of falling behind. If our youth are not properly educated from very early in life we are at risk of losing them—at risk of losing our future. It is for that reason that I believe that the investment in human capital should be our highest priority. We are shortchanging our Founding Fathers who sought to make this a nation for all.

The Founders knew something that James Garfield would later say, ''Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be permanently maintained.''

As protecting our freedoms and our way of life is dear to us so must be the provision for and maintenance of our public schools. I understand that issues of student to teacher ratio, teacher's salaries, funding on the federal, state and local levels are all issues that those of us who care about education must address.

Recently, I have co-sponsored a bill that calls on the Secretary of Education to determine whether each State's public school system is providing its students with the educational resources necessary to meet challenging academic achievement standards and to compete and succeed in a global economy. The bill is H.R. 236, to provide for adequate and equitable educational opportunities for students in State public school systems, and for other purposes. It contains a student bill of rights that requires providing specified fundamental educational opportunity to students at each and every public elementary and secondary school. The bill also requires providing educational services in school districts that receive funds for disadvantaged students that are, taken as a whole, at least comparable to educational services provided in school districts that do not receive such funds.

NO CHILD LEFT BEHIND—REPUBLICAN BUDGET CUTS

A gap in funding education is harmful to our children's futures as well as to the future of our nation's economy. In fact, poor educational policy is injurious to our society as a whole.

In my district, the Houston Independent School District has more students in special education than in gifted and talented programs: 58.5 percent of Houston Independent School District students are considered at risk and 7.9 percent of Houston Independent School District students study English as a Second Language.

Across the country more than 50 percent of urban college freshmen are not prepared for college courses. That has an obvious detrimental impact on their ability to succeed at the college level. Ill-prepared freshmen also have a deleterious affect on our nation's institutions of higher education as those institutions strive to provide young minds with an academic environment that allows graduates to become productive members of the workforce. Whole semesters are lost when students have to be instructed at a remedial level even before they can begin basic college courses. To avert adverse outcome support has to be given at the earliest levels of education to our youngest students.

Not long ago Bush signed into law the No Child Left Behind Act, touting the Administration's commitment to education. The Bush Administration has proposed a budget that suggests devastating cuts to primary and secondary education in this country. You should be aware of what that budget proposes and of the profound impact the budget cuts would make.

His current budget cuts funding for Elementary and Secondary Education programs by $90 million! The Administration's budget would shatter Head Start and threaten the quality services that the program provides.

Head Start programs have helped prepare 20 million disadvantaged preschool children for school. Yet because the House Republican budget would slash funding to Head Start, 28,000 preschool children could to be dropped from the program. The Administration's budget would freeze child care for the next five years forcing states to drop 200,000 children over five years. That is 200,000 children who will be dropped from the care they need to enter school prepared to learn. That is 200,000 children who need care while their parents are at work.

The House Republican budget proposal would force deep cutbacks in the Child Care and Development Block over the next ten years. Those cuts will sacrifice child care for thousands more children and families.

These budget cuts are proposed, in order to pay for a tax cut for the most affluent of citizens. The most affluent will benefit while the children will suffer. That is not justice. That is not the American way. That is not how we demonstrate respect for our most important values.

If the Republicans' budget proposal is passed it will demonstrate that America believes children and the poor should subsidize tax breaks for the rich.

If the Republican budget is passed it will demonstrate that health care, Head Start, child care, education, and after school programs are not as important as adding to the bottom line of the wealthiest taxpayers.

In truth, the Republican plan would force severe cutbacks in virtually every essential support for America's most vulnerable children and families over the next ten years in order to hand a $90,000 tax cut to each millionaire this year.

If, in fact, no child is to be left behind then no dollar should be lost to education at a time when states and localities can least afford to lose them. That's why the proposed budget cuts from the Administration and House Republicans are the wrong choice for America.

The Children's Defense Fund has said, ''It is time for new choices that invest more in children than in millionaires, more in the poor than in the powerful. It is time to make our country live up to its promise of fair opportunity for every child and to demand that we truly Leave No Child Behind.''

Supporting education, Head Start, and child care is the way to truly began to create equal

opportunity for every child. That equal opportunity should continue beyond pre-school, elementary and secondary school. It should continue into the higher education institutions of this country.

AFFIRMATIVE ACTION

This spring, the Court will decide whether achieving a racially and ethnically diverse student body in institutions of higher learning is a ''compelling state interest'' such that the consideration of race and ethnicity in public college admissions is constitutionally permissible.

The University of Michigan's admissions policy is at issue. The policy considers race as one of several factors in a constitutionally permissible manner that is narrowly tailored and geared to address the compelling state interest of achieving diversity.

While the University of Michigan does not set aside seats for minority applicants and has no two-track system of considering applications, President Bush falsely described its policy as one dependent on a quota system that rewards applicants solely on the basis of race.

President Bush argues that ''some states are using innovative ways to diversify their student bodies. Recent history has proven that diversity can be achieved without using quotas. Systems in California and Florida and Texas have proven that by guaranteeing admissions to the top students from high schools throughout the state, including low income neighborhoods, colleges can attain broad racial diversity.''

Bush also says, ''In these states, race-neutral admissions policies have resulted in levels of minority attendance for incoming students that are close to, and in some instances slightly surpass, those under the old race-based approach.''

In reality, The Harvard University Civil Rights Project has issued two reports that conclude that percent plans are not effective replacements for traditional affirmative action. These percent plans dictate that a certain percentage of every graduating class of every high school in the state is admitted to a state school. Presumably, this removes other barriers to minority enrollment and will provide a diverse pool of students. The percent plans cannot be applied at national universities, private universities, or graduate and professional school programs, and they simply do not yield the levels of diversity that race-conscious admissions policies produce.''

In Texas, Florida and California, which the Administration holds out as successful examples of percent plans, there was low minority enrollment in the universities before affirmative action was ended, despite the fact that all three have rising population rates of African-Americans and Hispanics. The Harvard study noted that students in these states face great educational disparities long before the college level, disparities that are reinforced through the percent plans.

Affirmative action is critically needed to achieve diversity in our universities. When students complete their K–12 education they need to know that the doors of higher education will be open to them. The diversity that is sought benefits the entire student body and enhances the educational experience for all students. The plurality of backgrounds and life experiences contribute to the robust learning environment that serves as the hallmark of quality institutions of higher learning.

CHILD ABUSE

Five-year-old Rilya Wilson was staying with her grandmother in January of 2001 when someone showed up saying they were with the Department of Children and Families and took her away.

A man claiming to need help finding his dog grabbed 5-year-old Samantha Runnion while she played a board game with her friend on the front lawn of her home in Orange County, California. A body was later found in a gruesome pose in a forested area less than an hour's drive away. An autopsy revealed she'd been molested and asphyxiated. A trail of evidence led police to a man who was acquitted of molesting two girls two years ago.

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

On April 25th, two months after Danielle van Dam's body was recovered, Jahi Turner, a 2-year-old African American boy disappeared, while playing in a San Diego Park.

In a study by the National Center for Missing and Exploited Children, law enforcement officials identified pictures as the single most important tool in the search for a missing child. One out of six children featured in photo campaigns is found as a direct result of the photo.

About 200 to 300 children are taken in kidnappings by strangers each year with about 100 of those kids found murdered. Typically, black, Hispanic and poor children are disproportionately represented among that number.

Murder is the only major cause of childhood death that has increased over the past three decades. Over one-third of all sexual assaults involve a child who was under the age of 12. One in four children is sexually abused before the age of 18. One of every seven victims of sexual assault is under the age of six.

Over a four-to-five year period, 13.4 percent of sex offenders recidivated with another sexual offense.

Only 22 State sex offender registries collect and maintain DNA samples as part of registration. We know that DNA helped police find the suspect in the case of Samantha Runnion, and it is critical if we are going to capture other offenders. Despite the atrocities against our children, only 22 State sex offender registries collect and maintain DNA samples as part of registration.

HEALTH CARE—CENSUS 2000 STATISTICS ON CHILDREN'S HEALTH CARE

Uninsured rates for different age groups of children are not statistically different: 13.3 percent of children under six are uninsured, 13.5 percent of children six to 11 are uninsured, and 14.5 percent of those 12 to 17 are uninsured.

Hispanic children are far less likely to have health insurance than White or African American children, and African American children were somewhat less likely to have health insurance than White children: 26.8 percent of Hispanic children were without health insurance in 1995, 15.3 percent of African American children, and 13.4 percent of White children.

In 1995, 66.1 percent of all children under age 18 were covered by a privately purchased or employment-based health plan, and 23.2 percent were covered by Medicaid.

Older children are less likely to have Medicaid coverage. Percentages of all children covered by Medicaid in 1995, by age group, were: 29.6 percent of children under six, 22.6 percent of children between six and 11, and 17.2 percent of children 12 to 17. Significantly more African American and Hispanic children than White children were covered by Medicaid in 1995: 45.4 percent of all African American children, 37.4 percent of all Hispanic children, and 18.3 percent of all White children.

In 1995, 3.1 million (or 21.4 percent) poor children were without health insurance. Poor children comprised one-third (32 percent) of all uninsured children in 1995. Over a 28-month period between 1992 and 1994, 30.0 percent of all children under the age of 18 lacked health insurance for at least one month (20.4 million). About 4 percent, or 2.8 million children, were uninsured for the entire 28-month period.

MENTAL HEALTH CARE

As founder and Co-Chair of the Children's Congressional Caucus, I am a staunch advocate for the health and well being of children.

Health care issues have been getting a lot of press as far as Medicare and Medicaid are concerned and also in terms of a prescription medication benefit for our seniors. We also hear a lot about HMOs and insurance coverage. And that is as it should be. Health care is among the most basic of needs concerning the American family. Whether one is unemployed and uninsured or employed and underinsured health care is an issue a family might face daily.

The Administration's budget would block grant Medicaid and jeopardize the health care services that are now available for millions of low income children. Moreover, the Republican House budget proposal would create more harm by forcing cutbacks in mandatory spending programs. Those cuts could mean a $93 billion reduction in Medicaid funding over the next ten years. Those cuts are likely to greatly increase the number of uninsured children.

Insurance and health care are certainly issues that concern children and we, as a body must do our utmost to address those issues. It is important to remember that health care involves not only physical health but also mental health and mental health care is just as important for children as it is for adults.

In fiscal year 2001, I urged funding for children's mental health services through the appropriation of a Mental Health Block Grant program in the amount of $420 million. In addition, I helped bring over $300 million to the health care industry in the 18th Congressional District of Texas and know these funds are an essential investment in the future of children.

It is important for their well-being and for their development. So we must support mental health programs for America's youth. That is the reason that at the beginning of this Congress I cosponsored H.R. 81, the Give a Kid a Chance Omnibus Mental Health Services Act of 2003.

Give a Kid a Chance is a bipartisan bill, cosponsored by Representative ILEANA ROS-LEHTINEN, my fellow co-chair of the Congressional Children's Caucus.

American youth are struggling to come to grips with a confluence of disturbing issues. On a daily basis, they face the dangers of drugs, smoking, violence and the fear of terrorism. Added to the more traditional problems

that plague adolescents—pressure from school, family, and peers—it seems this barrage may be taking its toll on the mental health of our children. Those children living in the wake of the attacks of 9/11, or those living in broken homes, may be particularly vulnerable. However, no child is immune.

A recent survey revealed that 13.7 million children nationwide suffer from mental health problems. At least one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem. That is 20 percent. However, 75 to 80 percent of these children do not receive any services in the form of specialized treatment or other mental health intervention.

Unchecked mental illness in the young can lead to academic failure, substance abuse, violence, or suicide. In fact, adolescent depression is increasing at an alarming rate. Recent surveys indicate that as many as one in five teens suffers from clinical depression. Each year, almost 5,000 young people between the ages of 15 and 24 take their own lives. The rate of suicide for this age group has nearly tripled since 1960. Obviously, the youth mental health programs we have in place are either ineffective or insufficient.

Responsibility for mental healthcare is shared across multiple settings: schools, primary care, the juvenile justice system, and child welfare. The bill I co-sponsored would establish school and community-based grant programs that would help prevent, identify, and treat mental health problems in children and adolescents. Local educational agencies that receive the grants would be required to maintain a certain ratio of students per counselor, nurse, psychologist, and social worker. Grants will be funded with a matching requirement of $2 from private or local public entities, for each $3 of federal funds.

For too long we have ignored the mental health needs of young Americans. There is a clear cry for attention to the mental health of our children. We must answer that cry. I hope others will support this bill, in a bipartisan way, and help our children through their formative adolescent years and help make them into healthy, well-adjusted adults.

ANTI-DRUG ACTIVITIES

On June 24, 2002 I joined the U.S. Department of Justice in announcing a $100,000 grant to the Houston Council on Alcohol and Drugs, the fiscal agent to the Coalition of Behavioral Health Services. The Coalition will play a critical role in the prevention of substance abuse in youth in the 18th Congressional District of Texas by strengthening community anti-drug activities and reducing abuse among youth.

The 2002 project was a continuation and refinement of The Houston Council on Alcohol and Drugs' past goals: to reduce substance abuse among youth by 10 percent over the next 12 months, and encourage participation and collaboration of all sectors of the community including federal, state, and local government in an effort to increase resources for substance abuse prevention and reduction among youth.

The Houston Council on Alcohol and Drugs has distinguished itself as a leader in the fight to save our young people from the perils of drug abuse. I applaud and will continue to support these model programs that effectively motivate our youth to avoid drugs and equip them with the skills necessary to have a healthy and productive life.

We continue to wrestle with the devastation that drug abuse creates in our communities. It is particularly important that we support programs that will aid our youth in finding alternatives to drug use. Grants will help our children stand up against drugs. It clearly benefits the whole of our society when we help those most vulnerable before they enter into a life of substance abuse and crime.

## THE COSTS OF IMMIGRATION, ILLEGAL AND LEGAL

The SPEAKER pro tempore (Mr. BRADLEY of New Hampshire). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, I want to talk tonight about another aspect of the immigration issue that I so often come to the floor to discuss, and what I have decided to do is over the course of the next several weeks is to break this issue down into several of its component parts. Because it really is a fascinating issue, immigration and immigration control, the impact of massive immigration into this country, uncontrolled immigration, the impact of having porous borders.

It really does matter. It is not just something that we can observe and think about as being really not involved with and not important to our Nation's future. It will affect every single aspect of our lives. It will affect us socially and economically and politically. It really does have enormous implications, the whole idea of massive immigration into the United States, both legal and illegal.

So as I say, tonight I want to go into one specific aspect of this and focus on it for a while, and that is the costs of illegal immigration and even to a large extent massive legal immigration to our social service systems in this country, to our States and to the Federal Government. Especially we are going to focus again a little more narrowly in that area on health care.

□ 1645

Mr. Speaker, there is probably no issue that is brought to our attention here more often and with more concern on the part of our constituents than the issue of health care, its unaffordability, its inaccessibility, and the fact is that it is a very, very serious problem. The costs are rising so dramatically, such as in order to pay for new technologies.

There are a lot of reasons for the costs to increase. One reason is because, of course, our health care system is being accessed by a lot of people who are here illegally, they are not citizens of the United States, but also because in fact legal immigrants to the United States access social services to a higher extent than native citizens. So the impact of massive immigration, both legal and illegal, on the system is enormous.

This map is a condensed picture of our problem with regard to the health care costs that are being incurred by States, by taxpayers in the various States, and by, of course, all taxpayers in the Nation as Federal taxpayers. I say ''condensed,'' because this particular map only takes a look at the uncompensated medical costs along our border, in California, Arizona, New Mexico and Texas.

This is an annual expenditure. It says these costs represent only hospital costs. By the way, it is condensed again into just hospital costs in those four States. This is the emergency medical services costs. This, again, is condensed. It is not for all immigrants; it is just for illegal immigration.

These costs that we are going to talk about here are not the Nation's costs, just for four States. They are not all medical costs, just hospitals. They are not the costs of all immigration, just the cost of illegal immigration.

One in four dollars of uncompensated emergency medical costs for Southwest and border hospitals can be attributed to ''undocumented immigrants.'' That is a way of saying illegal immigration. In California, $295 million; in Arizona, $97 million; in New Mexico, $45 million; in Texas, $393 million in the Year 2000. Somebody does pay for this. Of course, it is primarily the taxpayers of those States that have to pick up the tab.

But think about the real costs. Let us go ahead and just extrapolate out what the real costs to the Nation are in all States, because, I guarantee you, my State of Colorado has an enormous cost for both legal and illegal immigrants accessing the welfare system and specifically, again, the health care system. These costs are absorbed by hospitals, by the doctors and, eventually, of course, are paid for by the taxpayer.

One extensive study of the cost of illegal immigration is the one we are pointing to here. It determined that care provided to illegal aliens costs border hospitals $189.6 million in uncompensated medical emergency costs in the year 2000. Total reported uncompensated costs at these same hospitals was $831 million.

In other words, uncompensated costs to illegal aliens, this is all costs, emergency care to illegal aliens comprised 23 percent of the total uncompensated costs incurred by those hospitals in the year 2000.

This, as I say, is just the tip of the iceberg. It does not, as I mentioned, include non-emergency services provided by doctors or hospitals. Furthermore, the study only covers the counties that are along the border, the counties directly along that border. Total costs throughout the United States for all counties are unknown. However, if the numbers for these southern border counties are a sample for the whole Nation, the true costs of medical care is in really the hundreds of billions of dollars.

Part of the problem is, of course, self-induced. That is to say, the Federal Government has passed legislation that

has exacerbated this problem. The Emergency Medical Treatment Act and Active Labor Act enacted in the Congress in 1996 made it illegal to ask immigrant status prior to rendering services in emergency rooms. As a result of this, hospitals have no way of tracking information that would be helpful in identifying the actual costs of care to illegal immigrants. A lot of this, of course, is estimated.

Being able to track this information in a consistent manner would not only help in developing a policy to deal with this problem but also assist in measuring how much medical services illegal aliens were really obtaining.

This brings me to another point here that I think is worthy of mention. Let us go to the legal immigrant in the United States, somebody who has arrived here, let us say, in the last 5 years.

In 1996, this Congress passed another law; and it said that anyone coming into the United States under what was called the Family Reunification Act would have to identify a sponsor here in the United States and that sponsor had to agree to become financially liable for the person they were bringing into the country. If that person were to go onto some sort of social service, onto welfare or access hospitals and be unable to pay themselves for doctor bills, food banks, anything that was provided to this person coming in here under the Family Reunification Act, you had to have a sponsor.

By the way, we have had that law generally on our books for 100 years. For 100 years an immigrant coming into the United States had to have a sponsor, and that sponsor took on some responsibility. The language is very plain on the documentation they have to fill out, that, in fact, you are accepting financial responsibility for that person that you are bringing in.

Now, that was the way it was for everybody. But in 1976 we reduced the scope, the field, I suppose, to say, no, we will just do it for people who are coming in under the Family Reunification Act. People who are coming in under H–1B visas or any of the other work visas and all that sort of thing, not to worry, that is not going to matter.

Well, as it turns out, about 75 to 80 percent of all immigration into the United States is under the Family Reunification Act, so almost everybody here today, the recent immigrant in the last 5 years, let us say, 10 years, came under that particular provision of our immigration law. It says, if that is the case, you need this sponsor.

Now, here is another one of those little interesting aspects of law and the way we treat law around here, especially immigration law. It is ignored. It is ignored by States and the Federal Government, because, you see, it says if a person accesses any of this and they are not a citizen of the United States, somebody else is liable. But that means somebody has to go after them.

So about a year and a half ago, I think it was, the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), wrote a letter to the Department of Justice and asked the Attorney General what they were going to do to enforce this particular part of the law that says, if you come here and access a social service, somebody else is supposed to pay for that. It is supposed to be your sponsor.

Not one person to this date, to my knowledge, not one person in the past 30 years has ever been held to account by either the Federal Government or any State agency.

But that is something that we should focus on and let people understand, Mr. Speaker, and that is it is not just the Federal Government that could in fact go after the sponsor and get them to live up to the obligation they signed on to if their person goes on to the welfare roles or has to access medical services. But any aspect, any level of government that delivers the service can in fact seek that payment or repayment from the sponsor, any county that has its social services accessed by a person who is here as a recent immigrant.

Of course, illegal immigrants are not supposed to be eligible for anything; and yet, of course, we know that they do access all of these services; and they have become quite adept at it.

The costs are enormous. But, at least for the legal immigrants who are here, we could recoup a lot of these costs, because, as I say, statistically, it is shown that legal immigrants into the United States do access social services to a greater extent than non-immigrants. It is just a fact of life.

Many people, of course, come to the United States for the purpose of obtaining health care to begin with. On our borders you can see it any day that you go down there. We have had reports at hospitals near the border, some of these States, where a bus load of individuals, a bus load of young women about ready to give birth, will pull up and disembark and go into the hospital for the purpose of giving birth in the United States, because we have something we call the Anchor Baby Program. If you have your baby here, right now the law says that child is a citizen, regardless of whether or not its parents are legally here. That is something also we need to address as a body. We are one of the only countries, and maybe the only country in the world, that has such a liberal policy about allowing someone to become a citizen.

But because of that and because of the various benefits that a person can obtain as a result of having your child here, the social services, the WIC program, a whole bunch of other things, people will come here for just the purpose of having a child, so much so that many of these hospitals along the border are saying they are closing down their neonatal wards and delivery rooms because they cannot afford it any more. They have been inundated with people that come across the border to have children, and they cannot pay for it, and, of course, that service is provided to them.

There are multiple reports that women come to the border just to wait until they go into labor and then be rushed not to Mexican hospitals but American hospitals. One hospital in California reported that near-term pregnant women will sit in cars in the parking lot and enter the emergency room when they go into labor.

In the instances where these women arrive at the border crossings, the Border Patrol, instead of returning them to Mexico to be taken to Mexican medical facilities, they allow them into the United States. When I asked the Customs officials about this, they say, ''You know, we are not medical people. We don't have that kind of expertise. We don't know. Somebody says they are sick, we wave them on in.''

We have been down there on our border. You will see ambulances coming up to the border, coming up to the Customs agent at the port of entry, and saying, ''You know, I have got this really sick person here, and I need to get through.'' And they wave them on through. Ambulances are delivering sick people to our hospitals, sick people from Mexico, because the treatment is better, and it is free.

Now, I am sympathetic to the needs of the people who are in dire straits. I will tell you, this country can never be the health care provider to the Third World. It is impossible. There is not that much money in America, let alone in the health care system. And yet that is what is happening.

The issue here is one that does affect everyone, and that is what I really want to try to point out when we talk about these separate issues in migration. They do have an effect far beyond what one might think of to be an immigration-related issue.

So when we talk about costs at our hospitals, when we talk about health care in general, it is important to understand the impact of immigration, both legal and illegal immigration, on the system and on every single taxpaying American.

I have to ask you if that is fair? I just would like to know, Mr. Speaker, is that fair? Is it fair that American taxpayers are being asked to pay for the health care benefits of people who are not legal residents of this Nation?

□ 1700

There is just no way that we can do that and hope to maintain some quality in that system.

I visited, as I said, not too long ago, near Douglas, Arizona; and I was talking to a nurse at a hospital in Douglas, and she was telling me of the situation that exists in that hospital. It is on the verge of bankruptcy. I believe it has already. If I remember correctly, it has already claimed Chapter VII, I think it is, and may go out altogether, and

there is one reason, and it is because of this: they cannot afford to provide the services to people who come across that border from Mexico and access them. They cannot afford to do it anymore. The county is not that wealthy that they can keep it open. And when this hospital closes, the nurse told me, there will not be another hospital. There will be no hospitals available within a 100-mile radius of Douglas, Arizona.

So it does matter. It only matters, I guess, if one is in Douglas. You can say, that is their problem, really. Too bad. Those poor people in Douglas, Arizona, should probably move someplace else and get better health care. I assure my colleagues that the problem is not unique to Arizona, as more and more people enter the United States. And by the way, we have to understand that Mexico contributes about 40 percent of all of the illegal immigration into the country. About 40 percent come from Mexico, and we have another 40 percent of the people coming into this country illegally from places other than Mexico, and they are simply overstays. They come into our ports, to our airports, with visas; they come into the country legally, and they simply overstay the visa. And 20 percent, another 20 percent from along our northern border enter the country illegally. At least that is the estimates we have been given.

My State, Colorado, is having a very difficult time, as most States are, trying to meet their responsibilities, given the sad state of the economy in many areas, the many problems we have had with both drought and fire and now a massive storm that actually has caused the Governor to request emergency aid. The problems that the State faces are not unique; most States in the Nation, to some extent or another, are in the same sort of fiscal dilemma.

One of the things that they chose to do was to look at one category; it was called Medicaid services for noncitizens. Now, this is something many States do. They provide Medicaid services. Now, Medicaid, of course, is a program that is designed to provide services for people who are financially unable to provide services for themselves. And the States, many of them, decided to embark upon this very altruistic path and establish Medicaid for noncitizens. And guess what? The use of that particular program grew dramatically. I will be darned. They can get a 50 percent match from the Federal Government. So they thought, let us do it, it is, again, an altruistic thing to do. Even though, as I said earlier, anyone who is here legally has a sponsor, and that sponsor can be made to pay for the person that they sponsored if they do access these services, if someone wants to do it. So Colorado axed that particular program. And there is a human cry about it. Almost every day, there is something in the paper about the fact that Colorado has eliminated Medicaid for noncitizens, and how heartless and how cruel.

I suggest that one of the things the State of Colorado could do, Mr. Speaker, and every other State and every county, as a matter of fact, is begin to total up the costs for the provision of services to noncitizens and then, all they have to do is communicate with the Department of Justice, because by law, the Federal Department of Justice has to look at the names that it has provided and match them up against the documents that were prepared and filled out for that person to come into the United States.

So all that the hospitals have to do, all that any State has to do, all that any county has to do, if they want to recoup some of the costs that they have been forced to lay out for the provision of services to noncitizens legally here, is to actually take that step. Send the Department of Justice the names, obtain them from your hospitals, from your clinics, from your Department of Social Services, obtain the names of the people who are here as immigrants, send that to the Department of Justice, they will identify those people and who the sponsors are for each individual, and then each of those entities can go to the sponsors and ask them to live up to their responsibility that they said they would live up to when they signed the document.

As I say, it does not happen. I know that people are thinking, well, of course, that is there, but nobody really does it. So what. They access it. We will pay for it. Nobody should do it. Well then, we should eliminate the law. We should repeal that law. If we are not going to enforce it, like every other immigration law on the books almost, we should repeal all immigration laws if we are not going to enforce them. If we do not mean it when we pass the law, what is the purpose of all of the debate we have here taking up the time of the stenographer? It just does not matter, if we are not going to enforce the law. So let us repeal that portion that says, if you come into this country, you have to get a sponsor. Let us pull it back and say, you know what, we were just joking. It really does not matter. You will get all of the services you want and the taxpayers of the country will pay for it. Let us be honest.

But we go through this charade: well, if you are going to come into the country, you have to get a sponsor and fill this out right here and show us that you are a fiscally responsible person. You have to actually show that you can take on that responsibility financially, so that you can do it. So people sign it, and then they know it is forgotten about; nobody is going to actually force them to do it.

As I mentioned to my colleagues, the chairman of the Committee on the Judiciary wrote the letter to the Justice Department; and we got a letter back saying, essentially, yes, we do collect the names, but that is about it. And, yes, we will give them out if somebody wants them; but, no, we are not going to go enforce this stuff. We have a lot of other things to do. We are chasing terrorists and whatever. And we certainly do not want them to stop chasing terrorists, but they can simply give the names to any county or any hospital or any Department of Social Services in this Nation that has had a cost that they have incurred in providing the services, and I suggest that somebody in fact do that. It is the law.

And if one does not like the law, do as Colorado does: repeal Medicaid for noncitizens.

The other part of this picture, of course, is just welfare in general, and not just health care. As I said earlier on, it is a fact that immigrants into the country will access social services to a greater extent than nonimmigrants. This may have always been the case; but, Mr. Speaker, we never really had the ability to determine that when my grandparents came or, for the most part, most of the Members here that serve in this body, I should say, would say when their grandparents came, we could not really have this kind of statistic. We would not know, because there was nothing to access. When my grandparents came here, they had two choices: work or starve. That was it. There was nothing like a social service agency to provide any sort of relief. So we do not know what would have happened in 1900, but we do know what is happening today.

In 1996, 22 percent of immigrant-headed households used at least one major welfare program, compared to 15 percent of native households. After a decline in the 1990s, welfare use rebounded with 23 percent of immigrant households using welfare compared to 15 percent of native households. The presently high rate of welfare used by immigrant households stems from their heavy reliance on Medicaid, I mentioned that earlier, which has actually risen modestly. In contrast, immigrant use of TANF funds has fallen significantly from a little under 6 percent to slightly over 2 percent, and food stamp use has also declined significantly. Now, these rates are only slightly above those for native Americans. The average value of benefits and payments received by immigrant households has changed little and remains at about 50 percent above that which is the average for native Americans.

So what we see is that again, there is a cost attributed to massive immigration into this country, and our social service systems are overburdened, our health care system is, of course, overburdened, and our Social Security system is challenged. And I will add Social Security here for a moment, because to a large extent, it does fall, I think, into the category of a social service.

Social Security, there is always a debate on this floor as to how long it is

going to last. And the trustees of the Social Security fund will give us dates maybe 20 years out, sometimes 30 or 40 years out; but everybody said it is coming to a screeching halt, at least mid-century. And the reason is simple: there are relatively few people working to support the number of people who are retired, and because, of course, demographic profiles in this country now are such that we see this increase, significant increase in the number of people who are living passed that magical age of 62. So the costs are rising dramatically.

The United States of America is engaged in negotiations with the Government of Mexico to do something that is referred to as ''totalizing,'' and what that means is this: that along with about 20 other countries, we have agreements that say, if you work for a company, if you are an American working in Sweden for a Swedish company, that the time that you spend there will be counted in your Social Security eligibility and, likewise, a person from Sweden working in the United States for a Swedish company could count it for their Social Security. That is just a reciprocal arrangement that we have with about 20 countries. It is called totalization. It is not really a very big deal.

But now with Mexico, we are now talking with them about providing that same benefit, providing American Social Security benefits to illegal immigrants in the United States who are working here illegally.

Now, people will say, well, you know what, it is really right. Even if they are illegally here, that is okay, because they are working and maybe paying into the system. Well, think again. A large number of people who come to this country illegally and seek low-pay, low-skilled jobs are people who are not getting paid quote, ''on the books.'' That is one reason why they are sought after by employers. Employers keep telling us, I just do not know where to go. I have no place else to go. I have jobs that no American citizen will take. Well, what they are saying is, yes, no jobs that an American citizen will take for what I want to pay, and I want to pay under the table and avoid all the other kinds of taxes. I can get somebody who will work here and who is illegal.

□ 1715

What are they going to do about it? Who are they going to squeal to?

So there is a large amount or there are a great number of people who are working here under those conditions who are simply not paying taxes. There are many others working here, and if they are paying taxes, they are working at low-skill, low-wage jobs. The amount of taxes being collected from them would be certainly nothing in income tax, very little in Social Security, and never enough to pay for what they are going to, in fact, claim, because they will work some time in Mexico.

If this agreement goes through that will allow them to claim the time they work in the United States for United States Social Security benefits, then, of course, I assure the Members that the amount of money they will be collecting is far, far greater than the amount of money they put into that system.

Mr. Speaker, there is a certain degree of concern we should all have about the Social Security system and the impact of illegal immigration on the Social Security system.

By the way, just a little tidbit, kind of a strange story emanating out of San Louis, a town in Arizona on the border with Mexico. San Luis is a town of 2,000 residents. It has 6,000 mailboxes. Everything has been turned into one of those little mailbox centers, where it is a rented mailbox. Everything in the town, all the old 7–11 stores and everything, are simply turned into a mailbox place because of the number of people who rent mailboxes. But these people who live in Mexico, they are Mexican citizens who once a month come across in the United States to San Luis, collect their Social Security checks, SSI money, various other kinds of social services. This was on a program called ''20/20'' not too long ago.

It is not unique. The town is not unique. That happens all across the border. The Social Security system is being jeopardized by the actions of people who are trying to commit fraud and by the reluctance of our government to protect the Social Security system and to defend those borders.

There are sites that are located throughout the Southwest. They are called pick-up sites. They are just places where massive numbers of people have come through the border, walked into the United States, and gathered at certain places near a road, sometimes a highway but more often than not just a dirt road, because at a point in time a truck will come and pick them up and take them into the interior.

Sometimes these places are mammoth. They are 50 or 100 acres of accumulated trash, where literally thousands of people have accumulated on ranchlands, pristine desert environments. They have become essentially trash dumps. They have ruined the land. They have destroyed the property. They are places of enormous amounts of trash, paper, plastic, human waste; because everybody has to discard everything, their coats, backpacks and everything when they get onto these trucks in order to make more room to get more people packed into them.

They are told by the ''coyote,'' people bringing them across, they have to discard everything, and they do. They throw everything down, and there are all kinds of pharmaceutical drugs, health care products, just tons of trash.

By the way, where is the Sierra Club? This is an environmental disaster. It is all over. I am not talking about one little thing here. This is all over the country. The Organ Pipe Cactus National Monument, I call it the Organ Pipe Cactus National Dump because of what has happened there.

The fact is, we were walking through one of these places 2 or 3 weeks ago. I was with several other Members of Congress and with a group of people from the area who live in that area, some of the ranchers down around Douglas. They took us to one of these pick-up sites on one rancher's land. His cattle cannot drink the water anymore. The water has been polluted by human waste that has drained into their system. Cattle eat the plastic bags and die.

All their fences are torn down constantly. So many people have gone across the land, they have created paths that will never, ever, or for a hundred years, if they are left in pristine condition, from now on it would take 100 years to get the land back to where it was. There are car tracks all over the place.

Again, the Sierra Club does not say a word about it. Imagine if this would happen anywhere else. Imagine if that would not be done by illegal immigrants into the United States, imagine what the environmental community would do about these kinds of things. They would go ballistic. We do not hear a word about it from them down there.

At any rate, we were walking through one of these pick-up sites. I looked down, and there is a tax form. It struck me because, of course, along with all this trash it was a strange place to have a U.S. revenue, Department of Revenue tax form, IRS form.

I picked it up. It was for a gentleman, a Mr. Delgado. At any rate, he had filled this out using, if I remember correctly, an ID number that the IRS will give you simply by asking for one. You can have a taxpayer ID number. You fill it out with that. He claimed that he made $9,000 some last year and paid about $1,800 in taxes and claimed about a $2,700 Earned Income Tax Credit. So when they do come and they do in fact pay taxes, believe me, we are not getting the benefit of those tax dollars. They actually become a responsibility, a social service responsibility through the Tax Code.

We have had estimates of literally hundreds of millions of dollars in fraud going to people in this particular one program, the Earned Income Tax Credit program. But this I could not even say would be fraudulent, because I think the fellow did what he was supposed to do: He got a tax ID number.

The fact that he was in the country illegally, the IRS does not care about that. They do not check it. They do not know. They do not care. They will send a check. The Social Security system will send a check. All one has to do is have a mailing address inside the United States. Go to San Luis, get a box. Go to any town along that border. They do. They come across.

They were interviewing them on television, all these people the first of the month coming across from Mexico. They were interviewing them and saying, do you not know this is illegal, that you should not be doing it? And they say, yes, but as long as you are going to hand out the dough, are we not going to take it?

We cannot argue the logic. But do not tell me that immigration and porous borders, that these things do not have an impact on a wide variety of activities in the United States. Do not tell me it does not have an impact far beyond such those borders. These people are receiving the brunt of it now, but I assure the Members, it moves northward. All of us pay the price. Our social security system is jeopardized, our health care system is jeopardized, our welfare system is overtaxed.

Immigration is something this Nation has thrived on since its existence, of course. Everybody here is an immigrant or a son or a grandson or a great grandson, as far as we want to go, a granddaughter of an immigrant. I do not care if people call themselves Native Americans, but if we go back far enough, their people came across a land bridge from Asia.

There was no one here. There is no indigenous population, at least that we can identify, so everyone, everyone in this country is an immigrant by background. That is great. However, that is totally irrelevant as to what we should be doing now about immigration.

As I said earlier, when my grandparents came, they did not have TANF programs, they did not have Earned Income Tax Credit, they had no social service benefits. You worked or you starved. That was it.

Now, we can debate whether we are attracting people just for the benefits. Certainly, it is an attraction when we consider the fact that our benefits are certainly relatively rich, considering the benefits that would be available to them in their country of origin, especially Mexico. It does impact America, and this is an issue with which we must deal.

I talked about the issue of border security and national security last time. I talked about the fact that, because we have porous borders, our Nation is more at risk than it would otherwise be, especially in this time, a time of war. That is only one part of the picture. It is a very significant part, it is a scary part, but it is only one part.

We talked about social services tonight. We talked about the environment, the impact on the environment. We talked about drugs, about a variety of other things that are attributable to massive immigration, legal and illegal, and do in fact matter. Mr. Speaker, I believe they matter to a majority of the people in this country.

I do not think that there is a bigger divide between what the people of this country want and what this government is willing to give them other than the area of immigration, immigration reform. Poll after poll after poll says that the people of this country want reform of this program. They want to reduce immigration to a manageable level.

I have a bill to reduce immigration to 300,000 people a year down from the present a little over 1 million people a year. I think that is a goal that we could achieve. I think we can still benefit by the diversity and the value, the added value that immigration can bring to the country, but we can begin to operate our social services system and we can begin to recover if we reduce the number of illegal immigrants coming into the country by securing our borders and reducing legal immigration, at least for 5 years while we try to catch our breath.

## 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. CARDOZA) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mr. SIMPSON) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, today.

Mr. KING of Iowa, for 5 minutes, April 1.

## ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Monday, March 31, 2003, at 12:30 p.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1484. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification with respect to a proposed Letter of Offer and Acceptance (LOA) to sell defense articles and services, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1485. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1486. A letter from the Secretary, Department of Commerce, transmitting the annual report for FY 2002 of the Department's Bureau of Industry and Security; to the Committee on International Relations.

1487. A letter from the Chairman, Broadcasting Board Of Governors, transmitting the Annual Program Performance Report on the FY 2002 Performance Plan; to the Committee on Government Reform.

1488. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's FY 2002 Performance and Accountability Report; to the Committee on Government Reform.

1489. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Commission's FY 2002 Annual Program Performance Report; to the Committee on Government Reform.

1490. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's FY 2002 Performance Report; to the Committee on Government Reform.

1491. A letter from the Manager, Benefits Communications, U.S. AgBank, FCB, transmitting an annual report for the plan year ended December 31, 2001; to the Committee on Government Reform.

1492. A letter from the Under Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration, transmitting the annual report of the Coastal Zone Management Fund for the National Oceanic and Atmospheric Administration for fiscal year 2002, pursuant to 16 U.S.C. 1456a(b)(3); to the Committee on Resources.

1493. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Civil Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108—56); to the Committee on the Judiciary and ordered to be printed.

1494. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Evidence that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108—57); to the Committee on the Judiciary and ordered to be printed.

1495. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2075; (H. Doc. No. 108—58); to the Committee on the Judiciary and ordered to be printed.

1496. A letter from the Chief Justice, Supreme Court of the United States, transmitting amendments to the Federal Rules of Appellate Procedure that have been adopted by the Court, pursuant to 28 U.S.C. 2072; (H. Doc. No. 108—59); to the Committee on the Judiciary and ordered to be printed.

1497. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Herington, KS [Docket No. FAA-2003-14457; Airspace Docket No. 03-ACE-10] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1498. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Cherokee, IA [Docket No. FAA-2003-14429; Airspace Docket No. 03-ACE-9] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1499. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Larned, KS

[Docket No. FAA-2003-14458; Airspace Docket No. 03-ACE-11] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1500. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Realignment of Federal Airways V-72 and V-289; MO [Docket No. FAA-2002-13413; Airspace Docket No. 02-ACE-6] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1501. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace and Modification of Existing Class E5 Airspace; Ainsworth, NE; Correction [Airspace Docket No. 02-ACE-8] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1502. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E5 Airspace; Memphis, TN [Docket No. FAA-2002-13946; Airspace Docket No. 02-ASO-29] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1503. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MORAVAN a.s. Model Z-242L Airplanes [Docket No. 2000-CE-05-AD; Amendment 39-13037; AD 2003-03-13] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1504. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Aircraft Equipped With Honeywell Primus II RNZ-850/-851 Integrated Navigation Units [Docket No. 2003-NM-41-AD; Amendment 39-13054; AD 2003-04-06] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1505. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA — Groupe AEROSPATIALE Models TB 9, TB 10, TB 20, TB 21, and TB 200 Airplanes [Docket No. 2002-CE-43-AD; Amendment 39-13051; AD 2003-04-03] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1506. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. 2002-CE-04-AD; Amendment 39-13050; AD 2003-04-02] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1507. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department'sfinal rule — Airworthiness Directives; British Aerospace Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. 2002-CE-14-AD; Amendment 39-13055; AD 2003-04-07] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1508. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-47-AD; Amendment 39-13056; AD 2003-04-08] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1509. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Model R44 Helicopters [Docket No. 2001-SW-45-AD; Amendment 39-13053; AD 2003-04-05] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1510. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters [Docket No. 2001-SW-44-AD; Amendment 39-13052; AD 2003-04-04] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1511. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propellers Inc., Model HD-E6C-3B/E13890K Propellers [Docket No. 2000-NE-45-AD; Amendment 39-13049; AD 2003-04-01] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1512. 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-240-AD; Amendment 39-13047; AD 2003-03-22] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1513. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-46-AD; Amendment 39-13038; AD 2003-03-14] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1514. 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-140-AD; Amendment 39-13042; AD 2003-03-17] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1515. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc., Model HC-C2YR-4CF Propellers [Docket No. 2001-NE-48-AD; Amendment 39-13045; AD 2003-03-20] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1516. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International, Inc., (formerly AlliedSignal, Inc. and Textron Lycoming) ALF502L-2, ALF502L-2C, ALF502R-3 and ALF502R-3A Series Turbofan Engines [Docket No. 2002-NE-34-AD; Amendment 39-13017; AD 2003-02-01] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1517. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Model Hawker 800XP Airplanes [Docket No. 2001-NM-315-AD; Amendment 39-13011; AD 2002-26-22] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1518. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 Series Airplanes Modified by Supplemental Type Certificate STO1869AT-D [Docket No. 2002-NM-56-AD; Amendment 39-13002; AD 2002-26-14] received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1519. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-50 and CF6-80C2 Turbofan Engines [Docket No. 2001-NE-19-AD; Amendment 39-13024; AD 2003-02-07] (RIN: 2120-AA64) received March 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1520. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Security Requirements for Offerors and Transporters of Hazardous Materials [Docket No. RSPA-02-12064 (HM-232)] (RIN: 2137-AD67) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1521. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 179.2 to 180.0, St. Louis, Missouri [COTP St. Louis, MO-02-010] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1522. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Tampa Bay, Florida [COTP TAMPA 02-064] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1523. A letter from the Chief,Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Amtrak Railroad Bridge — Susquehanna River — Harford County, MD [CGD05-02-073] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1524. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Miles 120.5 to 122.5, Above Head of Passes, Luling, Louisiana [COTP New Orleans-02-016] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1525. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Anchorage Grounds and Safety Zone; Delaware Bay and River [CGD05-02-066] (RIN: 2115-AA97 and 2115-AA98) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1526. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Casino

Magic Marina, Bay St. Louis, Mississippi [COTP New Orleans-02-015] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1527. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Captain of the Port Detroit Zone, Detroit Ambassador Bridge [CGD09-02-516] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1528. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security zone; Cruise ship, Resurrection Bay, Alaska [COTP Western Alaska 02-012] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1529. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All water within 100 ft of the M/V REGAL PRINCESS while transiting Apra Harbor and while moored at F-1 and F-4 Wharfs, Port Authority of Guam, Territory of Guam [COTP GUAM 02-015] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1530. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Wings Over the Lake Air Show, Michigan City, IN [CGD09-02-051] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1531. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Upper Mississippi River, Mile 179.2 to 180.0, St. Louis, Missouri [COTP St. Louis, MO-02-009] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1532. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Security zone; Ferry vessel, Resurrection Bay, Alaska [COTP Western Alaska 02-011] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1533. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Atlantic Ocean, Daytona Beach, FL [COTP Jacksonville 02-080] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1534. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Ellis and Liberty Islands, New York/New Jersey [CGD01-02-111] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1535. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Port of New York/New Jersey [CGD01-02-109] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1536. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zonel; Apra Harbor, Guam (Hotel Wharf) [COTP Guam 02-017] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Severn River and Spa Creek, Annapolis, Maryland [CGD05-02-070] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Moving Safety Zone; Lake Erie, Buffalo, NY [CGD09-02-507] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1539. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Apra Harbor, Guam (F-1 Wharf) [COTP GUAM 02-019] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1540. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone, Piankatank River, Hills Bay, Mathews, Virginia [CGD05-02-046] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1541. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Captain of the Port Detroit Zone, Detroit Renaissance Waterfront Area [CGD09-02-517] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1542. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Yazoo Diversion Canal, Vicksburg, Mississippi [COTP New Orleans-02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1543. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Grand River, Grand Haven, MI [CGD09-02-074] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1544. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone Regulations; Atlantic Ocean, Cocoa Beach, FL [COTP Jacksonville 02-093] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1545. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zones; Sail for America and Around Alone Race, Port of New York/New Jersey [CGD01-02-106] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1546. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Fireworks Display for Hammond Marina, Hammond, IN [CGD09-02-075] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1547. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Presidential Visit, Prouts Neck, Scarborough, ME [CGD01-02-098] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1548. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Illinois River, Mile Mark 157.6 to 166.6, Peoria, Illinois [COTP St. Louis-02-007] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1549. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security zone; Coast Guard Vessel, Resurrection Bay, Alaska [COTP Western Alaska 02-009] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1550. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule — Safety Zone; Poker Run, Lake Michigan, Hammond, IN [CGD09-02-052] (RIN; 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1551. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Portland International Airport [CGD13-02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1552. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety Zone; Missouri River, Mile Mark 29.0 to 27.5, St. Charles, Missouri [COTP St. Louis -02-008] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1553. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, Virginia [CGD05-02-077] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1554. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone Regulations, Motor Vessel JOINT VENTURE, Puget Sound, Washington [CGD13-02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1555. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Boundary Channel Lagoon — Potomac River — Washington, D.C. [CGD05-02-074] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1556. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All waters within 100 ft of the M/V FUJI MARU while transiting the harbor and while moored at Charlie Dock, Commonwealth Port Authority, Saipan (CNMI) [COTP GUAM 02-014] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1557. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone: All waters within 100 ft of the M/V REGAL PRINCESS while transiting the harbor and while moored at Charlie Dock, Commonwealth Port Authority, Saipan (CNMI) [COTP GUAM 02-013] (RIN: 2115-AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1558. A letter from the Chairman, Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction, transmitting the Panel's fourth annual report entitled, ''Implementing the National Strategy''; jointly to the Committees on Armed Services and Transportation and Infrastructure.

1559. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to section 7(a) of the Jerusalem Embassy Act of 1995, pursuant to Public Law 104—45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 735. A bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes; with an amendment (Rept. 108–49). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 522. A bill to reform the Federal deposit insurance system, and for other purposes; with an amendment (Rept. 108–50). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 21. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes (Rept. 108–51 Pt. 1). Ordered to be printed.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TERRY (for himself and Mr. DOYLE):

H.R. 1458. A bill to authorize the Secretary of Energy to establish an Advanced Technology Incentives Program to fund the development and deployment of new advanced technologies such as fuel cells, turbines, hybrid, and storage system power technologies; to the Committee on Science.

By Mr. WELLER (for himself, Mr. CARDIN, and Mr. FOLEY):

H.R. 1459. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for making energy efficiency improvements to existing homes and for constructing new energy efficient homes; to the Committee on Ways and Means.

By Mr. RENZI (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. BEAUPREZ, and Mr. MICHAUD):

H.R. 1460. A bill to amend title 38, United States Code, to permit the use of education benefits under such title for certain entrepreneurship courses, to permit veterans enrolled in a vocational rehabilitation program under chapter 31 of such title to have self-employment as a vocational goal, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Small Business, 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. BOEHLERT (for himself and Mr. UDALL of Colorado):

H.R. 1461. A bill to provide for the establishment by the Secretary of Energy of a pilot program and a development and demonstration program for clean fuel school buses, and for other purposes; to the Committee on Science.

By Mr. LANTOS (for himself, Mr. WOLF, Mr. BROWN of Ohio, Mr. SMITH of New Jersey, Mr. EVANS, Mr. PAYNE, Mr. PITTS, Mr. BERMAN, Mr. QUINN, Mr. WEXLER, Mr. CASE, Mr. CROWLEY, Mr. MCDERMOTT, Ms. WOOLSEY, Mr. BLUMENAUER, Mr. SERRANO, Mr. ACKERMAN, Mr. SCHIFF, Mr. OLVER, Mr. HOEFFEL, Ms. MCCOLLUM, and Mr. LANGEVIN):

H.R. 1462. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of warfare and civil strife, and for other purposes; to the Committee on International Relations.

By Mr. BURR (for himself, Mr. TAUZIN, Mr. BILIRAKIS, Mr. UPTON, Mr. NORWOOD, Mr. WHITFIELD, and Mr. PICKERING):

H.R. 1463. A bill to provide benefits for certain individuals with injuries resulting from administration of a smallpox vaccine, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, 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 Mr. BACA (for himself, Mr. GRIJALVA, Mr. PASTOR, Mr. TOWNS, Mr. SERRANO, Mr. REYES, Mr. ACEVEDO-VILA, Ms. NORTON, Mr. RYAN of Ohio, Mr. UDALL of Colorado, Mr. CROWLEY, and Mrs. JONES of Ohio):

H.R. 1464. A bill to enhance the security and efficiency of the immigration, refugee and asylum, and naturalization functions of the United States Government; to the Committee on the Judiciary.

By Mr. BALLENGER (for himself, Mr. BURR, Mr. JONES of North Carolina, Mr. HAYES, Mrs. MYRICK, Mr. MCINTYRE, Mr. BALLANCE, Mr. MILLER of North Carolina, Mr. WATT, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. COBLE, and Mr. TAYLOR of North Carolina):

H.R. 1465. A bill to designate the facility of the United States Postal Service located at 4832 East Highway 27 in Iron Station, North Carolina, as the ''General Charles Gabriel Post Office''; to the Committee on Government Reform.

By Mr. CAPUANO (for himself, Mr. JONES of North Carolina, Mr. EVANS, Ms. LEE, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mrs. MCCARTHY of New York, Mr. RYAN of Ohio, Mrs. JONES of Ohio, Mr. OLVER, and Mr. MARKEY):

H.R. 1466. A bill to amend the Internal Revenue Code of 1986 to reduce the health insurance costs for family coverage of military reservists called to active duty; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 1467. A bill to amend title 49, United States Code, to impose a 2-year moratorium on the imposition of passenger and air carrier security fees, to reimburse the airline industry for homeland security costs, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COLLINS:

H.R. 1468. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of natural gas pipelines, equipment, and infrastructure assets to be 10-year property; to the Committee on Ways and Means.

By Mrs. DAVIS of California:

H.R. 1469. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans permit enrollees direct access to services of obstetrical and gynecological physician services directly and without a referral; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and 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 Ms. DELAURO (for herself, Mr. LEACH, Mr. DOYLE, Mr. KILDEE, Mr. MEEHAN, Mr. CROWLEY, Mr. LANTOS, Mr. GRIJALVA, Mr. CONYERS, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. ETHERIDGE, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. MENENDEZ, Mrs. LOWEY, Mr. FROST, Mr. UDALL of New Mexico, Mr. SERRANO, Mr. MCNULTY, Mr. GREEN of Texas, Mr. KENNEDY of Rhode Island, Mr. OWENS, Ms. LINDA T. SANCHEZ of California, Mr. SCHIFF, Mr. MICHAUD, Mr. NADLER, Ms. WOOLSEY, Mr. STARK, Mr. DAVIS of Tennessee, Mr. STRICKLAND, Mr. LARSEN of Washington, Mr. INSLEE, Mr. BOSWELL, Mr. BERMAN, Mr. EMANUEL, Mr. MORAN of Virginia, Mrs. MALONEY, Mrs. CAPPS, and Ms. MCCOLLUM):

H.R. 1470. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Energy and Commerce.

By Mr. ENGEL:

H.R. 1471. A bill to amend the Safe Drinking Water Act to allow public water systems to avoid filtration requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GALLEGLY (for himself and Mr. MORAN of Virginia):

H.R. 1472. A bill to require the adoption and enforcement of regulations to prohibit the intentional feeding of bears on Federal public lands in order to end the hunting practice known as ''bear baiting'' and reduce the number of dangerous interactions between people and bears; to the Committee on Resources.

By Mr. GUTIERREZ:

H.R. 1473. A bill to amend the Fair Credit Reporting Act to provide disclosures of credit-based insurance scoring information by insurers and credit reporting agencies, and for

other purposes; to the Committee on Financial Services.

By Ms. HART (for herself, Mr. FORD, Mr. FERGUSON, Mr. OXLEY, Mr. BACHUS, Mr. CROWLEY, Mr. JONES of North Carolina, Mr. ROYCE, Mrs. KELLY, Mr. TOOMEY, Mr. GILLMOR, Mr. HINOJOSA, Mr. LUCAS of Kentucky, Mr. ROSS, Mrs. MCCARTHY of New York, Mr. MCINTYRE, Ms. NORTON, and Mr. BOSWELL):

H.R. 1474. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes; to the Committee on Financial Services.

By Mr. HAYWORTH:

H.R. 1475. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to include private firefighters and rescue squad and ambulance crew members for certain benefits; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 1476. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Colorado Springs, Colorado, metropolitan area; to the Committee on Veterans' Affairs, 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. HINCHEY (for himself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BRADY of Pennsylvania, Mr. CONYERS, Mr. TOM DAVIS of Virginia, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GUTIERREZ, Ms. NORTON, Mr. KILDEE, Mr. KUCINICH, Ms. LEE, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. ROHRABACHER, Mr. ROYCE, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SERRANO, Mr. SHERMAN, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mr. WAXMAN, and Mr. WEXLER):

H.R. 1477. A bill to amend title XVIII of the Social Security Act to provide for coverage of qualified acupuncturist services under part B of the Medicare Program, and to amend title 5, United States Code, to provide for coverage of such services under the Federal Employees Health Benefits Program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL (for himself, Mr. WALDEN of Oregon, Mr. ROSS, Mr. TIBERI, Mr. BARTLETT of Maryland, Mr. BERRY, Ms. BALDWIN, Mrs. MCCARTHY of New York, Mr. MOORE, Mr. TAYLOR of North Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. BOUCHER, Mr. MCNULTY, and Mr. HALL):

H.R. 1478. A bill to provide that private land use rules be treated as State or local regulation for purposes of certain Federal Communications Commission regulations; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. JEFFERSON, Mr. CANTOR, Mr. TAYLOR of Mississippi, and Mr. WICKER):

H.R. 1479. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Mr. TIBERI, Ms. LEE, Mr. BLUMENAUER, Mr. ANDREWS, Mr. FATTAH, Ms. CARSON of Indiana, Mr. CLYBURN, Mr. BASS, Ms. CORRINE BROWN of Florida, Mr. HINOJOSA, Mr. LAMPSON, Mr. MEEKS of New York, Mr. DINGELL, Mr. DAVIS of Alabama, Ms. KAPTUR, Mr. KILDEE, Mr. RUSH, and Mr. WYNN):

H.R. 1480. A bill to increase the expertise and capacity of community-based organizations involved in economic development activities and key community development programs; to the Committee on Financial Services.

By Ms. LOFGREN:

H.R. 1481. A bill to extend the moratorium enacted by the Internet Tax Freedom Act; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself and Mr. ROHRABACHER):

H.R. 1482. A bill to authorize assistance for women and girls in Afghanistan, and for other purposes; to the Committee on International Relations.

By Mr. MCDERMOTT (for himself, Mr. RANGEL, Mr. MARKEY, Mr. CONYERS, Mrs. JONES of Ohio, Ms. LEE, and Ms. BALDWIN):

H.R. 1483. A bill to require certain studies regarding the health effects of exposure to depleted uranium munitions, to require the cleanup and mitigation of depleted uranium contamination at sites of depleted uranium munition use and production in the United States, and for other purposes; to the Committee on Energy and Commerce, 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. MCINNIS:

H.R. 1484. A bill to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes; to the Committee on Energy and Commerce, 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 Ms. MILLENDER-MCDONALD:

H.R. 1485. A bill to provide additional appropriations for the fiscal year 2003 for the MTCT-Plus Initiative at Columbia University's Mailman School of Public Health; to the Committee on Appropriations.

By Ms. MILLENDER-MCDONALD (for herself, Mr. CASE, Ms. WATSON, Mr. ABERCROMBIE, Mr. FROST, Ms. BORDALLO, Ms. NORTON, and Mr. FALEOMAVAEGA):

H.R. 1486. A bill to direct the Secretary of Education to conduct a study of the rate at which Native Americans and students who reside in American Samoa, the Northern Mariana Islands, and Guam drop out of secondary schools in the United States, and for other purposes; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD (for herself, Mr. CASE, Ms. WATSON, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mr. FRANK of Massachusetts, Mr. OWENS, and Mr. KUCINICH):

H.R. 1487. A bill to direct the Equal Employment Opportunity Commission to prepare a report about how the Fair Labor Standards Act of 1938 has been used by public and private sector employers to foster or exacerbate pay inequity; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD (for herself and Mr. ANDREWS):

H.R. 1488. A bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mrs. MUSGRAVE:

H.R. 1489. A bill to provide for parental notification and intervention in the case of a minor seeking an abortion; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 1490. A bill to repeal the per-State limitation applicable to grants made by the National Endowment for the Arts from funds made available for fiscal year 2003; to the Committee on Education and the Workforce.

By Mr. OBERSTAR (for himself, Ms. NORTON, Mr. HONDA, Mr. BLUMENAUER, Mr. PASCRELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. NADLER, Mr. HOLDEN, Ms. BERKLEY, Mr. DEFAZIO, Mr. HOEFFEL, Ms. MILLENDER-MCDONALD, Mr. MICHAUD, Mr. MATHESON, Mr. RAHALL, Mr. DAVIS of Tennessee, Mr. BISHOP of New York, and Mr. CAPUANO):

H.R. 1491. A bill to authorize programs and activities to improve energy use related to transportation and infrastructure facilities; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, Ways and Means, Resources, International Relations, and 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. OSE (for himself, Mr. GONZALEZ, Mr. PAUL, Mr. GUTIERREZ, Mr. LATOURETTE, Mr. KANJORSKI, and Mr. SHERMAN):

H.R. 1492. A bill to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order and check cashing services; to the Committee on Financial Services.

By Mr. OSE (for himself, Mr. WAXMAN, Mr. BURTON of Indiana, Mr. CLAY, Mr. LATOURETTE, Mr. LYNCH, Mr. PAUL, and Ms. WATSON):

H.R. 1493. A bill to revoke an Executive Order relating to procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Government Reform.

By Mr. OTTER (for himself and Mr. SIMPSON):

H.R. 1494. A bill to provide for certain deposits and countervailing duties to be imposed on imports of dynamic random access memory (DRAM) semiconductors produced by Hynix Semiconductor if certain affirmative determinations are made under subtitle A of title VII of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 1495. A bill to amend the Federal Food, Drug, and Cosmetic Act to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented; to the Committee on Energy and Commerce.

By Mr. PALLONE:

H.R. 1496. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption which are regulated by the Food and Drug Administration; to the Committee on Energy and Commerce.

By Mr. POMBO:

H.R. 1497. A bill to reauthorize title I of the Sikes Act; to the Committee on Resources, 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. RAMSTAD (for himself, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. HERGER, Mr. CAMP, Mr. SAM JOHNSON of Texas, Mr. ENGLISH, Mr. WELLER, Mr. MCINNIS, Mr. FOLEY, Mr. BRADY of Texas, and Mr. COX):

H.R. 1498. A bill to amend the Internal Revenue Code of 1986 to provide that the tax on recognized built-in gain of an S corporation shall not apply to amounts reinvested in the business; to the Committee on Ways and Means.

By Mr. ROSS:

H.R. 1499. A bill to require health insurance coverage for certain reconstructive surgery; 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. SMITH of Washington (for himself, Mr. EVANS, and Mr. MICHAUD):

H.R. 1500. A bill to amend title 38, United States Code, to authorize veterans to select the appraiser for housing loans for which they apply that are to be guaranteed by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of California (for himself and Ms. SOLIS):

H.R. 1501. A bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Resources.

By Mr. TIERNEY (for himself, Mr. LATOURETTE, Mr. GEORGE MILLER of California, Ms. LEE, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Mr. SIMMONS, Mr. CASE, Mr. MCDERMOTT, Mr. FROST, Mrs. MALONEY, Mr. GILLMOR, Mr. KUCINICH, Mr. WAXMAN, Mr. CLYBURN, Mr. GRIJALVA, Mr. REGULA, Mr. NADLER, Mr. CUMMINGS, Mr. NEAL of Massachusetts, and Mr. JACKSON of Illinois):

H.R. 1502. A bill to amend the Individuals with Disabilities Education Act to provide that certain funds treated as local funds under that Act shall be used to provide additional funding for programs under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 1503. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Education and the Workforce.

By Mr. VITTER:

H.R. 1504. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. WATT (for himself, Mr. TAYLOR of North Carolina, Mr. BALLANCE, Mr. ETHERIDGE, Mr. HAYES, Mr. PRICE of North Carolina, Mrs. MYRICK, Mr. BURR, Mr. COBLE, Mr. BALLENGER, Mr. MCINTYRE, Mr. MILLER of North Carolina, and Mr. JONES of North Carolina):

H.R. 1505. A bill to designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the ''Jim Richardson Post Office''; to the Committee on Government Reform.

By Mr. DEFAZIO (for himself, Ms. HOOLEY of Oregon, Mr. BLUMENAUER, Mr. WU, and Mr. WALDEN of Oregon):

H. Con. Res. 124. Concurrent resolution expressing the sense of the Congress regarding semiconductor trade between the United States and the Republic of Korea and the need to assure that trade actions by the United States do not result in geopolitical tensions or the loss of United States jobs, and calling on the executive branch to recognize Korean economic reforms and the United States-Korea strategic relationship in dealing with semiconductor trade issues; to the Committee on Ways and Means.

By Mr. DEUTSCH (for himself and Mr. DAVIS of Florida):

H. Con. Res. 125. Concurrent resolution expressing the sense of Congress regarding the arrests of Cuban democracy activists by the Cuban Government; to the Committee on International Relations.

By Mr. ENGLISH (for himself, Mr. MCINNIS, Mr. PETERSON of Pennsylvania, Mr. CANNON, Mr. SIMPSON, and Mr. OTTER):

H. Con. Res. 126. Concurrent resolution expressing the sense of the Congress regarding the Earth Liberation Front and ecological terrorism; to the Committee on the Judiciary.

By Mr. FILNER:

H. Con. Res. 127. Concurrent resolution declaring that the provision of humanitarian assistance, including United States agricultural products, for Iraq is in the national security interest of the United States; to the Committee on International Relations, 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. LATOURETTE (for himself and Ms. NORTON):

H. Con. Res. 128. Concurrent resolution authorizing the use of the Capitol Grounds for the D.C. Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Mr. VITTER:

H. Con. Res. 129. Concurrent resolution expressing appreciation for the longstanding support and friendship of the people and Government of the United Kingdom; to the Committee on International Relations.

By Mr. BEREUTER (for himself, Mr. BILIRAKIS, Mrs. MALONEY, Mr. DREIER, Mr. ENGEL, Mr. ACKERMAN, Mr. CROWLEY, Ms. LEE, Mr. BLUMENAUER, Mr. PALLONE, Mr. MEEHAN, Mr. MCGOVERN, Mr. ANDREWS, Mr. FILNER, Ms. ROS-LEHTINEN, Mr. SHERMAN, Mrs. JO ANN DAVIS of Virginia, and Mr. MENENDEZ):

H. Res. 165. A resolution expressing support for a renewed effort to find a peaceful, just, and lasting settlement to the Cyprus problem; to the Committee on International Relations.

By Mr. GREEN of Wisconsin:

H. Res. 166. A resolution commending the people of the Republic of Kenya for conducting free and fair elections, for the peaceful and orderly transfer of power in their government, and for the continued success of democracy in their nation since that transition; to the Committee on International Relations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mr. ACEVEDO-VILA:

H.R. 1506. A bill for the relief of Laura Maldonado Caetani; to the Committee on the Judiciary.

By Mr. GARRETT of New Jersey:

H.R. 1507. A bill to waive the time limitation specified by law for the award of certain military decorations in order to allow the award of the Congressional Medal of Honor to Steve Piniaha of Sparta, New Jersey, for acts of valor while a member of the Army during World War II; to the Committee on Armed Services.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. CASE, Ms. SOLIS, Mr. MOORE, Ms. DEGETTE, Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BERMAN.

H.R. 22: Mr. MARIO DIAZ-BALART of Florida.

H.R. 34: Mr. LYNCH, Mr. WILSON of South Carolina, Mr. UPTON, Mr. LATHAM, Mr. BROWN of Ohio, Mr. FROST, Mr. GONZALEZ, Mr. SMITH of Michigan, Mr. DELAHUNT, and Mr. SPRATT.

H.R. 36: Ms. BERKLEY.

H.R. 63: Mr. KANJORSKI.

H.R. 97: Mr. ISRAEL, Mrs. BONO, and Mr. KANJORSKI.

H.R. 100: Mr. BROWN of South Carolina.

H.R. 132: Mr. WYNN, Mrs. JONES of Ohio, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. MCGOVERN, Mr. OWENS, Ms. CARSON of Indiana, and Mr. JACKSON of Illinois.

H.R. 135: Mr. MARSHALL.

H.R. 141: Mr. SCOTT of Georgia.

H.R. 168: Mr. NEAL of Massachusetts.

H.R. 173: Ms. BERKLEY, Mr. FILNER, Mr. THOMPSON of California, Mr. FALEOMAVAEGA, Mr. COOPER, Mr. CUMMINGS, Mr. BOSWELL, Mr. LEACH, Mr. NEY, Mrs. NORTHUP, and Ms. DUNN.

H.R. 198: Mr. BARTON of Texas.

H.R. 218: Mr. BOUCHER and Mr. OXLEY.

H.R. 284: Mr. SHAW, Mr. CRENSHAW, Mr. SCOTT of Virginia, Mr. SANDLIN, Mr. LEVIN, Mrs. EMERSON, and Mr. GERLACH.

H.R. 286: Mr. KIRK.

H.R. 290: Mr. GOODLATTE and Mr. NETHERCUTT.

H.R. 303: Mr. ACEVEDO-VILA, Mr. PETRI, Mr. WICKER, Mrs. NORTHUP, Mr. HAYWORTH, Ms. MILLENDER-MCDONALD, Mr. HINCHEY, Mr. KOLBE, Mr. PICKERING, and Mr. COSTELLO.

H.R. 306: Mr. STENHOLM and Mrs. BONO.

H.R. 308: Mr. COSTELLO.

H.R. 328: Mr. DEAL of Georgia, Mr. SCHROCK, Mr. JEFFERSON, and Ms. BORDALLO.

H.R. 348: Mr. TERRY.

H.R. 378: Mr. HOSTETTLER.

H.R. 412: Mr. BECERRA.

H.R. 463: Mr. HERGER.

H.R. 548: Mr. BURNS, Ms. DELAURO, Mr. DAVIS of Tennessee, Mr. BISHOP of New York,

Mr. HOEFFEL, Mr. WICKER, Mr. COLE, Mr. MOORE, Mr. NEAL of Massachusetts, Mr. PETERSON of Minnesota, Ms. VELAZQUEZ, Ms. WATERS, Ms. WATSON, Mr. BOSWELL, and Mr. CRANE.

H.R. 578: Mr. BECERRA.

H.R. 583: Mr. DAVIS of Illinois, Mrs. NORTHUP, Mrs. JO ANN DAVIS of Virginia, Mr. RAMSTAD, Mr. GOODLATTE, Mr. DOOLEY of California, Mr. WALDEN of Oregon, Mr. SULLIVAN, and Mr. HOEFFEL.

H.R. 584: Mr. EHLERS, Mr. UPTON, and Mr. LIPINSKI.

H.R. 611: Mr. TERRY.

H.R. 613: Mr. DAVIS of Tennessee.

H.R. 623: Mr. FORD.

H.R. 644: Mrs. CAPPS.

H.R. 660: Mr. BROWN of South Carolina, Mr. CANTOR, and Mr. SHAW.

H.R. 678: Mr. TAYLOR of Mississippi.

H.R. 684: Mr. PICKERING, Mr. CANTOR, and Mr. SMITH of Michigan.

H.R. 687: Mr. GOODE.

H.R. 692: Mr. JACKSON of Illinois.

H.R. 714: Mr. FROST and Mr. GOODE.

H.R. 732: Mr. TANCREDO, Mr. CAMP, and Mr. SPRATT.

H.R. 735: Mr. GOODE, Mr. MICHAUD, and Mr. PENCE.

H.R. 737: Mr. DAVIS of Florida.

H.R. 756: Mr. PUTNAM.

H.R. 766: Mr. JOHNSON of Illinois, Mr. BURGESS, Mr. LATHAM, and Mr. GREEN of Texas.

H.R. 767: Mr. CULBERSON, Mr. JONES of North Carolina, and Mr. WILSON of South Carolina.

H.R. 768: Mr. MICHAUD, Mr. RAHALL, Mr. CONYERS, and Mr. LEWIS of California.

H.R. 770: Mr. DOYLE.

H.R. 771: Mrs. KELLY and Mr. BURR.

H.R. 798: Mr. MARIO DIAZ-BALART of Florida and Mrs. MUSGRAVE.

H.R. 803: Mr. BERRY.

H.R. 804: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 806: Mr. RAMSTAD, Mr. FRELINGHUYSEN, Mrs. BONO, Mr. SANDERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BERMAN.

H.R. 813: Ms. JACKSON-LEE of Texas.

H.R. 814: Mr. SMITH of Washington, Mr. BERRY, Mr. BLUMENAUER, Mr. MARKEY, Mrs. MALONEY, Mr. ENGLISH, Ms. JACKSON-LEE of Texas, Mr. BACA, Mr. CASE, Mrs. KELLY, Mr. SHERMAN, Mr. BASS, Ms. DEGETTE, Mr. NADLER, Ms. MCCOLLUM, and Mr. WHITFIELD.

H.R. 816: Ms. LOFGREN.

H.R. 823: Mr. HOLT, Mr. BOSWELL, Mr. DAVIS of Tennessee, Mr. GORDON, and Mr. WEXLER.

H.R. 834: Mr. TIAHRT, Mr. FORD, Mrs. EMERSON, Mr. HULSHOF, and Mr. BARTLETT of Maryland.

H.R. 837: Mr. LEACH, Mr. KING of Iowa, Mr. JANKLOW, Mr. WELLER, and Mr. LATHAM.

H.R. 839: Mr. ROSS, Mr. DAVIS of Tennessee, Mr. BOSWELL, Mr. SHAW, and Mr. PRICE of North Carolina.

H.R. 850: Mr. LATOURETTE, Mr. TERRY, Mr. BURR, Mr. GUTKNECHT, Mr. SAXTON, Mr. BONILLA, Mr. SHERWOOD, and Mr. TAUZIN.

H.R. 853: Mr. RYAN of Ohio.

H.R. 857: Mr. TAYLOR of Mississippi.

H.R. 859: Mr. TIAHRT and Mr. UDALL of Colorado.

H.R. 876: Mr. FILNER, Mr. QUINN, Mr. WHITFIELD, and Mr. MILLER of Florida.

H.R. 882: Mr. SOUDER and Mr. SIMMONS.

H.R. 887: Mr. GEORGE MILLER of California, Mr. ANDREWS, Ms. SOLIS, Mr. WOLF, and Mr. SMITH of New Jersey.

H.R. 896: Ms. CARSON of Indiana.

H.R. 898: Mr. YOUNG of Alaska, Mr. SOUDER, Mr. KIND, Mr. CARDOZA, and Mrs. NAPOLITANO.

H.R. 906: Mr. GRAVES and Ms. GINNY BROWN-WAITE of Florida.

H.R. 918: Mr. KILDEE and Mr. RENZI.

H.R. 919: Mrs. CHRISTENSEN, Mr. DOYLE, Mr. LATOURETTE, Mr. PLATTS, and Mr. JACKSON of Illinois.

H.R. 927: Mr. PETERSON of Minnesota, Mr. OTTER, Mr. FOLEY, Mr. WHITFIELD, Mrs. KELLY, Mr. LATOURETTE, and Mr. WALDEN of Oregon.

H.R. 930: Ms. VELAZQUEZ.

H.R. 932: Mr. SPRATT.

H.R. 935: Mr. SABO, Mr. RANGEL, Ms. ESHOO, Mr. WEXLER, and Mr. MCNULTY.

H.R. 937: Mr. COSTELLO and Mr. COLE.

H.R. 941: Mr. KILDEE.

H.R. 953: Mr. JACKSON of Illinois, Mrs. WILSON of New Mexico, and Mr. BOSWELL.

H.R. 955: Mr. PASTOR, Mr. HOLDEN, Mr. OBERSTAR, Mr. MORAN of Kansas, Mr. GILCHREST, Mr. WALSH, Mr. NADLER, Mr. KLECZKA, Mr. DICKS, Mr. ALLEN, Mr. PALLONE, Mr. RANGEL, Mr. INSLEE, Mr. ETHERIDGE, Ms. MCCOLLUM, Mr. MATHESON, Mr. CONYERS, Mr. KLINE, Mr. GORDON, Mr. VAN HOLLEN, Mr. MCNULTY, Mrs. MALONEY, Mr. UPTON, Mr. NEAL of Massachusetts, Mr. RAMSTAD, Mr. ENGEL, Mr. LATHAM, Mr. WALDEN of Oregon, Ms. LOFGREN, Mr. HASTINGS of Washington, Mr. SIMPSON, Mr. MARKEY, Mr. SMITH of Washington, Mr. BERMAN, Ms. DEGETTE, Mr. CLAY, Mr. SESSIONS, Mrs. DAVIS of California, Ms. SCHAKOWSKY, Mr. SIMMONS, and Mr. CASE.

H.R. 962: Mr. FILNER, Ms. SOLIS, Ms. ESHOO, Mr. SHAYS, and Mr. MCNULTY.

H.R. 977: Mr. BISHOP of Utah, Mr. SOUDER, Mr. UDALL of Colorado, and Mr. ROYCE.

H.R. 980: Mr. COX and Mr. ENGLISH.

H.R. 1005: Mr. RENZI.

H.R. 1007: Mr. BISHOP of New York and Mr. FORD.

H.R. 1008: Mr. TIAHRT, Mr. DUNCAN, and Mr. STENHOLM.

H.R. 1029: Mr. UDALL of Colorado.

H.R. 1046: Mr. EVANS, Mr. THOMPSON of California, Mr. INSLEE, Mr. DINGELL, Mr. LUCAS of Kentucky, Mr. HALL, Mr. DEUTSCH, and Ms. CARSON of Indiana.

H.R. 1070: Mr. MORAN of Virginia and Mr. ISAKSON.

H.R. 1972: Mr. NEY.

H.R. 1085: Mr. ROHRABACHER,

H.R. 1115: Mr. EMANUEL.

H.R. 1118: Mr. SHERMAN, Mrs. KELLY, Mr. SHAW, Mr. MARIO DIAZ-BALART of Florida, and Mr. BERRY.

H.R. 1119: Mr. MCDERMOTT, Mr. GARRETT of New Jersey, Mr. CALVERT, Mr. AKIN, and Mr. TOOMEY.

H.R. 1125: Mr. DAVIS of Florida.

H.R. 1126: Mrs. MUSGRAVE.

H.R. 1143: Mr. BRADY of Pennsylvania.

H.R. 1144: Mr. MCINTYRE.

H.R. 1148: Mr. WEINER, Mrs. NAPOLITANO, Ms. WATSON, Ms. LEE, Ms. NORTON, Mr. FROST, Mr. FORD, Mr. BACA, Mr. FRANK of Massachusetts, and Mr. NADLER.

H.R. 1157: Mr. HASTINGS of Florida.

H.R. 1162: Mr. DAVIS of Tennessee and Mr. WYNN.

H.R. 1163: Mr. BURTON of Indiana.

H.R. 1185: Mr. BLUMENAUER, Mr. FOLEY, and Mr. CASE.

H.R. 1196: Mrs. JONES of Ohio, Mr. CLAY, and Mr. WEXLER.

H.R. 1213: Mr. AKIN, Mr. ENGLISH, Mrs. CUBIN, and Mr. WELLER.

H.R. 1225: Mr. PAUL, Mr. GONZELEZ, Mr. BOEHLER, Ms. NORTON, Mr. INSLEE, Mr. SMITH of Washington, Ms. JACKSON-LEE of Texas, Mr. DEUTSCH, Ms. SCHAKOWSKY, Mr. HOEFFEL, Mr. Cooper, Mr. MEEHAN, Mr. HINCHEY, Mrs. EMERSON, Mr. PLATTS, and Mr. UDALL of Colorado.

H.R. 1229: Mr. SCHROCK and Mr. BARTLETT of Maryland.

H.R. 1235: Mr. CANNON, Mr. SCHROCK, and Mr. WICKER.

H.R. 1236: Mr. BEAUPREZ.

H.R. 1244: Mr. FROST and Mr. HONDA.

H.R. 1245: Mr. GRIJALVA.

H.R. 1258: Mr. PRICE of North Carolina.

H.R. 1263: Mr. GONZALEZ.

H.R. 1272: Mr. MCNULTY and Ms. ESHOO.

H.R. 1275: Mr. BONILLA and Ms. MCCOLLUM.

H.R. 1279: Mr. CARSON of Oklahoma, Mr. MOORE, Mr. PENCE, Mr. BURTON of Indiana, Mr. SOUDER, Mr. SPRATT, and Mr. KIRK.

H.R. 1288: Mr. PAYNE, Mr. VAN HOLLEN, Mr. BOEHLERT, Mr. NETHERCUTT, Mrs. CUBIN, Mr. COOPER, Mr. SOUDER, Mr. HINCHEY, Ms. ROS-LEHTINEN, Ms. LORETTA SANCHEZ of California, and Mr. KOLBE.

H.R. 1297: Mr. COSTELLO.

H.R. 1305: Mr. BRADLEY of New Hampshire, Mr. CLAY, and Mr. GUTKNECHT.

H.R. 1323: Mr. RYAN of Ohio, Mr. DEUTSCH, and Mr. SCHIFF.

H.R. 1332: Mr. WICKER, Mr. CAMP, and Mr. MOORE.

H.R. 1359: Mr. ABERCROMBIE.

H.R. 1366: Mr. BLUMENAUER and Mr. RAMSTAD.

H.R. 1377: Mr. FROST, Mr. ENGLISH, Mr. PAYNE, Mr. MCINNIS, Mr. RANGEL, Mr. PAUL, Mr. COOPER, Mr. BURNS, Mr. HINOJOSA, and Mr. FRANK of Massachusetts.

H.R. 1380: Ms. GRANGER, Mr. COLLINS, Mr. DOOLITTLE, Mr. RYAN of Wisconsin, Mr. TOWNS, and Mr. DAVIS of Illinois.

H.R. 1381: Mr. CONYERS, Mr. BELL, Mr. RANGEL, Mr. PALLONE, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. PLATTS, Mr. RYAN of Ohio, Mr. JACKSON of Illinois, Mr. BERMAN, and Mr. GEORGE MILLER of California.

H.R. 1393: Mr. LINCOLN DIAZ-BALART of Florida and Mr. FROST.

H.R. 1397: Ms. MCCOLLUM, Mr. FROST, and Ms. BORDALLO.

H.R. 1401: Mr. RANGEL, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. OWENS, Mr. LIPINSKI, Mr. GRIJALVA, Mr. FALEOMAVAEGA, Mrs. JONES of Ohio, Ms. BORDALLO, Mr. PAYNE, and Ms. BERKLEY.

H.R. 1408: Mrs. MYRICK.

H.R. 1415: Mr. DEUTSCH, Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. WEXLER, Ms. BALDWIN, Ms. HOOLEY of Oregon, and Mr. SABO.

H.R. 1422: Mr. CAMP, Mr. DEUTSCH, and Mr. WHITFIELD.

H.R. 1440: Mr. WOLF.

H.R. 1451: Mr. STENHOLM, Mrs. WILSON of New Mexico, Mr. PETERSON of Pennsylvania, and Mr. UPTON.

H.J. Res. 4: Mr. PALLONE, Mr. OXLEY, Mr. HAYWORTH, Mr. GOODE, Mr. REHBERG, Mr. GERLACH, Mr. WALSH, and Mr. PUTNAM.

H.J. Res. 36: Mr. NADLER, Mr. SMITH of Washington, and Mr. BARTON of Texas.

H. Con. Res. 23: Mr. SOUDER.

H. Con. Res. 86: Mr. WU and Mr. FILNER.

H. Con. Res. 98: Mr. SCHROCK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STEARNS, Mr. FOLEY, Mr. HERGER, and Mr. KING of New York.

H. Con. Res. 109: Mr. SOUDER, Mrs. JONES of Ohio, and Ms. SOLIS.

H. Con. Res. 118: Mr. MORAN of Kansas, Mr. COLLINS, and Mr. STARK.

H. Con. Res. 119: Mr. FLAKE.

H. Res. 12: Mr. SANDLIN, Mr. PAUL, and Mr. ORTIZ.

H. Res. 60: Ms. ROS-LEHTINEN, Mr. KIRK, Mrs. NORTHUP, Mr. MCNULTY, Mr. NETHERCUTT, and Mr. LYNCH.

H. Res. 65: Mr. FILNER, Mr. CUNNINGHAM, Mr. FARR, Mr. CARDOZA, Mr. PALLONE, Mr. EVANS, Mr. GUTIERREZ, Mr. CASE, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. LIPINSKI, Mr. RUPPERSBERGER, Mr. HONDA, Ms. NORTON, Mr. EMANUEL, Mr. FRANK of Massachusetts, Mr. RUSH, Mr. JACKSON of Illinois, Mr. FRANKS of Arizona, Ms. CORRINE BROWN of Florida, Mr. FALEOMAVAEGA, Mr. COSTELLO, Ms. SCHAKOWSKY, and Ms. BORDALLO.

H. Res. 108: Mr. CLAY.

H. Res. 117: Mr. BONILLA and Mr. LINCOLN DIAZ-BARLART of Florida.

H. Res. 141: Ms. NORTON.

H. Res. 142: Mr. SANDERS, Mr. THOMPSON of California, Mr. UPTON, Mr. ORTIZ, Mrs. CHRISTENSEN, Mr. COOPER, Mr. HINCHEY, and Mr. HASTINGS of Washington.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, MARCH 27, 2003 No. 50

# Senate

The Senate met at 10 a.m., and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Glen Warner, Second Congregational United Church of Christ in Ashtabula, OH.

The guest Chaplain, Rev. Glen Warner, offered the following prayer:

Let us pray.

Sovereign Lord, Author of liberty, as we gather in this house of strong resolve and mighty decisions, we believe that it must also be a house of prayer for all nations. We pray that You will be with each of us in these difficult and challenging times.

We stand in Your Presence, in awe of the connection of events that has brought us to this moment in history. Our deepest desire is to ''be still and know that You are God,'' we remember with reverence that Your work is only accomplished by vision and courage. In this moment we know that we belong to You whose glory stretches from age to age. May Your ''right hand become glorious in power, justice, and righteousness in all the earth!''

We know that everything here, every light switch, every doorknob, every computer chip, every heart, and every brain cell exists only by Your grace. In gratitude for these good gifts, we reverence the work You have entrusted to us. We seek the priceless treasure of Your Divine guidance to do it well.

Living God! Your eternal word tells us ''The Lord is the one who goes before you. He will be with you. He will not leave you . . . do not fear nor be dismayed.'' (Deuteronomy 31:8) In trust, we wait, yielded and still, as Your Spirit brushes the souls of our Armed Forces, the innocent people of Iraq, and the women and men we have chosen to serve America as our Senators. May they know and accept Your comforting wisdom as they fulfill their ordained purposes for this day. And all God's people said ''Amen.''

## PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 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 LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,
*President pro tempore.*

Ms. MURKOWSKI thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Madam President, for the information of all Senators, this morning there will be a period for morning business until 11 a.m. Again, this will allow time for Members to make remarks regarding the men and women of our Armed Forces. At 11 a.m. today, we will consider the military tax fairness bill under a 3-hour time limitation. Chairman GRASSLEY and Senator BAUCUS will be here to manage time on that legislation over the course of 3 hours. I thank them for their hard work in getting that bill ready for floor consideration today.

In addition, we are attempting to reach an agreement for the consideration of S. Con. Res. 30 which would express our gratitude to the nations participating with the United States in the coalition to disarm Iraq. Also, as I mentioned last night, we may also vote on any judicial nominations that may be ready for the Executive Calendar today. Therefore, there will be votes throughout the day. If we are able to finish the work I just mentioned, it would likely be that there would be no rollcall votes on Friday. We would return for business on Monday with a rollcall vote likely to occur at around 5:30 Monday afternoon. I will have more to say about Monday's schedule later today.

In addition, over the course of today, I am sure people will want to come to the floor to make tributes to Senator Moynihan. A number of people took advantage of being able to do that last night. But over the course of today, people are welcome to come down to make those tributes. I do remind my colleagues, we will later, in a week, 2 weeks from now, bind all those tributes together in an appropriate volume for the family.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Madam President, if I can get the attention of the majority leader while he is on the floor, we have a number of people on the floor today, and I would like to speak a few minutes about Senator Moynihan. Senator HUTCHISON is here. How long does she wish to speak?

Mrs. HUTCHISON. Madam President, we were hoping certainly after Senator REID's tribute to Senator Moynihan that we could have the hour evenly divided to talk about our troops in the field, which we are hoping will be the case every morning while our troops

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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are in the field, so that we can honor them in this way.

Mr. REID. It would be more appropriate then that we leave that full time. I will find some time later in the day to speak. We should give the full time for people to speak. Senator NELSON is here early, Senator LINCOLN, and Senator CRAPO. We have a lot of people here to speak. I will give my speech at a later time. I am sure he might approve of that.

Mrs. HUTCHISON. Madam President, I am grateful to Senator REID for making that concession. Senator Moynihan had the greatest respect of all of us. I hope we will all honor him, and the Senator allowing us to go forward with this hour that we intend to set aside every day we are in battle in Iraq is very helpful. I appreciate it very much.

Madam President, I know Senator VOINOVICH has a special message about the invocation this morning, and then we would like to proceed. Senator LINCOLN will be managing the floor for the Democrats. I and Senator CRAPO will be managing the floor for the Republicans.

Madam President, the majority leader, Senator FRIST, and the minority leader, Senator DASCHLE, have agreed that the Senate will open every day now with this hour of tribute to our troops. It will be set aside for that purpose only as our way of letting them know that we will remember everything they are doing, we think of them every day, and we appreciate their service to our country. This is our way to emphasize that this is first and foremost on our minds, and everything we do will be with them in mind.

I thank the Chair.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with the time to be equally divided between the two leaders or their designees.

Mrs. HUTCHISON. I yield to the Senator from Ohio.

Mr. VOINOVICH. I thank the Chair.

## THE GUEST CHAPLAIN

Mr. VOINOVICH. Madam President, I thank the majority leader for the hospitality he extended to Rev. Glen W. Warner. I have had the pleasure of knowing Reverend Warner for many years. He is a remarkable person who has a distinguished record of service to his community in northeast Ohio in two vocations—as a spiritual leader of the Second Congregational Church and a leader in his family's business, the Molded Fiber Glass Companies, which is one of the area's leading employers.

I have been very impressed over the years that he has been so successful in both of these very different careers. He has ministered to people's spiritual and temporal needs and he has made a real difference in the community.

Reverend Warner has volunteered for several community organizations including serving on the board of the Ashtabula Foundation.

His church is the one in which Reverend Warner and his wife, Nancy, who joins him today were married. In his business career, Reverend Warner travels throughout North America and Europe to develop new markets and new products for the company which was founded by his father-in-law, Robert S. Morrison.

Reverend Glen Warner is a wonderful role model for anyone, and his unique, dual-career underscores the fact that one can be successful in business and in serving the Lord. That one can exercise his spiritual purpose in the realm of his secular responsibility in the great tradition of the English parliamentarian and leader, William Wilburforce.

I am so happy that his wife, Nancy, and his granddaughter Tyra Miller and her friend Keisha Gilbert joined Reverend Warner in the Chamber today as he led the opening prayer at today's session of the United States Senate.

Reverend Glen Warner is a good friend and I am proud to have him here as the guest Chaplain. I encourage Members of the Senate, as they come to the Chamber, if they get a chance, to meet Reverend Warner. He is truly an inspiration.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

## HONORING OUR ARMED FORCES

Mrs. HUTCHISON. Madam President, I will take some time this morning to show some pictures that speak more than 1,000 words. They are pictures from the field. They show how the mightiest force in the world is connecting with people on an individual basis.

I start with a picture showing PFC Joseph DeWitt, age 26, of the 7th Calvary Regiment carrying an Iraqi boy who was injured Tuesday, March 26, in the fight at Al Faysaliyah. The picture speaks for what America is. Here is this private, 26 years old, carrying this little boy to safety. You can see the terror on his face, of the little boy who is saved today because Private DeWitt cared.

An unidentified U.S. soldier gives candy to Iraqi boys as he patrols in the southern border city of Safwan, Friday, March 21. Waving Iraqi civilians greeted members of the 1st Marine Division as they entered the town of Safwan.

An Iraqi child waves as a convoy of 3rd Brigade, 101st Airborne Division drives through a southern Iraqi town Sunday, March 23, 2003.

Children wave at members of the British 2nd Royal Tank Regiment as they arrive in Basra, southern Iraq, Saturday, March 22.

All of the missing in action and POWs in this conflict are from Texas bases. They are either from Fort Hood or Fort Bliss.

In addition to the great mission, I feel a personal connection in this conflict because I know the pain and agony the loved ones are going through at this time and, of course, I think every day, every hour, every minute about those who are actually in captivity or about whom we do not know. I have tried to make contact with as many as I could. It has been difficult because many of them are in such stress they probably do not want to talk to people they do not know or members of the press who might be calling them.

I have not connected with all of them. However, every conversation I have had has been uplifting. I have gotten more out of these conversations than I could ever give back. I have talked this morning to Michelle Williams, the wife of CWO David Williams, from Fort Hood, one of those captured by the Iraqis when the Apache helicopter he was in crashed. Michelle is also in the service. She is at Fort Hood. I talked to her this morning. She has not been talking to the press but one of her major concerns is that somehow she could get a message to her husband: That she is thinking of him, that she loves him very much, that their children are fine, but she just wants some way to make sure that message gets to him—if it is the Red Cross that could take a letter; we will certainly try to be helpful, as the Army will try to be helpful—if it is a message he might hear, that she has given, we want to do everything possible to try to get that message to him. She is strong and brave and waiting for a happy reunion with her husband when he is able to come home.

I talked to Mark Kennedy and his wife, Mrs. Kennedy, this morning. They are the parents of Brian Kennedy who was killed in action when his helicopter crashed in Kuwait. Brian was their only son. Again, they said to me the personal outpouring of support and love and attention they have received because of the loss of their son has made their ordeal better. They feel the Army has done everything it can to make this terrible situation as positive as possible. They asked me to take a message to the President, which I will certainly do. They said, please tell the President that they support him, that their son had called in just 2 days before he was lost. He said: Don't worry about me. We are good to go. We have been trained. We believe in this mission.

Mr. and Mrs. Kennedy want us to know that they supported Brian Kennedy and what he was doing. They know the importance of this action to freedom for everyone in America.

I will take that message to the President because these are people who have

taken the greatest loss imaginable. They understand their son will be forever respected and revered by Americans in perpetuity, for the loss that they have and the giving of his life to make sure that our way of life is enduring in perpetuity, that freedom and America as the beacon of freedom to the world will prevail because of people such as Brian Kennedy and CWO David Williams.

Those are just two families with whom I have had contact. They are very special people. Their families are very special people. We owe them a great debt of gratitude. I know all Americans feel that as well.

I am pleased to be able to start this tribute to our troops as we will do every day our troops are in the field protecting us, to let them know how much we care and how brave we know they are as we watch on television the kinds of weather they are enduring, in addition to all of the normal horrors of war, sandstorms that are so thick it looks as if it is night when it is day. They are enduring a lot for us, and we want them to know we appreciate it.

My last word is that I hope anyone who hears our message will not forget the Geneva Convention; that the treatment of our prisoners of war—and any we do not know who are prisoners—will be humane and in line with the Geneva Convention because I know for sure America is giving medical treatment, food, water, and care to those Iraqi prisoners. We would always comply with the norms of war, including humane treatment of prisoners. I hope if there is any modicum of honesty and integrity in the Iraqi military, they will be treating our prisoners in like manner to the way their prisoners are being treated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I am pleased to be here for the second continuing day of the Senate's tribute to the troops. I compliment my colleague from Texas. I thank her for being here this morning. We talked about how important it is for the entire Senate to come and talk frequently about our troops so they do know we are solidly behind them and making sure they know our thoughts and prayers are with them.

I yield time now to the Senator from Nebraska, Mr. NELSON.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I thank my colleague from Arkansas for yielding time to speak this morning and compliment the Senator from Texas for a very graphic expression of the treatment of the Iraqi people by our military.

I rise today to show my support for our troops, both those serving abroad and those providing vital support here at home and their families.

Our men and women in uniform have proven over and over that they are the best military force in the history of the world. Today I would like to pay tribute to their bravery and their continued commitment to America and to freedom. Americans show their gratitude through words and through deeds. But often it seems like that is not quite enough. Our soldiers on the frontlines are putting their own lives at risk in defense of this Nation and the freedoms we unfortunately sometimes take for granted. We cannot match that sacrifice, but we can do our utmost to let them know that the entire Nation is united behind them.

As we fight battles in Iraq and continue our military presence in Afghanistan, Bosnia, South Korea, and other nations around the world, it is more important now than ever that we pledge ourselves to honoring the commitments we make to our troops, just as they honor our country through their service.

And we must pledge that we will all support and comfort their families while they are deployed. It is very difficult to be separated from loved ones in the best of circumstances—I hope that all our military men and women know that we will help their families through this difficult period until they are able to come back home and rejoin their families.

I would also like to express my gratitude to the service personnel deployed stateside, at bases like Offutt Air Force Base in Bellevue, NE and the National Guard headquarters in Lincoln and all those who serve all over the country serving in similar capacities. Through their work maintaining equipment, keeping our intelligence channels open, and keeping our homeland safe, they continue to ensure that our nation has the best run, best trained, and best staffed military in the history of the world.

We must also recognize the changing face of our military. No longer are our Nation's armed forces primarily composed of full-time troops. Now, a sizable number of our service members are reservists and guardsmen. We do not make the distinction of the troops in the field who are active duty, ready Reserves or Guard members. We should not make a distinction in our policies that affect them. This week, this Chamber spoke with one voice in resolving to make sure our Reserve and Guard members have the equipment and support they need. We will now see that vote through.

I also note that reservists are particularly likely to come from the ranks of the Nation's first responders. For those police officers, firefighters, and EMTs who serve in the Reserves, they honor our Nation twice—providing hometown security and then putting on another uniform to provide national security. We need to make sure that the burdens placed on them and their families do not make it more difficult for them to serve.

It is my pleasure to be here today to address these issues and to make sure that we join together in support of our troops and we do so recognizing not only their sacrifice but also the sacrifice their families make.

I would particularly like to recognize those Nebraskans serving in uniform. Right now, we have approximately 400 Nebraska Army National Guardsmen participating in peacekeeping missions in Bosnia and 675 Guardsmen serving in Afghanistan as part of Operations Enduring Freedom and Noble Eagle.

These men and women hail from Chadron, Gering, Scottsbluff, North Platte, Lincoln, Kearney, Falls City, Wahoo, Fremont and a number of other cities across our State. There is no part of Nebraska that is not represented overseas in our military.

Nebraskans are also represented by 25 members of the 24th Medical Company training for deployment to Kosovo as well as 125 Nebraska Air National Guardsmen deployed in regions around the world. I am very proud of the service of my fellow cornhuskers.

I had the opportunity this past fall to visit with a few of these troops serving at Aviano Air Force Base in Italy. It was a real pleasure to sit down with SSgt Michale Varney of Murray, SrA Aaron Mueller of Weeping Water, MSgt Edward Coufal of Plattsmouth, and Airman Elizabeth Ahrens of my hometown of McCook. I can honestly say that they are truly among the best Nebraskans that our State has ever produced.

Thank you for this opportunity to show my support for our troops.

The ACTING PRESIDING pro tempore. The Senator from Idaho.

Mr. CRAPO. Madam President, I also stand with the Senator from Texas, the Senator from Arkansas, the Senator from Nebraska—really, all the Senators—to take this opportunity to share our feelings about the support we have for our troops while they are engaged in this difficult battle in Iraq.

While our Nation fights the war on terrorism, taking on even more demanding and dangerous tasks, and is now actually headed into heated battle in the Arabian Peninsula, it is important that we remember just how important the United States military is to preserving and protecting our national security.

Each of us in the Senate and those we represent throughout the country owe a sincere debt of gratitude to the brave men and women in uniform. Our soldiers, sailors, and marines serve us with unselfish courage and epitomize the term ''hero.''

I will point out another brave group of men and women serving in harm's way. These are the thousands of our guardsmen and reservists who have been called to duty here in America and abroad.

On a sad note, I would like to share with my colleagues my heartfelt sadness over the death of Air National Guardsman Major Gregory Stone, from Idaho, who was killed on March 23.

Major Stone, serving as liaison with the Army's 101st Airborne Division in

Kuwait, was one of the victims of the grenade attack on the officers' tents at Camp Pennsylvania. Major Stone leaves behind two sons, Evan, age 11, and Joshua, age 7, and an entire community, State, and Nation in grief.

Major Stone's father said:

> My son died to allow the guy who killed him to believe in what he believed.

As we know right now, it appears it is very possible that the cowardly attack that killed Major Stone may have been perpetrated by another fellow soldier. That is being investigated at the moment.

Major Stone, an Oregon native, was one of six Idaho Air National Guard members working as liaisons with the Army's 101st Airborne Division in Kuwait. He worked for 2 years at the Air Expeditionary Force Battlelab in Mountain Home, ID, as the lab's B–1 bomber expert. Since September, he was an independent assessor with the company that does contract work for the lab.

One of his colleagues, MAJ Thomas G. Westall, U.S. Air Force, Retired, said:

> He paid the highest sacrifice for being a good soldier.

Major Stone is just one of those brave Americans who will be called upon to pay the highest sacrifice for our freedom. I commend him and all of those in our military who are putting their lives on the line to protect our freedom, and I express the gratitude of a grateful country for their service.

Idahoans, as all Americans have a long-standing tradition of service in our Nation's Armed Forces. As each of my colleagues here can attest, our States have called forward their best and bravest to protect our security and preserve our liberties. Idaho has a contingent of guardsmen, reservists, and mainline forces in the Persian Gulf and engaged in the war on terrorism.

The Gunfighters of Mountain Home Air Force Base are among the best trained forces in our military because they train at the world-class ordnance training facility in Southwest Idaho. Mountain Home offers the Air Force one of the best training bases in the world. With its good weather and unobstructed air space, our pilots can train almost year-round. As Air Force pilots from around the country can attest, the training range in Idaho keeps them on the cutting edge of combat effectiveness.

The Idaho Reserve and National Guard provide another vital military presence in our State. These citizen soldiers provide a critical service to our State and to our Nation. The Idaho Army National Guard, with 28 units throughout the State, has 3,500 members and, during the past year, has provided personnel for active duty service throughout the world. Very recently, elements of the Idaho Army National Guard completed an extended rotation in the Balkans.

The Air Guard, which has its headquarters at Gowen Field, has seen its share of active duty as well, most recently being called to service following the attacks on the World Trade Center and the Pentagon. The Air Guard's equipment includes C–130 transports, as well as the very capable close in support fighter, the A–10.

Units of the Army and Navy Reserve are also very active in Idaho. The Army Reserve has 11 units in the State with 750 personnel assigned while the Navy Reserve has approximately 250 members. Many reservists, from a host of specialities and backgrounds, ranging from civil affairs to logistics, have been called to active duty during the past year.

Each Idahoan in uniform has a demanding responsibility, and I am grateful for all they do. And right now, over 100,000 reservists nationwide have been placed on active service.

For the foreseeable future, our Armed Forces will be dealing with more and more demands. We are facing uncertainly in the Persian Gulf, and threats worldwide continue to loom. It will be difficult and tough duty for these brave people, but I have complete confidence in their ability to meet the tasks ahead. And I also know, that Idaho, with its long tradition of military service, will continue to play an important role in the defense of our Nation.

Many Americans have expressed their heartfelt appreciation of our troops. It is indeed tragic that the lives of many men and women are now being put in harm's way because Iraqi leaders would not to conform to international resolution that would have brought a peaceful end to this conflict. Sadly, we are seeing Iraq refuse to voluntarily end its support of terrorism and stop the threat from the weapons of mass destruction Iraq possesses.

My heart and my prayers are with our troops and their families. This is a time for support of all of those brave Americans being put at risk to defend our national security. We will win this conflict and end the multiple threats of weapons, terrorism, and continued instability in the Middle East the Iraqi dictator represents.

Every generation of Americans has faced the need to protect our freedoms, and we live in a new age where innocent Americans have died at the hands of terrorists. Our President has made the difficult decision that our national security is on the line and I fully support his decision.

Our President and the men and women in our Armed Forces will protect our freedom and continue to make out nation secure. We owe them our support, our prayers, and our hopes that this conflict is over as soon as possible.

There is much more I could say, but I conclude my remarks by, once again, coming back to the importance that I place on this Senate giving time each day, as we are now doing, to commend the men and women in uniform, whether they be our active military, or our guardsmen or reservists, for putting their lives on the line for our freedom.

Every generation in America has had the opportunity, in some context or another, to defend our freedom. And these brave men and women are being called upon to risk the greatest sacrifice so we in America and people throughout the globe can continue to have the freedoms which we cherish so greatly.

I reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I now yield a portion of our time to the Senator from New Jersey, Mr. LAUTENBERG.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I thank our good friend from Arkansas.

Madam President, the floor is open principally to pay our respects to our citizens, our friends, and our neighbors who are serving now in the Iraqi theater to try to right a terrible wrong that has been perpetrated on the world; and that is, to make sure we get rid of the savage regime of Saddam Hussein and the threat he brings not only to the people in that region but to people across the world.

People recognize that were he to continue unfettered in his capacity to develop his military might, it would be quite incredible to witness. The fact is, we are there with so much force and so much skill and so much technology, and still we are facing constant obstacles to our mission of getting rid of the regime and reducing the threat or eliminating the threat that these weapons might bring to that area and to the world at large.

New Jersey is the home of McGuire Air Force Base. That is a base that has had members leaving for conflicts over the years, and particularly with the first gulf war in 1990 and presently, and other conflicts that we have seen, because of the mobility of an air wing that we have there to refuel aircraft in the air, both cargo and fighter craft, as well as carrying cargo of substantial proportion and need to the theater so our troops have facilities with which to take care of their needs personally as well as, unfortunately, those facilities that might be called upon if they are wounded or injured in any way.

At this moment, New Jersey has about 5,000 people deployed from various Reserve and regular Army and Marine units, as well as other branches of the military.

One person, SGT James Riley, was someone we saw on television not very long ago being questioned by his captors, the Iraqis. We have been trying to contact his family to offer our services in whatever way we can, and to see if we can find out something about how he is being treated, to make sure the rules of the Geneva Convention are observed to the letter in the treatment of prisoners. They cannot, under any kind of a rule of civilization or treaties,

manhandle prisoners. It is not permitted. You are not permitted to interview on public media. And you are not permitted to interrogate in public. We want the Iraqis to know there is a price to pay for that kind of action. We demand they observe all the conventions that relate to prisoners and their treatment.

Mr. BAYH. Mr. President, I rise today with great sadness and tremendous gratitude to honor the life of a brave young man from Atwood, IN. Lcpl David Fribley was 26 years old. He died Sunday in Nasiriyah, Iraq as he and his fellow Marines encountered Iraqi soldiers believed to be surrendering. Instead, the Iraqis opened fire, killing David Fribley and eight other Americans, David was there, in a far away land, to fight for the values we all hold close to our hearts.

David Fribley was the second Hoosier killed while dutifully serving his country in Operation Iraqi Freedom. Today, I mourn David's death with his family, friends and the Atwood community. While our pride in David shall certainly live on, so too will our sorrow. Even though David's life on Earth has been cut short, his bravery, and his strength of character shall live on as a powerful and consoling force during these difficult days of conflict.

David Fribley was a quiet and caring man who led by example, not mere words. He was adored by all who knew him for his soft-spoken manner and great sense of humor. He was compelled to leave his job working with the elderly and join the Marine Corps after witnessing the terrorist attacks of September 11. Upon his resignation David stated: ''The greatest gift is the gift of service.'' This kind of selflessness is an inspiration to us all.

David leaves behind father Garry and mother Linda, brother Steven, who serves in the Air Force, and a fiancée. He attended Warsaw Community High School where he was a star athlete in both track and football. After high school he attended Indiana State University and graduated in 2001.

President Abraham Lincoln wrote in a letter to the mother of a fallen Union soldier: ''I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.'' These words ring as true today as they did 140 ago. As we mourn the loss of David Fribley and honor the sacrifice he made for America and for all of humanity.

It is my sad duty to enter the name of David Fribley in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like David's can find comfort in the word of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God bless the United States of America.

Mr. President, I also rise today with great sadness and tremendous gratitude to honor the life of a brave young man from Hobart, IN. Greg Sanders was just 19 year old. On Monday, March 24, 2003, he was with his Army unit, the 3rd Infantry, 3rd Battalion, 69th Armor Division, 1st Brigade, Company B, when he was mortally wounded by an Iraqi sniper bullet. Greg was in Iraq, far away from loved ones and fellow countrymen, to fight for the values of democracy we all hold close to our hearts.

Greg Sanders is the third Hoosier to be killed while dutifully serving our Nation in Operation Iraqi Freedom. Today, I mourn along with Greg's family, friends, and community. While our pride in him shall certainly live on, so too will our sorrow. Although Greg's life was cut short, his courage, and his dedication to the preservation of democracy will live on to serve as a guiding light in these dark days of war.

Greg Sanders was a natural born leader who always loved challenging himself in everything he did, whether it was on the bowling lane or the battlefield. From the time Greg was small, it was his dream to be a soldier. It was with great pride that he left for Iraq, prepared to do his duty and willing to make the ultimate sacrifice, if fate dictated, for a country he loved dearly.

Greg attended Hobart High School where he ran cross-country and began his training to become a soldier before his graduation in 2001. He leaves behind his mother Leslie Sanders, a brother, two sisters, his wife Ruthann, and their 1-year-old daughter, Gwendolyn. He will be greatly missed by his family, fellow soldiers, and the Hobart community as a whole.

President Abraham Lincoln wrote in a letter to the mother of a fallen Union soldier: ''I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the alter of freedom.'' These words ring as true today as they did 140 years ago, as we mourn the loss of Greg Sanders and honor the sacrifice he made for America and for all of humanity.

It is my sad duty to enter the name of Greg Sanders in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Greg's can find comfort in the word of the prophet Isaiah, who said: ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God bless the United States of America.

## TRIBUTE TO MAJOR ANTHONY D. ''TONY'' SINNOTT

Mr. BUNNING. Mr. President, I rise today to honor and pay tribute to U.S. Marine Corps Reserve Major Anthony D. ''Tony'' Sinnott. A former Flatwoods, KY native, Major Sinnott was recently awarded the Joint Service Commendation Medal for being chosen as the Reserve Officer of the Year for 2002.

Major Sinnott was chosen from 560 reserve officers from all the armed services serving the U.S. Central Command in support of Operation Enduring Freedom. Sinnott received the award from General Tommy Franks, Combatant Commander of U.S. Central Command in Tampa, Florida.

The citizens of Flatwoods, KY, and the Commonwealth are proud of Major Sinnott's accomplishments. His example of hard work, determination, and patriotism are appreciated by all across the United States. As we continue to keep our soldiers deployed all around the world in our thoughts and prayers, I rise to also thank the thousands of men and women who wear our uniform and serve our Nation so courageously.

Mr. President, I thank the Senate in joining me to congratulate Major Sinnott on his service to the U.S. Marine Corps and our great Nation.

## TRIBUTE TO SGT. BRADLEY KORTHAUS

Mr. GRASSLEY. Mr. President, I rise today for the very sad purpose of honoring a fallen American.

I learned this morning that Sgt Bradley Korthaus of Davenport, Iowa, has died while in service to his country as part of Operation Iraqi Freedom. I would like to take this opportunity to salute his patriotism and his sacrifice.

Sgt Korthaus disappeared Monday during an operation in which he and three other Marines were swimming across a canal in southeastern Iraq, and his body has now been recovered.

This is the first Iowan who has died in the current conflict in Iraq and the news has hit home with me and my staff.

We all know that sacrifice is part of war, and the President has tried to prepare us for the inevitable losses; but it is impossible to fully prepare for the loss of a young life.

My prayers go out to Steve and Marilyn Korthaus who grieve for their son and to all of the family, friends, and neighbors who are touched by his passing.

There is nothing I can say that can take away the pain they must feel, but they should know that they are not alone in their grief.

Iowans have a strong sense of community and I know that Bradley's loss will be felt deeply by many who never even knew him.

Bradley Korthaus deserves the highest gratitude of this body and the entire Nation. His sacrifice reminds us that freedom is so precious because of its incredibly high cost.

Bradley's father served in Vietnam and Bradley followed that tradition of service to his country.

This is an example of the patriotic contribution made by thousands of American service members and their families.

The love of country and dedication to service shared by so many of its citizens is the great strength of our Nation and we can all be very proud of patriots like Bradley Korthaus.

Mrs. FEINSTEIN. Mr. President, I rise today to honor the 24 young American men who have died in the conflict in Iraq.

I would like to pay particular tribute, however, to the six men from my home State of California, and to talk briefly about each of them.

To date, the young men of California account for one-fourth of all the Americans that have made the ultimate sacrifice. To date, nearly 120,000 men and women now stationed in the Middle East, many of them in harm's way, are either from California or were stationed there before being deployed.

It is often said that California receives too much from the Federal Government—too much of the appropriations pie. But when you consider our population is 35 million and you remember that, on average, Californians pay more in federal taxes than they receive in Federal programs, this is simply not the case. And Californians are playing a very prominent role in liberating the Iraqi people from the tyranny of Saddam Hussein.

Of the six Californians that have died so far, two were not yet citizens, while one was a direct descendant of the second and sixth Presidents of the United States.

Together, they embody the depth and breadth of America's armed forces men and women from all walks of life, willing to give their lives to defend our freedoms.

The first four I would like to honor—Corporals Jorge Gonzalez, Randal Kent Rosaker, and Jorge Garibay, and SGT Michael Bitz—were killed on March 23, in heavy fighting outside the town of An Nasiriya.

Two were fathers with infant children that they never met, a third a son who followed his father into the military.

Twenty year-old Cpl Jorge Gonzalez was part of the 1st Battalion of the 2nd Marine Expeditionary Brigade. He grew up in Rialto, with his parents, Rosa and Mario, and five siblings. He was an avid soccer player, and a graduate of El Monte High School.

His last visit home was at Christmas. There, his younger sister Nancy, who was never affectionate with her brother, hugged and kissed him before he left. ''I knew I had to do that,'' she said.

He also left behind his wife Jazty and their 3-week-old baby boy, Alonso, who he never knew. He had hoped to retire from the Marines in a year and become a policeman.

Before leaving he told his anxious mother,: ''Don't worry, mom. If I die a Marine, I'll die honored.''

Marine Sgt Michael Bitz, a part of the 2nd Assault Amphibious Battalion, 2nd Marine Division, was just 31 years old. He grew up in Port Hueneme.

He loved being a Marine so much, he reenlisted last fall. He loved his wife Janina so much that they had just renewed their vows. When he left for the gulf, they were expecting twins, Caleb and Taylor, who are now a month old. They also have a 2-year-old son, Joshua, and a 7 year-old son, Christian, from an earlier marriage.

In his last phone call to his mother, Donna, Sargeant Bitz was able to tell her that he loved her—and in his last letter he said that he was her warrior. In classic Marine-style, she always called her ''ma'am.''

Cpl Randal Kent Rosacker was also a member of the 2nd Marine Expeditionary Brigade. He was a rough-and-tumble athlete who loved the outdoors and ever since he was a boy he knew he wanted to follow his father, Rod, into the military.

Cpl Rosacker grew up in San Diego, the son of a Navy man. He played football, baseball and wrestled for the Serra High School Conquistadors. His wrestling coach, Steve Stone, recalled when Randal broke his hand senior year, just before an important game.

''Well, we heard some thudding on the wall in the lockeroom,'' he said. ''We walk in, and Randy had broken off his cast. He said: 'Coach, tape it up. I'm ready to go.'''

His former baseball coach, Chris Herrin, said that Rosacker's teammates could always count on him. ''He was the kind of guy who you would want fighting for your country,'' Herrin said.

His grandmother, Patricia, said her grandson died doing something he loved—serving America. ''He believed in what he was doing,'' she said. He was just 21 years old.

Born in Jalisco, Mexico, Cpl Jorge Garibay played football at Newport Harbor High School, in Costa Mesa. He, too, was just 21 years old.

One of his teachers, Janis Toman, described him as a hard worker who frequently returned to the high school campus in full uniform, to encourage students to do their best.

Ms. Toman received a letter from Cpl Garibay just a few hours before learning of his death, as she packed him a care package. ''He wrote of simple things that we take for granted but make soldiers happy,'' she said. ''Things like moving from a small tent to a bigger one.''

''I want to defend the country I plan to become a citizen of,'' he wrote to her. He also left a tape recording before his deployment for his beloved Uncle Urbano, whom he regarded as a surrogate father.

In the tape he said: ''I'm being called to represent and serve my country. I don't know if I'll return, and I want you to know that I love you and how much I appreciate the support and love you have given me over the years.''

LCpl Jose Gutierrez was the first American killed in combat. He was struck by enemy fire while fighting alongside fellow Marines near the southern Iraqi port city of Umm al Qasr. He was 22 years old.

LCpl Gutierrez arrived in the United States when he was a 16 year old orphan, having left poverty-stricken circumstances in Guatemala City and a country racked by a brutal civil war.

He traveled over 2,000 miles by foot, north through Mexico, in search of a better life here in the United States.

Like so many immigrants, his past was soon eclipsed by his new life as an American. He was taken in by the Mosquera family, of Lomita, CA. Nora and Max Mosquera had begun helping immigrant foster children when their own children had grown.

''He joined the Marines to pay back a little of what he'd gotten from the U.S.,'' Max Mosquera said. ''For him it was a question of honor.''

A tall and quiet young man who enjoyed soccer and chess, Jose learned English quickly and had plans to study architecture.

''He was such a good kid,'' remembered Robert Nobles, a physical education teacher at North High in Torrance, where Corporal Gutierrez graduated in 2000.

I have been told that news of his death has resonated throughout Guatemala. Every major newspaper, radio and TV station carried his story. He has been portrayed as a brave and selfless young man—which he most certainly was.

Navy LT Thomas Mullen Adams grew up in comfort, in the suburb of La Mesa, as a member of a family that traces its roots directly to John Adams, one of America's most important Founding Fathers.

He graduated from Grossmont High School in 1993 and the United States Naval Academy in 1997.

He received flight training in Pensacola, FL, and inherited his love of flying from his father, John, an architect who helped design the aerospace museum in San Diego.

Promoted to lieutenant in the year 2000, Adams won two National Defense Service Medals, three sea service deployment ribbons, and other awards.

''He's one of these amazingly clean-cut, all-American kids,'' his aunt, Elizabeth Hansen, told the San Diego Union Tribune Newspaper. ''He's the kind of kid that if you had a very special daughter, you would hope that she would snag him. He was just amazingly bright, funny, and kind.''

In October 2002, Lieutenant Adams was assigned as an exchange officer with the British Royal Navy's 849th Squadron, now on the aircraft carrier Ark Royal.

An avid soccer fan who had volunteered to go to Japan with the carrier Kitty Hawk in time for the World Cup finals last summer, he joined a local team near his base in Helston, England.

Lieutenant Adams's family said he particularly enjoyed his time with the Royal Navy for two reasons: Every ship had a pub onboard, and he was allowed a weekly 20-minute phone call home. He died with the Royal Navy when the helicopter he was flying collided with another helicopter over the Persian Gulf. He was just 27 years old.

Mr. President, we all wish for a quick resolution of this war to limit casualties, military and civilian, American, allied, and Iraqi. We wish that American and coalition forces will be able to liberate the people of Iraq soon, and that our men and women will be able to return home to their families. Until then, however, they remain in our thoughts and our prayers, along with those who have already fallen.

All Americans owe an enormous, an almost incalculable debt to these young men who were willing to sacrifice their own futures for the future of this country they so dearly loved so that we, as a people, might be safe and free. Their sacrifices must never be forgotten.

I thank the Chair.

## TRIBUTE TO DANIEL PATRICK MOYNIHAN

Mr. LAUTENBERG. At the same time, I wish to pay tribute to a dear friend who passed away yesterday, Senator forever, Pat Moynihan.

I came to the Senate 6 years after he arrived here, and we served together for 18 years. We left together at the same time in 2001.

I personally will miss him and think fondly of the moments we shared together, but, at the same time, say thank goodness—thank goodness—that this place and this country had Senator Pat Moynihan.

He was a great man, with a brilliant mind, an incredible wealth of knowledge. He will have left a mark forever on our Government and on our society, even at a time when our culture has exhibited an ephemeral quality.

We can think of the moments we shared with him, all of us who had the good fortune to serve with him. Because New York and New Jersey are neighboring States and have many similar concerns, he and I worked closely on many issues. We served together on the Environment and Public Works Committee.

He will be rightfully remembered as one of the giants who have served in this Senate. He will be able to be compared to the greats at the founding of this country because his half century of contributions to this body and to New York and to the region and to the Nation and to the world are immeasurable.

He, like many who are serving now and have served, was born in modest circumstances and was raised in an area on the west side of New York called Hell's Kitchen, a rough and tumble area. He joined the Navy. He served in World War II. And then he went on to earn degrees at the Fletcher School of Law and Diplomacy at Tufts University.

In the early 1950s, Pat Moynihan worked for the International Rescue Committee, one of the earliest and most effective human rights organizations. Then he joined the administration of New York Governor Averill Harriman, where he met his beloved wife and someone we all love, Liz.

Pat and Liz came to Washington with the Kennedy administration, and Pat went on to serve in the cabinet or subcabinet of the next three Presidents, two of whom were Republicans. He served as U.S. Ambassador to India and as U.S. Representative to the United Nations.

All the while, he had a busy and prolific career in academia, with teaching positions at Syracuse and Harvard and other universities. It is often said that Pat Moynihan has written more books than most people have read. And those books were on subjects as diverse as ethnicity, welfare policy, secrecy as form of regulation, and international law. His books and essays and op-eds were always erudite and displayed a wit and wisdom and grace few people have. His books were so well received, whenever they were produced.

I doubt anyone else ever entered the United States Senate with a greater breadth of experience or knowledge. Pat Moynihan was made for the Senate, and the Senate was made for men like Pat Moynihan.

Pat was not only a great intellectual; he was a man of principles, deeply held and eloquently expressed. And yet he had that remarkable ability of being able to disagree without being disagreeable. There isn't a single Member of the Senate who served with him who didn't also love and revere him.

We are poorer for Pat's passing, but rather than dwell on that, I would like to express my gratitude that someone with such inestimable talents and energies devoted them to public service. We are definitely richer for that.

We send our sympathy to Liz Moynihan, and to the children, Timothy and Maura and John, and to the grandchildren, Michael Patrick and Zora.

We live in tumultuous and dangerous times. No one understood that better than Pat Moynihan, and we would benefit from his counsel. I will include for the RECORD a commencement address that Pat delivered at Harvard University about world events and foreign policy, and I commend it to my colleagues.

On a more personal note, my legislative director, Gray Maxwell, was Pat's legislative director from 1995 to 2000. When Pat retired, Gray wrote a tribute that was printed in Long Island Newsday. I will also ask that the tribute be printed in the RECORD.

In closing, I note that one of Pat's great abiding passions was public works—not just in New York but here in Washington. He authored much of the Intermodal Surface Transportation Efficiency Act, ISTEA, he fought for Amtrak and mass transit, he wrote the guiding principles for federal architecture, he shepherded the Union Station redevelopment and the Thurgood Marshall and Ronald Reagan buildings to completion, and he almost single-handedly transformed Pennsylvania Avenue. I think what was written in St. Paul's Cathedral in London for Sir Christopher Wren would serve as an equally fitting tribute to Pat Moynihan: Si monumentum requiris circumspice [If you would see the man's monument, look about you.].

I ask unanimous consent that his commencement address delivered at Harvard University on June 6, 2002, to which I referred, and an article written by a person on my staff, Gray Maxwell, who was on the Moynihan staff before that, that demonstrates beautifully the character and capability Pat Moynihan brought to his job and to all of us, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENCEMENT ADDRESS, JUNE 6TH, 2002, BY DANIEL PATRICK MOYNIHAN

A while back it came as something of a start to find in The New Yorker a reference to an article I had written, and I quote, ''In the middle of the last century.'' Yet persons my age have been thinking back to those times and how, in the and, things turned out so well and so badly. Millions of us returned from the assorted services to find the economic growth that had come with the Second World War had not ended with the peace. The Depression had not resumed. It is not perhaps remembered, but it was widely thought it would.

It would be difficult indeed to summon up the optimism that came with this great surprise. My beloved colleague Nathan Glazer and the revered David Riesman wrote that America was ''the land of the second chance'' and so indeed it seemed. We had surmounted the depression; the war. We could realistically think of a world of stability, peace—above all, a world of law.

Looking back, it is clear we were not nearly so fortunate. Great leaders preserved—and in measure extended—democracy. But totalitarianism had not been defeated. To the contrary, by 1948 totalitarians controlled most of Eurasia. As we now learn, 11 days after Nagasaki the Soviets established a special committee to create an equivalent weapon. The first atomic bomb was acquired through espionage, but their hydrogen bomb was their own doing. Now the Cold War was on. From the summer of 1914, the world had been at war, with interludes no more. It finally seemed to end with the collapse of the Soviet Union and the changes in China. But now . . .

But now we have to ask if it is once again the summer of 1914.

Small acts of terror in the Middle East, in South Asia, could lead to cataclysm, as they

did in Sarajevo. And for which great powers, mindful or not, have been preparing.

The eras are overlapping.

As the United States reacts to the mass murder of 9/11 and prepares for more, it would do well to consider how much terror India endured in the second half of the last century. And its response. It happens I was our man in New Delhi in 1974 when India detonated its first nuclear device. I was sent in to see Prime Minister Indira Gandhi with a statement as much as anything of regret. For there was nothing to be done; it was going to happen. The second most populous nation on earth was not going to leave itself disarmed and disregarded, as non-nuclear powers appeared to be. But leaving, I asked to speak as a friend of India and not as an official. In twenty years time, I opined, there would be a Moghul general in command in Islamabad, and he would have nuclear weapons and would demand Kashmir back, perhaps the Punjab.

The Prime Minister said nothing, I dare to think she half agreed. In time, she would be murdered in her own garden; next, her son and successor was murdered by a suicide bomber. This, while nuclear weapons accumulated which are now poised.

Standing at Trinity Site at Los Alamos, J. Robert Oppenheimer pondered an ancient Sanskrit text in which Lord Shiva declares, ''I am become Death, the shatterer of worlds.'' Was he right?

At the very least we can come to terms with the limits or our capacity to foresee events.

It happens I had been a Senate observer to the START negotiations in Geneva, and was on the Foreign Relations Committee when the treaty, having been signed, was sent to us for ratification. In a moment of mischief I remarked to our superb negotiators that we had sent them to Geneva to negotiate a treaty with the Soviet Union, but the document before us was a treaty with four countries, only two of which I could confidently locate on a map. I was told they had exchanged letters in Lisbon [the Lisbon Protocol, May 23, 1992]. I said that sounded like a Humphrey Bogart movie.

The hard fact is that American intelligence had not the least anticipated the implosion of the Soviet Union. I cite Stansfield Turner, former director of the CIA in Foreign Affairs, 1991. ''We should not gloss over the enormity of this failure to forecast the magnitude of the Soviet crisis. . . . The corporate view missed by a mile.''

Russia now faces a near-permanent crisis. By mid-century its population could well decline to as few as 80 million persons. Immigrants will press in; one dares not think what will have happened to the nuclear materials scattered across 11 time zones.

Admiral Turner's 1991 article was entitled ''Intelligence for a New World Order.'' Two years later Samuel Huntington outlined what that new world order—or disorder—would be in an article in the same journal entitled ''The Clash of Civilizations.'' His subsequent book of that title is a defining text of our time.

Huntington perceives a world of seven or eight major conflicting cultures, the West, Russia, China, India, and Islam. Add Japan, South America, Africa. Most incorporate a major nation-state which typically leads its fellows.

The Cold War on balance suppressed conflict. But the end of the Cold War has brought not universal peace but widespread violence. Some of this has been merely residual proxy conflicts dating back to the earlier era. Some plain ethnic conflict. But the new horrors occur on the fault lines, as Huntington has it, between the different cultures.

For argument's sake one could propose that Marxism was the last nearly successful effort to Westernize the rest of the world. In 1975, I stood in Tiananmen Square, the center of the Middle Kingdom. In an otherwise empty space, there were two towering masts. At the top of one were giant portraits of two hirsute 19th century German gentlemen, Messrs. Marx and Engels. The other displayed a somewhat Mongol-looking Stalin and Mao. That wasn't going to last, and of course, it didn't.

Hence Huntington: ''The central problem in the relations between the West and the rest is . . . the discordance between the West's—particularly America's—efforts to promote universal Western culture and its declining ability to do so.''

Again there seems to be no end of ethnic conflict within civilizations. But it is to the clash of civilizations we must look with a measure of dread. The Bulletin of the Atomic Scientists recently noted that ''The crisis between India and Pakistan, touched off by a December 13th terrorist attack on the Indian Parliament marks the closest two states have come to nuclear war since the Cuban Missile Crisis.'' By 1991, the minute-hand on their doomsday clock had dropped back to 17 minutes to midnight. It has since been moved forward three times and is again seven minutes to midnight, just where it started in 1947.

The terrorist attacks on the United States of last September 11 were not nuclear, but they will be. Again to cite Huntington, ''At some point . . . a few terrorists will be able to produce massive violence and massive destruction. Separately, terrorism and nuclear weapons are the weapons of the non-Western weak. If and when they are combined, the non-Western weak will be strong.''

This was written in 1996. The first mass murder by terrorists came last September. Just last month the vice president informed Tim Russert that ''the prospects of a future attack . . . are almost certain. Not a matter of if, but when.'' Secretary Rumsfeld has added that the attack will be nuclear.

We are indeed at war and we must act accordingly, with equal measures of audacity and precaution.

As regards precaution, note how readily the clash of civilizations could spread to our own homeland. The Bureau of the Census lists some 68 separate ancestries in the American population. (Military gravestones provide for emblems of 36 religions.) All the major civilizations. Not since 1910 have we had so high a proportion of immigrants. As of 2000, one in five school-age children have at least one foreign-born parent.

This, as ever, has had bounteous rewards. The problem comes when immigrants and their descendants bring with them—and even intensify—the clashes they left behind. Nothing new, but newly ominous. Last month in Washington an enormous march filled Pennsylvania Avenue on the way to the Capitol grounds. The marchers, in the main, were there to support the Palestinian cause. Fair enough. But every five feet or so there would be a sign proclaiming ''Zionism equals Racism'' or a placard with a swastika alongside a Star of David. Which is anything but fair, which is poisonous and has no place in our discourse.

This hateful equation first appeared in a two-part series in Pravda in Moscow in 1971. Part of Cold War ''agit prop.'' It has since spread into a murderous attack on the right of the State of Israel to exist—the right of Jews to exist!—a world in which a hateful Soviet lie has mutated into a new and vicious anti-Semitism. Again, that is the world we live in, but it is all the more chilling when it fills Pennsylvania Avenue.

It is a testament to our First Amendment freedoms that we permit such displays, however obnoxious to our fundamental ideals. But in the wake of 9/11, we confront the fear that such heinous speech can be a precursor to violence, not least here at home, that threatens our existence.

To be sure, we must do what is necessary to meet the threat. We need to better understand what the dangers are. We need to explore how better to organize the agencies of government to detect and prevent calamitous action.

But at the same time, we need take care that whatever we do is consistent with our basic constitutional design. What we do must be commensurate with the threat in ways that do not needlessly undermine the very liberties we seek to protect.

The concern is suspicion and fear within. Does the Park Service really need to photograph every visitor to the Lincoln Memorial?

They don't, but they will. It is already done at the Statue of Liberty. In Washington, agencies compete in techniques of intrusion and exclusion. Identity cards and X-ray machines and all the clutter, plus a new life for secrecy. Some necessary; some discouraging. Mary Graham warns of the stultifying effects of secrecy on inquiry. Secrecy, as George Will writes, ''renders societies susceptible to epidemics of suspicion.''

We are witnessing such an outbreak in Washington just now. Great clamor as to what the different agencies knew in advance of the 9/11 attack; when the President was briefed; what was he told. These are legitimate questions, but there is a prior issue, which is the disposition of closed systems not to share information. By the late 1940s the Army Signal Corps had decoded enough KGB traffic to have a firm grip on the Soviet espionage in the United States and their American agents. No one needed to know about this more than the President of the United States. But Truman was not told. By order, mind, of Omar Bradley, Chairman of the Joint Chiefs of Staff. Now as then there is police work to be done. But so many forms of secrecy are self-defeating. In 1988, the CIA formally estimated the Gross Domestic Product of East Germany to be higher than West Germany. We should calculate such risks.

The ''what-ifs'' are intriguing. What if the United States had recognized Soviet weakness earlier and, accordingly, kept its own budget in order, so that upon the breakup of the Soviet Union a momentous economic aid program could have been commenced? What if we had better calculated the forces of the future so that we could have avoided going directly from the ''end'' of the cold War to a new Balkan war—a classic clash of civilizations—leaving little attention and far fewer resources for the shattered Soviet empire?

Because we have that second chance Riesman and Glazer wrote about. A chance to define our principles and stay true to them. The more then, to keep our system open as much as possible, with our purposes plain and accessible, so long as we continue to understand what the 20th century has surely taught, which is that open societies have enemies, too. Indeed, they are the greatest threat to closed societies, and, accordingly, the first object of their enmity.

We are committed, as the Constitution states, to ''the Law of Nations,'' but that law as properly understood. Many have come to think that international law prohibits the use of force. To the contrary, like domestic law, it legitimates the use of force to uphold law in a manner that is itself proportional and lawful.

Democracy may not prove to be a universal norm. But decency would do. Our present conflict, as the President says over and again, is not with Islam, but with a malignant growth within Islam defying the

teaching of the Q'uran that the struggle to the path of God forbids the deliberate killing of noncombatants. Just how and when Islam will rid itself of current heresies is something no one can say. But not soon. Christianity has been through such heresy—and more than once. Other clashes will follow.

Certainly we must not let ourselves be seen as rushing about the world looking for arguments. There are now American armed forces in some 40 countries overseas. Some would say too many. Nor should we let ourselves be seen as ignoring allies disillusioning friends, thinking only of ourselves inthe most narrow terms. That is not how we survived the 20th century.

Nor will it serve in the 21st.

Last February, some 60 academics of the widest range of political persuasion and religious belief, a number from here at Harvard, including Huntington, published a manifesto: ''What We're Fighting For: A Letter from America.''

It has attracted some attention here; perhaps more abroad, which was our purpose. Our references are wide, Socrates, St. Augustine, Franciscus de Victoria, John Paul II, Martin Luther King, Jr., Alexander Solzhenitsyn, the Universal Declaration of Human Rights.

We affirmed ''five fundamental truths that pertain to all people without distinction,'' beginning ''all human beings are born free and equal in dignity and rights.''

We allow for our own shortcomings as a nation, sins, arrogance, failings. But we assert we are no less bound by moral obligation. And, finally, reason and careful moral reflection teach us that there are times when the first and most important reply to evil is to stop it.

But there is more. Forty-seven years ago, on this occasion, General George C. Marshall summoned our nation to restore the countries whose mad regimes had brought the world such horror. It was an act of statesmanship and vision without equal in history. History summons us once more in different ways, but with even greater urgency. Civilization need not die. At this moment, only the United States can save it. As we fight the war against evil, we must also wage peace, guided by the lesson of the Marshall Plan—vision and generosity can help make the world a safer place.

Thank you.

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SUI GENERIS

As the final summer of Senator Daniel Patrick Moynihan's public career comes to an end, I think back to one languid Friday afternoon three summers ago. Not much was happening; the Senate was in recess. So Senator Moynihan—my boss at the time—and I went to see an exhibit of Tyndale Bibles at the Library of Congress. Tyndale wrote the first English Bible from extant Greek and Hebrew manuscripts. Senator Moynihan was eager to learn more about a man whose impact on the English language, largely unacknowledged, is probably equal to Shakespeare's.

One might wonder what Tyndale has to do with the United States Senate. Not much, I suppose. But like Tennyson's Ulysses, Senator Moynihan is a ''gray spirit yearning in desire to follow knowledge like a sinking star.'' He has unbounded curiosity. I'm not one who thinks his intellectualism is some sort of an indictment. Those who do are jealous of his capabilities, or just vapid. In a diminished era when far too many Senators know far too little, I have been fortunate to work for one who knows so much and yet strives to learn so much more.

There is little I can add to what others have written or will write about his career in these waning moments. But I would make a few observations. On a parochial note, I know of no other Senator who shares his remarkable facility for understanding and manipulating formulas—that arcane bit of legislating that drives the allocation of billions of dollars. He has ''delivered'' for New York but it's not frequently noted because so few understand it.

More important, every time he speaks or writes, it's worth paying attention. I think back to the summer of 1990, when Senator Phil Gramm offered an amendment to a housing bill. Gramm wanted to rob Community Development Block Grant (CDBG) funds from a few ''rustbelt'' States and sprinkle them across the rest of the country. The amendment looked like a sure winner: more than 30 States stood to benefit. Senator Moynihan went to the floor in opposition. He delivered an extemporaneous speech on the nature of our Federal system worthy of inclusion in the seminal work of Hamilton, Madison, and Jay as The Federalist No. 86. (The amendment was defeated: New York's share of CDBG funding was preserved.)

While Senator Moynihan has been enormously successful as a legislator, I think of him as the patron Senator of lost causes. By ''lost'' I mean right but unpopular. Every Senator is an advocate of the middle class; that's where the votes are. What I most admire and cherish about Senator Moynihan is his long, hard, and eloquent fight on behalf of the underclass—the disenfranchised, the demoralized, the destitute, the despised.

T.S. Eliot wrote to a friend, ''We fight for lost causes because we know that our defeat and dismay may be the preface to our successors' victory, though that victory itself will be temporary; we fight rather to keep something alive than in the expectation that anything will triumph.'' this wistful statement, to me, captures the essence of Senator Moynihan and his career. Too many of today's tepid, timid legislators are afraid to offer amendments they think will fail. They have no heart, no courage. Senator Moynihan always stands on principle, never on expediency. He's not afraid to be in the minority, even a minority of one.

His statements over the years on a variety of topics constitute a veritable treasury of ''unpopular essays.'' He characterizes the current bankruptcy ''reform'' bill as a ''boot across the throat'' of the poor. A few years ago, he fought against a habeas corpus provision in the ''Antiterrorism and Effective Death Penalty act'' (a truly Orwellian name for that bill). He argued, in vain, that Congress was enacting a statute ''which holds that constitutional protections do not exist unless they have been unreasonably violated, an idea that would have confounded the framers . . . thus introducing a virus that will surely spread throughout our system of laws.'' These are just a few examples. Others include his passionate opposition to welfare repeal, the balanced budget act, the ''line-item'' veto, the Constitutional amendment to ban flag desecration. The list goes on.

For the past quarter-century, Senator Moynihan has been the Senate's reigning intellectual. But he has also been its—and the nation's—conscience. His fealty as a public servant, ultimately, has been to the truth. He seeks it out, and he speaks it, regardless of who will be discomfitted. He has done so with rigor, and wit, a little bit of mischief now and then, and uncommon decency.

When Thomas Jefferson followed Benjamin Franklin as envoy to France, he told the Comte de Vergennes, ''I succeed him; no one could replace him.'' Others will succeed Senator Moynihan; no one will replace him. We are fortunate indeed that he has devoted his life to public service.

Mr. LAUTENBERG. I yield the floor.

Mr. REID. Mr. President, when I first came to the Senate, I had the good fortune, as my friend the distinguished Senator from Montana did, to serve on a committee with Pat Moynihan. My friend had it double; he not only got to serve with him on the Environment and Public Works Committee but also the Finance Committee.

Even though this is a time of sadness because we have lost a giant in the history of America, for those of us who spent time with Pat Moynihan, just mentioning his name brings a smile to our faces. There is no one I have ever served with in government or known in government who is anything like Pat Moynihan. He was a unique individual.

I was over in the House gym this morning, meeting with someone I came to the House of Representatives with, ED TOWNS, from New York. We were talking about Pat Moynihan. Congressman TOWNS said the last conversation he had with Pat Moynihan was a very pleasant conversation. Pat Moynihan called him—very typical of Pat Moynihan.

I wish I could mimic his voice. People who worked for Pat Moynihan can talk just like him. I can't. But he said—with his distinctive staccato delivery—he wanted to name this big building in Brooklyn for Governor Carey.

Congressman TOWNS said: No, I have someone else. I don't need to embarrass that person by mentioning that name. He said: I have someone else and I can't agree with you, Senator. I know Governor Carey was a good person, but I think we should name it after someone else.

Senator Moynihan, the gentleman that he was, simply said: Thank you very much.

Five or six weeks later he called back and said: You know, Congressman TOWNS, I am getting old. He said: This means a lot to me to have this building named after one of my close personal friends. I hope you will reconsider.

ED TOWNS said: I have reconsidered. You can do it.

Senator Moynihan said: Did I hear you just say I could name this building after Governor Carey?

And Congressman TOWNS said: Yes.

Pat Moynihan said: I am so happy.

Senator BAUCUS and I can imagine that conversation because he was truly a gentleman.

I had the privilege, as I indicated, of serving with him. I had the good fortune over many years to serve with many outstanding people in the Senate, men and women with extraordinary talent and achievements, people who have accomplished so much in their personal and professional lives, people highly educated, people who have great records of military service, and people who are just good public servants.

Certainly there have been many skilled orators in the Senate—today and in the past—and many other highly intelligent Senators, but I have to

say, I trust nobody will disagree or be offended if I point out that Pat Moynihan stood out as an intellectual giant in the Senate, not only for the time he served here but in the history of our country.

Pat Moynihan spoke in a unique style, with a delivery that would not be taught in an oratory class.

He was a professor. He was a college professor, and he never lost that ability to teach.

I always felt, when I was in the presence of Pat Moynihan, that I had the opportunity to learn from him, whether we were on the Senate floor, or in a committee hearing, or in an informal conversation. I hope no one is going to be upset with me, but when I ran the Democratic Policy Committee for a number of years, we would take down names of speakers. I cheated a little bit and always moved Pat high up on the list because I loved to hear him talk, and he did not have a lot of patience and would leave if you did not recognize him pretty quickly.

He would come to our luncheons, and I remember he usually ordered egg salad sandwiches. He would eat, listen for a while, and if it were not something he was really interested in, he would go back to his hideaway and start writing. That is what he did most of the time.

Pat was unlike most of us. We devote a lot of our time to constituent services. Pat Moynihan did not do that. He was an intellectual giant, and he spent his time in the Senate reading and writing. He was a great thinker. Although he certainly did a good job of representing the State of New York, and served the interests of his constituents as his popularity makes clear, he often focused on the bigger picture and contemplated big ideas.

We identify Pat Moynihan with New York. He was actually a native of the American West. He was born in Tulsa, OK. His family moved to New York when he was a child. His father abandoned them, and his mother, thereafter, struggled to provide for Pat and his siblings.

Pat always worked hard. He worked as a shoeshine boy, later as a longshoreman. He did not come from a privileged background, but he had a privileged education because of his great intellect. He was able to achieve much because he was a hard worker and extremely smart.

He graduated first in his class from high school in Harlem, and by serving in the Navy, he was able to attend college. He graduated from Tufts University and remained there to earn his Ph.D. from the Fletcher School of Law and Diplomacy. He also studied at the London School of Economics as a Fulbright Scholar.

Pat had enlisted in the Navy during World War II. Just a short time ago, when he was still serving in the Senate, he had back surgery for an injury sustained years ago while he was in the U.S. Navy. He was proud of his military service and grateful that he was sent to college for training as an officer. But he was, indeed, a scholar. He was a professor at Syracuse University early in his career and then later at Harvard. He published numerous articles and studies covering a wide array of topics that reflected the tremendous breadth of his interests and depth of his knowledge.

I am not sure which Senator said this, although I think it was Dale Bumpers, who also recently has published a book—but if it was not Dale Bumpers, I apologize for not giving credit to the right Senator—who said he had not read as many books as Pat Moynihan had written. That is how he looked at Pat Moynihan. He was a voracious writer. He wrote 18 books, including 9 while he was a Senator. In addition, he wrote parts of many other books and articles too numerous to mention.

After one of his books was published, while we here in the Senate, he asked me if I had read it. I said: Pat, I didn't receive the book. He said: Well, maybe somebody on your staff borrowed it. So he gave me another copy, and I read it.

Much of his writing is famous. For me personally the most far-reaching, the most visionary article he wrote was called ''Defining Deviancy Down.'' In this brief article—probably no more than 30 pages—he discussed how our societal values have changed over the years, how one thing we would not accept 20 years ago, now we accept. It is a wonderful article that reveals his perspective and insights and calls on us to recognize we have to change what is going on in our society.

Senator Moynihan had great compassion for America's poor, especially for children growing up in poverty. He sought to develop public policy that took into account social scientific methods and analysis. He applied academic research to benefit people living in the real world.

Pat was also interested in architecture and historic preservation. He worked to improve the appearance of Washington, D.C. to reflect its status as our Nation's Capital, and of federal buildings across the country. Those of us who leave the Capitol and travel along Pennsylvania Avenue, and see the beautiful buildings will remember his role in improving this area. When I was back here going to law school, that area of the city was a slum. It was a slum. Right off Capitol Hill, it was a slum. And Pat Moynihan recognized, when President Kennedy was inaugurated, that should change. And he changed it. He personally changed it.

Pennsylvania Avenue Development Corporation was something that Pat Moynihan thought up. When you drive down that street today, you see the beautiful building that we are proud of, that is part of the U.S. Capitol. That was the work of Pat Moynihan.

I can remember, there was one Senator who thought it was really bad that the courthouses we were building around the country were basically too nice. Pat Moynihan proceeded to indicate to all of us that is what we should do, that we should construct buildings for the future that people would like to look at that are nice inside. And Pat Moynihan won that battle.

To serve on the Public Works Committee with Pat Moynihan was like going to school and not having to take the tests because there was not a subject that came up that he did not lecture us on—the great architect Moses, not out of the Bible but of New York City. In everything we did Pat Moynihan taught us to be a little better than ourselves.

My thoughts and sympathies are with Senator Moynihan's wife Liz, his daughter Maura, his sons Timothy and John, and his grandchildren.

Mr. President, I wish words could convey to everyone within the sound of my voice what a great man Pat Moynihan was, how much he did to benefit the State of New York and our country. Because of my contact with Pat Moynihan, I honestly believe I am a better person. I better understand government. I do not have his intellect, his ability to write, but I think I understand a little bit about his enthusiasm for government and how important it is to people.

Mr. INHOFE. Mr. President, I have been listening to the tributes to a great man. I probably have a different feeling about Patrick Moynihan than most people do. Many people are not aware Patrick Moynihan came from Tulsa, OK, my hometown. Most people think of him as being a New Yorker, but really he is not. We hit it off many years ago before he was even in the Senate. I considered him one of the really sincere and lovable liberals of our time.

People would ask, why are the two of you such close friends? I would explain to them that we have many things in common, even though ideologically we have nothing in common. In fact, during the years we served together in the Senate, his office was next to mine. When the bell would ring to come over and vote, I would walk to the door and wait for him so I could have those moments with him.

I don't think there is anyone who has had a more colorful career than Patrick Moynihan. It is one we will remember for a long time. But he had courage also. I used to say this about Paul Wellstone. There are few people who are really sincere in their philosophy, and yet they want to do the right thing. I remember standing right here when Patrick Moynihan, just a few seats over, stood up during one of our debates on partial-birth abortion, and he made this statement in a long and passionate speech, going into all kinds of detail as to what this barbaric procedure is. This is a quote. He said:

> I am pro-choice, but partial-birth abortion is not abortion. It is infanticide.

It took an awful lot of courage for him to say that.

I can tell you from when we knew each other back before our Senate days, following his colorful career has been a wonderful experience. I am hoping we will have others like him. We will be truly blessed if that is the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I join my colleagues in paying tribute to Senator Moynihan. He was one of the most special, most erudite, forward-thinking persons I have had the privilege to meet. He was an amazing man.

Senator Moynihan died yesterday at the age of 76. With a little bit of history—and then I will give a few personal anecdotes—he was elected to the Senate in 1976. I was elected in 1978, 2 years later. I had the privilege and honor to join both the Environment and Public Works Committee and the Finance Committee at the same time as Senator Moynihan. Senator Moynihan served as both chairman and ranking member of both committees. I had huge shoes to fill, as I immediately followed him as chairman and ranking member of each committee. I sat next to him many days and many hours. He was a wonderful man.

We all know about Senator Moynihan's great contributions in such important areas as foreign policy, trade policy, welfare, transportation, and environmental policy. They are enormous.

On the foreign side, Senator Moynihan was a visionary. In 1979, while the CIA and others were talking about how strong the Soviet Union was, Senator Moynihan predicted its downfall. I heard him say that many times. With keen understanding of history and the laws of economics, Senator Moynihan understood the inherent weakness of the Soviet structure.

Senator Moynihan's foreign policy experience led him to his groundbreaking work on Government secrecy, advocating greater openness as a core strength for any democracy.

On trade policy, Senator Moynihan had a vast depth of experience from being a trade negotiator to being a legislator. As a legislator, he was quick to educate his colleagues on the importance of pursuing a strong, bipartisan, open trade policy. With an unfailing independent voice, he was a firm believer in the principle that partisanship should not extend beyond our borders.

On welfare policy, Senator Moynihan was the center of debate for more than three decades. From his groundbreaking report on family policy for President Johnson, to his work for President Nixon on his welfare proposal, to his own Family Support Act of 1988, the first welfare reform legislation passed in decades, to his passionate dissent to the 1996 welfare legislation, Senator Daniel Patrick Moynihan never forgot what it was like to grow up in a poor family. For him it was clearly always about helping the children.

On transportation policy, Senator Moynihan was the author of the groundbreaking highway bill known as ISTEA. That legislation led to the dramatic improvement in transportation policy by focusing on surface transportation more broadly.

On environmental policy, Senator Moynihan was one of the first to stress that good environmental policy should be based on sound science. I heard that many times—sound science. He was right. He absolutely insisted that we obtain a careful understanding of the scientific problems and understanding of them on a scientific basis before we proceeded with environmental policy.

But his incredible contributions to our Nation did not stop there. One of his most enduring, but least known, contributions was his contribution to public architecture, particularly on the Environment and Public Works Committee.

Thomas Jefferson said:

> Design activity and political thought are indivisible.

In keeping with this, Senator Moynihan sought to improve our public places so they could reflect and uplift our civic culture. He himself said it well in 1961. We all know he held many important positions in Government, but it is not known so well that early in his career, in 1961, he was the staff director of something called the Ad Hoc Committee on Federal Office Space. That is right, in addition to all of his books, he once wrote a document called ''The Guiding Principles for Federal Architecture.'' He wrote it in 1961, and it remains in effect today. It is one page long. It says that public buildings should not only be efficient and economical, but also should ''provide visual testimony to the dignity, enterprise, vigor, and stability of the American Government.''

For many years, Pat Moynihan worked with energy and vision to put the goals expressed in the guidelines into practice. As an assistant to President Kennedy, he was one of the driving forces behind the effort to renovate Pennsylvania Avenue and finally achieve Pierre L'Enfant's vision.

He followed through. There is the Navy memorial, Pershing Park, the Ronald Reagan Building, and Ariel Rios, and there are other projects. Along with Senator John Chafee, he had the vision to restore Union Station—now a magnificent building—and then to complement it with the beautiful Thurgood Marshall Judiciary Building not far away.

It is a remarkable legacy leaving a lasting mark on our public places that brings us together as American citizens. In fact, it is no exaggeration to say that Daniel Patrick Moynihan has had a greater positive impact on American public architecture than any statesman since Thomas Jefferson.

In St. Paul's Cathedral in London, there is a description memorializing the architect of that cathedral, Sir Christopher Wren, and it reads: If you would see his memorial, look about you.

If years from now you stand outside the Capitol and look west down Pennsylvania Avenue, north at Union Station, and the Marshall Building, you can say the same about Senator Daniel Patrick Moynihan; that is, if you would see his memorial, look about you.

A few years ago when we were naming the Foley Square Courthouse in his honor, I used the same quote. I must confess, I was very pleased to have found this quote in English history and hoped to impress my very learned colleague. However, as is often the case, I fell a little short. No one, it turns out, can match his learning.

After my remarks, Senator Moynihan gave me a big hug. He was so happy. But he also corrected me quietly and politely. I had, he said, given the correct translation. I had said it was in Italian. He said: MAX, I think it's in Latin. Sure enough, it is in Latin.

In his honor, I stand corrected. The inscription memorializing the architect of St. Paul's Cathedral, Sir Christopher Wren, reads: Si monumentum requiris, circumspice; Latin for: If you want to see the memorial, look about you.

As we consider ways of memorializing Senator Moynihan, I have a suggestion. He loved Pennsylvania Avenue. He inspired its renovation. He helped design it. He helped build it. He lived there when he retired. It is his home. Therefore, I suggest that at an appropriate point on the avenue, we add his inscription: Daniel Patrick Moynihan, Si monumentum requiris, circumspice.

I might also add, Senator Moynihan gave the commencement address this last June at Harvard University. I have read it. I was very impressed with it. I said to him: Patrick, that was a great speech. Do you mind if I put that in the CONGRESSIONAL RECORD? He said: I would love it.

About 2 months later, I received a letter from Senator Moynihan, and it said: Dear Max, you once offered, perhaps irrationally, to include my commencement address in the RECORD.

Mr. President, I think it is appropriate that Senator LAUTENBERG asked that Senator Moynihan's speech be printed in the RECORD. It is the commencement address he gave last June 6 at Harvard University. I commend it to my colleagues.

Senator Moynihan's speech includes many wise words about the future of our country, about terrorism, how to handle the world, which leads me to another memory of him. It was at the end of a session, and we were about to go on a 2-week recess. Senator Moynihan's chair is behind me at the end of the aisle by the door. I said: Patrick, what are you going to do this recess?

He said: I am going to give the Oxford lecture.

I said: What is that? He explained it.

He said: I am going to give the Oxford lecture. I am going over to England.

What are you going to talk about? What are you going to say?

I am going to talk about the rise of ethnicity.

What do you mean?

At the end of the cold war, he talked about the urdu, an Israeli sect, which was very strong, which epitomizes the rise of ethnicity in the world at the conclusion of the cold war. It is so true, if one stops and thinks about it. The world order has collapsed, and we are now almost in a free-for-all when different ethnicities, different countries, different people are pursuing their own dreams, and it is very difficult to find some managed order in this chaotic world today.

That was Senator Moynihan: The rise of ethnicity. It is very true.

Another time, I had a wonderful encounter with him, a wonderful exchange. People often ask us: What is going to happen, Senator? Who is going to win this election? What is going to happen?

I always answered: Well, as Prime Minister Disraeli would always say, in politics a week is a long time. That was before television. That was before radio. Today, it is even a shorter period of time to try to predict what is going to happen in political matters. Sometimes it is just a minute.

I was standing in the well of the Senate and somebody asked me: What is going to happen? And I said: Well, Disraeli said, in politics a week is a long time.

Senator Moynihan happened to overhear me, and very graciously and politely he walked up to me when the other Senators had left. He kind of leaned over to me and he said: MAX, now I think that was Baldwin.

I looked it up. Sure enough, it was Lord Baldwin—it was not Disraeli—who said, in politics a week is a long time.

He was an absolutely amazing man, the Senator's Senator, a professor. I have never known a Senator so gifted as Senator Moynihan. We are all going to certainly mourn his passing, but even more important than that, we are going to have very fond memories of him and I think be guided and inspired by him in so many different ways. We are very thankful he chose to serve our country as his calling.

I yield the floor.

Mr. BIDEN. Mr. President, I am going to make a longer speech about Pat Moynihan, who was a close personal friend. That sounds almost presumptuous to say. He was such a towering intellect and profound political figure, to claim a personal friendship with him seems to be somewhat presumptuous. But he was.

Of all that I recall Pat Moynihan said and did, there is one thing that sticks in my mind that seems particularly appropriate on the day after his passing.

He once said, and I am paraphrasing but it is close to a quote, about John Kennedy's death:

There is no sense in being Irish unless you understand the world is eventually going to break your heart.

I want Mrs. Moynihan to understand that there are a lot of us—Irish and non-Irish—who have a broken heart today because of the passing of a man who was truly, truly a giant in 20th-century American politics.

## HONORING OUR ARMED FORCES

Mr. CHAMBLISS. Madam President, I rise today to pay tribute to the brave service men and women from Georgia who are serving in Operation Iraqi Freedom and Enduring Freedom. Several weeks ago I had the privilege of being in Fort Stewart, GA, which is located in Hinesville, to visit with several hundred of our men and women preparing to leave as soon as we finished our visit to board an airplane headed for Kuwait. They are members of the 3rd Infantry Division, one of the more notable infantry divisions in the history of our great country. I swelled with pride as I had the opportunity to visit with those men and women who were so prepared, so well trained, and so well equipped to ensure that democracy and freedom continue to ring and to do what is necessary on their part to free the people of Iraq from the dreaded rule of Saddam Hussein.

The 3rd Infantry Division is known as the ''Rock of the Marne.'' They fought bravely in World War I and they held their ground during the Battle of Marne when surrounding units retreated. Since then they have been operating under the motto ''we'll stay there.'' Their most famous soldier was one of the most decorated soldiers in the history of the United States, Audie Murphy. They have a proud history of serving in World War II, the Korean war, and Operation Desert Storm.

Georgia and America can be proud of the history that the 3rd is making today in Iraq. Currently, there are over 7,000 tanks, humvees, Bradley armored vehicles, and trucks in theater. This is undoubtedly one of the largest convoys ever in the history of the United States Military. They are facing heavy resistance and fierce sandstorms, but because of their training and their preparation, thankfully they have suffered only light casualties.

This morning, as we speak, the 3rd Infantry Division is less than 50 miles from Baghdad, preparing to encounter the elite Iraqi Republican Guard. Over the last 3 days, soldiers from the 3rd Infantry Division have surrounded the city of Najaf and taken captive over 500 Iraqi soldiers in their effort to liberate the Iraqi people and overthrow the oppressive Iraqi regime.

In addition to the 3rd Infantry Division, there are many other brave men and women deployed from Georgia to the Middle East and Afghanistan, including the 94th Airlift Wing from Dobbins Air Reserve Base in Atlanta; the 165th Airlift Wing from Savannah; the 4th Supply Battalion from the Marine Corps Logistics Base in Albany, GA, which is near my home; the Marine Aviation Logistics Squadron from the Naval Air Station in Atlanta; the 221st Military Intelligence Battalion in Atlanta, from the Army Reserve, and the 116th Air Control Wing from Robins Air Force Base, who are very proud of flying the Joint Stars weapon system.

I have had the privilege of representing Robins Air Force Base for the last 8 years as a Member of the House. I have flown with the Joint Stars about four times. They are so proud of the work they do, and justly so. They are the eyes of the Army when it comes to gathering intelligence on the enemy and its movement.

Sadly, they are also prisoners of war and brave soldiers that have been killed and wounded in the line of duty from Georgia. Just this week, there was an Apache helicopter shot down. On that helicopter were two chief warrant officers, Rob Young from Lithia Springs, GA, and David Williams. Both of these men now are prisoners of war of the Iraqi Army.

I had the opportunity to visit with Officer Young's father on Tuesday this week. He was obviously, like all of his family and all Americans, very concerned about the health and safety of his son. But he was so proud of the work that his son was doing and so proud that his son was doing exactly what he wanted to do. I share in that pride with his family.

Killed in action in Iraq over the last couple of days have been Specialist Jamall R. Addison of the 507th Maintenance Company from Fort Bliss, TX, who is a resident of Roswell, GA; Specialist Gregory P. Sanders from Company B, 3rd Battalion of 69th Armor, stationed at Fort Stewart, GA.

Unfortunately, also killed in the helicopter crash in Afghanistan over the last few days, they were flying a Pave Hawk search and rescue helicopter, 1LT Tamara Archuleta, SSgt Jason Hicks, MSgt Michael Maltz, SrA Jason Plite, LTC John Stein, and SSgt John Teal, all from Moody Air Force Base in Valdosta, GA. We will be praying for them and their families in this time of hardship and sorrow.

The men and women I have described are all part of the All-Volunteer Force that make up the best and brightest our country has to offer. They have chosen to put their lives on the line for the freedom of their families and their country, and we could never adequately express our gratitude for the sacrifice they and their families have made and will continue to make for the United States.

I am proud of all of these young men and women. I salute them. We want to make sure they and their families know they continue to be in our prayers. We wish for immediate success and a safe return of all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, in the early stages of the conflict with

Iraq, my State of Oregon is already mourning, already forced to count the cost of this war in real and human terms.

This morning I expressed my condolences to the families and friends of all of those who have given their lives in this war, but I particularly recognize the brave soldiers being mourned today by the people of Oregon. Army Reserve Specialist Brandon Tobler, who was only 19, lost his life in a humvee accident during a sandstorm. Brandon was the only son of Leo and Gail Tobler of Portland. He grew up there and joined the military to help pay for college. He was in a convoy headed to Baghdad providing engineering support to the combat troops. Private Tobler's death reminds us that a soldier doesn't have to be on the combat line to face tremendous danger and possible death.

It reminds us how brave each and every person who puts on a uniform for the United States must be regardless of their particular assignment.

Air National Guard MAJ Gregory Stone was a 20-year veteran of military service. He was killed in the grenade attack at the base of the 101st Airborne in Kuwait. He leaves behind two young sons today, Evan and Joshua, as well as his mother in Ontario—who I just spoke with—and others across our State who loved him dearly. Major Stone graduated from Oregon State University, and from Benson High School in my hometown of Portland. He died far from the front lines but, again, called to sacrifice in war.

Army SGT Donald Walters is now missing in action after his convoy was ambushed in Southern Iraq. His wife and kids are in Missouri. His parents, Norman and Arlene, are in Salem, OR, awaiting word on his safety. Sergeant Walters comes from a family with a rich tradition of service across the military, including the Army, Navy, and the Air Force. He is a specialist in decontamination. His convoy was moving to support troops in battle when they took a wrong turn into terrible circumstances. The people of Oregon now are praying for his family and his friends. I join with all of them in hoping for his safe return.

Each of these very brave Oregonians, in my view, is an example of the best of the American spirit. We mourn the deaths of those killed. We pray for the safe return of Sergeant Walters and, above all, we give thanks for all of those living as well, who still serve so bravely in this time of war.

Madam President, the special people who are serving our country cross generations, and they represent every ethnic group. They serve in a wide variety of capacities. Some come from Reserve units or the National Guard. Others are in the permanent services. They are members of very different fighting forces—Army, Navy, Coast Guard, Marines, and Air Force. Amidst all of this diversity, there is so much that they share—especially a deep love for our country, and a common willingness to risk their lives for the lives of others.

Together, they stand between the citizens of our Nation and those who would do America harm. They all know that at any time they could be called upon to make the ultimate sacrifice. Yet, each day, they go in and put their uniform on and charge into harm's way for all of our sakes.

Throughout American history, members of our military have made the sacrifices that allow our great Republic to survive. Today, as the pictures of this war play out on television screens across the Nation, people in this country can see as never before just what a war requires of men and women who fight on behalf of all of us. As we watch, it is important to remember these images are not created in Hollywood. They are the actions of real human beings. The soldiers are real people, loved by countless Americans here at home who worry every single hour for their safety, and mourn them when they are lost.

I will close today by expressing my gratitude to all of the Americans who serve our great Nation, and take special time today to reflect on the contributions of the Oregonians we have lost. Our concern for the missing people of this country today is great. The people I represent at home in Oregon offer their prayers every day for the success of the mission of those who serve and for their safe and speedy return.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Madam President, I am truly pleased and honored to be here today for the second continuing day of the Senate's tribute to the troops. I want to say to my good colleague from Oregon, Senator WYDEN, that the purpose really of us being here today and the time we are trying as a body to take is to recognize and to speak out to his constituents in Oregon; and it is not just his thoughts and prayers that go out to those families but all of our prayers.

When it comes to our troops and the tribute we pay to these men and women who serve us, serve this great Nation, we act as one body. We come together with collective thoughts and prayers for each and every one of these service men and women.

Regarding the two Oregonians whose lives were lost and the two who are missing, each of us feels what Senator WYDEN does. We want to express that as a body. I think it is so important at this time in our country's history that we as a body are not divided, that we are here as individuals to say our thoughts and prayers are collective for the men and women who have put their lives on hold here, left their families, and gone to a foreign land to defend our freedom and our security against the tyranny of this individual who has the unbelievable capabilities of weapons of mass destruction.

So I am pleased the Senator from Oregon was able to join us, and I hope his constituents understand they have the entire body's thoughts and prayers with them. I want to expand on that a little bit.

I come to this body a little bit differently than many of the other Senators. I don't have a long list of elected positions that I have held, and in terms of the time I have been here, it is probably shorter than a good many. I really come as a farmer's daughter and, I guess more recently, as a mother. I thought this morning, as I put my twin boys who are in the first grade on the school bus, sending them off to school, having sat at the breakfast table and made sure they had a good breakfast—one of my boys is in a school play and we were practicing his lines—when I put them on that bus this morning, I thought about the other mothers in the country whose sons and daughters are in a faraway land, who they cannot communicate with; all they can do is look up in the sky and realize that the same moon, and the same sun, and the same stars are shining above their precious children today in a foreign land where their lives are in danger. I just lifted up my own prayer of thankfulness that I live in this great country, where people want to be a part of other people's lives, where men and women are willing to give of themselves to defend the things we believe in: freedom, fairness, hard work, community, and helping each other.

Yesterday, I paid tribute to the troops from Arkansas, from all across our great State—so many of whom were from small communities, almost every community in our State represented. Those proud men and women, measuring well over 2,000, are now over there in that conflict.

Today, I want to talk about how each of us can honor all of the individuals who are there serving us right now. As I said earlier, not having served in the military myself, and not having a longstanding history of elected positions, I look back to my own background, and I remember the stories my mother told me. She remembered every detail. She had gone to the movies, and when her mother picked her up from the movies, she told her that World War II had begun and that her big brother would be shipping out in the next couple of days. She remembered everything: She remembered the movie, she remembered the clothes she was wearing, she remembered the thoughts in her mind. She thought, what is it that I can do to make a contribution and honor these individuals who are going overseas to defend me, and who I am in this great country that I belong to? She thought about that. She was immediately introduced to rations and victory gardens and making sure that there were plenty of bandages for the Red Cross.

We must all look at and never underestimate the ways we can honor those individuals.

I think one of the most important ways we can honor these men and women who have sacrificed and are giving so much on our behalf is to look at

ourselves as a body. As we stood here this morning and said the Pledge of Allegiance to the Flag, which always makes me proud, to be indivisible, to come together as one body when it comes to our troops—we are going to have our differences. We always have and we always will. But I think it is so important in this time of paying tribute to our armed services, the forces that are out there to defend our freedoms, that we act in a nonpartisan and indivisible way.

I was really saddened today when I picked up the paper and, in what has become a very common manner, there was a sense of making fun about some of the priorities that many of us Democrats had in this recent budget debate. Budgets are all about priorities, and in our household, I run our budget. We sometimes have to cut our spending to make sure we have enough money for college education and other priorities in our household budget.

I had an amendment on the budget which I thought was very important. When the men and women who serve in our Reserves and National Guard are activated, they have health care at that point, but prior to that point, they do not have health care. I think it is equally as important to honor them not just when they are serving but when they are at home preparing and willing to serve.

I do not think it is comical in terms of a Democratic ''spend-o-meter.'' It is my priority that these men and women are important enough to me that I am willing to ask some to delay a tax cut so we can provide that kind of health care to their families and to our men and women serving when they are willing and preparing to serve us in the armed services.

In these continuing debates—we certainly come to the floor to talk about the men and women from our States who serve us in the armed services, who have put their lives in harm's way, to talk about their families at home who are heartbroken, who are anxious, who are in thoughtful prayer—I hope we will also remember in this body as we debate these priorities—whether it is a budget, tax cuts, or any other issue—that we also remember what they fight for: Our ability in this country to have the freedom to disagree but to disagree with respect.

My priorities in that budget were for the service men and women who serve, and I will continue to put them as a priority because when I put my son on that bus this morning, I thought about the rest of those mothers across this country. I thought about those men and women serving us who left family members behind who maybe did not have health care, and I think it is critical. Whether or not we disagree, we certainly respect the differences of opinions that we may have in this body and, for the sake of those men and women who have put their lives in harm's way, that we will not be frivolous with our comments or comical in the priorities each of us may have, even though there is a difference.

I thank the Chair.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Arkansas be allowed to speak for as long as she would like. She is making a good statement, and there is no other Member on the floor. I make that request.

Mrs. LINCOLN. I thank the Senator from Montana. I thank him very much for what he is going to begin, a tax package that really does serve the men and women in uniform. I appreciate his hard work and leadership on that issue.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. SUNUNU). Morning business is closed.

## ARMED FORCES TAX FAIRNESS ACT OF 2003

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1307, which the clerk will report.

The senior assistant bill clerk read as follows:

A bill (H. R. 1307) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, there will now be 3 hours of debate on the bill.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are now awaiting the arrival of the chairman of the committee. Pending his arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is a privilege for me to be before the Senate again in a working relationship with Senator BAUCUS, the ranking Democrat of the Senate Finance Committee. It is another example of legislation that comes out of our committee in the bipartisan tradition of our committee, and this one came out, I believe, with unanimous support.

I very much appreciate not only the cooperation of Senator BAUCUS, but other members on the Democratic side of the committee, for helping us move along a very important piece of legislation, one that was very important last fall when we did not get it passed but more important now because it deals with our people in the military and because of what is going on in Iraq at this moment.

We are here today to consider the Armed Forces Tax Fairness Act which the Finance Committee developed during this and the last Congress. This is a particularly somber time in our country as we continue our dangerous operations in the country of Iraq.

The contributions of the men and women of our uniformed services, our reservists and our National Guard, are foremost in our minds, and our thoughts and prayers remain with their loved ones and with families. I particularly wish to extend my condolences to the family of SGT Bradley Korthaus of Davenport, IA, whose death was reported yesterday. SGT Korthaus died while serving his Marine Corps engineering unit in southeast Iraq. So we have before us legislation affecting all of these men and women, legislation to ensure that our service men and women and their families are treated fairly under tax law. It seems to me this legislation is particularly timely.

The military bill we consider today rectifies a number of inequities faced by the uniformed services, our National Guard, and even Foreign Service personnel. For example, this legislation before the Senate now ensures that the families of military personnel called into active duty are not disadvantaged under the home sale exclusion provisions that affect many homeowners in the United States because most Americans are permitted to exclude built-in gain on the sale of their personal residence if they meet certain residency requirements.

The situation for military personnel owning a home is entirely different because we know that military personnel, called to active duty or asked to relocate, do not have the flexibility to meet these residency requirements and are consequently then adversely impacted by these rules. The Tax Code is unfair to them because they have no control over where they are going to live because they are called to meet the command of a military commanding officer to move out to someplace else.

The legislation, then, would suspend the residency test for periods of active duty aggregating no more than 10 years. We should obviously not punish members of our military and their families who are asked to relocate in the name of serving their country and protecting our national security, protecting our freedoms. To that extent, the Tax Code is unfair so that they get punished in ways that people who are nonmilitary and can control more of their lives would not be punished.

Another important issue weighing on the minds of many military personnel called into active duty is the well-being and the care of their children. The Federal Government works to ensure that military families have adequate and affordable access to child

care, as we should. This is an important function of the military during peacetime, but it is essential, even more so, during periods of conflict such as the one we are experiencing in Iraq.

The need is that much more pressing obviously for single parents and dual military career families. This legislation clarifies that dependent care benefits provided to families of the uniformed services will not be treated as taxable compensation.

In recent days, the press has focused significantly on the impending service contributions of our Reserve, military people, and National Guard members. To date, we have more than 200,000 reservists and National Guard being called to active duty, most of them called for the sole purpose of assisting Operation Iraqi Freedom. This includes, in my own State of Iowa, 3,500 men and women who have been called to active duty. We have begun to rely increasingly on these service personnel to defend our borders and serve and protect in other areas of the world, meeting their commitment to our total force concept of the military.

Many of Iowa's reservists have contacted me to emphasize that reservists who travel for training exercises that they do on weekends, or any other time, are required to spend their own money for these travel expenses. If our military is not able to reimburse reservists for travel expenses related to training assignments, we should, at a very minimum, allow these men and women to fully deduct those expenses on their Federal tax returns and not be hit by some threshold that precludes most of these deductions from being taken. Reservists should not be in a position of subsidizing their own military training.

Among other things, this legislation also ensures that military personnel serving in Secretary of Defense-designated contingency operations—and this would include Operation Desert Storm and presumably now Operation Iraqi Freedom—receive appropriate relief from the administrative burdens that our tax laws foist upon them during participation in those operations.

In closing, we all thank the men and women of the U.S. military and Reserve components. The onset of the conflict in Iraq, no doubt, renews our deep appreciation for the tremendous sacrifices and risks that they undertake to protect the freedom of American people and others around the world. It is a perfect time then to ensure that our military is more fairly treated under our country's tax laws. That is what this legislation is all about.

So I thank my colleagues for their consideration of this legislation. I urge each of my colleagues to vote for this very important tax fairness measure, particularly considering the importance of it at this time of sacrifice on the battlefield of Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today in support of the Armed Forces Tax Fairness Act of 2003. On February 5, 2003, the Finance Committee favorably reported the bill by unanimous voice vote.

As the conflict in Iraq continues, our thoughts are with the men and women who are leading America's response and serving our country. Whether it be the Marines deployed in Iraq, the National Guard supporting our troops, or the Foreign Service Officers serving in dangerous diplomatic posts.

I think in particular of the many men and women in Montana. These men and women have been called to service to defend our Nation. In fact, on September 11 of 2002, the members of the 120th Fighter Wing of the Montana Air National Guard were called on to secure the skies of the no-fly zone over Iraq.

For these dedicated public servants, we are considering the Armed Forces Tax Fairness Act. This bill will not only correct inequities in the current Tax Code that our military men and women are subject to but it will also provide incentives for our dedicated forces to continue their service to America.

These are the men and women who put their lives on the line for our freedom on a daily basis. We need to ensure that the tax laws we pass do not negatively impact them.

It is with these principles in mind that I have moved forward with the introduction of this military tax package and that the Finance Committee favorably reported the bill.

I would now like to describe the provisions included in this critical piece of legislation:

Why is the death gratuity payments provision so important? Under current law, death gratuity benefits are excludable from income only to the extent that they were as of September 9, 1986. In 1986, the death gratuity benefit was $3,000.

In 1991, the benefit was increased to $6,000 but the Tax Code was never adjusted to exclude the additional $3,000 from income. Because of this oversight, the U.S. government has been taxing families for the death of a family member who died in combat.

Just 2 weeks ago, one of our soldiers from Montana, PFC Stryder Stoutenburg, was killed during a Blackhawk helicopter crash. A native of Missoula, Private First Class Stoutenburg was only 18.

His mother will receive the death benefit payment, but will be taxed on half of it. She has already lost so much. It is unfair to also take away part of the small compensation she is receiving.

In 1997, Congress passed legislation revising the taxation of capital gains on the sale of a person's principal residence.

The new law provides that up to $250,000 or $500,000 for a married couple is excluded on the sale of a principal residence if the individual has lived in the house for at least two of the previous five years.

However, when enacted, Congress failed to provide a special rule for military and foreign service personnel who are required to move either within the U.S. or abroad.

Our proposal would permit service personnel and members of the foreign service to suspend the 5-year period while away on assignment. That means that those years would not count toward either the two years or the five year periods.

Senators MCCAIN, GRAHAM, and LINCOLN proposed a bill in the last session to correct this.

The Department of Defense provides payments to members of the Armed Services to offset diminution in housing values due to military base realignment or closure.

For example, if a house near a base was worth $140,000 prior to the base closure and $100,000 after the base closure, DoD may provide the owner with a payment to offset some, but not all, of the $40,000 diminution in value. Under current law, those amounts are taxable as compensation.

We should ensure that those men and women losing value in their homes due to a federal government decision are not adversely affected financially.

The proposal would provide that payments for lost value are not includible into income.

Under current law, military personnel in a combat zone are afforded an extended period for filing tax returns.

However, this does not apply to contingency operations. This proposal would extend the same benefits to military personnel assigned to contingency operations.

It cannot be easy trying to figure out our complicated tax system while you are overseas and protecting our nation's freedom. Those men and women who are sent to uphold democracy and freedom in other countries are confronted with the same filing complications as combat zone personnel.

Contingency operations are just as demanding as combat zone deployment, although not always in the same manner. For example, in our current war on terrorism, this proposal would help members of our Special Forces in the Philippines supporting Operation Enduring Freedom who are just as focused on accomplishing their critical mission as our troops in the Iraqi combat zone.

Some reservists who travel one weekend per month and two weeks in the summer for reserve duty incur significant travel and lodging expenses.

For the most part, these expenses are not reimbursed. Under current law, these are deductible as itemized deductions but must exceed 2 percent of adjusted gross income.

For lower income reservists, this deduction does not provide a benefit, because they do not itemize. For higher income reservists, the 2 percent floor

limits the amount of the benefit of the deductions.

In my home state of Montana, we have approximately 3,500 reservists, 800 of whom travel each month across the state for their training. These 800 reservists pay travel and lodging expenses out of their own pocket.

Montana ranks 48th in the nation for per capita personal income. So, that $200 expense for reserve duty every month means a lot to the Montana reservist. Yet, they continue selflessly to provide their services to our country at their own expense. For those reservists who travel out of state for their training, this expense is even higher.

This proposal would provide an above the line deduction for overnight travel costs and would be available for all reservists and members of the National Guard.

Currently, qualified veterans' organizations under section 501(c)(19) of the tax code are tax-exempt. In addition contributions to the organization are tax-deductible.

In order to qualify under 501(c)(19), the organization must meet several tests, including 75 percent of the members must be current or former military, and substantially all of the other members must be either spouses, widows, or widowers of current or former military.

The proposal would permit lineal descendants and ancestors to qualify for the ''substantially all'' test.

It is important that our veterans' organizations continue the good work that they do. But, as the organizations age, they are in danger of losing their tax-exempt status. This bill helps ensure the vitality of these organizations.

I want to ensure that parents in the military can continue their dedicated service once they enter parenthood, with the knowledge that their children are being well taken care of.

The military provides extensive childcare benefits to its employees. Employees at DoD-owned facilities provide childcare services while other areas with non-DoD owned facilities contract out their childcare.

When Congress passed the Tax Reform Act of 1986, we included a provision stating that qualified military benefits are excluded from income. It is not absolutely clear whether childcare provisions are covered under this provision.

The proposal would clarify that any childcare benefit provided to military personnel would be excludible from income.

This bill permits penalty-free withdrawals from Coverdell education savings accounts and qualified tuition programs made on account of the attendance of the account holder or beneficiary at any of the service academies. The amount of the funds that can be withdrawn penalty-free is limited to the costs of advanced education in that calendar year.

Under current law there is no procedure for the IRS to suspend the tax-exempt status of an organization.

This proposal would suspend the tax-exempt status of an organization for any period during which the organization is designated or identified by Executive Order as a terrorist organization.

Current law provides for income tax, estate tax and death benefit relief to soldiers who are killed in a combat zone, victims of the September 11th attacks, the Oklahoma City bombing victims, and the victims of the anthrax attacks.

The crew of the Space Shuttle *Columbia* was heroic in every sense of the word. We have a duty to those who lost their lives for the advancement of science and increasing our knowledge of the world we live in. This legislation makes all of the above benefits available to the families of the *Columbia* crew.

In addition, this bill includes three revenue offsets. First, we improve the collection of unpaid taxes from people who have renounced their American citizenship in order to avoid U.S. taxes.

Second, we extend certain IRS user fees.

Third, we restore the ability of the IRS to permit partial-pay installment agreements with taxpayers.

The Military bill passed by the Senate Finance Committee fixes some of the inequities in our tax code and, more importantly, acknowledges the men and women who are making sacrifices and risking their lives to defend us all.

I thank all of the Members who have contributed to the development of the bill: Senators LEVIN and WARNER of the Armed Services Committee, Senator LANDRIEU for the childcare provision, Senator JOHNSON for the contingency operation provision, Senator DEWINE for the above-the-line deduction, and Senator HARKIN for the Veterans and Expatriation provisions.

I especially thank the Chairman of the Finance Committee, Senator GRASSLEY, who has once again been a partner in the development of important bipartisan tax legislation.

Mr. President, it is important that we continue to show members of the armed forces our support and solidarity during this time of conflict. The War on Terrorism and the conflict with Iraq have brought to light the essential role the armed services play in upholding freedom throughout the world.

I hope to see this military tax equity bill passed by the Senate today, and signed into law by the President swiftly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

The majority leader.

## ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that at 1 p.m. today, all time be yielded back on H.R. 1307, the amendment be agreed to, the bill be read a third time, and the measure be temporarily set aside; provided further that the Senate then proceed to the consideration of S. Con. Res. 30, expressing gratitude to our allies; that no amendments or motions be in order to the resolution or preamble; further, that there be 1 hour of debate equally divided between the chairman and ranking member of the Foreign Relations Committee; that at the expiration or yielding back of time, the Senate proceed to a vote on adoption of the resolution, without intervening action or debate; further, that immediately following that vote, the preamble be agreed to; provided further that following that action, the Senate then proceed to a vote on passage of H.R. 1307 as under the previous order.

I further ask unanimous consent that there be 2 minutes equally divided in the usual form prior to the stacked votes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that following any stacked votes today, the Senate proceed to executive session for the consideration of the following nominations: Calendar No. 76, James Selna to be U.S. District Judge of the Central District of California; Calendar No. 79, Philip Simon to be a U.S. District Judge for the Northern District of Indiana.

I further ask consent that the Senate then proceed to consecutive votes on the confirmation of the mentioned nominations; further, that following the votes, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I now ask unanimous consent that it be in order to ask for the yeas and nays at this time and with one show of hands.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FRIST. I now ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that immediately following the last rollcall vote today, there be a period of morning business for tributes to the late Senator Daniel Patrick Moynihan with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent that the tributes to Daniel Patrick Moynihan, the late Senator from New York, be printed as a Senate document, and that Members have until 12 noon, Friday, April 11, to submit said tributes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURES PLACED ON CALENDAR—S. 711, S. 712, S. 718 and S. 721

Mr. FRIST. Mr. President, I understand there are four bills at the desk which are due for a second reading. I ask that it be in order to read the titles of the bills en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the bills by title.

The legislative clerk read as follows:

A bill (S. 711) to amend title 37. United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selective Reserve who are mobilized.

A bill (S. 712) to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

A bill (S. 718) to provide a monthly allotment of free telephone calling time to members of the United States Armed Forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

A bill (S. 721) to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the measures, and I object to further proceeding en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

## ARMED FORCES TAX FAIRNESS ACT OF 2003—Continued

Mr. DEWINE. Mr. President, I rise today to share my strong support for this much needed and much deserved military tax package. I commend Chairman GRASSLEY and my many colleagues who have worked so hard on this bill for such a long time. As we all know, this tax package is long overdue.

As my colleagues know, the Armed Forces Tax Fairness Act of 2003 would provide critical tax relief to our service men and women. Specifically, this bill would remedy several tax problems that unfairly penalize the men and women serving in our military and Foreign Service. Certainly now, more than ever, we must correct these inequities. It is the right thing to do.

Mr. President, there are many service men and women from my home state of Ohio serving in our military today. My wife, Fran, and I pray for all of them and their families—we pray that they will be safe, wherever they are and in whatever capacity they are working. Many of these courageous men and women are in Iraq right now. Four of them from Ohio have been injured or are listed as missing. Both Army CPT Gregory Holden from Huron, OH, and Marine Corps Sgt. Jose Torres from Lorain, OH, have been injured in the war. And Army PVT Brandon Sloan from Bedford Heights, OH, and Marine Corps MSgt Robert Dowdy from Cleveland are listed as missing. I would like their families to know that we are praying for them. We pray for their recovery and their safe return home.

Mr. President, as we debate the merits of this bill, I would like to take a moment to discuss a specific provision that I have worked on for more than two years—and that is a provision that would allow our National Guard and Reserve members to take deductions for travel expenses incurred getting to and from duty assignments. This initiative stems from legislation I first introduced two years ago, and then again this past January.

Specifically, the provision would provide a tax deduction for overnight travel costs incurred more than 100 miles from the taxpayer's home. These expenses include meals, transportation, and lodging up to the amount allowable under Department of Defense per diem allowances.

Mr. President, this provision is a positive step in the right direction, as approximately 225,000 Reservists and Guardsmen incur significant out-of-pocket expense—expenses that often match or even exceed their military take-home pay.

The restoration of the tax deductibility of these expenses would help alleviate the personal and financial costs of these individuals' patriotic efforts. And, quite frankly, our servicemen and women should not be put in the position of subsidizing their own training.

I thank Chairman GRASSLEY, Senator BAUCUS, and the Finance Committee for working with my office to include my provision. I also would like to thank Senator MCCAIN and my 61 colleagues who co-sponsored this legislation with me last year. The incredible number of bipartisan co-sponsors demonstrates the widespread support our legislation carries, as well as the tremendous support we all share for our troops.

Mr. President, we owe these brave Americans our thanks and our deep and abiding gratitude for their service and dedication to our country and all that it represents. Whether in the streets of Baghdad, the deserts of Kuwait, or the caves of Afghanistan, we must never forget those men and women, who serve to uphold the ideals of our great Nation.

They have sacrificed so much not only to protect our freedom, liberty, and way of life here at home, but also to promote those ideals abroad.

Mr. President, this entire military tax package is an important sign of support for those called to serve, as well as their families. I urge my colleagues to support it.

I thank the Chair and yield the Floor.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, thousands of men and women from Montana are currently stationed overseas, be it in Iraq, Afghanistan, South Korea, Southeast Asia or in other supporting missions throughout the United States and the rest of the world.

These brave and dedicated soldiers have chosen to join the Armed Forces and protect our country, which is one of the highest forms of service there is. They are putting their lives on the line to protect the freedom and security of the United States. I take my hat off to them.

To date, Montana has sent almost 700 Reserve forces into Active Duty. Malmstrom Air Force Base has 105 airmen deployed overseas, including 50 members of the 819th Red Horse Squadron. Earlier this month 114 members of the Red Horse Squadron came home after being deployed in southwest Asia for five and a half months. The airmen are supporting six different operations around the world in southwest Asia, supporting no-fly zones in Iraq or in Afghanistan.

About 390 Army Reservists from Montana have been deployed. From Great Falls, the 889th Quartermaster Company unit—with 119 members—recently received mobilization orders along with 100 members of the 4225th U.S. Army Hospital.

From Missoula, 58 soldiers from the 279th Engineer Battalion and 16 soldiers from the 823rd Transportation Detachment have been activated. And out of Billings, 161 members of the 592nd Ordnance Company recently received their orders. Most of these army Reservists will take part in Operation Enduring Freedom.

Montana's Air National Guard has also contributed significant human resources. 210 members of the 120th Fighter Wind have been activated flying in the no-fly zone over Iraq.

Montana's Army National Guard has contributed about 125 Army Guard members, many of which are at other bases throughout the United States taking part in Homeland Security measures.

Thirty-five members of the 443rd Petroleum, Oil and Lubricants Supply Company have been mobilized to assist

with base security at the 120th Fighter Wing unit on Gore Hill outside of Great Falls, MT. Forty-five soldiers from the 495th Transportation Battalion are taking part in Operation Enduring Freedom. Eight ground-air liaison teams are in Fort Sill, OK, and 2 UH60 Helicopter pilots are in Fort Benning, GA.

Most certainly, I do not want to forget the thousands of Active Duty Army, Navy, Air Force and Marines from Montana stationed elsewhere throughout the Nation and overseas.

These soldiers are sons and daughters, brothers and sisters, fathers and mothers. And like you and I, they have families to take care of and worry about. They have personal lives to attend to, bills to pay and tax forms to fill out. As they are stationed far away, they are worried about how their children are doing in school and how their husbands or wives are coping with the distance. It is not easy.

Every day they are putting their lives back here on hold and instead putting their lives on the line to protect the rights we hold so dear.

With all of the worries they are facing, I am urging for passage of the military tax bill so we can take one, or two, burden off of their minds.

These men and women should not have to worry about whether or not their deployment changes their residency for tax purposes. They should not have to worry about whether or not they can afford their weekend training, nor should they ever have to worry about whether their death could result in an undue tax burden to their family.

One of the best ways we can support our troops is by doing everything we can to ensure that they and their families are taken care of. As a tribute to our Armed Forces, I cannot think of a better way to support them than by passing the military tax bill and allowing them to focus on their mission rather than their finances.

I encourage my colleagues to show their support for our troops today by voting in favor of the Armed Forces Tax Fairness Act.

Ms. LANDRIEU. Mr. President, I know that my friends and colleagues, Senator GRASSLEY from Iowa and Senator BAUCUS from Montana, share my concerns about the safety and welfare of our troops in the field and their families at home. With the deployment of the 389th Engineer Battalion and the 106th Aviation Unit from the Iowa Guard and 495th Transportation Company and 411th Support Detachment from the Montana Guard, no one can doubt that the people of the Hawkeye and Big Sky States are making very important contributions to our national defense.

However, I wonder if my friends saw the article in the Washington Post on March 4, entitled ''Called-Up Reservists Take Big Hit in Wallet; Families Struggle on Military Salary.'' I ask unanimous consent that this article 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, Mar. 4, 2003]

CALLED-UP RESERVIST TAKE BIG HIT IN WALLET; FAMILIES STRUGGLE ON MILITARY SALARY

Spring should be the busy season for the Brinkers' Columbia home improvement business. But instead of cashing in on the jobs that will come up as the weather improves, Lynn Brinker is calling customers to cancel thousands of dollars' worth of work.

It was less than five months ago that her husband, Sgt. Mark Brinker, an Army reservist with the 400th Military Police Battalion, returned from a year-long, post-Sept. 11 deployment to Fort Sam Houston in Texas. To get through that tour, Lynn Brinker cashed in savings bonds meant for the education of their three children, took out a bank loan and borrowed $15,000 from a relative.

Now, mark has been called up again, this time for the impending war in Iraq, and she doesn't know what they're going to do.

''There is just no way we can make ends meet with him gone again,'' she said, ''It's just ridiculous. We're in our forties, we've worked hard, and we didn't expect to have to be starting all over again like this.''

As the Pentagon continues to activate reserve and national Guard troops, some of the biggest sacrifices are being made on the home front. In addition to risking their lives, many soldiers, sailors, airmen and Marines are risking their livelihoods, leaving civilian jobs that pay much better than the military. Families are selling second cars, canceling vacations and postponing paying bills as they steel themselves for drastic reductions in income.

For the reservist on inactive status, the duty can be a welcome source of extra cash. A private with less than two years' experience can pick up $2,849 a year for one weekend a month of drilling and an annual two-week training exercise. A staff sergeant with six years can get $4,628. With a call to active duty, the pay bumps up—$16,282 for a private first class and $26,448 for the staff sergeant, which is tax-free while the military member is in a combat zone.

There are other benefits. Mortgage and credit card rates are reduced. In some cases, the law prohibits landlords from evicting military families even if they haven't paid rent. And employers are required to take reservists back once they return from duty, with no loss in pension benefits or seniority.

But the package comes nowhere near making up for many civilian salaries.

The reservists are volunteers, of course. They have been reminded repeatedly that active duty could come at any time. But many say they signed up for the several thousand a year in extra pay and other perks, not for war.

''I thought I could get some money for school,'' said Spec. Robert Moore of Pasadena, who spent a year on active duty with the Army's 443rd Military Police Company after the Sept. 11, 2001, terrorist attacks and was shipped off again last week for training at Fort Lee, Va.—most likely a prelude to deployment overseas. ''I think most people just thought: 'We're just the reserves. We're not going anywhere.'''

Sgt. Kevin Green hears similar comments from his Army National Guard troops in the 1229th Transportation Company.

''They don't want a weapon in their hands, riding around in another country, worried that they won't come back,'' he said.

As of last week, 168,083 reserve and National Guard troops were on active duty, including thousands from Washington, Maryland and Virginia. They have guarded al Qaeda and Taliban detainees from Afghanistan at Guantanamo Bay in Cuba and patrolled Iraq's no-fly zone. Now, area troops are getting ready to set up refugee camps in northern Iraq and to transport equipment to the front lines. In the Maryland National Guard, 3,000 of 8,000 members have been called up since Sept. 11, 2001.

''The military can't conduct a war without the National Guard and reserve components,'' said Maj. Charles Kohler, a spokesman from the Maryland National Guard.

Green's unit probably will be placed somewhere in the Middle East, he said. He doesn't yet know where, but it will be a world away from his civilian life, where he has two children and is in charge of Sears deliveries in Maryland. While on active duty, he expects to lost about $1,000 a month, the equivalent of his monthly mortgage payment.

Green was called up during the Persian Gulf War, and this time around, he thought he knew how to prepare. But still he was caught somewhat off guard.

''You try to put a few dollars away in case of an emergency,'' he said. ''But this isn't an emergency; this is a crisis.''

Now, he's praying for two things: ''I hope we win the lottery, or at least that our car doesn't break down.''

His fiancee, Wanda Jones, will have to work overtime at her pharmaceutical company job to help make up the difference. And they've already had a conversation about finances when he's gone.

''I'm going to cut out shopping at the mall,'' she said.

Some firms continue to pay troops on active duty, or at least to make up the difference between military and civilian pay. A survey by the Reserve Officers Association of the United States found that of the 154 Fortune 500 corporations that responded to a query, 105 make up the differences in pay. Last year, just 75 of 132 responding companies did so, and in 2001, the number was 53 of 119.

Army Reserve Sgt. Jeffery Brooks, a fraud detection manager from Woodbridge, said his company, Capital One, has agreed to pay him the difference. Otherwise, he would be losing 42,200 a month. ''I'd be in real trouble,'' he said.

Daniel Ray, editor in chief of bankrate.com, an online financial information service that helps reservists, said many people are not so lucky. ''Those are generous bosses to have,'' Ray said. ''But if you're self-employed, or you've built up your practice over the years, it can be very hard. When you go away, your practice dries up. Then it doesn't just affect you but your secretary and the people who rely on you.''

Not everyone takes a financial hit. Army Reserve Lt. Orlando Amaro would make the same amount guarding a POW camp in Iraq as he does as a D.C. police officer patrolling the streets of Columbia Heights. If he is shipped overseas, where his income wouldn't be taxes, he may come out ahead.

''It won't affect me at all,'' he said.

Lynn Brinker isn't thinking about coming out ahead. She may sell the Chrysler she and her husband recently bought. She wants desperately to let her 12-year-old son, Chris, continue private viola lessons, and for Kevin, 10, to keep up with the trumpet. She wonders whether she'll be able to afford the registration fees and equipment for youth hockey in the fall.

''My thinking is we'll tap this line of credit and try to keep my kids' lives as normal as possible while their father is away. It's very traumatic for them,'' she said.

''People may say, 'Well, he signed up for this. You knew this could happen.' But he was away for an entire year, and then leaves

four months later. And now we don't know how long he'll be gone. I don't think he signed up for that.''

Ms. LANDRIEU. This Post story captures the reality of reservists who are called to war and are asked to make the double sacrifice of enormous pay cuts to serve their country.

Because of stories like these in my home State, and across the country, I introduced S. 442, the Reservists and Guardsmen Pay Protection Act. This bill would provide a tax credit to employers who take the patriotic step of covering the difference between their employee's pay and as a civilian, and their pay as a soldier. The tax cut would cover 50 percent of the amount, and last for 1 year. Additionally, the Senate just passed a budget resolution that calls for $350 billion in tax cuts over 10 years. Certainly, we should ensure that there is room in this tax cut to both promote economic growth and benefit the men and women in uniform willing to risk their lives in defense of this great Nation.

As the chairman and ranking member know, I have been a strong supporter of Senate Bill 351, the Armed Forces Tax Fairness Act. It contains a provision that I introduced as separate legislation relating to dependent care benefits for military personnel, and I very much appreciate Senator GRASSLEY's and Senator BAUCUS' effort to include these provisions in the bill.

However, I think it would be a terrible mistake to ignore this looming question that affects so many Reservists and Guardsmen, especially after agreeing to $350 billion in tax cuts. S. 442 is both stimulative and necessary for the men and women on the front lines, as well as their families back at home. So, I ask my friends, the distinguished chairman and ranking member of the Senate Finance Committee, can anything be done to address this problem?

Mr. GRASSLEY. I thank the junior Senator from Louisiana for her bringing this important issue to the committee's attention. The Congress has an obligation to see to the well being of the men and women who are defending this Nation even now. For these reasons, the committee has adopted S. 351, and we would like to pass that legislation immediately. I know it contains provisions of deep interest to the Senator from Louisiana, and she would agree that the sooner they are enacted the better. However, I share her concern about the need to take whatever steps we can to support our troops and their families. For a variety of reasons, I do not believe that the S. 351 is the correct vehicle to address this problem. I do recognize that the issue appears to have drawn broad support as similar proposals have been introduced by Senators DEWINE and ALLEN. I say to my friend from Louisiana, I will work with her and Senators DEWINE and ALLEN on including the Reservists and Guardsmen Pay Protection Act in the reconciliation package that we will bring to the floor soon.

Mr. BAUCUS. I share the sentiments of Chairman GRASSLEY. I would support tax treatment for our Guardsmen and Reservists like that proposed by Senators LANDRIEU, DEWINE, and ALLEN. S. 351 is not the appropriate venue, but the reconciliation package should achieve the goals of S. 442. The junior Senator from Louisiana is correct that the $350 billion tax package should contain both tax cuts to promote growth and benefit the quality of life for the men and women in the United States Armed Forces.

Ms. LANDRIEU. Mr. President, I appreciate the chairman's offer and the ranking member's offer, and look forward to working with them to include this important legislation in the reconciliation bill this year.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, earlier I paid tribute to Senator Daniel Patrick Moynihan. There is a provision in the legislation we are considering which was very near and dear to the heart of Senator Moynihan, and that is the expatriation provision contained in this bill. It was actually developed by Senator Moynihan and Senator Roth several years ago. That is the genesis of this provision.

As we know, there are many men and women overseas fighting for our country. For example, there are currently about 300,000 in Iraq. At the same time, there are individuals who attempt to escape their patriotic duty. While we have 300,000 men and women over in Iraq, other individuals are attempting to escape their patriotic duty. They relinquish their U.S. citizenship. Why? One basic reason: In order to avoid supporting the United States through taxes.

Between 1991 and 2002, approximately 6,500 U.S. citizens have expatriated; that is, they gave up their U.S. citizenship. In 1966, as part of the Foreign Investors Tax Act, Congress created an alternative tax regime for U.S. citizens who expatriated in order to avoid paying taxes. The alternative tax regime taxes a former citizen on U.S. property for 10 years after expatriation.

These tax rules were strengthened in 1996 following press reports and congressional hearings indicating that very wealthy individuals expatriated while maintaining significant contacts with the United States.

Unfortunately, these changes to the law have not deterred citizens from expatriating to avoid paying U.S. taxes. The changes simply never worked as Congress intended.

This year, the Joint Committee on Taxation published a study on individual expatriation. According to the Joint Committee, there is virtually no enforcement of the special tax and immigration rules applicable to tax-motivated citizenship relinquishment and residency termination.

The Joint Committee also said that present law has been highly ineffective. Present law continues to provide tax incentives for individuals to expatriate. It also is difficult to collect U.S. taxes on former citizens who are no longer physically present in the United States.

Additionally, a study conducted by the General Accounting Office concluded that the IRS did not have a systematic compliance effort. That means that we are not even enforcing the alternative tax regime that is on the books.

That means a former citizen could avoid the alternative tax regime by holding foreign assets—which are not taxed. Or by waiting until the 10-year period expires before disposing of U.S. property.

The Armed Forces Tax Fairness Act includes a new system to address tax-motivated expatriation. Under this legislation, any U.S. citizen or long-term resident who relinquishes their U.S. citizenship or residency will be subject to an exit tax on the gains attributable to property owned during their U.S. citizenship.

Under this proposal, if the gain exceeds $600,000, then a former citizen will be taxed on the net unrealized gain on property—as if it were sold at fair market value 1 day prior to expatriation. The Treasury Department believes that this new system will greatly improve the administrability of the tax on expatriates. The new system imposes the tax at the time the individual leaves the U.S. jurisdiction.

Additionally, by including foreign assets within the regime, this eliminates a significant incentive for tax-motivated expatriation.

This expatriation provision will raise $700 million. The military bill uses that $700 million to provide tax benefits to military personnel.

In contrast, the House version of the military bill is simply a modification of the current alternative tax regime. It raises $328 million. The House version will not go far enough. It simply adds more provisions for the IRS to enforce. This strikes me as odd considering none of the current provisions is being enforced.

Sometimes the laws just do not work the way Congress intended. So, we must change the laws to ensure they are effective and administered as Congress intended.

The current system to tax expatriates does not work. We have had nearly 40 years to make the system work. We should not wait any longer to collect taxes on those who do not value the freedoms our nation provides.

The new proposal does not seek to tax expatriates on income earned after expatriation. It just says they have to

pay tax on the income earned while they were a U.S. citizen. While our military protected them.

I thank former Senator Bill Roth and the late Senator Daniel Patrick Moynihan, who developed this proposal several years ago. And I thank Senator HARKIN and others who have continued to work on this in the 107th Congress and this year.

AMENDMENT NO. 433

(Purpose: In the nature of a substitute)

On behalf of Senator GRASSLEY and myself, I call up amendment numbered 433.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. GRASSLEY, and Mr. BAUCUS, proposes an amendment numbered 433.

Mr. BAUCUS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is in today's RECORD under ''Text of the Amendment.'')

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise in strong support for this piece of legislation. I compliment my long-time friend, the Senator from Montana, for his work. We have enjoyed many projects together over the quarter of a century, and our distinguished Senator GRASSLEY has taken a strong hand, as always, on matters regarding revenue and also the Armed Forces of the United States.

If I had named this bill, I would have called it the Armed Forces Family Tax Fairness Act of 2003 because as I have studied this legislation and made some contribution to the text of it, I have always had in mind the families of the men and women of the Armed Forces and others who serve in the cause of freedom for our citizenry the world over, who take enormous risks and, frankly, accept the hardships which for those who would lead sort of a normal life are hard to understand.

Traveling about the world, most recently with Senators LEVIN and ROCKEFELLER and my colleague from Kansas, covering that area in Pakistan and Qatar, Kuwait, we saw firsthand the brave men and women not only in uniform but the agency staff and others who hopefully will benefit from this legislation.

I compliment my two colleagues on their timely action in extending these tax benefits to military and Foreign Service personnel and to the families of the Space Shuttle *Columbia* astronauts.

At this historic moment in history, with Operation Iraqi Freedom in progress, it is fitting we take every opportunity to express appreciation we have for our men and women in uniform. Certainly one way to do that is to place a priority on legislation enhancing the compensation of Active-Duty, Reserve, and National Guard personnel, and their families.

In the Armed Services Committee, we also are engaged in such an effort and we do it annually. I assure my colleagues that in connection with the fiscal year 2004 Defense Authorization Act, we do our utmost to make sure every aspect of pay and benefits is closely examined.

With respect to the legislation before the Senate, I am particularly pleased to support the provision of capital gains relief to military homeowners in connection with the sale of their residence. This relief, which recognizes realities of military service, is long overdue.

Senator MCCAIN introduced legislation last year, S. 1678, and I was happy to be a cosponsor and sought to achieve this purpose with him and others. I also view as particularly timely and well justified the provisions that are above-the-line tax deductions to Reserve and National Guard personnel who incur out-of-pocket expenses as a result of training operations and those benefiting the families of the Space Shuttle *Columbia* heroes.

It is fitting as hundreds of thousands of our military personnel—and many are engaged not only in the battle in Iraq but Afghanistan, which our group recently visited, and other trouble spots of the world—that the Senate recognize their contributions to freedom and the sacrifices they and their families make.

There are roughly 290 million citizens in this country. There are on active duty today about 1.5 to 1.6 million individuals. The normal standing force of the active forces of the United States runs about 1.2 to 1.3 million. Now with the augmentation of so many being called in the Reserve and the Guard to active duty, that is somewhat larger. However, that group represents only one half of 1 percent, roughly, of the population of 290 million citizens in this country.

We should always be mindful that so many are on active duty, particularly those engaged in armed combat, those who are on the television screens 24 hours a day now, assuming these courageous roles they are taking in combined forces, trying to free the Iraqi people of the bondage of these many years and to remove the weapons of mass destruction which threaten the very Members who occupy this Chamber from time to time. If those mass weapons spread throughout the world through the net of terrorism, small quantities of biological and other types of weapons of mass destruction could reach our shores and, indeed, inflict enormous harm against our people.

This is a very small group, less than ½ percent, who take these risks to preserve the freedoms and give us a greater sense of security here at home.

I hope this bill receives 100 votes. I thank those who made it possible.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield whatever time the Senator from Arkansas desires.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask unanimous consent that I may speak for up to 5 minutes on the pending bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRYOR. Mr. President, in these halls we often talk about the need to provide our military personnel with the resources they need to complete their missions. We all acknowledge how unique and important our military personnel and their needs are to us.

It is our responsibility to have a comprehensive picture to know what we need to do to make life better for our men and women in uniform. By that I mean not only salary but that we need to understand their health care needs, their housing needs, pension needs, education needs, disability and employment benefits. It is very important, as we work in Iraq and around the world and as we keep America safe, that we, as Congress, have this important information.

Not long ago, I was in a hearing of the Armed Services Committee, of which I am a member, and we began discussing the home mortgage deduction. One thing I realized was the home mortgage deduction is a very important part of America's financial picture, but also it is an important cornerstone to the American way of life.

As I thought about the home mortgage deduction for military personnel, I realized that the Tax Code is cumbersome and complicated. I could not find one place, one document, that laid out all the provisions in the Tax Code designed to benefit our military personnel.

And on comes the military tax bill, this very important piece of legislation. I commend Senator GRASSLEY and Senator BAUCUS for all their hard work on this bill. But I looked, and I saw a maze of Tax Code provisions, mainly for short-term solutions. Those are important, there is no question about it. But still, I could not find a comprehensive view of tax treatment for our Armed Forces.

So what I am proposing is very simple and very clear; that is, I would like to ask the GAO and the Departments of Defense and Treasury to provide us with a comprehensive study of the tax treatment of U.S. military personnel, along with a complete study of the financial conditions of our troops. And I would request they make recommendations on whether the Tax Code could be used to improve the unique financial conditions of our troops.

This powerful information will help this Congress, help this administration, and also help our men and women in uniform. This one document could be a very powerful tool for us to help our men and women in uniform.

However, at this juncture, I do not want to slow down, in any way, this

very important bill on which Senator GRASSLEY and Senator BAUCUS have spent so much time. I support their efforts to move this bill through quickly. We all understand how important that is.

Therefore, I am not asking that my amendment be adopted. But what I am asking, very respectfully, is that Senators GRASSLEY and BAUCUS join me in a letter asking the GAO to do what our amendment otherwise would accomplish. I thank them for their hard work, and I thank them for their leadership on these very important issues, issues the American people are very concerned with, and issues on which they have shown great leadership.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, that is a very important statement and request that the Senator from Arkansas has made. I can speak on behalf of myself, and I am sure Senator GRASSLEY, that we would be more than honored to join with the Senator from Arkansas in making that request. It is a very timely request. It is one that is very important. Frankly, I am a little bit surprised none of us made that same request that he has made because it is so important, and it is going to give us a lot better idea of the financial condition of our armed services. It is a good idea.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

I associate myself with the remarks of the Senator from Montana. I share Senator PRYOR's interest in a GAO study and will be glad to work with him on a letter. And, obviously, a person such as I, who relies upon the GAO for so much study on matters in which I am involved, would not discourage my colleague from likewise seeking the General Accounting Office's expertise and look forward to what such a study would show in regard to the treatment of our military personnel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, when the space program began in 1959 there were only seven astronauts in the entire country. They all were or had been in the Armed Forces.

That was only 44 years ago and since then, much has changed. Today, astronauts are comprised of Americans from every race, creed, color and gender.

While many still come from the military, the astronaut corps now includes civilian doctors, scientists, and engineers. They are our best and our brightest. They risk their lives to advance our knowledge and understanding of the world.

On February 1, 2003, seven men and women aboard the space shuttle *Columbia* lost their lives. LTC Michael P. Anderson, U.S. Navy CAPT David Brown, U.S. Navy CDR Laurel Clark, Dr. Kalpana Chawla, U.S. Air Force COL Rick Husband, Naval CDR William McCool, and Israeli Air Force COL Ilan Ramón will be remembered forever.

Five of the six *Columbia* crew members, from the United States, had military backgrounds. They were national heroes who are deeply missed by their family and friends. Through their dedication to space exploration, they lived their lives to the fullest and made long lasting contributions.

In honor of their sacrifice, I along with 13 of my Senate colleagues, introduced S. 298, the Assistance for Families of Space Shuttle Columbia Heroes Act.

I am pleased that the legislation was included by the Senate Finance Committee as part of the Armed Forces Tax Fairness Act of 2003.

Under the legislation, the families of the Columbia heroes would receive the same benefits as families of military personnel who die in the line of duty.

The provisions are similar to legislation passed in 2001 that provided relief to victims of the September 11, anthrax and the Oklahoma City attacks.

Specifically, the bill expands the class of those eligible for these benefits to include astronauts killed in the line of duty.

The legislation provides income tax relief. Current law generally excludes from tax income received in the year of death or in a previous year for soldiers killed in combat zones, and victims of September 11, anthrax and Oklahoma City.

The legislation expands this benefit to apply to astronauts who die in the line of duty.

The legislation provides death benefit relief. Current law excludes from income any death benefit paid by the U.S. Government to a soldier killed in a combat zone or paid by an employer to the families of the victims of September 11, the anthrax attacks, or the Oklahoma City bombing.

The legislation expands this benefit to apply to death benefits paid to the families of astronauts killed in the line of duty.

The legislation provides for estate tax relief. Current law provides estate tax relief that effectively lowers the estate tax rate to 20 percent for the estates of soldiers killed in combat zones, the victims of September 11, the anthrax attacks or the Oklahoma City bombing.

The legislation expands this benefit to apply to the estates of any astronaut killed in the line of duty.

The best way to honor *Columbia's* fallen heroes is to promptly pass this legislation and pledge that the goals and missions of NASA will live on in the years to come.

I urge my colleagues to support the Armed Forces Tax Fairness Act of 2003 which includes tax relief for the families of the Space Shuttle *Columbia* heroes.

Mr. President, since September 11, significant progress has been made to disrupt and dismantle the financial components of terrorist organizations.

Special agents from the IRS and other law enforcement agencies have successfully investigated numerous terrorist related entities—including tax exempt organizations that have engaged in terrorist fundraising.

The Armed Forces Tax Fairness Act of 2003 contains a provision that would suspend the tax-exempt status of any organization designated by U.S. authorities as a terrorist organization or supporter of terrorism.

There is no procedure under present law for the IRS to suspend the tax-exempt status of an organization.

The IRS can revoke an organization's tax-exempt status only after conducting an examination of the organization.

Even then, the IRS must issue a letter proposing revocation and allow the organization to exhaust its administrative appeals rights.

The provision in this legislation is simply common sense. It is an important weapon in our war on terrorist financing.

An organization that has been designated by the Federal Government as a terrorist organization should not be exempt from Federal income tax. Moreover, contributions to such organizations should not be tax deductible.

Once the Federal Government determines that an entity is a terrorist organization pursuant to certain authority—for example, the International Emergency Economic Powers Act—a separate investigation by the IRS is not necessary.

Further, because a terrorist organization may challenge the Federal government's designation under the law authorizing the designation, recourse to the declaratory judgment procedures of the Tax Code is not appropriate.

If a tax-exempt organization's suspension is determined to be erroneous, the provision would allow tax refunds for any overpayments.

Lastly, the IRS will be required to update its listings of tax-exempt organizations to take into account organizations that have had their exemption suspended. This will give notice to taxpayers that contributions to these organizations are no longer deductible.

I urge my colleagues to support the Armed Forces Tax Fairness Act of 2003.

Mr. President, this bill includes many important changes in the tax treatment of income and benefits received by members of our armed forces. One provision is particularly important for members that face the dual challenge of serving their nation while raising a family. The bill explicitly states that child care subsidies that members of the military receive shall not be subject to income tax.

In 1986, we passed a law which stated that military benefits should not be included in income for tax purposes. The statute lists a number of benefits received by members of the military—

housing allowances, medical benefits, education assistance, and many others. But child care subsidies do not appear on the list.

When we passed this law, the Department of Defense did have a program to assist members of the military in caring for their children. But the importance of this program has increased as the demographics of the members of the military have changed.

There was a time when our forces were primarily young single men. However, times have changed. Twelve percent of the forces are women. Over half of the active duty members are married. Two-thirds of military spouses work outside the home. Six percent of members are married to another member of the military. And 6 percent are single parents.

Young single soldiers are no longer the norm. Recognizing these changes, the Department of Defense has placed a reinforced importance on assisting military families.

The Department of Defense recognizes the additional challenges faced by military families as they raise children. The average military family moves every two and a half years, making it difficult for them to find quality child care, or friends and neighbors to look to for help with child care responsibilities. And with work schedules that are often long and unpredictable, help is often necessary. In addition, members of the military face the possibility of deployment anywhere in the world at any time.

They now operate over 800 child care centers in the U.S. and abroad. These include child development centers for young children, after-school centers for older children, and other family care programs. They provide night and weekend services as well, to accommodate the often hectic schedules that military families face. All in all, these programs provide care for over 200,000 children every day.

The cost of these programs varies depending on the income of the parents—on average, it is about $7,700 per child. This cost is shared by the military parents and the government, with each paying about half the cost.

The law is unclear about whether these benefits are subject to income tax. A provision in this bill ends that confusion. It states that these child care subsidies, shall not be included in income, for tax purposes.

As the demographics of the members of the military have changed, so has the policy of the Department of Defense. Now it is time that we follow with these changes to the tax code.

I compliment Senator LANDRIEU of Louisiana, who developed this proposal, and insisted on its inclusion in this military tax bill.

It is one more reason the Senate should pass this legislation today.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all time is yielded back, amendment No. 433 is agreed to, and the clerk will read the bill, as amended, for the third time.

The amendment (No. 433) was agreed to.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. HARKIN. Mr. President, I am very pleased that the Finance Committee has moved the important provisions of this bill to the Senate floor and I urge that the bill be passed.

The current Tax Code does not adequately deal with the special circumstances that some in our military face. One of the most important provisions, in my view, is providing for an above-the-line deduction for overnight travel expenses of National Guard and Reserve members.

I have taken a personal interest in a provision included in this measure that provides that descendants of current or former active military personnel may be members of veterans organizations. Without this provision, many local veteran posts which operate food operations will find themselves having to pay unrelated business income taxes as the portion of service to members falls. A large share of the local posts in Iowa are very small operations and this would be a real burden. I introduced legislation in the last Congress and this one which has been included in the bill and I appreciate the inclusion of this provision.

Lastly, I want to discuss the inclusion of a provision that will effectively prevent very rich individuals from reducing their taxes by renouncing their U.S. citizenship. I cannot stress too strongly how disgusting I find this group's behavior. Their number is small, but their cost to the Treasury is significant. The Joint Tax Committee has estimated the savings of this provision at $700 million over 10 years.

Back in 1996, I became very interested in this issue and introduced legislation on the subject. Senator Monynihan took the lead in the Senate and we passed solid legislation at that time. Unfortunately, the House resisted the provision and successfully proposed a mechanism which has proven to be grossly inadequate.

The Joint Tax Committee staff issued an extensive report on this issue earlier this year with considerable cooperation from the GAO and the Treasury. The report found that ''there is little or no enforcement of the special tax and immigration rules applicable to tax-motivated citizenship relinquishment and residency termination.'' It went to say, ''The Joint Committee staff believes that a key reason for inadequate enforcement of the alternative tax regime is the inability to obtain necessary information from individuals.'' With appendices, the report is over 500 pages in length. But it comes down to a simple point: A small number of people continue to evade U.S. income taxes by turning their back on our country because of the weakness of the 1996 provisions. That should stop today.

In both this Congress and the last, I introduced legislation with Senator STABENOW to effectively prevent very rich individuals from reducing their taxes by renouncing their U.S. citizenship. It is a companion to a measure introduced by Congressman CHARLES RANGEL in 2002. The Joint Tax Committee now estimates that it saves $700 million. The savings to the Treasury are important and the reality that people are able to save on their fair share of taxes by turning their back on our country is in some ways even more important. I call them Benedict Arnold.

Under current law, for 10 years after a U.S. citizen renounces his or her citizenship with a principal purpose of avoiding U.S. taxes, the person is taxed at the rates that would have applied had he or she remained a citizen. In reality, the tax is nominally on a broader based of income and on more types of transactions. In addition, if the expatriate dies within 10 years of the expatriation, more types of assets are included in his or her estate. Unfortunately, the reality is that taxes are very often not paid.

Once a person has expatriated and removed U.S. assets from U.S. jurisdictions, as the Joint Tax Committee report notes, it is extremely difficult to enforce the current rules, particularly for an entire decade after the citizenship is renounced. The measure I introduced simply provides that the very act of renouncing one's citizenship triggers the recognition of tax. So, rather than collecting tax every time an asset is sold over the next decade, my bill treats all of the assets of an expatriate as having been sold the day prior to when the person renounces their citizenship. The taxes are due up front rather than over time. In regard to estate taxes, rather than attempting to collect the tax from the estate of an expatriate not in U.S. jurisdiction, my measure taxes the inheritance of an heir who remain in the U.S. in such a way as to remove any tax benefit from the renouncement of citizenship.

Revenue of $700 million from these very few former citizens is a significant amount of money that must be made up by loyal Americans in the form of higher debt or taxes that Americans will face. Last year, the Senate passed this measure as a part of the Armed Forces Tax Fairness Act but, unfortunately, the House opposed this provision.

I am hopeful that the Senate will strongly resist any effort to weaken these provisions in any way. This is a matter where the Senate should insist that the loopholes be completely closed. It is an area where lobbyists for the Benedict Arnolds should have no success in their efforts to escape their tax obligations.

• Mr. KERRY. Mr. President, I offer my strong support for the Armed Forces Tax Fairness Act and am proud to be a cosponsor of the original bill.

This legislation, among other measures, will remedy several provisions in the Tax Code that needlessly penalize the members of our Armed Forces.

The act eliminates taxes on military death gratuities. It allows service members to benefit from the sale of a home as civilian taxpayers now do by exempting up to $250,000 of the revenue from the sale of a principal residence even if the owner is away on active duty. It excludes amounts received under the military housing assistance program. It expands combat zone filing rules to include contingency operations. And it takes other sound steps that will benefit Americans who have chosen to serve their country so admirably in our armed services. There is also a provision to assist the families of astronauts lost in the tragic crash of the Space Shuttle *Columbia*.

As a veteran, I hold the dedication and commitment of our military personnel in especially high regard. They are putting their time, talent, energy and, often, their very lives on the line for our Nation. For that, I thank them and am proud to support this legislation.●

Mr. HATCH. Mr. President, I rise today to express my support for the military tax bill that is currently pending before the Senate.

First, I would like to commend Senator GRASSLEY, the chairman of the Finance Committee, and Senator BAUCUS, the committee's ranking Democrat, for their leadership in bringing this legislation to this point. Although this bill has a great deal of support in the Senate and in the House, it has not been an easy process to get it enacted, as the Senate and House each have different versions of the bill. In fact, this legislation was passed in the Senate and in the House last fall in the final days of the 107th Congress. Unfortunately, Congress adjourned before the differences in the bills could be worked out.

As we debate this bill today, hundreds of thousands of our military men and women are in harm's way in Iraq, including 3,000 National Guardsmen and reservists from Utah who have been called into active service. These brave individuals are selflessly risking their lives for their country. Most, if not all, of these people are also making big financial sacrifices to serve in the military. While this bill will not come close to compensating our service people for these financial sacrifices, it will bring some basic fairness to their tax lives.

The tax provisions in this bill are targeted and modest. They are also very much needed. I urge my colleagues to quickly join me in supporting this bill, and I hope the House will join with us in working out the differences in the two versions of this legislation so that these modest relief measures can be quickly sent to the President and signed into law.

Ms. LANDRIEU. Mr. President, our Nation has always risen to the challenges of war. During such times, Congress has spared no expense to make sure that our dedicated armed services personnel have everything they need to fight and win. We will always meet this obligation.

But the men and women on the battlefield have families back home and there is more that we can do for them. I am talking about the families of the troops from Barksdale, Belle Chasse, and Fort Polk in Louisiana, as well as our guardsmen from all across the State. Every one of my colleagues represents military families. We need to make sure that we support them as well.

That is why today I would like to add my voice of strong support for the Armed Forces Tax Fairness Act of 2003. I congratulate Senator GRASSLEY, the Finance Committee chairman, and Senator BAUCUS, the ranking member, for bringing this bill to the floor today. I urge my colleagues to vote in favor of this legislation.

This bill contains several provisions that would reduce taxes for members of our armed services. The bill would clarify that childcare benefits provided to military personnel are to be excluded from income, a provision based on legislation that I introduced earlier in this Congress, S. 235. In addition, the bill excludes all death gratuity payments from the income of surviving family members. Military and Foreign Service personnel would receive capital gains tax relief when they have to sell a home and move because of reassignment or deployment orders. National Guard and Reserve members would receive an above-the-line deduction for overnight expenses when they travel more than 100 miles from home to attend National Guard and Reserve meetings. There are other important provisions in this bill that give needed tax relief to our families.

I had hoped to include language in this bill to give a much-needed tax break to the employers for Reserve personnel. When a reservist gets called up, as many have, to go fight in Iraq, employers have to keep his or her job open, but do not have to pay a salary to the reservist while they are gone. This can cause an extreme hardship on a reservist's family. While the reservist receives military pay, in many cases this is much less than their civilian pay. Some employers, but not all, will pay the difference between the civilian and military pay, but they do not receive any benefit for this act of patriotism. I introduced S. 442, the Reservist and Guardsmen Pay Protection Act, to give a 50 percent tax credit to these patriotic employers.

I regret that we were not able to include my bill in the Armed Forces Tax Fairness Act. But I deeply appreciate the chairman and ranking member for their commitment to address my tax credit proposal in the future reconciliation package. I look forward to working with them.

Again our men and women in the Armed Forces and their families deserve our support. For all these reasons and more, this legislation deserves to pass. I urge my colleagues to join me in supporting this bill.

Mr. MCCAIN. Mr. President, I am proud to be an original cosponsor of the Armed Forces Tax Fairness Act of 2003, H.R. 1307. This important legislation provides Congress with the opportunity to demonstrate our firm resolve to support the men and women who sacrifice so much in the service of our country. I applaud Chairman GRASSLEY's and ranking member BAUCUS' efforts, and those of my colleagues who have worked so hard on these initiatives, in some cases, for many years. I want to particularly thank Senator DEWINE for his stalwart leadership on the above-the-line deduction for expenses incurred by our National Guard and Reserve service members who have to travel great distances for their duty and training.

This long overdue tax benefit for our true citizen-soldiers is even more important today considering these facts: During each of the past 5 years, Reserve and National Guard service members have performed between 12 and 13.5 million duty days in support of the Active Force. These numbers are in a direct contrast to 1990, when 1 million duty days were performed at a time when there were 25 percent more reservists.

Reservists and National Guardsmen currently comprise more than half of the airlift crews and 85 percent of the sealift personnel that are needed to move troops and equipment in either wartime or peacetime operations. In addition, Reserve medical and construction battalions and other specialists are critical to a wide range of operations. Efforts by the Reserve components to move beyond a traditional wartime backup role and to provide peacetime support to active units are thus desirable. The Naval Reserve and Air Force Reserve components have made particularly impressive progress in this area.

The Reserve components are performing many vital tasks: From direct involvement in military operations to liberate Iraq in the air, on the ground, and on the sea; to guarding nuclear power plants in the United States; to providing support to the war on terrorism through guarding, interrogating, and providing medical service to detainees in Guantanamo Bay Cuba; to rebuilding schools in hurricane-stricken Honduras and fighting fires in our Western States; to overseeing civil affairs in Bosnia; to augmenting aircraft carriers short on Active-Duty sailors with critical skilled enlisted ratings during at-sea exercises as well as periods of deployment.

I believe that the civilian and uniformed leadership of our Armed Forces and the Congress must recognize this involvement. At a minimum, Congress must provide equality in benefits for Reserve component service members

when they put on the uniform and perform their weekend drills or other critical training evolutions. Quality of life is not just an Active-Duty obligation that Congress must provide. Reservists, on duty, who resemble their Active-Duty counterparts during training evolutions and are deployed at times around the world, should be treated equally when the administration and Congress provide for quality of life benefits.

I would like to take a moment to discuss a provision in the bill that I have personally worked on for some time. Section 101 would allow members of the uniformed services, as well as State Department personnel who are away on extended duty overseas, to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans. I am pleased to announce that Secretary of State Colin Powell fully supports this legislation, and this legislation enjoys overwhelming support by the senior uniformed leadership, the Joint Chiefs of Staff, as well as the Office of Management and Budget Director Mitch Daniels, the 31-member associations of the Military Coalition representing 5.5 million veterans, the American Foreign Service Association, and the American Bar Association.

The average American participates in our country's growth through home ownership. Appreciation in the value of a home allows everyday Americans to participate in our country's prosperity. Fortunately, the Taxpayer Relief Act of 1997 recognized this and provided this break to lessen the amount of tax most Americans will pay on the profit they make when they sell their homes. Unfortunately, the 1997 home sale provision unintentionally discourages home ownership among members of the Uniformed and Foreign Services.

Under the 1997 Act the taxpayer must meet two requirements to qualify for this tax relief. The taxpayer must: (1) own the home for at least 2 of the 5 years preceding the sale, and (2) live in the home as their main home for at least 2 years of the last 5 years. The second part of this eligibility test unintentionally and unfairly prohibits many of the women and men who serve this country overseas from qualifying for this beneficial tax relief.

Constant travel across the United States and abroad is inherent in the uniformed and foreign services. Nonetheless, some members of these services choose to purchase a home in our communities, even though they will not live there much of the time. Under current law, if they do not have a spouse who resides in the house during their absence, they will not qualify for the full benefit of the home sales provision, because no one ''lives'' in the home for the required period of time. The law is prejudiced against families that serve our Nation abroad. They would not qualify for the home sales exclusion because neither spouse ''lives'' in the house for enough time to qualify for the exclusion.

Section 101 simply remedies this inequality in there 1997 law. It amends the Internal Revenue Code so that members of the uniformed and foreign services will be considered to be using their house as their main residence for any period that they are assigned overseas in the execution of their duties. In short, they will be deemed to be using their house as their main home, even if they are stationed in Bosnia, the Persian Gulf, in the ''no man's land,'' commonly called the DMZ between North and South Korea, or anywhere else they are assigned.

With Operation Iraqi Freedom, the global war on terrorism, and continuing operations in Afghanistan, Bosnia, and Kosovo, our Armed Forces are deployed to an unprecedented number of locations. They are away from their primary homes, protecting and furthering the freedoms we Americans hold so dear. It is wrong to penalize them for doing their duty. Military service entails sacrifice. We must do all that we can to ensure that Congress is not adding to the burdens service men and women bear with an unfair Tax Code. This narrowly tailored remedy will grant equal tax relief to the members of our uniformed and foreign services, and restore fairness and consistency to our increasingly complex Tax Code.

This military tax package is a clear show of support for our men and women in uniform. It is the right thing to do, and I hope that all my colleagues will support this critical measure.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Armed Forces Tax Fairness Act, S. 351.

Whether we are at war, as is currently the case, or at peace, members of the armed services should not be treated unfairly by the Tax Code as a result of their decision to serve our county.

Inequities in the Tax Code that disadvantage men and women in uniform not only make it harder for them to support their families and themselves, but also threaten our own security by making it harder for the armed services to recruit talented service men and women.

We have a responsibility to eliminate any disincentives to serving in the United States military, and this bill does much to fulfill that goal.

The two most important provisions in this bill are relaxed rules on the treatment of capital gains on the sale of a home by military personnel, and an above-the-line deduction on travel expenses for members of the National Guard and Reserve.

Anyone who has ever served in the military or grown up in a military family knows that frequent travel is a way of life for those in uniform. A U.S. Marine might spend a year or two at Camp Pendleton, in my home State of California, then transfer to Quantico, and finally end up at Camp Lejeune in North Carolina.

Under current law, that Marine might not qualify for the home sale capital gains exclusion available to most homeowners, due to his or her frequent postings to different bases, or to combat duty abroad. This bill corrects that inequity, and makes it easier for all military personnel to sell their home tax free.

National Guard and Reserve members would also benefit under the bill from an above-the-line deduction for travel expenses up to $1,500. This puts those who serve on the National Guard and Reserve on equal footing with those who travel on company business and do not pay for those expenses out of after-tax income.

No one who chooses to serve in the Guard or Reserve should have to pay for a plane ticket or hotel room out of their after-tax income in order to join their unit when called up for duty.

This bill also contains a number of smaller, but no less important, provisions designed to ease the tax burden on military personnel, such as the treatment of service academy appointments as scholarships when personnel apply to tuition programs and Coverdell Education Savings Accounts.

I wish we could do more in the Senate to keep our soldiers, pilots, and sailors out of harm's way during the current conflict in Iraq. I wish we could pass a bill that guarantees that each and every one of them returns home safely to their husbands, wives, children, and parents.

We cannot do that. But by passing this bill we can improve their financial security and make it easier for them to continue to serve and to protect our country.

I urge my colleagues to support the Armed Forces Tax Fairness Act.

Ms. CANTWELL. Mr. President, I rise today in support of the Armed Forces Tax Fairness Act substitute offered by Senator GRASSLEY. This legislation is a critical step towards full tax fairness for our military personnel and Foreign Service officers.

The American people and Congress stand with our men and women in uniform, and this is the right time to advance tax parity.

Last Congress, I was proud to cosponsor the Foreign and Armed Services Tax Fairness Act of 2002, which included many of the provisions that we are passing today. I was pleased to cosponsor the bill again this Congress when it was reintroduced.

This legislation will bring some commonsense changes to the way military and Foreign Service families are treated under the Tax Code. It will allow military and Foreign Service families to exclude up to half a million dollars in capital gains from home sales; make death gratuity benefits tax exempt; exclude compensation from the Homeowners Assistance Program; provide a deduction for the National Guard's unreimbursed travel expenses; clarify that dependent care assistance for military families is exempt from taxation; and support education individual retirement accounts for students at service academies.

The legislation also extends these benefits to the families of the victims of the space shuttle *Columbia* tragedy. The *Columbia* provisions address many of the goals in the Assistance for Families of Space Shuttle *Columbia* Heroes Act, which I cosponsored with Senator BAUCUS.

Finally, I would like to emphasize a crucial provision addressing IRS treatment of terrorist organizations. Currently, when the United States designates an entity a terrorist organization, there is a long delay before the IRS revokes its tax-exempt status. There is no reason to postpone the action, but it takes time to update these lists. This bill will automatically suspend the tax-exempt status of designated terrorist organizations, expediting the consequences of the designation. Last Congress, Senators GRASSLEY and JOHNSON introduced bills with this practical remedy, but we have yet to pass it into law. The House version of the Armed Forces Tax Fairness Act does not contain this language, but I will work with my colleagues in both bodies to ensure that when we send this bill to the President, this important provision is included.

Mr. President, the Armed Forces Tax Fairness Act supports our men and women in uniform during these trying times. I urge my colleagues to give it their full support.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I rise today with great pride to support the Armed Forces Tax Fairness Act. As I speak, America's military is fighting in the dangerous and inhospitable deserts of Iraq. And when I watch the remarkable news coverage of the progress in Iraq, I am awed by the skills, dedication, and courage of our fighting forces. Passing this legislation is the least that we can do to show those brave men and women that we support them, we are proud of them, and their nation is grateful for their sacrifice.

This Congress ought not to pretend that the bill we are considering is some altruistic gift to the men and women serving our country in the military. Rather, today we will pass legislation that restores basic fairness to the tax code. We demand extraordinary sacrifices of our soldiers, sailors, airmen, and marines. They are often stationed far away from their families. They are frequently uprooted and forced to sell their homes on short notice. And in a military increasingly dependent on the National Guard and Reserves, we ask some of our vital troops to travel great distances at their own expense to train with their units.

Often the burden of these sacrifices is increased by the inflexibility of the Tax Code. For example, a serviceman stationed in Saudi Arabia obviously cannot meet the residency requirements associated with the capital gains tax exclusion for his house in the States. It is spectacularly unfair for us to send a soldier away from his home, and then punish him with increased taxes if he decides to sell that home. The bill we will pass today rectifies this problem by suspending the residency requirements for military personnel that are away from home on active duty assignment.

This bill also ensures that the full death gratuity payment made to the survivors of military personnel killed on duty will be exempt from income tax. The death benefits paid to survivors are intended to cover funeral costs and immediate expenses while the family gets back on its feet. The current death benefit is not large; it is $6,000. Inexcusably, half of that benefit is subject to income tax. This legislation excludes the full value of the death benefit from tax. To say that the survivors of those recently killed in Iraq deserve to receive the entire death benefit, tax-free, is an extraordinary understatement.

One of the most important provisions of this bill is the above-the-line-deduction for overnight travel expenses for members of the National Guard and Reserves. Many of these troops travel more than 100 miles to serve with their units. They have to pay the costs of traveling to their base; and many of them also have to pay for their meals and lodging while away from home. Under current law, these expenses can be deducted from income only if the individual itemizes deductions on his or her tax return. This onerous requirement prevents many eligible individuals from taking advantage of the deduction.

The bill we will pass today ensures that the expenses associated with overnight travel to attend National Guard and Reserve meetings can be deducted even if a person does not itemize deductions. This provision is expected to save National Guardsmen and reservists more than $800 million over the next 10 years. We have seen how valiantly these members of our Armed Forces are serving—leaving their homes, families, and regular jobs, to serve in Iraq, Afghanistan, or wherever their Commander in Chief sends them. It is the least we can do to minimize the financial burden this service places on them and their families.

I have highlighted just a few of the important provisions of this bill. Let me speak for a moment about how important this legislation will be for my own State of West Virginia. West Virginians have a proud tradition of serving in the military. Tens of thousands of West Virginians are serving on Active Duty in our Army, Navy, Air Force, and Marine Corps. More than 3,000 West Virginia members of the National Guard and Reserves have been activated. I am pleased to be able to support legislation that recognizes their sacrifices and rewards their service.

The Senate passed legislation very similar to this bill last year. I was extremely disappointed that the House of Representatives did not act on that bill in the 107th Congress. We should waste no more time. Recently, the House passed a bill to provide tax fairness for members of our Armed Forces. However, the Senate has taken the responsible step of offsetting the costs of these changes to the tax code. The Senate bill will close loopholes that currently allow some individuals to renounce their American citizenship simply to avoid paying income taxes. I can think of no better way to finance tax relief to the brave patriots in our military than by forbidding anyone to shirk income taxes by renouncing citizenship in the United States. The tax loophole that rewards such unconscionable behavior ought to be closed and now is the time to do so. I urge the House of Representatives to approve the Senate bill.

Let me close by thanking all of the members of our Armed Forces. Whether they are currently serving overseas or at home, whether they will see combat this week or provide support from far away, all these brave men and women are making America very proud. This legislation recognizes their sacrifices. I urge my colleagues to support the bill and hope that Congress will send it to the President without delay.

## EXPRESSING GRATITUDE OF UNITED STATES TO NATIONS PARTICIPATING IN COALITION TO DISARM IRAQ

The PRESIDING OFFICER. Under the previous order, the measure is laid aside, and the Senate will proceed to the consideration of S. Con. Res. 30, which the clerk will report.

The senior assistant bill clerk read as follows:

A concurrent resolution (S. Con. Res. 30) expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq.

The PRESIDING OFFICER. There will now be 1 hour of debate equally divided between the chairman and ranking member of the Foreign Relations Committee.

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield myself such time as I may require on this initial statement.

I ask unanimous consent that Senators WARNER and ALLEN be added as cosponsors of S. Con. Res. 30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I rise in support of this resolution thanking those nations participating with the United States in the ''Coalition to Disarm Iraq.'' I am pleased that this resolution enjoys the strong support of the ranking member of the Committee on Foreign Relations, the Senator from Delaware, and the leadership on both sides of the aisle.

Our resolution cites the important diplomatic initiatives originally undertaken by our allies in Europe in support of U.S. resolve to enforce U.N. Security Council Resolution 1441. On January 30, 2003, the Prime Ministers of Denmark, Italy, Hungary, Poland, Portugal, and the United Kingdom, and the Presidents of the Czech Republic and the Spanish Government issued a declaration stating the ''the Iraqi regime and its weapons of mass destruction represent a clear threat to world security.'' The declaration went on to say that ''. . . our governments have a common responsibility to face this threat. . . .''

These European leaders were immediately joined by the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia. In a declaration of February 5, 2003, the Foreign Minister stated in part: ''the clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies. We call upon the United Nations Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security.''

This is not the first time the Senate has commended the important contributions made by the leaders and Foreign Ministers of these countries, but at a time when some question international support in Iraq, we thought it important to revisit their statements of support and reiterate our gratitude.

In addition to these statements of support, our resolution identifies additional nations that have expressed their support for coalition action in Iraq. Nations around the world are providing important diplomatic and strategic support in a number of ways, including expressions of political support, overflights and basing authorization, intelligence-sharing, and other important strategies contributions. This list includes long-standing U.S. allies and relatively new partners in the war on terrorism: large nations with strong militaries and small nations who share our view of the inherent threat posed by Iraq's weapons of mass destruction. In addition to the nations mentioned, international support grows each day. In an effort to acknowledge the contributions of each, I will list those nations who have made their contributions public to date: Afghanistan, Angola, Australia, Azerbajian, Colombia, Costa Rica, Dominican Republic, El Salvador, Eritrea, Ethiopia, Georgia, Honduras, Iceland, Japan, Kuwait, Macedonia, Marshall Islands, Micronesia, Mongolia, The Netherlands, Nicaragua, Palau, Panama, The Philippines, Rwanda, Singapore, Solomon Islands, South Korea, Tonga, Turkey, Uganda, Ukraine, and Uzbekistan.

More specifically, our resolution expresses our Nation's sincere gratitude to Australia, Denmark, Poland, and the United Kingdom, whose forces have joined with the United States in sending troops into harm's way. Each of these nation is making important contributions to coalition efforts to disarm Saddam Hussein's regime of its weapons of mass destruction. In addition, we thank the numerous other nations that are providing military and logistical support to operations in the region.

We also pay special tribute to the leaders of the United Kingdom, Australia, and Spain. Prime Minister Tony Blair, Prime Minister John Howard, and President of the Spanish Government, Jose Maria Aznar, have provided courageous leadership to efforts to disarm Iraq, and the Senate of the United States commends them for their efforts and expresses its thanks.

I welcome the opportunity to introduce this resolution of gratitude to our allies around the world who are supporting our efforts in Iraq in so many important ways. I am hopeful this resolution will receive the unanimous support of the Senate, to ensure a strong expression of appreciation and commendation of the important contributions by members of the international community who are making the ''Coalition to Disarm Iraq'' a success.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise to join my colleague, the chairman of the committee, in support of S. Con. Res. 30, which commends and expresses the gratitude of the United States to the other nations participating with us in the Coalition to Disarm Iraq. The American people and this Congress stand with our Commander in Chief and behind our men and women in uniform. It is their responsibility, and the Commander in Chief's, to prosecute this war in Iraq, but it is our responsibility to give them the support they need and deserve.

There may be difficult days ahead, but I am confident of the extraordinary skill and ultimate success of our endeavor. As we gather here today, the sons and daughters of four countries—the United Kingdom, Australia, Poland, and Denmark—are fighting alongside our troops. Our purpose today is to thank them from the bottom of our hearts for the courage they are demonstrating. It is to tell their families and loved ones of our gratitude for their sacrifice and to express to their leaders our profound admiration for their determination to join other nations, including ours, in a common and just cause.

Several dozen nations are supporting this coalition in other ways—politically, diplomatically, and strategically. They, too, have our deep appreciation. The Senator from Indiana has read the names of those nations.

Let me say a word to the leaders and the people from friendly countries and allies who do not support our effort to disarm Saddam Hussein's regime. This Senator and many others disagree profoundly with the choices they have made. But this Senator, at least, respects—equally profoundly—that that choice is the right of a sovereign nation to make, to differ with us.

I think it is time that we move beyond the finger-pointing and recriminations that have been flying across the Atlantic and around the world. We need one another. We will need one another in other endeavors. It is time to, again, heal the differences. We could not come together in war, but we are going to have to come together in peace.

This resolution expresses that hope. By its words, it ''welcomes and encourages the active involvement of [the countries in this coalition], other nations, and key international organizations in the reconstruction and civil administration of Iraq after the conflict.''

When this war ends—hopefully, that will be soon—we will face a tremendous responsibility and an equally important opportunity in terms of Iraq's future. Even as our thoughts and prayers are with our President, our troops, and our allies, we need to think about and act on that future now.

Why is this so important? I believe it is important because it is profoundly against the interests of the United States to be left the sole responsibility for Iraq. As my friend, and the friends of many here, Tom Friedman, has put it: We may have to rent this country for a time; but it is not our desire to own it.

There are three reasons for that:

First, it will cost tens of billions of dollars and take years to rebuild an Iraq that is secure, whole, free, and governed by its own people. We should not bear that burden or responsibility alone.

Second, an indefinite American military occupation of Iraq would fuel resentment throughout the Middle East, bolster al-Qaida's recruitment, and make Americans a target for malcontents everywhere. We need to make the peace in Iraq the world's responsibility, not just our own.

Third, failure to engage the U.N. and as many countries as possible in post-Saddam Iraq would miss an opportunity to repair the damage that has been done to the U.N., to our alliances, and international cooperation—all of which we will need to win the war against terrorism, to contend with North Korea and Iran's nuclear programs, to slow the spread of weapons of mass destruction, to deal with outbreaks of disease, and to contend with so many other threats that have no respect for borders.

I hope the administration will spare no effort in securing the sanction of the United Nations for everything that will have to be done to keep the peace in Iraq after the war, to provide humanitarian aid, to rebuild the country, and to help put Iraq back into the hands of its own people.

By gaining the U.N.'s approval, we would help political leaders around the world whose people oppose the war justify their participation—including financial participation—in building the peace. It has not been lost on any of our colleagues in the last several days of debate, nor upon our fellow Americans; it is dawning on them that in the last gulf war, we paid between 17 and 20 percent of the cost of the war. For this gulf war, we are lucky to pay the totality of the bill—if not 100 percent, very close to it. The meter is just beginning to run. The chairman of the committee and I have held hearings over the last 10 months on this issue. We don't have any firm number, but we have estimates that it is going to cost—after we win—anywhere from $19 billion a year to numbers well in excess of that. It is in our interest—our direct interest—that other nations participate in making Iraq secure.

By gaining U.N. approval, as I said, we would help the political leaders around the world who know that is in their interest as well—whose people oppose the war—to justify their participation, including financial participation. And we would demonstrate a U.S. commitment to rebuild ties to the U.N., which will be important in our long-term security.

I personally think Kosovo provides a powerful precedent for such a course of action. In Kosovo, we chose not to pursue a use of force resolution at the U.N. that we knew Russia would veto. I was in this Chamber urging that we bypass the U.N. and go directly to a coalition of the willing—in this case, the EU and NATO—to gain support for what many of us here strongly believed was in the interest of the United States, the interest of Europe, and in the humanitarian interests of hundreds of thousands of people. We moved.

But even before the first bombs fell, we worked closely with the Security Council on an agreement to put the U.N. and other countries front and center in Kosovo for humanitarian aid and civil authority once the peace was made. As a result, we did not have to build the peace alone. Our motives were not questioned alone, and we did not bear the costs alone. Evidence the fact that we were carrying roughly 15 percent of the freight, 15 percent of the personnel, after Milosevic was defeated.

I know there is tension between those who see the efficiency of an American military occupation and those who seek the legitimacy of a U.N.-led effort.

I have made close to a dozen trips, during and after the war in Bosnia and Kosovo, to the Balkans. I can tell you, there is no U.N. organization, there is no multilateral organization, there is no organization in the world that can deliver with the speed and efficiency whatever is needed that equals that of the U.S. military; it doesn't exist—whether it is building a road, digging a well, or securing a neighborhood. But the fact is, we have to find a place between that efficiency and the need for legitimacy.

In the immediate weeks after the war, our military will have to be in charge of the country, and long term, we will have to be in charge of the security side of the equation in the country. Longer term, our goal—working with our allies and the international community—must be to put Iraq back in the hands of the Iraqi people, and this, again, in order for it to have legitimacy and, in my view, the prospect of succeeding, will have to be viewed by the region and the rest of the world as having been and gotten the imprimatur of the international community. The last thing we need to do is look as though we are putting in a puppet government—which is not our intention—in Baghdad in order to serve our purposes. There will be no legitimacy, and it will commit us much longer and in a more costly way.

During this critical interim period, we must achieve a very difficult balance. On the one hand, we have to avoid prolonging American military occupation, and, of course, for as long as our troops are there, security must be their responsibility—U.S. responsibility, not the responsibility of the U.N. or any other organization. We also had a bite out of that apple in the Balkans, in Bosnia. It did not work. It was a mistake. We corrected that mistake in Kosovo. But it should not be their role long term to administer Iraq or to choose its future leaders.

We don't want the American military having to make political decisions day in and day out and being blamed for every grievance. That would fuel resentment and turn us from liberators into occupiers. We do not want the American military putting in place a new Iraqi government, in my view. It would be seen as a puppet and, I believe, with no legitimacy.

On the other hand, we must not leave too quickly or hand over power to the Iraqis who lack the ability, the authority, and the institutions to govern their country—and risk Iraq coming apart at the seams.

Again, this is a different circumstance in Iraq than it was in Bosnia and in Kosovo, but we had a piece of that in both those countries.

This is a difficult balance. I am not suggesting any absolute formula, but I am suggesting that, to the degree the American military commander is seen to be handpicking and/or putting in place a new Iraqi regime, a new Iraqi government, it will diminish its legitimacy. To the degree to which an American sergeant, lieutenant, or captain has to stand someplace in Kirkuk and tell a returning Kurd, who was expelled through ethnic cleansing 15 years ago, whether he can go into his home and expel the Arab Sunni living there, that is a problem for us. I do not want some American GI having to make that decision, although they are qualified to make it. They should not have to be the ones to make each of those decisions.

Again, the handoff in the transition will be difficult, but as long as we move toward involving the international community without yielding any of our security interests, that is the way to go.

How would they deal, for example, as I said, with the Kurds, the Turkmen, and Arabs literally fighting over the oil-rich city of Kirkuk, trying to claim that city? How will they contend with uncooperative ethnic leaders bent on revenge instead of reconciliation?

We are the ones who will have to provide the military muscle for the coalition to interface between those groups, but we should have the rest of the world in on the deal and the responsibility. Instead, someone must be given the authority to resolve the incredibly complicated problems that will arise, and we should look to those experiences, as I said, in the Balkans, some of it good, some of it not so good, and draw from that experience.

We should empower an international civil servant to be the country's high commissioner or representative at some point as this transition goes forward. He or she should be backed up by an international civilian administration that empowers Iraqis, by a credible international security force with American forces at its core, American forces in the lead.

God willing, this war will continue to go well. Casualties on all sides, God willing, will be few, and, God willing, a victory will be sooner than later. And working with the international community, God willing, we will put Iraq on the path to a democratic society.

Even if we succeed in these difficult endeavors, we should not expect Iraq's promise that will come from this new government to automatically trigger progress throughout the region. Indeed, we will not truly win the peace unless we adopt and pursue a broader strategy for the Middle East. I believe the President has recognized that by underscoring and endorsing the road map between the Israelis and the Palestinians. Now we must follow through and show a consistent commitment to its implementation.

Finding a solution to this problem would exponentially increase our ability to promote and support democracy and democratic reform throughout the region. We must do that for the sake of its people and for the safety of our own. For when there are no democratic outlets, dissent moves underground, it turns into resentment, and it is ventilated by extremism and even terrorism. So we must make it clear to our friends in that region that their future and their future with us requires—requires—a move toward democratization.

If we listen to the voices of Arabs themselves, if we heed the wisdom of the U.N.'s Arab development report that ties progress to empowering women, reforming economies, and expanding political participation, we can

and will help infuse a sense of hope in a region that lacks hope.

Mr. President, by refusing to disarm, a defiant Saddam has made the fateful choice between war and peace. This is not an exercise of a doctrine of preemption. This is an exercise of enforcing a peace agreement. This is an enforcement action, enforcing an agreement a defeated president made in the early nineties to the whole world at the United Nations saying: If you let me remain in power, I commit to keep the following conditions to this peace agreement. That is what this was.

If this had been 1919, we would have been in Versailles having to sign an agreement. It was 1991, and it was at a time when the United Nations was available to us.

He made this choice. He made the choice between war and peace. Let us make sure that in winning the war, we also win the peace.

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. LUGAR. 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. LUGAR. Mr. President, I ask unanimous consent that Senator MCCAIN be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The chairman has 23½ minutes remaining, and the ranking member has 12½ minutes remaining.

Mr. LUGAR. I thank the Chair.

Mr. President, as the distinguished Senator from Delaware has pointed out, the resolution addresses very specifically the future, and I cite language from the resolution we are considering. Clause 5 says:

(5) welcomes and encourages the active involvement and participation of these countries—

And those are the countries we have listed in the resolution—

other nations, and key international organizations in the reconstruction and administration of Iraq after the current conflict in Iraq;

That is an important clause. This is a resolution of commendation, of affirmation. This is our expression, as the U.S. Senate, of thanks, and we are very specific about the nature of contributions many nations have made, and their leaders specifically.

It is our intent to be inclusive deliberately and to indicate that we welcome the very broadest participation in the work to disarm Iraq of weapons of mass destruction.

Having said that, we also welcome their thoughts, their contributions, their revenues, their physical support as we think of the postwar situation. That is a very important set of situations, as a matter of fact.

I appreciate the good counsel of my colleague from Delaware when he talks not only about the inclusiveness and the need for participation along with us to share both the opportunities and the burdens but, likewise, the fact this will not happen by chance; this is going to require active American diplomacy.

I commend the President, the Secretary of State, the Secretary of Defense, Dr. Rice, and others who have been visibly active in this role. But this is a role in which we can assist as a body in commending the nations today and through all of the contacts any of us may have with these nations to indicate ways in which they can be helpful and reasons they should be helpful.

The distinguished Senator from Delaware, as chairman of the Foreign Relations Committee last year, commenced hearings which he has cited today on the post-war Iraq situation. We could not have predicted last summer or last fall precisely in the circumstances, but at some point it was apparent to many of us that it would be important for those weapons of mass destruction to be found and to be destroyed. Our prayer then was that the coalition of nations in the United Nations, working through the Security Council or other groups, might, in fact, be persuasive; that declarations of the weapons would be made and that international authorities that could work with us in verifying their destruction. We are still in that quest. The large coalition we have talked about today is determined, in fact, to find the weapons and to destroy them, to rid the world of the problems of proliferation that could endanger any of the nations we are citing today, and others who have not chosen to join with us as yet.

Our resolution is not one of censure or condemnation. We are not about the job of finger-pointing and asking why or why not. We are affirmative. We are saying affirmatively, these nations have taken a stand, and we hope they will take a larger stand because there will be much work to do. We hope there will be more joining with us in an inclusive move.

As the Senator from Delaware has spoken, and I concur with him, we would include in that, as our resolution does, international organizations, our NATO allies, the United Nations, others who are very important for the future of the world in many sectors quite apart from the one we are discussing today.

Having said that, it is important that we all understand that we are going to have to stay the course with regard to operations in Iraq, both with regard to the military situation, the disarmament situation, and the reconstruction situation. That will not be easy. The expense of that, regardless of the estimates—and many learned people throughout this country and throughout various organizations have been addressing this issue, our own government has been addressing the issue because it will be soon upon us, but the necessity of staying the course is absolutely imperative not only with regard to our credibility as a nation and the welfare of the people in this country and the people of Iraq and others who are with us, but with regard to the surrounding neighborhood and everybody who may be impacted by the military action presently.

The great fear of many nations, either expressed or unexpressed, is that without extraordinary leadership and statesmanship, there will be chaos in Iraq in the postwar situation. There are many historical reasons for that which most of us have reviewed in the course of discussing Iraq.

The whole origin of current Iraq, the repression of the Kurds which did keep the peace, albeit in a very cruel and harmful way to the people who were involved in the country, and frequently with enormous loss of life to the neighbors, as Iraq and the Saddam regime invaded other countries, used weapons of mass destruction to kill hundreds of thousands of people outside of Iraq, quite apart from those he repressed within the country. This is the history of a situation that is not on the face of itself correcting, or that of a unified spirit, or with lots of basis for democratic institutions and the ways in which people might find their way automatically.

I commend the Senator from Delaware for pointing out that it is not our purpose—and we point that out in what we are saying today—to be governors of Iraq. The whole idea is Iraq for the Iraqis, for people who come forward to take leadership swiftly and surely, but with the right instincts with regard to human rights, freedom of expression, and a respect for other nations around them, and with all of the pursuits that we think are important to express up front. This is one of the basic reasons nations have joined with us, and we commend them as they commend us. This is a coalition of the willing with regard to disarmament, but it is a coalition of countries that are striving toward some common ideals as to how people should live and how they should treat each other.

We have a very large job, and I make that point now because some have charged that the future has been muted, that there is an impression that somehow or another the war will happen, hopefully will be over swiftly and surely, the disarmament will occur, and some Americans, quite apart from the coalition of the willing we have listed, may have the impression that we are going to leave. In fact, many Americans, unless we have an up front debate, may very well favor that position and say this is a dangerous part of the world.

Granted, the Iraqis have lots of problems. We are all for them working it out and doing the best they can. This is

likely to lead to the chaos that is generally feared.

Nations, not altogether cynically, advocated the continuation of the current regime because they said it would create stability. Some nations were prepared to accept tyranny because at least it brings stability. There are not going to be changes of boundaries, changes of government, people coming and going with strange doctrines. Or, from our standpoint, having watched a failed state in Afghanistan prior to the time that al-Qaida was utilizing camps, utilizing organization and finance, using that failed state as an incubator, attacked America, Iraq is a much larger country. A failed state there is conceivably an incubator for even more harm, whether it be al-Qaida or any number of other groups, some national, some unknown to us, who find sustenance, who find the possibility for proliferation of dangerous weapons and perhaps in due course weapons of mass destruction.

To allow chaos to occur would be a monumental foreign policy and security policy failure by the United States. That is why we need to be forward looking, affirmative, inclusive, signing up more partners, commending those who come as they come.

I have heard some say, the contributions of some of the countries that are listed in our resolution are very modest. In some cases, they have barely said: We are for you. We think you are on the right track. We want to identify with the United States.

They say: Where is the beef? Where are troops? Where is money? Where are supplies? Those are legitimate questions. I would simply respond for each of the nations that we list today. They have made a declaration that could be fateful with regard to those who have authority in those countries. The leaders of those countries must answer to their parliaments, to their people, to others in the press and those who play some role in public opinion. This was not a casual association or declaration. Nor will it be after the war is over, and the responsibility for Iraq comes front and center for all of us.

By ''all of us,'' I mean the countries we now have gathered together in the commendation and those, prayerfully, that will join us. That, hopefully, at some point will include all the nations of the United Nations and of NATO. It will include those that may not be with us as of this moment.

I will take at least a minute of this debate to commend our colleague, Daniel Patrick Moynihan, simply because he was a person, in my own experience as a young person, as mayor of Indianapolis going with him to Brussels when he was a counselor to President Nixon and representing this country in a group called the Challenges for a Modern Society, as we talked about the problems of urbanization in our NATO countries, the problems of the environment, the problems of jobs for people. With Daniel Patrick Moynihan at my side, I invited the mayors of all the countries of the world to come to my city of Indianapolis in 1971, and he came.

He gave a great speech about international relations, what NATO could do. He gave it at a time that he was on the threshold, as it turned out, of going into a diplomacy as our Ambassador to India and then to the United Nations.

I remember visiting with him when he was our Ambassador. It was a year in which both of us were considering candidacies for the Senate, which, in fact, occurred in the year of 1976, successfully, for both of us. We came to this body together and served for 24 years.

Throughout that period of time, his counsel, I am sure if he were on the floor today speaking on some issue, would have been to be inclusive, to be hardheaded, to understand the facts, to understand the history, the traditions, the difficulties, sometimes the cynicism and the remorse, but also the triumphs that can come with successful diplomacy and successful international relations. Those were missions he undertook gladly on behalf of our country and finally in service with the Senate.

I mention that spirit today because I think it is appropriate. This is an important resolution. I appreciate the decision of the leadership to take it up now before this weekend, before any more time passes, even this sense of appreciation and mission and what is to follow, it seems to me, is critically important for all Americans, both to understand and then to participate in the debate which we surely will have.

I ask unanimous consent Senator HAGEL be added as a cosponsor to this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. 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. LUGAR. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I yield such time to the Senator from Virginia as he desires.

Mr. WARNER. I thank my distinguished colleague and longtime friend. This is a very important step that the Chamber is about to undertake with this vote. I anticipate it will be a vote of resounding support for this initiative and this resolution. It sends a signal far beyond the shores of our Nation.

I also wish to say a word about the distinguished chairman of the Foreign Relations Committee. We have served in this Chamber together, for me a quarter of a century, for 25 years. I have known committee chairmen on both sides of the aisle and we take great pride, the entire Senate, in this magnificently trained individual. He has trained almost all his life to take on these responsibilities.

He is too modest to talk about it, but we often reminisce about our somewhat modest participation in the U.S. Navy many years ago when he was the foreign policy adviser to one of the more distinguished chiefs of naval operations in contemporary naval history. At a very young age he began to assume the mantle of responsibilities of foreign affairs. We are fortunate to have him at the helm, together with his distinguished colleague, the Senator from Delaware, Mr. BIDEN, who likewise has spent much of his life in the field of foreign affairs. These two fine leaders bring to this Chamber this important piece of legislation which has my strong support.

But, as it relates to this coalition, our thoughts and our hearts and our minds go out to the families who have lost their soldier, sailor, airman, marine in this conflict, and those who have suffered the brunt of battle and now bear the scars of conflict.

We owe a great debt to these men and women who so proudly wear the uniform of our country, and who are willing to take the risks. I mentioned earlier today, if you look at the 290 million citizens privileged to live in this great Nation, the United States of America, less than one-half of 1 percent are currently wearing the uniform and assuming the risks as their forebears did, over the 200-plus years of this great Republic. Indeed, we owe them a tremendous, great, gratitude.

This unified support is one that our President, a distinguished Commander in Chief throughout this conflict, has worked so hard to put together. This resolution recognizes in many ways the efforts of our President and the Secretary of State, to some extent the Secretary of Defense, and others to put it together.

The coalition is currently engaged in very hard and dangerous work, to eliminate the weapons of mass destruction from the hands of a proven despot, and to give a measure of freedom and democracy to the long-suffering people of Iraq. Some 47 nations have publicly declared support. I do not doubt there are others in the silence of their councils that are likewise very sympathetic and are constructively engaged in this effort. Each member of the coalition that we cite here today has demonstrated they will face the threat and take the risk as relates to their individual contributions. Certainly, the forces of Great Britain, again under the courageous leadership of Prime Minister Tony Blair, together with the Australians, Danish commandos, the Czech and Slovak units, and countless others are providing the forces necessary to bring about the goals I have just mentioned.

Every contribution, no matter how large or small, has its value. Not only its value, but it is part of the overall matrix to enable the accomplishment of these goals. Even though small in

proportion, that small participation is essential to the overall success.

I hope this coalition will grow in numbers in due course, because the importance is vital to a better understanding, not only here at home but across the world, as to the noble goals this coalition has undertaken.

I thank my colleagues who are managing this bill. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I will speak using leader time.

The PRESIDING OFFICER. The leader has that right.

Mr. FRIST. Mr. President, last Thursday the Senate paid tribute to the military personnel and civilians of the United States who are currently engaged in Operation Iraqi Freedom. Today, the Senate likewise pays tribute to the member states of the ''Coalition to Disarm Iraq'' that are supporting or serving in operations against Saddam Hussein's regime.

S. Con. Res. 30 reflects our understanding that to join with us in this endeavor places a political, military and financial burden on our partners. But shared by many, the burden is lighter.

In particular, as we in the United States comfort our own who have suffered injury or the death of a family member in this conflict, our prayers are with those in other countries who likewise have family members separated from their loved ones and, in some cases, who have borne the burden of the ultimate sacrifice.

Since the campaign to disarm Iraq began several months ago, literally dozens of nations have provided diplomatic, military, logistical, and strategic support, to accomplish our shared objective, the disarmament of Iraq.

We are especially grateful to Australia, Denmark and Poland, whose military forces have joined American and British forces on the battlefield to disarm and liberate Iraq. We have a long friendship with the Australian, Danish and Polish people. Your governments' willingness to stand with us now will long be remembered.

Finally, I salute the political courage and vision of leaders such as Prime Minister John Howard of Australia and President Jose Maria Aznar of Spain. In their conduct they give us the very definition of leadership.

When the people of Iraq are free from the repressive dictatorship that they have lived under for decades, I have no doubt that they will thank the coalition states, and especially those who risked, and sacrificed, their lives to help them attain the freedom to which they are entitled.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. How much time remains?

The PRESIDING OFFICER. The Senator from Delaware has 5½ minutes remaining.

Mr. BYRD. Mr. President, last week, the Senate passed a resolution, by unanimous vote, that expressed the sense of the Senate in commending our troops who are now fighting the war against Iraq. At that time, I expressed my reservations about extraneous clauses in the resolution that implied that Congress acted properly in authorizing the President to begin this war.

Soon the Senate will vote on a resolution to commend those nations that are in support of U.S.-led efforts to disarm Saddam Hussein and end his regime. Now that war has begun, the United States needs to act with the greatest amount of international support. The countries that are supporting our efforts deserve our gratitude, even though I believe more could have been done to build a more robust coalition which would more equally share the burdens of war in Iraq.

But this resolution, like its predecessor, not only refers to the thanks that we wish to send to our friends and allies. The resolution also contains eight whereas clauses, some of which speak to United Nations Security Council Resolution 1441. After reading these clauses, it seems to me that the resolution, intentionally or not, implies that the President of the United States acted properly in initiating a war against Iraq based upon the authority of Resolution 1441. I disagree with that conclusion.

The resolution contains two whereas clauses that describe joint statements issued by several nations on January 30, 2003, and February 5, 2003. A reading of these joint statements can be interpreted to argue that Resolution 1441 was a sufficient basis from which to launch a war on Iraq. I do not agree that the United Nations authorized the use of force against Iraq. The U.N. Secretary General seems to share my view on this point.

The Senate should give its thanks to those countries that give their support to our troops in the field. I hope that the United States will work with these countries to address the long-term reconstruction needs of Iraq. I hope that the administration will begin to repair our ties with our other allies that did not share our view of the need to use force in Iraq. But I do not believe that it is proper to give a one-sided view of the diplomacy that brought us to this point in the context of thanking our friends.

## S. CON. RES. 30 AND S. 351, THE ARMED FORCES TAX FAIRNESS ACT

Mr. BURNS. Mr. President, I rise today to join my colleagues in support of S. Con. Res. 30 and S. 351, The Armed Forces Tax Fairness Act.

I am pleased to see so many Americans and communities coming together, in support of our troops. Here in our nation's capitol, we think about our troops everyday. We know how hard they all are fighting for our freedoms and for the freedoms of the Iraqi people. We thank them for what they are doing and want them to know our thoughts and prayers are with them and their families.

My colleagues in Congress and I have the opportunity to lighten the burden service members often encounter while deployed, or upon their return home, with The Armed Forces Tax Fairness Act of 2003. This act would allow the American men and women serving our country at home and abroad a small, well-deserved thank you in the form of tax benefits and relief.

This reward for those who defend our freedom would help to ensure that the men and women who put themselves in harms way when America calls have peace of mind when it comes to things many take for granted, like filing tax returns or collecting travel reimbursement. The provisions of this act will save military families nearly $500 million in taxes over the next ten years. They deserve nothing less.

Thousands of activated military, National Guard, Reservists, and their families in my home state of Montana will directly benefit from this act, and the benefit to members of our armed services on a national scale is immeasurable. It is important that we continue to support our soldiers in any way we can, recognizing the sacrifice they make for the security of our great Nation.

We have the best fighting force in the world. I remain certain that our troops will succeed in their efforts to disarm Saddam Hussein and free the Iraqi people. I am confident in our military and know that this effort will be accomplished as soon as possible so that all our troops can safely return home to their families.

Mr. DASCHLE. Mr. President, today the Senate is expressing its gratitude to the nations of the world that support the U.S. determination to remove Saddam Hussein from power and eliminate his regime's weapons of mass destruction. I wholeheartedly endorse this resolution and the message it sends to the world about so many nations' view of Saddam Hussein's regime and about the resolve and bravery of the men and women who have stepped in harm's way to remove the threat he poses to international peace and basic human decency.

According to press reports, thousands of additional United States troops have entered Iraq over the last day or so. At the same time, tens of thousands of their comrades continue their relentless and courageous march to Baghdad, making all Americans proud as they battle extreme conditions and irregular—even illegal—tactics by the enemy. Each day, our admiration of these troops and their performance grows.

Unfortunately, as well as our troops have performed, much more fighting apparently lies ahead. Earlier this week, Secretary Rumsfeld declared that we are closer to the beginning than the end of this conflict. And press accounts indicate many in the military believe the conditions in which they will be fighting could get even more difficult.

Administration reports suggest that the closer our troops get to Baghdad, the greater the risk that Iraq will resort to chemical or biological weapons. Apparently, concern is growing within the administration that desperation could cause Saddam's sympathizers to resort to the use of poison gas to defend their despicable leader and his repressive regime.

I recently received a demonstration of what our troops must do to survive and continue to carry out their mission in an environment contaminated with toxic agents. While these briefers expressed confidence our soldiers in Iraq have both the necessary equipment and training to deal with a chemical attack, I pray the 250,000 American troops in the gulf—and the British, Australian, and Polish ground troops fighting alongside them—will not have to make use of that training. But the very fact that our troops are equipped and trained to deal with this possibility demonstrates that the risk of a chemical attack is very real.

All the soldiers in the coalition as well as their governments deserve our heartfelt appreciation for their willingness for to join us in this important cause. We owe them each an enormous debt of gratitude.

Senators LUGAR and BIDEN were right to want to thank those countries who through their words or deeds have expressed support for our effort in Iraq. As I have said on a number of occasions, international support of our effort in Iraq is critical to share the costs and risks of both the fighting as well as the postwar reconstruction.

According to information provided by the administration, three other countries—Great Britain, Australia and Poland—have contributed ground forces to fight alongside the U.S. troops in the region. While we are grateful for the willingness of any country to stand with us, we are particularly grateful to these three countries that have deployed their young people to stand and fight with our troops.

While it may be too late for other countries to provide ground forces to assist us in the fighting, it is not too late for many others to back their words up with tangible help for what comes after the fighting ends. Administration officials indicate they are pressing to develop additional support as this conflict unfolds. That is the right thing to do, and I strongly encourage and support those efforts.

We will want the concrete assistance of our friends and allies as the military effort continues and as we prepare for rebuilding a post-Saddam Iraq. To that end, this resolution calls on these and other countries as well as key international organizations to support the reconstruction and administration of a post-Saddam Iraq.

In closing, Mr. President, allow me to express my debt of gratitude to the families of the troops carrying out this effort in the Persian Gulf. Yesterday afternoon, on this floor, Senator TIM JOHNSON, whose son Brooks is currently serving in Iraq with the Third Brigade of the 101st Airborne, talked about the intense emotions the families of our troops and our allies are going through. They never know whether the next bit of breaking news will include something about their sons or daughters, mothers or fathers. We owe profound gratitude to them as well.

I yield the floor.

Mr. BIDEN. Mr. President, I am prepared to yield back the remainder of our time on the resolution.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on adoption of the concurrent resolution.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''Aye''.

The PRESIDING OFFICER (Mr. ENSIGN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—97

| | | |
|---|---|---|
| Akaka | Dayton | Lautenberg |
| Alexander | DeWine | Leahy |
| Allard | Dodd | Levin |
| Allen | Dole | Lincoln |
| Baucus | Domenici | Lott |
| Bayh | Dorgan | Lugar |
| Bennett | Durbin | McCain |
| Biden | Edwards | McConnell |
| Bingaman | Ensign | Mikulski |
| Bond | Enzi | Murkowski |
| Boxer | Feingold | Murray |
| Breaux | Feinstein | Nelson (FL) |
| Brownback | Fitzgerald | Nelson (NE) |
| Bunning | Frist | Nickles |
| Burns | Graham (FL) | Pryor |
| Byrd | Graham (SC) | Reed |
| Campbell | Grassley | Reid |
| Cantwell | Gregg | Roberts |
| Carper | Hagel | Rockefeller |
| Chafee | Harkin | Santorum |
| Chambliss | Hatch | Sarbanes |
| Clinton | Hollings | Schumer |
| Cochran | Hutchison | Sessions |
| Coleman | Inhofe | Shelby |
| Collins | Inouye | Smith |
| Conrad | Jeffords | Snowe |
| Cornyn | Johnson | Specter |
| Corzine | Kennedy | Stabenow |
| Craig | Kohl | Stevens |
| Crapo | Kyl | Sununu |
| Daschle | Landrieu | Talent |
| | Thomas | Warner |
| | Voinovich | Wyden |

NOT VOTING—3

| | | |
|---|---|---|
| Kerry | Lieberman | Miller |

The concurrent resolution (S. Con. Res. 30) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 30

Whereas on September 12, 2002, the President of the United States, appearing at the United Nations, called on that institution and its member states to meet their responsibility to disarm Iraq;

Whereas on November 8, 2002, the United National Security Council approved Security Council Resolution 1441 under chapter VII of the United Nations Charter by a vote of 15–0, giving Iraq a final opportunity to comply with its disarmament obligations;

Whereas on January 30, 2003, the Prime Ministers of Denmark, Hungary, Italy, Poland, Portugal, and the United Kingdom, and the Presidents of the Czech Republic and the Spanish Government, issued a declaration regarding Security Council Resolution 1441, wherein they stated that ''[t]he transatlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security . . . The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognized by the United Nations. All of us are bound by Security Council Resolution 1441, which was adopted unanimously.'';

Whereas the January 30, 2003, declaration continued to state that ''Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him . . . Our governments have a common responsibility to face this threat . . . [T]he Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.'';

Whereas on February 5, 2003, the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia issued a declaration regarding Security Council Resolution 1441, stating that ''the United States [has] presented compelling evidence to the United Nations Security Council detailing Iraq's weapons of mass destruction programs, its active efforts to deceive United Nations inspectors, and its links to international terrorism . . . The transatlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction.'';

Whereas the February 5, 2003, declaration continued to state that ''it has now become clear that Iraq is in material breach of United Nations Security Council resolutions, including United Nations Resolution 1441 . . . The clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies. We call upon the United Nations Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security.'';

Whereas many of the supporters of the January 30, 2003, and February 5, 2003, declarations have provided important support to the United States in addition to their political declarations; and

Whereas in addition to the supporters of the January 30, 2003, and February 5, 2003,

declarations, important diplomatic and strategic support to the United States-led Coalition to Disarm Iraq have been provided by such nations as Afghanistan, Angola, Australia, Azerbaijan, Colombia, Costa Rica, the Dominican Republic, El Salvador, Eritrea, Ethiopia, Georgia, Honduras, Iceland, Japan, Kuwait, Macedonia, the Marshall Islands, Micronesia, Mongolia, the Netherlands, Nicaragua, Palau, Panama, the Philippines, Rwanda, Singapore, the Solomon Islands, South Korea, Tonga, Turkey, Uganda, Ukraine and Uzbekistan: Now, therefore, be it

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

(1) commends and expresses the gratitude of the United States to the nations participating in and contributing to the Coalition to Disarm Iraq, including—

(A) the supporters of the January 30, 2003, declaration issued by the Prime Ministers of Denmark, Hungary, Italy, Poland, Portugal, and the United Kingdom, and the Presidents of the Czech Republic and the Spanish Government;

(B) the supporters of the February 5, 2003, declaration issued by the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia; and

(C) other allies of the United States who are participating in or contributing to the Coalition;

(2) expresses sincere gratitude to Australia, Denmark, Poland, and the United Kingdom, whose military forces have joined United States Armed Forces to disarm and liberate Iraq;

(3) expresses sincere gratitude to the Prime Minister of the United Kingdom, Tony Blair, the Prime Minister of Australia, John Howard, and the President of the Spanish Government, Jose Maria Aznar, for their courageous support and strong commitment to the Coalition to Disarm Iraq;

(4) expresses sincere gratitude to other allied nations, including nations in the Persian Gulf region, for their military support, logistical support, and other assistance in the current campaign against the regime of Saddam Hussein in Iraq;

(5) welcomes and encourages the active involvement and participation of these countries, other nations, and key international organizations in the reconstruction and administration of Iraq after the current conflict in Iraq; and

(6) commends and expresses the gratitude of the United States to the military personnel and civilians of the member states of the Coalition to Disarm Iraq who are serving in operations against the regime of Saddam Hussein in Iraq, and to the family members of such personnel and civilians who have borne the burden of sacrifice and separation from their loved ones during the current conflict in Iraq.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the subsequent vote be 10 minutes and, at the end of the vote, Senator SCHUMER be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ARMED FORCES TAX FAIRNESS ACT OF 2003—Continued

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, we all have an opportunity today to show support for our men and women in uniform in faraway places such as Iraq.

The bill before us is the Armed Services Tax Fairness Act. It is a bipartisan product. The bill represents the Senate's position pretty much as it was last year when this bill was brought up in the Senate. The revenue loss of the military tax relief package is offset with a crackdown on tax-motivated expatriates. I ask my colleagues to please show their support for our troops and support the Armed Forces Tax Fairness Act.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this is a time to honor our men and women fighting for us overseas. I am here honoring PFC Stryder Stoutenburg from Missoula, MT, who died in the current conflict. Each of my colleagues knows personnel who have died in Iraq. We honor them. We grieve for their families. We are working hard to give the best benefits we can for them.

This bill is not going to heal wounds. It is not going to bring people back. It is not going to bring our loved ones back home right away. It is a small token of something we can do in honor of the men and women, mothers and fathers, brothers and sisters who are fighting for America.

I strongly urge us to give a resounding vote in favor of the men and women, this small token, to help them. It shows we care. I urge a very strong vote.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill, as amended, pass? The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER), are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—97

| | | |
|---|---|---|
| Akaka | Biden | Burns |
| Alexander | Bingaman | Byrd |
| Allard | Bond | Campbell |
| Allen | Boxer | Cantwell |
| Baucus | Breaux | Carper |
| Bayh | Brownback | Chafee |
| Bennett | Bunning | Chambliss |
| Clinton | Grassley | Nelson (FL) |
| Cochran | Gregg | Nelson (NE) |
| Coleman | Hagel | Nickles |
| Collins | Harkin | Pryor |
| Conrad | Hatch | Reed |
| Cornyn | Hollings | Reid |
| Corzine | Hutchison | Roberts |
| Craig | Inhofe | Rockefeller |
| Crapo | Inouye | Santorum |
| Daschle | Jeffords | Sarbanes |
| Dayton | Johnson | Schumer |
| DeWine | Kennedy | Sessions |
| Dodd | Kohl | Shelby |
| Dole | Kyl | Smith |
| Domenici | Landrieu | Snowe |
| Dorgan | Lautenberg | Specter |
| Durbin | Leahy | Stabenow |
| Edwards | Levin | Stevens |
| Ensign | Lincoln | Sununu |
| Enzi | Lott | Talent |
| Feingold | Lugar | Thomas |
| Feinstein | McCain | Voinovich |
| Fitzgerald | McConnell | Warner |
| Frist | Mikulski | Wyden |
| Graham (FL) | Murkowski | |
| Graham (SC) | Murray | |

NOT VOTING—3

| | | |
|---|---|---|
| Kerry | Lieberman | Miller |

The bill (H.R. 1307), as amended, was passed, as follows:

*Resolved,* That the bill from the House of Representatives (H.R. 1307) entitled ''An Act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE; ETC.***

*(a) SHORT TITLE.—This Act may be cited as the ''Armed Forces Tax Fairness Act of 2003''.*

*(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.*

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

*Sec. 1. Short title; etc.*

*TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL*

*Sec. 101. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.*

*Sec. 102. Exclusion from gross income of certain death gratuity payments.*

*Sec. 103. Exclusion for amounts received under Department of Defense Homeowners Assistance Program.*

*Sec. 104. Expansion of combat zone filing rules to contingency operations.*

*Sec. 105. Modification of membership requirement for exemption from tax for certain veterans' organizations.*

*Sec. 106. Clarification of treatment of certain dependent care assistance programs.*

*Sec. 107. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc. on account of attendance at military academy.*

*Sec. 108. Suspension of tax-exempt status of terrorist organizations.*

*Sec. 109. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.*

*Sec. 110. Tax relief and assistance for families of Space Shuttle Columbia heroes.*

*TITLE II—OTHER PROVISIONS*

*Sec. 201. Extension of IRS user fees.*

Sec. 202. Partial payment of tax liability in installment agreements.
Sec. 203. Revision of tax rules on expatriation.

**TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL**

**SEC. 101. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.**

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

''(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

''(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(D) SPECIAL RULES RELATING TO ELECTION.—

''(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

''(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

**SEC. 102. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.**

(a) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

**SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.**

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting '', or'', and by adding at the end the following new paragraph:

''(8) qualified military base realignment and closure fringe.''.

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

''(2) LIMITATION.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

**SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.**

(a) IN GENERAL.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting '', or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law'' after ''section 112'',

(2) by inserting in the first sentence ''or at any time during the period of such contingency operation'' after ''for purposes of such section'',

(3) by inserting ''or operation'' after ''such an area'', and

(4) by inserting ''or operation'' after ''such area''.

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting ''or contingency operation'' after ''area''.

(2) The heading for section 7508 is amended by inserting ''**OR CONTINGENCY OPERATION**'' after ''**COMBAT ZONE**''.

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting ''or contingency operation'' after ''combat zone''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

**SEC. 105. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.**

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking ''or widowers'' and inserting '', widowers, ancestors, or lineal descendants''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 106. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.**

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A), as amended by section 102, is amended by inserting ''and paragraph (4)'' after ''subparagraphs (B) and (C)''.

(2) Section 3121(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(3) Section 3306(b)(13) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(4) Section 3401(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

**SEC. 107. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.**

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking ''or'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

**SEC. 108. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.**

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

**SEC. 109. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSES OF NATIONAL GUARD AND RESERVE MEMBERS.**

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

**SEC. 110. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.**

(a) INCOME TAX RELIEF.—

(1) IN GENERAL.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

''(5) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) is amended by inserting '', astronauts,'' after ''Forces''.

(B) Section 6013(f)(2)(B) is amended by inserting '', astronauts,'' after ''Forces''.

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 692 is amended by inserting **'', ASTRONAUTS,''** after **''FORCES''**.

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting '', astronauts,'' after ''Forces''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

''(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 is amended by inserting ''OR ASTRONAUTS'' after ''VICTIMS''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Section 2201(b) (defining qualified decedent) is amended by striking ''and'' at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENTS.—

(A) The heading of section 2201 is amended by inserting **'', DEATHS OF ASTRONAUTS,''** after **''FORCES''**.

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting '', deaths of astronauts,'' after ''Forces''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

## TITLE II—OTHER PROVISIONS

**SEC. 201. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.**

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

**''SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.**

''(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

''(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

''(2) other similar requests.

''(b) PROGRAM CRITERIA.—

''(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

''(A) shall vary according to categories (or subcategories) established by the Secretary,

''(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

''(C) shall be payable in advance.

''(2) EXEMPTIONS, ETC.—

''(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

''(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

''(i) made after the later of—

''(I) the fifth plan year the pension benefit plan is in existence, or

''(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

''(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

''(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

''(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

''(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

''(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

| ''Category | Average fee |
|---|---|
| Employee plan ruling and opinion ..... | $250 |
| Exempt organization ruling ..... | $350 |
| Employee plan determination ..... | $300 |
| Exempt organization determination ... | $275 |
| Chief counsel ruling ..... | $200. |

''(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7528. Internal Revenue Service user fees.''.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provision of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

**SEC. 202. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.**

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(B) by inserting ''full or partial'' after ''facilitate''.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

**SEC. 203. REVISION OF TAX RULES ON EXPATRIATION.**

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

**''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.**

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

''(B) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

''(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

''(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

''(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

''(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

''(7) INTEREST.—For purposes of section 6601—

''(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

''(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(c) COVERED EXPATRIATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

''(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

''(A) the individual—

''(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

''(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

''(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

''(1) EXEMPT PROPERTY.—This section shall not apply to the following:

''(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

''(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

''(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

''(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

''(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

''(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

''(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

''(D) APPLICABLE PLANS.—This paragraph shall apply to—

''(i) any qualified retirement plan (as defined in section 4974(c)),

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

''(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes citizenship, and

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayer's trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).''.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(19) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).''.

(B) SAFEGUARDS.—

(i) TECHNICAL AMENDMENTS.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking ''or (17)'' after ''any other person described in subsection (l)(16)'' each place it appears and inserting ''or (18)''.

(ii) CONFORMING AMENDMENTS.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking ''or (18)'' after ''any other person described in subsection (l)(16)'' each place it appears and inserting ''(18), or (19)''.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) TECHNICAL AMENDMENTS.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961).

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

''(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.''.

(2) Section 2107 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.''.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

''(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.''.

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting ''or 877A'' after ''section 877''.

(B) The second sentence of section 6039G(e) is amended by inserting ''or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))'' after ''877(a))''.

(C) Section 6039G(f) is amended by inserting ''or 877A(e)(2)(B)'' after ''877(e)(1)''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

## JAMES V. SELNA TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to vote on Executive Calendar No. 76, which the clerk will report.

The legislative clerk read the nomination of James V. Selna, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided.

Mr. HATCH. Mr. President, I rise in support of the confirmation of James Selna to the U.S. District Court for the Central District of California. I have had the pleasure to review Mr. Selna's distinguished career and I am confident that he will make a fine Federal judge.

Judge Selna graduated Order of the Coif from Stanford Law School in 1970. Upon graduation he joined the prestigious law firm of O'Melveny & Myers, where he maintained a sophisticated commercial practice. Upon becoming a partner in 1978, Judge Selna was involved in many high profile cases, including representing the National Football League in defending antitrust claims. In the period immediately preceding his appointment to the Superior Court, his practice consisted of litigating complex commercial disputes, typically involving high technology issues and companies.

While in private practice, Judge Selna provided many hours of pro bono services to various organizations. For example, he has provided hundreds of hours of legal services on behalf of the Newport Harbor Museum in a successful constitutional challenge to Federal funding restrictions in the 1989/1990 appropriation for the Endowment for the Arts. In addition, he has provided legal advice while serving on the board of Phoenix House of Orange County, a nonprofit drug rehabilitation organization. I would like to commend Judge Selna for the many hours he has given to better his community.

Since 1998, Judge Selna has served with distinction on the Orange County Superior Court. His judicial experience on the State bench will serve him well in the Federal district court. I urge my colleagues to join me in strong support of Judge Selna's nomination.

I yield the floor.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of James V. Selna, of California, to be United States District Judge for the Central District of California? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 111 Ex.]

YEAS—97

| | | |
|---|---|---|
| Akaka | Dodd | Lott |
| Alexander | Dole | Lugar |
| Allard | Domenici | McCain |
| Allen | Dorgan | McConnell |
| Baucus | Durbin | Mikulski |
| Bayh | Edwards | Murkowski |
| Bennett | Ensign | Murray |
| Biden | Enzi | Nelson (FL) |
| Bingaman | Feingold | Nelson (NE) |
| Bond | Feinstein | Nickles |
| Boxer | Fitzgerald | Pryor |
| Breaux | Frist | Reed |
| Brownback | Graham (FL) | Reid |
| Bunning | Graham (SC) | Roberts |
| Burns | Grassley | Rockefeller |
| Byrd | Gregg | Santorum |
| Campbell | Hagel | Sarbanes |
| Cantwell | Harkin | Schumer |
| Carper | Hatch | Sessions |
| Chafee | Hollings | Shelby |
| Chambliss | Hutchison | Smith |
| Clinton | Inhofe | Snowe |
| Cochran | Inouye | Specter |
| Coleman | Jeffords | Stabenow |
| Collins | Johnson | Stevens |
| Conrad | Kennedy | Sununu |
| Cornyn | Kohl | Talent |
| Corzine | Kyl | Thomas |
| Craig | Landrieu | Voinovich |
| Crapo | Lautenberg | Warner |
| Daschle | Leahy | Wyden |
| Dayton | Levin | |
| DeWine | Lincoln | |

NOT VOTING—3

| | | |
|---|---|---|
| Kerry | Lieberman | Miller |

The nomination was confirmed.

## NOMINATION OF PHILIP P. SIMON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA

The legislative clerk read the nomination of Philip P. Simon, of Indiana, to be United States District Judge for the Northern District of Indiana.

Mr. LUGAR. Mr. President, we will soon vote on the nomination of Philip Simon to be considered for a position on the United States District Court of Northern Indiana. It is because of that I rise once again to commend this remarkable jurist.

Judge William Lee and Judge James Moody informed me of their decisions to assume senior status after distinguished careers of public service. Both of these individuals are remarkable leaders on the Federal bench, and I applaud their leadership to Indiana and to the legal profession.

Immediately upon hearing of these decisions, I notified the White House and was asked by the President to help find the most qualified candidates to fill these two important positions in Hammond and Fort Wayne. I took this role very seriously and selected the candidates who would best serve the Northern District of Indiana.

After sharing my selections with my friend and colleague Senator EVAN BAYH, I submitted the names and applications of three outstanding candidates to the White House for their consideration. The President recently selected Assistant United States Attorney Philip Simon and United States Magistrate Theresa Springmann.

Philip Simon has a remarkable record as an Assistant United States Attorney. As Chief of the Criminal Division, he is responsible for overseeing all criminal prosecutions in the Northern District of Indiana. He has supervised and participated in prosecutions involving large-scale drug distribution rings, illegal firearms trafficking, white collar fraud cases, environmental crime, and mob related racketeering cases. In addition, he is in charge of a public corruption task force in Lake County, Indiana.

Philip has been the recipient of a number of awards and commendations. In 1995, the Mutual Insurance Companies of Indiana presented the Sherlock Award to Philip for his work to combat insurance fraud. In 1999, Philip was given the Director's award by Janet Reno, the highest award given to an Assistant United States Attorney by the Justice Department.

Aside from his outstanding public service, he is a dedicated community leader with an interest in assisting children and families with autism.

I believe that Philip Simon will demonstrate remarkable leadership to Northern Indiana and will appropriately uphold and defend our laws under the Constitution. I encourage my colleagues to support his nomination.

Mr. HATCH. Mr. President, I am pleased to support Philip P. Simon, who has been nominated to the U.S. District Court for the Northern District of Indiana.

Our nominee has had a distinguished legal career. Upon graduation from Indiana University Law School, Mr. Simon joined the law firm of Kirkland & Ellis as an associate, where he focused on general commercial and construction-related litigation, products liability, and employment discrimination and issues.

He next began a long career with the United States Attorney's Office, serving first in the Northern District of Indiana, then in the District of Arizona, and finally returning to the Northern District of Indiana, where he currently serves as Chief of the Criminal Division. During his 13 years with the U.S. Attorney's Office, Mr. Simon has handled a variety of issues ranging from routine drug cases to large scale drug distribution rings, public corruption cases, firearms violations, kidnapping, and white collar fraud.

Mr. Simon is also a member of the Federal Bar Association, the Illinois State Bar Association, and the Chicago Bar Association.

I am confident that Mr. Simon's extensive litigation experience will make him an excellent addition to the Federal bench.

The PRESIDING OFFICER. All time having been yielded back, the question is, will the Senate advise and consent to the nomination of Philip P. Simon, of Indiana, to be United States District Judge for the Northern District of Indiana?

Mr. LUGAR. Mr. President, I ask that the yeas and nays be vitiated.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

The nomination was confirmed.

Mr. LUGAR. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

## JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, while there are continuing problems caused by the administration's refusal to work with Democratic Senators to select consensus judicial nominees who could be confirmed relatively quickly by the Senate, today we again demonstrate what can happen when the administration works with us.

In spite of the President's lack of cooperation, the Senate in the 17 months I chaired the Judiciary Committee was able to confirm 100 judges and vastly reduce the judicial vacancies that had built up and were prevented by the Republican Senate majority from being filled by President Clinton. Last year alone the Democratic-led Senate confirmed 72 judicial nominees, more than in any of the prior 6 years of Republican control. Not once did the Republican-controlled committee consider that many of President Clinton's district and circuit court nominees. In our efforts to turn the other cheek and treat this President's nominees better than his predecessor's had fared, we confirmed 100 judges in 17 months. Yet not a single elected Republican has acknowledged this tremendous bipartisanship and fairness. When Chief Justice Rehnquist thanked the committee for confirming 100 judicial nominees, this was the first time this accomplishment had been acknowledged by anyone from a Republican background. I thanked him last week when I appeared before the Judicial Conference.

Almost all of the judges confirmed are conservatives, many of them quite to the right of the mainstream, and many are pro-life. Many of these nominees have been active in conservative political causes or groups, but we moved fairly and expeditiously on as many as we could.

We cut the number of vacancies on the courts from 110 to 50, despite an additional 60 new vacancies that had arisen. I recall that the chairman said in September of 1997 that 103 vacancies, during the Clinton Administration, did not constitute a ''vacancy crisis.'' He also repeatedly stated that 67 vacancies meant ''full employment'' on the Federal courts. Even with the vacancies that have arisen since we adjourned last year, we remain below the ''full employment'' level that Senator HATCH used to draw for the Federal courts with only 50 vacancies remaining on the district courts and courts of appeals, according to the Judiciary Committee website. Unfortunately, the President has not made nominations to a number of those seats, and on more than half of the current vacancies he has missed his self-imposed deadline of a nomination within 180 days. Of course, several of the nominations he has made are controversial.

This year the President has taken the truly unprecedented action of renominating candidates voted down in committee in spite of the serious concerns expressed by fair-minded members of this committee. That is a significant problem.

This year we have had a rocky beginning with a hearing that has caused a great many problems we might have avoided. The chairman's insistence on terminating debate on the Cook and Roberts nominations is another serious problem. Of course, the administration's unwillingness to work with the Senate so that we may be provided the documents and information needed to proceed with a final vote on the Estrada nomination has already proved to be a significant problem. The opposition to the Sutton nomination is also extensive.

Nonetheless, the Senate has proceeded to confirm 113 of President Bush's judicial nominees, including 13 this year alone. The Senate confirmed the controversial nomination of Jay Bybee to the Ninth Circuit, another pro-life judicial nominee. Already this year the Senate has confirmed more circuit court judges than Republicans allowed to be confirmed in the entire 1996 session. In addition, I note that it was not until September, 1999, that 13 of President Clinton's judicial nominees were confirmed in the first session of the last Congress in which Republicans controlled the Senate majority. This year we are 6 months ahead of that schedule.

The California nominee comes from the bipartisan selection commissions Senator FEINSTEIN and Senator BOXER have established in California and the Indiana nominee has the bipartisan support of his home State Senators. I congratulate the nominees and their families.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

## DANIEL PATRICK MOYNIHAN

Mr. SCHUMER. Mr. President, I know there are a group of us who wish to speak about Senator Moynihan. I think that would be the next order of business, and so I will proceed.

Let me say that yesterday all of us were caused great sorrow when we heard the terrible news that Senator Daniel Patrick Moynihan, a giant among us, had passed from our midst. While the sadness is still there, today I rise to pay tribute to Pat Moynihan and to the extraordinary life that he led.

It can rarely be said about someone that they changed the world and made it a better place just with their ideas. Senator Moynihan was such an individual. He was a font of ideas. He was not afraid to utter them and he uttered them in such a way that people listened, paid attention, and changed the way they lived for the better.

Pat Moynihan was a friend to me, a mentor. I first met him when I attended his course at Harvard while I was a student and he was a professor. Throughout the many years, he extended me so many kindnesses I can't even count them. But beyond the personal—and every one of us has our personal stories about Pat—is what he did for all of us. He was known in the Senate as a unique individual, as a person of ideas in a body that, frankly, has always needed more of them. He was the kind of Senator that the Founding Fathers, as they look down on this body, would look at and smile and say: That's the kind of person we wanted to serve in the Senate.

I think the Washington Post editorial said it very well today. It said:

> He pursued with distinction enough careers for half a dozen men of lesser talents and imagination—politician, Presidential adviser, diplomat, author, professor and public intellectual.

As someone who is barely managing to pursue only one of those many careers, I can't help but observe that, as you look around, there are no more Pat Moynihans in part because of the man—Pat Moynihan's vision, erudition, intellect, dazzling wit, and moral conviction were second to none—and in part because of the times. Pat Moynihan was one of the preeminent public intellectuals in a time when such figures and their ideas could command the Nation's attention in a way that I fear is now all but gone from American life. I hope and pray that is not true.

But we mourn his passing. We mourn the passing of his time from the national stage and from this beloved institution that he loved so well and served so well in for 24 years, the Senate.

In the coming days, many will pay tribute to Pat Moynihan's leadership and vision on so many ideas where his mark on policy and his mark on individuals are well known. There are children born in this country and in foreign countries whose lives are better, who will live better lives because Pat Moynihan lived and worked on this Earth.

His leadership in Social Security, in welfare reform, in poverty, in tax policy, in trade, in education, in immigration, in foreign policy, and most recently in government secrecy—any one

of those would have been enough to be a capstone of an ordinary Senator's career. But Pat did them all.

Adam Clymer of the New York Times chronicled Pat's career and life movingly and brilliantly today. I ask unanimous consent his piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 27, 2003]

DANIEL PATRICK MOYNIHAN IS DEAD; SENATOR FROM ACADEMIA WAS 76

(By Adam Clymer)

Daniel Patrick Moynihan, the Harvard professor and four-term United States senator from New York who brought a scholar's eye for data to politics and a politician's sense of the real world to academia, died yesterday at Washington, D.C. He was 76.

The cause, a spokesman for the family said, was complications of a ruptured appendix, which was removed on March 11 at the hospital, where he remained.

Mr. Moynihan was always more a man of ideas than of legislation or partisan combat. Yet he was enough of a politician to win reelection easily—and enough of a maverick with close Republican friends to be an occasional irritant to his Democratic party leaders. Before the Senate, his political home from 1977 to 2001, he served two Democratic presidents and two Republicans, finishing his career in the executive branch as President Richard M. Nixon's ambassador to India and President Gerald R. Ford's ambassador to the United Nations.

For more than 40 years, in and out of government, he became known for being among the first to identify new problems and propose novel, if not easy, solutions, most famously in auto safety and mass transportation; urban decay and the corrosive effects of racism; and the preservation and development of architecturally distinctive federal buildings.

He was a man known for the grand gesture as well as the bon mot, and his style sometimes got more attention than his prescience, displayed notably in 1980 when he labeled the Soviet Union ''in decline.'' Among his last great causes were strengthening Social Security and attacking government secrecy.

In the halls of academe and the corridors of power, he was known for seizing ideas and connections before others noticed. In 1963, for example, he was the co-author of ''Beyond the Melting Pot,'' which shattered the idea that ethnic identities inevitably wear off in the United States. Then, on the day that November when President Kennedy was shot in Dallas, he told every official he could find that the federal government must take custody of Lee Harvey Oswald to keep him alive to learn about the killing. No one listened.

Friends also observed the intense sense of history he connected to immediate events. Bob Packwood, the former Republican senator from Oregon, recalled his Democratic friend's response in 1993 when a reporter on the White House lawn asked what he thought of the signing of the Israeli-Palestinian agreement to share the West Bank. ''Well, I think it's the end of World War I,'' he said, alluding to the mandates that proposed Middle Eastern boundaries in 1920.

Erudite, opinionated and favoring, in season, tweed or seersucker, Mr. Moynihan conveyed an academic personality through a chirpy manner of speech, with occasional pauses between syllables. More than most senators, he could get colleagues to listen to his speeches, though not necessarily to follow his recommendations. He had a knack for the striking phrase, but unease at the controversy it often caused. When other senators used August recesses to travel or raise money for re-election, he spent most of them in an 1854 schoolhouse on his farm in Pindars Corners in Delaware County, about 65 miles west of Albany. He was writing books, 9 as a senator, 18 in all.

Mr. Moynihan was less an original researcher than a bold, often brilliant synthesizer whose works compelled furious debate and further research. In 1965, his foremost work, ''The Negro Family: The Case for National Action,'' identified the breakup of black families as a major impediment to black advancement. Though savaged by many liberal academics at the time, it is now generally regarded as ''an important and prophetic document,'' in the words of Prof. William Julius Wilson of Harvard.

Five years later, his memo to President Nixon on race relations caused another uproar. Citing the raw feelings provoked by the battles of the civil rights era, Mr. Moynihan suggested a period of rhetorical calm—''benign neglect'' he called it—a proposal widely misinterpreted as a call to abandon federal programs to improve the lives of black families.

Nonetheless, he could also be an effective legislator. In his first term he teamed with Jacob K. Javits, his Republican colleague, to pass legislation guaranteeing $2 billion worth of New York City obligations at a time when the city faced bankruptcy. In a brief turn leading the Environment and Public Works Committee in 1991 and 1992 he successfully pushed to shift highway financing toward mass transit—and get New York $5 billion in retroactive reimbursement for building the New York State Thruway before the federal government began the Interstate Highway System.

Although Mr. Moynihan's junior colleague for 18 years, Alfonse M. D'Amato, became known as Senator Pothole for his pork-barrel efforts of New York, Mr. Moynihan held his own in that department.

MONUMENT OF BRICKS AND MARBLE

Long before he came to the Senate, and until he left, he was building a monument of bricks and marble by making Washington's Pennsylvania Avenue, a dingy street where he came to work for President John F. Kennedy in 1961, into the grand avenue that George Washington foresaw for the boulevard that connects the Capitol and the White House. Nearly 40 years of his effort filled the avenue with new buildings on its north side, including the apartment houses where he lived, restored buildings on the south, and cafes and a sense of life all along.

Wherever he went, Mr. Moynihan explored interesting buildings and worked to preserve architectural distinction, from converting the main post office in Manhattan into the new Pennsylvania Station, to the Customs House at Battery Park and all around Washington. Last year, over lunch and a martini at Washington's Hotel Monaco, an 1842 Robert Mills building that was once the city's main post office, he recalled how he had helped rescue it from decline into a shooting gallery for drugs.

Daniel Patrick Moynihan was born in Tulsa, Okla., on March 16, 1927, the son of an itinerant, hard-drinking newspaperman who moved the family to New York later that year to take a job writing advertising copy. They lived comfortably in the city and suburbs until 1937 when his father, John Moynihan, left the family and left it in poverty.

Mr. Moynihan's childhood has been pseudo-glamorized by references to an upbringing in Hell's Kitchen, which in fact he encountered after his mother bought a bar there when he was 20. But there was enough hardship and instability in his early life so that when he later wrote of ''social pathology,'' he knew what he was talking about.

Mr. Moynihan's mother, Margaret Moynihan, moved the family, including a brother, Michael, and a sister, Ellen, into a succession of Manhattan apartments, and Pat shined shoes in Times Square. In 1943 he graduated first in his class at Benjamin Franklin High School in East Harlem. He also graduated to work as a stevedore at Piers 48 and 49 on West 11th Street.

He went to City College for a year, enlisted in the Navy, and was trained as an officer at Middlebury College and at Tufts University. Discharged the next spring, he went to work that summer tending bar for his mother, then got his B.A. at Tufts in 1948 and an M.A. at the Fletcher School of Law and Diplomacy at Tufts in 1949.

In 1950 he went to the London School of Economics on a Fulbright Scholarship, and he lived well on it, the G.I. bill and later a job at an Air Force base. He started wearing a bowler hat. He had a tailor and a bootmaker and traveled widely, including a visit to Moynihan cousins in County Kerry, Ireland.

Work on his dissertation did not consume him. In ''Pat,'' his 1979 biography, Doug Schoen described a 1952 visit by two former Middlebury colleagues: ''Impressed at first with his elaborate file cabinet full of index cards, they found that most of the cards were recipes for drinks rather than notes on the International Labor Organization.''

Mr. Moynihan came home in 1953 and went to work in the mayoral campaign of Robert F. Wagner. He went on to write speeches for W. Averell Harriman's successful campaign for governor in 1954, joined his administration in Albany and rose to become his chief aide. It was there he learned about traffic safety, which he described in a 1959 article in The Reporter as a public health problem requiring federal action to make automobile design safer.

A SEMI-MODEST PROPOSAL

Another former campaign worker who came to Albany was Elizabeth Brennan. Her desk and his were in the same room, and they grew friendly. Rather suddenly in early 1955, when they had never dated, Mr. Moynihan did not formally propose but simply told her he was going to marry her.

They married in May 1955, and she often said she married him because he was the funniest man she ever met.

His wife survives him, as do their three children: Timothy, Maura and John, and two grandchildren.

While he was an enthusiastic supporter of John F. Kennedy, work at Syracuse University on a book about the Harriman administration and his Ph.D. kept his role in the campaign sporadic. But Liz Brennan Moynihan organized the campaign efforts in the Syracuse area.

His Ph.D. in international relations finally complete, he left Syracuse in 1961 for Washington and the Labor Department, rising to assistant secretary. One early research assignment on office space for the scattered department gave him an opportunity to assert guiding architectural principles that have endured and produced striking courthouses: that federal buildings ''must provide visual testimony to the dignity, enterprise, vigor and stability of the American government.'' That same report enabled him to raise the Pennsylvania Avenue issue, and he was at work on development plans on Nov. 22, 1963, when the word came that the president had been shot in Dallas.

Beyond his failed efforts to protect Mr. Oswald, Mr. Moynihan marked that grim assassination weekend with a widely remembered

remark about the death of the president he barely knew but idolized and eagerly followed.

On Sunday, Nov. 24, he said in a television interview: ''I don't think there's any point in being Irish if you don't know that the world is going to break your heart eventually. I guess we thought we had a little more time.'' He added softly, ''So did he.''

His first book, written jointly with Nathan Glazer, had come out earlier that year. ''Beyond the Melting Pot'' looked at the different ethnic groups of New York City and scoffed at ''the notion that the intense and unprecedented mixture of ethnic and religious groups in American life was soon to blend into a homogeneous end product.'' Ethnicity persisted, they argued.

That concept won praise from the era's leading historian of immigration, Harvard's Oscar Handlin, who called it a ''point of departure'' in studies of immigrants. But in a foretaste of academic criticism in years to come, he said their methodology was sometimes ''flimsy.''

''The Negro Family: The Case for National Action,'' a paper he wrote at the Labor Department early in 1965, argued that despite the Johnson administrations's success in passing civil rights, laws, statutes could not ensure equality after three centuries of deprivation. He said the disintegration of black families had reached a point of ''social pathology.'' He wrote: ''The principal challenge of the next phase of the Negro revolution is to make certain that equality of results will now follow. If we do not, there will be no social peace in the United States for generations.''

He cited black unemployment, welfare and illegitimacy rates. His emphasis on families headed by women led him to be accused of blaming the victims for their predicament, but in fact he wrote clearly, ''It was by destroying the Negro family under slavery that white America broke the will of the Negro people.'' Now, he wrote, the federal government must adopt policies especially in education and employment, ''designed to have the effect, directly or indirectly, of enhancing the stability and resources of the Negro American family.''

He left the administration in 1965 as liberals denounced his paper, and then ran for president of the New York City Council. He lost badly in the Democratic primary, but went on to Wesleyan University and, in 1966, to Harvard as director of the Joint Center for Urban Studies and a tenured professor in the Graduate School of Education.

He spoke out against disorder, in urban slums and on select campuses. Speaking to Americans for Democratic Action in 1967, he made it clear he though liberal pieties would not solve black problems.

And in a passage that came to the eye of the Republican presidential candidate Richard M. Nixon, he said liberals must ''see more clearly that their essential interest is in the stability of the social order'' and ''make alliances with conservatives who share that concern.'' When Nixon was elected, Mr. Moynihan made his alliance. He joined the White House staff as assistant to the president for urban affairs.

That startled his friends, and his wife refused to move to Washington. Mr. Moynihan, who never developed, even after Watergate, the searing contempt for Mr. Nixon that animated so many contemporary Democrats, explained that when the president of the United States asks, a good citizen agrees to help. Another biographer, Godfrey Hodgson, says that while Mr. Moynihan never stopped thinking of himself as a liberal Democrat, he shared the president's resentment of orthodox liberalism.

While his advice to the president to end the war in Vietnam stayed private, there were two ideas for which his time in the Nixon White House was known.

In 1970 he wrote to the president on race relations, arguing that the issue had been rubbed raw by ''hysterics, paranoids and boodlers'' on all sides. Now, he wrote, race relations could profit from a period of ''benign neglect'' in which rhetoric, at least, was toned down. In a return of the reaction to his paper on the Negro family, when this paper was leaked it was treated as if Mr. Moynihan wanted to neglect blacks.

He may have invited that interpretation by his quaintly glib language, but in fact Mr. Moynihan was pushing an idea that might have been of vast help to poor blacks, and whites. That other idea for which he was known, the Family Assistance Plan, sought to provide guaranteed income to the unemployed and supplements to the working poor, and together to stop fathers from leaving home so their families could qualify for welfare. The president made a speech for the program, sent it to Capitol Hill and let it die.

Afterward, though he remained on good terms with Mr. Nixon, Mr. Moynihan went back to Harvard in 1970. Resentment over his White House service chilled his welcome back in Cambridge. His interests shifted to foreign affairs—perhaps because the charges of racism left him no audience for domestic policy, and made him welcome an appointment as ambassador to India, where he negotiated a deal to end India's huge food aid debt to the United States. He returned to Harvard to protect his tenure in 1975, but moved that year to the United Nations as United States ambassador.

There he answered the United States' third world critics bluntly, often contemptuously.

In his brief tenure he called Idi Amin, the president of Uganda, a ''racist murderer,'' and denounced the General Assembly for passing a resolution equating Zionism with racism: ''the abomination of anti-Semitism has been given the appearance of international sanction.'' After eight months of struggles with Secretary of State Henry A. Kissinger, who wanted a less confrontational approach, he resigned in February 1976.

That made him available for a run for the Democratic nomination for the Senate, and he edged out the very liberal Representative Bella Abzug in the primary before winning the general election easily over the incumbent, James L. Buckley, the Republican-Conservative candidate. With his wife in charge of each campaign, he won three landslide reelections.

He set one high goal—a seat on the Finance Committee as a freshman—and reached it, along with a seat on the Intelligence Committee. Early in office he joined Gov. Hugh L. Carey, Speaker Thomas P. O'Neill Jr. and Senator Edward M. Kennedy of Massachusetts in a St. Patrick's Day appeal to Irish-Americans to stop sending money to arm the Irish Republican Army, whom he privately described as ''a bunch of murderous thugs.''

Every year he produced an analysis of federal taxes and federal aid, known as ''the fisc,'' which showed that New York was getting regularly shortchanged by Washington. He worked to reduce that imbalance, both through Medicaid funding on the finance Committee and public works on the Environment and Public Works Committee.

And his colleagues always knew he was around. Every day of the 2,454-day captivity of Terry Anderson, the Associated Press reporter captured by 1985 by the Hezbollah in Lebanon, he would go to the Senate floor to remind his colleagues, in a sentence, just how many days it had been.

QUARRELED WITH WHITE HOUSE

After loyally serving four presidents, he quarreled with those in the White House while he was in the Senate. When he arrived in 1977, he found President Carter too soft in dealing with the Soviet Union and indifferent to its evil nature.

But he quickly came to believe that the Soviet Union was crumbling. In Newsweek in 1979 he focused on its ethnic tensions. In January 1980, he told the Senate: ''The Soviet Union is a seriously troubled, even sick society. The indices of economic stagnation and even decline are extraordinary. The indices of social disorder—social pathology is not too strong a term—are even more so.'' He added. ''The defining event of the decade might well be the breakup of the Soviet empire.''

It was against that changed perception that he was sharply critical of vast increases in military spending, which, combined with the Reagan tax cuts, produced deficits that he charged were intended to starve domestic spending. He called a 1983 Reagan proposal for cutting Social Security benefits a ''breach of faith'' with the elderly, and worked out a rescue package that kept the program solvent for at least a decade into the 21st century.

He also scorned the 1983 invasion of Grenada, the 1984 mining of harbors in Nicaragua and the 1989 invasion of Panama as violations of international law, and voted against authorizing President George H. W. Bush to make war against Iraq. It was not enough, he wrote in his book ''On the Law of Nations'' in 1990, for the United States to be strong enough to get away with such actions. The American legacy of international legal norms of state behavior, he wrote, is ''a legacy not to be frittered away.''

But probably his worst relations with a president came when Bill Clinton and Hillary Rodham Clinton sought passage of national health insurance.

Certainly, the failure of health care legislation was not primarily Mr. Moynihan's responsibility, but he had become chairman of the Finance Committee in 1993, and health care fell within its jurisdiction. He said the administration should take on welfare reform legislation first, and carped on television about their health plan, quickly fixing on the role of teaching hospitals as the biggest issue in health care. But otherwise he waited for Mr. Packwood and Senator Bob Dole of Kansas, the Republican leader, to propose a compromise. Mr. Dole had decided all-out opposition was the better course for his party, and they never did.

Mr. Moynihan's career in the Senate was marked not by legislative milestones but by ideas. Even so, Senator Kennedy, the legislative lion, once described him in 1993 as an exemplar ''of what the Founding Fathers thought the Senate would be about,'' because of the New Yorker's breadth of interests, ''having read history, and thought about it, and being opinionated.''

Mr. SCHUMER. As a fellow New Yorker, I am going to speak of Pat Moynihan as a builder. He was known as a thinker, but we forget he was also a builder, a builder of bricks and mortar, somebody who taught us in New York and the country to think grandly of public works once again. Those who knew Moynihan best say that is where his heart truly lay.

The week after I won election for the Senate, Pat Moynihan called me into his office. He told me he would announce he wasn't going to run again. He said: I am going to bequeath to you a gift. I am going to recommend that my staffer Polly Trottenberg work for you. Well I took his advice and hired

her to be my Legislative Director and she has been with me ever since. He did many nice things for me. That was certainly one of them.

Because she worked so long and well for him, I asked Polly today what Pat Moynihan had regarded as his greatest accomplishment and she said something that surprised me. But when you think about it, it should not be surprising. It was how he reclaimed Pennsylvania Avenue in this city and made it big and grand and beautiful again and how he lived out the rest of his days there with his wonderful wife Liz.

Pat Moynihan not only taught us to think grandly about public works on the national scale, he also taught us to cherish our cities, to make them lively and beautiful, and none so more than his two beloved cities, New York and Washington.

His groundbreaking work on Federal transportation policy remains without equal. Pat Moynihan is the father of ISTEA, the Intermodal Surface Transportation Efficiency Act of 1991, the most important piece of transportation legislation since President Eisenhower's Federal Highway Act of 1956.

Pat Moynihan, as a social scientist, urban planner, and old-fashioned New York politician, helped change the course of American transportation, weaning us from our highways-only approach that had destroyed so many urban neighbors.

Instead, ISTEA encouraged so many communities to invest in other modes, such as transit, rail, and even bipeds. I ride a bike every Saturday around New York. It is another small way I thank Pat Moynihan.

He provided citizens with far greater say in what types of projects would be built in their communities. ISTEA was especially important to New York. It enabled the State to restore some of our most important but neglected public works, such as the magnificent Brooklyn Bridge as well as dream new dreams like I–86 across the southern tier, and the Second Avenue subway.

His passion and dedication to public architecture is well known and dates from his days as a young aide to President Kennedy who, right before his death, tasked Moynihan with restoring Pennsylvania Avenue here in Washington. Moynihan succeeded brilliantly in his task, with the final piece of Pennsylvania Avenue, the Ronald Reagan Building and International Trade Center, unveiled a few years ago and instantly hailed as one of the best new buildings to grace the Capital.

Of course, Senator Moynihan was also a leading force for architecture in New York. He was responsible for building a beautiful Federal courthouse at 500 Pearl Street in Lower Manhattan, which we were proud to name after him. Completed in 1994, the Daniel Patrick Moynihan Federal Courthouse embodies the same spirit as his previous architectural endeavors, an extraordinary work of art inside and outside.

He was responsible for the restoration of the spectacular Beaux-Arts Customs House at Bowling Green and for recognizing what a treasure we have in Governors Island.

He is beloved in Buffalo, at the other end of our State, for reawakening the city's appreciation for its architectural heritage, which includes Frank Lloyd Wright houses and the Prudential Building, one of the best known early skyscrapers by the architect Louis H. Sullivan, a building which Moynihan helped restore and then chose as his Buffalo office.

Moynihan has also spurred a powerful and passionate popular movement, which is gaining strength as he leaves us, in Buffalo to build a new signature Peace Bridge over the Niagara River.

His last project—one that I regret he didn't live to see completed—was his beloved Pennsylvania Station. In 1963, Pat Moynihan was one a group of prescient New Yorkers who protested the tragic razing of our city's spectacular Penn Station—a glorious public building designed by the Nation's premier architectural firm of the time, McKim, Mead & White.

It was Pat Moynihan who recognized years ago that across the street from what is now a sad basement terminal that functions—barely—as New York City's train station, sits the James A. Farley Post Office Building, built by the same architects in much the same grand design as the old Penn Station. Pat Moynihan recognized that since the very same railroad tracks that run under the current Penn Station also run beneath the Farley Building, we could use the Farley Building to once again create a train station worthy of our grand city.

He then did the impossible: He persuaded New York City, New York State, the U.S. Postal Service, the U.S. Department of Transportation, Amtrak, congressional appropriators, and President Clinton himself, to commit to making this project succeed. And I can tell you, I don't think President Clinton even knew what hit him.

Herbert Muschamp, the noted New York Times architecture critic, praised the new Penn Station design, which brilliantly fuses the classical elements of the Farley Building with a dramatic, light-filled concourse, when he wrote:

> In an era better known for the decrepitude of its infrastructure than for inspiring new visions of the city's future, the plan comes as proof that New York can still undertake major public works. This is the most important transportation project undertaken in New York City in several generations.

We have Pat Moynihan to thank for that and so many other things.

The epitaph given to Sir Christopher Wren, designer of St. Paul's Cathedral in London, is an equally fitting epitaph for Senator Daniel Patrick Moynihan: ''Si Monumentum Requiris Circumspice''—''If you would see this man's monument, look around.''

And not only look at the buildings, look at people, look at highways, look at Government projects and programs—all of which Pat Moynihan had a tremendous effect on.

I join with every New Yorker and every American in mourning Pat Moynihan's passing but celebrating his extraordinary life, his extraordinary career, celebrating the extraordinary man himself.

I give my heartfelt condolences to his family—Liz and Timothy and Maura and John and his grandchilden, Michael Patrick and Zora—and count myself among the many others who will miss him dearly.

Mr. President, I will end with a prayer. It is my hope, it is my prayer, that God grant us a few more Pat Moynihans in this Senate, in this country, in this world.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I join my colleague in expressing our sense of loss at the passing of a man whom we knew, we admired, we respected, we enjoyed.

Yesterday, we lost more than ''The Gentleman from New York.'' We lost one of the great minds of America's 20th century. He devoted more than 50 years of his life to public service in order to build a better world. For Senator Moynihan, his service to his country and to the State he loved was more than his career. It was his calling.

For 24 years, New Yorkers had the benefit of his intellect and his dedication on the floor of this Senate. Whenever he headed to the Senate floor to speak, he kept the people of New York close to his heart. And he came armed with three signature items: his horn-rim glasses, a bow tie, and a great idea.

No one believed more in the power of restoration than Senator Moynihan: Restoration of our cities as economic and cultural centers; restoration of our historic buildings as public places of pride; restoration of the family, when given the proper tools to mend decades of despair; restoration of our Government to better serve its people.

It was Senator Moynihan who helped restore our sense of hope with his ability to look at an abandoned building, a neglected neighborhood, or an empty school, and see not only what it could become but how to make it so.

He could ''see around corners,'' to quote his Irish heritage. I always loved that phrase when applied to Pat Moynihan because it so aptly described his unique ability to foresee how we might address a difficult problem. Time after time, he could see our Nation's next pressing challenge—and its solution—even when it was decades away from our own national conscience.

His soul was anchored in the New Deal, but it was his ability to enhance the social contract to meet the challenges of the 20th and 21st century that transformed the lives of millions of New Yorkers and Americans.

Whether it was Social Security, Medicare, education, health care, the

environment, fighting poverty, or historic preservation, every issue illustrated what Senator Moynihan did best: He used the power of an idea as an engine for change. He was an architect of hope.

It was Senator Moynihan who was able to articulate that poverty in an urban setting was just as isolating and devastating as in a rural setting. This helped launch the war on poverty and the idea that we now know as the earned income tax credit.

It was Senator Moynihan who realized that States such as New York and others across the Northeast contributed more in taxes than we received back from the Federal Government. This prompted what he called the FISC Report, and his fight, which I carry on, to get New York its fair share.

It was Senator Moynihan who looked at our historic places—from Pennsylvania Avenue right here in Washington, DC, to Penn Station in New York City—and saw how saving these great monuments to the past held meaning and purpose for our future.

It was Senator Moynihan, as chairman of the Senate Finance Committee, who helped write the 1993 Budget Act, pass the Economic Act, and the Deficit Reduction Act, that set the foundation for the prosperity of the 1990s, lifted 7 million Americans out of poverty, and sent a clear message that the Federal Government did its best work when it did it responsibly, living within a budget. Unlike what we have just seen here on the floor over the last several days, Senator Moynihan understood that a Government which lived within its means made real choices, not false choices, and then putting it on a credit card for our children to have to pay.

It was Senator Moynihan who, in addition to all of these domestic accomplishments, forged a new era of foreign policy for America with his work as Ambassador to India, and with his eloquence on behalf of the United States, speaking up during a contentious time as Ambassador to the United Nations.

On a personal note, it was Senator Moynihan who welcomed me to his farm in Pindars Corners on a picture-perfect July day in 1999 and offered his support and encouragement, sending me on my way with a gesture of profound kindness that I will never forget.

A few months ago, Senator Moynihan came to see me in my office. It is the office he was in for so many years. He sat with me, and we talked about the issues confronting this Senate. I asked his advice. I told him I wanted to have a chance to talk with him further about so many of the challenges that are facing us. Unfortunately, that was not to be. His illness prevented him from coming back to the Senate and from helping other Senators one last time.

Today, we are all thinking of him and his family. We extend our condolences, and our gratitude for the life he lived, the example he set, and the countless contributions he made.

Senator Moynihan once said, in a very Irish way:

> Well, knowledge is sorrow really.

He was right. The knowledge that he no longer walks among us brings sorrow to every New Yorker and American. He grew up in Hell's Kitchen, but he brought a bit of heaven to the Senate. We are grateful for his being amongst us; his looking around those corners, seeing further than any of us could on our own.

Our thoughts and prayers go out to his wonderful wife Liz, his children, his grandchildren. We wish them strength, and we want them to know that Pat Moynihan was a blessing, a blessing to the Senate, a blessing to New York, and a blessing to America.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me first of all commend both of our colleagues from New York, Senators SCHUMER and CLINTON, for their very eloquent remarks about our former colleague and dear friend, Pat Moynihan. I know not only the Moynihan family but the people of New York and others around this great country who have had the privilege of knowing and spending time with Pat Moynihan deeply appreciate their comments and their words. I join in expressing my deep sense of loss of a towering figure of American life, Senator Daniel Patrick Moynihan, whom we all know passed away yesterday. My heart certainly goes out to Senator Moynihan's family at this most difficult time, his remarkable wife Liz and their three children, Timothy, Maura, and John, as well as the entire Moynihan family.

All of us, every single American, even those who may never have heard his name or are unaware of his contribution, lost a member of the family in a sense with the death of Pat Moynihan. That is because for more than half a century, Pat Moynihan served the American people as a soldier, a teacher, as an author, an assistant to four American Presidents, an Ambassador to India and the United Nations and, of course, a Member of this Chamber for 24 years, from 1976 to the year 2000.

Pat Moynihan, to those of us who knew him so well, was an intellectual giant who never lost sight of what makes America tick, in its most fundamental way our nation's people and our nation's families. He had a deep appreciation and abiding of America's families as the backbone of our nation's social and economic structure that has provided us with stability and growth and success for more than two centuries.

And he was, of course, an unparalleled leader in pointing out weaknesses in America's families and ways in which we might strengthen them.

Generations of Americans, many of whom will never have known or possibly even have heard of Pat Moynihan, will reap the benefits of this most compassionate and thoughtful leader among leaders.

A true American success story by any calculation, Pat Moynihan rose from the rough neighborhood of New York City's Hell's Kitchen to become one of America's leading intellectuals. He earned a bachelor's degree, two masters degrees, a law degree, and a PhD as well as teaching appointments at Harvard, MIT, and Syracuse University.

Pat Moynihan was much more than simply a man of letters. He, above all else, combined his intellectual capacity with a strong sense of action; of getting things done.

Pat Moynihan brought life to the notion that ideas serve as the engine of democracy. Many of the most thoughtful and progressive legislative programs that have improved the lives of his beloved New York and all around our Nation and across the globe for the past 40 years originated in the brilliant mind of Pat Moynihan. From protecting underprivileged children, to passionately defending the Social Security system, to questioning America's role in the world at pivotal moments in our history, Pat Moynihan's intellectual agility was only matched by his desire to make America a better nation, a fairer nation, and a more successful one.

The description ''renaissance figure'' is too liberally applied to people who don't deserve it, in my view. That is not the case with Pat Moynihan. He truly was a renaissance figure, a person who could breeze easily and expertly from issue to issue. He would expound upon what is needed to improve mass transit systems nationwide one moment, explain what is needed to achieve excellence in our public education system in the next, and finish off with his latest idea to bring majesty to the architecture along Pennsylvania Avenue, all in a very seamless way.

I have heard the remarks of many of our colleagues and others over the last 24 hours in sharing their grief over the loss of our friend. As I have read and heard these remarks, in newspapers and public accounts, it struck me that the words describing Pat Moynihan that are being most repeated over and over again are courageous, compassionate, principled, thoughtful, brilliant, and the like.

Few individuals have been so universally revered by so many here in Washington and across the Nation for their determination to make a difference in helping to steer our Nation in the right direction over a half century. That is because for decades Pat Moynihan embodied the highest ideals and values of our Nation since its founding. This was recognized by Democratic Presidents and Republican ones alike. He served for both of them, and he served well. It was recognized by every one of his Senate colleagues, regardless of party or ideology, who had the great fortune to have worked with him in this Chamber.

Frederick Douglass once said:

The life of a nation is secure only while the nation is honest, truthful, and virtuous.

For 40 years Pat Moynihan lent those characteristics to the heart of the U.S. Government. Pat Moynihan's death leaves a void in this Chamber, and in this country, that will not soon, if ever, be filled

I would like to think that there will be more Pat Moynihan's coming down the pike, to serve in this Chamber, and in other important capacities nationwide. I would like to think that there will be more individuals with the style, and wit, and substance of Pat Moynihan to help guide our nation through the multitude of complex issues we confront now and into the future.

I would like to think so, but the truth is Pat Moynihan was one of a kind. We will have to make due without him. I only count my blessings that I had a chance to serve with him in the United States Senate, and to have been able to call him a friend.

I conclude my remarks by expressing my deep sense of loss to Liz and the rest of the Moynihan family. This country has lost a remarkable individual, a person who made significant contributions to the health and well-being of this Nation. But to those of us who had the joy of serving with this delightful man from Ireland, we have lost a wonderful friend, someone we will miss with a great sense of loss for the rest of our lives.

I express my gratitude and those of my family to the Moynihan family, the people of New York, and to our colleagues and staffs and others who worked with him during those four decades of public service.

I yield the floor.

Mr. LEVIN. Mr. President, today is a very sad day for America and for those of us who served in the United States Senate with one of its most visionary and accomplished members, a great man, a great American, Senator Daniel Patrick Moynihan of New York, who died yesterday.

It stretches the mind just to think of all of the important positions that Pat Moynihan held, including Cabinet or sub-Cabinet posts under four Presidents: John Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford. He served as Ambassador to India in the 1970s and then as U.S. Ambassador to the United Nations. He came to the United States Senate in 1977 already a scholar, author and public official of great distinction and renown. In the 24 years he spent here, he only greatly expanded his enormous reputation and body of work. Pat Moynihan was a Senator's Senator. Over the years, he earned the respect of every Member of the Senate—and we all learned a great deal from him.

Pat Moynihan was a person who showed tremendous vision throughout his life. He showed foresight about the importance of a strong family and about the importance of strong communities in America. He raised the critical importance of these basic values and concerns about the deterioration of these family values, long before others. He showed great foresight about our Constitution. One of the highlights for me in my service in the Senate was joining Senator Moynihan and Senator ROBERT BYRD in fighting successfully against the line item veto as a violation of our Constitution. And, he showed great foresight about the world and the role of the United States in international affairs. His work at the United Nations and in the Senate, as a former chairman of the Senate Select Committee on Intelligence, and as chairman of the Finance Committee was marked by his perceptive, analytical, and worldly view on trade, foreign policy, and intelligence matters. Long before others, Senator Moynihan was speaking of the economic and ultimately military weaknesses of the Soviet Union and predicting its collapse—at a time when most of the American intelligence community was overestimating its strength.

It is virtually impossible to list all of Pat Moynihan's accomplishments in the U.S. Senate. Among the most lasting, however, will be his efforts on behalf of architectural excellence in the Nation's Capital. He was a crucial force behind the return to greatness of the Pennsylvania Avenue corridor between the U.S. Capitol and the White House, the restoration of Washington's beautiful, elegant, and historic Union Station, and the construction of the Thurgood Marshall Judiciary Building here on Capitol Hill.

And Pat could pack a punch, wielding his sharp sense of humor as a devastating weapon as when, in 1981, when the plastic covering used to protect the workers on the then-new Hart Senate Office Building was removed. No fan of the lack of architectural merit of the Senate's newest office building, he suggested that the plastic be immediately put back. He commented, ''Even in a democracy, there are things it is as well the people do not know about their Government.''

The author or editor of eighteen books, Senator Moynihan was at the forefront of the national debate on issues ranging from welfare reform, to tax policy to international relations. His most recent book, written in 1998, ''Secrecy: The American Experience'' expands on the report of the Commission on Protecting and Reducing Government Secrecy of which he was the Chairman. This is a fascinating and provocative review of the history of the development of secrecy in the government since World War I and argument for an ''era of openness.''

At home in New York, in a State which is known for its rough and tumble politics, he demonstrated leadership again and again, exercising the power of intellect and the ability to rise above the fray. That has been a wonderful contribution not just to New York but to all of America.

The ''Almanac of American Politics'' once noted ''Daniel Patrick Moynihan [was] the nation's best thinker among politicians since Lincoln and its best politician among thinkers since Jefferson.'' Pat made a huge contribution to this body and its reputation. I will never forgot him.

His wife, Liz, his children, grandchildren and the entire Moynihan family are in our hearts and our prayers today. Daniel Patrick Moynihan's memory will continue to serve as an inspiration to us all in the Senate family—as he was in life—to better serve the country that he loved so much.

Mr. HOLLINGS. Mr. President, so many Senators have spoken so eloquently about the loss of Senator Moynihan; but no one has been listened to in their speeches like they listened to our friend in the bow tie with the staccato delivery. Standing in this Chamber, he would overwhelm with his original thoughts, including overwhelming this Senator who had the good fortune to listen to his ideas for all 24 of his years here.

The saddest part about losing our friend is we lose him when we need him most.

He was the authority on Social Security, just when we need someone to stand up and expose the numbers that these voodoo tax cuts are taking out of the Social Security trust funds. He was the United Nations Ambassador who spoke bluntly, just when we need a guy with an opinion to straighten out those people up in New York. He was the architect who turned Pennsylvania Avenue into a grand boulevard, just when we need someone to figure out how to protect against terrorism and not undo the beauty he brought to this city.

Right to the point: he was from the world of intellect, not from the nonsense poll watchers. This Senator will miss the gregarious big man with the biggest of the big ideas, who nevertheless got things done in this Chamber.

My wife Peatsy joins me in extending our deepest sympathy to his wonderful wife Elizabeth and their family.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, our dear colleague, Pat Moynihan, was a true giant in the Senate, and his loss is deeply felt by all of us who knew him and admired him. He was a brilliant statesman and legislator, and he was also a wonderful friend to all the Kennedys throughout his extraordinary career in the public life of the nation.

Forty-two years ago, President Kennedy enlisted many of the finest minds of his generation to serve in the New Frontier. Among the outstanding young men and women who answered his call was the brilliant young Irishman who became a special assistant to Jack's Secretary of Labor—and then an Assistant Secretary of Labor himself—Daniel Patrick Moynihan. On that snowy Inauguration Day in January 1961, the torch was passed to that new generation of Americans, and Pat Moynihan helped to hold it high in all the years that followed.

Pat leaves an outstanding legacy of extraordinary public service and brilliant intellectual achievement that all of us are proud of, and that President Kennedy would have been proud of, too.

Throughout his remarkable career, Pat was on the front lines on the great social, political, and cultural challenges of the day. To know him was to love him—the remarkable intellect, the exceptional clarity of his thinking—the abiding Irish wit that impressed and enthralled us all so often. We were not alone. Pat's qualities and achievements captivated, educated, and inspired an entire generation of Americans.

All of us in Congress and around the Nation learned a great deal from Pat, and we will miss him dearly. His wisdom and experience contributed immensely to the progress our country has made on a wide variety of issues. We loved the professor in him.

It was not unusual for Senators on both sides of the aisle to come to the Senate floor to hear Pat speak—Senators sitting like students in a class, trying to understand a complex issue we were struggling with.

The whole Senate loved and respected Pat. As he often said, ''If you don't have 30 years to devote to social policy, don't get involved.'' He dedicated his brilliant mind and his beautiful Irish heart to that challenge, and America is a stronger and better and fairer nation today because of his contributions. With his great insight, and wisdom, he skillfully questioned the way things worked, constantly searching for new and better ways to enable all Americans to achieve their dreams.

In the 24 years Pat served with us in the Senate, he was the architect of many of the Nation's most progressive initiatives to help our fellow citizens, especially those in need. He left his mark on virtually every major piece of domestic policy legislation enacted by Congress.

He had a central role in shaping the debate on welfare reform, and he was a visionary when it came to protecting and strengthening Medicare and Social Security. He spearheaded the major transportation legislation that provides indispensable support for highways throughout the country and for mass transit in our cities.

An important part of Pat's legacy is the restoration of Pennsylvania Avenue, which my friend and colleague, Senator SCHUMER, referenced—the nation's principal thoroughfare. The key to that dream was the preservation of Lafayette Park, right across from the White House. Jackie Kennedy Onassis put forward the vision that she and Pat shared to preserve that famous national square and the townhouses that surround it, which are such a vital part of our history and our architectural heritage.

Throughout his career, Pat worked brilliantly, effectively, tirelessly, and with great political skill, to promote the highest values of public service. And in doing so, he earned well-deserved renown and respect from all of us in Congress on both sides of the aisle, from Republican and Democratic administrations alike, from political thinkers, foreign policy experts, and leaders of other nations as well.

In a world of increasing specialization, there was no limit to his interest or his intellect or his ability. In so many ways, he was the living embodiment of what our Founding Fathers had in mind when they created the United States Senate. And he did it all without ever losing his common touch, because he cared so deeply about the millions of citizens he served so well, the people of New York.

One of my own happiest associations with Pat was our work together to end the violence in Northern Ireland and bring peace to that beautiful land of our ancestors. Pat and I worked closely with Tip O'Neill and Hugh Carey on that issue, and they called us the ''Four Horsemen.''

Pat believed very deeply in that cause and in all the other great causes he did so much to advance during his long and brilliant career. Whether serving in the Navy or as professor, adviser to Presidents, Ambassador, or Senator, Pat brought out the best in everyone he touched, and his mark on earth will be remembered forever.

At another dark time in our history, after President Kennedy was taken from us, Pat said, ''I don't think there's any point in being Irish if you don't know that the world is going to break your heart eventually.'' Pat's loss breaks all our hearts today, and we know we will never forget him. We never forgot the lilt of his Irish laughter that stole our hearts away.

My heart goes out to Liz and the entire Moynihan family. We will miss Pat very much, and we will do our best to carry on his incomparable work to make our country and our world a better place.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, I spoke briefly last night of the sorrow we all felt on hearing that our former colleague, Daniel Patrick Moynihan, passed away. This afternoon, I join with Senators SCHUMER, CLINTON, KENNEDY, DODD, and others to return to the floor to say a bit more for the record about this truly remarkable man and about how much the Senate and the Nation will miss him.

Opening this morning's newspapers at a time when news of the war in Iraq seems to eclipse all else, I found it fitting that Daniel Patrick Moynihan was—as he was so often during his long public career—once again front page news. Newspapers across the nation—and indeed, around the world—are filled today with accounts of Senator Moynihan's life and work.

What has been written in just the short time since his death yesterday afternoon reminds us how extraordinary pat Moynihan really was.

The New York times—the newspaper Senator Moynihan read religiously every day, from cover to cover, we are told—reported that he ''brought a scholar's eye for data to politics and a politician's sense of the real world to academia.''

The Washington Post noted that he ''pursued with distinction enough careers for half a dozen men of lesser talents and imagination: politician, presidential adviser, diplomat, author, professor, public intellectual.''

In talking about Senator Moynihan with colleagues and friends last night and today, it strikes me that everyone seems to come back to one idea: People like Pat Moynihan simply do not come along every day.

I said yesterday that he seemed larger than life. He was also, truly, one of a kind. Senator Moynihan's myriad public accomplishments are being—and will no doubt continue to be—well documented.

Today, I want to add to what has been said in the press and on this floor some of the less-frequently mentioned things that made Pat special to those of us who had the privilege to know him and work with him.

Pat Moynihan enlivened the Senate. He did so in many ways, but there are three in particular that come to mind for me today.

First was the way he applied his encyclopedic mind to the deliberations of the Senate. In our Democratic caucus meetings, in committee hearings, and here on the floor, he elevated our discourse. He would make a point, and drive it home, by drawing on his sweeping knowledge of history, literature, poetry, and the arts. He could quote from hundreds of sources—from memory.

Listening to Pat speak extemporaneously, you might be treated to verbatim quotes from Disraeli or Churchill, Yeats or Robert Frost, Dylan Thomas, Evelyn Waugh, Arthur Conan Doyle, or Shakespeare. He always had just the right quote to support his argument, and he always quoted accurately.

In once read that the staff of the Shakespeare Theater here—where Pat was a frequent patron—often noticed him silently mouthing the words of the play—as the actors spoke them.

A second gift of Pat's that we all treasured was his ready sense of humor. It was a puckish, mischievous wit, and it never failed to surprise and amuse us.

I remember when the Hart Senate Office Building was completed. Pat was never an admirer of the architecture of the Hart Senate Office Building. In

fact, he thought it was downright ugly. When the building was finished and the construction tarp was taken down, Pat introduced a resolution saying the tarp should be put back up.

Pat also knew how to use his wit to disarm. He was famously blunt and direct with the press. But he also knew how to use humor to avoid questions he preferred not to answer.

Nearly every week, he invited the New York press corps into his office in the Russell Building for coffee and to answer questions. If he chose to, he could crack a hilarious joke and have the press in stitches. By the time they got through laughing, they had forgotten the question altogether.

Finally, Pat Moynihan was a fierce Senate institutionalist—a quality that endeared him to me, to Senator BYRD, and to so many of us.

Pat Moynihan loved and revered this institution—much as he loved and revered public service.

His respect for the Senate showed itself in many ways, from his stout defense of Senate powers and prerogatives to his keen interest in the architectural preservation of the Capitol Building and its environs.

Pat had a sentimental side, as many of us do, when it came to this building.

On special occasions, he loved to present friends with a gift of sandstone bookends made from the old East Front of the Capitol. With each presentation of those treasured stones, Pat loved to tell an elaborate story about the political intrigue surrounding the extension of the East Front in the 1950s.

These are just a few of the special things that come to mind as we reflect on the unique life and legacy of our friend and former colleague.

I said last night that in losing Pat Moynihan, New York and the Nation have lost a giant. And, as Winston Churchill once said of another great patriot, we shall not see his like again.

On behalf of the entire United States Senate, I again extend sincerest condolences to Pat's beloved wife and partner, Liz, to their children, Tim, John, and Maura, and to their grandchildren, Zora and Michael Patrick.

We thank them for sharing so much of their husband, father and grandfather with us. Our thoughts and prayers are with them at this hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to join my colleagues to mourn the passing of and express respect and admiration for the service of our former colleague, Daniel Patrick Moynihan, whom we recently lost.

Before I came to this body, I had heard a great deal about Pat Moynihan. Who had not? If you followed Government, if you were interested in policy, Pat Moynihan probably said something that was very important. He was way ahead of his time on some issues. On other issues, I disagreed with him rather strongly, but you knew if Pat Moynihan spoke, it was going to be worth listening to. If you did not agree with him, you were going to have to work hard to counter it.

I had some disagreements with the distinguished Senator from New York. As a matter of fact, in the 1992 highway bill, I had a spectacular confrontation with him. We disagreed over a courthouse that was included in the highway bill. Thereafter, we became very good friends, and I think as a result of our rather tumultuous getting acquainted, I had the opportunity to spend a good bit of time with him.

We were neighbors in an area of the Capitol where we both had workspaces. I spent a number of evenings enjoying a discussion with him as we watched the debates on the floor of the Senate. His ability to discuss and have insightful observations about so many subjects was truly impressive. If I ever met a Renaissance man, it was Pat Moynihan.

I will give one example. Everybody knows the great role he played in revitalizing Pennsylvania Avenue and the leadership he provided. He was a great student of architecture. One of the projects we worked on in Missouri was saving the Wainwright Building, the first steel-framed skyscraper designed by Louis Sullivan. I mentioned it to him one day. He proceeded to give me a short course in architecture and the role of Louis Sullivan and his draftsman, Frank Lloyd Wright, which went far beyond the knowledge I had of the building in St. Louis. As a student of architecture, as a student who appreciated the benefits architecture brings to the quality of life, he was absolutely without peer.

There were many other issues, and I know my colleagues will have many thoughts to share about him, but I wanted to rise to say to those he leaves behind that he was truly an outstanding servant, one whose friendship and whose insights and experiences I personally will always hold dear. I know this body is far richer for his presence and his service.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I also rise to join with my colleagues on the passing of Pat Moynihan. Where does one start when a friend and colleague leaves us?

When Senator Moynihan retired from the Senate, where he served our country and his State so well, he really did not leave us. Now in this, his last transition, he will not leave us. He left so much of himself with us. His words will remain with us for years to come.

I did not join the Senate until 1989. Being on the opposite side of the aisle—I was one who had not earned his spurs yet—I did not have the opportunity to get to know him until we went on a trip together to the Persian Gulf during Desert Shield in 1990. I can say my life has been richly blessed serving with a lot of men and women who have since retired from this body. He was one of those people.

That was a great trip to the Persian Gulf. We spent a lot of hours in flight and spent a lot of hours in conversation, which was truly enlightening to this Senator from a rural State such as Montana. Our relationship grew from that point, and I realized what a marvelous man he really was.

He was a man true to his faith and principles. His intellect stood him apart from most men I have ever known, but he coupled that intellect with good old-fashioned common sense and deep wisdom.

The subject matter of the conversation did not make any difference. He could relate to anyone on a common ground. The ability to communicate with anybody who is not blessed with the same amount of institutional information or knowledge of any issue that may confront policymakers on a daily basis is a wonderful talent. He was one I held in high esteem, as he was one of the most intelligent men I have ever known.

It is unusual to find a person of that caliber to be blessed with a great sense of humor, and to put it on our level. He was quick, and his humor would sneak up on you. A man of his own style, very comfortable with himself, his presentations on the floor, in committee, or in public were strictly Pat Moynihan. We shall miss his voice on the floor of the Senate for several reasons, and printed words cannot describe that distinct sound.

I notice my friend from West Virginia is in the Chamber. Senator Moynihan sat only two seats behind Senator BYRD.

We can hear him today say: Mr. President, may we have order.

That was distinctly a call we all knew, understood, and respected. I shall miss him. I shall never forget him. Whatever accolades he may receive, he earned every one.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President:

> There is a Catskill eagle in some souls that can alike dive down into the blackest gorges and soar out of them again and become invisible in the sunny spaces. And even if he forever flies within the gorge, that gorge is in the mountains; so that even in his lowest swoop, the mountain eagle is still higher than other birds upon the plain, even though they soar.

I was saddened to learn last night of the death of one of the most educated, most versatile, and most gifted persons ever to bless this Chamber, and one of my favorites, our former colleague, Senator Daniel Patrick Moynihan.

With doctorate and law degrees from the Fletcher School of Law and Diplomacy, he was a Fulbright scholar and the author of a number of sometimes controversial, but important, books. He held academic positions at several of our country's most prestigious universities, including Syracuse, Harvard, and MIT.

Unable to settle into an academic life, Pat Moynihan went on to serve in high positions in the administrations of Presidents John F. Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford—making him the first and only person to serve in the Cabinet or subcabinets of four successive administrations. His Government work included serving as the American Ambassador to India and as the United States Permanent Representative to the United Nations.

Even with this background, and these accomplishments, Daniel Patrick Moynihan still refused to rest. In fact, his greatest work, I might even go so far as to say his destiny, was still ahead. In 1976, he was elected to the first of four terms in the United States Senate.

I was then the Democratic whip. I knew I was going to be the next Senate majority leader, so I welcomed Pat Moynihan to the Senate and assured him I would do my best to see that he got appointed to the Senate Finance Committee. That is where he wanted to go.

So it was in this chamber that the talents, the skills, and the powerful intellect of this philosopher-statesman shined the brightest.

It was more than his outstanding work as a Senator from a large and powerful State.

It was more than his outstanding work as chairman of the Senate Environment and Public Works Committee and as chairman of the Senate Finance Committee.

It was that he was a visionary with the strongest sense of the pragmatic, an idealist with the most profound grasp of what was practical, an internationalist who always put our country first. With his keen and profound historical perspective and his incredible breadth of knowledge ranging from taxes to international law, he had the uncanny ability to make us confront issues that needed to be confronted, and to cut to the core of a problem and then help us to solve it.

A person and a Senator not only of high intellectual quality, but also high intellectual honesty, Senator Moynihan took on the complicated and politically sensitive issues, like Social Security, health care, and welfare reform, with passion and compassion; he took on these mighty subjects with determination and foresight and with unflinching integrity.

I have never forgotten, and will never forget, our valiant fight together to challenge and defeat the line-item veto. I wish he were here now. This was one of his many struggles to preserve and to protect our constitutional system. We need more Pat Moynihans who would take an unflinching stand for the Constitution and this institution. He truly believed in our Constitution just as he truly believed in the mission as well as the traditions, the rules, and the folkways of the United States Senate. He knew that the American Government is not the monster that demagogues fear and like to portray but a positive, creative force in American life that has helped all Americans to enjoy better, safer, and more productive lives.

Senator Moynihan retired from the Senate in the year 2000. But he was one of those Senators who was so much a part of this institution that he has never really left it. I still look over at his seat and sit in my own and turn it in that direction and listen to him. I can hear him; I can still see him. Yes, just like I still see Richard B. Russell who sat at this seat and who departed this life on January 21, 1971; like I can still see Everett Dirksen, that flamboyant Republican orator and leader; as I can see Lister Hill of Alabama, and the other great lawmakers with whom I have had the privilege and the honor of serving.

I look over there and see his unruly hair, his crooked bow tie, his glasses that always seemed about to fall off his face, and that unforgettable Irish twinkle in his eyes.

But I have missed his incredible grasp of the issues. I have missed his intellectual vigor, and his incisive wit and wisdom. In these difficult and trying times, I, and the Senate, have sorely missed his innate sense of fairness, and his unbounded and unqualified determination to do the right thing regardless of political party or political consequences. As I said when he retired from the Senate, ''His conscience is his compass. . . . Senator Moynihan states facts, the cold, hard truths that many others in high places refuse to face and that some are unable to see.''

Senator Moynihan lived the lifetime of ten mortals. An author, ambassador, a college professor, an outstanding public servant, and a great United States Senator, he accomplished so much. He leaves an indelible mark on this country. His legacy is intact. His was a creative and successful life. And, he was blessed with a wonderful and gracious wife, Elizabeth. My wife, Erma, and I extend our deepest and heartfelt condolences to Pat's entire family.

I close my remarks by reciting the immortal words of Josiah Gilbert Holland:

God give us men!
A time like this demands strong minds,
great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.

Men who can stand before a demagogue
And brave his treacherous flatteries without winking.

Tall men, sun—crowned;
Who live above the fog,
In public duty and in private thinking.
For while the rabble with its thumbworn creeds,
It's large professions and its little deeds,
mingles in selfish strife,
Lo! Freedom weeps!

Wrong rules the land and waiting justice sleeps.
God give us men!
Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character;
Men of sterling worth;
Then wrongs will be redressed, and right will rule the earth.
God Give us Men!

Mr. President, those of us who knew Daniel Patrick Moynihan, especially those of us who served with him here in the Senate, will remember his ''strong mind,'' his ''great heart,'' his ''true faith,'' and his ''ready hands.'' We will remember him as a man of ''dependable character'' and ''sterling worth.''

Thank you, God, for giving us Senator Daniel Patrick Moynihan.

I yield the floor and 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. BROWNBACK. 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. BROWNBACK. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise today to join my colleagues in offering a tribute to the late distinguished Senator Patrick Moynihan, a role model, an inspiration, a friend, and my fellow Senator. I can only hope that with my poor speaking skills, in comparison certainly to his, I can do justice to his many virtues and innumerable contributions he made to this Nation. I know today many of my colleagues are lauding him for his principled stands, even if it meant feeling exiled in Siberia. He many times fought the lonely and oftentimes frustrating fight, but he knew what was right and that sustained him through the years of criticism and controversy and, ultimately, was normally proven right. He was a great role model.

In fact, when I first met the Senator from New York, one of the things that came to my mind was what the German poet, Johann Wolfgang von Goethe, once said:

Talents are best nurtured in solitude; character is best formed in the stormy billows of the world.

He also said:

He who is firm and resolute in will, molds the world to himself.

I can't think of anybody to which this statement applies better than to Senator Moynihan. He has always been willing to stand upon his principles, in solitude if necessary, to weather the stormy billows of the world, to truly mold the world to himself.

He has been someone who has been the epitome of being firm and resolute in will, no matter the criticism, the controversy or the circumstances.

In fact, when he first wrote his report to President Johnson, for example, 40

years ago, highlighting the rising out-of-wedlock birthrates that were taking place in the country, he felt that this threatened the stability of the family, particularly minority families, one of the building blocks of our society. He was roundly attacked at that time. Rather than seeing this report rightly as a chilling foreboding of problems to come, people chose to turn a blind eye to the truth upon which he so correctly shed light. Now we have reached a stage where the out-of-wedlock birthrates in all the communities in our country have reached dangerous proportions, and everyone is in agreement about exactly how dangerous this is.

How many times we have heard, ''Patrick Moynihan was right.'' How many times should we have had to hear it said? Senator Moynihan always understood the overriding importance of the truth, of ensuring that there is substance behind one's politics and not just words. He showed this time and time again.

For example, one of the most important chapters of our Nation's story of human freedom and dignity is the history and legacy of the African-American march towards freedom, legal equality, and full participation in American society. Senator Moynihan understood the importance of this history, which is why in the 102d Congress he championed the effort to create a National African American Museum, a vital project upon which Congressman LEWIS and I now have spent several years working and which we hope to get to completion.

With Senator Moynihan's leadership, at that time the museum idea successfully passed the Senate but, unfortunately, did not pass the House and to this day we picked up his mantle and are still working on it.

Senator Moynihan understood why it was so critical to honor this history, truly the history of not just African Americans but of our Nation. His commitment was key to the first efforts.

As I seek to move forward the legislation to create the museum, I am honored that I am now carrying on the work he began in this body. It certainly makes for very big shoes to fill, but I am only hopeful that in his memory I may do just efforts justice.

Billy Graham once said:

> Courage is contagious. When a brave man takes a stand the spine of others are often stiffened.

This was always true when we associated with Senator Moynihan. Somehow, people seemed to stand a little taller, act more resolute. They even argued better. No one could ever out argue Senator Moynihan, but somehow the challenge of having such a talented opponent made one's own skills sharper.

There is so much more to my friend, though, than what is so obviously and publicly known. For example, so many of us here experienced his wonderful and robust sense of humor, something I wish everyone could have had the pleasure of participating in seeing. Senator Moynihan was all of this and much, much more.

He was often described as the great statesman of the Senate, a breed that seems more and more difficult to find in politics. He was always a steadfast defender of American principles. He was also someone who brought dignity, character, and humor to this body. He has been and always will be the role model of the true statesman.

In the Second Epistle to Timothy, Paul writes:

> I have fought the good fight, I finished the course, I have kept the faith.

Senator Moynihan certainly did so. All of us here and across the Nation have benefited.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAMBLISS). Without objection, it is so ordered.

Mr. FRIST. Mr. President, as we bring to a close what has been a very productive week over the last 4 days here in the Senate, we have had ups and downs and a lot of very productive debate. Many sad events have been talked about on the floor, and many happy events have actually been talked about on the floor, with the range from the death of Daniel Patrick Moynihan, an icon who has spoken so many times from this floor to the American people—indeed, to the world—to the many comments made in morning business over the course of this week paying tribute to our men and women, our soldiers overseas; a resolution today commending the coalition of allies who support the United States and our British friends in the efforts that are underway as I speak today; all the way to a budget that is a culmination, in many ways, of weeks and weeks of work as we have defined the priorities of this body in spending the taxpayers' dollars for the foreseeable future—a first step, the culmination of a lot of debate and discussion as we go through our conference with the House over the next several weeks.

We had a lot of ups and a lot of downs but a lot of progress, and we are doing the Nation's business at the same time we are paying respect to the incidents that are playing out before us in the international and domestic realm. Last night I had the opportunity of introducing the resolution, along with Senator DASCHLE, paying respects to Senator Moynihan and, as I mentioned in my opening comments today, once again, the great legacy that he leaves all of us.

I would like to pay one final tribute to him, and read just a few paragraphs from the commencement speech he gave at Harvard in 2002, which has previously been printed in the RECORD.

The commencement speech at Harvard, 2002, is entitled ''Civilization Need Not Die'' by Daniel Patrick Moynihan:

> Last February, some 60 academics of the widest range of political persuasion and religious belief, a number from here at Harvard, including Huntington, published a manifesto: ''What We're Fighting For: A Letter from America.''
>
> It has attracted some attention here; perhaps more abroad, which was our purpose. Our references are wide, Socrates, St. Augustine, Franciscus de Victoria, John Paul II, Martin Luther King, Jr., Alexander Solzhenitsyn, the Universal Declaration of Human Rights.
>
> We affirmed ''five fundamental truths that pertain to all people without distinction,'' beginning ''all human beings are born free and equal in dignity and rights.''
>
> We allow for our own shortcomings as a nation, sins, arrogance, failings. But we assert we are no less bound by moral obligation. And finally, . . . reason and careful moral reflection . . . teach us that there are times when the first and most important reply to evil is to stop it.
>
> But there is more. Forty-seven years ago, on this occasion, General George C. Marshall summoned our nation to restore the countries whose mad regimes had brought the world such horror. It was an act of statesmanship and vision without equal in history. History summons us once more in different ways, but with even greater urgency. Civilization need not die. At this moment, only the United States can save it. As we fight the war against evil, we must also wage peace, guided by the lesson of the Marshall Plan—vision and generosity can help make the world a safer place.

Those are the words of Daniel Patrick Moynihan, again, in 2002. They reflect very much the global thinking, the compassion, the integrity, the foresight of this great icon in this body.

## SUPPORTING COALITION TROOPS

Mr. FRIST. Mr. President, I want to take just one final moment and comment on our troops overseas. President Bush and Prime Minister Blair met today at Camp David, just a few hours ago. Today we passed in this Senate unanimously a Senate resolution to commend the members of the coalition for their support of this noble cause.

On this day of Prime Minister Blair's visit, I want him to know, and I want the RECORD to reflect, that the Senate and the American people are grateful for his courage, for the courage of the British people and, above all, for the courage of the British troops fighting shoulder to shoulder with the American troops in Iraq.

We have seen more evidence of the brutal tactics of Saddam Hussein's regime: Iraqi soldiers dressed in civilian clothes; Iraqi soldiers surrendering and then firing on coalition forces; military equipment placed in residential areas and near cultural sites; even reports of Iraqi soldiers using women as shields and giving weapons to children.

These and other horrific acts that we have been able to witness firsthand as they played out over the last 7 days lead us only to strengthen our coalition's resolve. Let there be no doubt,

we are engaged in a just war against evil.

We continue to see the courage of our troops. I am especially proud as a Tennessean of the 101st Airborne out of Fort Campbell. It is Fort Campbell, KY. But if you look on a map, you see almost all of it—I have to be careful—almost all of the land, the majority of the land, is in Tennessee. The 101st Airborne, as we all know from the media coverage, has been dispatched to the battlefield. I have had the opportunity to look at a number of photographs. Although I know it is difficult for my colleagues in the room to see, I just want to share one of those photographs.

The caption underneath it reads as follows:

> U.S. Pvt. Elizandro Gonzales, of the 502nd Infantry Regiment, 101st Airborne Division, Air Assault, prepares his M249 light machine gun before pressing forward to the north, Thursday, March 26, 2003 in Iraq.

And the caption continues to read:

> Gonzales said that he and the rest of his ground assault convoy were ready to take the fight to the enemy.

That is the caption from the reporter who was with the photographer who took this individual picture.

I show that picture and mention it because I look forward to the opportunity of joining members of the families of many of these soldiers on Sunday at Fort Campbell so that I can personally express my appreciation for the sacrifices they are making, their families are making, and their friends are making overseas for all of us.

Mr. President, our prayers and our people continue to be with our brave men and women in battle in Iraq.

## INTERNATIONAL LAW REGARDING OCCUPIED IRAQ

Mr. GRASSLEY. Mr. President, next week we are going to have a supplemental appropriations bill of at least $75 billion before the Congress of the United States for the funding necessary for the military action in Iraq, at least for the early part of that action, which number could not have been decided when we passed the appropriations bills in January because at that point there would not have been any military action. I raise this issue now in conjunction with what there is in international law in regard to a victorious power in a nation, after the war is done, of what can be used of the natural resources of a country for the victorious country to administer the nation as well as to rebuild that nation.

The reason I raise these points about international law is because there is very clear international law about what a victorious nation can do and cannot do in regard to the resources of the defeated nation. I raise this issue at this point because I want to make sure the American taxpayers are not saddled with any of the costs of rebuilding Iraq that can be legitimately paid for, under international law, out of the resources of Iraq.

After the first full week of the conflict, the allied forces have pushed well into the country, liberating Iraqi populations across western and southern Iraq. These developments, then, raise an issue that must be explored and discussed before we obligate taxpayers' money to rebuilding Iraq; that is, with regard to the United States and allied occupation of Iraq, what does international law tell us? What does international law dictate with regard to our rights as the occupying power to administer Iraq's oil resources and our obligations to the citizens of Iraq?

The Hague Convention of 1907 and the Geneva Convention provide the basis for international law with regard to the obligations and rights of an occupying power. They provide specific guidelines for administering the resources of the occupied territory and the obligations of the occupying power to provide for the welfare and the safety of the occupied people.

With regard to the rights of an occupying power to use public property and resources, article 53 of Hague regulations of 1907 provides that an occupying power can only take possession of state-owned property, and any seizure of private property must be restored and compensation provided when peace is made.

Further, article 55 provides:

> The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests and agricultural works belonging to the hostile State.

The rules of usufruct provide a tenant—in this case it would be the United States or the coalition forces—the right to use and enjoy the profits of property owned by Iraq, as long as the property is not damaged or altered in any way. In addition, the allied forces may use the public assets only for the benefit of Iraq and the Iraqi people, and to defray the costs of administration.

Secretary Powell recently reaffirmed this right. When discussing the issue of oilfields, he stated:

> You can be sure that they [meaning the oilfields] would be protected and the revenue generated from any such oil fields would be used in accordance with international law and to the benefit of the Iraqi people.

The occupying power may also take possession of public movable property only if such property can be directly or indirectly used for military operations. Clearly, Iraq's oil reserves are susceptible to military use and thereby subject to seizure by U.S. military forces under the laws of war to restore Iraq.

In addition, the oil produced from Iraqi wells may be considered similar to the produce of public land which, under article 55, may be appropriated by the occupying power.

With regard to the obligations of the occupying power, article 43 of Hague regulations of 1907 state:

> The authority of the legitimate power, having actually passed into the hands of the occupant, the latter shall take steps in his power to restore and ensure, as far as possible, public order and safety.

The Geneva Convention, relevant to the protection of civilian persons in time of war, states that the occupying power is also responsible for establishing a direct system of administration and maintaining the public order.

The key restriction to the use of Iraq's oil is that the proceeds are limited to occupation purposes, which includes measures taken in the furtherance of fulfilling that obligation that I just read under article 43, to reestablish peace and order to Iraq. Clearly, international law provides that the United States is entitled to use the money from oil sales to pay for such obligations as long as food and water, health care, roads and bridges, schools and airports, as examples.

Once a viable Iraqi government is established, the oilfields must be returned to Iraq in a reasonable condition.

One final issue for debate will be the role of the U.N. in the reconstruction and administration of Iraq. For example, what will remain of the United Nations Oil For Food Program in post-Saddam Iraq? Given the U.N.'s inability to fulfill its obligations with regard to enforcing Security Council Resolution 1441, it is unclear whether the U.N. will be relevant at all in the reconstruction efforts of Iraq.

It is my hope that the U.N. will follow the lead of the United States, Britain, and the other 40 or more allies currently in Iraq enforcing the U.N. resolutions. After all, it must be made very clear that the resources of Iraq will finally be available for the use of the Iraqi people, for the betterment of those same people.

For far too long, we know the prisoners of Saddam's regime have been deprived of their country's riches and forced to survive as peasants. While the responsibility for providing for the welfare of the Iraqi people belonged to Saddam Hussein, he was, as we know, more interested in spending it on himself in the form of elaborate palaces and in the pursuit of weapons of mass destruction.

The Iraqi people will finally share in the wealth of their country that has always belonged to them rather than Saddam sharing it with his family and the cronies of his brutal regime.

I hope the Congress will take into consideration the rights the taxpayers of the United States have under this Geneva Convention, to make sure the resources for the rebuilding of Iraq come from Iraqi natural resources and not from the American taxpayers. That should be fully taken into consideration, as some of the money we appropriate next week will probably be used for that purpose of at first establishing administration in Iraq.

I yield the floor.

## THE PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. STEVENS. Mr. President, the Protection of Lawful Commerce in

Arms Act is an important piece of legislation that will address the growing problem of junk lawsuits filed with the intention of driving the firearms industry out of business. I thank Senator CRAIG and Senator BURNS for their efforts to ensure this legislation is addressed and moved through Congress.

This act does not curtail the legal rights of victims who suffer injuries from the actions of firearm or ammunition manufacturers. The purpose of this legislation is to prevent the multiple lawsuits that have materialized which name the firearms and ammunition industries as defendants and attempt to hold these industries liable for the criminal acts of a third party.

These frivolous lawsuits target the legitimate firearm and ammunition industries in attempts to destroy these industries. If firearm and ammunition manufacturers were forced to pay for the criminal acts of third parties, the concept of fairness would be eliminated. The impact of these suits would also affect this country economically and socially. Any limitation of one's constitutional right to bear arms is not acceptable. The destruction of the firearms and ammunition industries would cause many Americans to lose their jobs. In addition, if the firearms and ammunition industries were destroyed, the right to lawfully bear arms may be curtailed. Many Alaskans depend upon the right to bear firearms for subsistence purposes as well as for self-defense.

Courts across the Nation are wasting valuable time on frivolous lawsuits. At this time, 28 States have enacted legislation to prevent frivolous lawsuits against the firearms and ammunition industries based on the criminal behavior of others. I encourage all of my colleagues to join me and take a stand against the lawsuits that attempt to abuse the legal system of this great country, by supporting the Protection of Lawful Commerce in Arms Act.

## THEY'RE TOO SMART FOR THAT

Mr. LEVIN. Mr. President, last month the American Academy of Pediatrics published a survey reporting that most parents believe that their children would not touch a gun they found. Unfortunately, these beliefs are inconsistent with other studies of the way kids actually react around guns, including a July 2002 report by the David and Lucille Packard Foundation.

The American Academy of Pediatrics survey reported that an estimated one third of American homes with children contain at least one firearm and nearly half of all firearms in homes with children are not stored safely. According to the article, 87 percent of respondents predicted that their children would not handle guns they found, whereas 13 percent predicted that there was a chance their children would do so. Researchers grouped parents' responses into three categories. First, 46 percent of respondents said ''my children would not touch guns because they're too smart for that.'' Second, 35 percent said ''my children would not touch guns because I've told them not to.'' And third, 11 percent said, ''my children would probably pick up or play with guns they found, because that's just what kids do.''

However, the earlier David and Lucille Packard Foundation study demonstrated that children often do not behave as their parents might believe. In fact, according to the foundation's report, children and young people are actually likely to handle a gun if they find one.

All parents want to ensure the safety of their children. One thing the Senate can do to help is pass common sense safe storage legislation for firearms. Under Senator DURBIN's Child Access Prevention Act, adults who fail to lock up loaded firearms or an unloaded firearm with ammunition could be held liable if that weapon is taken by a child and used to kill or injure him or herself or another person. The bill would also increase the penalties for selling a gun to a juvenile and create a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. I support this bill, urge my colleagues to support it, and hope the Senate will act on it during the 108th Congress.

## 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 September 28, 2001 in New York, NY. A Yemeni man was badly beaten in the Bronx while working at his newsstand. Before dragging him outside and hitting him in the head with a bottle, the assailants, three local men, yelled, ''You Arabs get out of my neighborhood! We hate Arabs! This is war!''

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.

## ESTATE TAX REPEAL

Mr. BAUCUS. I support estate tax repeal. But I am forced to vote against Senator KYL's amendment for permanent repeal because of two concerns. First, I am concerned about mounting deficits, and second, I believe that this amendment would result in payment reductions to rural providers under Medicare.

The budget resolution we are debating today includes tax cuts that total $1.3 trillion. The budget also proposes that $725 billion of these tax cuts be enacted immediately, under the reconciliation process.

Two years ago, we passed a $1.3 trillion tax cut. I supported that tax cut. But those were different times. We had a surplus. We did not foresee the significant decline in revenues. Or the deficits that followed.

This is not the time to reduce revenues by $725 billion. It would hurt our budget and our economy.

In order to prevent the passage of tax cuts that would drive up the deficit and hurt our economy, I believe that we must reduce the size of this tax cut.

While Senator KYL has stated that he intends to pay for his amendment, I am concerned that his offset would have a negative impact on rural providers in Montana. The cost of his amendment is estimated to be $46 billion. And when asked how he proposed to offset this cost, he stated that it should come from a general fund for Finance Committee action.

According to the Senate Budget Committee, this amendment would result in a negative allocation to the Finance Committee in 2009 through 2013. More specifically, the committee's allocation for these years would be negative $22 billion. That's minus $22 billion. Quite a deficit to overcome, and those savings would be difficult to find.

Those of us who were here when the Balanced Budget Act of 1997 passed recognize full well that these savings would come from Medicare. An estimated 90 percent of the savings passed by the Finance Committee in the 1997 law came from the Medicare Program, through reductions in payments to providers.

I would hesitate to cut the program a year before the baby boom generation starts to retire to finance a tax cut that we pass in 2003. Providers are currently facing severe reductions in Medicaid payments. They are coping with an uninsured rate that continues to climb, which means that they must shoulder an increasing burden of uncompensated care. These problems may worsen by the time these cuts take effect. They may also improve. But we cannot know for sure. And looking at the current state of our health care system, I am simply not prepared to take the chance that providers can sustain these cuts.

Mr. President, let me reiterate that I support estate tax repeal, and I will continue to support thoughtful and responsible changes to tax policy. But I cannot support this amendment at this time.

## CITIZEN SOLDIER WEEK

Mr. ALLEN. Mr. President, I take to the floor today to discuss the importance of acknowledging the tremendous risks and sacrifices our men and

women in our Armed Forces make to ensure our continued freedom. In these turbulent and difficult times it is more important than ever to express our sincere and deep appreciation for the service of our Guard, Reserve, and active military.

To show our gratitude, I am pleased to announce that the first 7 days of June will be designated as Citizen Soldier Week. Through the passage of my resolution, S. Res. 58, we will recognize the unique sacrifices of members of the Reserves and National Guard.

Reserve and National Guard troops provide a substantial proportion of the combat forces required to carry out military operations. In doing so, many leave higher-paying jobs and place their civilian careers on hold to answer the call when our country needs their service. To begin providing the well-deserved recognition for their service, my colleagues and I have worked to make the first week of June, 2003, Citizen Soldier Week.

As I discuss this resolution and the importance of recognizing our citizen soldiers, I would like to make my colleagues aware of an active duty soldier, David S. Williams. David is a native of Chesapeake, VA who was captured by Iraqi forces after his AH–64 Apache attack helicopter was downed in central Iraq. I would like to offer my heartfelt concern and hope to David's family, and let them know I will do everything within my power to ensure David's safe return to his loved ones and his mother in Chesapeake, VA.

While David isn't a reservist or National Guardsman, his capture, and the effect it is having on his family and loved ones at home could happen to anyone who has the gumption to volunteer, serve, and defend our freedoms around the world.

And for that, all American soldiers—and their families—should be commended and thanked.

As our soldiers move closer and closer to Baghdad and continue to meet treacherous resistance, I believe it appropriate and right for the Senate to consider legislation to provide long overdue benefits to those who protect our cherished freedoms.

The Armed Forces Tax Fairness Act is an opportunity to provide our Armed Forces with logical tax relief to compensate them for their tireless and dangerous service to our country.

The men and women who join our military services are constantly faced with uprooting their families, being shipped off to foreign lands for months at a time, and long and difficult hours on the job. The jobs performed by our troops are often extremely demanding and come with great risk. As we are seeing daily in our liberation of the Iraqi people, these missions come with the real potential of casualties. While no legislation can compensate for the risks taken by our Armed Forces, I believe this legislation provides our troops deserved relief from unfair and burdensome tax.

The exclusion of tax from death gratuity payments should have been implemented generations ago. The freedoms that every American enjoys are protected by the service and sacrifice of those brave Americans who lost their life for this country. For the Federal Government to tax any portion of a death gratuity payment is wrong and insulting. The debt owed to the men and women who have died fighting for the principles of this country is incalculable, but the least this Government can do is offer the family some degree of comfort and compensation without asking for a portion in a tax return. Nothing can replace a soldier, sailor, airman or marine who does not come home; however, at least we can offer compensation without tax.

I fully support the Armed Forces Tax Fairness Act. However, I believe there are some other additional ideas that we, as the Senate, can adopt to improve the lives of those serving in our military. As many of my colleagues are aware, our troops are accorded a tax exclusion when serving in designated combat zones.

Earlier this year, I introduced legislation that would expand those combat zones to provide additional exclusion when our troops are deploying to dangerous areas around the globe.

I believe the combat zones tax exclusion should include the period in transit to that combat zone. By not subjecting military personnel to Federal or State taxes for this transit time, we would be providing a necessary benefit for the dangers associated with entering a combat zone. Deploying to a combat zone is a military operation that has its own set of dangers, from accidents to the constant threat of terrorist attack from the moment they leave their home port. And, our military personnel, including officers, should be covered by the full extent of the combat zone tax provisions during this critical period.

As we focus on the ongoing conflict in Iraq, I would like to remind my colleagues that we also have military personnel executing the war on terrorism. My legislation would also provide the proper tax breaks for service men and women serving on Operation Enduring Freedom in Guantanamo Bay, Cuba, and the Horn of Africa. We know that these two areas remain filled with danger and instability from terrorist threats, so the combat zone exclusion should also be applied to these duty stations.

Many of my constituents know the dangers associated with operating in Guantanamo Bay. The soldiers of the 2nd Battalion, 116th Infantry Regiment of the Virginia National Guard are serving in Cuba. They are playing an integral part in the war on terrorism and should be properly and fairly compensated for that service without taxation by the Federal Government during their service at Guantanamo.

I believe that personnel serving overseas in support of the global war on terror are performing duties at least as hazardous as those performed by personnel in some existing qualified hazardous duty areas.

As our Active, Guard and Reserve Armed Forces engage in a war with Iraq, while continuing our worldwide campaign against terrorism, it is vital that we do all we can to support the men and women who bear the burden of our defense and security. Passage of the Armed Forces Tax Fairness Act and the legislation I have introduced would further indicate to the brave men and women of the Armed Forces and their families that their service is of great value and their sacrifices are understood and appreciated by a grateful Nation.

## ADDITIONAL STATEMENTS

### BENEDICT COLLEGE GOSPEL CHOIR WINS NATIONAL TITLE

● Mr. HOLLINGS. Mr. President, for the fourth time in as many years, the Gospel Choir of Benedict College in Columbia, SC, has won first place in the National Collegiate Choir Competition. This year the choir performed the ''Hallelujah Chorus'' and gospel tunes such as ''We Are At War'' in the competition held in New York City under the sponsorship of the Black Music Caucus of New York.

The singers are not only fine musicians, but they are outstanding members of the community—many of them are preparing for some form of service to the church. Although this Senator cannot always carry a tune, having the best choir in the land is a source of great pride to me and my State, and I wish to congratulate all the singers and the choir's director, Mr. Darryl Izzard.●

### PAYING TRIBUTE TO ALMA ZWICK

● Mr. LAUTENBERG. Mr. President, I pay tribute to one of my constituents who is celebrating her retirement from the government of Camden County. Alma Zwick first joined county government in 1978 as a Clerk Typist. On April 1 of this year she will officially retire as a Purchasing Expeditor. For 25 years she has dedicated herself to helping her community be a better place.

Ms. Zwick has also been involved civically in Haddon Township. Throughout the years she has served as Vice-President of the Haddon Township Democrat Club and as a Committeewoman of the township. She has also been a member of the Haddon Township Rent Control Board and treasurer of the Haddonview Tenants' Association.

Just as Alma Zwick has been dedicated to her fellow citizens, she has also been dedicated to her family of three brothers, three sisters and 28 nieces and nephews.

I ask my colleagues to join me in saluting Alma Zwick for her 25 years of service to Camden County.●

## TRIBUTE TO FIRE CHIEF ROBERT GIORGIO

● Mr. LAUTENBERG. Mr. President, today I pay tribute to a brave human being. Robert Giorgio is the Fire Chief in the town of Cherry Hill, New Jersey. In April of last year Chief Giorgio put himself in harm's way and performed honorably in the face of danger.

It was April 3, 2002, and Chief Giorgio was in his office when he heard reports of a vehicle that had crashed over a highway overpass on a State highway in Cherry Hill. Although not required to respond to the incident, Chief Giorgio chose to do so.

When Chief Giorgio arrived on the scene he saw that the car was suspended about five feet above the ground, just barely held in place by a small tree. There was also a fire from the engine compartment that was spreading into the interior of the car. The driver, Deborah Trainor, was pinned behind the steering wheel.

Chief Giorgio gave orders to arriving firefighters and directed civilians to use portable fire extinguishers. He quickly realized that the units dispatched by the fire department would not reach the scene by the time the fire reached Ms. Trainor. Understanding the gravity of the situation Chief Giorgio placed himself beneath the vehicle in an attempt to free her. To say that there was a serious chance of the car falling on the Chief is a severe understatement. Though Ms. Trainor was burned by the fire, Chief Giorgio was successful in freeing her from the car.

I ask my colleagues to join me in honoring and saluting this brave American. Chief Robert Giorgio acted with honor and bravery in putting himself in harm's way to save another person's life.●

## SSGT. PHILLIP A. JORDAN

● Mr. LIEBERMAN. Mr. President, I rise today to pay tribute to SSgt. Phillip A. Jordan, United States Marine Corps, of Enfield, CT. Staff Sergeant Jordan lived as a true patriot and defender of our great Nation's principles of freedom and justice. A veteran of Operation Desert Storm in the Persian Gulf and Operation Just Cause in Kosovo, Staff Sergeant Jordan was a proud family man and an example of the powerful American spirit that permeates this Nation's history.

A member of the 1st Battalion, 2nd Marine Regiment, 2nd Marine Expeditionary Brigade, Staff Sergeant Jordan and his unit were ambushed when Iraqi soldiers feigned surrender before opening fire. By the time the dust settled around this despicable and cowardly act, nine gallant marines, including Staff Sergeant Jordan, were dead.

Staff Sergeant Jordan was more than a marine. He was a husband and a father; he was devoted to his friends and to his family. He was known as ''Gump'' by those who knew and loved him. He quickly offered a hand wherever and whenever needed. Staff Sergeant Jordan was a true citizen soldier—a model marine, and a credit to his family, his community, his corps, and his country.

Staff Sergeant Jordan served as a messenger of high justice and idealism in the best tradition of American principles and patriotism. I am both proud and grateful that we have the kind of fighting force exemplified by Staff Sergeant Jordan serving in the Persian Gulf—and the strong families back at home sending their love and support.

Our Nation extends its heartfelt condolences to his wife Amanda and his son Tyler. We extend our appreciation for sharing this outstanding marine with us, and we offer our prayers and support. You may be justifiably proud of his contributions which extend above and beyond the normal call of duty.●

## TRIBUTE TO VINCENT BOVE

● Mr. LAUTENBERG. Mr. President, today I pay tribute to a truly extraordinary citizen of New Jersey and America. Vincent Bove is the region manager for Summit Security Services, Inc. His region covers the New York metropolitan area and his more than 2,000 officers secure sites including NBC Studios, JFK International Airport, and the Federal Reserve Bank of New York. Prior to September 11, 2001, Summit Security had 300 officers at the World Trade Center, many of whom assisted with the evacuation of the two towers.

Mr. Bove is also a nationally acclaimed expert on school violence in America. Since the Columbine tragedy in 1999, Mr. Bove has given presentations to over 15,000 educators, corporate representatives, and law enforcement officials. He also trained 100 New York Police Department Crime Prevention Specialists in advanced techniques of crime prevention and community policing.

Recently, the American Police Hall of Fame conferred five nationally acclaimed medals to Vincent Bove, including the Medal of Honor for Public Service for outstanding leadership skills in reducing crime and assisting law enforcement throughout the United States; the J. Edgar Hoover Gold Medal for his leadership in police and private security issues as a nationally respected law enforcement instructor; the Knights of Justice Medal for his outstanding service exemplifying the Biblical Act of the Good Samaritan in protecting the community; the Patriotism Medal for promoting faithfulness to the Federal, State, and local laws and for supporting the Constitution and Bill of Rights; and the Civilian Medal of Appreciation for leadership in private security, which assists law enforcement officers.

He was also named the North Jersey Regional Crime Prevention Officers Association Recipient for ''Exceptional Service to Crime Prevention for 2002.'' This award recognizes Mr. Bove for his achievements in the reduction of crime on both a local and national level. The same organization also recognized Mr. Bove with the 2002 ''Presidential Award for Dedicated Service'' for his service to the organization and the community.

Vincent Bove is an amazing individual. He dedicates his life to making his fellow citizens and communities safer and more secure. I ask all my colleagues to join me in honoring Vincent Bove for his sense of duty, determination, and dedication in making our country a safer and more secure place to live.●

## JEAN HOEFER TOAL SALUTED FOR BRINGING INNOVATIVE TECHNOLOGY TO SOUTH CAROLINA COURTS

● Mr. HOLLINGS. Mr. President, Jean Hoefer Toal, Chief Justice of the South Carolina Supreme Court, has just been recognized by Government Technology Magazine as one of the top 25 leaders from across the Nation who has done the most to bring technology to the public sector. I rise today to congratulate her.

We are a small State, much of it rural, and she has been the guiding force for linking the judicial courts in all 46 counties. She is making the county courts, all with their own cases and business, into a truly unified court system so that cases can be managed all across the jurisdictions. After September 11, the Nation saw the importance of a well-connected criminal justice system, and I am proud that my State is leading the way with automation. I know everyone in this body joins me in thanking Chief Justice Toal for bringing this about.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 11:57 a.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. 825. An act to redesignate the facility of the United States Postal Service located

at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building.''

H.R. 917. An act to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building.''

H.R. 981. An act 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.''

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. 44. Concurrent resolution to express the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

The message further announced that the House has passed the following bill, with an amendment:

S. 342. an act to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act and for other purposes.

At 2:13 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 118. Concurrent resolution concerning the treatment of members of the Armed Forces held as prisoners of war by Iraqi authorities.

The message also announced that pursuant to the provisions of 44 U.S.C. 2702, the Clerk of the House reappoints as a member of the Advisory Committee on the Records of Congress the following person: Susan Palmer of Aurora, Illinois.

The message further announced that pursuant to 44 U.S.C. 2702, and the order of the House of January 8, 2003, the Speaker reapoints the following member on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Mr. Timothy Johnson of Minnetonka, Minnesota.

At 5:25 p.m., a message from the House of Representatives, delivered by Mr. HAYS, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 151) to amend title 18, United States Code, with respect to the sexual exploitation of children, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon: From the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference: Mr. SENSENBRENNER, Mr. COBLE, Mr. SMITH of Texas, Mr. GREEN of Wisconsin, Ms. HART, Mr. CONYERS, and Mr. SCOTT of Virginia. For consideration of the Senate bill and House amendments, and modification committed to conference: Mr. FROST.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 145. An act to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ted Weiss Federal Building''; to the Committee on Environment and Public Works.

H.R. 825. An act to redesignate the facility of the United States Postal Service located at 7401 West 100th Place in Bridgeview, Illinois, as the ''Michael J. Healy Post Office Building''; to the Committee on Governmental Affairs.

H.R. 917. An act to designate the facility of the United States Postal Service located at 1830 South Lake Drive in Lexington, South Carolina, as the ''Floyd Spence Post Office Building''; to the Committee on Governmental Affairs.

H.R. 981. An act 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 Governmental Affairs.

The following concurrent resoltion was read, and referred as indicated:

H. Con. Res. 44. Concurrent resolution to express support for the celebration in 2004 of the 150th anniversary of the Grand Exclusion of 1854; to the Committee on the Judiciary.

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 145. An act to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ted Weiss Federal Building''; to the Committee on Environment and Public Works.

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 711. A bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 712. A bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 718. A bill to provide a monthly allotment of free telephone calling time to members of the United States armed forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan.

S. 721. A bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources:

Special Report entitled ''History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources During the 107th Congress'' (Rept. No. 108–30).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army.

Army nominations beginning Brig. Gen. Dennis M. Kenneally and ending Col. Oscar B. Hilman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 9, 2003.

Army nomination of Brig. Gen. Edwin H. Roberts, Jr.

Army nomination of Col. Sheila R. Baxter.

Army nominations beginning Brigadier General Jeffery L. Arnold and ending Colonel Ennis C. Whitehead III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 13, 2003.

Navy nominations beginning Capt. David O. Anderson and ending Capt. Frank F. Rennie IV, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 11, 2003.

Mr. WARNER. Mr. President for the Committee on Armed Services. I report favorably the following nomination lists where were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning * Colby D. Adams and ending * Robert K. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 13, 2003.

Air Force nominations beginning Raymond B. Abarca and ending Michael A. Zrostlik, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 16, 2003.

Air Force nominations beginning Joyce A. Adkins and ending Steven A. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

Air Force nominations beginning John J. Abbatiello and ending Michel P. Zumwalt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

Air Force nominations beginning Catherine M. Amitrano and ending Cynthia K. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

Army nominations beginning Brian K. Balfe and ending James H. Trogdon III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

Army nomination of William O. Prettyman II.

Army nomination of Darrell S. Ransom.

Army nomination of Frederick D. White.

Marine Corps nominations beginning Brian T. Alexander and ending Phillip J. Zimmerman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

Marine Corps nominations beginning Michael P. Killion and ending Douglas S. Kurth, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 11, 2003.

Navy nomination of Rosemarie H. O'Carroll.

Navy nomination of John M. Hakanson.

Navy nominations beginning Daniel P. Arthur and ending Walter C. Wrye IV, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 25, 2003.

By Mr. HATCH for the Committee on the Judiciary.

Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mary Ellen Coster Williams, of Maryland, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

Victor J. Wolski, of Virginia, to be a Judge of the United States Court of Federal Claims for a term of fifteen years.

McGregor William Scott, of California, to be United States Attorney for the Eastern District of California for the term of four years.

Michael E. Horowitz, of Maryland, to be a Member of the United States Sentencing Commission.

Ricardo H. Hinojosa, of Texas, to be a Member of the United States Sentencing Commission.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(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. ENZI (for himself, Mr. BENNETT, Mr. INHOFE, Mr. COLEMAN, Mr. CRAPO, Mr. BURNS, Mr. ALLARD, and Mr. SANTORUM):

S. 724. A bill to amend title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, Mr. DAYTON, and Mr. LEAHY):

S. 725. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

By Ms. STABENOW:

S. 726. A bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes; to the Committee on the Judiciary.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. THOMAS, Mr. BURNS, Mr. DORGAN, Mr. ALLARD, Mr. DURBIN, Mr. VOINOVICH, Mr. BAYH, Mr. ENZI, Mr. CAMPBELL, and Mr. CONRAD):

S. 727. A bill to reauthorize a Department of Energy program to develop and implement accelerated research, development, and demonstration projects for advanced clean coal technologies for use in coal-based electricity generating facilities, to amend the Internal Revenue Code of 1986 to provide incentives for the use of those technologies, and for other purposes; to the Committee on Finance.

By Mr. COLEMAN (for himself, Mr. STEVENS, and Mr. DAYTON):

S. 728. A bill to reimburse the airline industry for homeland security costs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COLEMAN (for himself and Mr. CHAMBLISS):

S. 729. A bill to amend the Internal Revenue Code of 1986 to establish a pilot program to encourage the use of medical savings accounts by public employees of the State of Minnesota and political jurisdictions thereof; to the Committee on Finance.

By Mr. WARNER:

S. 730. A bill to amend title 38, United States Code, to permit the transfer to spouses and children of a portion of the entitlement of certain members of the Armed Forces to educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BIDEN (for himself and Mr. HATCH):

S. 731. A bill to prohibit fraud and related activity in connection with authentication features, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. HATCH, Mr. ROCKEFELLER, and Mr. JEFFORDS):

S. 732. A bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net; to the Committee on Finance.

By Ms. SNOWE:

S. 733. A bill to authorize appropriations for fiscal year 2004 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORZINE (for himself, Mr. LIEBERMAN, and Mr. MCCAIN):

S. 734. A bill to provide adequate funding for the National Commission on Terrorist Attacks Upon the United States; to the Select Committee on Intelligence.

By Mr. BOND (for himself and Mr. JOHNSON):

S. 735. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. ALLARD, Ms. CANTWELL, Mr. DORGAN, Mr. HARKIN, Mr. LEVIN, Mr. LUGAR, Mr. HAGEL, Mr. LIEBERMAN, Mr. WYDEN, Mr. REID, and Mr. LEAHY):

S. 736. A bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN:

S. 737. A bill to amend title 37, United States Code, to increase the rate of imminent danger special pay and the amount of the family separation allowance; to the Committee on Armed Services.

By Mrs. BOXER:

S. 738. A bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. DOMENICI, Mr. LIEBERMAN, Mr. KYL, Mr. REID, Mr. BAYH, Mr. INOUYE, and Mr. BINGAMAN):

S. 739. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. BUNNING, Mr. HOLLINGS, Mr. DAYTON, Ms. LANDRIEU, Ms. STABENOW, Mr. LAUTENBERG, and Mr. GRAHAM of South Carolina):

S. 740. A bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. BINGAMAN, Mr. GREGG, Mr. MILLER, Mr. ALLARD, Mrs. LINCOLN, Mr. ENSIGN, Ms. COLLINS, Mr. CRAPO, Mr. CRAIG, and Mr. HARKIN):

S. 741. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself, Mrs. CLINTON, Mr. LEAHY, Ms. MIKULSKI, Mr. SMITH, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. BINGAMAN):

S. 742. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of warfare and civil strife, and for other purposes; to the Committee on Foreign Relations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for Mr. LIEBERMAN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. FRIST, Mr. DASCHLE, and Mr. WARNER)):

S. Con. Res. 31. A concurrent resolution expressing the outrage of Congress at the treatment of certain American prisoners of war by the Government of Iraq; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 140

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 140, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 215

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 215, a bill to authorize funding assistance for the States for the discharge of homeland security activities by the National Guard.

S. 271

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. CHAFEE) 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 Rhode Island (Mr. CHAFEE) 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. 289

At the request of Mr. GRASSLEY, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 289, a bill to amend the Internal Revenue Code of 1986 to improve tax equity for military personnel, and for other purposes.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 380

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 380, a bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes.

S. 451

At the request of Ms. SNOWE, the names of the Senator from Florida (Mr. NELSON), the Senator from Maine (Ms. COLLINS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Nebraska (Mr. HAGEL), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 481

At the request of Mr. ALLEN, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of 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.

S. 498

At the request of Mr. HOLLINGS, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Colorado (Mr. ALLARD), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), the Senator from Montana (Mr. BURNS), the Senator from West Virginia (Mr. BYRD), the Senator from Colorado (Mr. CAMPBELL), the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. CARPER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from New York (Mrs. CLINTON), the Senator from Minnesota (Mr. COLEMAN), the Senator from North Dakota (Mr. CONRAD), the Senator from Texas (Mr. CORNYN), the Senator from New Jersey (Mr. CORZINE), the Senator from Idaho (Mr. CRAIG), the Senator from South Dakota (Mr. DASCHLE), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. DURBIN), the Senator from Nevada (Mr. ENSIGN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. FITZGERALD), the Senator from Florida (Mr. GRAHAM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Nebraska (Mr. HAGEL), the Senator from Iowa (Mr. HARKIN), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from Oklahoma (Mr. NICKLES), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from New York (Mr. SCHUMER), the Senator from Alabama (Mr. SESSIONS), the Senator from Alabama (Mr. SHELBY), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Ohio (Mr. VOINOVICH), the Senator from Virginia (Mr. WARNER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 498, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Joseph A. De Laine in recognition of his contributions to the Nation.

S. 518

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 527

At the request of Mr. MILLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 527, a bill to establish the Southern Regional Commission for the purpose of breading the cycle of persistent poverty among the southeastern States.

S. 560

At the request of Mr. CRAIG, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 591

At the request of Mr. MILLER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 591, a bill to provide for a period of quiet reflection at the opening of certain schools on every school day.

S. 606

At the request of Mr. GREGG, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 606, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 647

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 647, a bill to amend title 10, United States Code, to provide for Department of Defense funding of continuation of health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents, and for other purposes.

S. 678

At the request of Mr. AKAKA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 704

At the request of Mr. ALLEN, his name was added as a cosponsor of S. 704, a bill to amend title 10, United States Code, to increase the amount of the death gratuity payable with respect to deceased members of the Armed Forces.

S. 709

At the request of Mrs. DOLE, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Colorado (Mr. ALLARD), the Senator from Indiana (Mr. BAYH), the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Colorado (Mr. CAMPBELL),

the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. CLINTON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Idaho (Mr. CRAIG), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. DASCHLE), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nevada (Mr. ENSIGN), the Senator from Wyoming (Mr. ENZI), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. FITZGERALD), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Iowa (Mr. HARKIN), the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arizona (Mr. KYL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Georgia (Mr. MILLER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Mr. STEVENS), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Missouri (Mr. TALENT), the Senator from Wyoming (Mr. THOMAS), the Senator from Ohio (Mr. VOINOVICH), the Senator from South Dakota (Mr. JOHNSON), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CORZINE) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 709, a bill to award a congressional gold medal to Prime Minister Tony Blair.

S. 711

At the request of Mr. WARNER, his name was added as a cosponsor of S. 711, a bill to amend title 37, United States Code, to alleviate delay in the payment of the Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

S. 712

At the request of Mr. WARNER, his name was added as a cosponsor of S. 712, a bill to amend title 10, United States Code, to provide Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

S. 721

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 721, a bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Con. Res. 26, a concurrent resolution condemning the punishment of execution by stoning as a gross violation of human rights, and for other purposes.

S. CON. RES. 30

At the request of Mr. LUGAR, the names of the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ALLEN), the Senator from Arizona (Mr. MCCAIN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Con. Res. 30, a concurrent resolution expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq.

S. CON. RES. 30

At the request of Mr. CORZINE, his name was added as a cosponsor of S. Con. Res. 30, supra.

S. CON. RES. 30

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Con. Res. 30, supra.

S. RES. 74

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 74, a resolution to amend rule XLII of the Standing Rules of the Senate to prohibit employment discrimination in the Senate based on sexual orientation.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mrs. FEINSTEIN, Mr. DAYTON, and Mr. LEAHY):

S. 725. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

Mr. BINGAMAN. Mr. President, I am very pleased today to introduce the Tribal Transportation Program Improvement Act of 2003. The bill is cosponsored by Senators FEINSTEIN, DAYTON, and LEAHY.

The goal of this legislation is to help provide safe and efficient transportation throughout Indian country. At the same time, this bill will help promote economic development, self-determination, and employment of Indians and Alaska Natives.

Roads that serve Indian Country are part of one single national transportation network and Congress has long recognized the importance of improving transportation in Indian Country. I believe the Federal Government has an obligation to provide safe and efficient transportation for all tribes. Indians pay the same Federal gasoline, tire, and other taxes, as all other Americans and are entitled to the same quality of transportation.

This bill is a 6-year reauthorization and improvement of the Indian Reservation Roads program, which funds transportation programs for all tribes. This year, Congress must reauthorize the IRR program, along with all other transportation programs in TEA–21. I am introducing the bill today as the first step in the reauthorization process.

The Indian Reservation Roads Program was established in 1928, and in 1946 the BIA and the FHWA executed the first memorandum of agreement for joint administration of the program. Since 1982, funding for tribal transportation programs has been provided from the federal Highway Trust Fund. Major changes to the program were again made in 1998 as part of TEA–21.

Today, the Indian Reservation Roads program serves more than 560 federally recognized Indian tribes and Alaskan native villages in 33 States. The IRR system comprises 25,700 miles of BIA and tribally owned roads and another 25,600 miles of State, county, and local government public roads. There are also 4,115 bridges on the IRR system, and one ferryboat operation, the Inchelium-Gifford Ferry in Washington State.

Of the 25,700 miles of BIA and tribal roads on the IRR system, only about one quarter are paved. Of the 25,600 miles of State, county, or local government IRR roads, about 40 percent are paved. In total, over two-thirds of all IRR roads remain unpaved. Many of these unpaved roads are not passable in bad weather. In addition, about 140 of the 753 bridges owned by the BIA are currently rated as deficient.

Some of the roads on tribal lands resemble roads in third-world countries. Some are little more than wheel tracks. Even though the IRR system has perhaps the most rudimentary infrastructure of any transportation network in the country, over 2 billion vehicle miles are annually traveled on the system.

According to the Federal Highway Administration's most recent assessment of the nation's highways, bridges, and transit, only 34 percent of paved IRR roads are rated in good condition, 37 percent are rated only fair, and 29 percent are rated poor. Of course, these ratings apply only to the paved roads on the IRR system, not the 33,000 miles of dirt and gravel roads.

The poor road quality also has a serious impact on highway safety. According to FHWA, the highway fatality

rate on Indian Reservation Roads is four times above the national average. Automobile accidents are the number one cause of death among young American Indians.

Reflecting the current poor state of roads throughout Indian country, FHWA now estimates the backlog of improvement needs for IRR roads at a whopping $6.8 billion.

The current authorized funding level for IRR is $275 million from the highway trust fund. As required in TEA–21, the BIA distributes highway funding to federally recognized tribes each year using a relative need formula. This formula reflects the cost to improve eligible roads, road usage, and population of each tribe. Some modifications to the formula are currently being made as part of a negotiated rule making.

I hope all Senators recognize the broad scope of the IRR program and its impact on 33 of the 50 States. I'd like to read a list of the fiscal year 2002 distribution of IRR funding in the States that have tribal roads and ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Exhibit 1.—Approximate distribution of FY02 Indian Reservation Road Funding*

| *State* | *FY2002 IRR Funding to Tribes* |
|---|---|
| Arizona | 56,100,000 |
| Oklahoma | 34,000,000 |
| New Mexico | 31,900,000 |
| Alaska | 18,500,000 |
| Montana | 13,600,000 |
| South Dakota | 11,700,000 |
| Washington | 10,100,000 |
| Wisconsin | 6,600,000 |
| North Dakota | 6,500,000 |
| Minnesota | 5,780,000 |
| California | 5,100,000 |
| Oregon | 3,900,000 |
| Utah | 2,970,000 |
| Idaho | 2,850,000 |
| Wyoming | 2,070,000 |
| Michigan | 1,560,000 |
| Nevada | 1,290,000 |
| North Carolina | 1,190,000 |
| Colorado | 1,100,000 |
| New York | 949,000 |
| Maine | 890,000 |
| Kansas | 851,000 |
| Mississippi | 706,000 |
| Nebraska | 626,000 |
| Florida | 550,000 |
| Texas | 220,000 |
| Louisiana | 197,000 |
| Rhode Island | 162,000 |
| Iowa | 126,000 |
| Alabama | 100,000 |
| South Carolina | 89,000 |
| Connecticut | 83,000 |
| Massachusetts | 47,000 |

Source: BIA. Data are approximate because some reservations and roads extend into more than one state.

I know every Senator is keenly aware of the importance of transportation to the basic quality of life and economic development of a region. Safe roads are essential for children to get to school, for sick and elderly to receive basic health and medical treatment, and for food and other necessities to move to shops and to consumers. Moreover, transportation is critical to any community's efforts to sustain robust economies and to attract new jobs and businesses.

Unfortunately, most tribes today lack the basic road systems that most of us take for granted. Indian communities continue to lag behind the rest of the Nation in quality of life and economic vitality. Unemployment rates in Indian country frequently top 50 percent and poverty rates often exceed 40 percent.

The limited availability of housing and jobs on the reservation forces people to commute long distances everyday for work, school, health care, basic government services, shopping, or even to obtain drinking water.

I'd now like to take a moment to discuss the impact of the Indian Reservation Roads Program on just one tribe, the Navajo Nation. I think most Senators know that Navajo is the largest federally recognized Indian tribe. The current membership is about 280,000 people. By itself, Navajo lands hold about one quarter of the entire Indian Reservation Roads program.

The Navajo Reservation covers 17.1 million acres in the States of Arizona, New Mexico, and Utah. It is roughly the size of the State of West Virginia. The reservation includes the three satellite communities of Alamo, Ramah, and To'hajiilee in New Mexico.

According to BIA, the Navajo IRR system includes 9,800 miles of public roads, or about 20 percent of all IRR roads. However, 78 percent of the roads within Navajo are unpaved. Because of the nature of the soil and terrain, many of the unpaved roads are impassable after snow or rain. Navajo estimates a current backlog of road construction projects totaling $2 billion.

The safety of bridges is also a continuing concern on the Navajo reservation. Of the 173 bridges on Navajo, 51 are rated deficient. Of the deficient bridges, 27 must be completely replaced and the rest need major rehabilitation.

The Navajo Nation also operates a transit system with 14 buses and three vans. The system carries 75,000 passengers each year. The system serves both Navajo people as well as the nearby communities of Gallup, Farmington, Flagstaff, and Winslow.

Finally, the few roads that are being built on the Navajo Reservation are not being properly maintained. Funding for road maintenance is not part of the IRR program. Instead road maintenance is funded each year as part of the BIA's annual appropriation bill. Unfortunately, BIA's budget lags woefully behind the need for road maintenance. Each year the Navajo Region of BIA requests about $32 million to maintain about 6000 miles of roads, but receives only about $6 million, or about 20 percent of the funds needed just to maintain the existing roads.

The bill I am introducing today will begin to address this crushing need for road construction and transit programs throughout Indian Country. The bill will benefit all tribes, both large and small. I'd like to briefly summarize the major provisions of the bill.

First, the bill increases funding for the Indian Reservation Roads program to $2.775 billion for the six years from 2004 to 2009. Under TEA–21, the IRR program is currently authorized for $275 million per year. This level represents less than 1 percent of annual federal funding for road construction and rehabilitation. However, the 50,000 miles of the IRR system represent about 5 percent of the Nation's 957,000 miles of Federal-aid highways. I do believe the substantial increase in IRR funding in my bill is fully justified based on the very poor condition of so many IRR roads as well as the importance of transportation to economic development in Indian country.

Second, the bill removes the obligation limitation from the Indian Reservation Roads program. This funding limitation was first applied to the IRR program in 1998 in TEA–21, and over the six years of TEA–21 the limitation will have cut about $31 million per year in much-needed funding out of IRR. The reduction for 2003 is about $36 million. The IRR was not subject to any obligation limitation from 1983 to 1997, and my bill restores the program to the status it had before 1998.

Third, the bill restores the Indian Reservation Bridge Program with separate funding of $90 million over six years. TEA–21 had eliminated separate funding for the Indian reservation bridge program in 1998. In addition, the bill streamlines the bridge program by expanding the allowable uses of bridge funding to include planning, design, engineering, construction, and inspection of Indian reservation road bridges.

Fourth, the bill increases the current limit for tribal transportation planning from 2 percent to 4 percent. These funds will be used by tribes to compile important transportation data and to forecast their future transportation needs and long-range plans. Many of the tribes have indicated they currently don't have funding for administrative capacity building, and the additional planning funds in my bill would address this need.

Fifth, TEA–21 established a negotiated rule making for distribution of funds based on the relative needs of each tribe for transportation. To ensure the distribution is tied to actual needs, my bill requires the Secretary of Transportation to verify the existence of all roads that are part of the Indian reservation road system.

Sixth, the bill establishes a pilot program, in accordance with the Indian Self-Determination and Education Act, P.L. 93–638, authorizing 12 tribes to contract directly with FHWA for IRR funding to improve efficiency and streamline the administration of the program. The 12 tribes will be selected to ensure representation from each region of the country.

Seventh, the bill establishes a new six-year, $120 million tribal transportation safety program. Tribes may

apply directly to the Department of Transportation for grants to improve transportation safety. The program parallels existing safety programs for the states.

Eighth, I propose a new tribal transit program to provide direct funding to tribes from the Federal Transit Administration. The new program would parallel the existing Indian Reservation Roads program funded through FHWA. In general, while States may allocate to tribal areas some of their transit funding under the existing formula grant programs for transit for elderly and disabled, section 5210, and for nonurbanized areas, section 5311, they rarely do so. Because the tribes are at a disadvantage in having to compete for funding within the States, I believe we need a direct funding program to allow tribes to provide better transit services to young people, elderly, and others who lack access to private vehicles. The bill sets aside a very modest level of funding of $120 million over six years for the new tribal transit program.

Ninth, the bill states the sense of Congress that the BIA should have sufficient funding to maintain all roads on the Indian Reservation Roads system. Maintenance of IRR roads is a Federal responsibility and adequate funding is needed to protect the Federal investment in transportation infrastructure. Federal funding for road maintenance is provided through the BIA's annual appropriations bill. Unfortunately, year after year, the Appropriations Committees have failed to provide adequate funding for maintenance. Funding for BIA's road maintenance program has typically been around $25 million per year about one-fifth of the level needed to protect the federal investment in IRR roads.

The IRR system doesn't just serve Indian communities, but also visitors, including tourists, recreational, commercial and industrial users of roads and transit throughout Indian country. For the tribes, transportation is an important contributor to economic development, self-determination, and employment for all Indian communities. This bill represents a very modest, but important step toward providing basic transportation services throughout Indian country.

The proposals in my bill are similar to many of the recommendations of the National Congress of American Indians' TEA–21 Reauthorization Task Force.

I well appreciate that tribes in different regions of the country may have different views and proposals on how best to improve Indian transportation programs. I see my bill as just the first step in a yearlong process leading up to the reauthorization of TEA–21.

It is essential that we begin this process as soon as possible because I believe the tribes are being shortchanged in annual federal funding. I was disappointed this year when the appropriations committee cut the funding for the IRR program in fiscal year 2003 to $238 million, about $40 million below the 2002 level. At the same time, FY2003 highway funding for the states was increased slightly above the 2002 level. I believe this year's reduction in IRR funding may reflect a lack of understanding on the part of many senators of the current poor state of transportation in Indian Country.

To try to raise awareness, last year I circulated a ''dear colleague'' letter to the Chair and Ranking Members of the Transportation Appropriations Subcommittee to urge them to fund the IRR program at the full $275 million authorized level. The bipartisan letter, signed by eleven of my colleagues, laid out the case for full funding of the tribal transportation program in 2003.

My goal in introducing the bill today is to start the process of improving IRR as soon as possible. The tribes cannot bear another cut in funding like occurred in 2003.

I hope that Chairman CAMPBELL and Vice Chairman INOUYE of the Committee on Indian Affairs will soon hold hearings on the reauthorization of the Indian Reservation Roads Program. I look forward to working with them and the other members of the committee on developing a consensus proposal that is fair to all tribes.

I ask unanimous consent that the text of the bill and the bipartisan letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 725

*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 ''Tribal Transportation Program Improvement Act of 2003''.

**SEC. 2. FINDINGS AND PURPOSE.**

(A) FINDINGS.—Congress finds that—

(1) because many Indian tribes are located in remote areas, transportation is particularly important to the basic quality of life and economic development of Indian tribes;

(2) safe roads are essential for—

(A) Indian children to travel to and from school;

(B) sick and elderly individuals to receive basic health care and medical treatment; and

(C) food and other necessities to be delivered to shops and consumers;

(3) transportation is critical to the efforts of Indian tribes to—

(A) sustain robust economies; and

(B) attract new jobs and businesses;

(4) most Indian tribes lack the basic transportation systems that other people in the United States take for granted;

(5) Indian communities continue to lag behind the rest of the United States in quality of life and economic vitality;

(6) unemployment rates in Indian country frequently exceed 50 percent, and poverty rates often exceed 40 percent;

(7) the limited availability of housing and jobs on Indian reservations forces people to commute long distances each day to travel to work or school, obtain health care, take advantage of basic government services, go shopping, or even obtain drinking water;

(8) the Indian reservation roads system established under title 23, United States Code, comprises more than 50,000 miles of roads under the jurisdiction of the Bureau of Indian Affairs and tribal, State, county, and local governments;

(9) more than ⅔ of those roads are not paved, and many resemble roads in third-world countries;

(10) as of the date of enactment of this Act, approximately 140 of the 753 bridges under the jurisdiction of the Bureau of Indian Affairs are rated as being deficient;

(11) The Indian reservation roads system serves both Indians and the general public and is part of a unified national road network;

(12) even though the Indian reservation roads system is perhaps the most rudimentary of any transportation network in the United States, more than 2,000,000,000 vehicle miles are traveled annually on the system;

(13) the poor quality of so many Indian reservation roads has a serious impact on high safety;

(14) according to the Federal Highway Administration, the highway fatality rate on Indian reservation roads is 4 times the national average highway fatality rate on all roads;

(15) automobile accidents are the primary cause of death for young Indian individuals; and

(16) the Federal Highway Administration estimates the backlog of improvement needs for Indian reservation roads at approximately $6,800,000,000.

(b) PURPOSE.—The purpose of this Act is to reauthorize, expand, and streamline the Indian reservation roads program to improve transportation safety and better meet the needs of Indian individuals and other members of the traveling public.

**SEC. 3. INDIAN RESERVATION ROADS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112) is amended by striking ''of such title'' and all that follows and inserting ''of that title—

''(i) $225,000,000 for fiscal year 1998;

''(ii) $275,000,000 for each of fiscal years 1999 through 2003;

''(iii) $350,000,000 for fiscal year 2004;

''(iv) $425,000,000 for fiscal year 2005; and

''(v) $500,000,000 for each of fiscal years 2006 through 2009.''.

(b) OBLIGATION CEILING.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116) is amended—

(1) by striking ''distribute obligation'' and inserting the following: ''distribute—

''(A) obligation'';

(2) by inserting ''and'' after the semicolon at the end; and

(3) by adding at the end the following:

''(B) for any fiscal year after fiscal year 2003, any amount of obligation authority made available for Indian reservation road bridges under section 202(d)(4), and for Indian reservation roads under section 204, of title 23, United States Code;''.

(c) INDIAN RESERVATION ROAD BRIDGES.—Section 202(d)(4) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) by striking ''(B) RESERVATION.—Of the amounts'' and all that follows through ''to replace,'' and inserting the following:

''(B) FUNDING.—

''(i) RESERVATION OF FUNDS.—Notwithstanding any other provision of law, there is authorized to be appropriated from the Highway Trust Fund $15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, construction, and inspection of projects to replace,''; and

(B) by adding at the end the following:

''(ii) AVAILABILITY.—Funds made available to carry out this subparagraph shall be available for obligation in the same manner as if the funds were apportioned under chapter 1.''; and

(2) in subparagraph (D)—

(A) by striking ''(D) APPROVAL REQUIREMENT.—'' and inserting the following:

''(D) APPROVAL AND NEED REQUIREMENTS.—''; and

(B) by striking ''only on approval of the plans, specifications, and estimates by the Secretary.'' and inserting ''only—

''(i) on approval by the Secretary of plans, specifications, and estimates relating to the projects; and

''(ii) in amounts directly proportional to the actual need of each Indian reservation, as determined by the Secretary based on the number of deficient bridges on each reservation and the projected cost of rehabilitation of those bridges.''.

(d) FAIR AND EQUITABLE DISTRIBUTION.—Section 202(d) of title 23, United States Code, is amended by adding at the end the following:

''(5) FAIR AND EQUITABLE DISTRIBUTION.—To ensure that the distribution of funds to an Indian tribe under this subsection is fair, equitable, and based on valid transportation needs of the Indian tribe, the Secretary shall—

''(A) verify the existence, as of the date of the distribution, of all roads that are part of the Indian reservation road system; and

''(B) distribute funds based only on those roads.''.

(e) INDIAN RESERVATION ROAD PLANNING.—Section 204(j) of title 23, United States Code, is amended in the first sentence by striking ''2 percent'' and inserting ''4 percent''.

**SEC. 4. FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.**

Section 202(d)(3) of title 23, United States Code, is amended by adding at the end the following:

''(C) FEDERAL LANDS HIGHWAY PROGRAM DEMONSTRATION PROJECT.—

''(i) IN GENERAL.—The Secretary shall establish a demonstration project under which all funds made available under this title for Indian reservation roads and for highway bridges located on Indian reservation roads as provided for in subparagraph (A) shall be made available, on the request of an affected Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), contracts and agreements for the planning, research, engineering, and construction described in that subparagraph.

''(ii) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (B), all funds for Indian reservation roads and for highway bridges located on Indian reservation roads to which clause (i) applies shall be paid without regard to the organizational level at which the Federal lands highway program has previously carried out the programs, functions, services, or activities involved.

''(iii) SELECTION OF PARTICIPATING TRIBES.—

''(I) PARTICIPANTS.—

''(aa) IN GENERAL.—For each fiscal year, the Secretary shall select 12 geographically diverse Indian tribes from the applicant pool described in subclause (II) to participate in the demonstration project carried out under clause (i).

''(bb) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or activity to which this title applies may form a consortium to be considered as a single tribe for the purpose of becoming part of the applicant pool under subclause (II).

''(cc) FUNDING.—An Indian tribe participating in the pilot program under this subparagraph shall receive funding in an amount equal to the sum of the funding that the Indian tribe would otherwise receive in accordance with the funding formula established under the other provisions of this subsection, and an additional percentage of that amount equal to the percentage of funds withheld during the applicable fiscal year for the road program management costs of the Bureau of Indian Affairs under subsection (f)(1).

''(II) APPLICANT POOL.—The applicant pool described in this sub-clause shall consist of each Indian tribe (or consortium) that—

''(aa) has successfully completed the planning phase described in subclause (III);

''(bb) has requested participation in the demonstration project under this subparagraph through the adoption of a resolution or other official action by the tribal governing body; and

''(cc) has demonstrated financial stability and financial management capability in accordance with subclause (III) during the 3-fiscal year period immediately preceding the fiscal year for which participation under this subparagraph is being requested.

''(III) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—For the purpose of subclause (II), evidence that, during the 3-year period referred to in subclause (II)(cc), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe's self-determination contracts or self-governance funding agreements with any Federal agency shall be conclusive evidence of the required stability and capability.

''(IV) PLANNING PHASE.—

''(aa) IN GENERAL.—An Indian tribe (or consortium) requesting participation in the demonstration project under this subparagraph shall include legal and budgetary research and internal tribal government and organization preparation.

''(bb) ELIGIBILITY.—A tribe (or consortium) described in item (aa) shall be eligible to receive a grant under this subclause to plan and negotiate participation in a project described in that item.''.

**SEC. 5. TRIBAL TRANSPORTATION SAFETY PROGRAM.**

(a) IN GENERAL.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following:

**''§ 412. Tribal Transportation Safety Program**

''(a) DEFINITION OF INDIAN TRIBE.—In this section, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(b) PROGRAM.—

''(1) IN GENERAL.—The Secretary shall carry out a program to provide to eligible Indian tribes (as determined by the Secretary) competitive grants for use in establishing tribal transportation safety programs on—

''(A) Indian reservations; and

''(B) other land under the jurisdiction of an Indian tribe.

''(2) USE OF FUNDS.—Funds from a grant provided under paragraph (1) may be used to carry out a project or activity—

''(A) to prevent the operation of motor vehicles by intoxicated individuals;

''(B) to promote increased seat belt use rates;

''(C) to eliminate hazardous locations on, or hazardous sections or elements of—

''(i) a public road;

''(ii) a public surface transportation facility;

''(iii) a publicly-owned bicycle or pedestrian pathway or trail; or

''(iv) a traffic calming measure;

''(D) to eliminate hazards relating to railway-highway crossings; or

''(E) to increase transportation safety by any other means, as determined by the Secretary.

''(c) FEDERAL SHARE.—The federal share of the cost of carrying out the program under this section shall be 100 percent.

''(d) FUNDING.—Notwithstanding any other provision of law, there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out this section—

''(1) $10,000,000 for each of fiscal years 2004 and 2005;

''(2) $20,000,000 for each of fiscal years 2006 and 2007; and

''(3) $30,000,000 for each of fiscal years 2008 and 2009.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by inserting after the item relating to section 411 the following:

''412. Tribal Transportation Safety Program.''.

**SEC. 6. INDIAN RESERVATION RURAL TRANSIT PROGRAM.**

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

''(k) INDIAN RESERVATION RURAL TRANSIT PROGRAM.—

''(1) DEFINITION OF INDIAN TRIBE.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(2) PROGRAM.—

''(A) IN GENERAL.—The Secretary of Transportation shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

''(B) AMOUNT OF GRANTS.—The amount of a grant provided to an Indian tribe under subparagraph (A) shall be based on the need of the Indian tribe, as determined by the Secretary of Transportation.

''(3) FUNDING.—Notwithstanding any other provision of law, for each fiscal year, of the amount made available to carry out this section under section 5338 for the fiscal year, the Secretary of Transportation shall use $20,000,000 to carry out this subsection.''.

**SEC. 7. SENSE OF CONGRESS REGARDING INDIAN RESERVATION ROADS.**

(a) FINDINGS.—Congress finds that—

(1) the maintenance of roads on Indian reservations is a responsibility of the Bureau of Indian Affairs;

(2) amounts made available by the Federal Government as of the date of enactment of this Act for maintenance of roads on Indian reservations under section 204(c) of title 23, United States Code, comprise only 30 percent of the annual amount of funding needed for maintenance of roads on Indian reservations in the United States; and

(3) any amounts made available for construction of roads on Indian reservations will be wasted if those roads are not properly maintained.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should annually provide to the Bureau of Indian Affairs such funding as is necessary to carry out all maintenance of roads on Indian reservations in the United States.

U.S. SENATE,
*Washington, DC, April 26, 2002.*

Hon. PATTY MURRAY,
*Chairman, Senate Appropriations Subcommittee on Transportation, Dirksen Senate Office Building, Washington, DC.*

Hon. RICHARD C. SHELBY,
*Ranking Member, Senate Appropriations Subcommittee on Transportation, Hart Senate Office Building, Washington, DC.*

DEAR CHAIRMAN MURRAY AND SENATOR SHELBY: We are writing to ask you to provide

at least $275 million in funding in the Fiscal Year 2003 Transportation Appropriations bill for the Indian Reservation Roads Program. This program plays a critical role in economic development, self-determination, and employment of Native Americans in 33 states, including Alaska Native Villages.

The IRR system comprises 52,738 miles of road. Half are BIA and tribally owned roads and half are state, county and local government roads. The system includes 4,152 bridges and also one ferryboat. More than 2 billion vehicle miles are traveled on the IRR system each year. Unfortunately, many of the roads are among the worst in the nation. Over two-thirds of the system is unimproved earth and gravel roads and about one-quarter of the bridges are rated deficient.

The Federal Highway Administration described the state of roads on reservations in its 1999 study of the nation's highways and bridges: ''Some of the isolation (of Native American communities) is perpetuated by a lack of transportation facilities . . . Except for a few tribes with oil and mineral resources, or recreational operations, nearly all reservations are among the most economically depressed areas of the country . . . Some tribal governments have been successful in initiating economic development activities, including small industries . . . These require a viable Indian Reservation Roads (IRR) system.''

In 1998, Congress reauthorized the Indian Reservation Road Program as part of Transportation Efficiency Act for the 21st Century (TEA–21). Recognizing the huge backlog in basic highway and transportation needs in Indian Country, the authorized funding level was increased from $191 million per year to $275 million. Last year the Transportation Appropriations Act provided $279 million. We very much appreciate your subcommittee's efforts in FY2002 to fund this program at the higher level.

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By Ms. STABENOW:

S. 726. A bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes; to the Committee on the Judiciary.

Ms. STABENOW. Mr. President, I rise today to introduce legislation that would make Election Day a national holiday.

After the problems of the 2000 elections, a bipartisan Commission headed by former Presidents Jimmy Carter and Gerald Ford was created to recommend election reforms.

Among the reforms the commission recommended was making Election Day a national holiday.

If you read the report, the advantage of making Election Day a national holiday becomes obvious.

In a survey done by the U.S. Census shortly after the 2000 elections, the number-one reason cited for not voting was because it conflicted with work or classroom schedules. Declaring Election Day a national holiday would make it easier for millions of busy Americans to get to the polls.

But declaring Election Day a national holiday has other advantages as well, according to the Commission's report. More public buildings, especially schools, would be available as polling places. And more and better trained poll workers would be available to staff polling places.

Businesses complain that a new Federal holiday will cost them money. But this problem can be easily solved. Presently we celebrate Veterans Day on Nov. 11. On even numbered years, we could simply celebrate Veterans Day on the second Tuesday after the first Monday of November, which Congress has designated as Election Day for Federal elections.

The Commission's report noted that both Presidents Ford and Carter are veterans themselves and would not recommend any change that would dilute the significance of Veterans Day.

Rather, our two former Presidents found it fitting to hold the ''supreme national exercise of our freedom on the day we honor those who preserved it.''

This idea is also supported by civil rights, labor and other groups trying to increase participation in our electoral process.

I think it is an idea whose time has come.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 726

*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 ''Democracy Day Act of 2003''.

**SEC. 2. TREATMENT OF ELECTION DAY IN SAME MANNER AS OTHER FEDERAL HOLIDAYS.**

The Tuesday next after the first Monday in November in 2004 and in each even-numbered year thereafter shall be treated as a legal public holiday for purposes of statutes relating to pay and leave of Federal employees.

**SEC. 3. STUDY BY COMPTROLLER GENERAL OF IMPACT ON VOTER PARTICIPATION.**

(a) IN GENERAL.—The Comptroller General shall conduct a study of the impact of section 2 on voter participation.

(b) REPORT.—Not later than May 1, 2009, the Comptroller General shall submit a report to Congress and the President on the results of the study conducted under subsection (a).

**SEC. 4. SENSE OF CONGRESS REGARDING TREATMENT OF DAY BY PRIVATE EMPLOYERS.**

It is the sense of Congress that private employers in the United States should provide their employees with flexibility on the Tuesday next after the first Monday in November in 2004 and in each even-numbered year thereafter to enable the employees to cast votes in the elections held on that day.

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By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. THOMAS, Mr. BURNS, Mr. DORGAN, Mr. ALLARD, Mr. DURBIN, Mr. VOINOVICH, Mr. BAYH, Mr. ENZI, Mr. CAMPBELL, and Mr. CONRAD):

S. 727. A bill to reauthorize a Department of Energy program to develop and implement accelerated research, development, and demonstration projects for advanced clean coal technologies for use in coal-based electricity generating facilities, to amend the Internal Revenue Code of 1986 to provide incentives for the use of those technologies, and for other purposes; to the Committee on Finance.

Mr. BYRD. Mr. President, time after time, coal has been there for this country. Coal has been and will continue to be an important part of America—its history, its economy, and its people.

During World War I, when coal supplied the Nation's heat and powered our battleships and industries, President Woodrow Wilson proclaimed that the Nation's war effort ''rested on the shoulders of [the American coal] miner.''

During World War II, when enemy conquests in Asia and Africa threatened to stop the worldwide flow of oil, the American government responded by initiating a federally sponsored synthetic fuels program based on coal. Secretary of the Interior Harold Ickes acknowledged, ''We should not have waited until war was upon us to begin the development of synthetic fuels.''

After the war, that program was dismantled. Far-sighted men warned of the dangers of this decision. John L. Lewis, President of the United Mine Workers, predicted a growing reliance upon foreign oil in the post-war era would one day result in outrageous prices at the gas pump and cars lined up for blocks to purchase gasoline.

Those of us old enough to remember the oil embargoes and energy crises of the 1970s know how accurate that prediction was. Those oil embargoes and energy crises prompted the Carter Administration to establish a national synthetic fuels program largely based on coal as the United States was labeled ''the Saudi Arabia of coal.''

However, the Reagan Administration all but eliminated the Department of Energy's fossil fuels and renewable energy programs, and withdrew support for the development of alternative energy technologies.

How short-sighted that was. I correct myself. It wasn't just short-sighted, it was blind, and I said so at the time. In a speech on this Senate floor, I warned that the Reagan administration's cutbacks in our energy programs were ''leaving us dangerously vulnerable to foreign transgressions.'' Historians like to point out that those who do not remember the past are condemned to relive it. Why must we continue to relive yesterday's mistakes? Can we not learn from the past?

Once again, concerns about our Nation's current and future energy needs are on the minds of citizens across the country. Worrisome gas prices, erratic fuel costs, electricity supply needs, energy efficiency improvements, and U.S. dependence on foreign oil are major challenges that we must tackle. To develop a bipartisan, national energy plan, Congress must establish balanced energy policies that recognize the need for both economic growth, energy security, and environmental protection.

Coal will play a key role in that strategy.

It is paramount that we develop a comprehensive plan built on a balanced portfolio of resources, technologies, and ideas. Such a plan must look broadly across all sectors of the economy and set objectives to meet these needs both today and down the road. And, as we look at the needs of our economy and our future, we need to better understand where to put critical and precious research and development resources and how to best stimulate these technologies in the marketplace.

Undoubtedly, fossil fuels will continue to be a primary source for meeting our energy needs into the coming decades. Coal, used in cleaner and more efficient ways, will be a key component of that energy strategy. Coal is this country's most abundant natural resource, providing over half of the Nation's electricity and accounting for one third of our Nation's total energy production.

Today, a bipartisan group of Members join me in introducing the National Coal Research, Development, and Demonstration Act of 2003. I very much appreciate the support of Senators ROCKEFELLER, THOMAS, BURNS, DORGAN, ALLARD, DURBIN, VOINOVICH, BAYH, ENZI, CAMPBELL, and CONRAD. We believe that this legislation will help to maintain our Nation's fuel diversity by ensuring a key role for coal in our Nation's energy future.

This initiative provides a roadmap to the future by authorizing $2 billion over that next ten years for a clean coal technology demonstration program to help speed these technologies from the laboratory to the marketplace. Our legislation aims to improve air quality as well as the efficiency of the current fleet of coal-fired power plants by providing targeted tax incentives for the installation of these technologies at existing coal-fired facilities.

Additionally, this legislation will help meet the need for new infrastructure by providing incentives to deploy a targeted number of advanced clean coal technologies to prove their viability in the marketplace now and in the future. Finally, it ensures that all generators of coal can compete for these targeted tax incentives on an equal basis. This initiative is an important component of a strategy to achieve energy diversity and independence.

I have been around Congress for a very long time—more than 50 years. Recently, I became the third longest serving Member of Congress. My association with coal started early in my life and has continued throughout my many years of service in Congress. Coal has always been with me, it has been there fore us. Coal is abundant. Coal is affordable. Coal is ours!

Clean coal research and development funding and tax incentive legislation gained significant bipartisan and bicameral support during the energy bill debates in the 107th Congress. This success was built on the framework outlined, developed, and refined with my support in past Congress.

There is a little verse that goes:

God and soldier all men adore,
in time of trouble and no more,
for when war is over, and all things righted,
God is neglected and the old soldier slighted.

In times of national struggle and adversity, in times of war, coal has been there. But in times of calm, when the urgency subsides, so does our national determination to establish and implement a comprehensive energy strategy. To fail to incorporate a comprehensive energy plan into our vision for the Nation's future would ultimately be to America's detriment.

The development of clean coal technologies is essential to the betterment of our Nation's economic, energy, environmental, and security future. I urge my colleagues to support this legislation.

Mr. ROCKEFELLER. Mr. President, I am proud today to join with my colleague from West Virginia, Senator BYRD, and Senators THOMAS, BURNS, DURBIN, ALLARD, DORGAN, BAYH, VOINOVICH, ENZI, CAMPBELL, and CONRAD, to introduce the National Coal Research, Development and Demonstration Act of 2003. This is a bill I will work very hard to see enacted, because I believe both that the Nation's economy will grind to a halt without coal, and because sustaining the indispensable role of the Nation's most abundant energy source can only be accomplished by finding environmentally sensitive ways of using it.

This legislation is the byproduct of more than 5 years of effort to foster new scientific research and commercial application of clean coal technologies. This has been a collaborative effort between members of Congress from both sides of the aisle and both sides of the Hill working together with the coal and utility industries, the Department of Energy, the United Mine Workers, and academic and industrial scientists. The legislation we introduce today is substantially similar to legislation introduced in the 107th Congress, which formed the basis of the coal tax and coal R&D provisions of the comprehensive energy bill the Senate passed last year.

I have a particular interest in the clean coal tax provisions. I aggressively argued for them in the Finance Committee, and I was gratified by the willingness of then-Chairman BAUCUS and Ranking Member GRASSLEY to work with me to include meaningful coal tax incentives in the bill this body passed by an overwhelming majority and sent to conference with the House. As a tax conferee, I again pushed hard for inclusion of the Senate-passed provisions, over the more expensive and less-inclusive House provisions. Unfortunately, the energy conference and the comprehensive energy legislation it was so close to producing were allowed to die by some who thought this Congress would be a better setting for consideration of a national energy policy.

The R&D provisions, and in fact the entire package we introduce here today, have had no more fervent champion than my colleague, the senior Senator from West Virginia, Senator BYRD. Indeed, Senator BYRD has been a stalwart friend of coal far longer than the more than 5-year duration of this effort on clean coal technologies. I would be remiss if I did not commend Senator BYRD for his dedication and diligence in advocating for clean coal. I cannot overstate the importance of coal to our state of West Virginia. I am proud to join Senator BYRD in this effort to improve the environmental performance of coal, and to affirm its critical role in the economy of our State, and of the entire Nation.

When enacted, this legislation will foster crucial, collaborative, and cutting edge scientific research by the Department of Energy and its industry partners into technologies allowing increasingly cleaner and more efficient use of our Nation's most abundant fossil fuel, coal, as a fuel to produce electricity. At the same time, this bill will create tax incentives to help coal-fired utilities defray the high cost of installation of clean coal technologies on coal-fired power plants. We have included incentives for clean coal technologies on both existing power plants and those yet to be built. Clean coal technologies used to repower existing plants will allow them to meet our most stringent Clean Air Act standards for stationary source emissions. Installations of these technologies on existing facilities is important not only to protect the environment. Perhaps as significant for our economy, sustaining energy production from these reliable sources of electricity helps insulate consumers from the kind of extraordinary price shocks we have seen recently in the natural gas and petroleum markets.

New facilities designed and built with next generation, advanced clean coal technologies will be cleaner and more reliable still. Energy experts estimate that to meet our Nation's burgeoning demand for electricity, we may see more than a thousand new electricity generating plants built in the next 20 years. Modest incentives for installation of advanced clean coal technologies will give utilities the ability to choose cheap and abundant coal as a fuel source, and still produce air emissions as clean or cleaner than those produced by natural gas plants.

The two sections of this bill concentrate on different aspects of the coal picture, and will be considered by different committees in the Senate. Yet the programs and commercial development this bill will engender will work hand in hand. The advanced clean coal research and development funded by this bill, augmented by the data industry, academic, and government scientists hope to gain from the performance of the reconfigured existing

plants, will hasten the deployment of a fleet of near-zero emission coal-fired plans in the coming decade or two.

I represent a State that produces a lot of coal, and uses a lot of coal. Between 98 and 99 percent of the electricity in West Virginia is generated with coal. This is higher than any other State in the Nation, but West Virginia electricity consumers are by no means alone in their dependence on coal. The United States is dependent on coal to a degree that I am sure comes as a surprise to most people. Coal produces more than half of the electricity used in this country. It is the primary source of electricity in 32 States, accounting for at least 55 percent of the electricity in 25 of these. Of the remaining 18 States, coal is the second most prevalent source of electricity in six of them, and a close third in two more. So, I thank my fellow cosponsors for their work on this bill, but I say to my colleagues, this is not just important to those of us whose States produce coal. Coal will continue to be a vital economic resource for the entire country. Because of this, and because the future health of our environment depends on good decisions made today, I recommend this legislation to all of my colleagues, and ask for their support in passing it.

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By Mr. COLEMAN (for himself, Mr. STEVENS, and Mr. DAYTON):

S. 728. A bill to reimburse the airline industry for homeland security costs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. COLEMAN. 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. 728

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

**SECTION 1. AVIATION INSURANCE.**

(a) AUTHORITY.—Section 44302(a)(1) of title 49, United States Code, is amended by striking ''may'' and inserting ''shall''.

(b) EXTENSION OF POLICIES.—Section 44302(f)(1) of title 49, United States Code, is amended by striking ''August 31, 2003, and may extend through December 31, 2003,'' and inserting ''December 31, 2007,''.

(c) COVERAGE.—Section 44303 of title 49, United States Code, is amended—

(1) in subsection (a) by striking ''IN GENERAL.—'' and inserting ''IN GENERAL.—''; and

(2) in subsection (b)—

(A) by striking ''during the period beginning on'' and inserting ''on or after''; and

(B) by striking ''and ending on December 31, 2003,''.

(d) TERMINATION DATE.—Section 44310 of title 49, United States Code, and the item relating to such section in the analysis for chapter 443 are repealed.

**SEC. 2. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.**

The Secretary of Homeland Security shall reimburse air carriers and airports for the following:

(1) All screening and related activities that the air carriers or airports perform or are responsible for performing, including—

(A) the screening of catering supplies;

(B) checking documents at security checkpoints;

(C) screening of passengers; and

(D) screening of persons with access to aircraft.

(2) The provision of space and facilities used to perform screening functions and other space used by the Transportation Security Administration.

**SEC. 3. REIMBURSEMENT OF AIR CARRIERS FOR FORTIFYING COCKPIT DOOR.**

The Secretary of Homeland Security shall reimburse air carriers for the cost of fortifying cockpit doors in accordance with section 48301(b) of title 49, United States Code.

**SEC. 4. REIMBURSEMENT OF STATE AND LOCAL LAW ENFORCEMENT.**

The Secretary of Homeland Security shall reimburse State and local law enforcement and airport police for complying with any directives to provide security for air carriers or at airports.

**SEC. 5. REIMBURSEMENT FOR AIR MARSHAL TRANSPORTATION.**

Section 44917(a) of title 49, United States Code, is amended by striking paragraphs (4) and (5), and inserting the following:

''(4) shall require air carriers providing flights described in paragraph (1) to provide seating for a Federal air marshal on any such flight without regard to the availability of seats on the flight at the lowest possible airfare available for such flight at the time of booking;

''(5) may require air carriers to provide, on a space-available basis, to an off-duty Federal air marshal a seat on a flight to the airport nearest the marshal's home at the lowest possible airfare available for such flight if the marshal is traveling to that airport after completing his or her security duties;''.

**SEC. 6. MORATORIUM ON SECURITY SERVICE FEE.**

Notwithstanding any other provision of law, the security fees imposed under section 44940 of title 49, United States Code, shall not apply for the 1-year period beginning on the date of enactment of this Act and the costs of providing civil aviation security services shall be reimbursed by the Secretary of Homeland Security.

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By Mr. COLEMAN (for himself and Mr. CHAMBLISS):

S. 729. A bill to amend the Internal Revenue Code of 1986 to establish a pilot program to encourage the use of medical savings accounts by public employees of the State of Minnesota and political jurisdictions thereof; to the Committee on Finance.

Mr. COLEMAN. 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. 729

*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 ''Minnesota MSA Empowerment Act of 2003''.

**SEC. 2. DEDUCTION FOR MINNESOTA PUBLIC EMPLOYEE MSA PILOT PROGRAM.**

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions) is amended by redesignating section 223 as section 224 and by inserting after section 222 the following new section:

**''SEC. 223. MINNESOTA PUBLIC EMPLOYEE MSAS.**

''(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a deduction an amount equal to the amount contributed during the taxable year by such individual to the Minnesota public employee MSA of such individual.

''(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means an individual who—

''(1) is in receipt of retirement benefits for the taxable year from a retirement plan associated with the State of Minnesota or a political subdivision thereof, or

''(2) is an employee of the State of Minnesota or a political subdivision thereof.

''(c) MINNESOTA PUBLIC EMPLOYEE MSA.—

''(1) IN GENERAL.—The term 'Minnesota public employee MSA' means an Archer MSA which is created or organized exclusively for the purpose of playing the qualified medical expenses of the eligible individual and—

''(A) which is designated as a Minnesota public employee MSA, and

''(B) with respect to which no contribution may be made other than a contribution made by the eligible individual or the employer of the eligible individual.

''(2) ARCHER MSA; QUALIFIED MEDICAL EXPENSES.—For purposes of this section, the terms 'Archer MSA' and 'qualified medical expenses' shall have the respective meanings given to such terms by section 220(d).

''(d) SPECIAL RULES.—In applying section 220 to a Minnesota public employee MSA—

''(1) subsection (d)(1)(A)(ii) shall not apply, and

''(2) subsection (f)(3) shall be treated as including a reference to this section.

''(e) REPORTS.—In the case of a Minnesota public employee MSA, the report under section 220(h)—

''(1) shall include the fair market value of the assets in such Minnesota public employee MSA as of the close of each calendar year, and

''(2) shall be furnished to the account holder—

''(A) not later than January 31 of the calendar year following the calendar year to which such reports relate, and

''(B) in such manner as the Secretary prescribes.

''(f) COORDINATION WITH LIMITATION ON NUMBER OF TAXPAYERS HAVING ARCHER MSAS.—Subsection (i) of section 220 shall not apply to an individual with respect to a Minnesota public employee MSA, and Minnesota public employee MSAs shall not be taken into account in determining whether the numerical limitations under section 220(j) are exceeded.''.

''(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES.—Subsection (a) of section 62 is amended by inserting after paragraph (18) the following new item:

''(19) MINNESOTA PUBLIC EMPLOYEE MSAS.—The deduction allowed by section 223.''.

''(c) TAX ON EXCESS CONTRIBUTIONS.—Section 4973(d)(1) of such Code (relating to excess contributions to Archer MSAs) is amended by inserting ''or 223'' after ''220''.

''(d) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

''Sec. 223. Minnesota public employee MSAs.
''Sec. 224. Cross reference.''.

''(e) EFFECTIVE DATE.—The amendments by this section shall apply to taxable years beginning after December 31, 2003.

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By Mr. BIDEN (for himself and Mr. HATCH):

S. 731. A bill to prohibit fraud and related activity in connection with authentication features, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise today, along with Senator HATCH, to introduce the Secure Authentication Feature and Enhanced Identification Defense Act of 2003, also known as the ''SAFE ID'' Act. My good friend, the Senior Senator from Utah, is joining me on this important piece of legislation.

Two of the terrorists who perpetrated the acts of 9/11 held false identification documents, which they purchased from a broker of false IDs. That broker was convicted, but sentenced merely to probation. The judge and the prosecutor publicly lamented that the law did not subject such a person to harsher penalties. These events focused new attention on an existing, growing problem—the ease with which individuals and organizations can forge and steal IDs and use them to harm our society. These circumstances weaken our efforts in the fight against terrorism; identity theft; underage drinking and drunk driving; driver's license, passport and birth certificate fraud, among others. In the post-9/11 era, we must do more to prevent the creation of false, misleading or inaccurate government IDs. This has become an issue of national importance and therefore merits a national response.

In recent years, the ability of criminals to produce authentic-looking fake IDs has grown immensely. Today, unfortunately, it is becoming increasingly common for criminals to either steal or forge, and traffic in, the very items that issuing authorities use to verify the authenticity of their IDs. These ''authentication features'' are the holograms, watermarks, and other symbols, letters and codes used in identification documents to prove that they are authentic. Unfortunately, today IDs carrying authentication features can be purchased on the Internet or through mail order outfits. In addition, breeder documents, such as birth certificates, are desk-top published, with an illegitimate embossed or foil seal. Put another way, not only do crooks forge identification documents, they also now illegally fake or steal the very features issuing authorities use to fight that crime.

Under current law, it is not illegal to possess, traffic in, or use false or misleading authentication features whose purpose is to create fraudulent IDs. That is why I am today introducing the SAFE ID Act.

The SAFE ID Act would prohibit the fraudulent use of authentication features in identity documents. Specifically, the SAFE ID Act adds authentication features to the list of items covered by 10 U.S.C. 1028(a), an existing law prohibiting fraud and related activity in connection with identification documents. In addition, the Act requires forfeiture of any violative items, such as false authentication features and relevant equipment.

It is rare that we have before us legislation that would effectively address problems as disparate as homeland defense, identity theft and underage drinking. The SAFE ID Act would do just that, by cutting the legs out from under those who would misuse technology to mislead government authorities.

I look forward to working with Senator HATCH, Chairman of the Judiciary Committee, and my other colleagues, to secure consideration and passage of this bill.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 731

*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 ''Secure Authentication Feature and Enhanced Identification Defense Act of 2003'' or ''SAFE ID Act''.

**SEC. 2. FRAUD AND FALSE STATEMENTS.**

(a) OFFENSES.—Section 1028(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting '', authentication feature,'' after ''an identification document'';

(2) in paragraph (2)—

(A) by inserting '', authentication feature,'' after ''an identification document''; and

(B) by inserting ''or feature'' after ''such document'';

(3) in paragraph (3), by inserting '', authentication features,'' after ''possessor)'';

(4) in paragraph (4)—

(A) by inserting '', authentication feature,'' after ''possessor)''; and

(B) by inserting ''or feature'' after ''such document'';

(5) in paragraph (5), by inserting ''or authentication feature'' after ''implement'' each place that term appears;

(6) in paragraph (6)—

(A) by inserting ''or authentication feature'' before ''that is or appears'';

(B) by inserting ''or authentication feature'' before ''of the United States'';

(C) by inserting ''or feature'' after ''such document''; and

(D) by striking ''or'' at the end;

(7) in paragraph (7), by inserting ''or'' after the semicolon; and

(8) by inserting after paragraph (7) the following:

''(8) knowingly traffics in false authentication features for use in false identification documents, document-making implements, or means of identification;''.

(b) PENALTIES.—Section 1028(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting '', authentication feature,'' before ''or false''; and

(ii) in clause (i), by inserting ''or authentication feature'' after ''document''; and

(B) in subparagraph (B), by inserting '', authentication features,'' before ''or false''; and

(2) in paragraph (2)(A), by inserting '', authentication feature,'' before ''or a false''.

(c) CIRCUMSTANCES.—Section 1028(c)(1) of title 18, United States Code, is amended by inserting '', authentication feature,'' before ''or false'' each place that term appears.

(d) DEFINITIONS.—Section 1028(d) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (2), (3), (4), (7), (8), (9), (10), and (11), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

''(1) the term 'authentication feature' means any hologram, watermark, certification, symbol, code, image, sequence of numbers of letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified;'';

(3) in paragraph (4)(A), as redesignated, by inserting ''or was issued under the authority of a governmental entity but was subsequently altered for purposes of deceit'' after ''entity'';

(4) by inserting after paragraph (4), as redesignated, the following:

''(5) the term 'false authentication feature' means an authentication feature that—

''(A) is genuine in origin, but, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;

''(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made identification document, document-making implement, or means of identification to which such authentication feature is intended to be affixed or embedded by the respective issuing authority; or

''(C) appears to be genuine, but is not;

''(6) the term 'issuing authority'—

''(A) means any governmental entity or agency that is authorized to issue identification documents, means of identification, or authentication features; and

''(B) includes the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international government or quasi-governmental organization;'';

(5) in paragraph (10), as redesignated, by striking ''and'' at the end;

(6) in paragraph (11), as redesignated, by striking the period at the end and inserting; and''; and

(7) by adding at the end the following:

''(12) the term 'traffic' means—

''(A) to transport, transfer, or otherwise dispose of, to another, as consideration for anything of value; or

''(B) to make or obtain control of with intent to so transport, transfer, or otherwise dispose of.''.

(e) ADDITIONAL PENALTIES.—Section 1028 of title 18, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) FORFEITURE; DISPOSITION.—In the circumstance in which any person is convicted of a violation of subsection (a), the court shall order, in addition to the penalty prescribed, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, document-making implements, or means of identification.''.

(f) TECHNICAL AND CONFORMING AMENDMENT.—Section 1028 of title 18, United States Code, is amended in the heading by inserting ''**, AUTHENTICATION FEATURES,**'' after ''**DOCUMENTS**''.

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By Mr. BAUCUS (for himself, Mr. HATCH, Mr. ROCKEFELLER, and Mr. JEFFORDS):

S. 732. A bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission

to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net; to the Committee on Finance.

Mr. BAUCUS. Mr. President, it has been said that, ''Good health and good sense are two of life's greatest blessings.'' Senators HATCH, ROCKEFELLER, JEFFORDS and I hope to further the cause of good health and good sense today, through introduction of the Health Care Safety Net Oversight Act of 2003.

Currently no entity oversees America's health care safety net. This means that safety net providers—including public and teaching hospitals, emergency departments, community health centers and rural health clinics—are laboring on their own. They are like master musicians performing without a conductor. Each is trying their hardest and performing their part—but no one is coordinating their efforts.

This Act changes that, by creating the Safety Net Organizations and Patient Advisory Commission—SNOPAC—an independent and non-partisan commission to monitor the health care safety net.

Safety net providers are often the last resort for patients unable to afford the health care they need. For example, in my State of Montana, we have eight community health centers, serving about 44,000 Montanans per year. Without these health centers, many of these uninsured and underinsured Montanans would have no place to turn.

According to a recent report, nearly 75 million Americans lacked health insurance at some time in the past two years—amounting to almost one-third of all Americans younger than 65. Of these 74.7 million individuals, about 30 percent had no coverage at some time in 2001 and 2002 while 65 percent had no coverage for at least six months.

And who are these people? In Montana, about 80 percent of uninsured individuals are in working families. And self-employed workers—including owners of small businesses—and their dependents account for about one-fifth of the uninsured in our State. Montana has one of the lowest rates of employer-sponsored insurance in the Nation, with about 46 percent of Montanans receiving health insurance through their employers.

So what do we do about this problem? How do we ensure that all Americans, irrespective of color, creed, gender, or geography, have access to qualify health care?

About 10 years ago Congress and the Administration worked on the problem of the uninsured. A tremendous amount of time and effort went into the Health Security Act, on both sides of the issue. As we know, passage of that bill failed. Since then, Congress has taken a more incremental approach to the uninsured. Congress passed legislation in 1996 to ensure portability of health insurance. A year later, the CHIP program was signed into law, bipartisan legislation to cover children of working families. And last year, we worked together to provide health coverage for workers who lost their jobs because of increased international trade.

While these incremental steps have helped, we need to do more. Last year I introduced bipartisan legislation to provide employers with tax credits so they can offer their employees health insurance. And I am hopeful that the Baucus-Smith, OR bill can be enacted into law.

But the fact remains, for most uninsured and underinsured Americans, the safety net is still the only place to turn.

Yet, the safety net has been seriously damaged in recent years. According to report a few years ago by the Institute of Medicine, the health care safety net is ''intact but endangered.''

And according to a report I requested of the General Accounting Office, issued today, emergency departments across the nation are facing severe overcrowding problems, forced to send patients to other hospitals. The GAO found that about two-thirds of hospitals reported asking ambulances to be diverted to other hospitals at some point in fiscal year 2001. And about 10 percent of hospitals reported being on diversion status for more than 20 percent of the year.

September 11 taught us that we need to be ready. Our emergency response systems must be prepared to manage an unexpected terrorist attack. But based on the GAO's findings, it seems that we are far from prepared. If emergency departments cannot care for all the patients they are sent under current conditions, how can we expect them to manage a terrorist attack of potentially catastrophic proportions?

We need an entity responsible for recommending changes to our safety net, including our emergency departments. And though SNOPAC will not solve the problems of America's uninsured, it will work to ensure that safety net is not further frayed. An independent, non-partisan commission, modeled on the Medicare Payment Advisory Commission (MedPAC), SNOPAC will include professionals from across the policy and practical spectrum of health care. And like MedPAC, SNOPAC will report to the relevant committees of Congress on the status of its mission: tracking the well-being of the health care safety net.

SNOPAC is not a panacea. But it is a positive step toward a coordinated approach in caring for the uninsured. Absent large-scale improvements in the number of insured Americans, we should at least work to monitor and care for what we already have—an intact, but endangered, health care safety net.

I urge all my colleagues to join me in this effort towards good health and good sense.

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By Ms. SNOWE:

S. 733. A bill to authorize appropriations for fiscal year 2004 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, today I am pleased to introduce the Coast Guard Authorization Act of 2003.

The Coast Guard serves as the guardian of our maritime homeland security and provides many critical services for our Nation. Last year alone, the Coast Guard responded to over 39,000 calls for assistance, assisted $1.5 billion in property, and saved 3,653 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, act of terror, and other national security threats. In 2002, the Coast Guard seized 117,780 pounds of cocaine and 40,316 pounds of marijuana preventing them from reaching our streets and playgrounds. They also stopped over 5,100 illegal migrants from reaching our shores. They conducted patrols to protect our vital fisheries stocks and they responded to over 12,000 pollution incidents.

In the wake of September 11, the men and women of the Coast Guard have been working harder than ever in the service's largest peace-time port security operation since World War II. This rapid escalation of the Coast Guard's homeland security mission continues today. Last year alone, the Coast Guard aggressively defended our homeland by conducting more than 36,000 port security patrols, boarded over 10,000 vessels, escorted over 6,000 vessels, and maintained more than 115 security zones. While our new reality requires the Coast Guard to maintain a robust homeland security posture, these new priorities must not diminish the Coast Guard's focus on its traditional missions such as marine safety, search and rescue, aids to navigation, fisheries law enforcement, and marine environmental protection.

And recently we have asked even more of the Coast Guard. Last November we passed the Homeland Security Act of 2002 which recently transferred the Coast Guard from the Department of Transportation to the new Department of Homeland Security. This historic law positions the Coast Guard as a cornerstone of the new Department, but also recognizes that the Coast Guard is responsible for many other missions on which Americans depend.

First and foremost, it ensures that the Coast Guard will remain a distinct entity and continue in its role as one of the five Armed Services. The Coast Guard plays a unique role in our government, by serving both an armed service as well as a law enforcement agency and this must not be changed or altered. It also contains language which maintains the primacy of the Coast Guard's diverse missions, prevents the Secretary of this new department from making substantial or significant changes to the Coast Guard's non-homeland security missions, and prohibits the new department from

transferring any Coast Guard personnel or assets to another agency except for personnel details and assignment that do not reduce the Service's capability to perform its non-homeland security missions.

By introducing the Coast Guard Authorization bill today, I intend to continue giving the Coast Guard my full support, and I hope my colleagues will work with me to provide the Coast Guard with the resources that it needs to carry out its many critically important missions. Unfortunately Coast Guard's rapid operational escalation has come on the backs of its 38,000 men and women who faithfully serve our country. I believe we need to shift this burden off our people and instead adequately provide the Coast Guard with the resources it needs.

The bill I introduce today authorizes funding and personnel levels for the Coast Guard in Fiscal Year 2004. The bill authorizes funding for FY 2004 at $6.7 billion. This represents a 9.4 percent increase over the levels contained in last year's authorization bill and a 13 percent increase over the funds requested for Fiscal Year 2003. This authorization will help restore the Coast Guard's non-homeland security missions such as search and rescue, fisheries enforcement, and marine environmental protection to near their pre-September 11, 2001 levels.

This bill also includes numerous measures which will improve the Coast Guard's ability to recruit, reward, and retain high-quality personnel. It addresses various Coast Guard personnel management and quality of life issues such by providing eligible enlisted personnel with a critical skills training bonus, amending the number and distribution of commissioned officers to retain needed skill sets and experiences, expanding the Coast Guard's housing authorities to ease housing shortages, and including several measures that grant the Coast Guard parity with the other Armed Services.

Another critical provision in the bill will enable us to better oversee the historic and beautiful lighthouses that we have entrusted to non-profit groups across the country. Over the years we have transferred numerous lighthouses and we need to ensure that these groups continue to be responsible stewards of these national treasures. Unfortunately, we have recently learned of lighthouses which have been allowed to deteriorate and one that was even offered for sale through a real estate broker. This provision will ensure these national treasures are protected and will allow the Secretary of Interior to monitor future lighthouse conveyances and ensure that they meet all of the conditions of the original transfers.

Finally, we must recognize that the United States Coast Guard is a force conducting 21st century operations with 20th century technology. To accomplish its many vital missions, the Coast Guard desperately needs to recapitalize its offshore fleet of cutters and aircraft. The Coast Guard operates the third oldest of the world's 39 similar naval fleets with several cutters dating back to World War II. These platforms are technologically obsolete, require excessive maintenance, lack essential speed, and have poor interoperability which in turn limit their overall mission effectiveness and efficiency. Unfortunately they are reaching the end of their serviceable life just as the Coast Guard needs them the most.

The Coast Guard is in the early stages of a major recapitalization program for the ships and aircraft designed to operate more than 50 miles offshore. The Integrated Deepwater System acquisition program is critical to the future viability of the Coast Guard. I wholeheartedly support this initiative and the system-of-systems procurement strategy the Coast Guard is utilizing. This bill authorizes full funding for this critical long-term recapitalization program.

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. 733

*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 ''Coast Guard Authorization Act of 2003''.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

Title I—Authorization

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized Levels of military strength and training.

Title II—Coast Guard Personnel, Financial, and Property Management

Sec. 201. Enlisted member critical skill training bonus.
Sec. 202. Amend limits to the number and distribution of officers.
Sec. 203. Expansion of Coast Guard housing authorities.
Sec. 204. Property owned by auxiliary units and dedicated solely for auxiliary use.
Sec. 205. Coast Guard auxiliary units as instrumentalities of the United States for taxation purposes.

Title III—Law Enforcement, Marine Safety, and Environmental Protection

Sec. 301. Marking of underwater wrecks.
Sec. 302. Ports and waterways partnerships/cooperative ventures.
Sec. 303. Reports from charterers.
Sec. 304. Revision of temporary suspension criteria in suspension and revocation cases.
Sec. 305. Revision of bases for suspension and revocation cases.
Sec. 306. Removal of mandatory revocation for proved drug convictions in suspension and revocation cases.
Sec. 307. Records of merchant mariner's documents.
Sec. 308. Exemption of unmanned barges from certain citizenship requirements.
Sec. 309. Increase in civil penalties for violations of certain bridge statutes.
Sec. 310. Civil penalties for failure to comply with recreational vessel and associated equipment safety standards.
Sec. 311. Oil spill liability trust fund; emergency fund.
Sec. 312. Law enforcement powers.
Sec. 313. Correction to definition of Federal law enforcement agencies in the Enhanced Border Security and Visa Entry Reform Act of 2002.

Title IV—Miscellaneous

Sec. 401. Conveyance of lighthouses.
Sec. 402. LORAN-C.

**TITLE I—AUTHORIZATION**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2004.**

There are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2004 the following amounts:

(1) For the operation and maintenance of the Coast Guard, $4,729,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $775,000,000 to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $22,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,020,000,000, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program—

(A) $16,000,000, to remain available until expended; and

(B) $2,000,000, to remain available until expended, which may be utilized for construction of a new Chelsea Street Bridge over the Chelsea River in Boston, Massachusetts.

**SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.**

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2004.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2004.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2004.—For fiscal year 2004, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,250 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,150 student years.

**TITLE II—COAST GUARD PERSONNEL, FINANCIAL, AND PROPERTY MANAGEMENT**

**SEC. 201. ENLISTED MEMBER CRITICAL SKILL TRAINING BONUS.**

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by adding at the end the following:

**"§ 374. Critical skill training bonus**

''(a) The Secretary may provide a bonus, not to exceed $20,000, to enlisted members who complete training in a skill designated as critical, provided at least four years of obligated active service remain on the member's enlistment at the time the training is completed. A bonus under this section may be paid in a single lump sum or in periodic installments.

''(b) If an enlisted member voluntarily or because of misconduct does not complete his or her term of obligated active service, the Secretary may require the member to repay the United States, on a pro rata basis, all sums paid under this section. The Secretary shall charge interest on the reimbursed amount at a rate, to be determined quarterly, equal to 150 percent of the average of the yields on the 91-day Treasury bills auctioned during the preceding calendar quarter.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 11 of title 14, United States Code, is amended by inserting after the item relating to section 373 the following:

''374. Critical skill training bonus.''.

**SEC. 202. AMEND LIMITS TO THE NUMBER OF COMMANDERS AND LIEUTENANT COMMANDERS.**

Section 42 of title 14, United States Code, is amended —

(1) by striking ''The'' in subsection (a) and inserting ''Except in time of war or national emergency declared by Congress or the President, the'';

(2) by striking ''6,200.'' in subsection (a) and inserting ''7,100. In time of war or national emergency, the Secretary shall establish the total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard.''; and

(3) by striking ''commander 12.0; lieutenant commander 18.0.'' in subsection (b) and inserting ''commander 15.0; lieutenant commander 22.0.''.

**SEC. 203. EXPANSION OF COAST GUARD HOUSING AUTHORITIES.**

(a) DEFINITIONS.—Section 680 of title 14, United States Code, is amended by adding at the end the following:

''(5) The term 'eligible entity' means any private person, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.''.

(b) DIRECT LOANS AND LOAN GUARANTEES.—Section 682 of title 14, United States Code, is amended —

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

**"§ Direct loans and loan guarantees"** ;

(2) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(3) by inserting before subsection (b), as redesignated, the following:

''(a) DIRECT LOANS.—

''(1) Subject to subsection (c), the Secretary may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

''(2) The Secretary shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.'';

(4) by striking ''subsection (b),'' in subsection (b), as redesignated, and inserting ''subsection (c),''; and

(5) by striking the subsection heading for subsection (c), as redesignated, and inserting ''(c) DIRECT LOANS AND LOAN GUARANTEES.—''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 17 of title 14, United States Code, is amended by striking the item related to section 682 and inserting the following:

''682. Direct loans and loan guarantees.''.

**SEC. 204. PROPERTY OWNED BY AUXILIARY UNITS AND DEDICATED SOLELY FOR AUXILIARY USE.**

Section 821 of title 14, United States Code, is amended by adding at the end the following:

''(d) Subject to the approval of the Commandant:

''(1) The Coast Guard Auxiliary and each organizational element and unit (whether or not incorporated), shall have the power to acquire, own, hold, lease, encumber, mortgage, transfer, and dispose of personal property for the purposes set forth in section 822. Personal property owned by the Auxiliary or an Auxiliary unit, or any element thereof, whether or not incorporated, shall at all times be deemed to be property of the United States for the purposes of the statutes described in paragraphs (1) through (6) of subsection (b) while such property is being used by or made exclusively available to the Auxiliary as provided in section 822.

''(2) Personal property owned by the Auxiliary or an Auxiliary unit or any element or unit thereof, shall not be considered property of the United States for any other purpose or under any other provision of law except as provided in sections 821 through 832 and section 641 of this title. The necessary expenses of operation, maintenance and repair or replacement of such property may be reimbursed using appropriated funds.

''(3) For purposes of this subsection, personal property includes, but is not limited to, motor boats, yachts, aircraft, radio stations, motorized vehicles, trailers, or other equipment.''.

**SEC. 205. COAST GUARD AUXILIARY UNITS AS INSTRUMENTALITIES OF THE UNITED STATES FOR TAXATION PURPOSES.**

Section 821(a) of title 14, United States Code, is amended by inserting ''The Auxiliary and each organizational element and unit shall be deemed to be instrumentalities and political subdivisions of the United States for taxation purposes and for those exemptions as provided under section 107 of title 4, United States Code.'' after the second sentence.

**TITLE III—LAW ENFORCEMENT, MARINE SAFETY, AND ENVIRONMENTAL PROTECTION**

**SEC. 301. MARKING OF UNDERWATER WRECKS.**

Section 15 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 409) is amended —

(1) by striking ''day and a lighted lantern'' in the second sentence inserting ''day and, unless otherwise granted a waiver by the Commandant of the Coast Guard, a light''; and

(2) by adding at the end ''The Commandant of the Coast Guard may waive the requirement to mark a wrecked vessel, raft, or other craft with a light at night if the Commandant determines that placing a light would be impractical and granting such a waiver would not create an undue hazard to navigation.''.

**SEC. 302. PORTS AND WATERWAYS PARTNERSHIPS; COOPERATIVE VENTURES.**

Section 4 of the Ports and Waterways Safety Act (33 U.S.C. 1223), is amended—

(1) by striking ''and'' after the semicolon in subsection (a)(4)(D);

(2) by striking ''environment.'' in subsection (a)(5) and inserting ''environment;'';

(3) by adding at the end of subsection (a) the following:

''(6) may carry out the functions under paragraph (1) of this subsection, at the Secretary's discretion and on such terms and conditions as the Secretary deems appropriate, either solely, or in cooperation with a public or private agency, authority, association, institution, corporation, organization or persons, except that a non-governmental entity may not carry out an inherently governmental function; and

''(7) may, for the purpose of carrying out the Secretary's functions under paragraph (1) of this subsection, convey or lease real property under the administrative control of the Coast Guard to public or private agencies, authorities, associations, institutions, corporations, organizations, or persons for such consideration and upon such terms and conditions as the Secretary considers appropriate, except that the term of any such lease shall not exceed 20 years.''; and

(4) by adding at the end the following:

''(e) SPECIAL PROVISIONS RELATING TO SUBSECTION (a)(6) AND (7).—

''(1) DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—For purposes of subsection (a)(6), the term 'inherently governmental function' means any activity that is so intimately related to the public interest as to mandate performance by an officer or employee of the Federal Government, including an activity that requires either the exercise of discretion in applying the authority of the Government or the use of judgment in making a decision for the Government).

''(2) DISPOSITION OF PROCEEDS FROM CONVEYANCES AND LEASES.—Amounts collected under subsection (a)(7) shall be credited to a special fund in the Treasury and ascribed to the Coast Guard. The amounts collected shall be available to the Coast Guard's 'Operating Expenses' account without further appropriation and without fiscal year limitation, and the amounts appropriated from the general fund for that account shall be reduced by the amounts so collected.

''(3) NONAPPLICATION OF CERTAIN ACTS.—A conveyance or lease of real property under subsection (a)(7) is not subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), or the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).''.

**SEC. 303. REPORTS FROM CHARTERERS.**

Section 12120 of title 46, United States Code, is amended by striking ''owners and masters'' and inserting ''owners, masters, and charterers''.

**SEC. 304. REVISION OF TEMPORARY SUSPENSION CRITERIA IN SUSPENSION AND REVOCATION CASES.**

Section 7702(d)(1) of title 46, United States Code, is amended—

(1) by striking ''if, when acting under the authority of that license, certificate, or document—'' and inserting ''if—'';

(2) by striking ''has'' in subparagraph (B)(i) and inserting ''has, while acting under the authority of that license, certificate, or document,'';

(3) by striking ''or'' at the end of subparagraph (B)(ii);

(4) by striking ''1982.'' in subparagraph (B)(iii) and inserting ''1982; or''; and

(5) by adding at the end of subparagraph (B) the following:

''(iv) is a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''.

**SEC. 305. REVISION OF BASES FOR SUSPENSION & REVOCATION CASES.**

Section 7703 of title 46, United States Code, is amended—

(1) by striking ''incompetence'' in paragraph (1)(B);

(2) by striking ''or'' after the semicolon in paragraph (2);

(3) by striking ''1982.'' in paragraph (3) and inserting ''1982;''; and

(4) by adding at the end the following:

''(4) has committed an act of incompetence; or

''(5) is a threat to the safety or security of a vessel or a public or commercial structure located within or adjacent to the marine environment.''.

**SEC. 306. REMOVAL OF MANDATORY REVOCATION FOR PROVED DRUG CONVICTIONS IN SUSPENSION & REVOCATION CASES.**

Section 7704(b) of title 46, United States Code, is amended by inserting ''suspended or'' after ''shall be''.

**SEC. 307. RECORDS OF MERCHANT MARINERS' DOCUMENTS.**

Section 7319 of title 46, United States Code, is amended by striking the second sentence.

**SEC. 308. EXEMPTION OF UNMANNED BARGES FROM CERTAIN CITIZENSHIP REQUIREMENTS.**

(a) Section 12110(d) of title 46, United States Code, is amended by inserting ''or an unmanned barge operating outside of the territorial waters of the United States,'' after ''recreational endorsement,''.

(b) Section 12122(b)(6) of title 46, United States Code, is amended by inserting ''or an unmanned barge operating outside of the territorial waters of the United States,'' after ''recreational endorsement,''.

**SEC. 309. INCREASE IN CIVIL PENALTIES FOR VIOLATIONS OF CERTAIN BRIDGE STATUTES.**

(a) Section 5(b) of the Bridge Act of 1906 (33 U.S.C. 495) is amended by striking ''$1,000.'' and inserting ''$25,000.''.

(b) Section 5(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved August 18, 1894 (33 U.S.C. 499), is amended by striking ''$1,000.'' and inserting ''$25,000.''.

(c) Section 18(c) of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', enacted March 3, 1899 (33 U.S.C. 502) is amended by striking ''$1,000.'' and inserting ''$25,000.''.

(d) Section 510(b) of the General Bridge Act of 1946 (33 U.S.C. 533) is amended by striking ''$1,000.'' and inserting ''25,000.''.

**SEC. 310. CIVIL PENALTIES FOR FAILURE TO COMPLY WITH RECREATIONAL VESSEL AND ASSOCIATED EQUIPMENT SAFETY STANDARDS.**

Section 4311 of title 46, United States Code, is amended—

(1) by striking the first sentence of subsection (b) and inserting ''(1) A person violating section 4307(a) of this title is liable to the United States Government for a civil penalty of not more than $5,000, except that the maximum civil penalty may be not more than $250,000 for a related series of violations.'';

(2) by striking ''4307(a)(1),'' in the second sentence of subsection (b) and inserting ''4307(a),'':

(3) by redesignating paragraphs (1) and (2) of subsection (b) as subparagraphs (A) and (B), respectively;

(4) by adding at the end of subsection (b) the following:

''(2) Any person, including, a director, officer, or executive employee of a corporation, who knowingly and willfully violates section 4307(a) of this title, shall be fined not more than $10,000, imprisoned for not more than one year, or both.''; and

(5) by striking ''$1,000.'' in subsection (c) and inserting ''$5,000.''.

**SEC. 311. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND.**

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended by striking ''$50,000,000'' and inserting ''$150,000,000''.

**SEC. 312. LAW ENFORCEMENT POWERS.**

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by inserting after section 95 the following:

**''§ 95a. Law enforcement powers**

''(a) IN GENERAL.—Subject to guidelines approved by the Secretary and the Attorney General, members of the Coast Guard may, in the performance of official duties—

''(1) carry firearms;

''(2) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

''(3) seize property as provided by law.

''(b) APPLICATION WITH OTHER AUTHORITY.—The provisions of this section are in addition to any powers conferred by law upon such officers, and not in limitation of any powers conferred by law upon such officers, or any other officers of the United States.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 95 the following:

''95a. Law enforcement powers.''.

**SEC. 313. CORRECTION TO DEFINITION OF FEDERAL LAW ENFORCEMENT AGENCIES IN THE ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002.**

Paragraph (4) of section 2 of the Enhanced Border Security and Visa Entry Reform Act of 2002, Pub.L. 107-173, is amended by striking subparagraph (G) and inserting the following:

''(G) The United States Coast Guard.''.

**TITLE IV—MISCELLANEOUS**

**SEC. 401. CONVEYANCE OF LIGHTHOUSES.**

Section 308(c) of the National Historic Lighthouse Preservation Act of 2000 (16 U.S.C. 470w-7(c)) is amended by adding at the end the following:

''(4) LIGHTHOUSES ORIGINALLY CONVEYED UNDER OTHER AUTHORITY.—Upon receiving notice of an executed or intended conveyance by sale, gift, or any other manner of a lighthouse conveyed under authority other than this Act, the Secretary shall review the executed or proposed conveyance to ensure that any new owner will comply with any and all conditions of the original conveyance. If the Secretary determines that the new owner has not or is unable to comply with those conditions the Secretary shall immediately invoke any reversionary interest or take such other action as may be necessary to protect the interests of the United States.''.

**SEC. 402. LORAN-C.**

There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN-C system, for capital expenses related to LORAN-C navigation infrastructure, $25,000,000 for fiscal year 2004. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

Mr. KERRY. Mr. President, I rise today to discuss the merits of the Coast Guard Authorization Act of 2003. This bill authorizes appropriations for fiscal year 2004 for the Coast Guard and will be introduced by my subcommittee chairman Senator SNOWE today. I thank Senator SNOWE for her work on this legislation and her willingness to work with me and others on the Commerce Committee to improve it.

The events of September 11 resulted in a new mandate for the Coast Guard as port security and homeland defense missions rose to the forefront of its responsibilities. Homeland Security officials realized that our ports and sddcoastlines were vulnerable to terrorist attacks and quickly charged the Coast Guard with additional missions to help protect the homeland. Though I have no doubt that the Coast Guard will continue to play a valuable role in our domestic security, as it should, I have voiced my concern over the past year that traditional missions have suffered as a result of these new security responsibilities. Fishery patrols, drug and illegal immigrant interdiction and Marine resources protection have in large measure fallen by the wayside since September 11. We simply cannot allow this to happen. We should provide the Coast Guard sufficient funding to meet its new and traditional missions.

In light of this, I am pleased that the bill increases the Coast Guard's budget by 10 percent, to $6.8 billion. This reflects a $500 million increase over last year's budget and is virtually identical to what the President has requested. Of this amount, roughly $4.7 billion is earmarked for operating expenses, an increase of $400 million over fiscal year 2003. The bill also authorizes $775 million for acquisition, construction and improvements, a $33 million increase over fiscal year 2003.

Although I support these budget numbers, I have not co-sponsored the bill because it does not include an authorization for the costs the Coast Guard will incur complying with the Maritime Transportation Security Act we passed last year. We know that the Coast Guard will require addition funds to oversee and coordinate the port security upgrades mandated by the law, and I feel strongly that a port security provision needs to be added to the bill before it passes the Senate. Considering that we are waging a war on terror, port security should be part of any Coast Guard reauthorization bill. Senator SNOWE has agreed to work with me to draft additional language which would provide the Coast Guard with adequate funding. I look forward to

drafting a comprehensive provision with my colleague to help the Coast Guard improve port security.

The Coast Guard has unique missions not covered by any other Federal agency. It is the only U.S. military service with domestic law enforcement authority, and it has taken on many new homeland security missions since September 11. As such, I am pleased that the bill authorizes an active duty personnel level of 45,500. I've consistently supported raising personnel levels because the agency is charged with patrolling 95,000 miles of coastline, enforcing fish and marine conservation laws, conducting search-and-rescue missions, drug and illegal immigrant interdiction, along with its new homeland security missions. This is an awesome responsibility for an agency that is smaller than the New York City Police Department. Ultimately, as the Coast Guard becomes more integrated into the Department of Homeland Security, we may need to authorize higher personnel levels to ensure that the agency can adequately meet all its missions.

I am also pleased that the bill includes a provision increasing funding levels for the Oil Spill Liability Trust Fund. For the past 3 years, emergency fund expenditures have exceeded the $50 million annual appropriation, reaching a projected high of over $100 million this fiscal year. The fund has relied on carryovers from prior year balances to augment the annual appropriation and meet the increased need. This provision would increase the amount of the annual appropriation from $50 million to $150 million, thus reducing reliance on carryovers from prior year balances to augment the annual appropriation and meet the increased need.

I will also be working with my colleagues to include several other important provisions in this legislation as we move forward. For example, because the Coast Guard is still below pre-9/11 levels for fisheries enforcement, I will be seeking a provision that will require the Coast Guard to better coordinate its fisheries enforcement efforts with other Federal agencies, such as NOAA, and relevant State and local agencies. Also, some measures ought to be taken to extend certain provisions of the Oil Pollution Act to vessels that, due to their size, still pose a significant risk to our environment in the event of an oil spill.

Lastly, I would like to acknowledge the inclusion of a $25 million authorization for the Loran-C radio navigation system, which is used by fishermen and general aviation pilots as well as the Coast Guard. The Loran system is very reliable, and I feel strongly that we should continue to fund it as a secondary navigation system to the Global Positioning System. Although GPS is certainly the most sophisticated and modern tracking system now in operation, it is imperative that we retain an alternative navigation system and not simply throw all of our eggs in one basket. GPS signals can be jammed and are subject to interference. The Loran-C provision has been in past Coast Guard reauthorization bills and was fully appropriated by the Congress for fiscal year 2003. It is important that we continue to support this system.

I support the provisions in this bill and I look forward to improving it as it moves through the legislative process.

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By Mr. BOND (for himself and Mr. JOHNSON):

S. 735. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce a bill that addresses an inequity facing an important segment of the small business community. This legislation is simple and straight forward—it adjusts the current tax exemption that has existed since 1942 for small property and casualty, P&C, insurance companies so that it keeps pace with inflation.

As the former Chairman and Ranking Member of the Committee on Small Business and Entrepreneurship, I have heard from many small P&C insurers in Missouri and across the Nation that they are having to consider raising their premiums simply because the tax laws have not kept pace with inflation. Under current law, mutual and stock P&C insurance companies are exempt from Federal income taxes if the greater of their direct or net written premiums in a taxable year do not exceed $350,000.

For companies that grow above the $350,000 threshold, current law permits electing P&C insurance companies to be taxed only on their investment income, provided their premiums do not exceed $1.2 million. Unfortunately, these thresholds, which were last updated in the Tax Reform Act of 1986, have not been adjusted for inflation.

This situation has created an unintended outcome. Take, for instance, a small P&C insurer in my State that started insuring the local farmers in the late 1980s. Over the ensuing years, the company's client base changed very little, but the insurance premiums increased gradually to keep pace with inflationary pressures. As a result, while the business itself has not grown, its premium base has and with it the loss of the tax exemption (or the alternative tax on investment income).

For the farmers and ranchers covered by the small P&C insurer, this loss is certain to mean higher insurance premiums, leaving the client with the choice of cutting coverage or paying higher costs, neither of which is a real option. And for our agricultural community over the past few years, this choice is about the last thing they need.

The bill I introduce today would correct this problem by simply adjusting the $350,000 and $1.2 million thresholds to bring them up to the level they would have been this year if the 1986 tax code had included an inflation adjustment. Accordingly, the tax exemption would apply to P&C insurers with premiums that do not exceed $575,000, and the alternative for taxation of investment income would apply to companies with premiums above $575,000 but not more than $1,971,000. The bill would apply for taxable years beginning in 2003 and would index both thresholds for inflation thereafter.

According to the National Association of Mutual Insurance Companies, this legislation will help at least 665 small P&C insurance companies nationwide. In my State under current law, only 23 out of 86 small insurance companies are currently tax-exempt. Under this proposed legislation, at least 66 of the 86 small insurance companies will be covered, thereby enabling them to continue providing critical insurance coverage to small businesses across Missouri.

With this legislation, we have an opportunity to infuse some fairness into our tax code and at the same time help the thousands of farmers, ranchers, and entrepreneurs covered by small P&C insurers in this country. I ask my colleagues to support this legislation, and I look forward to working with the Finance Committee to see it enacted into law.

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. 735

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Small Insurance Company Inflation Adjustment Act''.

**SEC. 2. CLARIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.**

(a) PREMIUM LIMITATIONS INCREASED TO REFLECT INFLATION SINCE FIRST IMPOSED.—

(1) INCREASED LIMITATIONS FOR EXEMPTION FROM TAX.—

(A) Subparagraph (A) of section 501(c)(15) of the Internal Revenue Code of 1986 is amended by striking ''$350,000'' and inserting ''$575,000''.

(B) Paragraph (15) of section 501(c) of such Code is amended by adding at the end the following new subparagraph:

''(D) In the case of any taxable year beginning in a calendar year after 2003, the $575,000 amount set forth in subparagraph (A) shall be increased by an amount equal to—

''(i) $575,000, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.''.

(2) INCREASED LIMITATIONS FOR ALTERNATIVE TAX LIABILITY.—

(A) Clause (i) of section 831(b)(2)(A) of such Code is amended to read as follows:

''(i) the net written premiums (or, if greater, direct written premiums) for the taxable year exceed the amount applicable under section 501(c)(15)(A) but do not exceed $1,971,000, and ''.

(B) Paragraph (2) of section 831(b) of such Code is amended by adding at the end the following new subparagraph:

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2003, the $1,971,000 amount set forth in subparagraph (A) shall be increased by an amount equal to—

''(i) $1,971,000, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

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By Mr. ENSIGN (for himself, Mr. ALLARD, Ms. CANTWELL, Mr. DORGAN, Mr. HARKIN, Mr. LEVIN, Mr. LUGAR, Mr. HAGEL, Mr. LIEBERMAN, Mr. WYDEN, Mr. REID, and Mr. LEAHY):

S. 736. A bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENSIGN. Mr. President, I rise to introduce the Animal Fighting Enforcement Prohibition Act. I would like to thank my colleagues for their support in this endeavor to protect the welfare of animals. This legislation targets the troubling, widespread, and sometimes underground activities of dogfighting and cockfighting where dogs and birds are bred and trained to fight to the death. This is done for the sheer enjoyment and illegal wagering of the animals' handlers and spectators.

These activities are reprehensible and despicable. Our States' laws reflect this sentiment. All 50 States have prohibited dogfighting. It is considered a felony in 46 states. Cockfighting is illegal in 47 States, and it is a felony in 26 States. In my home State of Nevada, both dogfighting and cockfighting are considered felonies. In fact, it is a felony to even attend a dogfighting or cockfighting match.

Unfortunately, in spite of public opposition to extreme animal suffering, these animals fighting industries thrive. There are 11 underground dogfighting publications and several above-ground cockfighting magazines. These magazines advertise and sell animals and the materials associated with animal fighting. They also seek to legitimize this shocking practice.

During the consideration of the Farm Bill last year, a provision was included that closed loopholes in Section 26 of the Animal Welfare Act. Both the House and the Senate increased the maximum jail time for individuals who violate any provision of Section 26 of the Animal Welfare Act from one year to two years, making any violation a federal felony. However, during the conference, the jail-time increase was removed.

The legislation that I am introducing today seeks to do three things. First, it restores the jail-time increase to treat the violations as a felony. I am informed by U.S. Attorneys that they are hesitant to pursue animal fighting cases with merely a misdemeanor penalty. To illustrate this, it is important to note that only three cases since 1976 have advanced, even though the USDA has received innumerable tips from informants and requests to assist with State and local prosecutions. Increased penalties will provide a greater incentive for Federal authorities to pursue animal fighting cases.

Second, the bill prohibits the interstate shipment of cockfighting implements, such as razor-sharp knives and gaffs. The specific knives are commonly known as ''slashers.'' The slashers and ice-pick-like gaffs are attached to the legs of birds to make the cockfighting more violent and to induce bleeding of the animals. These weapons are used only in cockfights. Since Congress has restricted shipment of birds for fighting, it should also restrict implements designed specifically for fights.

Finally, the bill updates language regarding the procedures that enforcement agents follow when they seize the animals. This regards the proper care and transportation of the animals that are seized. It also states that the court may order the convicted person to pay for the costs incurred in the housing, care, feeding, and treatment of the animals.

This legislation is timely. Its need is emphasized with the recent outbreaks of Exotic Newcastle disease among poultry in my home state of Nevada. Exotic Newcastle disease is a deadly virus that spreads through migratory birds, vehicles, people's shoes, even across great distances through the air to attack birds of all types. It already has led to the destruction of about three million chickens and other birds in Nevada, California, and Arizona. It is widely suspected that illegal cockfighting contributes to the continuing spread of this disease. Agriculture interests in every state that houses the poultry industry are at risk of destruction by the possible spread of this disease. One of the ways to ensure greater protection against the spread of Exotic Newcastle Disease is to enforce the ban on interstate shipments of birds for the purpose of fighting. Our bill ensures that penalties are in place that will guarantee the enforcement of this ban.

I appreciate the strong support of Senators ALLARD, CANTWELL, DORGAN, HAGEL, HARKIN, LEAHY, LEVIN, LIEBERMAN, LUGAR, REID, and WYDEN in this effort and look forward to the overwhelming support of my other colleagues in the Senate. I also wish to recognize Representative ROBERT ANDREWS for his leadership on a House version of this bill. Surely, this is an issue that must be addressed as soon as possible. We cannot allow this barbaric practice to continue in our civilized society.

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By Mrs. BOXER:

S. 738. A bill to designate certain public lands in Humboldt, Del Norte, Mendocino, Lake, Napa, and Yolo Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, today I am introducing a bill that will protect hundreds of thousands of acres of wilderness in Northern California. The Northern California Coastal Wild Heritage Wilderness Act would designate 295,410 acres in 14 areas as Federal wilderness and would protect 24.4 miles of the Black Butte Creek.

California's natural treasures have always been one of the things that make California unique, drawing millions of people to them over the years to revel in their wild beauty. But that beauty must not be taken for granted. That is why I introduced the California Wild Heritage Act during the 107th Congress and will soon be reintroducing it. It was the first statewide wilderness bill for California since 1984.

The California Wild Heritage Act would protect more than 2.5 million acres of public land, as well as the free-flowing portions of 22 rivers. Every acre of wild land is a treasure, but the areas protected in this bill are some of California's most precious.

I was thrilled that the 107th Congress passed legislation to designate over 56,000 acres of my statewide bill, lands in the Los Padres National Forest, as wilderness. It was a wonderful first step. While I look forward to passage of the entire statewide bill, it is important that we move now to designate these special places as California wilderness areas.

That is why today I am pleased to be joining Representative MIKE THOMPSON of California in introducing legislation that contains the portions of my bill in five counties in California's First Congressional District. Let me mention a couple of examples. In southwestern Humboldt and northwestern Mendocino counties, 41,100 acres of the King Range will be protected as wilderness. This is the wildest portion of the California coast, boasting the longest stretch of undeveloped coastline in the United States outside of Alaska. This bill also protects 24.4 miles of the Black Butte Creek as a wild and scenic river. Black Butte Creek is so wild it is only crossed by one road for its entire length.

This bill would also protect the precious plant and animal species that make their homes in these areas. Endangered and threatened species whose habitats will be protected by this bill

include the California brown pelican, steelhead trout, coho salmon, bald eagle, peregrine falcon, northern spotted owl, and Roosevelt elk.

For every Californian, there is currently less than half an acre of wilderness set aside. This is too little. During the last 20 years, 675,000 acres of unprotected wilderness—approximately the size of Yosemite National Park—lost their wilderness character due to activities such as logging and mining. As our population increases, and California becomes home to almost 50 million people by the middle of the century, these development pressures are going to skyrocket. If we fail to act now, there simply will not be any wild lands or wild rivers left to protect.

Those of us who live in the United States have a very special responsibility to protect our natural heritage. Past generations have done it. They have left us with the wonderful and amazing gifts of Yosemite, Big Sur and Joshua Tree. These are places that Americans cannot imagine living without. Now it is our turn to protect this legacy for future generations—for our children's children, and their children. This bill is a start.

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By Mr. AKAKA (for himself, Mr. DOMENICI, Mr. LIEBERMAN, Mr. KYL, Mr. REID, Mr. BAYH, Mr. INOUYE, and Mr. BINGAMAN):

S. 739. A bill to reauthorize and amend the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I am pleased to join Senator DOMENICI, Chairman of the Senate Energy and Natural Resources Committee, and my colleagues Senator LIEBERMAN, Senator KYL, Senator REID, Senator BAYH, and Senator INOUYE, in introducing legislation that affirms the priority and importance of hydrogen programs in Federal research and development initiatives and charts a course of action toward the ''hydrogen economy.'' The legislation reauthorizes the hydrogen programs in the Department of Energy and strengthens the Federal interagency effort to promote hydrogen research and development programs. It establishes a new program to demonstrate hydrogen technologies and their integration with fuel cells at Federal, State, and local government facilities.

Growing numbers of my colleagues in the Senate and in the House have indicated their interest in and commitment to promoting a hydrogen economy for the future. This commitment comes from a substantial legacy in the House and the Senate. This bill carries the names of two former Congressmen—the late George E. Brown, Jr., and Robert S. Walker—to honor their formidable and dedicated advocacy of hydrogen as a fuel source. In the Senate, my predecessor, Senator Spark Matsunaga, created the first formal hydrogen research program in this country, designed to accelerate development of a domestic capability to produce an economically renewable energy source. He introduced legislation in 1982 and his perseverance led to the Matsunaga Hydrogen Act, enacted in 1990 shortly after his death. When I succeeded Spark in the Senate, I took up the cause of hydrogen and continue to believe that it is one of our best hopes for independence from fossil fuels.

The Hydrogen Future Act of 1996, which followed the Matsunaga Hydrogen Act, expanded the research, development, and demonstration program. It authorized activities leading to production, storage, transformation, and use of hydrogen for industrial, residential, transportation, and utility applications. It has enjoyed bipartisan support in Congress.

More recently in the 107th Congress, I have worked closely with Senator HARKIN and my colleagues on the Energy Committee to reauthorize the Hydrogen Future Act. We were able to include it in the Energy Policy Act of 2002, the comprehensive energy policy bill considered by the Senate during the spring of 2002. While the Senate and House were unable to come to agreement on the omnibus bill itself, progress was made on the research and development provisions, including hydrogen. I am pleased that many of my colleagues have begun to recognize the potential of hydrogen as a clean source of energy. I expect the numbers will only increase.

You may well ask, ''Why do we need the Hydrogen Future Act of 2003 when we have the President's initiatives for hydrogen?'' Because we need to reauthorize the underlying Federal framework for the direction of and investment in hydrogen research and development. The authorization for the program expired at the end of calendar year 2001. While I share the President's enthusiasm for hydrogen, I believe we must provide a robust legislative foundation for research and development involving hydrogen—for fuel cells, for demonstration projects at Government facilities, stationary and mobile projects, and near- and short-term goals, as well as long-term goals. The Hydrogen Future Act of 2003 reauthorizes and improves this strong foundation. I like to call my bill a ''workhorse'' bill. It is not fancy, but we need it and it gets the job done.

The bill highlights hydrogen's potential as an efficient and environmentally friendly source of energy. It emphasizes the need for strong partnerships between the Federal Government, industry, and academia; and it underscores the importance of hydrogen research. The bill also encourages private sector investment and cost sharing for the development of hydrogen as an energy source. These basic steps will move hydrogen closer to being a fuel we can rely on in many different aspects of our lives.

In these days of soaring energy prices, oil cartels, air pollution, global climate change and greenhouse gases, hydrogen is a dazzling alternative. We can have a zero-pollution fuel. It can be produced domestically, ending our dependence on foreign oil. The question is not whether there will be a hydrogen age but when.

Hydrogen as a fuel can help us resolve our energy problems and satisfy much of the world's energy needs. I am convinced that sometime in the 21st century, hydrogen will join electricity as one of our Nation's primary energy carriers, and hydrogen will ultimately be produced from renewable sources.

In the next twenty years, increasing concerns about global climate change and energy security will help bring about the penetration of hydrogen in several niche markets. The growth of fuel cell technology will allow the introduction of hydrogen in both the transportation and electricity sectors. I realize that fossil fuels are and will continue to be a significant long-term transitional resource as we move toward renewables. I am optimistic, however, that in my lifetime I will be able to see hospitals, homes, military bases and cars running on locally-produced sources of hydrogen.

Clearly, this is a long-term vision for hydrogen energy as a renewable resource. Progress on hydrogen technology is being made, and challenges and barriers are being surmounted, at an accelerating pace on a global scale. According to the Japanese Automobile Manufacturers Association, Toyota and Honda will sell or lease fuel cell vehicles in the U.S. and Japan this year. Ford Motor Company is now showing its new hydrogen powered prototype, the Ford Model U. Fuel cells for distributed stationary power are being commercialized and installed in various locations in the United States and worldwide. General Motors recently unveiled a stationary, hydrogen-powered generator that could be used to provide energy for homes and businesses. Transit bus demonstrations are underway in the U.S. and Europe. The Nation's capital city, Washington, DC, is one of the cities participating in the project.

We are all familiar with Iceland's farsighted bid to become the world's first hydrogen-based economy. It has already made great strides in using renewable resources for its heating and electricity needs. The Nation is committed to transforming its remaining fossil fuel-based transportation sector, and its economically important fishing fleet, to hydrogen power. Iceland will have no need to import oil. Now there is a revolutionary thought!

Closer to home, I am particularly pleased that the State of Hawaii is taking the lead in ushering in the hydrogen era. The State has identified hydrogen-based renewable fuels, and the jobs it can create, as a high priority, high-tech opportunity that can jump-start and diversify our economy. The

cost of electricity and gasoline in Hawaii are important incentives for finding cheaper, home-grown power. The Hawaii Natural Energy Institute of the University of Hawaii concluded that large-scale hydrogen use for transportation can be competitive this decade.

I am particularly pleased with the public-private partnership between the University of Hawaii's Natural Energy Institute, the Naval Research Laboratory, United Technologies Fuel Cells, and Hawaiian Electric Company. In January 2002, the Institute announced a partnership with the Department of Defense to establish a hydrogen fuel cell test facility in Honolulu. The facility will house up to eight state-of-the art fuel cell test stands and related operations supporting fuel cell development. The Institute has made Hawaii a leader in the development and testing of advanced fuel cell systems and fuels processing.

In California, the State's zero emissions vehicle requirements favor early introduction of hydrogen-powered vehicles. The city of Richmond, CA, opened the area's first hydrogen fueling station in October, 2002. The hydrogen fueling station looks like a gasoline pump, and can supply the daily fueling needs of a small fleet of vehicles at a fueling rate of one to two minutes per vehicle. These are important initiatives and illustrate the value of public-private partnerships along the pathway to a different energy source that requires an entirely different infrastructure.

Despite the progress, problems and challenges remain. First, hydrogen production costs from fossil and renewable energy sources remain high. Second, attractive low-cost storage technologies are not available. Third, the infrastructure is inadequate. We need to address these challenges and barriers if we are to enjoy the benefits of an efficient and environmentally friendly energy sources.

An aggressive research and development program can help us overcome these challenges by reducing production costs from fossil and renewable sources, advancing storage technologies, and addressing safety concerns with efforts in establishing codes and standards. Our Nation needs a sustained and focused research, development, and demonstration program to make hydrogen a viable source of energy.

The strategy should focus on mid-term and long-term goals. We must support development of technologies that enable distributed electric-generation fuel cell systems and hydrogen fuel cell vehicles for transportation applications. For the long term, we should look to hydrogen technologies that enhance renewable systems and offer us the promise of clean, abundant fuels.

The current Hydrogen Program, administered by the Department of Energy, supports a broad range of research and development projects in the areas of hydrogen production, storage, and use in a safe and cost-effective manner. Some of these new technologies may become available for wider use in the next few years. The most promising include advanced natural gas- and biomass-based hydrogen production technologies, high pressure gaseous and cryogas storage systems, and reversible Proton Exchange Membrane, PEM, fuel cell systems. Other projects lay the groundwork for long range opportunities. These activities need continued support if the Nation is to enjoy the benefits of a clean energy source.

The Hydrogen Program utilizes the talents of our national laboratories and our universities. The Lawrence Livermore, Los Alamos, Sandia, and Oak Ridge National Laboratories, as well as Jet Propulsion Laboratory and National Renewable Energy Laboratory, are involved in the program. The DOE Field Office at Golden, Colorado, and Nevada Operations Office in Nevada are also involved. University-led centers-of-excellence have been established at the University of Miami and the University of Hawaii. U.S. participation in the International Energy Agency contributes to the advancement of DOE hydrogen research through international cooperation. The program has also built strong links with the industry. This has resulted in strong industry participation and cost sharing. Cooperation between government, industry, universities, and the national laboratories is key to the successful development and commercialization of new and environmentally friendly energy technologies.

Today we are introducing legislation that reauthorizes and expands the Hydrogen Future Act of 1996. It highlights the need for a strong partnership between the Federal government, industry, and academia, and the importance of continued support for hydrogen research. It fosters collaboration between Federal agencies, state and local governments, universities, and industry, and modifies the current cost-sharing requirements to enable more participation in research projects by small companies. It adds provisions for the demonstration of hydrogen technologies at government facilities to expedite wider application of these technologies. The bill includes language to encourage international activities where appropriate in the DOE programs, both because of the need to develop world markets for our products and to encourage international development on a sustainable path. The legislation clarifies the composition of the Hydrogen Technical Advisory Panel that oversees the program for DOE and enhances interagency and inter-governmental cooperation in the hydrogen program.

The legislation we are introducing today authorizes $300 million over the next five years for research and development for hydrogen production, storage and use. This will allow advancement of technologies such as smaller-scale production systems that are applicable to distributed-generation and vehicle applications, advanced pressure vessels, photobiological and photocatalytic production of hydrogen, and carbon nanotubes, graphite nanofibers, and fullerenes.

The bill also authorizes $135 million for conducting integrated demonstrations of hydrogen technologies at governmental facilities. This provision will help secure industry participation through competitive solicitations for technology development and testing. It will test the viability of hydrogen production, storage, and use, and lead to the development of hydrogen-based operating experience acceptable to meet safety codes and standards.

By supporting this bill, we will be ushering in a new era of non-polluting energy. I urge my colleagues to support this important legislation.

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By Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. BUNNING, Mr. HOLLINGS, Mr. DAYTON, Ms. LANDRIEU, Ms. STABENOW, Mr. LAUTENBERG, and Mr. GRAHAM of South Carolina):

S. 740. A bill to amend title XVII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program; to the Committee on Finance.

Mr. LIEBERMAN. Mr. President, I rise to introduce the ''Colon Cancer Screen for Life Act of 2003.'' I am pleased that my colleagues Senators COLLINS, BUNNING, DAYTON, HOLLINGS, and LANDRIEU have joined me in introducing this very important bill.

As many of my colleagues know from personal experience, colon cancer is a devastating disease, taking the lives of 57,000 Americans each year. It is the fourth most commonly diagnosed cancer in both men and women and the second most common cause of cancer-related death in the nation. Close to 150,000 new cases are diagnosed each year.

But colon cancer can be combated, controlled, and potentially conquered if it's caught in the earliest stages. In fact, colon cancer is a rare form of cancer in that it can even be prevented through screening—if pre-cancerous polyps are quickly identified and removed.

The survival rate when colon cancer is detected at an early, localized stage is 90 percent. But only 37 percent of such cancers are discovered at that stage. The later the disease is caught, the lower the survival rate.

That's why, in 1997, Congress led the fight against colon cancer by making screening for the disease a covered benefit for every Medicare recipient. That is especially significant because the risk of colon cancer rises with age.

Heightened awareness and greater access to treatment are working. Over the last 15 years, we've seen steady, if slow, annual declines in both incidence rates and mortality rates tied to colon cancer.

But we can do more, because barriers to screening still exist. Since the preventive benefits were enacted in 1997, there has been only a one percent increase in utilization by Medicare beneficiaries of either a screening or diagnostic colonoscopy. The Centers for Disease Control reports that screening for colon cancer lags far behind screening for other cancers.

We must do better and we can.

Modern technology has blessed us with extremely accurate screening tools, in particular the colonoscopy—which results in higher colon cancer identification rates and better long-term survival rates. A consultation with a doctor before a colonoscopy is required to ensure that patients are properly prepared before they undergo the procedure.

Unfortunately, Medicare does not pay for that consultation before a screening, creating an obvious obstacle to preventive treatment for many men and women. The Colon Cancer ''Screen for Life'' Act would cover these medical visits so that more Medicare beneficiaries will have easy access to screening.

Further, with this legislation, just as Congress has done for screening mammography, screening colonoscopy will not count toward a senior's Medicare deductible. This will remove additional financial disincentives to screening.

Finally, with this bill, we're breaking through another big barrier to early detection and treatment.

The medical reality is that colonoscopy procedures are invasive and require sedation to perform—making it safer for them to be conducted in a hospital setting, where safety standards and emergency procedures are in place, rather than in a private doctor's office. But when doctors perform colonoscopies for Medicare patients in a hospital, they take a hit on cost—because reimbursement for the procedure performed there has decreased by nearly 36 percent since 1997.

As a result, to balance their budgets, doctors and hospitals may choose to space out their Medicare patients, creating long waits for and limited access to these vital screenings.

The job of medical services should be cutting cancer, not cutting costs. Unfortunately, today something as critical as colon cancer screening is moderated not by the real needs of patients and their medical doctors, but by market forces and market forces alone.

To address the problem, the ''Screen for Life'' Act would increase the payment rates for colonoscopies performed in hospital facilities by 30 percent. The result will be more access to early detection and treatment and thousands of lives saved.

Colon cancer is a formidable foe, but we can make a difference in the fight against it. Early detection and treatment is our first line of defense.

With the help of the Colon Cancer ''Screen for Life'' Act, I hope that in a decade we'll have fewer cancer cases to contend with and more survivors to celebrate the simple fact that screening saves lives.

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By Mr. SESSIONS (for himself, Mr. BINGAMAN, Mr. GREGG, Mr. MILLER, Mr. ALLARD, Mrs. LINCOLN, Mr. ENSIGN, Ms. COLLINS, Mr. CRAPO, Mr. CRAIG, and Mr. HARKIN):

S. 741. A bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SESSIONS. Mr. President, I rise today in order to bring attention to a problem that unfortunately goes largely unnoticed except by those who are directly affected. Livestock and food animal producers, pet owners, zoo and wildlife biologists, and animals themselves face a severe shortage of approved animal drugs for use in minor species.

Minor species include thousands of animal species, including all fish, most birds, and sheep. By definition, minor species are any animals other than the major species—cattle, horses, chickens, turkeys, dogs, and cats. A similar shortage of drugs and medicines for major animal species exists for diseases that occur infrequently or which occur in limited geographic areas. Due to the lack of availabiliity for these minor use drugs, millions of animals go untreated or treatment is delayed. Unnecessary animal physical and human emotional suffering results, and human health may be threatened as well.

Without access to these necessary minor use drugs, farmers and ranchers also suffer. An unhealthy animal that is left untreated can spread disease throughout an entire stock of its fellow specie. This causes severe economic hardship to struggling ranchers and farmers. For example, sheep ranchers lost nearly $42 million worth of livestock alone in 2002. The sheep industry estimates that if it had access to effective and necessary drugs to treat diseases, growers' reproduction costs for their animals would be cut by up to 15 percent. In addition, feedlot deaths would be reduced by 1 to 2 percent, adding approximately $8 million of revenue to the industry.

Alabama's catfish industry ranks second in the Nation. Though it is not the State's only aquacultural commodity, catfish is by far its largest. The catfish industry generates enormous economic opportunity in the State, particularly in West Alabama, one of the poorest regions in the State.

The catfish industry estimates its losses at $60 million per year attributable to diseases for which drugs are not available. Indeed, it is not uncommon for a catfish producer to lose half his stock due to disease. The U.S. aquaculture industry overall, including food fish and ornamental fish, produces and raises over 800 different species. Unfortunately, this industry has only 6 drugs approved and available for use in treating aquaculture animal diseases. This results in tremendous economic hardship and animal suffering.

Because of limited market opportunity, low profit margins, and the enormous capital investment required, it is seldom economically feasible for drug manufacturers to pursue research and development and then seek approval for drugs used in treating minor species and for infrequent conditions and diseases in all animals.

I, along with Senator BINGAMAN, Senator ALLARD, Senator COLLINS, Senator CRAPO, Senator MILLER, Senator CRAIG, Senator ENSIGN, and Senator LINCOLN, resolve to improve this situation by introducing the Minor Use and Minor Species Animal Health Act of 2003. This legislation will allow animal drug manufacturers the opportunity to develop and obtain approval for minor use drugs which are vitally needed by a wide variety of animal industries. Our legislation incorporates the major proposals of the FDA's Center for Veterinary Medicine to increase the availability of drugs for minor animal species and rare diseases in all animals. The Act creates incentives for animal drug manufacturers to invest in product development and obtain FDA marketing approvals.

This legislation creates a program very similar to the successful Human Orphan Drug Program that has dramatically increased the availability of drugs to treat rare human diseases over the past 20 years.

The bill establishes two new ways to lawfully market new animal drugs:

First, it establishes a conditional approval mechanism for new animal drugs for minor uses and minor species. Conditionally approved new animal drugs must meet the same new approval requirements for safety as new animal drugs approved under section 512 of the FDC Act. However, the effectiveness standard for conditionally approved drugs would differ from the effectiveness standard for new drugs approved under Section 512 in that a ''reasonable expectation of effectiveness'' rather than ''substantial evidence of effectiveness'' would be demonstrated. If the FDA approves an application for conditional approval, this approval will be in effect for 1 year, renewable for a maximum of 4 additional 1 year terms. This conditional approval is intended to allow drug sponsors to recoup some development costs through marketing the product prior to full, unconditional approval.

Second, this legislation provides for an index of legally marketed unapproved new animal drugs for some non-food minor animal species. The index is intended to provide a way to lawfully market those minor species drugs for which there is unlikely to be sufficient financial incentive to seek a full or conditional approval. If the FDA determines that a new animal drug is eligible for listing on the index, the new drug will be added to the index if the

benefits of using the drug outweigh the risks, taking into account the harm caused by the absence of an approved or conditionally approved drug for the use in question. The addition of a drug to the index will be based in large part on a report of an independent expert panel.

The Minor Use and Minor Species Animal Health Act will not alter FDA drug-approval responsibilities that ensure the safety of animal drugs to the public. The FDA Center for Veterinary Medicine currently evaluates new animal drug products prior to approval and use. This rigorous testing and review process provides consumers with the confidence that animal drugs are safe for animals and consumers of products derived from treated animals. Current FDA requirements include guidelines to prevent harmful residues and evaluations to examine the potential for the selection guidelines to prevent harmful residues and evaluations to examine the potential for the selection of resistant pathogens. Any food animal medicine or drug considered for approval under this bill would be subject to these same assessments.

The Minor Use and Minor Species Animal Health Act is supported by 43 organizations, including the American Farm Bureau Federation, the Animal Health Institute, the American Veterinary Medical Association, and the National Aquaculture Association. This is vital legislation.

This Act will reduce the economic risks and hardships which fall upon ranchers and farmers as a result of livestock diseases. It will benefit pets and their owners and benefit various endangered species and aquatic animals. The Act also will promote the health of all animal species while protecting human health and will alleviate unnecessary animal suffering. This is common-sense legislation which will benefit millions of American pet owners, farmers, and ranchers.

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By Mr. BROWNBACK (for himself, Mrs. CLINTON, Mr. LEAHY, Ms. MIKULSKI, Mr. SMITH, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. BINGAMAN):

S. 742. A bill to authorize assistance for individuals with disabilities in foreign countries, including victims of warfare and civil strife, and for other purposes; to the Committee on Foreign Relations.

Mr. BROWNBACK. 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. 742

*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 ''International Disability and Victims of Warfare and Civil Strife Assistance Act of 2003''.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—Congress makes the following finding:

(1)(A) According to the International Committee of the Red Cross, there are tens of millions of landmines in over 60 countries around the world, and it has estimated that as many as 24,000 people are maimed or killed each year by landmines, mostly civilians, resulting in amputations and disabilities of various kinds.

(B) While the United States Government invests more than $100,000,000 in mine action programs annually, including funding for mine awareness and demining training programs, only about ten percent of these funds go to directly aid landmine victims.

(C) The Patrick Leahy War Victims Fund, administered by the United States Agency for International Development, has provided essential prosthetics and rehabilitation for landmine and other war victims in developing countries who are disabled and has provided long-term sustainable improvements in quality of life for victims of civil strife and warfare, addressing such issues as barrier-free accessibility, reduction of social stigmatization, and increasing economic opportunities.

(D) Enhanced coordination is needed among Federal agencies that carry out assistance programs in foreign countries for victims of landmines and other victims of civil strife and warfare to make better use of interagency expertise and resources.

(2) According to a review of Poverty and Disability commissioned by the World Bank, ''disabled people have lower education and income levels than the rest of the population. They are more likely to have incomes below poverty level than the non-disabled population, and they are less likely to have savings and other assets . . . [t]he links between poverty and disability go two ways—not only does disability add to the risk of poverty, but conditions of poverty add to the risk of disability.''.

(3) Numerous international human rights conventions and declarations recognize the need to protect the rights of individuals regardless of their status, including those individuals with disabilities, through the principles of equality and non-discrimination.

(b) PURPOSE.—The purpose of this Act is to authorize assistance for individuals with disabilities, including victims of landmines and other victims of civil strife and warfare.

**SEC. 3. INTERNATIONAL DISABILITIES AND WAR VICTIMS ASSISTANCE.**

The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 134 the following:

**SEC. 135. INTERNATIONAL DISABILITIES AND WAR VICTIMS ASSISTANCE.**

''(a) AUTHORIZATION.—the President is authorized to furnish assistance to individuals with disabilities, including victims of civil strife and warfare, in foreign countries.l

''(b) ACTIVITIES.—The programs established pursuant to subsection (a) may includes programs, projects, and activities such as the following:

''(1) Development of local capacity to provide medical and rehabilitation services for individuals with disabilities, including victims of civil strife and warfare, in foreign countries, such as—

''(A) support for and training of medical professionals, including surgeons, nurses, and physical therapists, to provide effective emergency and other medical care and for the development of training manuals relating to first aid and other medical treatment;

''(B) support for sustainable prosthetic and orthotic services; and

''(C) psychological and social rehabilitation of such individuals, together with their families as appropriate, for the reintegration of such individuals into local communities.

''(2) Support for policy reform and educational efforts related to the needs and abilities of individuals with disabilities, including victims of civil strife and warfare.

''(3) Coordination of programs established pursuant to subsection (a) with existing programs for individuals with disabilities, including victims of civil strife and warfare, in foreign countries.

''(4) Support for establishment of appropriate entities in foreign countries to coordinate programs, projects, and activities related to assistance for individuals with disabilities, including victims of civil strife and warfare.

''(5) Support for primary, secondary, and vocational education, public awareness and training programs and other activities that help prevent war-related injuries and assist individuals with disabilities, including victims of civil strife and warfare, with their reintegration into society and their ability to make sustained social and economic contributions to society.

''(c) PRIORITY.—To the maximum extent feasible, assistance under this section shall be provided through nongovernmental organizations, and, as appropriate, through governments to establish appropriate norms, standards, and policies related to rehabilitation and issues affecting individuals with disabilities, including victims of civil strife and warfare.

''(d) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 are authorized to be made available to carry out this section and are authorized to be provided notwithstanding any other provision of law.''.

**SEC. 4. RESEARCH, PREVENTION, AND ASSISTANCE RELATED TO INTERNATIONAL DISABILITIES AND LANDMINE AND OTHER WAR VICTIMS.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, is authorized—

(A) to conduct programs in foreign countries related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare;

(B) to provide grants to nongovernmental organizations for the purpose of carrying out research, prevention, public awareness and assistance programs in foreign countries related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare.

(2) APPROVAL OF SECRETARY OF STATE.—Activities under programs established pursuant to paragraph (1) may be carried out in foreign countries only in coordination with the Administrator of the United States Agency for International Development, and upon approval for such activities in such countries by the Secretary of State.

(b) ACTIVITIES.—Programs established pursuant to subsection (a) may include the following activities:

(1) Research on trauma, physical, psychological, and social rehabilitation, and continuing medical care related to individuals with disabilities, including victims of landmines and other victims of civil strife and warfare, including—

(A) conducting research on psychological and social factors that lead to successful recovery;

(B) developing, testing, and evaluating model interventions that reduce post-traumatic stress and promote health and well-being;

(C) developing basic instruction tools for initial medical response to traumatic injuries; and

(D) developing basic instruction manuals for patients and healthcare providers, including for emergency and follow-up care, proper

amputation procedures, and reconstructive surgery.

(2) Facilitation of peer support networks for individuals with disabilities, including victims of landmines and other victims of civil strife and warfare, in foreign countries, including—

(A) establishment of organizations at the local level, administered by such individuals, to assess and address the physical, psychological, economic and social rehabilitation and other needs of such individuals, together with their families as appropriate, for the purpose of economic and social reintegration into local communities; and

(B) training related to the implementation of such peer support networks, including training of outreach workers to assist in the establishment of organizations such as those described in subparagraph (A) and assistance to facilitate the use of the networks by such individuals.

(3) Sharing of expertise from limb-loss and disability research centers in the United States with similar centers and facilities in war-affected countries, including promoting increased health for individuals with limb loss and limb deficiency and epidemiological research on secondary medical conditions related to limb loss and limb deficiency.

(4) Developing a database of best practices to address the needs of the war-related disabled through comprehensive examination of support activities related to such disability and access to medical care and supplies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Health and Human Services to carry out this section such sums as may be necessary for each of fiscal years 2003 through 2004.

**SEC. 5. EXPERTISE OF THE DEPARTMENT OF VETERANS AFFAIRS.**

The Secretary of Veterans Affairs is authorized—

(1) to provide advice and expertise on prosthetics, orthotics, physical and psychological rehabilitation and treatment, and disability assistance to other Federal departments and agencies, including providing for temporary assignment on a non-reimbursable basis of appropriate Department of Veterans Affairs personnel, with respect to the implementation of programs to provide assistance to victims of landmines and other victims of civil strife and warfare in foreign countries and landmine research and health-related programs, including programs established pursuant to section 135 of the Foreign Assistance Act of 1961 (as added by section 3 of this Act) and programs established pursuant to section 4 of this Act; and

(2) to provide technical assistance to private voluntary organizations on a reimbursable basis with respect to the planning, development, operation, and evaluation of such landmine assistance, research, and prevention programs.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 31—EXPRESSING THE OUTRAGE OF CONGRESS AT THE TREATMENT OF CERTAIN AMERICAN PRISONERS OF WAR BY THE GOVERNMENT OF IRAQ

Mr. FRIST (for Mr. LIEBERMAN (for himself, Mr. STEVENS, Mr. INOUYE, Mr. FRIST, Mr. DASCHLE, and Mr. WARNER)) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 31

Whereas the Authorization for Use of Military Force Against Iraq Rresolution of 2002 (Public Law 107–243; 166 Stat. 1498), enacted into law on October 16, 2002, authorizes the President to use the Armed Forces of the United States to defend the national security of the United States against the threat posed by Iraq and to enforce all relevant United Nations Security Council resolutions regarding Iraq;

Whereas a coalition of nations, under the authority of United Nations Security Council resolution 678 adopted on November 29, 1990 and authorizing member states to use ''all necessary means to uphold and implement resolution 660 (1990),'' initiated military action against Iraq in 1991 to enforce compliance with the resolutions of the Security Council;

Whereas the United Nations Security Council, pursuant to Security Council resolution 687 adopted on April 3, 1991, established a cease-fire subject to compliance with specific conditions and obligations on the part of Iraq;

Whereas the United Nations Security Council unanimously approved Security Council resolution 1441 on November 8, 2002, declaring that Iraq ''has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the [International Atomic Energy Agency (IAEA)], and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991)'';

Whereas Iraq failed to avail itself of the ''final opportunity to comply with its disarmament obligations under relevant resolutions of the Council'' that was offered by United Nations Security Council resolution 1441 by failing to ''cooperate immediately, unconditionally, and actively with [the United Nations Monitoring Verification and Inspection Commission (UNMOVIC)] and the IAEA'' and by failing to ''not take or threaten hostile Acts directed against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council resolution'';

Whereas the President, acting pursuant to his constitutional authority and the authorization of Congress, declared on March 19, 2003 that the United States had initiated military operations in Iraq;

Whereas, in the ensuing conflict, Iraq has captured uniformed members of the United States Armed Forces and the armed forces of other coalition nations, including the United Kingdom;

Whereas several American prisoners of war appear to have been publicly and summarily executed following their capture in the vicinity of An Nasiryah, demonstrating, as the President said on March 26, 2003, that in the ranks of that regime are men whose idea of courage is to brutalize unarmed prisoners'';

Whereas Iraqi state television has subjected American prisoners of war to humiliation, interrogating them publicly and presenting them as objects of public curiosity and propaganda in clear contravention of international law and custom;

Whereas the customary international law of war has, from its inception, prohibited and condemned as war crimes the killing of prisoners of war and military personnel attempting to surrender;

Whereas Iraq is a signatory to the Convention Relative to the Treatment of Prisoners of War, dated at Geneva, August 12, 1949, and entered into force October 21, 1950 (''the Geneva Convention'');

Whereas the Geneva Convention requires that ''[p]risoners of war must at all times be humanely treated'' and specifically ''must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity'';

Whereas the Geneva Convention stipulates that ''[p]risoners of war are entitled in all circumstances to respect for their persons and their honour'' and that ''[w]omen shall be treated with all the regard due to their sex'';

Whereas the Geneva Convention declares that the detaining power is responsible for the treatment afforded prisoners of war, regardless of the identity of the individuals or military units who have captured them; and

Whereas the United States and the other coalition nations have complied, and will continue to comply, with international law and custom and the Geneva Convention: Now, therefore, be it

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

(1) expresses its outrage at the flagrant violations by the Government of Iraq of the customary international law of war and the Convention Relative to the Treatment of Prisoners of War, dated at Geneva, August 12, 1949, and entered into force October 21, 1950;

(2) supports in the strongest terms the President's warning to Iraq that the United States will hold the Government of Iraq, its officials, and military personnel involved accountable for any and all such violations;

(3) expects Iraq to comply with the requirements of the international law of war and the explicit provisions of the Convention Relative to the Treatment of Prisoners of War, which afford prisoners of war the proper and humane treatment to which they are entitled; and

(4) expects that Iraq will afford prisoners of war access to representatives of the International Committee of the Red Cross, as required by the Convention Relative to the Treatment of Prisoners of War.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 433. Mr. BAUCUS (for Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. MILLER)) proposed an amendment to the bill H.R. 1307, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

## TEXT OF AMENDMENTS

**SA 433.** Mr. BAUCUS (for Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. MILLER)) proposed an amendment to the bill H.R. 1307, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; as follows:

Strike all after the enactment clause and insert the following:

**SECTION 1. SHORT TITLE; ETC.**

(a) SHORT TITLE.—This Act may be cited as the ''Armed Forces Tax Fairness Act of 2003''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in

this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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

Sec. 1. Short title; etc.

TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

Sec. 101. Exclusion of gain from sale of a principal residence by a member of the uniformed services or the Foreign Service.
Sec. 102. Exclusion from gross income of certain death gratuity payments.
Sec. 103. Exclusion for amounts received under Department of Defense Homeowners Assistance Program.
Sec. 104. Expansion of combat zone filing rules to contingency operations.
Sec. 105. Modification of membership requirement for exemption from tax for certain veterans' organizations
Sec. 106. Clarification of treatment of certain dependent care assistance programs.
Sec. 107. Clarification relating to exception from additional tax on certain distributions from qualified tuition programs, etc. on account of attendance at military academy.
Sec. 108. Suspension of tax-exempt status of terrorist organizations.
Sec. 109. Above-the-line deduction for overnight travel expenses of National Guard and Reserve members.
Sec. 110. Tax relief and assistance for families of Space Shuttle Columbia heroes.

TITLE II—OTHER PROVISIONS

Sec. 201. Extension of IRS user fees.
Sec. 202. Partial payment of tax liability in installment agreements.
Sec. 203. Revision of tax rules on expatriation.

## TITLE I—IMPROVING TAX EQUITY FOR MILITARY PERSONNEL

### SEC. 101. EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY A MEMBER OF THE UNIFORMED SERVICES OR THE FOREIGN SERVICE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to exclusion of gain from sale of principal residence) is amended by redesignating paragraph (9) as paragraph (10) and by inserting after paragraph (8) the following new paragraph:

''(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service of the United States.

''(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 10 years by reason of subparagraph (A).

''(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 50 miles from such property or while residing under Government orders in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service of the United States' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(D) SPECIAL RULES RELATING TO ELECTION.—

''(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

''(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendments made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

### SEC. 102. EXCLUSION FROM GROSS INCOME OF CERTAIN DEATH GRATUITY PAYMENTS.

(a) IN GENERAL.—Subsection (b)(3) of section 134 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted after September 9, 1986.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

### SEC. 103. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) (relating to the exclusion from gross income of certain fringe benefits) is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting '', or'', and by adding at the end the following new paragraph:

''(8) qualified military base realignment and closure fringe.''.

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) (as in effect on the date of the enactment of this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure.

''(2) LIMITATION.—With respect to any property, such term shall not include any payment referred to in paragraph (1) to the extent that the sum of all of such payments related to such property exceeds the maximum amount described in clause (1) of subsection (c) of such section (as in effect on such date).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

### SEC. 104. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting '', or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law'' after ''section 112'',

(2) by inserting in the first sentence ''or at any time during the period of such contingency operation'' after ''for purposes of such section'',

(3) by inserting ''or operation'' after ''such an area'', and

(4) by inserting ''or operation'' after ''such area''.

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) is amended by inserting ''or contingency operation'' after ''area''.

(2) The heading for section 7508 is amended by inserting ''**OR CONTINGENCY OPERATION**'' after ''**COMBAT ZONE**''.

(3) The item relating to section 7508 in the table of sections for chapter 77 is amended by inserting ''or contingency operation'' after ''combat zone''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

### SEC. 105. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) (relating to list of exempt organizations) is amended by striking ''or widowers'' and inserting '', widowers, ancestors, or lineal descendants''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

### SEC. 106. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A), as amended by section 102, is amended by inserting ''and paragraph (4)'' after ''subparagraphs (B) and (C)''.

(2) Section 3121(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(3) Section 3306(b)(13) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(4) Section 3401(a)(18) is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2003.

**SEC. 107. CLARIFICATION RELATING TO EXCEPTION FROM ADDITIONAL TAX ON CERTAIN DISTRIBUTIONS FROM QUALIFIED TUITION PROGRAMS, ETC. ON ACCOUNT OF ATTENDANCE AT MILITARY ACADEMY.**

(a) IN GENERAL.—Subparagraph (B) of section 530(d)(4) (relating to exceptions from additional tax for distributions not used for educational purposes) is amended by striking ''or'' at the end of clause (iii), by redesignating clause (iv) as clause (v), and by inserting after clause (iii) the following new clause:

''(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of the section) attributable to such attendance, or''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

**SEC. 108. SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.**

(a) IN GENERAL.—Section 501 (relating to exemption from tax on corporations, certain trusts, etc.) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) SUSPENSION OF TAX-EXEMPT STATUS OF TERRORIST ORGANIZATIONS.—

''(1) IN GENERAL.—The exemption from tax under subsection (a) with respect to any organization described in paragraph (2), and the eligibility of any organization described in paragraph (2) to apply for recognition of exemption under subsection (a), shall be suspended during the period described in paragraph (3).

''(2) TERRORIST ORGANIZATIONS.—An organization is described in this paragraph if such organization is designated or otherwise individually identified—

''(A) under section 212(a)(3)(B)(vi)(II) or 219 of the Immigration and Nationality Act as a terrorist organization or foreign terrorist organization,

''(B) in or pursuant to an Executive order which is related to terrorism and issued under the authority of the International Emergency Economic Powers Act or section 5 of the United Nations Participation Act of 1945 for the purpose of imposing on such organization an economic or other sanction, or

''(C) in or pursuant to an Executive order issued under the authority of any Federal law if—

''(i) the organization is designated or otherwise individually identified in or pursuant to such Executive order as supporting or engaging in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act) or supporting terrorism (as defined in section 104(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); and

''(ii) such Executive order refers to this subsection.

''(3) PERIOD OF SUSPENSION.—With respect to any organization described in paragraph (2), the period of suspension—

''(A) begins on the later of—

''(i) the date of the first publication of a designation or identification described in paragraph (2) with respect to such organization, or

''(ii) the date of the enactment of this subsection, and

''(B) ends on the first date that all designations and identifications described in paragraph (2) with respect to such organization are rescinded pursuant to the law or Executive order under which such designation or identification was made.

''(4) DENIAL OF DEDUCTION.—No deduction shall be allowed under any provision of this title, including sections 170, 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), and 2522, with respect to any contribution to an organization described in paragraph (2) during the period described in paragraph (3).

''(5) DENIAL OF ADMINISTRATIVE OR JUDICIAL CHALLENGE OF SUSPENSION OR DENIAL OF DEDUCTION.—Notwithstanding section 7428 or any other provision of law, no organization or other person may challenge a suspension under paragraph (1), a designation or identification described in paragraph (2), the period of suspension described in paragraph (3), or a denial of a deduction under paragraph (4) in any administrative or judicial proceeding relating to the Federal tax liability of such organization or other person.

''(6) ERRONEOUS DESIGNATION.—

''(A) IN GENERAL.—If—

''(i) the tax exemption of any organization described in paragraph (2) is suspended under paragraph (1),

''(ii) each designation and identification described in paragraph (2) which has been made with respect to such organization is determined to be erroneous pursuant to the law or Executive order under which such designation or identification was made, and

''(iii) the erroneous designations and identifications result in an overpayment of income tax for any taxable year by such organization,

credit or refund (with interest) with respect to such overpayment shall be made.

''(B) WAIVER OF LIMITATIONS.—If the credit or refund of any overpayment of tax described in subparagraph (A)(iii) is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date of the last determination described in subparagraph (A)(ii).

''(7) NOTICE OF SUSPENSIONS.—If the tax exemption of any organization is suspended under this subsection, the Internal Revenue Service shall update the listings of tax-exempt organizations and shall publish appropriate notice to taxpayers of such suspension and of the fact that contributions to such organization are not deductible during the period of such suspension.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to designations made before, on, or after the date of the enactment of this Act.

**SEC. 109. ABOVE-THE-LINE DEDUCTION FOR OVERNIGHT TRAVEL EXPENSE OF NATIONAL GUARD AND RESERVE MEMBERS.**

(a) DEDUCTION ALLOWED.—Section 162 (relating to certain trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a)(2), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business for any period during which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(E) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses, determined at a rate not in excess of the rates for travel expenses (including per diem in lieu of subsistence) authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period during which such individual is more than 100 miles away from home in connection with such services.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2002.

**SEC. 110. TAX RELIEF AND ASSISTANCE FOR FAMILIES OF SPACE SHUTTLE COLUMBIA HEROES.**

(a) INCOME TAX RELIEF.—

(1) IN GENERAL.—Subsection (d) of section 692 (relating to income taxes of members of Armed Forces and victims of certain terrorist attacks on death) is amended by adding at the end the following new paragraph:

''(5) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty, except that paragraph (3)(B) shall be applied by using the date of the death of the astronaut rather than September 11, 2001.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 5(b)(1) is amended by inserting '', astronauts,'' after ''Forces''.

(B) Section 6013(f)(2)(B) is amended by inserting '', astronauts,'' after ''Forces''.

(3) CLERICAL AMENDMENTS.—

(A) The heading of section 692 is amended by inserting ''**, ASTRONAUTS,**'' after ''**FORCES**''.

(B) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 is amended by inserting '', astronauts,'' after ''Forces''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to any astronaut whose death occurs after December 31, 2002.

(b) DEATH BENEFIT RELIEF.—

(1) IN GENERAL.—Subsection (i) of section 101 (relating to certain death benefits) is amended by adding at the end the following new paragraph:

''(4) RELIEF WITH RESPECT TO ASTRONAUTS.—The provisions of this subsection shall apply to any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENT.—The heading for subsection (i) of section 101 is amended by inserting ''OR ASTRONAUTS'' after ''VICTIMS''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to

amounts paid after December 31, 2002, with respect to deaths occurring after such date.

(c) ESTATE TAX RELIEF.—

(1) IN GENERAL.—Section 2201(b) (defining qualified decedent) is amended by striking ''and'' at the end of paragraph (1)(B), by striking the period at the end of paragraph (2) and inserting '', and'', and by adding at the end the following new paragraph:

''(3) any astronaut whose death occurs in the line of duty.''.

(2) CLERICAL AMENDMENTS.—

(A) The heading of section 2201 is amended by inserting ''**DEATHS OF ASTRONAUTS,**'' after ''**FORCES**''.

(B) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 is amended by inserting '', deaths of astronauts,'' after ''Forces''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to estates of decedents dying after December 31, 2002.

## TITLE II—OTHER PROVISIONS

### SEC. 201. EXTENSION OF INTERNAL REVENUE SERVICE USER FEES.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

### ''SEC. 7528. INTERNAL REVENUE SERVICE USER FEES.

''(a) GENERAL RULE.—The Secretary shall establish a program requiring the payment of user fees for—

''(1) requests to the Internal Revenue Service for ruling letters, opinion letters, and determination letters, and

''(2) other similar requests.

''(b) PROGRAM CRITERIA.—

''(1) IN GENERAL.—The fees charged under the program required by subsection (a)—

''(A) shall vary according to categories (or subcategories) established by the Secretary,

''(B) shall be determined after taking into account the average time for (and difficulty of) complying with requests in each category (and subcategory), and

''(C) shall be payable in advance.

''(2) EXEMPTIONS, ETC.—

''(A) IN GENERAL.—The Secretary shall provide for such exemptions (and reduced fees) under such program as the Secretary determines to be appropriate.

''(B) EXEMPTION FOR CERTAIN REQUESTS REGARDING PENSION PLANS.—The Secretary shall not require payment of user fees under such program for requests for determination letters with respect to the qualified status of a pension benefit plan maintained solely by 1 or more eligible employers or any trust which is part of the plan. The preceding sentence shall not apply to any request—

''(i) made after the later of—

''(I) the fifth plan year the pension benefit plan is in existence, or

''(II) the end of any remedial amendment period with respect to the plan beginning within the first 5 plan years, or

''(ii) made by the sponsor of any prototype or similar plan which the sponsor intends to market to participating employers.

''(C) DEFINITIONS AND SPECIAL RULES.—For purposes of subparagraph (B)—

''(i) PENSION BENEFIT PLAN.—The term 'pension benefit plan' means a pension, profit-sharing, stock bonus, annuity, or employee stock ownership plan.

''(ii) ELIGIBLE EMPLOYER.—The term 'eligible employer' means an eligible employer (as defined in section 408(p)(2)(C)(i)(I)) which has at least 1 employee who is not a highly compensated employee (as defined in section 414(q)) and is participating in the plan. The determination of whether an employer is an eligible employer under subparagraph (B) shall be made as of the date of the request described in such subparagraph.

''(iii) DETERMINATION OF AVERAGE FEES CHARGED.—For purposes of any determination of average fees charged, any request to which subparagraph (B) applies shall not be taken into account.

''(3) AVERAGE FEE REQUIREMENT.—The average fee charged under the program required by subsection (a) shall not be less than the amount determined under the following table:

| ''Category | Average fee |
|---|---|
| Employee plan ruling and opinion .. | $250 |
| Exempt organization ruling ..... | $350 |
| Employee plan determination ..... | $300 |
| Exempt organization determination. | $275 |
| Chief counsel ruling ..... | $200 |

''(c) TERMINATION.—No fee shall be imposed under this section with respect to requests made after September 30, 2013.''.

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 77 is amended by adding at the end the following new item:

''Sec. 7528. Internal Revenue Service user fees.''.

(2) Section 10511 of the Revenue Act of 1987 is repealed.

(3) Section 620 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(c) LIMITATIONS.—Notwithstanding any other provisions of law, any fees collected pursuant to section 7528 of the Internal Revenue Code of 1986, as added by subsection (a), shall not be expended by the Internal Revenue Service unless provided by an appropriations Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

### SEC. 202. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(B) by inserting ''full or partial'' after ''facilitate''.

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

### SEC. 203. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

### ''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

''(B) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2003, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2002' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

''(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

''(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

''(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not

recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

''(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

''(7) INTEREST.—For purposes of section 6601—

''(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

''(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(c) COVERED EXPATRIATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

''(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

''(A) the individual—

''(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

''(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

''(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

''(1) EXEMPT PROPERTY.—This section shall not apply to the following:

''(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

''(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

''(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

''(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

''(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

''(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

''(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

''(D) APPLICABLE PLANS.—This paragraph shall apply to—

''(i) any qualified retirement plan (as defined in section 4974(c)),

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

''(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes citizenship, and

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having solid its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect

to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayers' trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

''(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.''

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(48) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality

Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation).''.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(I) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(19) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(1)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).''.

(B) SAFEGUARDS.—

(i) TECHNICAL AMENDMENTS.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961), is amended by striking ''or (17)'' after ''any other person described in subsection (1)(16)'' each place it appears and inserting ''or (18)''.

(ii) CONFORMING AMENDMENTS.—Section 6103(p)(4) (relating to safeguards), as amended by clause (i), is amended by striking ''or (18)'' after ''any other person described in subsection (1)(16)'' each place it appears and inserting ''(18), or (19)''.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(B) TECHNICAL AMENDMENTS.—The amendments made by paragraph (2)(B)(i) shall take effect as if included in the amendments made by section 202(b)(2)(B) of the Trade Act of 2002 (Public Law 107–210; 116 Stat. 961).

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

''(g) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after February 5, 2003.''.

(2) Section 2107 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.''.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

''(F) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.''.

(4)(A) Paragraph (1) of section 6039G(d) is amended by inserting ''or 877A'' after ''section 877''.

(B) The second sentence of section 6039G(e) is amended by inserting ''or who relinquishes United State citizenship (within the meaning of section 877A(e)(3)'' and ''877(a))''.

(C) Section 6039G(f) is amended by inserting ''or 877A(e)(2)(B)'' after ''877(e)(1)''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after February 5, 2003.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after February 5, 2003, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of the Act.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 27, 2003, at 10 a.m., in open and possibly closed session to receive testimony on the future of The North Atlantic Treaty Organization, (NATO).

*Witnesses*

Honorable Marc I. Grossman, Under Secretary of State for Political Affairs; Honorable Douglas J. Feith, Under Secretary of Defense for Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, Subcommittee on Science, Technology, and Space, be authorized to meet on Thursday, March 27, 2003, at 9:30 a.m., in SR–253, for a hearing on Cloning: A Risk to Women?

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. 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, March 27 at 9:30 a.m. to receive testimony regarding to receive testimony on various electricity proposals including, but not limited to, S. 475, the Electric Transmission and Reliability Enhancement Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 27, 2003 at 2:30 p.m. to hold a hearing on NATO Enlargement: Qualifications and Contributions.

*Witnesses*

Panel 1: Ms. Heather A. Conley, Deputy Assistant Secretary of State European & Eurasian Affairs, Department of State, Washington, DC; Ms. Janet L. Bogue, Deputy Assistant Secretary of State European & Eurasian Affairs, Department of State, Washington, DC; Mr. Ian Brzezinski, Deputy Assistant Secretary European & NATO Affairs, Department of Defense, Washington, DC; and Mr. Robert A. Bradtke, Deputy Assistant Secretary European & Eurasian Affairs, Department of State, Washington, DC.

The PRESIDING OFFICER. Without objections, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on AIDS Crisis in Africa: Health Care Transmission during the session of the Senate on Thursday, March 27, 2003, at 10:00 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 27, 2003, at 9:30 a.m. in Dirksen Room 226.

I. Nominations: Priscilla Richmond Owen to be U.S. Circuit Judge for the Fifth Circuit; Mary Ellen Coster Williams to be Judge for the Court of Federal Claims; Victor J. Wolski to be Judge for the Court of Federal Claims; Ricardo H. Hinojosa to be U.S. Sentencing Commissioner; Michael E. Horowitz to be U.S. Sentencing Commissioner; McGregor Scott to be U.S. Attorney for the Eastern District of California.

II. Bills: S. 274 Class Action Fairness Act of 2003.

II. Committee Business: Discussion of Rule IV.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Thursday, March 27, 2003, at 2:00 p.m. in Dirksen Room 226.

Panel I: The Honorable PAUL SARBANES, United States Senator [D–MD]; The Honorable BARBARA MIKULSKI, United States Senator [D–MD]; The Honorable JEFF BINGAMAN, United States Senator [D–NM]; The Honorable JOHN BREAUX, United States Senator [D–LA]; The Honorable MARY LANDRIEU, United States Senator [D–LA]; The Honorable KAY BAILEY HUTCHISON, United States Senator [R–TX]; The Honorable JOHN CORNYN, United States Senator [R–TX]; The Honorable BLANCHE LINCOLN, United States Senator [D–AR]; The Honorable

MARK PRYOR, United States Senator [D–AR]; The Honorable GEORGE ALLEN, United States Senator [R–VA]; The Honorable BILLY TAUZIN, United States Representative [R–LA–3rd District].

Panel II: Edward C. Prado to be United States Circuit Judge for the Fifth Circuit.

Panel III: Richard D. Bennett to be United States District Judge for the District of Maryland; Dee D. Drell to be United States District Judge for the Western District of Louisiana; J. Leon Holmes to be United States District Court Judge for the Eastern District of Arkansas; Susan G. Braden to be Judge for the Court of Federal Claims; Charles F. Lettow to be Judge for the Court of Federal Claims.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 27, 2003, at 2:30 p.m., in open session to receive testimony on compensation for disabled military retirees, in review of the Defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 27, 2003, at 2:30 p.m., in closed session to receive testimony on intelligence support to warfighters, in review of the Defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that Mark Kirbabas, Tyler Garrett, and Shawn White of my staff be granted the privilege of the floor for the consideration of H.R. 1307.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VETERANS' MEMORIAL PRESERVATION AND RECOGNITION ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 44, S. 330.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 330) to further the protection and recognition of veterans' memorials, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am proud to be a cosponsor of this measure and commend Senator CAMPBELL for his leadership on this matter. This is a measure the Senate passed last year as S. 1644. The Senate's action in May, 2002, unfortunately met with resistance in the House of Representatives and our bill was not enacted into law last year as it should have been.

Senator CAMPBELL correctly proceeded to reintroduce the bill as S. 330, earlier this year. The bill provides for two things: highway signs to guide visitors to veterans cemeteries and a criminal provision for the willful destruction of memorials and cemeteries for our Armed Forces veterans.

I have urged all Senators, Republicans and Democrats, to support this modest legislative effort to help honor our Armed Forces veterans. In addition, of course, I will continue to support efforts to improve medical services, veterans hospitals, and other benefits for the women and men who risk and have risked their lives and livelihoods to protect all of us.

I asked the chairman of the Judiciary Committee to include this matter on the agenda for Judiciary Committee action last week I thank him for accommodating our request and am happy that this bill was reported unanimously by the Judiciary Committee to the full Senate. I am confident that the Senate will again pass it. I trust that this year the House of Representatives will act favorably on this good legislation to honor our veterans.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time, and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 330) was read the third time and passed, as follows:

S. 330

*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 ''Veterans' Memorial Preservation and Recognition Act of 2003''.

**SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.**

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

**''§ 1369. Destruction of veterans' memorials**

''(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

''(b) A circumstance described in this subsection is that—

''(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

''(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

''1369. Destruction of veterans' memorials.''.

**SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.**

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider Calendar No. 85, on today's Executive Calendar; I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF AGRICULTURE

Vernon Bernard Parker, of Arizona, to be an Assistant Secretary of Agriculture.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## UNANIMOUS CONSENT AGREEMENTS—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 6 o'clock on Monday, March 31, the Senate proceed to executive session for the consideration of Calendar No. 77, the nomination of Theresa Springmann, to be U.S. District Judge for the Northern District of Indiana; further, I ask that the Senate then proceed to a vote on the confirmation of the nomination; that after the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m., on Tuesday, April 1, the Senate proceed to executive session for the consideration of Calendar No.

55, the nomination of Timothy Tymkovich, to be U.S. Circuit Judge for the Tenth Circuit; I further ask consent that there be 6 hours for debate, equally divided in the usual form, and that following the use or yielding back of that time, the Senate proceed to a vote on the confirmation of the nomination, with no further intervening action or debate; I finally ask consent that following the vote the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR MONDAY, MARCH 31, 2003

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 3 p.m., Monday, March 31; I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 6 p.m., with the time equally divided between the two leaders or their designees, and statements limited to 10 minutes each.

I further ask consent that the first hour be equally divided between Senators Hutchison and Lincoln or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. FRIST. For the information of all Senators, the Senate will reconvene Monday, at 3 p.m. This will allow Members to attend services for our departed colleague, Senator Daniel Patrick Moynihan. When the Senate convenes, the first hour of the morning business period will be devoted to statements regarding our men and women in the Armed Forces who are engaged in conflict in Iraq. Following those statements of support, there will be additional time for Senators to give further tributes to Senator Daniel Patrick Moynihan.

Under a previous order, the next vote will occur at 6 p.m., on Monday, on a district court judge. And under the order, on Tuesday morning, the Senate will consider the Tymkovich nomination to be a U.S. Circuit Judge for the Tenth Circuit. The vote on that nomination will occur at some time on Tuesday, upon the use or yielding back of the 6 hours of debate.

Next week, the Senate may also consider any other legislative or executive items that can be cleared for action, including executive nominations that have been reported and are on the calendar, other measures supporting our troops, FISA—that is, the Foreign Intelligence Surveillance Act—the CARE Act, and the supplemental appropriations.

I look forward to another productive week. And I wish everyone a safe and restful weekend.

## ADJOURNMENT UNTIL MONDAY, MARCH 31, 2003, AT 3 P.M.

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Monday, March 31, 2003, at 3 p.m.

## NOMINATIONS

Executive nominations received by the Senate March 27, 2003:

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES W. GRIM, OF OKLAHOMA, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR A TERM OF FOUR YEARS, VICE MICHAEL H. TRUJILLO.

### THE JUDICIARY

JOHN A. WOODCOCK, JR., OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE, VICE GENE CARTER, RETIRED.

MARK R. KRAVITZ, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT, VICE ALFRED V. COVELLO, RETIRED.

L. SCOTT COOGLER, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE H. DEAN BUTTRAM, JR., RESIGNED.

## CONFIRMATIONS

Executive nominations confirmed by the Senate March 27, 2003:

### DEPARTMENT OF AGRICULTURE

VERNON BERNARD PARKER, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### THE JUDICIARY

JAMES V. SELNA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

PHILIP P. SIMON, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA.

# EXTENSIONS OF REMARKS

## PAYING TRIBUTE TO CASEY BROWN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Casey Brown of Ignacio, Colorado. Mr. Brown has been a dedicated citizen and leader of the Southwest Colorado community and it is my honor to pay tribute to his accomplishments before this body of Congress and this nation.

Casey graduated from New Mexico State University and the University of Wyoming with a focus on wool production. After college and a brief teaching stint at California State Polytechnic University in Pomona, California, Casey returned to the Four Corners area to help his father run their family ranch in New Mexico. Casey has continued to manage the ranch, which now includes a herd of 2,500 sheep and 200 cattle.

Casey has always been active in agricultural and community activities, serving as a member of the San Juan County Fair Association, the New Mexico State University experimental station advisory board, the Pine River Irrigation District board, and as the founder of Citizens for Common Sense Government. Additionally, Casey is the past president of the Colorado Wool Growers Association, which recognized him as Wool Grower of the Year in 1993. Among other honors, Casey was the La Plata County Cattleman of the Year in 1992, DACRA Agriculturalist of the Year in 1999, and earned special recognition for service by the National Public Lands Council in 1994.

For his significant contributions in the agricultural community, Casey was named the seventh recipient of the Southwestern Colorado Livestock Association's Distinguished Service Award, which honors members who have gone above and beyond in their contributions to the livestock industry. Mr. Speaker, it is with honor that I commend Mr. Casey Brown before this body of Congress and this great nation for his dedication to his trade and his community. His contributions have greatly benefited the people of the Four Corners region and I am honored to have the opportunity to represent such a fine Coloradan. I wish Casey the best of luck with all of his future endeavors.

## PROVIDING FOR CONSIDERATION OF H.R. 1104, CHILD ABDUCTION PREVENTION ACT

SPEECH OF

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 26, 2003*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to this rule, H. Res. 160.

The rule in the House should mirror the opinion of our colleagues in the Senate, that H.R. 1104 should be reduced to one single issue: The Amber Alert system.

The rule as written, however, provides for debate on extraneous issues ranging from sentencing guidelines, to penalties for possession of child pornography, to the investigative powers of the U.S. Secret Service.

While these and the other extraneous provisions in H.R. 1104 are worthy of our full consideration, those provisions should not be considered in H.R. 1104.

The House should debate and pass a clean Amber Alert bill, just as the Senate passed a clean Amber Alert bill with S. 121.

By passing a clean Amber Alert bill we send a clear message to America's families that the safety of our children is a priority second to none.

We also increase the likelihood that more child abductions will have the happy ending experienced by the family of Elizabeth Smart, who, as we all know, was safely returned to her family after a nine-month-long kidnapping ordeal.

The Republican majority's decision to bog down the Amber Alert bill with several unnecessary and unrelated provisions is inexplicable and endangers our children.

It seems as though the majority has used every conceivable measure to load up the bill and make it more difficult to pass.

The Senate set aside their partisan agendas and took a giant step toward protecting America's children by passing a clean, bipartisan Amber Alert bill.

The Majority should set aside their agenda and eliminate these extraneous provisions so that the House, too, can pass a clean Amber Alert bill.

Mr. Speaker, I support H.R. 412, a clean Amber Alert bill.

I oppose the rule, H. Res. 160.

## CONGRATULATING MEMBERS OF THE MATIGNON HIGH SCHOOL BASKETBALL TEAM

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. CAPUANO. Mr. Speaker, I rise today to recognize two more members of the Matignon Warriors boys' basketball team that won the MIAA Division 4 state championship on March 10, 2003. Last week I submitted for the record the Warriors' team roster, and inadvertently left out Jimmy Burns and Michael Flaherty. I would like to correct that today, and congratulate them on their successful season.

## TRIBUTE TO THE NATIONAL SERVICE ORGANIZATION OF SCHOLASTIC

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the fine accomplishments of the National Service Organization of Scholastic, which is the largest employer in Jefferson City, MO. Scholastic was rewarded the PR News 2002 Corporate Social Responsibility Award.

Scholastic has been awarded this honor due to their ongoing innovation campaigns and ongoing programs. Scholastic was honored in the category of Diversity Communications for its partnership with Lincoln University on sponsorships, scholarships, job internships, and book donations. The company sponsors programs that provide speakers and curriculum literature, and also recognizes outstanding achievement of faculty, staff, and volunteers for local schools.

Scholastic also has a long-term commitment to Missouri through their annual summer book donation program, which provides children at more than 150 schools with a donation of three books for each student for summer reading. Scholastic also provides Lincoln University books and materials each month for their children's library. In addition, the company fosters recruitment opportunities and sponsors writing and student awards programs. Many of Scholastic's employees also serve on Lincoln University's advisory board.

Mr. Speaker, I know that the National Service Organization of Scholastic should be honored for their commitment to serving their local communities. They can be proud of their accomplishments. I know the Members of the House will join me in congratulating Scholastic for this well deserved award.

## PAYING TRIBUTE TO ROBERT DUNCAN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. McINNIS. Mr. Speaker, it is with much pleasure that I rise today to honor the accomplishments of Robert Duncan of the San Juan Technical School located in Denver, Colorado. Robert has dedicated his life to passing on his extensive knowledge and experience, providing many students with otherwise unthinkable opportunities. I wish to take this opportunity to acknowledge Robert's dedication and commitment to education before this body of Congress and this Nation.

Robert is known for his expertise in automotive technology and his dedication to his students. His recent award recognizes Robert's ability as a teacher, particularly emphasizing the dramatic increases in enrollment in

Robert's courses and his success recruiting women into his automotive technology program. Furthermore, Robert has won acclaim for his unique talent for welcoming special education students and helping them excel in the program. Great teachers, like Robert, draw on their own practical experience in order to bring the real world into the classroom. Recently, the State Board of Community Colleges and Occupational Education named Robert faculty member of the year.

Mr. Speaker, I am proud to stand today and recognize Robert Duncan before this Congress and this Nation. We should all express our deepest gratitude to teachers like Robert. They make an enormous difference one life at a time, providing countless students with opportunity and hope. Teaching truly is a noble calling, and Robert has answered that call.

## LETTER TO THE PRESIDENT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. STARK. Mr. Speaker, I commend to my colleagues' attention the following letter sent to President George W. Bush by members of the California Legislature stating their opposition to war against Iraq. I am proud of these 52 lawmakers who represent a diversity of California's citizens. They understand firsthand the cost of this capricious act. Financing this war will mean less federal investment in schools and nursing homes and the loss of basic services for the working poor, the disabled and mentally-ill. They are rightly concerned about the impact this war will have on those young Americans who have been called to fight. They are disappointed about the diminished respect and influence America will have in the world given the President's use of military power, not the interests of peace and democracy, in his approach to foreign affairs. I commend my fellow Californians for their eloquence and outspokenness on an issue of such great importance to the American people.

CALIFORNIA LEGISLATURE,
*March 4, 2003.*

Hon. GEORGE W. BUSH,
*President, United States of America, The White House, Pennsylvania Avenue, Washington, DC.*

DEAR MR. PRESIDENT: As Members of the California State Legislature, we respectfully write in opposition to a war on Iraq without a formal resolution by the United Nations Security Council and a declaration of war by Congress.

As elected representatives of the largest population and economy in America, we have many concerns over the policies your administration is pursuing. These include:

A lack of credible evidence that meets the standard of ''beyond a reasonable doubt'' that shows the imminent danger Iraq poses to America's essential interests. Neither Colin Powell nor Hans Blix presented a case sufficient to warrant an attack by American forces.

A failure to persuade other nations to support our intentions. Unlike the aftermath of the Attack on America, you have not been able to enlist the support of other key nations, who presumably have been given even more intelligence data than has the American public. This lack of geo-political solidarity substantially weakens America's case in the court of world opinion. Further, it enhances the prospects of fighting a war with few allies.

Lack of clarity about the possible instability in the Middle East during the war and subsequent foreign occupation of Iraq. It seems unlikely that the Muslim world will for long passively accept America's incursion—whatever our provocation.

Respectfully,

Don Perata, Byron Sher, Jack Scott, Mike Machado, Tom Torlakson, Gloria Romero, Wesley Chesbro, Debra Bowen, Deborah Ortiz, John Burton, Liz Figueroa, Gil Cedillo, Sheila Kuehl, John Vasconcellos, Edward Vincent, Richard Alarcón, Jackie Speier, Dede Alpert.

Paul Koretz, John Longville, Mervyn Dymally, Christine Kehoe, Jackie Goldberg, Fabian Nuñez, Sally J. Lieber, Ronald Calderon, John Laird, Loni Hancock, Judy Chu, Patricia Wiggins, Alan Lowenthal, Hannah-Beth Jackson, Gene Mullin, Cindy Montañez, Marco Firebaugh, Patty Berg, Wilma Chan.

## RECOGNIZING THE SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT, AND SUPPORTING EFFORTS TO ENHANCE PUBLIC AWARENESS OF THE PROBLEM

SPEECH OF

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 26, 2003*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 113 recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of the problem. Although we live in the world's wealthiest nation, we have yet to eradicate some of the most disheartening social ills that plague our society. Throughout this great republic, it is a fact that many of our children are in great need, impacted by the horrifying realities of unsafe and unhealthy living environments, wherein abuse and neglect tear away at the very core of their youthfulness.

With regards to the prevalence of this problem, in 1999, an estimated 3,244,000 children were reported to Child Protective Services agencies as alleged victims of child maltreatment. Child abuse reports have maintained a steady growth for the past ten years, with the total number of reports nationwide increasing 45 percent since 1987. Neglect represents the most common type of reported and substantiated form of maltreatment. In 1996, 25 States provided the following breakdown for reported cases: 62 percent involved neglect, 25 percent physical abuse, 7 percent sexual abuse, 3 percent emotional maltreatment, and 4 percent other. For substantiated cases, 31 States gave the following breakdowns: 60 percent neglect, 23 percent physical, 9 percent sexual, 4 percent emotional maltreatment and 5 percent other.

Figures issued by another study conducted in 2000, which surveyed 48 States, representing over 95 percent of the population under 18, reveal a serious need for concern. Approximately 1,356 children died due to causes of child abuse and neglect. More specifically, children under 5 years old accounted for four out of five of all fatalities reported, which served as the 2nd leading cause of death of children ages 1–4 in the United States. In that same year, children under 1 year old accounted for two out of five of all fatalities reported.

In the State of Texas, Child Protective Services reported there were 131,147 investigations of child abuse and neglect and 47,532 were confirmed victims. In fact, of the child abuse and neglect related fatalities in the State of Texas, figures from 2001 data show Harris County with the most occurrences.

To this end, there is no doubt that child abuse and neglect continues to be a significant problem in the United States. These statistics can only begin to help us understand the scope of the problem—who is affected and what extents to which they are. Nonetheless, this legislation makes way for others in the public who may not ordinarily think about such problems more acutely aware of these issues.

Our children are our future, but their health and safety in our society continues to decline. Everyone has an obligation to ensuring children have a chance at a great life and a prosperous future. The reality is alarming, but our commitment to the goals of this legislation must be strong. Mr. Speaker, I urge my colleagues to support this legislation.

## TRIBUTE TO THE VETERANS OF FOREIGN WARS, GREATER RIVERSIDE CHAMBERS OF COMMERCE, MORENO VALLEY CHAMBER OF COMMERCE, AMERICAN RED CROSS, SALVATION ARMY AND COMMUNITY FOUNDATION, MARCH CANTEEN, HARVEST CHRISTIAN FELLOWSHIP AND OTHERS

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to several organizations whose patriotism, dedication and contributions to the troops deploying out of March Air Reserve Base in Riverside, California are exceptional. As our troops have been preparing to deploy to the Middle East many local organizations have taken it upon themselves to provide an outpouring of support and assistance. The local organizations involved have been the Veterans of Foreign Wars, Greater Riverside Chambers of Commerce, Moreno Valley Chamber of Commerce, American Red Cross, Salvation Army and Community Foundation, March Canteen and Harvest Christian Fellowship.

March Air Reserve Base has a long history of honorable service to our country and once again it will hold a place in U.S. military history. The substantial airlift of 6,500 tons of cargo and the movement of 26,400 Marines headed for overseas has been helped by public donations of food and $30,000. The volunteers have handed out fruit, potato chips, cookies and paperback books to each Marine passing through the Marine deployment terminal. The Marines were also given personal items in order to provide a measure of comfort during their stay in the Middle East.

The groups and individuals involved in the volunteer effort expressed nothing but appreciation and admiration for the men and women

who have answered their call to duty. Their organization, determination, and work on behalf of our military are an example for every citizen of the United States of America. Their own call to the duty of volunteerism represents compassion and caring through organization. As our soldiers carry out their mission in Iraq, those last acts of generosity, kindness, support and love will be remembered as our troop's face what may be the most difficult time in their lives.

The Veterans of Foreign Wars, Greater Riverside Chambers of Commerce, Moreno Valley Chamber of Commerce, American Red Cross, Salvation Army and Community Foundation, March Canteen, Harvest Christian Fellowship and others have shown their patriotism and I am proud of the work they have done for our troops. I am honored to have such dedicated community organizations in my congressional district as well as a military base that contributes to the national security of our country and the liberation of the Iraqi people.

## RECOGNIZING THE CONTRIBUTIONS OF GERARD F. DOHERTY TO THE STATE OF MASSACHUSETTS

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. CAPUANO. Mr. Speaker, I rise today to recognize Gerard F. Doherty, a distinguished resident of the 8th Congressional District. Mr. Doherty is a graduate of Malden Catholic High School and Harvard College. He earned a Masters Degree in Health Administration at Wayne University and a Law Degree from Suffolk University.

Gerard Doherty's involvement in state politics began in 1957 as a member of the Massachusetts' House of Representatives, where he served until 1965. He served as the Chairman of the Massachusetts Democratic Party from 1962 until 1965 and, in 1968, Mr. Doherty managed Senator Robert F. Kennedy's Presidential campaign in Indiana, helping Senator Kennedy win the Indiana Democratic primary. Since 1961, Mr. Doherty has been practicing real estate, public policy, and energy law in private practice.

Mr. Doherty also serves numerous organizations in Massachusetts. He is a Trustee at Suffolk University in Boston and a Board Member and Trustee of Malden Catholic High School. He serves on the Board for the Friends Charlestown Catholic and the Massachusetts Eye and Ear Infirmary. He is also a member of the John F. Kennedy Library Foundation.

To honor his contributions to a number of causes and organizations, the John F. Kennedy Library Foundation named Mr. Doherty their 1998 ''Irishman of the Year.'' That same year, the Charlestown Community Awards Committee presented Mr. Doherty with the ''Unsung Hero Award'' for his service to the Charlestown Community. On May 28, 2002, Mr. Doherty was honored with the ''Vision of Hope'' award by the John F. Kennedy Center in Charlestown, Massachusetts. This award paid tribute to Mr. Doherty and his wife Marilyn as ''persons who, through selfless efforts to help others and by their own exceptional example, provide a vision of hope to Massachusetts citizens.''

Gerard Doherty's lifelong commitment to Massachusetts is admirable and deserving of recognition. The Commonwealth of Massachusetts is fortunate to have a citizen who is involved in so many worthwhile efforts in his community. I congratulate Gerard Doherty on his extraordinary public service and I wish him continued success.

## STATEMENT ON HOUSE RESOLUTION 153

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Ms. HARMAN. Mr. Speaker, I rise to explain my vote on House Resolution 153, a resolution ''recognizing the public need for fasting and prayer in order to secure the blessings of Providence for the people of the United States and our Armed Forces during the conflict in Iraq and under the threat of terrorism at home''.

Like all Americans, I strongly support our nation's Armed Forces and hope for the successful completion of their mission in Iraq and their safe return home. But, upon taking the oath of office, each Member of Congress has sworn to uphold the Constitution. As such, we must carefully differentiate the intent of the resolution we vote on from its language.

House Resolution 153 has the laudatory goal of protecting our troops and our citizens from harm. But, despite the sponsor's intentions, the actual language calling for prayer and fasting and asking for the intercession of Providence violates, in my view, our Constitutional obligation to respect the separation between church and state.

The resolution may reflect the religious views of some of our citizens as well as some of our Members. But, it may also offend the religious views of others and, consequently, be divisive rather than unifying—a concern clearly anticipated by our Constitution. Thus, I cannot vote yes in support of the resolution.

## HONORING SUSAN BOWLER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Susan Bowler of Craig, Colorado. Susan is the public health nurse manager at the Northwest Colorado Visiting Nurse Association, an organization that serves the health care needs of Routt and Moffat counties. Susan has done much to improve the lives of others in her community, and I would like to take this opportunity to recognize that service and the important role she fills in her community before this body of Congress and this Nation.

Susan grew up in an Air Force family and got her first exposure to medicine in hospitals all over the world. She began working with infants in Thailand at local orphanages as a teenager and made infant care a career after receiving her nursing degree. Susan came to Craig in 1992 after 12 years working with newborns in California, ready to retire. Instead, a friend inspired her to join Visiting Nurses. Now Susan is facing the challenges of public health head-on, meeting the needs of the local community. VNA operates programs for child immunization, nursing services to jail inmates, nutrition, and even contributes to Moffat County's response to potential bioterror attacks. Susan and her staff play an invaluable role in maintaining the health of the citizens of northwest Colorado.

Mr. Speaker, the role of a public health official is full of challenges and opportunities, and it is a great privilege to salute Susan Bowler before this body of Congress and this Nation for her willingness to take on those challenges. Her dedication to addressing the health care needs of Moffat and Routt counties is an inspiration to others and an immense benefit to her community.

## RECOGNIZING AND SUPPORTING GOALS AND IDEALS OF NATIONAL RUNAWAY PREVENTION MONTH

SPEECH OF

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 26, 2003*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support House Resolution 57. I strongly support the goals and the ideals of ''National Runaway Prevention Month.''

It shocks me, that every year, it is estimated that up to 2.8 million youths in America are living on the street. In my home state of Texas, more than 100,000 children between the age of seven and 17 run away from home each year. This shocking amount indicates that there is a significant need for resources and outreach programs that effect this population. Runaway children have families, friends, and carry a despondence so great that they feel they can no longer stay in their homes.

We need to take action and prevent teens running away from becoming commonplace in our country. Many family related problems and pressure cause teens to leave home.

This is a problem that is not limited to any class or racial group. Millions of homes and families are involved. This is a national and community problem. We are obligated to stand up for the frustrated youths who are banished from the only homes they know out into the street. Many of these runaways have been physically, sexually, or emotionally abused.

Imagine a child, who feels so alone in their world and feels their only option is to live in the street. The pain and loneliness they feel only creates a negative cycle, which leads to depression, isolation, and desperation. We need to place an emphasis and value on the community services that can reach out and help these youths. If no help is given, how can we expect the youth to turn around their life and get back on track? A runaway teen does not have an easy life, and often turn to drugs or prostitution to simply survive.

I am proud to stand here today and speak on behalf of those runaway youths whom few before me have spoken for. This is an issue that we must address and come to understand

thoroughly, not something to be swept under the rug. The youths who flee their homes in search of a safe haven on the street to be given an opportunity to seek help.

We need to increase public awareness about the circumstances and trauma of the runaway youths. The National Network for Youth and the National Runaway Switchboard provides a myriad of services and resources to runaway and homeless youths. It is our job as congressmen to support these movements and tell them we value their services. Both National Network for Youth and the National Runaway Switchboard are cosponsoring National Runaway Prevention Month. This is a time for us to commend them on their work and offer our continuing gratitude with this resolution to support National Runaway Prevention Month.

I applaud the organizations that take this first step to reach out. My heart goes out to the youths and families that have been failed by the system. It is in your honor that Congress will recognize the National Runaway Prevention Month.

## MOBILIZED RESERVE FAMILY HEALTH CARE ACT OF 2003

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. CAPUANO. Mr. Speaker, since the tragic events of September 11, 2001, America has relied heavily upon the men and women of the National Guard and Reserves. Whether protecting and defending the nation here at home, or as part of an overseas deployment, these citizen soldiers have made tremendous sacrifices in support of our national security interests.

At the same time, the families of these brave men and women are also making enormous sacrifices. Currently, over 215,000 members of the guard and reserve are mobilized. Many of these individuals are deployed to assignments that will likely last anywhere from six months to more than a year. For the family members of those deployed for such long durations, the challenge of maintaining a stable home environment can be daunting. This is especially true when considering the issue of health insurance.

Employers are not legally required to provide health insurance coverage for an employee and his/her family once that employee is called to active duty. As a result, the family in many cases must make the switch to TRICARE in order to continue receiving health benefits. This can be extremely burdensome since many hospitals and family doctors outside the military health system do not participate in TRICARE. In addition, individuals with pre-existing conditions face an uncertain future with respect to their ability to regain employer-sponsored health insurance once the mobilized family member returns from active duty.

To address this problem, I am introducing today, the Mobilized Reserve Family Health Care Act of 2003. This legislation will provide families of reservists and guard personnel with the option of continuing their private health insurance coverage while their family members are called to serve lengthy active duty deployments. Under this bill, these families will have the ability to retain their private health insurance coverage by utilizing the continuation-of-coverage rule offered by COBRA. While the family would assume the cost of retaining the private health insurance, the legislation would provide tax credits to cover the cost of the insurance. A substantial portion of the tax credits will be refundable, while the remaining amount can be included as part of the family's itemized tax deductions. The tax credits will enable these families continue their private health insurance coverage without a financial burden.

Mr. Speaker, I hope you will join me and my fellow cosponsors in assisting the families of our mobilized National Guard and Reserve personnel and address this important health coverage issue.

## TRIBUTE TO CAROLE A. GUDDE, OUTGOING CHAIRMAN OF THE BOARD FOR THE GREATER RIVERSIDE CHAMBERS OF COMMERCE

SPEECH OF

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent to making their communities a better place to live and work. Carole A. Gudde is one of these individuals. After a year of exemplary service, we salute Carole as the outgoing Chairman of the Board for the Greater Riverside Chambers of Commerce.

As one of the oldest, largest and most influential chambers in the state, the Greater Riverside Chambers of Commerce (GRCC) works closely with local government and other entities to stimulate development and improve the quality of life in Riverside County. Carole Gudde's vision, leadership and ability to work with others have continued the mission of the GRCC in its work to promote economic development and pro-actively address problems within the community. The GRCC is approximately 1,600 members strong and Carole has been instrumental in maintaining and adding members to the Chamber.

Carole's efforts as Chairman of the Board have extended beyond the boundaries of Riverside and into the State Capitol and Washington, DC. She has been actively involved in advocating pro-business legislation and fighting against measures that would put strains on local small business. She consistently kept members informed of the happenings in Sacramento as well as Washington, DC and made sure that Riverside's voice was heard.

Carole has also been instrumental in promoting quality education for our children. Carole is also a member of the Executive Council of the Riverside Community Hospital, the YMCA Professional Business Women's Association, and the A. Gary Anderson School of Management Forum. She has been a recipient of the Small Business Eagle Award, 1996 Volunteer of the Year Award, and was named a ''Woman of Distinction'' by the Business Press in 1998. She is also the owner of Archive Management Service in Riverside.

Carole's tireless passion for community service has contributed immensely to the betterment of the community of Riverside, California. Carole's involvement in the community and on behalf of the local businesses makes me proud to call her a fellow community member, American and friend. I know that many community members are grateful for her service and salute her as she exits as the Chairman of the Board for the Greater Riverside Chambers of Commerce.

## PAYING TRIBUTE TO MARC AND JOAN ADLER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Marc and Joan Adler of Glenwood Springs, Colorado and thank them for their contributions to their community before this body of Congress and this nation. The couple is closing the Glenwood Springs pet store that they have owned for over thirty years, and, though their store will be dearly missed, I am happy to congratulate the Adlers on their retirement.

Marc and Joan both worked at Valley View Hospital when they first moved to Glenwood Springs in 1971, and decided to open their own business in their living room. The result was the Glenwood Fishbowl, a pet store which built upon Marc's boyhood experience with aquariums. The business grew and moved to downtown Glenwood, where the pet store expanded to include toys. Eventually, the store moved to the Glenwood Springs Mall in 1982, under the name Marc's Toys and Pets. In addition to running their business, the Adlers have been active community leaders, with Marc serving on the City Council and for two years as Glenwood's mayor.

Mr. Speaker, it is a great privilege to honor Marc and Joan Adler and wish them all the best in retirement. Their store was a shining example of local entrepreneurship and a cornerstone of the Glenwood Springs small business community for over thirty years. Their kind and dedicated service to their customers will be sorely missed in Glenwood Springs. I congratulate the Adlers on their well-deserved retirement.

## SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. STARK. Mr. Speaker, I rise in opposition to this resolution expressing the sense of Congress that the President should designate a national day of prayer and fasting for all Americans; and calling on all people of the United States to ''seek guidance from God to achieve a greater understanding of our own failings.''

I'm sure God may have something to say about the President's failure to preserve peace in the effort to disarm Iraq. But, we do know what the Bible says, Mr. Speaker: ''blessed are the peacemakers.''

Most major religious organizations in the world—the Vatican, Muslim, Buddhist, Jewish, and Protestant religious groups—oppose war in Iraq on moral grounds. Yet, this resolution seeks to deflect moral criticism from the President's immoral act of war, and despite his refusal to listen to the leaders of his own faith. Regardless, religion is not an area for Congressional debate.

I respect the right of everyone to reflect on these difficult events as they see fit. I understand the value of people of various religions or moral convictions finding resolve in their beliefs or faiths during this trying time. That is everyone's right. However, this resolution today has Congress encouraging all Americans, regardless of their beliefs, to engage in specific religious acts that are Christian in nature.

Our country was founded on the principles of free expression and religious liberty. The Constitution requires that Congress must not legislate religion, but instead honor the diversity of convictions and beliefs in our nation. This resolution fails to respect the separation of church and state and to uphold our commitment to honor religious diversity. I urge my colleagues to vote ''no.''

## IN HONOR OF LANCE CORPORAL JOSE GUTIERREZ

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Ms. HARMAN. Mr. Speaker, I rise today to honor the memory of Marine Corps Lance Corporal Jose Gutierrez, who was one of the first Americans to give his life in battle during Operation Iraqi Freedom. I ask my colleagues to join me in commemorating the heroism of this young man.

Corporal Gutierrez was a symbol of America's promise. Born in Guatemala, Jose lost his parents at a young age and spent years on the streets in his home country. He came to the United States seeking a better life, and after moving around a bit, found a home with foster parents in Lomita, California, a small town in my congressional district.

Jose attended local schools—North High School in Torrance and Harbor College in Wilmington—playing soccer and hoping one day to study architecture. His foster brother told local newspapers that ''he joined the Marines to pay back a little of what he'd gotten from the U.S.''

Mr. Speaker, it makes me proud to learn about the passionate feelings this young man had for his adopted country. Undoubtedly, they are feelings shared by hundreds or perhaps thousands of the other young men and women who volunteered for military service and are now participating in Operation Iraqi Freedom.

I am proud too of the citizens of Lomita, who immediately began to organize tributes to Corporal Gutierrez, including plans to add his name to the memorial to fallen soldiers adjacent to the local post office, requesting that post office to fly its flag at half-mast, and launching a drive to fly 82 U.S. flags in honor of all of Lomita's fallen soldiers, sailors and airmen.

Corporal Gutierrez's ultimate sacrifice underscores for us how fragile and how precious are the freedoms we enjoy. He died to keep us free.

## TRIBUTE TO LIEUTENANT COLONEL STAN SHURMANTINE, RET.

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Lieutenant Colonel (Ret.) Stan Shurmantine, of Lexington, MO, who recently retired from the United States Army Reserves after 28 years.

On February 28, 2003, Stan ended an outstanding career in the Army Reserves. Through the years, he has dedicated himself to serving the American people.

Currently, Stan serves as the manager of IBS Industries, Inc., in Independence, MO. IBS honored Stan's military service with a reception, which was attended by 250 guests.

Stan in addition to his military service, has served his home community of Lexington, where he lives with his wife Marcie. He is a councilman and also serves as mayor protem.

Mr. Speaker, Lieutenant Colonel Stan Shurmantine has honored the United States Army Reserves with service for 28 years. As he continues his work at IBS Industries, Inc. and the city of Lexington, I know that the Members of the House will join me in wishing him all the best in the days ahead.

## TRIBUTE TO DARRELL VEACH

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. MCINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Darrell Veach of Cortez, Colorado. Darrell is a dedicated citizen and leader of the Cortez community and it is my honor to pay tribute to his accomplishments before this body of Congress and this nation.

Darrell is a third-generation stockman and a Korean War veteran who began his career raising sheep before becoming a cowboy. He is well known throughout the community as a good steward of his land and the environment. In addition to Darrell's ranching activities, his service to the local community goes back over thirty years with the Boy Scouts, the Church of Jesus Christ of Latter-day Saints, the Montezuma County Planning Commission, and the Colorado Cattleman's Association. The Southwestern Colorado Livestock Association, of which Darrell is a board member and past president, honored him as its 2003 Stockman of the Year. A proud family man, Darrell shares his love for the outdoors with his children and grandchildren.

Mr. Speaker, it is with honor that I commend Darrell Veach before this body of Congress and this great nation for his dedication and leadership within his community. His contributions have greatly benefited the people of Cortez and I am honored to have this opportunity to represent such a fine Coloradan. I wish Darrell the best of luck in all his future endeavors.

## RECOGNIZING JOHN DIGILIO

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. ISRAEL. Mr. Speaker, I rise today to recognize John Digilio as Chef de Chemin de Fer of La Societe des Quarante Hommes et Huit Chevaux. The ''Forty and Eight,'' as it is popularly known, is an independent fraternal organization of veterans comprised of approximately 50,000 veterans from World War II and the Korean, Vietnam and Desert Storm conflicts. The members of the ''Forty and Eight'' dedicate much of their time to their Child Welfare Program, Nurses Scholarship Trust Fund, as well as many activities dedicated to Americanism, respect for the flag, the Constitution and Law and Order.

Chef Digilio grew up in Bay Shore, New York and entered active duty in the United States Army in 1969. From 1970–1971 he served in the 95th Evacuation Hospital, DaNang, Republic of Vietnam. After his return to the United States, he entered the New York Army National Guard and worked his way up the ranks to senior commander of all medical units by 1986. On December 1, 1996, John was brevetted and placed on the New York State Retired List as brigadier general by the Governor of New York upon his retirement from military service.

I am most grateful for Chef Digilio's dedicated service to our county over the last 34 years. In this time of war, especially, it is critical that we take the time to show our support for America's men and women who have served in uniform. I wish the ''Forty and Eight'' a festive and enjoyable Homecoming this upcoming weekend.

## REVOCATION OF EXECUTIVE ORDER LIMITING ACCESS TO PRESIDENTIAL RECORDS

### HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. OSE. Mr. Speaker, today, I rise to introduce a simple bill to revoke Executive Order 13233, ''Further Implementation of the Presidential Records Act,'' which President Bush issued on November 1, 2001. My bill would replace this Order with President Reagan's 1989 implementing Executive Order 12267. During the 107th Congress, on April 11, 2002, Representative STEVE HORN introduced the ''Presidential Records Act Amendments of 2002'' (H.R. 4187). I co-sponsored this bi-partisan bill. The Government Reform Committee held hearings on the Bush Order and then, after introduction, on Mr. HORN's bill. On October 9th, the House Government Reform Committee reported out an amended version of this bill. On

November 22nd, an accompanying House Report (Report 107–790) was published. Unfortunately, the full House never considered this bill.

In the 1978 Presidential Records Act, Congress clearly intended to make Presidential records available for Congressional investigations and then for the public after a 12-year period. The Act authorized the National Archives and Records Administration (NARA) to issue implementing regulations. President Reagan's Order expanded on NARA's implementing regulations. The Reagan Order clarified some areas not specifically addressed in the regulations. Most importantly, the Order identified only three areas where access to Presidential records could be limited—if disclosure might impair national security, law enforcement, or the deliberative processes of the executive branch.

President Bush's Order changed these access limitations. In a nutshell, law enforcement was dropped and two areas were added: ''communications of the President or his advisors (the presidential communications privilege); [and] legal advice or legal work (the attorney-client or attorney work product privileges).'' This broadening could severely limit Congressional access to key documents in its investigations of a former Administration.

Besides broadening the grounds for executive privilege claims, the Order is inconsistent both with the Presidential Records Act itself and with NARA's codified implementing regulations. NARA's rules were promulgated after the public had notice and an opportunity to comment, as required by the Administrative Procedure Act.

In November 2001, a week after issuance of the Order, I raised concerns in a Subcommittee hearing on the Order. I questioned the Administration witness about the legal and substantive justification for the policy changes. After the hearing and further discussions with White House officials, I had hoped that the Administration would amend or revoke its Order. Unfortunately, it has not done so. As a consequence, I believe that legislation is needed to void the Order. My bill would do just that.

The Order violates not only the spirit but also the letter of the Presidential Records Act. It undercuts the public's rights to be fully informed about how its government operated in the past. My bill would restore the public's right to know and its confidence in our government.

## SALUTE TO MR. PETER MICHAEL STEFFES

### HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. HEFLEY. Mr. Speaker, I rise today to pay tribute to Mr. Peter M. Steffes, who recently retired from the House Committee on Armed Services after 41 years of distinguished public service. Pete's entire career was dedicated to national security and the defense of our country.

Pete's career began in 1961 in the Air Force as an Airman Basic, E–1; and after 21 years of rapid advancement through the ranks, he retired as an E–9, a Chief Master Sergeant. On October 1, 1983, Pete joined the staff of the Armed Services Committee as a professional staff member where his dedication and exhaustive commitment to national security continued.

While initially assigned to the military installations and facilities subcommittee and the environment restoration panel, Pete assisted in the drafting of the Superfund Reauthorization Act of 1985, a consequential piece of environmental legislation of national significance. Pete was assigned to the Military Readiness Subcommittee in 1990; and in 1996, he was chosen to serve as lead professional staff. While on the Military Readiness Subcommittee Pete was responsible for one-third of the Department of Defense Budget. Pete's previous military experience and unique insights helped clarify the true state of military readiness for the Armed Services Committee, the Congress, and the American people. Through Pete's efforts, the committee has been able to compel the Department of Defense to examine and portray its level of readiness more honestly, and contribute the commitment of resources necessary to raise military readiness to a higher level of preparedness.

Also during this time, Pete lead the drafting efforts for the public sale of the Elk Hills Naval Petroleum Reserve that brought over $3.8 billion to the U.S. Treasury. Pete was also responsible for a multi-year effort to reform the operational structure of the Armed Forces Retirement Home to properly care for veteran military service men and women.

In addition to his subcommittee responsibilities, Pete also arranged and accompanied Members of Congress on 128 congressional delegations (CODELS). He has jokingly remarked that four and one-half years of his government service were spent traveling.

Pete's committee service spanned four presidents, eight secretaries of defense, five committee chairmen, and six staff directors. I speak for myself, past chairmen and ranking minority members, and any and everyone who has had the privilege of working with Pete, in thanking him for his tireless work for our military men and women, and his dedication to the Armed Services Committee.

Pete is married to the former Barbara Eileen Jones. They have two children, Nicholette and Timothy, and five grandchildren.

Mr. Speaker, we wish Pete Steffes all the best in his new position as vice president of Government Policy, National Defense Industrial Association (NDIA). Members and committee staff will surely miss him, and we will always remember and be thankful for his distinguished service to the House of Representatives and our Nation.

## TRIBUTE TO THE 509TH BOMB WING AT WHITEMAN AIR FORCE BASE

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. SKELTON. Mr. Speaker, I want to recognize the outstanding men and women of the 509th Bomb Wing at Whiteman Air Force Base, Missouri, who are responsible for the most advanced flying machine in the hands of our armed forces, the B–2 Spirit Bomber.

Nearly 3,500 members of the 509th Bomb Wing, operating from both their home base in Missouri and from a forward-deployed location, have kept B–2s in the air around the clock, day and night, since the beginning of our campaign to liberate the people of Iraq.

The 509th Bomb Wing started Night One of Operation Iraqi Freedom by launching six B–2s and hitting 92 separate regime, command-and-control, and other high-value targets in downtown Baghdad. This unprecedented feat in aerial history was successfully completed by crews flying 38-hour round-trip sorties.

A tremendous effort has gone into training and equipping our great American airmen. They have proven, once again, that the B–2 is the first to fight. In this case, they have been the only bomber thus far that has been put directly in harm's way over Baghdad. The B–2 has demonstrated that it is an invaluable asset to coalition operations.

We recognize and thank the members of the 509th Bomb Wing for their sacrifices, both at home and overseas. I know that the members of the famed 509th are also proud and greatly appreciative of the outstanding support they continue to receive from their friends and neighbors in Missouri. On this day and every day, our thoughts and prayers are with all our military members and their families.

## TRIBUTE TO NED AMSTUTZ

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Pastor Ned Amstutz of the First Baptist Church in Durango, Colorado for his extraordinary dedication to the community. After 8 years of service, Ned is retiring from the church, and today I would like to honor his accomplishments before this body of Congress and this nation.

After first working as a lawyer and a schoolteacher, Ned found his calling in the ministry and attended seminary in Dallas, Texas. After years of dedicated service, Ned is known as a pastor with boundless energy whose outreach efforts extend to all sectors of the community and support programs such as the Durango Manna Soup Kitchen and a monthly lunch for local business people. Ned's outreach also covers the globe, supporting worldwide missionary programs including one in Belarus, where he once spent time as a guest teacher at a Bible college. Further demonstrating his dedication to Durango, Ned serves as the chaplain for the Durango Police Department, working with both victims and police officers in crisis situations.

Mr. Speaker, the work of Ned Amstutz has clearly had a profound effect not only in Durango but throughout the world. Ned's tireless determination is an inspiration to his congregation and to his community as a whole. His energy will be greatly missed at First Baptist and I wish him the best in his future endeavors. Thank you Ned for your service.

## EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

### HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 20, 2003*

Mr. WATT. Mr. Speaker, some may think that my vote of ''present'' on this Resolution is a cowardly way out. In fact, a vote of ''present'' seems to me to be the only reasonable and logical vote to cast for the following reasons: I dare not vote ''no'' and express opposition to the two parts of the Resolution I so strongly support. Those two parts of the Resolution put Congress on record to express the ''unequivocal support and appreciation of the Nation to the members of the United States Armed Forces serving in Operation Iraqi Freedom, who are carrying out their missions with excellence, patriotism, and bravery; and to the families of the United States military personnel serving in Operation Iraqi Freedom, who are providing support and prayers for their loved ones currently engaged in military operations in Iraq.'' If the Resolution limited itself to these two parts, the Resolution would no doubt enjoy the unanimous support of the Congress.

On the other hand, I cannot in good conscience vote ''yes'' for the part of the Resolution that ''expresses the unequivocal support and appreciation of the Nation to the President as Commander-in-Chief for his firm leadership and decisive action in the conduct of military operations in Iraq as part of the ongoing Global War on Terrorism.'' I have previously stated that I do not support the President's decision to pursue this war without having exhausted every possible alternative short of war. I have also expressed my firm belief that pursuing war to enforce a United Nations Resolution without having even majority support of the members of the United Nations and the UN Security Council will undoubtedly feed the perception of U.S. arrogance around the world and increase the prospect of terrorism domestically and internationally. While our military superiority will no doubt assure our military victory in the war against Iraq, we have no effective way to defend ourselves and innocent people against individual acts of terror. For me to express ''unequivocal support'' for the President to follow a course of action I believe is misguided would be both contrary to my own beliefs and contrary to the overwhelming sentiments I have heard and continue to hear from my constituents on a daily basis.

I applaud the efforts of those who sought to craft a Resolution supporting our troops and their families. I am in full support of their efforts and those parts of this Resolution. While 1 do not agree with them, I also respect the opinions of those who believe, in good faith, that the President's actions deserve ''unequivocal support.'' I resoundingly reject the efforts of those who would use this resolution as a means of dividing Congress at this critically important time, especially those who would do so for political reasons or to make themselves appear more patriotic than those who intend to vote ''no.'' I do not feel obliged to be put to such a choice on a Resolution that has no substantive or binding effect. Consequently, having made this explanation, I am content to vote ''present.''

## FLOYD SPENCE POST OFFICE BUILDING

SPEECH OF

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 26, 2003*

Mr. ORTIZ. Mr. Speaker, I loved Floyd Spence like a brother and he would be honored by the fact the House is honoring him in Lexington, South Carolina, by naming a post office to commemorate his life and service to the United States. He was a dear friend, a colleague, and a stalwart for our nation's armed services and the country.

In addition to his zeal and dedication on behalf of his constituents in South Carolina, I admired his outlook on life. Floyd was determined to squeeze every drop of life he could from his time on this earth . . . and he succeeded.

He was supremely dedicated to his duty to South Carolina, to our armed services, and to the United States of America. I know this because I traveled with Floyd to places on every part of the planet to inspect our military bases. Wherever we went, he and I were the ones who insisted we talk to the enlisted men, not just the generals. Floyd served in the military; he and I were among the few Members of this House who served in uniform.

Floyd was a great hero, and a great friend to thousands of people here on Capitol Hill, in the Pentagon, throughout the services, and in his beloved South Carolina. I still miss that giant of a man with the funny laugh he was quick to share.

The camaraderie often noted as now missing in the House of Representatives has led our critics, and ourselves, to say that we lack either bi-partisanship or simple human trust. But because of my friendships with so many of my Republican colleagues, most notably my friend Floyd Spence, I know the trust we engender here is real and it works on behalf of the American people.

I thank the committee for honoring my friend, our colleague in this momentous way. Floyd would be so proud. I am proud for him and his family.

## THANK YOU MR. ANTHONY MEYER

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. HOLT. Mr. Speaker, I rise today to thank Mr. Anthony Meyer for his volunteer service to the Center of Outreach and Services for the Autism Community and congratulate him for his receipt of the NFL Community Quarterback Award.

Twice a week for the past five years Mr. Meyers has volunteered at the office of the Center of Outreach and Services for the Autism Community, COSAC, in Central New Jersey. His primary responsibility has been to create, then send autism information packets to the approximately 6,000 individuals who contact the Center annually. Many who call are parents who have just received the devastating news that their child has autism. Through Tony's efforts, parents receive valuable information in a timely manner that shortcuts their delay in seeking necessary services for a son or daughter.

An addition, on a regular basis, Tony donates an evening for group work with autistic adults. He provides support for their job crises, he coaches them on searching for employment and he provides a social outlet for people who are sometimes branded as different. He also serves on the Board of Trustees for COSAC where he provides advice on all issues pertaining to autism, particularly on the needs of the adults with whom he has recently worked.

What makes this effort particularly remarkable is that Tony Meyer is himself autistic. He did fairly well in school, but never made friends. He held several jobs, but most were minimum wage positions that did not take advantage of his intellect or potential. It was not until Tony decided to turn his efforts toward volunteer work at COSAC that he discovered a place that appreciated his skill, needed his work and valued his perspective. As a result of their appreciation and respect, they nominated Anthony Myers for the prestigious NFL award.

I ask that all the Members join me in congratulating Tony as one of the ten recipients of the NY Giants Community Quarterback Award for making a significant volunteer contribution to a non-profit organization.

## INTRODUCING THE AMATEUR RADIO EMERGENCY COMMUNICATIONS CONSISTENCY ACT

### HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. ISRAEL. Mr. Speaker, I rise today to introduce an important piece of legislation that will assist not only amateur radio operators, but society as a whole.

Organized amateur radio operators, or ''hams,'' regularly provide emergency communication when regular communications channels are disrupted by disaster. Hams have formal agreements with federal agencies such as FEMA and private relief organizations like the Red Cross. Hams are federally licensed volunteers and provide a variety of important communications services that protect lives while using their own equipment without compensation.

With the growth of developed communities, amateur radio operators have begun to fall under an array of inconsistent regulations, making it increasingly difficult for them to operate. Burdensome regulations are imposed on amateur radio operators making it difficult, and in some cases impossible, for them to erect antenna vital to their communications capabilities. We should remember that many of these antennas are stealth in nature. Hams can place antennas behind drainpipes or attach flexible antennas along the gutters of their own home. In some cases, when the homeowners associations have found these antennas, the Hams were forced to take it down.

Amateur Radio operators, who work with local disaster communication groups, are finding it more difficult to erect antennas. Sometimes homeowner associations arbitrarily forbid installation of any kind of antenna. It is especially important to keep in mind that most homeowners associations are not elected, and most Hams have no recourse or appeal process to pursue.

This is particularly troubling given the role that Hams have played in communications during emergency and catastrophic situations in the past. Not allowing Hams the equipment they need could restrict communication to the local community in similar situations in the future.

To remedy this situation, we have introduced legislation, the Amateur Radio Emergency Communications Consistency Act, which seeks to ensure the continued viability of amateur radio through consistent application of federal regulations.

The Amateur Radio Emergency Communications Consistency Act is based upon a 1985 Federal Communications Commission (FCC) regulation that required state and local authorities to ''reasonably accommodate'' amateur radio antennas. This ruling failed, however, to address situations affecting private land developments.

The Amateur Radio Emergency Communications Consistency Act will include homeowner associations and other land use regulators in the regulation. This bill would grant the FCC the authority to consistently apply the 1985 ruling to all homeowners, regardless of whether they are petitioning state or local authorities, or public land-use regulators or homeowners' associations. This simply means that these organization will be required to work with homeowners to achieve a ''reasonable accommodation'' when homeowners seek to install an antenna on their own property.

The FCC recognizes the invaluable service amateur radio operators provide to our nation. Congress also recognizes the contribution that Hams make. These good faith negotiations will help ensure that amateur radio operators' technical needs and the public service they provide are met while preserving the general welfare of the community.

## INTRODUCING LEGISLATION TO GIVE GREATER CHOICE TO THOSE WORKING TO HELP THEIR FAMILIES

### HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. OSE. Mr. Speaker, I am pleased to introduce bipartisan legislation addressing the issue of remittances. This is a simple bill aimed at an increasingly complex issue: how recent immigrants and New Americans send support to their families ''back home.''

People come from around the world to the United States, seeking not just to live the American Dream, but also to help support their families in their native lands. New Americans have a history of supporting those without the same opportunities, whether it is the Mexican farm worker helping his family today or the Irish settler who helped keep his family during the potato famine more than 100 years ago, Americans never forget where they come from.

Today, getting the money earned in the United States to one's family is easier than ever. Large money-transfer companies can send money almost anywhere in the world in an instant. More and more banks and other financial institutions are also providing these services.

But one group of institutions, often heavily involved in local and immigrant community projects, is limited in their activity. To use a local credit union for check cashing and wire transfer services, you must be a member.

Many in the immigrant community do not realize the benefits of credit union membership and see this is a barrier. They would rather pay higher prices for the service than go through the paperwork involved in joining—even though they are fully eligible to be a member of a specific credit union. It is, in effect, a barrier for them to take advantage of another member of the marketplace.

This bill, which I am pleased to introduce with my colleagues Mr. GONZALEZ, Dr. PAUL, Mr. KANJORSKI, Mr. GUTIERREZ, Mr. LATOURRETTE and Mr. SHERMAN, would simply allow credit unions to provide these services to people who would be eligible to join that credit union, but for whatever reason choose not to do so.

The marketplace thrives on competition. In a recent study by the Greenlining Institute, an organization dedicated to expanding access to financial services for disadvantaged communities, the credit union had one of the lowest fees and best exchange rates for those seeking to send money overseas. Everyone should have the opportunity to take advantage of this service.

There are still many issues that need to be addressed on the issue of sending support back to one's family. In my own district, not only do Latin American immigrants continue to support those overseas, but also many from Asia, India and even the Ukraine. We need to make sure that they have access to good services and are not taken advantage of by a few less-scrupulous businesses.

An open market, with true competition will help us improve the costs and other burdens associated with this industry.

## TRIBUTE TO MIKE AND EMILY BENEDICK

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Mike and Emily Benedick of Yampa, Colorado for the generosity and dedication to their community that they exhibited throughout their lives. Mike and Emily sadly passed away within a week of each other recently and I join their friends and family in mourning this tremendous loss. It is truly an honor to recognize their lives before this body of Congress and this nation.

Mike and Emily were married on June 30, 1928 while Mike was a coal miner in Oak Creek. An avid card player, he spent a great deal of time at his brother-in-law's saloon, The Antlers. Five years later, Mike and Emily were both working at The Antlers, which the couple eventually purchased in 1937. Mike and Emily ran the Antlers Café and Bar in Yampa, Colorado for nearly sixty years and saw the Yampa community through the momentous changes of the twentieth century, always providing a comfortable meeting place for the miners and ranchers of the area. The Antlers changed with the times, too, becoming a pool hall during prohibition, and later adding food to the menu.

The Antlers was always a place to visit, and any customer knew they would receive a friendly welcome from Mike and Emily. Despite many hardships after World War II in the 1950s and 1960s, Mike and Emily stayed open for business. In 1996, Mike and Emily closed the bar, and it was sold shortly thereafter. However, customers and community members alike recall Mike and Emily as welcoming and warm-hearted people, who were always stern in their ways.

Mr. Speaker, it is with great sadness that we mourn the loss of Mike and Emily Benedick. Their genuine concern and care towards others have truly made a difference in the lives of their family, friends, and community, and they will be greatly missed.

## ORVILLE L. FREEMAN

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Ms. MCCOLLUM. Mr. Speaker, the state of Minnesota lost a friend in February.

Born in 1918, Orville L. Freeman grew up in south Minneapolis, where his father owned a men's clothing shop. Graduating from Central High School at the height of the Depression, he attended the University of Minnesota because, as he stated, it ''was convenient and affordable.''

For 25 cents an hour, Freeman scrubbed walls at the University Hospital to help pay for his college tuition. As a summer job, he watered grass at Memorial Stadium and harvested grain with crews in Minnesota and North Dakota.

And somewhere in between, he made time to play quarterback for the University of Minnesota Gophers football team.

He received his diploma from the University of Minnesota magna cum laude and Phi Beta Kappa in 1940 and began law school in 1941. But, Freeman's law school career was cut short with the bombing at Pearl Harbor that same year.

The day after the attack, Freeman volunteered for the Marines. During World War II, as a Second Lieutenant, Orville L. Freeman led his combat patrol behind enemy lines on the island of Bougainville in the South Pacific in 1943. He was hit in the jaw by a bullet but managed to successfully lead his men to safety. Second Lieutenant Freeman spent 8 months in a military hospital, overcame partial paralysis, learned to speak again and was eventually awarded a Purple Heart before he was discharged as a Major.

Upon returning to Minnesota, Orville completed law school at the University of Minnesota, married his college sweetheart Jane Shields and had two children, Constance and Michael.

Mr. Freeman's interest and involvement in politics began as a college student at the University of Minnesota where he befriended

soon to be United States Senator, Hubert H. Humphrey. They worked tirelessly to ensure the re-election of President Franklin D. Roosevelt and committed themselves to the reorganization of Minnesota's Democratic party.

1944 marked the year that brought the Farmer-Labor and Democratic parties together to form the Democratic-Farmer-Labor (DFL) party in Minnesota. Together, Humphrey and Freeman built the DFL party—uniting farmers, unions, academicians, small-business owners, veterans and female activists through their common interests and goals for a better Minnesota.

With his political involvement and role as party secretary—Orville Freeman shaped the DFL and gave the party a face. His position gave him the opportunity to schedule events, control the party message and make connections in the community. He eventually made two bids for statewide office, first in 1950 for Attorney General—and then in 1952 for Governor. Although Freeman lost these two statewide races, at the suggestion of his good friend Humphrey, Freeman ran for governor again in 1954. Humphrey was running for re-election to the Senate that year—and wanted someone he knew he could work with in the governor's office.

Freeman's 1954 campaign for governor brought a new dynamic to political races in Minnesota. As the leader of the DFL, Freeman organized a statewide television campaign, and implemented a sample ballot that proved a very successful tool for the DFL that year, and years to follow. The sweeping DFL victory included electing Minnesota's first woman member of Congress, Coya Knutson, and winning all but one statewide DFL race. Freeman became the first DFL governor in Minnesota history, and was re-elected for two consecutive terms in 1956 and 1958.

In his three terms as governor—Freeman's commitment to education for all students was truly inspirational to me. He understood the strong desire for a quality education for all Minnesotans. He instituted the state-aid system for K–12 education that guaranteed a basic minimum education for all students, regardless of their school districts' wealth. In addition, he was a strong supporter of making college more accessible and affordable to students.

In 1960, Governor Freeman delivered the nomination speech in support of John F. Kennedy as the Democratic Party candidate for President of the United States and actively campaigned for Kennedy throughout Minnesota. Lutherans in Minnesota were apprehensive about electing the first Catholic President for fear the Vatican might influence him. This inspired Freeman to participate in a statewide television broadcast stating that religious prejudice had no place in Minnesota politics. While Freeman's dedication to Kennedy paid off—Kennedy won Minnesota by a 20,000 vote margin—Freeman unfortunately lost his re-election bid for governor by 20,000 votes.

The new President did not forget the strong support Governor Freeman had given him in Minnesota. Kennedy rewarded these efforts by nominating Freeman as Secretary of Agriculture, and Freeman continued his public service in Washington, DC.

As Secretary of Agriculture, he initiated a revolution in U.S. programs by launching the Food Stamp program, proposing the School Breakfast program, as well as the Women, Infants and Children (WIC) program. Additionally, he was a major proponent of food safety.

Secretary Freeman remembered those whose most basic needs were not being met by establishing a goal of eliminating hunger. Tying American farmers with the world market, he expanded the Foreign Agriculture Service and visited other countries to encourage opportunities for further U.S. trade abroad. Globally, he organized a massive program to ship U.S. grain to India that was instituted early enough to avert an impending famine.

Vice President Walter Mondale, his friend and mentor, may have put it best by saying this of Orville Freeman:

> He was one of the great public men in modern Minnesota history and American history. He fits Tom Brokaw's definition of America's greatest generation—enlisting in the Marines, becoming an officer, being seriously wounded and almost dying, fighting back, becoming a lawyer, leading the new generation in the DFL that was so successful and regaining the governorship.''

Orville L. Freeman, Minnesota's 29th Governor, died at the age of 84 on Thursday February 20, 2003 in Minneapolis, MN.

Minnesotans will miss the leadership and the dedication of Orville Freeman—his family will miss the wonderful, loving family man.

From the military to elected office to an appointed office, Orville Freeman dedicated his life to public service. He was a dynamic leader, an organizer and pioneer for his party. He was always a champion for the state of Minnesota and the United States and a champion for those that could not fight for themselves. It is from his example that we should learn and follow.

The Honorable Orville L. Freeman is survived by his loving wife of 61 years, Jane, their two children Constance and Michael, and three grandchildren Katie, Beth and Matthew.

## THE SPIRIT OF AMERICAN VOLUNTEERISM

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. BILIRAKIS. Mr. Speaker, I rise today to commend America's spirit of volunteerism and to highlight an organization that is helping the families of active-duty military personnel in my congressional district. Millions of Americans perform acts of kindness and compassion every day by helping their neighbors or by working through the many volunteer organizations that make our country great.

One such organization, Operation Brave Kids, is a Tampa Bay area charitable organization that provides financial assistance to the families of active-duty military personnel. The group provides resources that can make the difference between obtaining the necessities of daily life or going without. John Ghee, the founder of Operation Brave Kids, summarized the group's mission by stating that ''we want the family and the soldier to know that the community is behind them.''

Mr. Speaker, these troubled times require each of us to contribute in our own way to the cause of freedom and the care of our countrymen. I am proud to say that the spirit of caring and volunteerism is flourishing today in the land of liberty.

May God protect our troops and continue to watch over the United States of America.

## CONCERNING TREATMENT OF MEMBERS OF ARMED FORCES HELD AS PRISONER OF WAR BY IRAQI AUTHORITIES

SPEECH OF

### HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 26, 2003*

Mr. FORBES. Mr. Speaker, I rise today in support of H. Con. Res. 118 concerning the treatment of members of the Armed Forces held as prisoners of war by Iraqi authorities.

Mr. Speaker, I stand before you today with a heavy heart. For the past two days, we've watched emotionally stirring television footage of POW's who are being detained by Iraqi forces. These soldiers were on missions to defend and protect Americans from the evils of weapons of mass destruction when they were captured. I am saddened when I see these soldiers being detained, but I am confident that their extensive training has given them the strength and courage of conviction to prevail even at the hands of an evil regime.

While we do not know when our POW's will return home, I do know that we as Members of Congress expect the Iraqi regime to treat all POW's humanely and in accordance with the requirements set forth in the Geneva Convention. Those who violate this doctrine, and use force or other methods of inhumane treatment will be held accountable for their actions, and will be subject to prosecution to the fullest extent of the law. Brave soldiers, who give so much for our country, deserve no less.

My deepest and heartfelt sympathy goes out to the families of all of the POW's. We can only begin to imagine the pain and concern that the families of POW's must feel knowing that they are in the hands of the enemy halfway around the world.

It is our hope and prayer that American and coalition forces will be protected throughout this struggle as well as the Iraqi people.

These POW's and their families are making a tremendous sacrifice for our country—our country that soldiers are so proud to serve. Our country—where families await the safe and speedy return of loved ones.

My thoughts and prayers go out to all of our servicemen and women and to their families, who wish them a speedy and safe return.

## ON THE DEATH OF SENATOR DANIEL PATRICK MOYNIHAN

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. TOM DAVIS of Virginia. Mr. Speaker, today we mourn the passing of a great American.

For decades, Senator Daniel Patrick Moynihan was a central figure in the nation's political and intellectual life. He was a committed, determined, and diligent leader who represented the citizens of New York in the U.S. Senate for four terms. We came to know him

as a uniquely independent thinker and great friend to both political parties.

Those of us from the Washington, D.C. metropolitan area will always note the critical role Senator Moynihan played in revitalizing Pennsylvania Avenue, the grand route between the Capitol and the White House that was in disrepair when he first arrived here during the Kennedy Administration. He recognized the benefits in revitalizing the avenue and invested his skills to make this vision come alive. The Pennsylvania Avenue effort was one of the most successful redevelopment projects in the nation. Throughout his Senate career he was an authoritative collaborator in shaping this historic project.

The revitalization of Pennsylvania Avenue attracted projects to the city that might not have come otherwise. Subsequently, this project was used as a model for other redevelopment projects in the city, such as the MCI Center and the Washington Convention Center. Not only has the District benefited, but so has the entire country. Thousands of visitors can come each year to visit the Nation's Capital and be proud to stand on ''America's Main Street'' as it was intended to be. Daniel Patrick Moynihan's fingerprints will forever be on Pennsylvania Avenue.

Mr. Speaker, today I want to express my gratitude for Senator Moynihan's pioneering work and salute him as a scholar, leader, and gentleman. He will be sorely missed.

## TRIBUTE TO LUTHER ELDRIDGE ''IKEY'' MILLER

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. WOLF. Mr. Speaker, I would like to call to the attention of the House the passing of Luther Eldridge ''Ikey'' Miller. I had the pleasure of working with Mr. Miller during his service as the clerk of the Page County Circuit Court and chairman of the Page County Republican Party when Page County was a part of Virginia's 10th District between 1992 and 2002.

Mr. Miller, age 71, died at his Rileyville home March 17 after suffering a heart attack. Funeral services were held Wednesday, March 19, at Bradley Funeral Home, and he was interred in Luray.

Many grieve the loss of this man who was known as fair, straight-talking, dedicated and driven by integrity. According to a longtime friend, ''Ikey was looked at by other [party] chairmen in the area as a person with a lot of experience, who they could go to for advice.''

''He was always that wise man that had advice. He'd already been through whatever was coming up,'' according to Brian Plum, the current Page County Republican chairman.

In addition to his court and political careers, Ikey Miller was a dedicated father and husband, a military veteran, a solid baseball player in his youth, a talented musician, an active civic leader, a member of the Masonic Lodge, and a successful farmer. He also loved to hunt for coon and squirrel.

It was an honor to have known and worked with Ikey Miller, who not only lived according to his beliefs, but he was driven by them to excel. My condolences go out to his family and friends as they mourn the loss of such an exemplary public servant.

## TRIBUTE TO COL. SANFORD ''MAC'' McLAURIN

### HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. HAYES. Mr. Speaker, I would like to take this opportunity to commend Col. Sanford ''Mac'' McLaurin for his valuable service to our nation. On Friday, April 18, 2003, a retirement ceremony in honor of Colonel McLaurin, Staff Director, Corporate Communications, Defense Logistics Agency, Fort Belvoir, Virginia, will be held in recognition of 21 years, 10 months, and 19 days of distinguished service in the United States Air Force.

Colonel McLaurin began his military career in 1977 as the Deputy Information Officer at Seymour Johnson AFB, North Carolina. From there, he went on to be the Radio and Television Station Manager at Galena, Alaska. He held several positions as Chief, Public Affairs and Chief, Plans before becoming the Deputy, Media Relations (SAF/PAM) and Chief of Press Desk in 1995. His last position before coming to DLA was Chief, Air Force News & Information (SAF/PAI), liaison for Air Force News Service, San Antonio, TX, where he supervised 168 employees.

Serving an illustrious and most impressive military career, Colonel McLaurin accomplished a great variety of tasks, to include working the evacuation of non-essential Americans in Sierra Leone, Africa, with Special Operation Forces in 1991; working the hostage release out of Lebanon in 1992 (including Terry Anderson); flying with the Presidential mission to Rwanda, Africa, for first water purification system in 1993; serving 3 months in Riyadh, Saudi Arabia, as Chief of PA—Joint Task Force/Southwest Asia; launching the Air Force's first electronic official newspaper, U.S. Air Force Online News—March 1999; and was instrumental in developing U.S. Air Force Image Express—receiving video and imagery and supplying it to national media in real time.

After completing Student Air War College in 2000, Col. Mack joined DLA. The DLA 21 reorganization of the Agency brought together Public Affairs, Congressional Affairs, Visual Presentations, Visual Communications, Freedom of Information/Privacy Act, Corporate Promotions, and History—all under Corporate Communications and under the capable direction of Colonel McLaurin.

As Staff Director, Corporate Communications, Colonel McLaurin has numerous impressive accomplishments under his belt. He established the agency's first electronic official newspaper, DLA Today and Tomorrow. He also developed the Communications Plan and traveled to DLA activities around the globe to deliver a well-received Communications Road Show. He tackled the toughest media and congressional affairs issues and developed a ''Hill Strategy'' plan to aggressively pursue a better working relationship with congress.

In addition to a distinguished list of military courses completed, Colonel McLaurin has a Bachelor of Arts in Drama and a Master's in Psychology and Counseling from North Carolina Central University, as well as a Master's in Strategic Studies—from Maxwell A.F.B. Married to Deborah, the McLaurins have two children: Justin, 15 and Maya, 8. I have enjoyed working with Mac the past few years and wish him all the best in his future endeavors. May God bless Col. McLaurin and his family.

## SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

SPEECH OF

### HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 26, 2003*

Mr. McDERMOTT. Mr. Speaker, House Resolution 153 will undoubtedly pass this morning. Many members, having read the summary, are probably uneasy because the resolution asks Americans to pray on behalf of the American Armed Forces and people—not for the British soldiers dying in the desert, nor for the Iraqi mothers searching for their children in the flames, nor for the countless others who need the blessings of Providence. I know I feel uneasy about the narrowness of the resolution.

However, I want to urge my colleagues to read and take seriously the entire resolution. I especially urge them to read the section which says:

''Whereas through prayer, fasting, and self-reflection, we may better recognize our own faults and shortcomings and submit to the wisdom and love of God in order that we may have guidance and strength in those daily actions and decisions we must take;''

I urge my colleagues to take seriously the admonishment to remember that we, as individuals and as a nation, have faults and shortcomings. We are not, as individuals or as a nation, lords of this earth. We must do our best with imperfect knowledge and imperfect wisdom, never assuming we act on God's behalf.

Mr. Speaker, I ask my colleagues to recall I Corinthians, 13:11–12:

''For now we see through a glass darkly, but then face to face; now I know in part, but then I shall know even as I am known.''

## INTRODUCING THE HOMELAND INFRASTRUCTURE POWER SECURITY AND ASSURANCE INCENTIVES ACT OF 2003

### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. TERRY. Mr. Speaker, today I am introducing, along with Mr. DOYLE of Pennsylvania, the ''Homeland Infrastructure Power Security and Assurance Act of 2003.'' This legislation will encourage the deployment and increased use of advanced technologies for the production of secure, reliable, efficient, and clean electric power needed to reduce our dependence on foreign oil and to protect our energy infrastructure from terrorist threats. In a radio address to the nation President Bush stated:

As our economy continues to grow, U.S. oil consumption is projected to increase by about one-third during the next 20 years. Our demand for electricity is expected to rise by 45 percent. America is already using more energy than our domestic resources can provide, and unless we act to increase our energy independence, our reliance on foreign sources of energy will only increase. (February 23, 2002 Radio Address to Nation)

Reducing dependence on foreign oil is a significant aspect of America's homeland security strategy, and this will require better utilization of our nation's domestic natural resource fuels. Another critical goal is to minimize risk of terrorist attacks on the nation's critical power supplies, especially at military installations and major financial centers. In my own congressional district, First National Bank has installed fuel cells in its new building in downtown Omaha that can each produce 200 kilowatts of electricity using natural gas. The electricity produced by these fuel cells powers the bank's data center in a secure and reliable manner. The ultra-clean power plant located securely inside the First National's Data Technology Center assures that the facility has less than one second of power downtime a year.

At another popular attraction in Omaha, the Henry Doorly Zoo, a fuel cell has been installed at the Lied Jungle that is a 200 kW unit that serves 50 percent of its power needs. It operates at a 75 percent capacity factor and generates more than 1.3 million kilowatt-hours annually.

This use of distributed stationary power generation is a prime example of what we can do to protect our critical infrastructure facilities like military installations, financial entities, utilities, first responder facilities like firehouses and police stations, and information technology systems from potential terrorist threats. Dispersed networks of decentralized, distributed generation power modules are less vulnerable to attack, and there is a wide range of advanced distributed technology options that can be deployed by U.S. electricity generators in order to fortify America's energy infrastructure.

Improving the reliability of our electric power infrastructure will also help our economy grow. It is estimated that power outages, brownouts, and other voltage disturbances cost U.S. industry up to $150 billion per year. On the other hand, it is estimated that energy efficient and renewable energy markets account for a $500 billion annual global market to U.S. companies and could lead to a net increase of 1.3 million jobs over the next 20 years. We need to use new, advanced turbines, fuel cells, and storage technologies to reduce these costly outages. We also need to export these technologies. This will improve both our energy security and our economic security.

My legislation is directed at promoting and encouraging faster deployment of advanced technologies, primarily to protect the homeland, but with the added environmental benefits that come from clean and efficient power equipment. The legislation empowers the Secretary of Energy to administer an Advanced Technology Incentives Program. In order to receive incentive payments eligible owners and operators must submit an application to the Secretary that documents the use of qualifying technologies that reduce system costs, and improve performance and reliability of advanced distributed power generation and energy storage systems. This is a voluntary, not a mandatory program.

The bill establishes two qualifying requirements for eligibility. First it must qualify as a ''qualifying advanced technology facility.'' Facilities meeting this requirement are eligible for payments based on 1.8 cents per kilowatt-hour generated during a fiscal year. If an owner or operator provides power that qualifies as a ''qualifying security and assurance power facility'' a bonus of 0.7 cents per kilowatt-hour may be earned. The maximum number of kilowatt-hours a single owner or operator may accrue for each year is 10 million kilowatt-hours. There is authorized $250 million for the first four years of the program and separate appropriations will be required.

Mr. Speaker, this legislation is timely. America is engaged in a war with Iraq that may disrupt our access to world oil supplies. Weather in the United States this winter has been unusually cold—raising home heating fuel prices to millions of consumers. Recently, President Bush elevated the threat of terrorist acts to Level Orange—the secondhighest level. Our national critical infrastructure, including power plants, electric transmission lines, and the nation's information technology system, are all potential targets. Secure, protected, reliable power must be a priority of any homeland security measures undertaken by the new Department of Homeland Security.

Finally, Mr. Speaker, as a member of the Energy and Commerce Committee, I look forward to participating in the Committee's early consideration of this year's version of the ''Securing America's Future Energy Act.'' I also urge my colleagues to consider including provisions that will encourage increased use of advanced technologies like fuel cells and other low emission, high efficiency energy technologies. These innovative advanced technologies must be a part of both our national energy and homeland security plans.

## H.R. 1460—VETERANS ENTREPRENEURSHIP ACT OF 2003

### HON. RICK RENZI

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. RENZI. Mr. Speaker, today I am introducing H.R. 1460, the Veterans Entrepreneurship Act of 2003, a bill to help veterans create, manage, and grow their own small businesses. I am joined by Mr. SMITH of New Jersey, Mr. EVANS, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. BEAUPREZ, and Mr. MICHAUD as original cosponsors. We believe Congress should accord veterans a full opportunity to participate in the economic system that their military service has helped sustain. Veterans indeed represent a unique national resource and we need to harness their engaging abilities in our economy.

First, this measure would allow veterans to use VA education benefits to enroll in a non-degree, non-credit business course offered by a Small Business Development Center (SBDC) and the National Veterans Small Business Development Corporation. The Small Business Administration helps fund 1,000 SBDCs in the United States; Puerto Rico, U.S. Virgin Islands, Guam, and American Samoa. SBDCs are operated in partnership with colleges and universities or governmental entities. We have drafted this section so that it would improve access to pre-entrepreneurship training and skills building for veterans and certain others, as well. Disabled veterans, dependent spouses and children of certain disabled or deceased veterans, and members of the Guard and Reserve, also would be eligible.

Second, the bill would clarify that disabled veterans enrolled in school under a VA vocational rehabilitation program may establish self-employment in a small business enterprise as a vocational goal. The bill recognizes that self-employment is a legitimate rehabilitation goal. It intends to discontinue any current VA practices that could require a disabled veteran to establish that he or she is unable to be employed in another job before being permitted to benefit from the essential entrepreneurship services VA's vocational rehabilitation program currently furnishes. These services include necessary equipment, supplies, and other needs associated with starting a small business. We note VA still could establish certain controls, so that aspiring disabled veterans would have the best chance of succeeding as small business owners. This section of the bill is especially important for disabled veterans who desire to start and grow home-based small businesses.

Third, our bill would give federal agency contracting officers the discretionary authority to create sole source contracts for disabled veteran-owned businesses up to $5 million for manufacturing awards and $3 million for non-manufacturing awards. It also would furnish contracting officers discretionary authority to restrict certain contracts to disabled veteran-owned small businesses if at least two such concerns are qualified to bid on the contract. This section of the bill is designed simply to create a ''level playing field'' for those individuals who have been wounded or injured in defending our freedoms.

Mr. Speaker, the smaller business sector is our economy's job generator. Our former servicemembers indeed are engaging and resourceful individuals. Our bill simply gives them additional tools to realize the dream of entrepreneurship.

## EXPRESSING SUPPORT AND APPRECIATION FOR THE PRESIDENT AND MEMBERS OF THE ARMED FORCES PARTICIPATING IN OPERATION IRAQI FREEDOM

SPEECH OF

### HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 20, 2003*

Mr. JACKSON of Illinois. Mr. Speaker, I want to make it clear that our young men and women, who are putting their lives on the line in Iraq, have my unequivocal support. I will do everything in my power as a member of Congress to see to it that they have everything they need to win this war and return home safe and sound to their families. We can only hope and pray that this war will end quickly, and a minimum number of American, British, and Iraqi civilian and military lives are lost, destroyed or maimed for the rest of their lives.

While the troops have 100 percent of my support, when appropriate, I will continue to articulate the grave concerns I have about the

policies that sent them there. That is why I cannot ''express . . . unequivocal support and appreciation ... to the President ... for his firm leadership and decisive action in the conduct of military operations in Iraq as part of the ongoing Global War on Terrorism.'' There is no convincing evidence that Iraq was involved or connected to Osama bin Laden, Al Qaeda or the events of September 11, 2001—despite President Bush's many failed attempts to morph the two, in order to convince the American people that there is such a connection.

Most Americans think that when our young men and women are risking their lives on the battlefield that Democrats, Republicans and Independents in this House would come together in a non-partisan manner to support our troops—because everyone does support them. An appropriate resolution supporting our troops in the Senate passed earlier by a vote of 99–to–0. But the Republican extremists in the House have no shame and no limits. They will politicize the blood of our soldiers if they think they can gain a political advantage. They have never met an issue they were unwilling to ''wedge.'' That's what Section 1 of this resolution is designed to do—create a wedge issue. I have no problem with Sections 2 and 3.

Many Democrats, myself included, separate support for the troops from support for the President's policy. But the Republicans deliberately joined the two so they could make it a political wedge issue. Therefore, if you vote ''for'' the resolution it appears that you support the President's policy. But if you vote ''against'' the resolution, the Republicans intend to paint you as against our troops and unpatriotic in future elections. In other words, the Republicans have deliberately tried to set a ''Catch 22'' trap. Thus, to avoid the ''damned if you do and damned if you don't'' wedge issue the Republicans created, I am voting ''present'' on an issue for only the second time since I came to Congress on December 12, 1995.

I do not support the President's policy in Iraq. Indeed, I filed a federal lawsuit to stop the President from going to war in Iraq without a declaration of war from Congress. I believe the President's actions in Iraq are unconstitutional and in violation of international law. Article 1, Section 8 of the Constitution says Congress alone—not the President—has the power to declare war. The October resolution was not a declaration of war! Indeed, I believe that not just going to war without a declaration of war, but the attempt to cede such war-making powers to the President in the October Resolution was unconstitutional. And there is nothing in U.S., UN or other international law that justifies the unprecedented doctrine of preemption—preemptively attacking another sovereign country without first being attacked, or without presenting convincing evidence to the American people and the world that such a threat or attack is imminent.

Therefore, I am concerned about a UN-ignored, but U.S.-led preemptive policy that has weakened the United Nations, weakened the structures of ''collective security,'' and weakened the rule of international law.

As the wealthiest and only superpower in the world, the U.S. has the most economic and military interests in the world. The United Nations, collective security, and the rule of international law have well-served those U.S. interests. Weakening any of them increases the threat to U.S. interests at home and abroad.

So today, even as I give our young men and women in Iraq my unconditional support, I also renew my dedication to strengthening the United Nations, collective security, and the rule of international law. They help guarantee peace and security in the world and, when fully utilized, make it less likely that American service men and women may have to be sent to possibly make the ultimate sacrifice in defense of our country in the future.

## PERSONAL EXPLANATION

### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. SMITH of Washington. Mr. Speaker, due to family reasons, I missed the following rollcall votes:

Motion to Suspend the Rules and Pass. Sponsor: Representative RON KIND; Motion agreed to: 411–13. 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.

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 85, a motion to suspend the rules and pass H.R. 961, the Upper Mississippi River Basin Protection Act. Had I been present, I would have voted ''yes''.

Motion to Suspend the Rules and Pass. Sponsor: Representative CHRIS CANNON; Motion agreed to: 423–0. To revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona.

Mr. Speaker, due to family reasons, I was unable to vote on rollcall No. 84, a motion to suspend the rules and pass H.R. 788, the Glen Canyon National Recreation Area Boundary Revision Act. Had I been present, I would have voted ''yes''.

## HONORING A GREAT HERO FOR IRAN'S FREEDOM, AND WORLD PEACE AND SECURITY

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. TOWNS. Mr. Speaker, I would like to use this opportunity to ask my colleagues in the U.S. House of Representatives to observe a moment of silence for a great man who is no longer among us, Ebrahim Zakeri. The late Mr. Zakeri was a great champion of freedom that not only helped the Resistance Movement to establish freedom and democracy in Iran, but he also fought for human dignity, global peace, and security.

As the Chairman of the Security and Counter-terrorism Committee of the National Council of Resistance of Iran, Ebrahim Zakeri was truly a resistance hero and a symbol of devotion, struggle and selflessness for the cause of Iran's freedom, as well as global peace and security. His mother was also executed at the age of 70 after suffering extreme torture in Evin Prison.

My colleagues in the House remember, that last August, I circulated information about the Iranian regime's nuclear program and the two new nuclear sites that Iran was using to threaten world peace and security. The information was made available by the committee that Ebrahim Zakeri chaired.

Ebrahim Zakeri was an assistant professor in the Department of Communications at Tehran University. He was imprisoned by the Shah from 1972 to 1975. About one year after his release from prison, he was rearrested and sentenced to life imprisonment. He was among the last group of prisoners to be freed by the people at the time of the Revolution in 1979. He was a candidate for parliamentary elections in Abadan after the revolution that overthrew the monarchy. Despite a strong propaganda campaign against the Mojahedin and ballot rigging, the regime was forced to announce that he received the second highest number of votes in the election.

He then served in different posts at the National Liberation Army of Iran (NLA). Ebrahim Zakeri was a member of the General Command of the NLA and became a member of the National Council of Resistance of Iran in November of 1992. In 1993, he was appointed Chairman of the Security and Counter-terrorism Committee of the NCRI. Since then, his committee has exposed many of the Intelligence Ministry's terrorist plots, as well as Tehran's efforts to obtain nuclear weapons.

In a word, his 31 years of struggle serve as a lesson and a guide for the young people of his country, and will always be honored by our nation and certainly by my colleagues in the U.S. Congress. I express my condolences to the Iranian people and to the Resistance's President- elect, Mrs. Maryam Rajavi.

## INTRODUCING THE SECURING TRANSPORTATION ENERGY EFFICIENCY FOR TOMORROW ACT

### HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. OBERSTAR. Mr. Speaker, today I have introduced the ''Securing Transportation Energy Efficiency for Tomorrow Act'' (the STREET ACT). This bill recognizes the close connection between transportation policy and energy policy. In many respects, transportation policy is energy policy. Our transportation energy needs are increasing, but we have not done enough to be able to meet these needs with new technologies and alternative fuels. As a result, our dependence on foreign oil continues unabated.

Today, the transportation sector consumes a greater share of petroleum (66 percent) than it did in 1973 (50 percent). Each year for the past two decades, energy use in the transportation sector has increased by a rate of 1.5 percent. It is time, indeed it is long overdue, for the Federal Government to lead in the development and promotion of energy efficient technologies and alternative and renewable fuels.

As the Nation's largest energy consumer, the Federal Government is in a unique position to promote energy conservation and efficiency, particularly in the transportation sector and in the operation of Federal buildings. The STREET ACT ensures that the Government does just that. The bill authorizes more than

$2 billion to promote greater energy efficiency and further the development and use of alternative and renewable fuels on our highways, railroads, airplanes, ships, and in our Federal buildings.

For example, the bill provides for the use of photovoltaic solar energy systems (photovoltaics) in our Federal buildings. Photovoltaics reduce the consumption of fossil fuels and offer distinct advantages over diesel generators and primary batteries. They are highly efficient and have no moving parts, so the need for maintenance is virtually non-existent. Over twenty-five Federal buildings throughout the country, from Boston, Massachusetts to San Francisco, California, already use photovoltaics to great effect. This bill seeks to fulfill the promise of the Million Solar Roofs Initiative of 1997 of having photovoltaic solar energy systems installed in 20,000 of our Federal buildings by 2010.

In addition, the bill authorizes the Economic Development Administration (EDA) to make grants for the development of brightfield sites. Brightfields are brownfield sites, i.e., abandoned or contaminated property sites, which are redeveloped using solar energy technologies. Brightfields are being successfully developed across the country. This bill allows the EDA to contribute to this development by providing assistance to economically distressed communities so that they can redevelop contaminated or abandoned property. Making these properties viable for commercial use can significantly improve the economic opportunities in the area where the brightfield site is located.

The bill also provides for the development and deployment of new technologies to create cleaner, more fuel-efficient engines for use in all modes of transportation including on rail, in water, and in the air. The bill authorizes the Department of Transportation to enter into public-private partnerships with universities and industry leaders to promote the development of cleaner, more fuel-efficient engines for our Nation's railroads, ships, and airplanes. These clean engines would help reduce ozone-forming emissions and would be especially significant in areas of nonattainment. Research on many of these projects has already begun, and this bill ensures that the Federal Government remains committed to the development and deployment of these promising new technologies.

To promote the use of cleaner energy on our Nation's highways, the bill establishes a grant program by which the Department of Transportation can make up to ten grants for the development and demonstration of fuel cell-powered buses. Heavy-duty vehicles, which include buses, account for only 6 percent of the total vehicle population, but generate 60 percent of nitrogen oxide emissions and over 80 percent of all particulate matter emissions. Fuel cell buses would reduce pollution on our roads through the use of a clean, environmentally-friendly energy source and would help reduce our dependence on foreign oil. Further, we are falling behind other Nation's in the development of these technologies. While there are a few prototype buses currently being tested in this country, the European Union has stated its goal of deploying 30 buses for revenue use in ten European cities by the close of this year. We cannot cede another transportation technology to our foreign competitors. We should lead the world in the research, development, and deployment of fuel cell bus technology.

In addition, the bill provides a $75 transportation fringe benefit to employees who commute to work by bicycling, carpooling or car-sharing. Currently, employees who drive to work can receive a $190 per month parking benefit and employees who use transit can receive up to $100 per month. This bill represents a first step in extending those benefits to citizens who choose to promote energy conservation while commuting to and from their jobs.

Mr. Speaker, the war with Iraq has once again focused our attention on the need to reduce our dependence on foreign oil. It is time to make a real and lasting commitment to the development of these new technologies and the use of alternative and renewable fuel that can help make America more self-sufficient in meeting her energy needs. We have the means available; the place to begin is with the Federal government and with this bill.

A detailed summary of the bill's provisions is attached.

SECURING TRANSPORTATION ENERGY EFFICIENCY FOR TOMORROW ACT OF 2003 (THE STREET ACT)

The Securing Transportation Energy Efficiency for Tomorrow Act (the STREET Act) recognizes the connection between energy policy and transportation policy and the importance of utilizing new technologies and alternative fuels to meet our transportation energy needs. The STREET Act promotes the Federal Government's leadership in the development and utilization of alternative and renewable fuels in the transportation sector and in the operation of Federal buildings. Our Nation's energy needs are increasing. Energy use in the transportation sector alone has increased by a rate of 1.5 percent each year for the past two decades. The vast majority of that energy (approximately 99 percent) comes from traditional fuels. Today, the transportation sector consumes a greater share of petroleum (66 percent) than it did in 1973 (50 percent).

As the Nation's largest energy consumer, the Federal Government is in a unique position to promote energy efficiency and the use of alternative and renewable fuels. The STREET Act authorizes more than $2 billion in federal funds to promote greater energy efficiency in our transportation sector and our Federal buildings, and to further the development and use of alternative and renewable fuels in our highways, our railroads, our airplanes, our ships, and in our Federal buildings.

ECONOMIC DEVELOPMENT AND PUBLIC BUILDINGS

Photovoltaic Solar Energy Systems for Public Buildings. Amends the Public Buildings Act of 1959 to authorize the Administrator of General Services to establish a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar energy systems for electric production in new and existing public buildings. The purposes of this section include a reduction in fossil fuel consumption and attainment of the goal of installing 20,000 solar energy systems in federal public buildings set forth in the Federal Government's Million Solar Roof Initiative of 1997. The bill authorizes approximately $1.3 billion over 5 years for this program.

Capitol Complex Energy Efficiency. Authorizes the Architect of the Capitol to conduct a study to evaluate the energy infrastructure of the Capitol complex to determine ways to increase energy efficiency including the use of photovoltaic solar energy systems, district heating, and other unconventional and renewable energy resources. The bill authorizes such sums as may be necessary for this study.

Brightfields. Amends the Public Works and Economic Development Act of 1965 to authorize the Secretary of Commerce to carry out a demonstration grant program for the development of brightfield sites. Brightfield sites are defined as brownfield sites that are redeveloped using solar energy technologies. The bill authorizes $200 million over 5 years for this grant program.

SURFACE TRANSPORTATION

Highway Fuel Conservation. Establishes a grant program through which the Secretary of Transportation may provide grants to States and local governments for projects designed to make operational improvements to reduce fuel consumption on Federal-aid highways and roads, including data collection and analysis for improved traffic signal timing, implementation of improved and coordinated traffic signals, and planning and implementation of freeway management systems. The bill authorizes $200 million over 5 years for this grant program.

Fuel Cell Bus Technology. Amends Section 5308, Title 49 of the United States Code to allow the Secretary of Transportation to make grants to up to 10 recipients for the research and development of fuel cell bus technology. Preference is given to grant applicants who have an existing fuel cell bus technology program and have made investments in hydrogen fuel cell infrastructure. The bill authorizes $300 million over 5 years for this grant program.

Conserve by Bicycling. Authorizes the Secretary of Transportation to establish a pilot program that would provide funding for up to 10 geographically dispersed projects to encourage the use of bicycles in place of motor vehicles. The bill authorizes $10 million for this program.

Energy Impacts. Requires that environmental impact statements prepared for Federal-aid highway and transit projects quantify and consider energy impacts as an environmental consequence of the project. Currently, Federal Highway Administration guidelines state that energy impacts should be considered as one of 25 environmental consequences in an EIS. However, the guidelines state that ''except for large projects, a detailed energy analysis . . . is not needed.'' As a consequence, the energy impact of smaller-scale projects is often not quantified and not thoroughly considered. This section remedies that by requiring that all Federal-aid highway and transit projects quantify and consider energy impacts.

Extension of Transportation Fringe Benefits. Amends section 1320(f) of the Internal Revenue Code to include as a transportation fringe benefit that is excludable from an employee's gross income, a $75 commuting allowance for employees who commute to work by bicycling, carpooling or car-sharing.

Railroad Efficiency. Authorizes the Secretary of Transportation, in conjunction with the Administrator of the Environmental Protection Agency, to establish a public-private research partnership to develop and demonstrate locomotive technologies that increase fuel economy, reduce emissions, and lower costs. The bill authorizes $105 million over 3 years for this program.

AVIATION

Clean Airport Bus Pilot Program. Directs the Secretary of Transportation to establish a pilot grants award program for the acquisition of buses powered by alternative fuels and low-sulfur diesel fuel at public airports through airport bus replacement and fleet expansion grants. Grants are to be used to purchase buses powered by alternative fuels and low-sulfur diesel fuel to be used as part of the airport fleet for a minimum of 5 years and, to the extent possible, grants are to be awarded to ensure a broad geographic distribution with no State receiving more than 10 percent of the available grant funding. The bill authorizes $200 million over 5 years for this grant program.

Clean Aircraft Engines. Authorizes the Administrator of the Federal Aviation Administration to establish a public-private research partnership with the National Aeronautics and Space Administration, research universities, and members of the aero-propulsion industry to develop a clean ground demonstrator engine utilizing technologies developed by NASA and to focus on the development and certification of environmentally friendly manufacturing technologies, materials, and overhaul and repair. The bill authorizes such sums as may be necessary for the establishment of this public-private partnership.

WATER RESOURCES

Marine Efficiency. Authorizes the Secretary of Transportation to establish a public-private research partnership with the Federal Government, vessel operators, ports, terminal operators, shipyards, and equipment suppliers to develop and demonstrate technologies that increase fuel economy, reduce emissions, and lower costs of marine transportation and increase the efficiency of intermodal transfers. The bill authorizes such sums as may be necessary for the establishment of this public-private partnership.

Improving Hydropower Capabilities. Directs the Secretary of the Army to study the potential for reduced fossil fuel consumption through an increase in U.S. hydropower capabilities at dams owned or operated by the Corps of Engineers.

Encouragement of Prohibitions on Great Lakes Off-Shore Drilling. Contains a finding by Congress that environmental dangers associated with off-shore drilling in the Great Lakes for oil and gas outweigh the potential benefits of such drilling and encourages the Great Lake states to continue to prohibit off-shore drilling for oil and gas where such prohibitions already exist and to enact a prohibition of such drilling where one does not yet exist.

## RECOGNITION OF THE OAK PARK BUSINESS EDUCATION ALLIANCE

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. LEVIN. Mr. Speaker, I rise today to recognize the Oak Park Business and Education Alliance (OPBEA) at their Annual Community Awards Luncheon on Friday, March 28th at Glen Oaks Country Club in Farmington Hills.

The Oak Park Business and Education Alliance is a non-profit organization of educators, businesses and government entities. This organization marshalls important segments of the community to focus on increasing educational opportunities for Oak Park students. Since its inception in 1993, they have become an invaluable asset to the community.

On Friday, this fine organization will honor a community activist, Mike Tobin, and a community institution, Oakland Community College.

Mike Tobin, President of Mike Building Company of Farmington, learned his trade from his father who from the beginning concentrated on building homes that would open the residential market to more families. That practice continues today because Mr. Tobin's his first love is the single family affordable home. He shares the enjoyment of first-time buyers when they realize they have become ''homeowners.'' Aside from his love of building, and his commitment to the future of the building industry and the workforce of tomorrow, Mr. Tobin is a recognized leader in the community and a devoted supporter of many charities and institutions, including the OPBEA.

Oakland Community College (OCC) established in 1964, began with 2 campuses and was proud of its initial enrollment of 3860 students. Today, they have grown to more than 27,000 students covering 5 campuses in Oakland County. OCC is an invaluable resource for the community, the region and the State as they provide a wide range of affordable services and educational opportunities to students of all ages. OCC is an active participant in the OPBEA Board as a connecting link between education and employment.

Mr. Speaker, I ask my colleagues to join me in congratulating Mike Tobin, Oakland Community College and the Oak Park Business and Education Alliance and wish them success in their future endeavors.

## TRIBUTE TO STEVE AND JEANNE BECKLEY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. McINNIS. Mr. Speaker, it is with great pride that I rise today to recognize Steve and Jeanne Beckley of Glenwood Springs, Colorado. The Beckleys are dedicated members of the Glenwood Springs community, and it is my honor to pay tribute to their accomplishments before this body of Congress and this great nation.

Steve and Jeanne are the owners of Glenwood Caverns, a landmark tourist attraction in the Glenwood Springs area. Recently, they have expanded the caves into a year-round attraction, beginning construction of an aerial tramway to be completed this spring, which will allow visitors to access the site from Iron Mountain. Their contributions to tourism in Glenwood Springs will help to bring even more visitors to the area. For their efforts, the Beckleys were recognized as Glenwood Springs Chamber Resort Association's Citizens of the Year for 2002.

Mr. Speaker, it is with honor that I commend Steve and Jeanne Beckley before this body of Congress and this great nation for their efforts in the Glenwood Springs community. Their contributions have greatly benefited the people of Glenwood Springs and I am honored to have this opportunity to represent such fine Coloradans. I wish both Steve and Jeanne the best of luck with all of their future endeavors.

## FISCAL WINDS OF WAR

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues this March 27, 2003, editorial from the Omaha World Herald. The editorial rightly praises the other body for its vote to reduce the President's proposed tax cut in the budget resolution in the face of the cost of the war in Iraq.

[From the Omaha World-Herald, Mar. 27, 2003]

FISCAL WINDS OF WAR

Cutting taxes in an effort to reinvigorate a sputtery economy is an idea that has merit, and the Bush administration can be praised for pursuing the effort. But the U.S. Senate, in its surprise vote on Tuesday, got it right: $726 billion was simply too much in the face of an open-ended and obviously costly war with Iraq.

The Senate, in a stance it reconfirmed yesterday, voted to reduce the tax cut (as part of a $2.2 trillion budget) to $350 billion, still a substantial tax reduction. Next comes the haggling between House and Senate, since the House-approved version would give President Bush the full $726 billion cut he sought.

By the best available evidence, the administration lost track of its vote tally in the Senate. It asked for an initial $75 billion for the war in Iraq, evidently confident that it would win both that and the full tax reduction. But the Senate, by a narrow margin, opted for prudence. The majority rightly saw the $75 billion as a down payment—enough to sustain the effort for six months, with more bills to come later and yet more after that as the effort gets under way to reconstruct Iraq.

Bush's reluctance until this week to put even a tentative price tag on the Iraq war and aftermath has raised a question in our minds: Is the administration concerned that domestic support for the war will fade if the average American is asked to sacrifice something?

If so, we would hope to disabuse the White House of such a notion. Several recent polls suggest that 70 to 75 percent of Americans support this effort to dislodge the evils of Saddam Hussein. We believe that if it takes giving up (at least for now) part of a proposed tax cut to undergird the fight financially, most Americans are ready to do that.

We are reminded of World War II, when Americans willingly observed meatless days, endured gasoline rationing, drove on bald tires and so on to bolster the war effort. We have no reason to believe that today's citizens are made of less stern stuff.

Congress should unhesitatingly give the president the war funding he is asking for. His tax-cut plan can be revisited later. Meanwhile, as a people we're in this fight and had better pay for it. (Don't forget the hyperinflation that resulted from President Lyndon Johnson's insistence on conducting the Vietnam war on the cuff.)

Congress has a duty here, too. Whatever tax-cut figure it ends up with, it should make good on its word: Spend the difference on the war, and if there's any left, shore up the Social Security system. Any other use of the funds constitutes a breach of promise.

## HONORING MR. FRED HILL UPON HIS INDUCTION INTO THE PLYMOUTH, MICHIGAN HALL OF FAME

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. McCOTTER. Mr. Speaker, I ask the House of Representatives to join me in recognizing Mr. Fred Hill, as he was recently inducted into the Plymouth, Michigan Hall of Fame.

His passion for Plymouth, Michigan has led him to serve as President of the Plymouth Community Chamber of Commerce, Plymouth Community United Way, Kiwanis Club of Colonial Plymouth, and Plymouth Downtown Development Authority. Mr. Hill also served on numerous boards and committees including the City Charter Commission, Salvation Army Board, and the Plymouth Jaycees. He is also the founder and leader of the nationally known Fred Hill Briefcase Drill Team.

Mr. Hill is a tremendous ambassador for the Plymouth community, and we at home are indebted to, and grateful for his dedication, passion, and humor—if not his singing.

Mr. Spreaker, I extend my sincere appreciation to Mr. Fred Hill, as he is inducted into the Plymouth, Michigan Hall of Fame, for his fine service to our country.

## INTRODUCTION OF H.R. 1345, THE EQUITY FOR RESERVIST ACT (ERA)

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. LANTOS. Mr. Speaker, recently I learned about an extraordinary individual, Mr. Gary Kibbee, a firefighter with the South San Francisco Fire Department and member of the Navy reserves. Firefighter Kibbee was activated shortly after September 11, 2001 and has remained deployed in an active duty role since then. He serves his country with honor and distinction, and I feel safe knowing that men like him are defending our nation.

I am deeply concerned, however, that while Firefighter Kibbee is concentrating on the extraordinarily difficult and dangerous mission he had been deployed to perform, he is also being forced to worry about the welfare of his wife and two children. For Firefighter Kibbee's family has to worry not only about whether he will return, but also about how they will make ends meet.

The Kibbee family is victim of a ''pay gap'' suffered by many of the over 200,000 Reservists and National Guardsmen currently activated. While he is activated, Firefighter Kibbee receives military pay that is significantly less than his civilian pay. This is a sacrifice he, his family, and his brothers and sisters serving in the Reserves and National Guard should not have to bear.

Thankfully, for the past year Firefighter Kibbee has been able to rely on the generosity of the City of South San Francisco to cover the discrepancy between his civilian and military salary. However, South City, like so many other cities and towns, is facing looming deficits and is unable to continue to cover the difference in salary after 12 months, even for a two-time ''Firefighter of the Year'' award winner. Firefighter Kibbee was recently notified that his activation has been extended for another 12 months, taking his total time on active duty to the full two years.

Mr. Speaker, if Firefighter Kibbee's concern was unique it would be extremely unfortunate. However, the fact that there are many other brave men and women sharing his concerns is truly a tragedy. Too many members of our Reserve components are faced with the difficult choice of defending their country or providing for their family.

When a civilian is called up to active duty the Reservist's civilian salary is placed on hold and their paycheck now comes from the military. Often the amount of military pay is significantly less than the amount of their civilian salary. As a result of this discrepancy the families of reservists are asked to carry a double burden; a member of their family is temporarily absent—as is a portion of his or her salary.

In order to substantially reduce the discrepancy in pay between civilian and military salaries for Reservists and members of the National Guard who are involuntary activated for more than thirty days, I, along with five of my colleagues, have introduced H.R. 1345, ''The Equity for Reservists Pay Act.'' I am pleased to report that this bi-partisan legislation also has the support of both the National Guard Association and the Reserve Officers Association. I request that copies of both are included in the CONGRESSIONAL RECORD.

While the problems caused by this discrepancy in salary has long been known, the recent shift in the frequency and length of activations has aggravated the salary discrepancy issue. During the Cold War era, the Reserve components were hardly utilized, and in fact between 1945 and 1989 Reservists were involuntarily activated by the federal government only four times, an average of less than once a decade. In the aftermath of the Cold War our nation has relied more heavily on the Reserve components, involuntarily activating Reservists units six times since 1990, an average of about once every two years.

Mr. Speaker, the mobilization of Reservists in the aftermath of the September 11th terrorist attacks has been the largest and longest since the 1990–91 Gulf War. Currently there are over 210,000 men and women Reservists on active federal duty. The average length of deployment since September 11th has been, for some, the longest continuous activation ever.

The brave men and women serving in America's Reserve and National Guard make tremendous sacrifices for their country. Some are called to make the ultimate sacrifice. One sacrifice they and their families should not have to make is worrying about their financial security. It is the duty of our government to ensure that the men and women of the military reserves are not financially burdened when they answer their call to duty.

Mr. Speaker, it is important to note that this bill does not provide extra compensation to members of the National Guard and Reserve components, but rather ensures that our Guardsmen continue to receive the amounts of their civilian salaries.

It is well known in the Department of Defense that the potential for income loss during activation is a major concern for both officers and enlisted personnel in the Reserves. Given the Pentagon's increasing reliance on the Reserve Component, there exists a valid concern that the potential for financial losses would have a negative impact on recruiting and retention in the Reserves. Passage of H.R. 1345 would alleviate this concern and provides both for the financial security for our Reservists as well as security to our nation as a whole.

Mr. Speaker, this important legislation is designed to ensure that federal, state and local government employees and those employed in the private sector can continue to defend our country without being forced to worry about their families pinching pennies to adjust to a life on a reduced salary. The legislation covers members of the Reserves who are involuntarily called up for a period of longer than 30 days as defined in Section 101(19) of Title 37 United States Code.

The coverage of Federal employees uses a commonsense and cost neutral approach. The bill simply requires the employee's federal agency to pay the employee the difference between their military pay as defined by Section 101(21) of Title 37 (not including allowances) and their civilian base pay. Since Federal agencies and departments have already budgeted for their employees' salaries, there should not be additional expenditures required to cover any discrepancy the reservist employee suffers as a result of his or her involuntary call up.

In addition to the numerous Federal government employees that this bill would cover, I believe that Congress should also assist state and municipal governments in providing the difference in salary that their Reservist employees face. H.R. 1345 also provides assistance to the state and municipal governments who choose to provide financial equity to their employees by allowing the states to request a reimbursement of 50 percent of the expenditures required for the first 9 months. After 9 months, the participating state and municipal governments are eligible for a full 100 percent reimbursement.

In order to ensure that our government's generosity is not taken advantage of, I have included language into this legislation to prevent abuse. The anti-fraud provision of this bill, which is analogous to California law, requires municipal employees to return to their government jobs upon deactivation. An employee who accepts money to make up their salary discrepancy and doesn't return will have the received funds treated as a loan to be paid back in a manner to be determined by the Secretary of the Treasury. Additionally, the appropriate Secretary has the discretion to waive all or part of the loan should an appropriate situation arise.

Finally, Mr. Speaker, in order to provide the necessary incentive for non-government employers to make up the discrepancy in income that their brave employees encounter as a result of being involuntarily activated for more than 30 days, this legislation amends Subpart D of Part IV of subchapter A of Chapter 1 of the Internal Revenue Code, creating an ''Active-duty Reserve Component Employee Credit.'' This credit should provide an incentive for private companies to continue to pay their employees. This credit will be equal to 50 percent of the compensation paid to the reservist employee to make up the difference between their private salary and reservist pay.

This legislation is a common sense solution to the unfortunate problem of financial insecurity suffered by the brave men and women of the Reserves. We cannot ask courageous men and women like Firefighter Kibbee to choose between supporting their families and defending our country. Since an extended activation results in financial loss for the Reservists and their families, it is only equitable that our government limits the financial loss as much as possible. H.R. 1345 is a fair and balanced approach to resolve this unacceptable and intolerable situation. I urge its expedited passage.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
*Washington, DC, March 19, 2003.*

Hon. TOM LANTOS,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN LANTOS: On behalf of the nearly 80,000 members of the Reserve Officers Association of the United States, congressionally chartered to ''support the development and execution of a military policy for the United States, that will provide adequate national security,'' I want to thank you for your efforts in introducing the Omnibus Equity for Reservists Pay Act of 2003. The bill is an important step forward in recognizing the contributions of the members of the Reserve components of our Armed Forces to the Total Force and our national defense.

Today as we wait anxiously for news of whether or when we will go to war with Iraq, more than 200,000 members of the Reserve components of our Armed Forces have been mobilized and/or deployed in anticipation of that event. Since September 11, 2001, a quarter-million citizen-soldiers, sailors, Marines, and airmen have been called to active duty and have left their homes, families, and communities in response to emerging contingencies. By the Department of Defense's own estimate, about one third of these activated reservists are losing money when their civilian paycheck is compared to their military salary (including the tax advantages of various benefits and allowances). Nearly seventy thousand troops is a hefty slice of Total Force assets going broke on active duty, going bankrupt before they even see the enemy they came to fight. The situation is bad and it can only get worse when you consider that Iraq will very likely take several years to be rebuilt, that the Reserve components will probably be supervising the project, and that if recent history is any guide, such occasions will continue.

The issue here is that if we are serious about the societal benefits of the Total Force policy and the popular support it brings to any military undertaking, we need to reinforce it in every way possible. We cannot allow the compensation aspects of the system to drift so far off center that fully a third of its Reserve component members become economically dysfunctional merely by putting on their uniforms. Bankruptcy is not an effective recruiting or retention tool. With all of the other more immediate (and less tractable) issues mobilized reservists must face, we should do all we can to eliminate or ameliorate financial insecurity caused by post-mobilization compensation dysfunction.

Your bill provides a range of solutions to the problem that has long plagued reservists and by extension the Total Force, and ultimately the nation. We are pleased at your vision in introducing it and we stand ready to assist in any way we can.

Sincerely,

JAYSON L. SPIEGEL,
*Executive Director.*

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
*Washington, DC, March 19, 2003.*

Hon. TOM LANTOS,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN LANTOS: On behalf of the men and women of the National Guard Association of the United States, I would like to commend you for your efforts in introducing the ''Omnibus Equity for Reservists Pay Act of 2003.''

Thousands of Guardsmen and women are currently being called to active duty in support of the Global War on Terrorism, defense of the homeland, and the pending war in Iraq, in addition to the multitude of other state and federal operational missions normally performed. Many Guardsmen and women are experiencing financial hardship when they serve their country for extended periods of time due to the difference of income between their civilian and military pay. Your legislation, the ''Omnibus Equity for Reservists Pay Act of 2003'' will help mitigate financial loss by making up the difference between a person's civilian and military salaries.

The employer credit will encourage private industry to compensate their National Guard employees. The high National Guard is drawing members of the National Guard away from their employers for up to two years at a time. This increased operational tempo places additional financial burdens on employers, to a much greater extent than in past years. Employers should not be expected to bear the increased financial burdens Guard deployments place on them. Assisting employers with tax credit provides the ability to inject those funds back into their businesses in order to offset the effects of the temporary loss of their National Guard employees.

As always, the NGAUS stands ready to assist you and looks forward to our continued relationship ensuring a strong and viable National Guard. If you have any questions, please do not hesitate to contact my staff or me,

Respectfully,

RICHARD C. ALEXANDER,
*Major General (RET), AUS,*
*President.*

## THE WOMEN'S OBSTETRICIAN AND GYNECOLOGIST MEDICAL ACCESS NOW ACT OF 2003 (THE WOMAN ACT)

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mrs. DAVIS of California. Mr. Speaker, today, I am reintroducing the Women's Obstetrician and Gynecologist Medical Access Now Act, the WOMAN Act. This bill will ensure that every woman has direct access to her ob-gyn.

I believe women should not need a permission slip to receive ob-gyn care. Unfortunately, that is the reality faced by many women when they need to see their doctor. Numerous managed care plans require women to visit their primary care physicians before seeking the health care services they need from the providers they want. Denying direct access, or forcing women to jump through numerous bureaucratic hoops to see their ob-gyn is not acceptable treatment.

The WOMAN Act recognizes that women have different medical needs than men and that ob-gyns, in many cases, have the most appropriate medical background to address these needs. My legislation removes the barriers complicating women's access to their doctors. Women will no longer have to contend with the gatekeeper system that can prevent or delay appropriate care.

It is easy to understand what a difference direct ob-gyn access makes in women's health care. Imagine, for a moment, a woman in San Diego who works 45 hours a week and has limited sick and vacation time. Now, imagine she has an urgent medical problem requiring an ob-gyn visit. On Monday, she calls from work to make an appointment with her primary care physician. If she is lucky, she gets an appointment for the following morning. She takes time off Tuesday to go see her doctor. Her primary care doctor agrees she should be seen by her ob-gyn and gives her a referral. Tuesday afternoon she returns to work and calls her ob-gyn for an appointment. The doctor is in surgery on Wednesday, but they offer her an appointment on Friday morning. On Friday she takes another morning off from work and finally, after almost a week, gets the care she needs. The unnecessary referral process resulted in her taking an extra morning off work and delayed her proper medical care by 5 days. The patient, employer, primary care physician, and health plan provider would have saved money and time if the patient had been able to go directly to her ob-gyn.

An American College of Obstetricians and Gynecologists/Princeton survey of obgyns showed that 60 percent of all ob-gyns in managed care reported that their patients are either limited or barred from seeing their ob-gyns without first getting permission from another physician. Nearly 75 percent also reported that their patients have to return to their primary care physician for permission before they can see their ob-gyn for necessary follow-up care. Equally astounding is that 28 percent of the ob-gyns surveyed reported that even pregnant women must first receive another physician's permission before seeing an ob-gyn.

The public overwhelmingly supports direct access to ob-gyn care. A survey conducted by the Kaiser Family Foundation and Harvard University found that 82 percent support direct access legislation and 63 percent would support it even if their health insurance costs increased. When asked about a range of health policy issues another Kaiser survey discovered that women rate direct access to ob-gyns as their second priority.

While serving in the California State Assembly, I heard from many women who experienced the same problems I have outlined today. After meeting with women, obstetricians and gynecologists, health plan representatives, and providers in the State of California, I wrote the state law allowing women direct access to their ob-gyn. That law was a good first step; however, it still does not cover the almost 5 million Californians enrolled in self-insured, federally regulated health plans. This means that if a woman lives in a state with direct access protections, like California, she may not be able to see her ob-gyn without a referral if she is covered by a federally regulated ERISA health plan. This also means that one in four insured families are not protected by state direct access to ob-gyn laws.

I believe the time has come to make direct access to an ob-gyn a national standard.

I urge you, Mr. Speaker, and all of my colleagues to pass this critical legislation quickly into law.

WOMEN'S OB/GYN MEDICAL ACCESS NOW ACT (WOMAN ACT)

BILL SUMMARY

Grants Direct Access: Gives women direct access to an OB/GYN or a participating family practice physician or surgeon designated by the plan or issuer as providing OB/GYN services. Prohibits plans or issuers from requiring a referral or prior approval.

Plan Considerations: Plan can set reasonable communication requirements between OB/GYNs and primary care physician. Plan can set reasonable utilization protocols, as long as those protocols are the same for OB/GYNs as they are for other physicians, such as primary care providers. (cannot be more restrictive for OB/GYNs)

Nodfication for ERISA plans: Requires group health plans to comply with the notice requirements for ERISA when they modify their plan to comply with the rule.

## CHANGES TO TITLE IX ATHLETICS POLICIES CONTRADICT THE SPIRIT OF ATHLETIC QUALITY AND GENDER PARITY AND SHOULD NOT BE IMPLEMENTED, AND TITLE IX SHOULD BE KEPT INTACT

### HON. ENI F. H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. FALEOMAVAEGA. Mr. Speaker, June 19, 2002 marked the 30th Anniversary of the passing of Title IX of the Education Amendments of 1972. This legislation was introduced and tirelessly fought for by my late colleague and friend the Honorable Patsy Mink of Hawaii. Congresswoman Mink left a legacy for us to continue, one which demands our continued diligence in promoting and maintaining gender equality. Since its passing, Title IX has been crucial in setting a standard of equal education opportunities.

Today, and as a result of Title IX, the opportunities that women enjoy far surpass those of previous generations. These accomplishments are being threatened by current recommendations to implement changes to Title IX athletic policies that contradict the spirit of athletic equality and gender parity. We cannot allow this to happen.

Some argue that Title IX has accomplished all its goals and some even suggest that it has exceeded what it was set forth to accomplish. The reality Mr. Speaker, is that while great strides have been made to level the playing field for women in sports we have not achieved complete gender equity in athletics. Data from the NCAA 1999–2000 Gender Equity Report shows that female athletes in Division I schools receive only 41% of the opportunities to play intercollegiate sports, 43% of the total athletic scholarship dollars, 36% of the athletic operating budgets, and 32% of the dollars spent to recruit new athletes.

Additionally Mr. Speaker, Title IX does not deprive men of athletic resources, nor has men's participation in athletics suffered as a result of Title IX. In fact, by 2001 male participation in collegiate sports rose 22.6% from 1972. In 2000, for every dollar being spent on women's sport, Division I schools were spending almost two dollars on men's sports. In limited situations where men's athletic teams have been cut, it is often due to a lack of support for those teams combined with inflated budgets for football and men's basketball teams.

Given these realities, changes to Title IX would be premature and a set-back to the work we have accomplished over the last 30 years. The task laid at our feet by the Honorable Patsy Mink to fight for gender equality requires us to make sure that the advances women have made as a result of the implementation of Title IX do not overshadow the fact that our work is not complete. Therefore I urge my colleagues to support the intent of this resolution.

## TITLE IX

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. BACA. Mr. Speaker, I come to the floor today to voice my opposition to any efforts to change Title IX. For over 30 years, Title IX has been a successful program that has helped open doors for women in education and employment. I don't understand how people can argue with success and try to change such an important piece of legislation.

Times have changed in this nation for competitive sports, and it is all because of Title IX. Title IX has helped change assumptions and attitudes about sexual stereotypes. It is hard to comprehend that less than 30 years ago people believed women were physically incapable of running the marathon. It was believed that female body composition made it impossible for them to run long distances! It wasn't until women began defying this irrational and unfounded notion by competing anyway that the world took notice and a crippling stereotype died. It is a myth that women are not interested in sports or competition. It is a myth that women would rather be cheering on the sidelines than competing on the field, the court, the green, track, or the diamond. Any effort to repeal a program that allows access to sports and education for women reincarnates myths and stereotypes that should have been put to rest decades ago.

Title IX has helped knock down the senseless barriers that have prevented women from engaging in competition by requiring that equal funding be contributed to women's sports throughout all levels of education. Girls have an equal right with boys to receive at a minimum a basic education and to compete for scholarships—whether they are academic or athletic. Since 1972, the number of women playing collegiate sports has quadrupled! And the number of girls playing high school sports has increased to 3 million in the 30 years that Title IX has been on the books. Before Title IX was enacted, only 300,000 high school girls competed. The principle of equality requires that women be provided equal access and equal opportunity for education and sports.

My 16-year-old daughter Jennifer plays on her high school golf team. Before Title IX, a girl's golf team in most schools would never have existed. Before Title IX many women weren't even allowed to step foot on a green! I want my daughter and the daughters of every family in the nation to have the right and the opportunity to compete and receive scholarships if their heart desires.

It is a myth that the requirements of Title IX take away funding for male sports teams! The overwhelming majority of funding available goes to support college football and college basketball. Furthermore, in 30 years we have seen the number of college baseball teams increase exponentially! If it were true that Title IX robs funding from male sports teams then why is it that for every dollar spent on women's collegiate sports, two dollars are spent for the male teams? We need to stop the myths about Title IX and allow the program to remain intact.

No longer do young girls need to hide their hair in a cap and pretend to be boys if they want to play ball. No longer do we harbor under the misconception that women can't and don't want to play. Title IX was a bold step toward equality and it was a necessary element toward achieving fairness. Sports teach us how to win with integrity and how to lose with grace. They teach us healthy competition and how to strategize for success. They help promote healthy exercise and lifestyles. Women need to be offered the opportunity to enrich their lives by playing sports. We need to keep Title IX in play.

## TRIBUTE TO DAVID KEELEY

### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. MICHAUD. Mr. Speaker, I rise today to recognize David Keeley for his tireless leadership over two decades in the field of coastal resource management and to congratulate him for receiving the 2003 Walter B. Jones Memorial Award for Coastal Steward of the Year.

For over 25 years, Mr. Keeley has worked at the local, state and regional level in environmental management, policy development and planning with an emphasis on coastal and estuarine issues. Over thirteen years ago, Mr. Keeley created the Gulf of Maine Council on the Marine Environment, a voluntary regional governance structure that includes the states of Maine, New Hampshire, and Massachusetts, and the Canadian provinces of New Brunswick and Nova Scotia, as well as representatives from Canadian and U.S. federal agencies. The Council is an excellent example of a bilateral regional governance organization and is one of the best in North America. It is also a wonderful example of David's dedication and leadership. The success of the Council can be, in large part, directly attributed to the activism and involvement of Mr. Keeley, who nurtured, encouraged and challenged the group to succeed. Like so many other coastal issues and projects in which David becomes involved, the Council is where it is today because of his long-term guidance and support, and his unwavering ability to question, respond, and deliver. For all of his hard work and dedication, David was recently honored with the 2003 Walter B. Jones Memorial Award for Coastal Steward of the Year.

Mr. Speaker, Maine is honored, grateful and fortunate to have a devoted citizen like David Keeley. His tireless work to protect our coastal

resources has truly made a difference to the great state of Maine and to the entire nation.

## TITLE IX

### HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Ms. MILLENDER-McDONALD. Mr. Speaker, I stand today on behalf of a great majority of Americans who support Title IX.

Thirty years ago, my friend, The Late Rep. Patsy Mink of Hawaii, the first woman of color to be elected in Congress, unremittingly and dauntlessly challenged old stereotypes like a ''woman's place being in the home.''

Representative Mink was nationally recognized as a crusader for the rights of women, minorities and the poor. She co-authored the Women's Educational Equity Act, now known as Title IX, which prohibits gender discrimination by institutions receiving federal funding. Title IX is credited for helping push schools and universities to invest equally in women's athletics and educational programming. She envisioned the law to serve as a means to reduce and eventually eliminate gender discrimination.

USA Today, CNN and the Gallup Poll published on January 8, 2003, their survey results showing that 7 out of 10 adults familiar with Title IX think that the law should be strengthened or left alone.

Statistics will prove why our people support Title IX:

Women student athletes graduate at a significantly higher rate of 68% than women students in general who graduate at a rate of 59%.

80% of women identified as key leaders in Fortune 500 companies participated in sports as students.

82% of women business executives who played sports said that the lessons they learned on the playing field contributed to their success in business.

A Women's Sports Foundation study showed that teenage athletes are less likely to use marijuana, cocaine or other illicit drugs, less likely to be suicidal, less likely to smoke and are more likely to have a positive body image than female non-athletes.

Through the years, Title IX has diminished the inequity against women without depriving men of the same funds and opportunities.

In 2000, Division I educational institutions spent one dollar on women's sports for every two dollars spent on men's sports, and yet women increasingly continued to participate in sports activities.

From 1971–2001, women's college athletic participation increased by 403% and high school girls' athletic participation increased by a whopping 847%.

This proves that women's interest in sports follows opportunity.

Let us remember that the women of America comprise half of the population of this great country. We share the future with the men of America.

The landmark Title IX legislation is the lasting memory of how tenaciously Congresswoman Patsy Mink fought to improve the lives of girls for generations to come.

On behalf of many women and Asian American organizations, I submit my position on Title IX to the CONGRESSIONAL RECORD.

I support Title IX and all of its' opportunities for women and girls.

Protect Title IX and let it fulfill its mission.

## HONORING BLACK WOMEN UNITED FOR ACTION (BWUFA)

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize the contributions of BWUFA, Black Women United For Action. Over the course of their 17 year history, BWUFA has been an outspoken voice for the concerns of women, the impoverished, and vulnerable families throughout the world.

As a volunteer, non-profit community service organization based in Springfield, Virginia, BWUFA has continued to successfully provide a variety of community programs that offer support services with a social, cultural and educational focus. As BWUFA volunteers will attest, there is no price that can be placed on the gifts of love, compassion and caring from one person to another. This is the guiding philosophy that drives BWUFA to help make the world a better place for tomorrow's leaders. They consider it both a distinct pleasure and an obligation to touch the lives of others for the improvement of our community.

One of BWUFA's major efforts is to readily disseminate pertinent information to the public through forums such as their Roundtable Discussions. From talking about healthy living initiatives to the need for solid investment strategies, BWUFA provides these mediated conversations to encourage critical thinking on complex issues that affect us all. It is through this exchange of ideas in a relaxed setting that many can develop plans to radically alter their lives for the better.

Mr. Speaker, I am pleased to have had the opportunity of working closely with this valuable organization in the past and look forward to continued interaction in the future. BWUFA sets the example as a model organization striving to improve the lives of others everyday. I salute their stewardship and wish them the best in their future endeavors.

## A SPECIAL TRIBUTE TO JOHN ZIMMERMAN ON THE OCCASION OF HIS RETIREMENT FROM THE LEGAL PROFESSION

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding gentleman, and good friend, from Ohio. John Zimmerman has always admired the practice of law and has always enjoyed doing it. After 52 years in the practice, he is as upbeat about his work today as the day he began. He opened his first office on April 15, 1951, on the second floor of the old Masterson's building. Mr. Zimmerman was elected shortly thereafter as Defiance City Attorney and served in that capacity from 1952–1955. Subsequent to his service as City Attorney, John served as County Prosecutor, holding that position for 12 years.

Mr. Speaker, in all his years of practice, John never tried a single murder case until the last two years as Prosecutor, and then there were four. Mr. Zimmerman got a conviction on each one, he would tell you proudly.

Prior to doing battle in the local tribunal, John served in the 91st Infantry and received a battlefield commission and Bronze Star in Italy during WW II. While serving overseas, his father, Elmer, who worked as an agent for the IRS, received a transfer and moved the family from its home in Old Fort, Ohio to Defiance, Ohio. His mother, Effa, a music teacher, taught around the various schools in Defiance County.

Upon returning to the states in 1946, John came to Defiance in the spring of that year, enrolled in classes at Defiance College going straight through his undergraduate years without a break. It was about this same time that he helped to reorganize the local National Guard Company in Defiance. He finished his studies at the University of Toledo and earned his Juris Doctorate in 1951 from The Ohio State University School of Law.

John entered into a partnership with Defiance native, attorney, and artist, Ed Hummer in 1957. That same year they established a satellite office in Hicksville, Ohio. In 1963, John formed a law firm with Karl Weaner and Reeder Hutchinson. That office was located in the offices above the State Bank and Trust Co. until 1991, when the firm purchased the modern-looking, stone and cedar-sided building on the corner of Wayne and Third Streets. Mr. Zimmerman is one of the last remaining from the original firm that still exists today.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Mr. John E. Zimmerman. Our communities are served well by having such honorable and giving citizens, like John, who care about their well being and stability. We wish John, his wife, Loisann, and their family all the best as we pay tribute to one of our state's finest citizens.

## CONDEMNING THE ARRESTS OF OPPOSITION PARTY MEMBERS IN NORTHERN CYPRUS

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. ANDREWS. Mr. Speaker. I rise before you today to condemn the recent acts of the Turkish-Cypriot leadership. Only two weeks after denying their citizens the right to conduct a referendum vote on acceptance of the UN plan for reunification of the island, the illegitimate Turkish-Cypriot government has once again denied the will of its constituency.

In response to Rauf Denktash's refusal to allow a referendum vote, an opposition party in Northern Cyprus, the United Cyprus Party, planned to hold its own vote to explicitly demonstrate the desire of Turkish-Cypriots for a resolution to the Cyprus Question. Under the direction of Mr. Denktash, the Turkish-Cypriot police surrounded the village of Elia, and forcefully ensured that the vote could not take place. The General Secretary of the United Cyprus Party, Izzet Izcan, was arrested in the incident along with five trade unionists.

Mr. Speaker, I ask that the Members of the House of Representatives join me in condemning these acts which took place at the hands of the illegal Turkish-Cypriot regime. Mr. Denktash has already harmed the people he is supposed to represent by denying them the opportunity to unite with their Greek-Cypriot neighbors and join the European Union in April, and it is absolutely detestable to see him silencing the will of his citizens once again. I urge my fellow colleagues to continue offering their support to the people of Cyprus, and request that the United Nations persevere in their efforts to bring about a fair and agreeable resolution to the longstanding division of the Republic of Cyprus.

## THE REFERENDUM IN CHECHNYA

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. SMITH of New Jersey. Mr. Speaker, last Sunday, while the world's eyes were focused on the momentous events taking place in Iraq, a constitutional referendum was held in the war-torn region of Chechnya. The referendum was held as part of the Russian Government's attempt to ''normalize'' the situation in that tortured part of Russia's North Caucasus.

For the last ten years, Chechnya has been the scene of a bloody war between armed Chechen rebels and Russian military forces. Hostilities were precipitated in late 1994 when, in the wake of Chechnya's attempt to secede from the Russian Federation, Russian military forces launched a fullscale assault on the Chechen capital of Grozny. There was a restive peace from 1996 until the summer of 1999, when the armed clashes erupted anew. The roots of this conflict go back to Tsarist conquests in the 19th century and Stalin's brutal deportation of the Chechen people to Central Asia during World War II. Unfortunately, certain radical Islamic militant elements linked to international terrorism have become involved on the Chechen side, though the State Department has stressed that not all Chechens are terrorists.

Despite Moscow's repeated claims that heavy-handed Russian tactics in Chechnya are part of the war against global terrorism, the situation is far more complex. Many Chechens have taken up arms against what they believe is a repressive colonial power and wish to see Chechnya as an independent state that will be able to make the critical choice regarding the future of its people. As is so frequently the case, the civilian population has suffered terribly from the war. While both sides are guilty of violations of international humanitarian law, the Russian military and special operations units have been responsible for numerous and well-documented instances of gratuitous, brutal and mass violence against the civilian population.

During my years in the leadership of the Commission on Security and Cooperation in Europe, the Commission has conducted eight hearings and briefings on Chechnya. Witnesses, including a nurse who was present in a Chechen town where some of the worst atrocities by Russian forces took place, have described the appalling fate of the civilian population.

According to the U.S. State Department's Country Reports on Human Rights Practices for 2001, ''The indiscriminate use of force by government troops in the Chechen conflict resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons, the majority of whom sought refuge in the neighbouring republic of Ingushetia. Attempts by government forces to regain control over Chechnya were accompanied by the indiscriminate use of air power and artillery. There were numerous reports of attacks by government forces on civilian targets, including the bombing of schools and residential areas.'' The report continues: ''Command and control among military and special police units often appeared to be weak, and a climate of lawlessness, corruption, and impunity flourished, which fostered individual acts by government forces of violence and looting against civilians.'' Among the examples of such lawlessness and impunity in the Country Reports were ''. . . reports of mass graves and 'dumping grounds' for victims allegedly executed by Russian forces in Chechnya'' and ''cleansing'' operations directed against guerrillas but resulting in deaths and the disappearance of non-combatants.

The State Department points out that Chechen forces also committed serious abuses: ''According to unconfirmed reports, rebels killed civilians who would not assist them, used civilians as human shields, forced civilians to build fortifications, and prevented refugees from fleeing Chechnya. In several cases, elderly Russian civilians were killed for no apparent reason other than their ethnicity.''

Against this unsettling backdrop, with an estimated 100,000 internally displaced persons living in refugee camps in neighbouring Ingushetia, and under the guns of approximately 80,000 Russian soldiers in Chechnya, the Chechen people have reportedly voted overwhelmingly for the proposed new constitution. Nevertheless, it is difficult to believe that a genuine assessment of the public will would have been determined under such circumstances. I would ask the same question I asked in a Helsinki Commission press release over a month ago: ''Are we supposed to believe that this referendum will stabilize Chechnya while armed conflict between the Russian military and Chechen fighters continue to produce death and destruction?''

The well-respected Russian human rights group, Memorial, has charged that Chechens were pressured to vote with the threat of losing their pensions or humanitarian aid. A joint assessment mission of the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe stated that ''no group has been able to campaign officially against the referendum in the mass media or distribute literature arguing against the referendum,'' although some opposition opinions were voiced in the media. Incidentally, in the concluding communique of the 1999 Istanbul OSCE Summit, the Russian Government agreed that all sides should seek a political solution to the conflict, and avail themselves of the assistance of the OSCE. This commitment was seriously undermined when the Russian government evicted the OSCE Assistance Mission to Chechnya at the end of last year.

Mr. Speaker, the Bush Administration has stated that ''. . . we hope [the referendum] can be the basis for a political solution to that tragic conflict.'' I find that rather optimistic. The Russian Government might better instruct its military to stop terrorizing the civilian population, prosecute human rights violators and rebuild Chechnya. Then perhaps it would not have to hold referenda in Chechnya under armed guard.

## TRIBUTE TO VICKI DOUGLAS

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mrs. CAPITO. Mr. Speaker, I rise today in honor of both a friend and constituent of mine, the Honorable Vicki Douglas. Tonight, Vicki Douglas is receiving the Distinguished Citizen Award from the Shenandoah Area Council, Boy Scouts of America, in Martinsburg, West Virginia for her years of continuous service to her community and state government.

Serving as my first committee chair in the West Virginia House of Delegates, Vicki was a colleague and a mentor. To this day, I value her leadership and tenacity and applaud her dedication. Throughout her career, Ms. Douglas has worked tirelessly to bring women's issues to the forefront and promote the well being of all West Virginians.

It is a great honor to commend Ms. Douglas on her service to the great state of West Virginia and recognize this extraordinary achievement.

## TRIBUTE TO MEMBERS OF OUR ARMED FORCES SERVING OVERSEAS

### HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. BALLENGER. Mr. Speaker, today I rise to pay tribute to the members of our armed forces serving overseas, but I do not wish to use words of my own. I want to use those of my constituent, Miss Lisa Seviers. Miss Seviers is only ten years old, but her words are of an understanding far greater than her age. Miss Seviers wrote a poem which I would like to share with you now:

''THESE TROUBLED TIMES''

In this time of 2003, a troubled year ahead we see,
But lose no confidence for we are strong, bounded by our
Nation's thoughts of liberty, justice and freedom for all.
We are the ones who will stand tall,
When and if the economy falls.
We will not lose hope—we will hope even more.
Stand at the thought we are free,
No matter what happens in other countries.
We will stand strong, we will not give in.
For the people of our land, we sent soldiers out to fight.
So fearless, bold and courageous.
They are being sent to a new land,
Yet they show not signs of being afraid.
We will pray to God to keep them safe.
If he will, we will praise the Lord.
If they don't come back safe, most will say
''Why did you take my loved one away?''
The answer hides on a coin: ''In God We Trust''

Your answer is—we trust in God to keep them safe
For God is wise, and what you say is—
''The best way to die is dying free.''

I want to thank Miss Seviers for sending me her poem. I want to join with her and express my faith in our troops and my hope for their safe and speedy return.

## HONORING MARY IMBRIACO

### HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. SIMMONS. Mr. Speaker, I rise today to honor Mrs. Mary Imbriaco of Groton, Connecticut who is celebrating her 100th birthday on April 9, 2003.

Mary was born in Italy and traveled to the United States with her family at the age of 13. She grew up in the town of Groton and became a United States citizen in the 1930's.

Dedicated to her family and her community, Mary raised four children and worked almost her entire life, only retiring recently at the age Of 85. Just 10 years ago she suffered a stroke. Her strong will and determination have helped her to triumph during this difficult time.

Today Mary resides in the same house that she has called her home since 1933. She has a passion for music and singing and brings many gifts to her community and her family. Mary's life is an inspiration to all who know her and I commend her on a lifetime of achievements.

Mr. Speaker, I would encourage the Members of the House of Representatives to join me in celebration of Mary Imbriaco's 100th birthday. She is a blessing to our community and to this country.

Tanti Auguri!

## SECURING BLESSINGS OF PROVIDENCE FOR PEOPLE OF THE UNITED STATES AND OUR ARMED FORCES

SPEECH OF

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 26, 2003*

Ms. LEE. Mr. Speaker, I hope and pray for the safe return of our troops, and I pray for peace. I know that many other Americans do as well. I do not believe, however, that it is the place of government to tell Americans how or when to pray. Matters of faith are deeply personal, and it is one of the founding principles of this government that the state should not intrude upon them.

## IN HONOR OF HUGH AND MARTY DOWNEY AND THE PLACE OF HOPE

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Hugh and Marty Downey of Arvada, Colorado, who have dedicated their lives to over five hundred orphans in Matoso, Kenya.

Raising more than $300,000 a year through private donations and small businesses, the Downeys are able to run a home and medical center for the children that is known as ''the place of hope'' or Lalmba to the people of Kenya.

Stationed with the U.S. Army as a communications specialist in Africa over forty years ago, Hugh Downey knew little of Africa and the role he would play with Kenya's children. Today, he and Marty spend six months out of the year raising 500 children in African grass huts and the other six months with their own grown children back in Colorado.

Home to 2.2 million out of 3 million AIDS victims, Africa has found itself in an epidemic affecting both children and adults. In Kenya, 190,000 deaths a year are caused by HIV/AIDS, so it is not surprising that the majority of the Downey's orphans were born to parents who died from AIDS. The rate of Kenyans contracting the AIDS virus has doubled in the past decade, and will continue to rise and affect children.

As AIDS continues to greatly affect the African economy and society, Marty and Hugh Downey have been called upon to educate and house an increasing number of orphans. Many African adults, because they suffer from AIDS, are unable to support their families—in fact, their children are forced to drop out of school and work to support their dying parents. As the cost for AIDS medication and school fees increase, most children have no choice but to begin working at a young age. By offering education and preventive AIDS medication for the children, the Downey's are giving these Kenyan children the chance at a future.

I ask my colleagues to join me in honoring Marty and Hugh Downey for their dedication and commitment to bettering the future for over 500 African children with their creation of Lalmba and to wish them continued success with their chosen mission of mercy and hope.

## HONORING CONGRESSMAN CARL D. PURSELL UPON HIS INDUCTION INTO THE PLYMOUTH, MICHIGAN HALL OF FAME

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. McCOTTER. Mr. Speaker, I ask the House of Representatives to join me in recognizing former Congressman Carl D. Pursell, who was recently inducted into the Plymouth, Michigan Hall of Fame.

Congressman Pursell's career in public service began as a member of the Wayne County Board of Commissioners. He was quickly elected to the Michigan State Senate, and subsequently to eight terms in the U.S. House of Representatives, where he held numerous leadership posts.

Congressman Pursell was a national figure in efforts to balance the budget. As Budget Task Force Chairman, he led the authorship of two federal budgets proposing no new taxes and no new spending. As the Ranking Republican on the Labor, Health and Human Services, and the Education Appropriations Subcommittee, Congressman Pursell oversaw funding for all of the nation's job training, labor, health care, biomedical research, and education programs. Congressman Pursell also served on the Appropriations Committee, the Committee on Standards of Official Conduct, and the Energy and Water Development Appropriations Subcommittee during his tenure.

Carl, who once graced this chamber with his intellect, wit, and kindness, has been, is now, and always will be a tremendous inspiration to our community back home, and to this Congressman in particular.

Mr. Speaker, I extend my sincere appreciation to former Congressman Carl D. Pursell for his fine service to our country as he is inducted into the Plymouth, Michigan Hall of Fame.

## CONCERNING TREATMENT OF MEMBERS OF ARMED FORCES HELD AS PRISONER OF WAR BY IRAQI AUTHORITIES

SPEECH OF

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 26, 2003*

Mr. HENSARLING. Mr. Speaker, today I urge all Americans to unite in support of our troops now engaged in battle in Iraq.

Our Commander and Chief, with the approval of Congress, called our armed forces into action to disarm a rogue regime that threatens our freedom and security.

With our troops now in the line of fire, with more than 28 Americans having made the ultimate sacrifice for freedom, the time for protest has past. The time for unity has arrived.

We live in a free society where we all share the right to debate the best policies for our nation. And in a free society, each of us also has the right to assemble and to protest. These are sacred rights.

But once our nation has decided to act through our democratic process, and once our troops have been sent into harm's way, the time for debate and protest is over.

Just as we share sacred rights, we also share sacred duties. Today, with American troops in the field, we all share a duty to unite behind them and ensure that our actions do them no harm.

But if just one floor speech by a member of Congress, just one acceptance speech by a Hollywood director, or just one street protest causes Saddam Hussein and his forces to hold on for even one day longer, then those responsible will have done a terrible disservice to those serving so bravely in our name.

I would never question any American's right to speak or protest, I only question the wisdom of doing so at this time.

No matter what political beliefs we hold, we are all Americans—and those soldiers in uniform fighting on the front lines are our brothers and sisters, sons and daughters, mothers and fathers.

Those who undertake further protests at this point only fuel the resolve of our enemy, and they must take full responsibility for their actions.

Perhaps some need to be reminded why we are fighting and what we are fighting against.

Americans were sent to disarm an evil regime that has stockpiled weapons of mass destruction that threaten the peace and security of the free world.

26,000 liters of anthrax. 38,000 liters of botulinum toxin. 500 tons of sarin, mustard gas, and VX nerve agents; enough chemical and biological weapons to kill millions of innocent people in a single act of terrorism.

I agree with President Bush, the risk of doing nothing is far greater than the risk of doing something.

Americans were also sent to Iraq to end a regime of terror. A regime that has used chemical weapons on its own population, a regime that has made rape and torture an instrument of public policy.

Just ask 68-year-old mother, Zahra Khafi, recently liberated by American forces, whose 28-year-old son was summarily executed two years ago by Saddam Hussein's regime for merely practicing his religion, a branch of Islam out of official favor. She greeted our troops saying, ''peace be upon you, peace be upon you.''

''Should I be afraid?'' she said, wiping her eyes. ''Is Saddam coming back?''

Ask All Khemy, who said after the 1st Marine Expeditionary Unit liberated his village, ''Americans very good . . . Iraq wants to be free.''

President Ronald Reagan once said ''no weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women.'' The minions of tyranny and evil are learning that lesson today.

Our nation has met much greater challenges and we have faced darker days. During the Civil War when brother fought brother, President Abraham Lincoln solemnly stated, ''I have often been driven to my knees with the overwhelming conviction I had no where else to go.''

I believe now is a good time for all Americans to be driven to our knees and pray for a speedy victory . . . pray for our men and women in uniform, and pray for a peaceful world no longer threatened with weapons of mass destruction.

Our cause is just. Our victory is inevitable. Freedom will prevail. But we must all must unite behind our troops today.

## CONCERNING TREATMENT OF MEMBERS OF ARMED FORCES HELD AS PRISONER OF WAR BY IRAQI AUTHORITIES

SPEECH OF

### HON. HOWARD P. ''BUCK'' McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 26, 2003*

Mr. McKEON. Mr. Speaker, on Saturday, March 8th, citizens of the Santa Clarita Valley gathered at a busy intersection to show their support for our American troops and for President Bush. Over a period of several hours, hundreds of people of all ages participated. Carrying signs and waving flags, they elicited a steady chorus of honking and cheering from passing motorists.

Barbara Barrick, Elizabeth Makous, Stacy and Brad Meyer, Denise Grimes and Betty Lanning planned this wonderful display of patriotism with assistance from the Santa Clarita Congress of Republicans, the Republican Women Federated, the Young Republicans and the Lincoln Club.

Judy Belty, a young soldier's mother, was so touched by the demonstration that she wrote the following letter to the editor of our local paper, The Signal. I share it with my colleagues in hopes they will find it as inspiring as I did.

EDITOR: As I was driving home today I saw about 100 people dressed in red, white and blue, waving flags, holding up signs and cheering in support of our president and troops. Most of the cars passed by honking their horns in support of the waving display. 1 wanted to stop right there, get out of my car and hug the first person I ran into. I wanted to say ''thank you'' for being a voice for my boy.

I am the mom of an Army 82nd Airborne medic soldier and my heart has been heavy with the rhetoric that has been voiced in the name of ''peace.'' I think I can safely say that none of us wants war, not even President Bush. But it is no secret that our country's freedom has always had a cost.

Since 9–11, I have been asked often if I think we should go to war. I think most expect me to say no, because I am a soldier's mom. Well, as a mom, I don't want my son or any other young person to have to experience what may be ahead. As an American, I want to keep my right to speak my opinion, to practice my Christian faith, to display my country's flag, to make choices for my life that are usually politically incorrect,'' and even to write this letter. I want to be able to ride up an elevator and believe I am safe, to board a plane and reach my destination. More importantly, I want this freedom for our children.

I drove by the supporting display about three times, and each time I was stirred with emotion. I wished my son could see the support for what he is doing. When I hear others speak against the war, I wonder if they really remember the human lives stationed all over the world for them?

The military is not paradise. It's not all fun and games. My son has been to the Middle East and will probably be returning again within a few months. I have so much compassion in my heart for the moms of sons who were in combat, for the spouses of soldiers, and the children.

Do I want war? No, but I want peace and freedom. Do I want my son to go to war? Of course not, but I am extremely proud of him and his fellow comrades for valuing my life over their own.

So to those of you that stood out there, thank you. Thank you for helping people remember that regardless of whether you agree with war, there are real men and women, our troops, in need of our love, our support, our words of encouragement. Thank you and please, God in heaven, bless America.

## HONORING PHYLLIS SCHLAFLY

### HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. ADERHOLT. Mr. Speaker, I rise today to honor the work of a great American, Phyllis Schlafly. Mrs. Schlafly was named one of the 100 most important women of the 20th century by the Ladies' Home Journal, and has been a national leader of the conservative movement since the publication of her bestselling 1964 book, *A Choice Not An Echo.*

Mrs. Schlafly has been a leader of the profamily movement since 1972, when she started her national volunteer organization now called Eagle Forum. In a ten-year battle, she led the profamily movement to victory over the principal legislative goal of the radical feminists, called the Equal Rights Amendment. An articulate and successful opponent of the radical feminist movement, she appears in debate on college campuses more frequently than any other conservative.

Mrs. Schlafly's monthly newsletter called *The Phyllis Schlafly Report* is now in its 36th year. Her syndicated column appears in 100 newspapers, her radio commentaries are heard daily on 460 stations, and her radio talk show on education called ''Phyllis Schlafly Live'' is heard weekly on 45 stations. Both can be heard on the internet.

In addition, she is the author or editor of 21 books on subjects as varied as family (*The Power of the Positive Woman*) and feminism (*Feminist Fantasies*), nuclear strategy (*Strike From Space* and *Kissinger on the Couch*), education (*Child Abuse in the Classroom*), and child care (*Who Will Rock the Cradle?*). Her recent book, *Turbo Reader*, is a system to enable every parent to teach his child to read.

Mrs. Schlafly is a Phi Beta Kappa graduate of Washington University, received her J.D. from Washington University Law School, and received her Master's in Political Science from Harvard University. She is a lawyer who served on the Commission on the Bicentennial of the U.S. Constitution appointed by President Reagan, has testified before more than 50 Congressional and State Legislative committees on constitutional, national defense, and family issues.

The mother of six children and an Illinois Mother of the Year, Mrs. Schlafly is America's best-known advocate of the dignity and honor that we as a society owe to the role of fulltime homemaker.

Phyllis Schlafly was honored in 2002 by Focus on the Family as the Mother of the Profamily Movement, and in 2003) she was the honoree at dinners hosted by the Council for National Policy and the Conservative Political Action Committee. She has since 1972 traveled at least annually to Alabama to debate and speak eloquently on issues that affect the family.

The Alabama Policy Institute, Christian Coalition of Alabama, and the Southeast Law Institute have joined the Eagle Forum of Alabama to honor Mrs. Schlafly and express their admiration, appreciation, and affirmation of her exemplary service to God, family and country. As President Ronald Reagan said: ''Our nation needs the kind of volunteer service you and Eagle Forum have demonstrated . . .'' And as American Conservative Union Chairman David Keene said in a statement this year about Mrs. Schlafly: ''If there are giants among us, you are certainly one. The movement of which we are all part would never have achieved the successes it has without you . . . you had the courage to be 'conservative before it was cool'. . . the fact that so many young people are attracted to our banner today is a tribute to your work.''

I stand with these groups and individuals to honor Phyllis Schlafly for her service to our country and culture, and her commitment to conservative family values.

## HONORING EDITH PALMER ON THE OCCASION OF HER RETIREMENT FROM THE SPRINGVILLE LEAGUE FOR THE HANDICAPPED

### HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. REYNOLDS. Mr. Speaker, I rise today to recognize and honor a remarkable and devoted individual. Tomorrow, Edith Palmer will be honored by her community on the occasion of her retirement from the Springville League for the Handicapped and Preschool Learning Center.

For 43 years, Edie has been the heart and soul of a facility that has given new hope to parents and new opportunities for the more than 160 preschool children who come through its doors each year. I know that not only because Edie lives in my hometown, but also because I am one of those parents.

In May, 1960, Edie answered a newspaper ad calling together parents of disabled children to meet and discuss the special educational needs of their children. These concerned parents first met under a tree on East Avenue, where they planted the seeds for what has become one of the premiere educational facilities for handicapped and learning disabled children in all of New York state.

Edie's devotion to the Springville League for the Handicapped began from her own experience as the parent of a hearing disabled son. Like other parents of handicapped children in the 1950's, Edie felt, as she said in her own words, ''adrift on the ocean with no help on the horizon.''

That first day, Edie volunteered to handle all the group's secretarial work, and later that year became Board Secretary for their volunteer board of directors—a post she would hold for 20 years. For its first dozen years, the League provided volunteer help for children, using donated space, volunteer staff and providing help to children at no cost to their parents.

Thanks, in part, to Edie's leadership, dedication and passion, the Springville League for the Handicapped and Preschool Center opened the doors of its own facility in 1987; and today employs 95 people, serving 160 disabled preschool children each year. Earlier this year, Edie Palmer was named the Springville Chamber of Commerce ''Citizen of the Year,'' an honor well deserved.

Mr. Speaker, I ask that this Congress join me in saluting Edie Palmer for her 43 years of service to the Springville League for the Handicapped and Preschool Learning Center. As a parent, I can personally attest to the tremendous difference that she has made in the lives of children and families in Western New York, and I am proud and grateful to be able to call her my friend.

## CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2004

SPEECH OF

### HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 20, 2003*

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 95) establishing the congressional budget for the United States Government for fiscal year 2004 and setting forth appropriate budgetary levels for fiscal years 2003 and 2005 through 2013:

Mr. MURPHY. Mr. Chairman, I rise today in support of the fiscal year 2004 budget resolution. I would like to thank the gentleman from Iowa for his hard work on the budget resolution. Over the last several days, I've met with House Leadership to voice my concerns with this resolution. Although this budget does not have everything in it I am requesting, it is showing considerable momentum in the right direction.

Most Americans agree that the federal government must tighten its fiscal belt. This budget controls federal spending, while also ensuring that priority items are adequately funded. This budget protects the Medicare program while also beginning the process of reforming the system. This budget also provides $400 billion over ten years to provide a prescription drug benefit. I strongly support this funding, and I will continue to work for a Medicare prescription drug benefit for Pennsylvania's seniors.

This budget protects our veterans. Although earlier drafts of this resolution provided lower levels of veterans' funding than in the President's fiscal year 2004 Budget, I strongly advocated the need for higher levels in my discussions with Leadership and the Committee. This resolution matches the President's proposed 6.1 percent increase in veterans' discretionary spending over fiscal year 2003, and a 7.5 percent increase in mandatory outlays. I would like to thank the Chairman for his commitment to veterans, and for promising to support even higher levels of funding during conference negotiations.

I have met with numerous veterans in my district and across Pennsylvania. Let me reassure those who served our country that I will continue to support stronger funding for veterans, especially in the area of health benefits. More needs to be done. For example, wait times for veterans seeking medical care remain much too long. But this budget is not the end of the road on veterans' funding, and, as the only Pennsylvania Member of the Veterans' Affairs Committee, I will continue to work on this.

That Committee and several veterans' groups are working together to identify waste, fraud and abuse to ensure that the VA is using its resources efficiently. For example, the VA Inspector General has identified more than 5,500 cases of individuals who may be defrauding the VA by receiving benefits intended for veterans who have died. The VA has recovered $4.7 million from these cases. We must also update and improve purchasing procedures such as for medical supplies and prescription drugs. Every dollar wasted, every penny stolen through fraud or abuse is money robbed from veterans—and none of us will tolerate this.

I also support this budget's call to cut one cent on the dollar from other federal agencies by reducing fraud, waste, and abuse. I believe we can find these savings and, as a taxpayer, I believe we are obligated to try. We must ensure, down to the last penny, that every tax dollar is spent wisely and efficiently.

I urge my colleagues to vote in favor of protecting Medicare, providing funds for a Medicare prescription drug benefit, and increasing spending on veterans' health care needs.

## INTRODUCTION OF H.R. 1462, THE INTERNATIONAL DISABILITIES AND VICTIMS OF WARFARE AND CIVIL STRIFE ASSISTANCE ACT OF 2003

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 27, 2003*

Mr. LANTOS. Mr. Speaker, today I am introducing H.R. 1462, the International Disabilities and Victims of Warfare and Civil Strife Assistance Act of 2003. Mr. Speaker, as we speak thousands of young men and women in our Armed Forces are beginning the long process of transforming Iraq and the entire Middle East by risking their lives in the desert plains before Baghdad. These brave members of our Armed Forces are facing many threats—threats from Iraqi's Fedayeen, who violate international humanitarian law by pretending to surrender and then attacking our troops, from weapons of mass destruction and from landmines. Mr. Speaker, I understand that already many of our casualties are related to these devices or have injuries similar to those inflicted by these weapons.

The bill I am introducing today is intended to help those who face identical injuries. The suffering of individuals with disabilities and the innocent victims of landmines, civil strife and warfare—men, women and children who often lead shattered lives—transcends any politics. An often-difficult life in the developing world is instantly made nearly impossible, for example, as a landmine indiscriminately transforms a productive member of a village, an irreplaceable provider for a family, a child hoping for a better life, a young woman looking forward to marriage and children, into a crippled, demoralized person who is often shunned as a liability by his or her society. Persons with disabilities—either from birth, accidents, civil strife or other means—are marginalized, often without any hope of leading useful and productive lives.

The United States provides some assistance for rehabilitation and societal reintegration of individuals suffering from disabilities and landmine victims, but so much more needs to be done; currently, only about 10 percent of U.S. assistance to address the landmine problem actually helps survivors.

The International Disabilities and Victims of Warfare and Civil Strife Assistance Act of 2003 grants the President new statutory authority to conduct international disability and landmine victim programs, primarily through private organizations; authorizes and coordinates related activities of appropriate U.S. agencies; and authorizes increased funding

levels for such programs. Let me make one additional point, Mr. Speaker, this bill is not about questions regarding the ban on landmines. It is simply a humanitarian measure designed to help the innocent men, women and children who face disabilities throughout their lives.

I want to thank my cosponsor and cochairman of the Congressional Human Rights Caucus, my good friend from Virginia, FRANK WOLF for making this bipartisan legislation, as well as the Senate cosponsors, Senator SAM BROWNBACK and Senator HILLARY CLINTON, who have been leaders in this area.

I urge swift consideration and enactment of this legislation.

# *Daily Digest*

HIGHLIGHTS

Senate agreed to S. Con. Res. 30, Commending Coalition to Disarm Iraq.

Senate passed H.R. 1307, Armed Forces Tax Fairness Act.

The House passed S. 151, after amending it to contain the text of H.R. 1104, Child Abduction Prevention Act, as passed the House. The House then insisted on its amendments and requested a conference with the Senate.

# Senate

## *Chamber Action*

*Routine Proceedings, pages S4459–S4540*

Measures Introduced: Nineteen bills and one resolution were introduced, as follows: S. 724–742, and S. Con. Res. 31. **Page S4512**

Measures Reported:

Special Report entitled ''History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources During the 107th Congress''. (S. Rept. No. 108–30) **Page S4511**

Measures Passed:

*Commending Coalition to Disarm Iraq:* By a unanimous vote of 97 yeas (Vote No. 109), Senate agreed to S. Con. Res. 30, expressing the sense of Congress to commend and express the gratitude of the United States to the nations participating with the United States in the Coalition to Disarm Iraq. **Pages S4483–90**

*Armed Forces Tax Fairness Act:* By a unanimous vote of 97 yeas (Vote No. 110 ), Senate passed H.R. 1307, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, after agreeing to the following amendment proposed thereto: **Pages S4472–83, S4490–95**

Baucus (for Grassley/Baucus) Amendment No. 433, in the nature of a substitute. **Pages S4478–80**

*Veterans' Memorial Preservation and Recognition Act:* Senate passed S. 330, to further the protection and recognition of veterans' memorials. **Page S4539**

Tributes to Daniel Patrick Moynihan—Agreement: A unanimous-consent agreement was reached providing that tributes to Daniel Patrick Moynihan, late a Senator from New York, be printed as a Senate document, and that Members have until 12 noon, Friday, April 11, to submit said tributes. **Pages S4474–75**

Nomination—Agreement: A unanimous-consent agreement was reached providing for consideration of the nomination of Theresa Lazar Springmann, to be United States District Judge for the Northern District of Indiana, at 6 p.m., on Monday, March 31, 2003, with a vote to occur on confirmation of the nomination. **Page S4539**

Nomination—Agreement: A unanimous-consent-time agreement was reached providing for consideration of the nomination of Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth Circuit, at 9:30 a.m., on Tuesday, April 1, 2003; that there be 6 hours for debate, and the Senate then vote on confirmation of the nomination. **Pages S4539–40**

Nominations Confirmed: Senate confirmed the following nominations:

By unanimous vote of 97 yeas (Vote No. Ex. 111), James V. Selna, of California, to be United States District Judge for the Central District of California. **Pages S4496, S4540**

Vernon Bernard Parker, of Arizona, to be an Assistant Secretary of Agriculture. (New Position)

**Page S4540**

Philip P. Simon, of Indiana, to be United States District Judge for the Northern District of Indiana.

**Pages S4496–97, S4540**

Nominations Received: Senate received the following nominations:

Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services, for a term of four years.

John A. Woodcock, Jr., of Maine, to be United States District Judge for the District of Maine.

Mark R. Kravitz, of Connecticut, to be United States District Judge for the District of Connecticut.

L. Scott Coogler, of Alabama, to be United States District Judge for the Northern District of Alabama.

**Page S4540**

Messages From the House: **Pages S4510–11**

Measures Referred: **Page S4510**

Measures Placed on Calendar: **Page S4511**

Executive Reports of Committees: **Pages S4511–12**

Additional Cosponsors: **Pages S4512–14**

Statements on Introduced Bills/Resolutions: **Pages S4514–32**

Additional Statements: **Pages S4509–10**

Amendments Submitted: **Pages S4532–38**

Authority for Committees to Meet: **Pages S4538–39**

Privilege of the Floor: **Page S4539**

Record Votes: Three record votes were taken today. (Total—111) **Pages S4489–90, S4496**

Adjournment: Senate met at 10 a.m., adjourned at 6:46 p.m., until 3 p.m., on Monday, March 31, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4540.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## APPROPRIATIONS: DEPARTMENT OF EDUCATION

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies concluded hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Education, after receiving testimony from Roderick Paige, Secretary of Education.

## SUPPLEMENTAL APPROPRIATIONS

*Committee on Appropriations:* Committee concluded hearings to examine proposed legislation making wartime supplemental appropriations, for the fiscal year ending September 30, 2003, after receiving testimony from Tom Ridge, Secretary of Homeland Security; and Donald Rumsfeld, Secretary of Defense.

## APPROPRIATIONS: GAO/GPO/CBO

*Committee on Appropriations:* Subcommittee on Legislative Branch concluded hearings to examine proposed budget estimates for fiscal year 2004 for the General Accounting Office, Government Printing Office, and Congressional Budget Office, after receiving testimony from David Walker, Comptroller, General Accounting Office; Bruce James, Public Printer, Government Printing Office; and Douglas Holtz-Eakin, Director, Congressional Budget Office.

## NATO

*Committee on Armed Services:* Committee concluded hearings to examine the future of the North Atlantic Treaty Organization (NATO), after receiving testimony from Marc I. Grossman, Under Secretary of State for Political Affairs; and Douglas J. Feith, Under Secretary of Defense for Policy.

## DISABLED MILITARY RETIREES

*Committee on Armed Services:* Subcommittee on Personnel concluded hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on compensation for disabled military retirees, after receiving testimony from Senator Reid; Charles S. Abell, Principal Deputy Under Secretary of Defense for Personnel and Readiness; Daniel L. Cooper, Under Secretary of Veterans Affairs for Benefits; Sarah T. Jennings, Principal Analyst, Defense Cost Estimate Unit, Congressional Budget Office; Carolyn L. Merck, former Specialist in Social Legislation, Congressional Research Service, Library of Congress; Cynthia A. Bascetta, Director, Education, Work, and Income Security Issues, General Accounting Office; Colonel Steve Strobridge, USAF (Ret.), Military Officers Association of America, Alexandria, Virginia; Master Gunnery Sergeant Benjamin H. Butler, USMC (Ret.), National Association for the Uniformed Services, Springfield, Virginia; and G. Michael Schlee, American Legion National Headquarters, Indianapolis, Indiana.

## DEFENSE AUTHORIZATION: WARFIGHTERS

*Committee on Armed Services:* Subcommittee on Strategic Forces concluded closed hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on intelligence support to warfighters, after receiving testimony from Stephen A. Cambone, Under Secretary

of Defense for Intelligence; Joan A. Dempsey, Deputy Director of Central Intelligence for Community Management; Lieutenant General Robert W. Noonan, Jr., USA, Deputy Chief of Staff for Intelligence, Department of the Army; Rear Admiral Richard B. Porterfield, USN, Director of Naval Intelligence, Department of the Navy; Major General Ronald F. Sams, USAF, Director of Intelligence, Surveillance and Reconnaissance, Department of the Air Force; and Brigadier General Michael E. Ennis, USMC, Director of Intelligence, Headquarters, Marine Corps.

## HUMAN CLONING

*Committee on Commerce, Science, and Transportation:* Subcommittee on Science, Technology, and Space concluded hearings to examine implications of cloning on women's health, focusing on reproductive technology, experimentation, and egg donations, after receiving testimony from Senator Landrieu; R. Alta Charo, University of Wisconsin Law and Medical Schools, Madison; Andrew Kimbrell, International Center for Technology Assessment, and Richard Doerflinger, United States Conference of Catholic Bishops, both of Washington, D.C.; Maria del Carmen Bustillo, South Florida Institute for Reproductive Medicine, Miami; Lynne Millican, Boston, Massachusetts; and John T. Bruchalski, Fairfax, Virginia.

## ELECTRIC INDUSTRY

*Committee on Energy and Natural Resources:* Committee concluded hearings to examine various electricity proposals including S.475, 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, after receiving testimony Pat Wood III, Chairman, Nora Mead Brownell, Commissioner, William Massey, Commissioner, all of the Federal Energy Regulatory Commission; P.G. Para, Jacksonville Electric Authority, Jacksonville, Florida; Ray Gifford, Progress and Freedom Foundation, David S. Svanda, National Association of Regulatory and Utility Commissioners, John Anderson, Electricity Consumers Resource Council, H. Allen Franklin, Southern Company, Alan H. Richardson, American Public Power Association, all of Washington, D.C.; Gerald Norlander, National Association of State Utility Consumer Advocates, Silver Spring, Maryland; Phillip G. Harris, PJM Interconnection, LLC, Norristown, Pennsylvania; James P. Torgerson, Midwest Independent Transmission System Operator, Inc., Indianapolis, Indiana; Glenn English, National Rural Electric Cooperative Association, Arlington, Virginia; Elizabeth A. Moler, Exelon Corporation, Chicago, Illinois, on behalf of the Electric Power Supply Association; and Phil Tollefson, Colorado Springs Utilities, Colorado Springs, Colorado.

## NATO ENLARGEMENT

*Committee on Foreign Relations:* Committee held hearings to examine North Atlantic Treaty Organization (NATO) enlargement, focusing on qualifications and contributions, accession protocols, and the NATO Response Force, receiving testimony from Ian Brzezinski, Deputy Assistant Secretary of Defense for European and NATO Affairs; Heather A. Conley, Janet L. Bogue, and Robert A. Bradtke, each a Deputy Assistant Secretary of State for European and Eurasian Affairs.

Hearings continue on Tuesday, April 1.

## HIV/AIDS

*Committee on Health, Education, Labor, and Pensions:* Committee concluded hearings to examine the Federal role in combating the global transmission of AIDS in Africa, focusing on issues relating to research, prevention, care and treatment, HIV transmission through unsafe medical practices, and global control of tuberculosis and malaria, after receiving testimony from Claude A. Allen, Deputy Secretary of Health and Human Services; Maria J. Wawer, Columbia University Mailman School of Public Health, Rakai District, Uganda; and David Gisselquist, Hershey, Pennsylvania.

## NOMINATIONS

*Committee on the Judiciary:* Committee ordered favorably reported the nominations of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, Mary Ellen Coster Williams, of Maryland, and Victor J. Wolski, of Virginia, each to be a Judge of the United States Court of Federal Claims, Ricardo H. Hinojosa, of Texas, and Michael E. Horowitz, of Maryland, each to be a Member of the United States Sentencing Commission, and McGregor William Scott, to be United States Attorney for the Eastern District of California, Department of Justice.

## NOMINATIONS

*Committee on the Judiciary:* Committee concluded hearings on the nominations of Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit, who was introduced by Senator Cornyn, Richard D. Bennett, to be United States District Judge for the District of Maryland, who was introduced by Senators Sarbanes and Mikulski, Dee D. Drell, to be United States District Judge for the Western District of Louisiana, who was introduced by Senator Landrieu and Representative Tauzin, J. Leon Holmes, to be United States District Judge for

the Eastern District of Arkansas, who was introduced by Senators Lincoln and Pryor, and Susan G. Braden, of the District of Columbia, and Charles F. Lettow, of Virginia, each to be a Judge of the United States Court of Federal Claims, who were both introduced by Senator Bingaman.

# House of Representatives

## *Chamber Action*

Measures Introduced: 48 public bills, H.R. 1458–1505; 2 private bills, H.R. 1506–1507; and 8 resolutions, H. Con. Res. 124–129, and H. Res. 165–166, were introduced. **Pages H2470–72**

Additional Cosponsors: **Pages H2472–74**

Reports Filed: Reports were filed today as follows:

H.R. 735, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, amended (H. Rept. 108–49);

H.R. 522, to reform the Federal deposit insurance system, amended (H. Rept. 108–50); and H.R. 21, to prevent the use of certain bank instruments for unlawful Internet gambling (H. Rept. 108–51 Pt. 1). **Page H2470**

Guest Chaplain: The prayer was offered by the guest Chaplain, Sister Benedict Kesock, O.S.B., Principal, St. Charles School of Arlington, Virginia. **Page H2403**

Child Abduction Prevention Act: The House passed H.R. 1104, to prevent child abduction by recorded vote of 410 ayes to 14 noes, Roll No. 89. Subsequently the House passed S. 151, a similar Senate passed measure, after amending it to contain the text of H.R. 1104, as passed the House. Agreed to amend the title so as to read: ''an Act to prevent child abduction and the sexual exploitation of children, and for other purposes.'' H.R. 1104 was then laid on the table. **Pages H2405–2443**

The House then insisted on its amendments and requested a conference with the Senate. Appointed as conferees from the Committee on the Judiciary, for consideration of the Senate bill and the House amendments, and modifications committed to conference: Chairman Sensenbrenner and Representatives Coble, Smith of Texas, Green of Wisconsin, Hart, Conyers, and Scott of Virginia. Appointed as conferee, Representative Frost for consideration of the Senate bill and House amendments, and modifications committed to conference. **Page H2443**

Agreed to the Scott motion to instruct conferees to allow opportunity for members of the committee of conference to offer and debate amendments at all meetings and that all meetings be open to the public and media and be held in venues selected to maximize the capacity for attendance of the public and the media. **Page H2443**

Pursuant to the rule the amendment in the nature of the substitute recommended by the Committee on the Judiciary now printed in the bill (H. Rept. 108–47 Part I) shall be considered as an original bill for the purpose of amendment. **Pages H2416–18**

Agreed To:

Pence amendment No. 1 printed in H. Rept. 108–48 that makes it a criminal act to knowingly use a misleading domain name with the intent to deceive a person into viewing obscenity on the Internet or knowingly deceive a minor into viewing material that is harmful to minors; **Pages H2418–20**

Feeney amendment No. 2 printed in H. Rept. 108–48 that places strict limits on departures from Federal sentencing guidelines (agreed to by recorded vote of 357 ayes to 58 noes with 1 voting ''present'', Roll No. 87); **Pages H2420–24, H2436**

Pomeroy amendment No. 3 printed in H. Rept. 108–48 that reauthorizes grant programs within the victims of Child Abuse act that provide funding to child advocacy centers; **Pages H2424–25**

Foley amendment No. 4 printed in H. Rept. 108–48 that requires the AMBER alert coordinator to submit a report by March 1, 2005 on the effectiveness of the AMBER Alert plans and establishes a $5 million grant program to implement new technologies; **Pages H2425–26**

Carter amendment No. 5 printed in H. Rept. 108–48 that provides for a feasibility study of issues relating to background checks for volunteers of groups that work with children, the disabled, and the elderly; **Pages H2426–27**

Lampson amendment No. 6 printed in H. Rept. 108–48 that gives jurisdiction to the U.S. Secret Service to continue to provide forensic and investigative support upon request from local law enforcement or from the National Center for Missing and exploited children; **Pages H2427–28**

Acevedo-Vilá amendment No. 7 printed in H. Rept. 108–48 that requires certain procedures to be established and followed when a child is reported

lost or missing in a public building, commonly known as "Code Adam"; **Pages H2428–29**

Smith of Texas amendment No. 8 printed in H. Rept. 108–48 that narrows the definition of child pornography and creates new obscenity offenses to cover virtual and real child pornography that involves visual depictions of prepubescent children and minors (agreed to by recorded vote of 406 ayes to 15 noes, Roll No. 88). **Pages H2429–37**

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill. **Page H2440**

H. Res. 160, the rule that provided for consideration of the bill was agreed to on March 26.

Suspensions: The House agreed to suspend the rules and pass the following motions that were debated on March 26:

*Public Need for Fasting and Prayer:* H. Res. 153, recognizing the public need for fasting and prayer in order to secure the blessings and protection of Providence for the people of the United States and our Armed Forces during the conflict in Iraq and under the threat of terrorism at home (agreed to by 2/3 yea-and-nay vote of 346 yeas to 49 nays with 23 voting "present", Roll No. 90); and **Pages H2438–39**

*Treatment of Prisoners of War Held by Iraqi Authorities:* H. Con. Res. 118, concerning the treatment of members of the Armed Forces held as prisoner of war by Iraqi authorities (agreed to by 2/3 yea-and-nay vote of 419 yeas with none voting "nay", Roll No. 91). **Pages H2439–40**

Legislative Program: The Majority Leader announced the Legislative Program for the week of March 31. **Page H2444**

Meeting Hour—Monday, March 31: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, March 31. **Page H2446**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, April 2. **Page H2446**

Rules Committee Resolution: Agreed that H. Res. 152, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules be laid on the table. **Page H2444**

Senate Messages: Message received from the Senate today appears on page H2438.

Quorum Calls—Votes: Two yea-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H2436, H2437, H2438, H2438–39, H2439–40. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:27 p.m.

# *Committee Meetings*

## COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Commerce, Justice and State, the Judiciary and Related Agencies held a hearing on the FBI, the Federal Judiciary, and the U.S. Marshals Service. Testimony was heard from the following officials of the Department of Justice: Robert S. Mueller III, Director, FBI; and Benigno G. Reyna, Director, U.S. Marshals Service; Judge John G. Heyburn II, U.S. District Court, Western District of Kentucky; and Leonidas Ralph Mecham, Director, Administrative Office of the U.S. Courts.

## DEFENSE APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Defense held a hearing on Fiscal Year 2003 Emergency Supplemental. Testimony was heard from the following officials of the Department of Defense: Donald H. Rumsfield, Secretary; Paul D.Wolfowitz, Deputy Secretary; Dov S. Zakheim, Under Secretary, Comptroller; Gen. Richard B. Meyers, USAF, Chairman; and Lt. Gen. James E. Cartwright, USMC, Director, Force Structure, Resources and Assessment, both with the Joint Chiefs of Staff.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Foreign Operations, Export Financing, and Related Programs held a hearing on Supplemental Request for Iraq and the Global War on Terrorism. Testimony was heard from the following officials of the Department of State: Richard L. Armitage, Deputy Secretary; and Andrew S. Natsios, Administrator, AID.

## HOMELAND SECURITY APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Homeland Security held a hearing on Border Security and Transportation Security. Testimony was heard from the following officials of the Department of Homeland Security: Asa Hutchinson, Under Secretary, Border Security; and James M. Loy, Assistant Secretary, Transportation Security Administration.

## LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, Education and Related

Agencies held a hearing on Centers for Disease Control and Prevention. Testimony was heard from Julie L. Gerberding, M.D., Director, Centers for Disease Control and Prevention, Department of Health and Human Services.

## TRANSPORTATION, TREASURY AND INDEPENDENT AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Transportation, Treasury and Independent Agencies held a hearing on U.S. Postal Service Retirement Payments. Testimony was heard from John E. Potter, Postmaster General, U.S. Postal Service; and Dan G. Blair, Deputy Director, OPM.

## VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on VA, HUD and Independent Agencies held a hearing on National Institute of Environmental Health and Services and on Consumer Product Safety Commission. Testimony was heard from Kenneth Olden, M.D., Director, National Institute of Environmental Health Science, Department of Health and Human Services; and Harold Stratton, Chairman, Consumer Product Safety Commission.

## NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—NAVY PROJECTION FORCES

*Committee on Armed Services:* Subcommittee on Projection Forces held a hearing on the fiscal year 2004 national defense authorization budget request for Navy Projection Forces. Testimony was heard from the following officials of the Department of the Navy: John J. Young, Assistant Secretary (Research, Development and Acquisition); Vice. Adm. John B. Nathman, USN, Deputy Chief of Naval Operations, Warfare Requirements and Programs; and Vice Adm. Michael G. Mullen, USN, Deputy Chief, Naval Operations, Resources, Requirements, and Assessments.

## DOD SCIENCE AND TECHNOLOGY POLICY AND PROGRAMS

*Committee on Armed Services:* Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on Department of Defense science and technology policy and programs for fiscal year 2004.Testimony was heard from the following officials of the Department of Defense: Ronald M. Sega, Director, Defense Research and Engineering; Anthony J. Tether, Director, Defense Advanced Research Projects Agency; A. Michael Andrews, Deputy Assistant Secretary, Army, Research and Technology; Rear Adm. Jay M. Cohen, USN, Chief, Naval Research; and James B. Engle, Deputy Assistant Secretary, Air Force (Science, Technology, and Engineering).

## NATIONAL DEFENSE AUTHORIZATION BUDGET REQUEST—HEALTH PROGRAM

*Committee on Armed Services:* Subcommittee on Total Force held a hearing on the fiscal year 2004 national defense authorization budget request for the defense health program and the next generation of TRICARE contracts and TRICARE retail pharmacy contracts. Testimony was heard from the following officials of the Department of Defense: William Winkenwerder, Jr., M.D., Assistant Secretary, Health Affairs; Lt. Gen. James B. Peake, USA, Surgeon General, Army, Commander, U.S. Army Medical Command; Vice Adm. Michael L. Cowan, USN, Surgeon General, Navy; and Lt. Gen. George P. Taylor, Jr., USAF, Surgeon General, Air Force; Marjorie Kanof, M.D., Director, Clinical and Military Health Care, GAO; and public witnesses.

## WORKFORCE REINVESTMENT AND ADULT EDUCATION ACT

*Committee on Education and the Workforce:* Ordered reported, as amended, H.R. 1261, Workforce Reinvestment and Adult Education Act of 2003.

## FURTHERING PUBLIC HEALTH SECURITY; PROJECT BIOSHIELD

*Committee on Energy and Commerce:* Subcommittee on Health and the Subcommittee on Emergency Preparedness and Response of the Select Committee on Homeland Security held a joint hearing entitled ''Furthering Public Health Security: Project Bioshield,'' Testimony was heard from Tommy G. Thompson, Secretary of Health and Human Services; and public witnesses.

## FINANCIAL SERVICES REGULATORY RELIEF ACT

*Committee on Financial Services:* Subcommittee on Financial Services Institutions and Consumer Credit held a hearing on H.R. 1375, Financial Services Regulatory Relief Act of 2003. Testimony was heard from Mark Olson, member, Board of Governors, Federal Reserve System; Dennis Dollar, Chairman, National Credit Union Administration; the following officials of the Department of the Treasury: Julie L. Williams, First Senior Deputy Comptroller and Chief Counsel, Office of the Comptroller of the Currency; and Carolyn Buck, Chief Counsel, Office of Thrift Supervision; William S. Kroener, General Counsel, FDIC; and public witnesses.

## CONSUMER SAFEGUARDS ON INTERNET PHARMACY SITES—OVERSIGHT PLAN

*Committee on Government Reform:* Held a hearing entitled ''Point, Click, Self-Medicate: A Review of Consumer Safeguards on Internet Pharmacy Sites.'' Testimony was heard from William Hubbard, Senior Associate Commissioner, Policy Planning and Legislation, FDA, Department of Health and Human Services; J. Howard Beales, Director, Bureau of Consumer Protection, FTC; and public witnesses.

The Committee approved recommendations for an Oversight Plan for the 108th Congress for all House Committees.

## REAUTHORIZATION—OFFICE OF NATIONAL DRUG CONTROL POLICY

*Committee on Government Reform:* Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled ''ONDCP Reauthorization: The National Youth Anti-Drug Media Campaign.'' Testimony was heard from Representative Portman; Christopher Marston, Chief of Staff, Office of National Drug Control Policy; and public witnesses.

## EUROPE-U.S. ASSISTANCE PROGRAMS

*Committee on International Relations:* Subcommittee on Europe held a hearing on U.S. Assistance Programs in Europe: An Assessment. Testimony was heard from the following officials of the Department of State: Thomas Adams, Acting Coordinator, U.S. Assistance to Europe ad Eurasia, Bureau of European and Eurasia Affairs; and Kent R. Hill, Assistant Administrator, Bureau for Europe and Eurasia, AID.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on the following bills: H.R. 958, Hydrographic Services Amendments of 2003; H.R. 959, National Oceanic and Atmospheric Administration Oceanography Amendment Act of 2003; and H.R. 984, National Oceanic and Atmospheric Administration Act of 2003. Testimony was heard from Vice Adm. Conrad C. Lautenbacher, USN (Ret.), Under Secretary, Oceans and Atmosphere, NOAA, Department of Commerce; and D. James Baker, President and Chief Executive Officer, Academy of Natural Sciences.

## WATER RECYCLING

*Committee on Resources:* Subcommittee on Water and Power held an oversight hearing on Water Supply and Reliability: The Role of Water Recycling. Testimony was heard from Betsy Cody, Specialist in Natural Resources, Congressional Research Service, Library of Congress; Peggy Neely, Councilwoman, Phoenix, Arizona; and public witnesses.

## FAA AND AVIATION PROGRAMS REAUTHORIZATION

*Committee on Transportation and Infrastructure:* Subcommittee on Aviation held a hearing on Reauthorization of the Federal Aviation Administration and the Aviation Programs. Testimony was heard from Marion C. Blakey, Administrator, FAA, Department of Transportation.

## OVERSIGHT—DEPARTMENT OF VETERANS AFFAIRS EMERGENCY PREPAREDNESS

*Committee on Veterans' Affairs:* Subcommittee on Health held an oversight hearing on the status of the implementation of Public Law 107–287, Department of Veterans Affairs Emergency Preparedness Act of 2002, and post deployment health care for veterans. Testimony was heard from William Winkenwerder, Jr., M.D., Assistant Secretary, Health Affairs, Department of Defense; Robert H. Roswell, M.D., Under Secretary, Health, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

## CONSOLIDATED CRYPTOLOGIC PROGRAM

*Permanent Select Committee on Intelligence:* Met in executive session to hold a hearing on Consolidated Cryptologic Program. Testimony was heard from departmental witnesses.

## COMMITTEE MEETINGS FOR FRIDAY, MARCH 28, 2003

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

*Select Committee on Homeland Security,* hearing on H.R. 1416, Homeland Security Technical Corrections Act of 2003, 8:30 a.m., 2128 Rayburn.

## CONGRESSIONAL PROGRAM AHEAD

### Week of March 31 through April 5, 2003

### Senate Chamber

On *Monday,* at 2 p.m., Senate will be in a period of morning business until 6 p.m.; following which, Senate will consider the nomination of Theresa Lazar Springmann, to be United States District Judge for the Northern District of Indiana, with a vote to immediately occur on confirmation of the nomination.

On *Tuesday,* at 9:30 a.m., Senate will consider the nomination of Timothy M. Tymkovich, of Colorado,

to be United States Circuit Judge for the Tenth Circuit, with 6 hours for debate; following which, Senate will vote on confirmation of the nomination.

During the balance of the week, Senate may consider any other cleared legislative and executive business.

## Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Agriculture, Nutrition, and Forestry:* April 3, to hold hearings to examine proposed legislation authorizing funds for child nutrition programs, 10 a.m., SR–328A.

*Committee on Appropriations:* April 1, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine Alzheimer's Disease, 9:30 a.m., SH–216.

April 1, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Justice, 10 a.m., SD–192.

April 2, Subcommittee on Defense, to hold hearings to examine an overview of the fiscal year 2004 Navy Budget, 10 a.m., SD–192.

April 2, Subcommittee on District of Columbia, to hold hearings to examine the status of foster care in the District of Columbia, 10 a.m., SD–138.

April 2, Subcommittee on Transportation, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Federal Aviation Administration, 10:30 a.m., SD–124.

April 3, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the National Science Foundation and the Office of Science Technology Policy, 10 a.m., SD–138.

April 3, Subcommittee on Foreign Operations, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of State, 2 p.m., SD–192.

*Committee on Armed Services:* March 31, Subcommittee on Emerging Threats and Capabilities, to hold hearings to examine proposed legislation authorizing funds for the Department of Defense for fiscal year 2004 focusing on the science and technology program and the role of the Department of Defense laboratories, 2 p.m., SR–222.

March 31, Full Committee, to hold hearings to examine the U.S. Air Force investigations into allegations of sexual assault at the U. S. Air Force Academy and related recommendations, 4 p.m., SH–216.

April 1, Subcommittee on Readiness and Management Support, to resume hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on impacts of environmental laws on readiness and the related Administration Legislative Proposal, 9 a.m., SD–106.

April 1, Subcommittee on SeaPower, to hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense for Navy and Marine Corps development, procurement priorities, and the Future Years Defense Program, 2:30 p.m., SR–232A.

April 3, Subcommittee on Airland, to hold hearings to examine Navy, Marine Corps, and Air Force aviation and air-launched weapons programs in review of the Defense Authorization request for fiscal year 2004 and the Future Years Defense Program, 2:30 p.m., SR–232A.

*Committee on Banking, Housing, and Urban Affairs:* April 3, to hold oversight hearings to examine the Federal Reserve Board proposal on check truncation; to be followed by a business meeting to consider the nominations of Thomas Waters Grant, of New York, Noe Hinojosa, Jr., of Texas, Thomas Waters Grant, of New York, and William Robert Timken, Jr., of Ohio, each to be a Director of the Securities Investor Protection Corporation, and Alfred Plamann, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* April 2, Subcommittee on Science, Technology, and Space, to hold hearings to examine NASA maned space flight, 2:30 p.m., SR–254.

*Committee on Energy and Natural Resources:* April 1, business meeting to consider comprehensive energy legislation, 10 a.m., SD–366.

April 2, Full Committee, business meeting to consider comprehensive energy legislation, 10 a.m., SD–366.

April 3, Full Committee, business meeting to consider comprehensive energy legislation, 10 a.m., SD–366.

*Committee on Environment and Public Works:* April 1, to hold hearings to examine the Nominations: of Ricky Dale James, of Missouri, and Rear Adm. Nicholas Augustus Prahl, National Oceanic and Atmospheric Administration, both to be a Member of the Mississippi River Commission, and Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority, 9:30 a.m., SD–406.

April 2, Full Committee, to hold oversight hearings to examine issues relating to military encroachment, 9:30 a.m., SD–406.

*Committee on Finance:* April 1, to hold hearings to examine tax payer issues, focusing on public accountants and charitable car donations; to be followed by hearings on the nominations of Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court, Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court, Robert Allen Wherry, Jr., of Colorado, to be a Judge of the United States Tax Court, and Harry A. Haines, of Montana, to be a Judge of the United States Tax Court, 10 a.m., SD–215.

April 3, Full Committee, to hold hearings to examine health care services, 10 a.m., SD–215.

*Committee on Foreign Relations:* April 1, to hold hearings to examine NATO enlargement, focusing on Brussels, 9:30 a.m., SD–419.

April 2, Full Committee, to resume hearings to examine foreign assistance oversight, 9:30 a.m., SD–419.

April 3, Full Committee, to resume hearings to examine NATO enlargement, focusing on qualifications and contributions, 2:30 p.m., SD–419.

*Committee on Governmental Affairs:* April 2, to hold hearings to examine the nominations of Clay Johnson III, of Texas, to be Deputy Director for Management, Office of Management and Budget, Albert Casey, of Texas, to be a Governor of the United States Postal Service, and James C. Miller III, of Virginia, to be a Governor of the United States Postal Service, 10 a.m., SD–342.

*Committee on Health, Education, Labor, and Pensions:* April 2, business meeting to consider S.231, to authorize the use of certain grant funds to establish an information clearinghouse that provides information to increase public access to defibrillation in schools, proposed legislation entitled ''Genetics Information Nondiscrimination Act of 2003'', ''Smallpox Emergency Personnel Protection Act of 2003'', ''The Improved Vaccine Affordability and Availability Act'', ''Caring for Children Act of 2003'', and pending nominations, 10 a.m., SD–430.

April 3, Full Committee, to hold hearings to examine mammography, 10 a.m., SD–430.

*Committee on Indian Affairs:* April 2, to hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act, 10 a.m., SR–485.

*Committee on the Judiciary:* April 1, to hold hearings to examine the nominations of Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit, Cecilia M. Altonaga, to be United States District Judge for the Southern District of Florida, and Patricia Head Minaldi, to be United States District Judge for the Western District of Louisiana, 9 a.m., SD–226.

*Select Committee on Intelligence:* April 1, to hold closed hearings to examine intelligence matters, 2:30 p.m., SH–219.

## House Chamber

To be announced.

## House Committees

*Committee on Appropriations,* April 1, Subcommittee on District of Columbia, on Court Services and Offender Supervision Agency, 2 p.m., 2362A Rayburn.

April 1 and 2, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on NIH, 10:15 a.m., 2358 Rayburn.

April 1, Subcommittee on Transportation and Treasury, and Independent Agencies, on Cost Controls and Cost Drivers in Federal Transit Investments Panel, 10 a.m., and on Executive Office of the President, 2 p.m., 2358 Rayburn.

April 2, Subcommittee on District of Columbia, on D.C. Courts; Defender Services; and Public Defender Service, 10 a.m., 2362A Rayburn.

April 2, Subcommittee on Foreign Operations, Export Financing and Related Programs, on Member of Congress, 10 a.m., H–144 Capitol.

April 2, Subcommittee on Interior, on Members of Congress, 10 a.m., B–308 Rayburn.

April 2, Subcommittee on Transportation and Treasury, and Independent Agencies, on GSA Building Cost Drivers, 10 a.m., and on OPM, 2 p.m., 2358 Rayburn.

April 2, Subcommittee on VA, HUD, and Independent Agencies, on EPA, 10 a.m., 2359 Rayburn, and 2 p.m., H–143 Capitol.

April 3, Subcommittee on Commerce, Justice, and State, the Judiciary and Related Agencies, on State Department Management, 10 a.m., H–309 Capitol.

April 3, Subcommittee on Homeland Security, on Border Protection; Customs and Immigration Enforcement, 10 a.m., and Homeland Security Training, 2 p.m., H–140 Capitol.

April 3, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Center for Medicare and Medicaid Services, 10:15 a.m., and on Agency for Healthcare Research Quality, 11:15 a.m., 2358 Rayburn.

April 3, Subcommittee on Transportation and Treasury, and Independent Agencies, on Transportation Safety, 2358 Rayburn.

April 3, Subcommittee on VA, HUD, and Independent Agencies, on Congressional Witnesses, 9:30 a.m., H–143 Capitol.

*Committee on Armed Services,* April 1, hearing on all major Department of Defense acquisition programs, and review the Department's plans for acquisition reform and future acquisition programs, 4 p.m., 2118 Rayburn.

April 1, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on the fiscal year 2004 national defense authorization budget request for the Special Operations Command, 2 p.m., 2212 Rayburn.

April 1, Subcommittee on Total Force, hearing on the U.S. Air Force report on sexual assault at the academy, 1 p.m., 2118 Rayburn.

April 2, Subcommittee on Tactical Air and Land Forces, hearing on the fiscal year national defense authorization budget request for the Department of the Navy and the Department of the Air Force tactical weapon system acquisition programs and future technology initiatives, 2 p.m., 2118 Rayburn.

April 2, Subcommittee on Total Force, hearing on Military Resale and Morale, Welfare and Recreation Programs Activities, 3:30 p.m., 2212 Rayburn.

April 3, Subcommittee on Projection Forces, hearing on the Department of the Navy fiscal year 2004 research and development program in support of naval transformation and future naval capabilities, 12 p.m., 2212 Rayburn.

April 3, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on the fiscal year 2004 national defense authorization budget request for Department of Defense Information Technology Programs, 3 p.m., 2212 Rayburn.

April 3, Subcommittee on Total Force, hearing on Views from the Field—Perspectives of Mobilized Reservists, 1 p.m., 2216 Rayburn.

*Committee on Education and the Workforce,* April 1, Subcommittee on Select Education, hearing on the ''Performance, Accountability, and Reforms at the Corporation for National and Community Service,'' 2 p.m., 2175 Rayburn.

April 2, Subcommittee on Education Reform, to mark up H.R. 1350, Improving Education Results for Children

With Disabilities Act of 2003 10:30 a.m., 2175 Rayburn.

*Committee on Financial Services,* April 1, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology, hearing entitled ''Opening Trade in Financial Services—The Chile and Singapore Examples,'' 10 a.m., 2128 Rayburn.

April 1, Subcommittee on Housing and Community Opportunity, hearing entitled ''The National Flood Insurance Program: Review and Reauthorization,'' 2 p.m., 2128 Rayburn.

April 2, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''Rating the Rating Agencies: the State of Transparency and Competition,'' 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* March 31, Subcommittee on National Security, Emerging Threats and International Relations and the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, joint hearing on Strengthening Oversight of DOD Business Systems Modernization, 1 p.m., 2154 Rayburn.

April 1, Subcommittee on Civil Service and Agency Organization, oversight hearing ''Compensation Reform: How Should the Federal Government Pay Its Employees?'' 1 p.m., 2247 Rayburn.

April 1, Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled ''Performance, Results, and Budget Decisions,'' 2 p.m., 2154 Rayburn.

April 3, full Committee, hearing entitled ''Toward a Logical Governing Structure: Restoring Executive Reorganization Authority,'' 10 a.m., 2154 Rayburn.

April 3, Subcommittee on Human Rights and Wellness, hearing entitled ''International Prescription Drug Parity: Are Americans Being Protected or Gouged?'' 2 p.m., 2247 Rayburn.

*Committee on International Relations,* April 1, hearing on U.S. Response to East African Families and the Future Outlook for Food Aid in Africa, 10:15 a.m., 2172 Rayburn.

April 3, Subcommittee on Africa, hearing on Democratic Republic of Congo: Key to the Crisis in the Great Lakes Region, 2 p.m., 2172 Rayburn.

*Committee on Resources,* April 1, Subcommittee on Water and Power, hearing on the following bills: H.R. 135, Twenty-First Century Water Commission Act of 2003; H.R. 495, Zuni Indian Tribe Rights Settlement Act of 2003; H.R. 901, to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California; and H.R. 1284, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin Demonstration project, 2 p.m., 1324 Longworth.

*Committee on Science,* April 1, to mark up H.R. 238, Energy Research, Development, Demonstration, and Commercial Application Act of 2003, 10 a.m., 2318 Rayburn.

April 3, Subcommittee on Research, hearing on The National Earthquake Hazards Reduction Program: Past, Present, and Future, 10 a.m., 2318 Rayburn.

*Committee on Small Business,* April 1, Subcommittee on Workforce, Empowerment and Government Programs and the Subcommittee on Regulatory Reform and Oversight, joint hearing with respect to improving and strengthening the SBA Office of Advocacy, 2 p.m., 2360 Rayburn.

April 2, full Committee, hearing on the impact of foreign titanium purchased by the Air Force on small and medium sized U.S. manufacturers, 2 p.m., 2360 Rayburn.

April 3, Subcommittee on Tax, Finance, and Exports, hearing on small business expensing limits, 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* April 1, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on the Coast Guard's Move to the Department of Homeland Security, 10 a.m., 2360 Rayburn.

April 1, 2 and 3, Subcommittee on Highways, Transit, and Pipelines, hearings on Member Policy Initiatives and Project Requests for Reauthorization of Federal Highway and Transit Programs, 10 a.m., 2167 Rayburn.

April 2, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on local economic development association issues relating to reauthorization of the Economic Development Administration, 10 a.m., 2253 Rayburn.

*Permanent Select Committee on Intelligence,* April 1, executive, briefing on Sensitive Program, 2 p.m., H–405 Capitol.

April 2, executive, hearing on National Reconnaissance Program, 2 p.m., H–405 Capitol.

April 3, executive, hearing on Joint Military Intelligence Program/Tactical Intelligence and Related Programs, 1 p.m., H–405 Capitol.

April 4, executive, briefing on Intelligence Community Overview, 9 a.m., H–405 Capitol.

*Select Committee on Homeland Security.* March 31, to mark up H.R. 1416, Homeland Security Technical Corrections Act of 2003, 3 p.m., 2128 Rayburn.

## Joint Meetings

*Commission on Security and Cooperation in Europe:* April 2, to hold hearings to examine arming rogue regimes, focusing on the role of OSCE participating states, 2:30 p.m., 334 Cannon Building.

*Next Meeting of the* SENATE

3 p.m., Monday, March 31

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 6 p.m.), Senate will consider the nomination of Theresa Lazar Springmann, to be United States District Judge for the Northern District of Indiana, with a vote to immediately occur on confirmation of the nomination.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, March 31

House Chamber

Program for Monday: To be announced.

## Extensions of Remarks, as inserted in this issue

HOUSE

Aderholt, Robert B., Ala., E613
Andrews, Robert E., N.J., E610
Baca, Joe, Calif., E609
Ballenger, Cass, N.C., E611
Bereuter, Doug, Nebr., E606
Bilirakis, Michael, Fla., E601
Calvert, Ken, Calif., E594, E596
Capito, Shelley Moore, W.Va., E611
Capuano, Michael E., Mass., E593, E595, E596
Davis, Susan A., Calif., E608
Davis, Tom, Va., E601
Faleomavaega, Eni F.H., American Samoa, E609
Forbes, J. Randy, Va., E601
Gillmor, Paul E., Ohio, E610
Harman, Jane, Calif., E595, E597
Hayes, Robin, N.C., E602
Hefley, Joel, Colo., E598
Hensarling, Jeb, Tex., E612
Holt, Rush D., N.J., E599
Israel, Steve, N.Y., E597, E599
Jackson, Jesse L., Jr., Ill., E603
Jackson-Lee, Sheila, Tex., E593, E594, E595
Lantos, Tom, Calif., E607, E614
Lee, Barbara, Calif., E612
Levin, Sander M., Mich., E606
McCollum, Betty, Minn., E600
McCotter, Thaddeus G., Mich., E607, E612
McDermott, Jim, Wash., E602
McInnis, Scott, Colo., E593, E593, E595, E596, E597, E598, E600, E606
McKeon, Howard P. ''Buck'', Calif., E613
Michaud, Michael H., Me., E609
Millender-McDonald, Juanita, Calif., E610
Moran, James P., Va., E610
Murphy, Tim, Pa., E614
Oberstar, James L., Minn., E604
Ortiz, Solomon P., Tex., E599
Ose, Doug, Calif., E597, E600
Renzi, Rick, Ariz., E603
Reynolds, Thomas M., N.Y., E614
Simmons, Rob, Conn., E612
Skelton, Ike, Mo., E593, E597, E598
Smith, Adam, Wash., E604
Smith, Christopher H., N.J., E611
Stark, Fortney Pete, Calif., E594, E596
Terry, Lee, Nebr., E602
Towns, Edolphus, N.Y., E604
Udall, Mark, Colo., E612
Watt, Melvin L., N.C., E599
Wolf, Frank R., Va., E602

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