United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, APRIL 3, 2003 No. 54—Book II

House of Representatives

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003—Continued

□ 1600

It also allowed al Qaeda and other terrorist organizations to get away. I just feel that that is wrong.

People say that this is an emotional issue. Well, logically, it just does not make sense to reward someone additionally that has done harm against you. We gave Turkey over a quarter of a billion dollars. This is in 2003. In the 2004 budget we give Turkey a lot of money. I am not objecting to that. But at a time where they made the decision of the aforementioned, I think it is wrong. We did not slap Turkey upside the head when they invaded northern Cypress and took it illegally against the law, or the mass murder of Kurds, or the violations against Greece, or even the deaths of American soldiers.

I would say that I support having Turkey as an ally in the future and giving them the additional dollars. I have fought along side Turks in Vietnam, side by side. But if someone at the moment causes a loss of one of your friends, they should not be rewarded for that, regardless of how much they have supported you in the past.

The gentleman from Georgia (Mr. KINGSTON) mentioned that we have 49 allies in this fight. Only 22 of them are being given aid, and yet we are going to give a billion dollars to someone who did not support us. Again, logic says that that is wrong. That will be a billion dollars back into the general fund. Some of you want it for homeland defense, domestic, first-line responders, or even domestic issues.

I understand the issues on the other side of this particular issue. I am torn myself. It is not even important. This is the first time I have ever come to the well with an amendment that I do not care if it wins or loses. I do feel the debate is very important, because Turkey needs to know, and other nations that do us harm, that cause the life loss of Americans, not to tread on me.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) has 1 minute remaining.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the remaining minute.

Mr. Chairman, I want to associate myself with the remarks of the gentleman from California (Mr. CUNNINGHAM). I agree with everything he said. All I disagree with is we should not adopt his amendment for a lot of reasons.

A letter from the President's National Security Adviser has been referred to several times. A copy of that letter is as follows:

THE WHITE HOUSE,
Washington, DC, April 3, 2003.

Hon. BILL YOUNG,
Chairman, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for supporting the President's request for aid to Turkey in the Emergency Supplemental legislation. Despite recent difficulties, the President is devoted to maintaining the strategic partnership that has existed between the United States and Turkey for almost 60 years.

Secretary Powell addressed important military, political, and economic issues when he met this week with President Sezer, Prime Minister Erodogan, Foreign Minister Gul, and General Staff Chief Ozkok. Both sides agreed to an unimpeded flow of humanitarian aid to Northern Iraq and access by American forces to supplies sent through Turkey. Turkey continues to grant overflight rights and has committed to enhanced cooperation on terrorist threats and possible refugee flows in the region, without moving additional Turkish military forces into Iraq. These are very positive steps.

American and Turkish soldiers stood side by side during the Cold War and on battlefields from Korea to Afghanistan. The President's supplemental request recognizes and reflects that past and his desire to strengthen the relationship further. This assistance, coupled with Turkey's continued adherence to sound economic policies supported by international financial institutions, could play a significant role in bolstering the U.S.-Turkey partnership. I ask your assistance in advancing these goals on the floor and in conference.

Sincerely,

CONDOLEEZZA RICE,
Assistant to the President for National Security Affairs.

I would like also for the Members to know on page 27 of the bill there is a long list of requirements that have to be met before the President can release this money. The Congress is playing its role in controlling spending and getting accountability. So look at that page and you will see that it is not just a grant of money to anybody.

Now, let me say quickly that the face of the world is changing. Alliances are changing. Friendships are coming. Friendships are going. The President of the United States needs the flexibility to deal with those extremely important changes. And as far as who asked for the money, the Turkish delegation visited the President to discuss a program of $6 billion. The gentleman from Illinois (Mr. HASTERT) and I had the privilege of meeting with that delegation. They certainly asked for the help.

Mr. JEFF MILLER of Florida. Mr. Chairman, Turkey has been our friend and I assume still desires to be an ally of the United States. I have visited Turkey. It is a beautiful country and they have fought side by side with many of our soldiers. Yes, they supported our efforts with Operation Northern Watch. Yes, we support their immerging democracy, but it is important for them to understand that there are consequences to their actions.

Mr. Chairman, when we as Members of Congress cast a vote there are consequences. Earlier this year we asked for their help and they voted "no". Well not they want our help and I'm voting "no". I think we spend too much money in foreign aid, money that could be used for tax relief, building a strong defense, and paying down the debt.

This week, Turkey agreed to help with resupply and humanitarian aid and assumes that

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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Uncle Sam is going to pull out his checkbook and write another billion-dollar check without batting an eye.

Mr. Chairman, at a time when our veterans have to wait months to see a doctor and our servicemen in Iraq are risking their lives and chemical attack for the preservation of liberty, isn't it time for Uncle Sam to stop sending blank checks to fair-weather allies?

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CUNNINGHAM).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CUNNINGHAM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 110, noes 315, not voting 9, as follows:

[Roll No. 105]

AYES—110

Akin
Bachus
Baker
Ballenger
Berry
Bilirakis
Blackburn
Blumenauer
Boozman
Brown-Waite, Ginny
Cannon
Chocola
Clay
Coble
Culberson
Cunningham
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Duncan
Eshoo
Etheridge
Evans
Everett
Feeney
Ferguson
Filner
Forbes
Fossella
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Hayes
Hayworth
Hill
Hoekstra
Holt
Hostettler
Hulshof
Jenkins
Johnson, Sam
Jones (NC)
Keller
Kingston
Kleczka
Kucinich
LaHood
Lee
LoBiondo
Lofgren
Maloney
Manzullo
McCotter
McNulty
Menendez
Miller (FL)
Miller, Gary
Musgrave
Ney
Norwood
Nussle
Osborne
Otter
Owens
Pallone
Paul
Payne
Pence
Petri
Pitts
Pombo
Radanovich
Ramstad
Rehberg
Rogers (MI)
Royce
Ryan (WI)
Ryun (KS)
Sanders
Schiff
Schrock
Sensenbrenner
Sherman
Shuster
Souder
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Tiberi
Toomey
Turner (OH)
Upton
Waters
Watson
Woolsey
Wu

NOES—315

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Clyburn
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Farr
Fattah
Flake
Fletcher
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goss
Granger
Green (TX)
Greenwood
Grijalva
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herger
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Nunes
Obey
Olver
Ortiz
Ose
Oxley
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stupak
Tanner
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Boyd
Combest
Gephardt
Gutierrez
McCarthy (MO)
McInnis
Oberstar
Slaughter
Walden (OR)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are approximately 2 minutes remaining in this vote.

□ 1622

Mr. BARRETT of South Carolina, Ms. CARSON of Indiana, Mr. HERGER and Mr. GRIJALVA changed their vote from ''aye'' to ''no.''

Mr. PETRI, Ms. LEE, and Messrs. GORDON, DAVIS of Tennessee, GOODLATTE and HOLT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today the thoughts and prayers of all Americans are with our courageous military forces in Iraq and their brave families at home, especially those families who have lost a loved one or await the return of the missing and our prisoners of war.

Today, we all celebrate the wonderful and courageous rescue of Jessica Lynch. We all celebrate her rescue and the courage that she demonstrated, as well as those who brought her home safely.

As Members of Congress charged in the preamble to the Constitution with providing for the common defense, we have pledged to give our Armed Forces the support they need in these difficult and dangerous days, both to win this war and to win the peace. This supplemental abides by that commitment.

Sadly, this supplemental does not fulfill America's commitment to our men and women in uniform at home, our local firefighters, police and emergency medical personnel who serve on the front lines against the greatest threat facing our Nation, the clear and present danger of terrorism.

Time and time again, the President and the Republican majority in Congress have said that defending the homeland is ''the single most important priority, our most important challenge and our biggest responsibility.'' But time and time again, the rhetoric has failed to match the reality of their proposals.

The reality is that the Republicans have failed to spend $2.5 billion in desperately needed homeland security funds appropriated by Congress last year. The Republicans have said repeatedly that they will do whatever it takes to defend our homeland, but the reality is that the Governors and mayors from across the country are pleading with the administration and the Republicans in Congress to give firefighters, police, and health care workers the funding, training and equipment they need to protect our communities and to respond to a terrorist attack. The President said that ''I am going to commit the resources necessary to defend our freedom,'' but the reality is that this supplemental has a message that the President and the Republicans have not been committing the resources necessary to fully defend our homeland.

Perhaps nowhere is this credibility gap on homeland security greater than when it comes to protecting our vulnerable ports.

In speaking to the Coast Guard at the port of Philadelphia this week, the President said that protecting our Nation's ports is essential to our economic security and to our national security, but the reality is that the

President vetoed $39 million to inspect the millions of container ships that dock in U.S. ports every year. The reality is that the administration and the Republicans have no funding for this program in the fiscal 2004 budget or in this supplemental.

With our Nation at the second-highest level of terrorist alert, the Republicans are shortchanging homeland security. The American people deserve better. We must do everything we can every day to protect the homes that people live in, the places where they work, the bridges and roads they use to get there, and the communities where they live.

I commend my colleague, the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, for his outstanding leadership on this issue and for his efforts to give our States and communities the resources they need to protect themselves.

□ 1630

America needs to know that Democrats voted this week to boost homeland security by $2.5 billion, including an additional $1.2 billion for underfunded firefighters, police and medical personnel. The Obey amendment, had it been allowed to be brought to the floor, would have gone even further than that, and I thank the gentleman for his leadership.

Americans need to know that the Republicans voted no. The President and the Republicans owe the American people an explanation. Why are they shortchanging our men and women on the front lines in our homeland who protect our communities, while are they giving massive tax cuts that overwhelmingly benefit the wealthiest in our country, those who need it least? This would be unwise at any time. In this time of war, with our Nation on high alert, it is downright reckless.

Democrats support this supplemental because it funds our men and women in uniform in Iraq as well as other critical needs. At the same time, it does not do enough for our men and women in uniform domestically who are trying to keep our communities safe. Democrats will continue fighting to give them the funding, the training, and the equipment they need to protect America. We owe these men and women and the Americans they protect nothing less.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to propound a question to the distinguished chairman of the Committee on Appropriations.

As I review the number of amendments pending, I see 39 remaining amendments on the Democratic side of the aisle and 6 on the Republican side of the aisle. As I calculate the clock, that means that if all of those amendments are only debated for 5 minutes per side, without counting the time for roll calls, that we would be here until midnight. If we then have actual votes on those amendments, I calculate that that would take us till at least 2 a.m. or 3 a.m.. If we have an additional 5 minutes per side or debate on half of those amendments, that would take us until about 5 o'clock in the morning. And if we have no time agreements on these amendments, we will be here at 10 a.m. tomorrow morning. That is the reality of the clock that faces us.

So I want Members to understand why it is that we are going to be seeking time agreements. Because if we do not, and the leadership has said we were not going to be here tomorrow, which means we may not start a session tomorrow but we are certainly going to be here tomorrow approaching noon unless we get time agreements on these amendments. So I just wanted to put the House on notice that the gentleman and I are trying to reach an understanding on time limits and we need those time limits to be as tight as is reasonably possible, or else Members are going to be spending an awful lot of time tonight with each other when they would rather be spending that time with somebody else.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida for whatever comments he may wish to make.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman, and I double-checked his math and he is exactly right about the time it would take us to conclude these amendments.

I noticed where there are three or four, sometimes five amendments with the exact same title. I am not sure why that is, but that could be a big time delay. But here is where we are. We have to finish this bill today, whether this legislative day runs over until tomorrow or Saturday or whatever. The reason is very simple. We have to have the weekend to prepare for a conference with the other body early next week.

Now, if we do not have that conference with the other body early next week, we do not get a conference report back to the House before the end of next Friday. And if Members recall, the following week is scheduled to be a district work period. So if we extend this bill beyond today, in effect, we cannot get to the conference until next week sometime, and we cannot have a conference report by the end of the next week.

So what I would hope is that we could look at some of these amendments, and if there are redundancies and duplications, why bother with them? Why do we not just do one on a subject rather than three or four? I am trying to get this job done tonight to let us prepare the conference over the weekend, give the membership a conference report next week, and then do what it is that everyone plans to do back in their districts during the district work period. So the gentleman is exactly right.

And if we spend a lot of time hassling over the time limits, that actually eats into the clock as well. So we really want to try to expedite this. We need to get this bill out of here. This is a wartime bill, and our troops are on the field. And I appreciate the gentleman calling this to our attention, because he is absolutely right.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman, and I would just ask Members to be understanding of the time problem that we face and to recognize that we have to ask them to agree to tight time limits or we are going to be here until the cows come home.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is well known that I am against this war. All my actions have pointed toward my opposition to the utilization of war as an option. But I believe it is important to again restate the support that we have for the troops, and to acknowledge that some have characterized this as frivolous and that those of us who support the troops are actually undermining them. As we proceed through this debate, I think it is important to respect Members who have different perspectives and, as well, to allow their amendments to be presented that will characterize the diversity in this Congress.

There was a different vote on the Turkey issue. My vote was to vote not to penalize a sovereign Nation, a democratic Nation who happened to disagree with us. I believe in restoring diplomatic relations with Germany and France and others who have been our friends in the past.

I also believe that, as my leadership believes, that we should do more for homeland defense and homeland security. I also believe that there is not enough in this supplemental that deals with creating the peace, beginning peace discussions and stopping to discuss peace. And I will look forward to debating an amendment that deals with beginning peace talks as we speak, for it is important to note that we do have a difference of opinion but we do want our troops home and we want them to be safe.

I think if we proceed under these auspices, or this umbrella, then this will truly be a democracy reflective of all of us that we can stand proudly in support of our flag and our Nation, because many of us agree that there are other options, and certainly peace should be one.

So I look forward, Mr. Chairman, to supporting efforts to restore the diplomacy that we have had with other nations, to ensure that we look to rebuild Iraq, to be sure we begin the discussion of peace and, as well, that we support our troops.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that during consideration of H.R. 1559 in the Committee of the Whole pursuant to House Resolution 172 no further amendment to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments numbered 2, 7, 8 and 9 in the CONGRESSIONAL RECORD.

The CHAIRMAN. If the chairman will suspend. The request being offered by the chairman must be made in the whole House. It cannot be acted upon in the Committee of the Whole.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAVIS of Virginia) having assumed the chair, Mr. THORNBERRY, Chairman 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. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1559 in the Committee of the Whole pursuant to House Resolution 172 no further amendments to the bill may be offered except:

Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments numbered 2, 7, 8 and 9 in the CONGRESSIONAL RECORD; and amendments specified in the list that I have placed at the desk.

Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole; any point of order against such an amendment shall be considered as reserved pending completion of debate thereon; and any such amendment may be withdrawn by its proponent after debate thereon.

The SPEAKER pro tempore. The Clerk will read the list.

The Clerk read as follows:

Mr. MCGOVERN regarding reducing funding for counter-drug activities; Mr. OBEY regarding cuts for Colombia money transferred to port security; Mr. DEFAZIO reducing funding for Turkey and increasing for National Guard; Mr. DEFAZIO regarding limitation on military activity not authorized by Congress; Mrs. TAUSCHER regarding nonproliferation; Mr. SHERMAN regarding economic support fund; Mr. REYES regarding money to joint task force for borders; Ms. JACKSON-LEE of Texas regarding $50 million for SEVIS; Mr. NADLER regarding port security; Mr. WU and Mr. SCOTT regarding airline bailout; Mr. FLAKE regarding airline bailout; Ms. MILLENDER-MCDONALD regarding transit security; Ms. JACKSON-LEE of Texas regarding Office for Domestic Preparedness; Ms. JACKSON-LEE of Texas regarding Office for Domestic Preparedness; Ms. JACKSON-LEE of Texas regarding Office for Domestic Preparedness; Ms. JACKSON-LEE of Texas, Substance Abuse/Medical Health; Ms. JACKSON-LEE of Texas, Department of Health and Human Services; Mr. ALLEN regarding IDEA and No Child Left Behind Act, no offset; Mr. CROWLEY regarding $100 million for Pakistan limitation; Mr. CROWLEY regarding Hero bill; Mr. DEFAZIO regarding unemployment compensation for airline workers; Mr. EDWARDS, regarding airline discontinuation of service near bases; Mr. ISRAEL regarding Commercial Airline Protection for Surface to Air Missiles; Mr. KUCINICH regarding Limitation Amendment that require all contracts acquired for the reconstruction of Iraq to be subject to competitive bidding, as stated in the Federal Acquisition Regulation and the USAID Acquisition Regulation; Mr. KUCINICH Regarding Limitation amendment that restricts funds in Title I, Chapter 3 ''Operation Iraqi Freedom Response Fund;'' Mr. RANGEL regarding $450 million from Iraq to school improvement; Mr. RODRIGUEZ regarding adding $70 million for veterans health care; Mr. TURNER regarding homeland security report; Ms. WATERS regarding IDB; Ms. WATERS regarding conflict of interest; Ms. WATERS regarding HUD community development; Mr. HOEFFEL regarding strike $68 million from Colombia. Transfer peacekeeping to Iraq; Mr. STUPAK regarding health care for Iraq; Mr. WU regarding airline bailout; Mr. ROTHMAN regarding airspace restrictions; Mr. NETHERCUTT regarding limitation on use of Iraq funds; Mr. KENNEDY of Minnesota regarding limitation on the use of Iraq funds; and Mr. HOEKSTRA regarding AmeriCorps.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, did the Clerk read two or three amendments to be potentially offered by the gentlewoman from California (Ms. WATERS)?

The SPEAKER pro tempore. Three.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

□ 1645

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

The SPEAKER pro tempore (Mr. TOM DAVIS of Virginia). Pursuant to House Resolution 172 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1559.

□ 1645

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 further consideration of the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from California (Mr. CUNNINGHAM) had been disposed of, and the bill was open from page 3 line 3 through page 9 line 13.

Pursuant to the previous order of the House, no further amendment to the bill may be offered except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate; amendments numbered 2, 7, 8, and 9 in the CONGRESSIONAL RECORD; and amendments specified in the list placed at the desk. Each such amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments for the purpose of debate, and shall not be subject to a demand for a division of the question.

The Clerk will read.

The Clerk read as follows:

Of the funds appropriated under this heading, and in addition, such sums as may be transferred, or are otherwise available, from current and future balances in the Defense Cooperation Account and the Natural Resources Risk Remediation Fund (only to the extent said funds are available pursuant to the authorities and limitations in current law and those further enumerated in chapter 3 of this Act), and only for expenses, not otherwise provided for, necessary to finance the estimated partial costs of operations associated with Operation Iraqi Freedom and other operations and related activities in support of the global war on terrorism (including Operations Enduring Freedom and Noble Eagle), there is hereby made available a total amount of not to exceed $59,682,500,000, only for transfer to the following accounts in not to exceed the following amounts:

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $6,974,500,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,984,300,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,204,900,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $1,834,800,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $3,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $93,000,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $10,481,500,000, of

which $874,000,000 shall remain available for obligation until September 30, 2004.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $3,940,300,000, of which $1,909,000,000 shall remain available for obligation until September 30, 2004.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,383,700,000, of which $786,000,000 shall remain available for obligation until September 30, 2004.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,668,200,000, of which $359,000,000 shall remain available for obligation until September 30, 2004.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $901,900,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $58,400,000.

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $301,700,000.

PROCUREMENT

(TRANSFER OF FUNDS)

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $4,100,000.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $3,100,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $53,300,000.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $447,500,000.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $241,800,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $113,600,000.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $451,000,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $11,500,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $90,000,000, to remain available for obligation until September 30, 2004.

COMBAT, STABILITY OPERATIONS, AND FORCE RECONSTITUTION COSTS

(TRANSFER OF FUNDS)

For additional expenses, to be derived by transfer from the ''Operation Iraqi Freedom Response Fund'', not otherwise provided for, necessary to finance the estimated partial costs of combat, stability operations (including natural resource risk remediation activities), force reconstitution and munitions/equipment replacement, and other related costs, an amount not to exceed $25,436,400,000, of which not less than $4,000,000,000 shall be withheld from obligation until after July 1, 2003, as a reserve for any additional incremental fiscal year 2003 Military Personnel and ''Defense Health Program'' costs that may be incurred above the amounts provided elsewhere in this chapter or previously enacted defense appropriations: *Provided*, That the Secretary of Defense shall not make any transfer from the ''Operation Iraqi Freedom Response Fund'', the ''Defense Cooperation Account'', or the ''Natural Resources Risk Remediation Fund'' to appropriations, programs and activities cited under this heading, until seven days after notifying the Committees on Appropriations of the Senate and House of Representatives of the amounts and purposes of any such transfer: *Provided further*, That subject to the limitations stated above, amounts provided under this heading shall otherwise be available for obligation in the following amounts, as specified:

For classified programs, not less than $1,817,000,000, which shall remain available for obligation until September 30, 2004, and which shall be in addition to amounts provided elsewhere in this chapter for Procurement, and Research, development, test and evaluation;

For Operation and maintenance, up to $20,214,300,000, of which $4,000,000,000 shall remain available until September 30, 2004, and of which not less than $8,000,000,000 shall be only for fiscal year 2003 costs associated with Operation Enduring Freedom and related costs of the global war on terrorism;

For Procurement, up to $4,242,000,000, to remain available for obligation until September 30, 2004, of which up to $3,249,400,000 may be made available to replenish munitions and other equipment expended for military operations in and around Iraq and the global war on terrorism;

For Research, development, test, and evaluation, up to $57,600,000; and

For Department of Homeland Security, ''United States Coast Guard, Operating Expenses'' up to $400,000,000 to support military activities in connection with Operation Iraqi Freedom and the global war on terrorism: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon determinations that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts shall be transferred back to this appropriation or to the ''Operation Iraqi Freedom Response Fund''.

NATURAL RESOURCES RISK REMEDIATION FUND

(INCLUDING TRANSFER OF FUNDS)

There is established in the Treasury of the United States a special account to be known as the ''Natural Resources Risk Remediation Fund''. Funds transferred to, appropriated to, and contributions made to, the ''Natural Resources Risk Remediation Fund'' may be made available for expenses necessary in connection with Operation Iraqi Freedom to address emergency fire fighting, repair of damage to oil facilities and related infrastructure, and preserve a distribution capability, and may remain available until expended: *Provided*, That not to exceed $489,300,000 of the funds appropriated under the heading ''Operation Iraqi Freedom Response Fund'' in this Act may be transferred to this fund: *Provided further*, That the Secretary of Defense may accept from any person, foreign government, or international organization, and credit to this fund, any contribution of money for such purposes: *Provided further*, That the Secretary of Defense may transfer funds available in the Natural Resources Risk Remediation Fund to other appropriations or funds of the Department of Defense to carry out such purposes, or to reimburse such appropriations or funds for expenses incurred for such purposes and such reimbursements may include funds received pursuant to the authority of the previous proviso: *Provided further*, That funds to be transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided, such amounts may be transferred back to this appropriation.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $1,100,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $34,000,000, for transfer subject to the terms and conditions governing such transfers as provided for under this heading in Public Law 107–248.

AMENDMENT OFFERED BY MR. HOEFFEL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOEFFEL:

Page 17, line 25, after the dollar amount insert ''(reduced by $34,000,000)''.

Page 32, line 19, after the dollar amount insert ''(reduced by $34,000,000)''.

Page 34, line 11, after the dollar amount insert ''(increased by $68,000,000)''.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) reserves a point of order.

Mr. HOEFFEL. Mr. Chairman, I offer an amendment today, and I will not ask for a vote, that will increase the amount of money that we are providing to peacekeeping in this supplemental bill to an additional $68 million, and we would take that money from the Colombia military funds.

Mr. Chairman, I think it is critical for this House to understand the importance of internationalizing our peacekeeping. The peacekeeping funds as distributed by this bill by the State Department are used to assist coalition partners and other cooperative frontline states to promote stabilization activities in postconflict Iraq. Frankly, we do not want all of the peacekeeping to be done by American military forces, or even the coalition forces currently fighting with us in Iraq.

It is necessary, certainly, for us to have some initial burden; but we want

to quickly move in terms of long-term security presence to peacekeepers from our allies in Europe, from other partners, from organizations of international stature, such as the United Nations, or more likely perhaps NATO; and we need to understand the need to move toward that. We need to establish the rule of law in Iraq as part of peacekeeping, and we will need an international team of legal experts and judges and prosecutors to form a transitional justice team and a civilian police team. Years of neglect at the United Nations have made that organization probably incapable of the kind of robust peacekeeping that we are going to need.

I would suggest to the House that we look at NATO. That is the kind of organization that can lift a great part of the burden from American taxpayers and yet deliver robust and effective peacekeeping in Iraq after our victory. It is time now to understand the need to internationalize our burdens, not to try to do this all ourselves, to plan ahead and to make sure we call upon international agencies like NATO to help us in the tasks to come after our military victory.

For a variety of reasons, Mr. Chairman, I am going to withdraw this amendment. I thank the gentleman from Florida (Mr. YOUNG) and the ranking member (Mr. OBEY) of the Committee on Appropriations for their cooperation.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. MCGOVERN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MCGOVERN:

In chapter 3 of title I, in the item relating to ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'', after the aggregate dollar amount, insert the following: ''(reduced by $34,000,000)''.

In chapter 4 of title I, in the item relating to ''ANDEAN COUNTERDRUG INITIATIVE'', after the aggregate dollar amount, insert the following: ''(reduced by $27,000,000)''.

In chapter 5 of title I, in the item relating to ''OFFICE FOR DOMESTIC PREPAREDNESS'', after the first and second dollar amounts, insert the following: ''(increased by $34,000,000)''.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Florida for a time request.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) and any amendments thereto be limited to 40 minutes, to be equally divided and controlled by the proponent and myself as the opponent.

Mr. OBEY. Reserving the right to object, as I said earlier, we have over 40 amendments left to go. I understand this is an important amendment. We just had over an hour on an amendment from the gentleman from California (Mr. CUNNINGHAM) that was considered important. If we provide 40 minutes' time for this amendment, I do not want the expectation to be that we will do that for every other amendment. I would hope that we understand that this is the last amendment we would ask significant time for, and Members can expect us to ask unanimous consent in order to hold each future amendment to considerably less time than this.

Mr. YOUNG of Florida. Mr. Chairman, if under his reservation the gentleman would continue to yield, I will do my best to make that work on my side.

If the gentleman would continue to yield, as to our Members so they can make some plans for the evening, while we will still continue and intend to complete this bill sometime tonight, I would ask the Chair that we not have any votes prior to 8 p.m., roll votes until 8, so Members can have time for dinner or whatever.

Mr. OBEY. I thank the gentleman.

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

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 20 minutes.

The gentleman from Massachusetts (Mr. MCGOVERN) is recognized.

Mr. MCGOVERN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise today to offer an amendment on behalf of the gentleman from Missouri (Mr. SKELTON) and the gentlewoman from Connecticut (Ms. DELAURO) to add $34 million to the Office of Domestic Preparedness for assistance to State and local first responders. I would have preferred to increase those funds by $61 million, but the Committee on Rules last night would not allow even that modest sum to go to our first responders.

This amendment is very simple. It adds $34 million for our first responders, and it strikes $61 million in military and security assistance for Colombia to pay for the increase. This supplemental contains more military aid for Colombia, in total $105 million, than the amount for first responders in 49 of the 50 States. At a time when our country faces an increased risk of terrorist attack, at a time when every dollar is needed to support the men and women who daily protect our communities from terrorism and other threats, this bill makes it clear they would be better off as a military or police officer in Bogota, Colombia, than Worcester, Massachusetts, Miami, Florida, or even New York City.

President Bush asked this Congress to refrain from attaching items not directly related to the emergency at hand. This bill is supposed to focus on Iraq and the region surrounding Iraq and on our own homeland security. So why is military aid for Colombia in this bill?

Scarcely 6 weeks ago, Congress passed an appropriations bill that contained over $500 million in military security and economic aid for Colombia. Have they already run out of that money? No. Most of it is not even in the pipeline yet. When this House returns from the April recess, the Subcommittee on Defense and the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations will begin work on the fiscal year 2004 appropriations bills. The President has asked for more than $700 million in military security and economic aid for Colombia in those bills. I submit that Colombia is very well taken care of in the regular authorization and appropriations process.

If this House approves this amendment, the supplemental will still include $44 million in military and security assistance for Colombia. My amendment does not touch additional funds for hostage search and rescue missions in Colombia. This amendment does not touch funds to strengthen security for President Uribe, and it does not touch at least $25 million in other military assistance in this bill, funds which could be used for bomb detection, for extending the Colombian Government's control over zones of conflict, or for other purposes.

This amendment is a very modest increase for the men and women who are our front-line security right here at home, and a very modest reduction in military funds for Colombia.

Most of my colleagues know that I have grave concerns about our policy in Colombia. I am even more deeply concerned that we never seem to get an opportunity to debate that policy except when money is being slipped in through the back door in supplemental appropriation bills that are focused on other critical issues like the war in Iraq.

Members may disagree with me on our policy on Colombia, but they cannot disagree that these funds are needed more at home right now than they are needed in Colombia.

□ 1700

I just returned from 1 week in Colombia, and I saw first hand what the United Nations High Commissioner on Human Rights in Bogota just reported to the Human Rights Commission in Geneva. Violence and human rights crimes by the paramilitary guerillas are on the increase. Human rights

abuses and crimes by official government military and security forces are on the increase, and the links between the Colombian armed forces and the paramilitaries remain unchanged.

Mr. Chairman, the U.S. has more troops on the ground in Colombia than ever before, and Americans are dying in Colombia and our involvement is becoming increasingly directed in counterinsurgency efforts. These are serious matters. They deserve serious and full debate before we further escalate our involvement.

I know that the chairman of the Committee on Appropriations is concerned that terrorist groups like al Qaeda rely in part on drug money to finance their operations. Every Member of this House is concerned about that. But al Qaeda's drug money comes from South Asian poppy fields, not Colombia. In Colombia, drug money permeates all sectors of society. It helps finance Colombia's 40-year-old civil war. And let me suggest that one of the best ways to deal with the drug problem in America is by making certain that we have enough law enforcement officers on our own city streets.

So I would urge my colleagues to support this amendment, support our police, our firefighters and our public safety officers at home, to pass this amendment for their own hometown.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. KOLBE).

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

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

I want to talk about this amendment which does affect both the defense chapter of this supplemental as well as the foreign assistance chapter. The supplemental bill before the House today has the same level as the President's request for funding for Colombia in the Foreign Assistance Chapter. It includes $37 million foreign military financing and $34 million from the Andean Counterdrug Initiative. The McGovern amendment would cut $27 million from the Andean Counterdrug Initiative and $34 million from the funds in the Department of Defense Chapter. It leaves in the foreign military financing assistance and $7 million of the Andean Counterdrug Initiative.

Let me begin by saying about my opposition to the amendment that the funding in supplemental legislation for Colombia is subject to all of the restrictions and conditions that exist under current law. These funds are not exempt from those conditions. The funds are subject to human rights certifications. They are subject to coca spraying conditions, conditions on the use of U.S. helicopters, the rules of engagement, and there is more. In fact, let me emphasize to my colleagues that there is no provision in the foreign assistance legislation that is subject to more conditions than these funds, with the possible exception of those funds provided for the West Bank and Gaza.

I apparently do not need to remind the subcommittee that Colombia is South America's oldest democracy, but it is a country that is torn by decades of civil strife. It has endemic violence, corruption, deep socioeconomic inequities, weak institutions, and a serious economic recession, all exacerbated by the illicit drug production and trafficking. Drug profits play the motivating factor in inciting the terrorism that is killing 3,500 Colombian citizens every year. It is in the national interest of the United States to promote better stability in Colombia by helping it address these longstanding problems and confronting the socially corrosive drug industry.

But for the first time since becoming chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, I have some good news to share with my colleagues. Our eradication efforts with President Uribe's administration and with his assistance are making a difference in Colombia.

The last half of 2002 and the first half of 2003 marks a turning point in the struggle by the United States and Colombia against narcotrafficking and terrorism. We have made significant progress; but as a result, the narcoterrorist groups have become desperate.

President Uribe and his senior administration officials, in office only since August of 2002, have demonstrated the will and the ability to fight narcotrafficking and terrorism at their roots. Therefore, the terrorists are now targeting him and other officials for assassination. Funding in this supplemental will provide much-needed security upgrades for official facilities and training for Colombian security personnel to reduce the threat of assassinations.

I would urge my colleagues to recognize the situation in Colombia, to recognize that U.S. national interest in a stable Colombia is important, to recognize that we are making a difference. Reducing U.S. support at this time would send the wrong message to the FARC and to the paramilitaries.

I urge my colleagues to oppose the McGovern amendment.

(Mrs. LOWEY was given permission to include a statement at this point in the RECORD.)

Mrs. LOWEY. Mr. Chairman, I rise in support of this amendment.

The additional funding requested for Colombia has no place in this bill. More importantly, it adds funding in support of a policy that is essentially flawed. President Uribe's election gave us some initial hope that he would engage all the disparate elements of the conflict with new ideas and a real commitment to bring lasting peace.

Unfortunately, what we have seen is an escalation of activity from guerilla organizations, increasing influence and control by paramilitary organizations, no reduction in coca cultivation, and a slippage in the commitment to prosecute human rights abuses.

I have no illusion about the complexity of the problems of Colombia, but I do not think we should be adding funds to expand our commitment there at this point. Make no mistake: we are headed toward the direct involvement of U.S. troops in that conflict. I regret the fact that there are U.S. hostages in FARC camps, and I support all efforts to rescue them, but this funding goes beyond that and expands the involvement of U.S. personnel on the ground.

If the policy were balanced and we had a real commitment on the part of the Colombian government to deal with all aspects of the problem—including the rapidly expanding drug trafficking by paramilitary organizations—it might be different. Unfortunately we don't, and the influence of these organizations and their cooperation with the Colombian military increases daily. The Colombian military has succeeded in decreasing the control that rebel groups have enjoyed in certain parts of the country. But these successful military operations have been followed up by paramilitary units moving in to these same areas and taking control. This has occurred in the Buena Ventura port area on the Pacific Coast of Colombia, which is a primary drug transshipment port near the town of Cali. And we also have seen no action by the Colombians to arrest indicted members of the Paramilitaries.

Until we have a balanced policy with a real commitment by the Colombian government to deal with all aspects of the problem, our funding for eradication and military training only serves to inflame, not to stop, the conflict. I urge my colleagues to move funding away from these purposes, and instead invest it in homeland security—where it can make a positive difference in the lives of the American people.

Mr. MCGOVERN. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member on the Committee on Armed Services.

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

I rise to support this amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN), my friend and co-sponsor.

The previous speaker spoke about national interest. This amendment provides at least some critical assistance to national interest, and that is of homeland security. Mr. Chairman, this supplemental bill that we are debating today is about the war in Iraq. It is about the crucial ongoing operations in the region of Afghanistan, and it is about protecting the American people from future acts of terrorism. This war is expensive, and its aftermath will be more expensive still. And I must tell the Members, Mr. Chairman, I have deep concerns and I am troubled so very much about the aftermath after we have a victory in Iraq because that of course will be the proof in the pudding as to whether the young men and young women's sacrifices have been in vain.

I commend the Committee on Appropriations for providing the funding to give our troops everything they need to win the war, and I commend them too for making a downpayment on the costs of reconstruction in Iraq. We in Congress and the American people must know that rebuilding that nation will require substantial and sustained commitment.

But we owe a commitment too to our first responders here in our own country. They are on the front lines of the war on terrorism right here at home. Our States remain underfunded for critical needs. The State of Missouri alone requires some $500 million to do the defense work concerning our first responders. And while this supplemental provides some funding for the States, it needs to do more.

This amendment would provide more funding for the first responders by decreasing the amount of military and counterdrug assistance going to Colombia. I have deep concerns about our Nation's involvement in the ongoing conflict there, but today my larger concern is about where we face a bigger danger, and that is right here in the United States of America. That justifies emergency spending.

This amendment, Mr. Chairman, allows funds for unforeseen needs in Colombia, notably search and rescue operations for the Americans held hostage, and increased security for President Uribe, who is trying so hard to bring peace to his nation. But, Mr. Chairman, on the other hand, Colombia's request can be and should be handled in regular order. There is simply no emergency that warrants funding for these other items and programs in this bill. Money is more urgently needed and it would be more appropriately spent in the supplemental supporting our first responders right here in the United States just as we support our troops.

I urge my colleagues to support this amendment, and I thank the gentleman from Massachusetts (Mr. MCGOVERN) for his leadership.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time.

I think adopting this amendment would be a huge mistake for this House; so I rise in strong opposition to this amendment which proposes cutting vitally needed assistance to Colombia and the Andean region. Quite simply, now is not the time to turn our backs on the progress we are making against narcoterrorism in Colombia.

General James Hill, the commander of the U.S. Southern Command, said recently that the so-called narcoterrorists operating in Colombia and throughout Latin America fuel and fund worldwide terrorist organizations such as Hamas and Hezbollah. Our counternarcotics and counterterror initiatives in Colombia are finally beginning to bear fruit. For example, last month John Walters, the director of the Office of National Drug Policy, announced promising new estimates of coca eradication in Colombia, and these numbers do not account for the intensified spraying that has occurred since President Uribe took office in 2002. It would be foolish for us to send this message to the Colombian Government now and for us to derail this program just as it is beginning to succeed.

The administration has requested the allocation of supplemental funding to support the Uribe administration's commitment to stamp out terrorists, reduce the level of narcotics trafficking, and eventually eliminate his nation's supply of drugs. President Uribe's aggressive approach to counternarcotics and antiterrorist programs has seen significant results in a very short period of time.

Our 2003 funding was developed prior to President Uribe's taking office, and it is not sufficient to appropriately and effectively fund the current pace of our counternarcotics operations. Supplemental funding would provide Colombia with several essential tools and resources, including intelligence equipment to detect threats against U.S. and Colombian officials and increase capabilities to enhance existing eradication efforts.

After a recent visit with President Uribe in Bogota, I can tell the Members that the Colombian Government's commitment is strong. President Uribe's administration is working to enhance state presence in vast areas of the country that have lacked it for decades. They have the popular support of a vast majority of Colombians to beef up and spray eradication efforts, impose new taxes, to strengthen their police and military, and reform their beleaguered criminal justice system.

Of course, significant hurdles remain. The FARC, ELN, and AUC continue to hold sway over large portions of the countryside where there is little, if any, state presence. The narcotics terrorists have also shown no respect for human rights and do not value human rights. They have murdered and kidnapped innocent men and women and children including American citizens. As we prepare to reaffirm our commitment to the demand side of the war on drugs by reauthorizing drug policy legislation in this Congress, it is imperative that we continue to closely monitor both progress and setbacks on the supply side in Colombia.

With military intervention in Iraq under way and concerns about homeland security here at an all-time high, it is important we do not overlook the battle against narcoterrorism going on in Colombia. It is part and parcel of our international antiterrorist efforts.

The killing and kidnapping of Americans and the murderous bombing of a Colombia club frequented by families are the acts of a desperate band of outlaws.

Mr. Chairman, the Uribe administration has made more progress in 7 months than we have seen in many years. Vote ''no'' on this amendment.

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

I repeat, this amendment supports first responders. It does not touch $44 million of military aid in Colombia. A few weeks ago this Congress approved $500 million in military aid to Colombia, most of which is not even in the pipeline yet, and we can handle the rest of Colombia's needs and have this debate through the regular appropriations process.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), another cosponsor of this amendment.

Ms. DELAURO. Mr. Chairman, I am proud to offer this amendment with my colleagues, the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Missouri (Mr. SKELTON). It would reduce military and security assistance to Colombia and add $61 million to the Office of Domestic Preparedness for assistance to State and local first responders.

Today our country is at war and the Nation's threat level is high. I heard in my district a few weeks ago when I met with police, fire, and emergency medical personnel that there is a serious need in our cities and towns to provide funding for first responders in our fight against terrorism. Our localities have already spent in excess of $3 billion to meet their homeland security needs; and with this economy, with States in the single worst fiscal crisis since World War II, we cannot expect them to shoulder the full burden. Any bill to fund the war must also provide these cities and towns with the funds they need to safeguard their communities.

This bill includes provisions that have nothing to do with meeting our homeland security needs or funding the war in Iraq. In particular, I am talking about the substantial military aid for Colombia. In fact, this bill contains more military and security assistance for Colombia, $105 million, than the amount that nearly every State will receive for first responders. And what is so urgent at this particular moment about our objectives in Colombia that could not be addressed in the annual appropriations process? Why is this funding in an emergency bill meant to address Iraq?

I am concerned that this funding for Colombia may signal an escalation of our military involvement there. If this is true, then we have an obligation to have a full debate here in the Congress and reconsider our objectives there rather than simply approve additional funding without any debate at all.

No matter how we feel about our involvement in Colombia, this bill is not the vehicle by which we should be making serious policy decisions regarding the escalation of our involvement.

□ 1715

I urge my colleagues, do right by their cities, their towns, police, fire, emergency medical personnel. Support this amendment. Give first responders the resources they need to keep their communities safe.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) that would cut $34 million in Colombian assistance provided by the Defense Department and $27 million earmarked for the Andean Counterdrug Initiative to be added to the Office of Domestic Preparedness.

Mr. Chairman, it really makes no sense at this time to direct additional funds to the Office of Domestic Preparedness when $331 million remains unspent from a previous allocation of $494 million.

President Uribe of Colombia is showing real leadership in the face of drug-financed terrorism. His life is always in danger. Our drug czar, John Walters, recently testified before my subcommittee about Colombia's record progress in eliminating illegal drugs. The governor of a leading drug-producing area in Colombia, Putamayo, was in my office just this week telling me of additional successful efforts in his Putamayo district. In fact, drug production in Putamayo has already been reduced from 66 million hectares to 13 million hectares. That is a reduction of 80 percent over 2 years.

Cutting aid to Colombia would also remove search and rescue funding, even as we work to return three Americans who are being held by the FARC.

Mr. Chairman, the drug war continues. Our homeland security compels every effort to fight the drug scourge that continues to kill our children, up to 30,000 a year. Compare that to Iraq. We have an ally in Colombia who is fighting this war for us. Let us not reduce our efforts when we are finally winning.

I urge a ''no'' vote on the McGovern amendment.

Mr. MCGOVERN. Mr. Chairman, I need to repeat this, because I think we need to deal with facts here. Not one dime of search and rescue money is touched by my amendment. So we can disagree on policy, but we should stick to the facts.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

I rise today to join my colleagues in expressing my frustration and my disappointment in that our first responders are being neglected in this effort to supplement the cost of the war. I am disappointed on behalf of the first responders in our district in Orange County, California. I am disappointed because the police in Anaheim, California are being forced to spend an additional $20,640 a day to maintain their readiness under the orange threat level. Mr. Chairman, $20,640 per day. The Federal Government is telling these local officers at what level they must remain alert and yet adequate funding is not being provided. This mirrors what is going on all across our Nation.

All of our first responders are responding every single day to the threat that still exists against this country. They are responding with additional officers, with additional sergeants, and with the additional overtime necessary to keep their forces alert. Our first responders are fighting the war, and we should be funding them.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, first I think it is important that we review why we are in Colombia. Colombia is in our hemisphere and we cannot let it be overtaken by the narcoterrorists.

Violence there in Colombia is primarily because of U.S. and European drug addiction. Violence in the U.S., 20,000 deaths a year, far exceeds the terrorist deaths we have in the United States.

Colombia is an important trading partner. Colombia is a model of democracy, the oldest in South America. Colombia is an energy supplier to the U.S., a supply that has been basically blocked by the narcoterrorist attacks.

Now, the fundamental question. If we have all of these compelling reasons to be in Colombia, more than probably any other Nation where we have troops at this point, the question comes, why are we cutting it and what are we cutting? The gentleman from Massachusetts, who I consider a friend, we do not agree on this subject, but I know he has been down there as I have many times. We have looked at it. We do not agree on some fundamental facts. He sees the glass half empty, I see it half full. We have been making progress on human rights, we have been making progress on controlling the terrorism, and we need to make more aggressive progress and keep it up.

His amendment proposes to cut the funding that provides the intelligence base with which to do the rest of the operations. He did not cut the funding to protect President Uribe, which is critical. The man is under daily attack. They are trying to kill him like they killed his father, like they threatened his family. But we are going to cut the intelligence in this bill to protect Uribe.

We say that we want the Colombian units to go out and eradicate the drugs, but we want to cut with this amendment the money that would enable us to identify where the drugs are. We say we want to help the Colombians tackle the problem, but we are cutting with this amendment the military assistance from SOUTHCOM to help train those Colombian units. That is the $34 million he has in particular targeted, the money that goes to SOUTHCOM.

Now, General Hill from SOUTHCOM said that the terrorist threat coming from Colombia through the narcoterrorists is greater than the other terrorist threats. What does he mean precisely by that? Did he mean al Qaeda? No, he did not mean al Qaeda. There may be future ties to the money, as the gentleman from Massachusetts said, that the greatest funding of the al Qaeda has come from Asian heroin. However, Hamas, the Russian Mafia, and others have started to interconnect with the narcoterrorists.

Let us be blunt here. I have spent the last 2 years doing hearings on our north and south border. We have better control over Middle Eastern illegal immigrants right now, with the possible exception of at Detroit and Buffalo, than we do of our south border. We are completely vulnerable right now to terrorist attacks coming from Hispanic attacks, coming from the south, particularly the FARC and Mexican Mafia-type groups who are directed at us.

As we are more effective in Colombia, as we cut off this multibillion-dollar industry of selling narcotics to the United States, those groups are going to fight back. As they have developed with our money, with our drug users' in the United States money, as they have developed the shoulder packs with which to attack, as they have had the ability to shoot down our helicopters to go off and take down military forces in Colombia, as they bring that to our soil, we better be focused on Colombia. We better be going after those terrorist groups as well.

I strongly oppose this amendment which would cripple our operations.

The following is a letter to other Members of Congress sent online today by Chairman TOM DAVIS and me:

APRIL 3, 2003.

DEAR COLLEAGUE: We strongly encourage you to oppose the McGovern Amendment to cut vitally needed assistance to Colombia and the Andean region. In a time of war, withdrawing American aid to help end political instability and conflict in our own hemisphere is shortsighted and against our national interests for several reasons:

Colombian Instability Directly Threatens U.S. National Security: Political violence and instability in Colombia threatens the security of the United States as much as the instability in Iraq for which America is now engaged in war. Three Americans have been held hostage in Colombia since January by the FARC, which the State Department has designated as a foreign terrorist organization. Other major groups fighting against the democratically elected Government of Colombia have also been designated as terrorist organizations. Public reports recently revealed that Osama bin Laden had visited the tri-border region in South America to

meet with terrorists. The supplemental funding is directed to a serious and proven national security threat in America's own hemisphere.

Drug Eradication Efforts Are Succeeding: Nearly 20,000 Americans die each year of drug-induced causes—substantially more than the toll terrorism has taken in the United States to date. Last month, official estimates from both the CIA and the United Nations indicated that the coca crop in Colombia had declined substantially for the first time in years—as a direct result of U.S.-funded drug control programs. Our efforts have finally reached a turning point, and it would be foolhardy to cut off the program just as it is beginning to succeed.

Domestic Preparedness Funding Is Currently Available: Currently appropriated funding is already available for assistance in first responders and has not yet been obligated.

Plan Colombia Aids Human Rights: The State Department's annual Human Rights report this week examined violations of human rights on all sides of the complex conflict in Colombia. American assistance through Plan Colombia addresses human rights issues by providing $230 million in aid to directly improve human rights and administration of justice, preserve the environment, and foster economic development. Further, by bolstering political stability and the acceleration of peace in Colombia American assistance aims to end the root conflicts driving human rights violations. To withdraw aid from Colombia will cause more, not less, violence and more, not less, violations of human rights.

We strongly encourage you to oppose the McGovern Amendment.

Sincerely,

TOM DAVIS,
Chairman.

MARK E. SOUDER,
Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources.

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

Let we repeat again, we just approved a few weeks ago $500 million in military assistance to Colombia. Most of that is not even in the pipeline yet. Mr. Chairman, $44 million remains in the supplemental bill that is untouched. The President has requested an additional $700 million for this Congress to consider in the foreign ops and defense provisions bill. We are introducing this amendment because we care very much about our hometown security in the United States of America which is being shortchanged.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I am deeply disappointed that we cannot just all agree that we must adequately fund our homeland security needs. The McGovern-Skelton-DeLauro amendment moves us in the right direction, cutting $61 million in the bill for Colombia and redirecting resources to State and local first responders. I wholeheartedly support this proposal.

Having traveled to Colombia, I know it is important for the United States to support our neighbor. However, I cannot support sending additional millions above the billions we have already sent to that country to be used for military equipment and military purposes in a failed counternarcotics and counterinsurgency effort. I cannot support this effort, because despite increased U.S. aid to Colombia, the violence in that country persists.

According to the State Department, the Colombian Government is still implicated in gross human rights abuses. I certainly cannot support sending additional U.S. dollars to Colombia for the wrong reasons, before guaranteeing my constituents that our homeland security needs are met. We are far from being able to make that guarantee.

As of today, every single municipality in my district has informed me that their homeland needs are desperately underfunded. One firefighter in my district told me that he prays every single day when he goes to work that no terrorist attack will occur, because the city he works in, despite all of its best efforts, does not have the necessary resources to respond.

The war in Iraq has exacerbated the problem. Firefighters and police officers from my district have been deployed to the Persian Gulf and their departments do not have the funds to hire replacements. Coast Guard cutters controlling the Great Lakes for suspicious vessels have been redeployed to the Persian Gulf, and our public health infrastructure is not equipped to handle terrorist attacks that have been identified as greater threats to our security than Iraq or the war in Colombia.

How dare we send more money to Colombia, ostensibly for its security, than we are sending to first responders in 49 States in our own Nation? I urge all Members to correct this misguided approach to national security. Support the McGovern-Skelton-DeLauro amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I appreciate what the gentleman who has offered this amendment has intended, and that is to assist our first responders, and we want to make certain that those who are protecting our streets, those who are protecting and defending our communities against the threat of terrorism have the adequate resources to do that. But this is, unfortunately, an ill-conceived amendment. It would do a great deal of damage.

I have chaired the Subcommittee on Criminal Justice and Drug Policy, and I can tell my colleagues that we finally have the opportunity, the glimmer of hope of bringing under control some of the devastation that is being wrought by the illegal narcotics that are being produced in Colombia. Today, Colombia provides 90 percent of the cocaine and 60 percent of the heroin sold or seized on America's streets. To put this in perspective for my colleagues, drug-related deaths in the United States now exceed homicides. Fifty American lives are lost every day. Before this day ends, 50 Americans will die in the streets and communities across our Nation, most of them young people, and most of the deaths are a result of drugs and narcotics coming from Colombia.

So this is a bad amendment and bad timing, because we have a President now who is supportive of our efforts to curb terrorism, to curb narcoterrorism, and to curb the narcotics that are coming into our streets and communities and killing countless Americans.

So I ask for my colleagues' careful consideration and defeat of the McGovern amendment. I know it is well-intended, but it is inappropriate at this time.

Mr. YOUNG of Florida. Mr. Chairman, I would advise the Chair that I have only one remaining speaker to close, so I will reserve the balance of my time until the gentleman has concluded his time.

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

I feel I need to repeat this one more time. This Congress just a few weeks ago approved $500 million for Colombia. Most of that is not even in the pipeline yet. In the supplemental, we do not touch $44 million. The President has requested an additional $700 million in mostly military aid. We are throwing more money at Colombia than Colombia can absorb. But in my city of Worcester, Massachusetts, they are laying off 20 police officers and 20 firefighters, and that is happening all over my State and all over this country. That means more drugs and more crime, and that is unacceptable.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I support the McGovern amendment because Los Angeles is a very likely target for a terrorist attack. Our city is known worldwide for its famous landmarks and notable economic assets.

□ 1730

Local transportation hubs, such as the port of Los Angeles and Los Angeles International Airport, are the transit points each day for thousands and millions of people and millions of dollars' worth of goods.

LAX is a center of international tourism, not just for the Southern California area but for the Nation as a whole, accomodating more than 60 million passengers from 28 different countries. LAX handles more than 2 million tons of airborne cargo each year.

We talk about the lives of people being affected by drugs coming up from Colombia, but what about the lives of people who might be at the wrong place at the wrong time because they happen to be at LAX, and we have not allocated the funds to help the first responders?

Mr. Chairman, it is a matter of priority. As we have heard over and over

again this afternoon, money has been allocated to Colombia, but not a dime has been allocated to help the first responders handle an incident at Los Angeles Airport, or at Los Angeles' ports.

Mr. Chairman, I ask the Members not to leave us that vulnerable. When we talk about life, think about the lives that could be lost because we do not have the first responders funded to be able to meet the need.

I urge an ''aye'' vote on this amendment.

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

Mr. Chairman, the reason to support this amendment is simple: States and local governments are being forced to lay off critical first responders: police, firefighters, and emergency medical workers. The amount of funding in the committee-passed bill remains inadequate to meet these needs. Our amendment will help provide a modest increase for these men and women who carry the burden of protecting our hometowns from terrorism and other threats.

The costs of the Iraq conflict are steep and the needs of our own domestic security are critical. This supplemental request will likely not be the last to pay for war-related expenses. Many of us in Congress also share a deep concern about the costs of rebuilding Iraq and providing for its government in transition.

At this time, with the Nation at war, our priority must remain with these efforts. While the war with Iraq justifies emergency supplemental appropriations to support our troops overseas and to protect our security here at home, there is no such emergency with respect to Colombia that would justify deviating further from the regular order of the authorization and appropriations schedule, especially when our first responders remain in real need of additional funds.

As I have said over and over in this debate, we are throwing more money at Colombia than Colombia can absorb. But in all of our communities, even those that have risen in opposition to this amendment, there is a real need with our local law enforcement community among our first responders for additional funds so they can meet the security needs of their communities.

Mr. Chairman, this amendment in no way puts any of the efforts against counterterrorism or narcotics in Colombia at risk. What this amendment does, it strengthens our war against drugs and strengthens our war against crime and strengthens our security right here at home by providing more assistance to our local police officers.

As I have said before, in my home city of Worcester, Massachusetts, 20 police officers are about to be laid off, 20 firefighters are about to be laid off. That does not enhance the security of our community.

That is not unique. It is happening all over this country. We have an opportunity to respond to that crisis. This is the time to do it. This is a good amendment, this is a reasonable amendment, this is a modest amendment; and I would urge all of my colleagues on both sides of the aisle to support the McGovern-Skelton-DeLauro amendment.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield the balance of my time to my colleague, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), who will close.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, there is perhaps no free people and democratic government in the world that faces a more serious threat from terrorism, and specifically narcoterrorism, than the government of Colombia.

The narcoterrorists in Colombia, because of the fact that they are engaged in the drug traffic, have hundreds of millions, indeed, billions of dollars at their disposal to purchase the most deadly weapons available from rogue states and terrorist groups from throughout the world to cause the most serious damage conceivable.

Those billions of dollars available to the narcoterrorists in Colombia have made it possible for them to engage in a sustained campaign of extraordinary violence, of kidnapping, of the most horrible conceivable crimes again the Colombian people. Day in and day out the Colombian people and their democratically elected government are fighting the narcoterrorists in an extraordinary way, a valiant way, an admirable way.

What we are doing in this Congress, with the support of the President of the United States, and, indeed, his orientation and his leadership, is we are saying to the Colombian people and their democratically elected government that we support them in their effort against narcoterrorists who have billions of dollars for death and destruction at their service, at their disposal.

These tens of millions of dollars that we are discussing today may be able to be categorized, as they were by the sponsor of this amendment, as a modest proposal. But the challenge before the Colombian people is not a modest challenge, the challenge posed by the tens of thousands of murderers who engage in thousands of kidnappings each year, including, and I have the latest travel warning from the United States State Department, 26 Americans who are reported as kidnapped in recent months in Colombia.

Those terrorists have, as I said before, billions of dollars at their disposal. Yes, we are, in the words of the sponsor of this amendment, dealing with a modest, a modest amount, tens of millions of dollars in aid, for a democratically elected government that is fighting against the most violent terrorists perhaps on the face of the Earth today, terrorists that attack not only military personnel but civilians, and engage in systematic violence against a people who live in a democracy.

So I urge my colleagues to reject, to vote down this ill-timed and ill-conceived amendment and to support our leadership, to support the President, to support the efforts against narcoterrorism that are embodied in our support for the democratically elected government of Colombia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) will be postponed.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Except as otherwise specifically provided in this chapter, amounts provided to the Department of Defense under each of the headings in this chapter shall be available for the same time period, and subject to the same terms and conditions, as the amounts appropriated or otherwise made available in the Department of Defense Appropriations Act, 2003 (Public Law 107–248) and Making Further Continuing Appropriations for the Fiscal Year 2003, and for Other Purposes (Public Law 108–7).

SEC. 1302. None of the funds in this chapter may be used to initiate a new start program without prior notification to the congressional defense committees.

SEC. 1303. None of the funds in this chapter may be used to develop or procure any item or capability that will not be fielded within four years of enactment of this Act.

SEC. 1304. Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended under the heading ''Operation and Maintenance, Defense-Wide'' by striking ''$25,000,000'' and inserting ''$50,000,000'': *Provided*, That the additional funds for the CINC Initiative Fund made available by this section may be expended notwithstanding the limitations in section 166a(e)(1) of title 10, United States Code.

SEC. 1305. Title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended under the heading ''Operation and Maintenance, Defense-Wide'' by striking ''$34,500,000'' and inserting ''$69,000,000''.

(TRANSFER OF FUNDS)

SEC. 1306. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended—

(1) by striking ''May 31'' in the fourth proviso and inserting ''June 30''; and

(2) by striking the sixth proviso, as added by section 112 of division M of Public Law 108–7, beginning with '': Provided further'' and ending with ''to which transferred''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 1307. In addition to amounts made available elsewhere in this Act for the Department of Defense, $165,000,000 is appropriated to the Department of Defense to reimburse applicable appropriations for the

value of drawdown support provided by the Department of Defense under the Afghanistan Freedom Support Act of 2002: *Provided,* That this appropriation shall not increase the limitation set forth in section 202(b) of that Act: *Provided further,* That the Secretary of Defense may transfer the funds provided herein to the applicable appropriations of the Department of Defense: *Provided further,* That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section 202 of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) prior to notifying in writing the House and Senate Committees on Appropriations of the source of the funds to be used for such purpose.

SEC. 1308. Funds appropriated in this Act, or made available by transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414.)

SEC. 1309. (a) Of the amounts available to the Secretary of Defense, $63,500,000 may be used to reimburse applicable appropriations for the value of support provided by the Department of Defense under the Iraq Liberation Act of 1998: *Provided,* That this appropriation shall not increase the limitation set forth in section (4)(a)(2)(B) of that Act.

(b) Section (4)(a)(2) of the Iraq Liberation Act of 1998 is amended by adding the following new subparagraph at the end:

''(C) The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under this paragraph may not exceed $150,000,000 in fiscal year 2003.''

(c) Notwithstanding any other provision of law, none of the funds provided in this or any other appropriations Act for the Department of Defense may be used for the drawdown authority in section (4)(a)(2) of Iraq Liberation Act of 1998 (including the drawdown authority of this section) unless the House and Senate Committees on Appropriations are notified in writing of the sources of the funds to be used for such purpose at least seven days prior to the exercise of the drawdown authority.

(INCLUDING TRANSFER OF FUNDS)

SEC. 1310. During fiscal year 2003, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) shall be available for obligation and expenditure consistent with the purposes for which such amounts were contributed and accepted: *Provided,* That such amounts shall only be available for transfer by the Secretary of Defense the ''Operation Iraqi Freedom Response Fund'' and be available for the same period as the appropriation to which transferred: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further,* That the Secretary of Defense shall report at least seven days in advance to the Congress of all proposed transfers to be made pursuant to this authority.

SEC. 1311. (a) Hereafter, contributions of money deposited into the ''Natural Resources Risk Remediation Fund'' shall be reported to the Congress in the same report, and under the same terms and conditions, as the report required for contributions to the ''Defense Cooperation Account'' under section 2608, chapter 155 of title 10, United States Code.

(b) During fiscal years 2003 and 2004, the use of monies or real or personal property contributed to the ''Defense Cooperation Account'' and the ''Natural Resources Risk Remediation Fund'' shall be subject to the prior approval of the Committees on Appropriations.

SEC. 1312. The Secretary of Defense shall notify the congressional defense committees, in writing, not later than 15 days prior to the obligation of funds appropriated in this chapter for military construction activities or minor construction in excess of $7,500,000.

(TRANSFER OF FUNDS)

SEC. 1313. As of October 31, 2003, all balances of funds remaining in the ''Defense Emergency Response Fund'' shall be transferred to, and merged with, the ''Operation Iraqi Freedom Response Fund'', and shall be available for the same purposes, and under the same terms and conditions, as funds appropriated to the ''Operation Iraqi Freedom Response Fund'' in this chapter.

AMENDMENT OFFERED BY MRS. TAUSCHER

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. TAUSCHER:

After chapter 3 of title I (relating to Department of Defense), insert the following new chapter (and redesignate the subsequent chapters and any cross references accordingly):

CHAPTER 3A

DEPARTMENT OF DEFENSE

GENERAL PROVISION

SEC. 1351. (a) EXPANDED USE OF COOPERATIVE THREAT REDUCTION FUNDS.—(1) Notwithstanding any other provision of law, during fiscal year 2003 the President may use Cooperative Threat Reduction funds, including Cooperative Threat Reduction funds for a prior fiscal year that remain available for obligation as of the date of the enactment of this Act, for proliferation threat reduction projects and activities outside the states of the former Soviet Union if the President determines that such projects and activities will—

(A) assist the United States in the resolution of critical emerging proliferation threats; or

(B) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals.

(2) The amount that may be obligated under paragraph (1) for projects and activities described in that paragraph may not exceed $50,000,000.

(b) AUTHORIZED USE OF FUNDS.—The authority under subsection (a) to use Cooperative Threat Reduction Funds for a project or activity shall be subject to section 1206 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5955) and includes authority to provide equipment, goods, and services for the project or activity.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for ''Defense Nuclear Nonproliferation'', $55,000,000: *Provided,* That, of the funds made available in this paragraph, not more than $20,000,000 may be made available for the Second Line of Defense program to install radiation detection equipment at key transit points outside the former Soviet Union: *Provided further,* That, of the funds made available in this paragraph, not more than $35,000,000 may be made available for materials protection, control, and accounting activities in regions of concern outside the former Soviet Union, including Iraq should any dangerous agents be discovered there.

Mrs. TAUSCHER. Mr. Chairman, I would like to register my strong support for ensuring that the supplemental appropriations legislation before us gives the President the critical ability to defend the United States against the threat of weapons of mass destruction.

Two of the most effective ways to do that are to give the President the authority to use the Department of Defense funds to dismantle nuclear and chemical weapons facilities around the world, and to support efforts by the Department of Energy to prevent smuggling of weapons of mass destruction throughout the Middle East and central Asia.

The gentleman from South Carolina (Mr. SPRATT), the gentleman from Texas (Mr. EDWARDS), and I have an amendment that would do just that. It provides the President with the authority that he has requested from Congress to expand the use of cooperative threat-reduction funds for projects and activities in countries outside the former Soviet Union.

My amendment also adds $55 million for Department of Energy nonproliferation programs; of that, $20 million for the Second Line of Defense Program to install radiation detection equipment at key transit points outside the former Soviet Union, and $35 million for materials protection control and accounting activities in regions of concern, including Iraq, should any dangerous agents be discovered there.

Both these provisions were contained in the Senate version of the supplemental, approved by the Senate Appropriations Committee just this past Tuesday. Additionally, CTR authority outside the former Soviet Union is urgently needed for the Defense Department to apply its unique knowledge and capabilities in places like Iraq if and when weapons of mass destruction are discovered.

The additional funds for the Department of Energy would allow for some of the same capability while also enhancing domestic security through radiation detection at transit points overseas.

Two years ago, former Senator Howard Baker and White House counsel Lloyd Cutler concluded, ''The most urgent unmet national security threat to the United States is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nations and used against American troops abroad or citizens at home.''

Today, it could not be any clearer that our homeland is at risk and that our troops are getting ever closer to potential weapons of mass destruction.

Congress has the duty to let the President use DOD and DOE nonproliferation programs to protect our homeland and our troops.

I understand that my amendment is subject to a point of order and I will withdraw it; but I deeply urge my colleagues to support this provision in conference, and I urge my colleagues who are conferees to please re-insert this language and support it in the conference.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The amendment is withdrawn.

□ 1745

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER 4

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for ''Child Survival and Health Programs Fund'', $40,000,000.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $160,000,000: *Provided,* That amounts made available pursuant to section 492(b) of the Foreign Assistance Act of 1961 for the purpose of addressing relief and rehabilitation needs in Iraq, prior to enactment of this Act, shall be in addition to the amount that may be obligated in any fiscal year under that section: *Provided further,* That during the remainder of fiscal year 2003 the authority referenced in the preceding proviso may not be utilized unless written notice has been provided to the Committees on Appropriations not less than five days prior to the proposed obligation.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for ''Operating Expenses of the United States Agency for International Development'', $23,000,000, of which not less than $2,000,000 may be transferred to and merged with ''Operating Expenses of the United States Agency for International Development Office of Inspector General'' for financial and program audits of the Iraq Relief and Reconstruction Fund and other assistance for Iraq.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $2,342,000,000, of which:

(1) not less than $700,000,000 shall be made available for assistance for Jordan;

(2) $300,000,000, to remain available until September 30, 2005, shall be made available only for grants for Egypt: *Provided,* That during the period beginning March 1, 2003, and ending September 30, 2005, loan guarantees may be made to Egypt, the principal amount, any part of which is to be guaranteed, shall not exceed $2,000,000,000: *Provided further,* That the Government of Egypt will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with these loan guarantees, including any non-repayment exposure risk: *Provided further,* That all fees associated with these loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Egypt to the Government of the United States: *Provided further,* That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Egypt may be used by the Government of Egypt to pay such fees to the United States Government: *Provided further,* That the President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Egypt: *Provided further,* That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph;

(3) not to exceed $1,000,000,000, to remain available until September 30, 2005, for grants for Turkey: *Provided,* That during the period beginning March 1, 2003 and ending September 30, 2005, direct loans or loan guarantees may be made to Turkey, the principal amount of direct loans or loans, any part of which is to be guaranteed, shall not exceed $8,500,000,000: *Provided further,* That the Government of Turkey will incur all the costs, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, associated with these loans or loan guarantees, including any non-repayment exposure risk: *Provided further,* That all fees associated with these loans or loan guarantees, including subsidy and administrative costs, shall be paid by the Government of Turkey to the Government of the United States: *Provided further,* That funds made available under this paragraph and other funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 and made available for assistance for Turkey may be used by the Government of Turkey to pay such fees to the United States Government: *Provided further,* That none of the funds made available by this paragraph may be made available for assistance for Turkey until the Secretary of State determines and reports to the Committees on Appropriations of the House and Senate, the Committee on Foreign Relations of the Senate and Committee on International Relations of the House that the Government of Turkey is cooperating with the United States in Operation Iraqi Freedom, including the facilitation of humanitarian assistance to Iraq: *Provided further,* That the President shall determine the terms and conditions for issuing the economic assistance authorized by this paragraph and should take into consideration budgetary and economic reforms undertaken by Turkey: *Provided further,* That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of such economic assistance not yet outlayed under this paragraph;

(4) not to exceed $5,000,000 may be available for administrative expenses of the Islamic Partnership and Outreach program; and

(5) funds made available under this heading for the Islamic Partnership and Outreach program and other regional programs are subject to the regular notification procedures of the Committees on Appropriations.

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961 for humanitarian assistance in and around Iraq and for rehabilitation and reconstruction in Iraq, $2,483,300,000, to remain available until September 30, 2004, including for the costs of: (1) water/sanitation infrastructure; (2) feeding and food distribution; (3) supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals; (4) humanitarian demining; (5) healthcare; (6) education; (7) electricity; (8) transportation; (9) telecommunications; (10) rule of law and governance; (11) economic and financial policy; and (12) agriculture: *Provided,* That these funds shall be apportioned only to the Department of State, the United States Agency for International Development, the Department of the Treasury, and the Department of Health and Human Services, as appropriate, for expenses to meet such costs: *Provided further,* That with respect to funds appropriated under this heading in this Act or proposed for appropriation in subsequent Acts, the responsibility for policy decisions and justifications for the use of such funds shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated: *Provided further,* That funds appropriated under this heading shall be used to fully reimburse accounts administered by the Department of State and the United States Agency for International Development, not otherwise reimbursed from funds appropriated by this chapter, for obligations incurred for the purposes provided under this heading prior to enactment of this Act from funds appropriated for foreign operations, export financing, and related programs: *Provided further,* That the United States may accept from any person, foreign government, or international organization, and credit to this Fund, any contribution of money for such purposes: *Provided further,* That funds appropriated under this heading shall be available notwithstanding any other provision of law, including section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further,* That funds appropriated under this heading that are made available for assistance for Iraq shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligations of funds.

LOAN GUARANTEES TO ISRAEL

During the period beginning April 14, 2003, and ending September 30, 2005, loan guarantees may be made available to Israel, guaranteeing 100 percent of the principal and interest on such loans, the principal amount, any part of which is to be guaranteed, not to exceed $9,000,000,000, of which up to $3,000,000,000 may be issued prior to October 1, 2003, or thereafter and of which $3,000,000,000 may be issued subsequent to September 30, 2004: *Provided,* That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations: *Provided further,* That if less than the full amount of guarantees authorized to be made available is issued prior to September 30, 2005, the authority to issue the balance of such guarantees shall extend to the subsequent fiscal year: *Provided further,* That guarantees may be issued under this section only to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967: *Provided further,* That the amount of guarantees that may be issued shall be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel during the period from March 1, 2003, to the date of issue of the guarantee, for activities which the President determines are inconsistent with the objectives and understandings reached between the United States and the Government of Israel regarding the implementation

of the loan guarantee program: *Provided further,* That the President shall submit a report to Congress no later than September 30 of each fiscal year during the pendency of the program specifying the amount calculated under the preceding proviso and that will be deducted from the amount of guarantees authorized to be issued in the next fiscal year: *Provided further,* That no appropriations under this heading are available for the subsidy costs for these loan guarantees: *Provided further,* That the Government of Israel will pay the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, as amended, including any non-payment exposure risk, associated with the loan guarantees issued in any fiscal year, on a pro rata basis as each guarantee is issued during that year: *Provided further,* That all fees (as defined in Section 601(e) of Public Law 102–391) associated with the loan guarantees shall be paid by the Government of Israel to the Government of the United States: *Provided further,* That funds made available for assistance to Israel under chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, may be utilized by the Government of Israel to pay such fees to the United States Government: *Provided further,* That the President shall determine the terms and conditions for issuing guarantees, taking into consideration the budgetary and economic reforms undertaken by Israel: *Provided further,* That if the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of the loan guarantees not yet issued under this heading.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for ''International Narcotics Control and Law Enforcement'', $25,000,000, to remain available until September 30, 2004.

ANDEAN COUNTERDRUG INITIATIVE

For an additional amount for the ''Andean Counterdrug Initiative'', $34,000,000, to remain available until September 30, 2004.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $80,000,000, to remain until expended, notwithstanding section 2(c)(2) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)(2)).

NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

For an additional amount for ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', $28,000,000: *Provided,* That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for the ''Foreign Military Financing Program'', $2,059,100,000: *Provided,* That funds appropriated by this paragraph shall be available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further,* That of the funds appropriated under this heading, not less than $406,000,000 shall be made available for grants only for Jordan and $1,000,000,000 shall be available for grants only for Israel: *Provided further,* That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further,* That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed to by the United States and Israel, be available for advanced weapons systems, of which not less than $263,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $115,000,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 1401. Assistance or other financing under this chapter may be provided for Iraq notwithstanding any other provision of law: *Provided,* That funds made available for Iraq pursuant to this authority shall be subject to the regular reprogramming procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961, except that notification shall be transmitted at least 5 days in advance of obligation: *Provided further,* That the notification requirements of this section may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further,* That in case of any such waiver, notification to the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further,* That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

SEC. 1402. The President may suspend the application of any provision of the Iraq Sanctions Act of 1990: *Provided,* That nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484) except as it applies to humanitarian assistance and supplies: *Provided further,* That the President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 or any other provision of law that applies to countries that have supported terrorism: *Provided further,* That military equipment shall not be exported under the authority of this section: *Provided further,* That section 307 of the Foreign Assistance Act of 1961 shall not apply with respect to programs of international organizations for Iraq: *Provided further,* That provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds, including for financial or technical assistance, in international financial institutions for Iraq shall not be construed as applying to Iraq: *Provided further,* That the President shall submit a notification 5 days prior to exercising any of the authorities described in this section to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives: *Provided further,* That not more than 60 days after enactment of this Act and every 90 days thereafter the President shall submit a report to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives containing a summary of all licenses approved for export to Iraq of any item on the Commerce Control List contained in the Export Administration Regulations, 15 CFR Part 774, Supplement 1, including identification of end users of such items: *Provided further,* That the authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

SEC. 1403. Notwithstanding any other provision of law, the President may authorize the export to Iraq of any nonlethal military equipment controlled under the International Trafficking in Arms Regulations on the United States Munitions List established pursuant to section 38 of the Arms Export Control Act, (22 U.S.C. 2778), if the President determines and notifies within 5 days after export the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States: *Provided,* That the authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

CITIZENSHIP AND IMMIGRATION SERVICES

OPERATING EXPENSES

For necessary expenses for ''Operating Expenses'' related to conducting Operation Liberty Shield, $1,000,000, to remain available until December 31, 2003.

UNITED STATES SECRET SERVICE

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' for necessary expenses related to conducting Operation Liberty Shield, $30,000,000, to remain available until December 31, 2003.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For necessary expenses for ''Customs and Border Protection'' related to conducting Operation Liberty Shield and other purposes, $428,000,000, of which $235,000,000 shall remain available until December 31, 2003, and of which $193,000,000 shall remain available until expended for the acquisition and deployment of portal radiation detectors and non-intrusive inspection technology at U.S. ports of entry.

IMMIGRATION AND CUSTOMS ENFORCEMENT

For necessary expenses for ''Immigration and Customs Enforcement'' related to conducting Operation Liberty Shield, $185,000,000, to remain available until December 31, 2003.

TRANSPORTATION SECURITY ADMINISTRATION

For necessary expenses for ''Transportation Security Administration'' related to conducting Operation Liberty Shield and other purposes, $390,000,000, to remain available until expended: *Provided,* That of the total amount provided herein, the following amounts are available for obligation only for the specific purposes below:

(1) physical modification of commercial service airports for the purposes of installing checked baggage explosive detection systems into airport baggage systems, $235,000,000;

(2) reimbursements to local and state law enforcement officers and National Guardsmen for increased security measures at airports and other critical transportation sites, $85,000,000;

(3) port security grants, $40,000,000; and

(4) surface transportation security initiatives, $30,000,000.

In addition, for expenses related to aviation security, $3,178,300,000, to remain available until September 30, 2003: *Provided,* That such appropriation shall be remitted to U.S. flag air carriers for expenses incurred related to aviation security based on the pro-rata share each such carrier has paid or collected to date in passenger security and air carrier security fees to the Transportation Security Administration: *Provded further,* That such appropriation shall be remitted to U.S. flag air carriers for expenses related to aviation security based on the pro-rata share each such carrier is expected to pay or collect to the Transportation Security Administration for the remainder of the fiscal year: *Provided further,* That payments made under this heading may be used by an air carrier for such purposes as each carrier determines appropriate: *Provided further,* That payments made under this heading shall be made within thirty days of enactment of this Act: *Provided further,* That no airline receiving funding under this heading may provide compensation (pay, benefits and stock options) to senior executives that exceeds the base pay and benefits that such executives received in 2002.

FEDERAL LAW ENFORCEMENT TRAINING CENTER OPERATING EXPENSES

For necessary expenses for ''Federal Law Enforcement Training Center Operating Expenses'' related to conducting Operation Liberty Shield, $2,000,000, to remain available until December 31, 2003.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for ''Office for Domestic Preparedness'', $2,200,000,000, to remain available until December 31, 2003, for grants authorized by section 1014 of the USA PATRIOT Act of 2001 (Public Law 107–56) and for other counterterrorism programs, of which $1,500,000,000 shall be for formula-based grants, and of which $700,000,000 shall be for discretionary grants for use in high-density urban areas, in high-threat areas, and for protection of critical infrastructure: *Provided,* That 80 percent of the funds provided under this heading to any State shall be allocated by the State to units of local government within the State and shall be distributed by the State within 45 days of the receipt of funds: *Provided further,* That none of the funds provided under this heading may be used for construction or renovation of facilities: *Provided further,* That subsection (c)(3) of such section 1014 shall not apply to discretionary grants made under this heading: *Provided further,* That the Secretary of Homeland Security shall notify the Committees on Appropriations at least 15 days prior to the obligation of any amount of the funds provided under this heading.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' for expenses related to conducting Operation Liberty Shield and other purposes, $230,000,000, to remain available until December 31, 2003.

EMERGENCY PREPAREDNESS AND RESPONSE

OPERATING EXPENSES

For necessary expenses for ''Operating Expenses'' related to conducting Operation Liberty Shield, $45,000,000, to remain available until December 31, 2003.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

OPERATING EXPENSES

For necessary expenses for ''Operating Expenses'' related to conducting Operation Liberty Shield, $10,000,000, to remain available until December 31, 2003: *Provided,* That the Secretary of Homeland Security shall notify the Committees on Appropriations at least 15 days prior to the obligation of any amount of the funds provided under this heading.

GENERAL PROVISIONS

DEPARTMENT OF HOMELAND SECURITY

REPROGRAMMING AND TRANSFER GUIDELINES

(INCLUDING TRANSFER OF FUNDS)

SEC. 1501. (a) None of the funds provided in this Act, or provided in previous Appropriations Acts to the agencies of the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by Congress; (4) deviates significantly from a program, project, or activity described in the Department's budget justification as presented to or approved by Congress, including those justifications submitted to Congress prior to the enactment of Public Law 107–296; or (5) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose, unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided in this Act, or provided in previous Appropriations Acts to the agencies of the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2003, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the agencies of the Department of Homeland Security in this Act or provided in previous Appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That any transfer pursuant to this section shall be treated as a reprogramming of funds and shall not be available for obligation unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such transfer.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for ''Centers for Disease Control and Prevention, Disease Control, Research, and Training'', $16,000,000.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for ''Public Health and Social Services Emergency Fund'', for the Centers for Disease Control and Prevention, $94,000,000.

For an additional amount for ''Public Health and Social Services Emergency Fund'', for costs associated with compensating individuals with injuries resulting from administration of a smallpox vaccine, $50,000,000 to remain available until expended: *Provided,* That such amount shall become available only upon the enactment of legislation authorizing a smallpox vaccination compensation program.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1601. Section 1113 (d) of the Social Security Act (42 U.S.C. 1313 (d)) is amended by striking ''1991'' and inserting ''2003''.

CHAPTER 7

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the House of Representatives, $11,000,000, as follows:

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For an additional amount for salaries and expenses of standing committees, special and select, authorized by House resolutions, $11,000,000: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2004.

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for necessary expenses of the Capitol Police, related emergency expenses for the security of the United States Capitol complex, $37,758,000, to remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee: *Provided,* That no part of such amount may be obligated without prior approval of the Committee on Appropriations of the House of Representatives and Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $111,000.

ARCHITECT OF THE CAPITOL

CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $63,868,000, to remain available until expended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for necessary expenses for the purchase and installation of a public address system, $5,500,000, to remain available until September 30, 2007.

CONGRESSIONAL RESEARCH SERVICE

For an additional amount for necessary expenses for the implementation of an alternate computer facility, $1,863,000, to remain available until September 30, 2004.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For an additional amount for necessary expenses of security requirements for the General Accounting Office, $4,900,000, to remain available until September 30, 2004.

CHAPTER 8

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY

For an additional amount for ''Military Construction, Navy'', $48,100,000, to remain available until September 30, 2007: *Provided,* That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $5,100,000, to remain available until September 30, 2007: *Provided,* That notwithstanding any other provision of law, such funds may be obligated or

expended to carry out planning and design and military construction projects not otherwise authorized by law.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing Operation and Maintenance, Air Force'', $1,800,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1801. None of the funds in the Defense Emergency Response Fund for any fiscal year may be used to carry out new military construction projects at a military installation inside or outside the United States or to reimburse other appropriations or funds of the Department of Defense used to carry out such construction. For purposes of this section, the terms ''military construction'' and ''military installation'' have the meanings given such terms in section 2801 of title 10, United States Code, except that, with respect to military construction in a foreign country, the term ''military installation'' includes, not only buildings, structures, and other improvements to real property under the operational control of the Secretary of a military department or the Secretary of Defense, but also any building, structure, or other improvement to real property to be used by the Armed Forces, regardless of whether such use is anticipated to be temporary or of longer duration.

SEC. 1802. (a) CONGRESSIONAL NOTIFICATION OF CONSTRUCTION USING OPERATION AND MAINTENANCE FUNDS.—Amounts appropriated or otherwise made available for any fiscal year for the operation and maintenance of the Armed Forces (including reserve components) or for activities and agencies of the Department of Defense may not be used to carry out military construction at a military installation inside or outside the United States unless the Secretary of a military department or the Secretary of Defense, as the case may be—

(1) in the case of military construction covered by chapter 169 of title 10, United States Code, complies with the requirements contained in such chapter applicable to the use of operation and maintenance funds for military construction; or

(2) in the case of military construction not otherwise covered by such chapter, submits written notice to the appropriate committees of Congress, not later than 15 days before obligating funds for the construction, containing an explanation of the need to use operation and maintenance funds to carry out the construction and the estimated cost of the construction.

(b) DEFINITIONS.—For purposes of this section, the terms ''appropriate committees of Congress'', ''military construction'', and ''military installation'' have the meanings given such terms in section 2801 of title 10, United States Code, except that, with respect to military construction in a foreign country, the term ''military installation'' includes, not only buildings, structures, and other improvements to real property under the operational control of the Secretary of a military department or the Secretary of Defense, but also any building, structure, or other improvement to real property to be used by the Armed Forces, regardless of whether such use is anticipated to be temporary or of longer duration.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 39, line 14, before the period insert '', of which $8,000,000 shall be available for transit security''.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I respectfully offer this amendment that calls for $8 of the $30 million provided for surface transportation security included in the supplemental bill to be used for transit security. This germane amendment provides $8 million which will provide our transit agencies and transit work force the much needed resources to support our Nation's increased transit security needs. This $8 million in transit security funding will do three important things: first, require the Secretary of Homeland Security to determine the percentage of frontline transit employees who are in need of receiving training in emergency preparedness and response training.

Secondly, to provide funding for training programs for frontline transit employees, ensuring that these employees who are the eyes and ears of transportation systems are prepared to respond to emergency situations.

Thirdly, provide funding for ongoing vulnerability assessments which will continuously build on information collected, allowing for easier implementation of new technologies that will assist in averting terrorist attacks on all modes of public transportation. It will also provide for transit agencies to purchase security enhancement equipment. In addition, this funding will be used for the development and implementation of local and regional emergency preparedness plans that fully utilize localities' transportation resources.

For year, governments around the world have recognized that public transportation is a major terrorist target. Until 9/11 the United States has been largely spared the kind of terrorist campaigns waged against public surface transportation. However, we cannot wait for another tragedy to happen to prompt us to address our vulnerabilities. We must act now.

An October 2001 study released by the Mineta Institute, ''Protecting Public Surface Transportation Against Terrorism and Serious Crime,'' an executive overview cites that between 1920 and 2000 there have been approximately 900 terrorist attacks and other significant criminal incidents involving public surface transportation systems. However, all but 14 of these attacks occurred after 1970, the year that marks the beginning of modern terrorism.

Attacks against transportation and transportation infrastructures accounted for 42 percent of all international terrorist attacks, according to the most recent statistics provided by the USDOT Office of Intelligence and Security of 1998.

Mr. Chairman, we must provide resources to our transit work force and our transit agencies to help prepare them and ensure that they are able to protect the communities in which they serve.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we have reviewed this amendment and find that it is constructive and we are prepared to accept it.

Ms. MILLENDER-MCDONALD. I thank the Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER:

In chapter 5 of title I, under the heading ''BOARDER AND TRANSPORTATION SECURITY'', insert the following:

PORT SECURITY

For necessary expenses for inspection by a United States inspection team in foreign ports of every shipping container, before the container is loaded on a vessel bound for the United States, and for boarding and searching every vessel before it approaches closer than 200 miles to the United States coast, $15,000,000,000.

Mr. NADLER. Mr. Chairman, I will not take all of my time.

Mr. Chairman, Islamic terrorist groups served loud notice on 9/11 that they intend to kill as many Americans as possible. Yet the administration and this Congress is ignoring the most likely modes of attack. We are spending upwards of $100 billion on an anti-ballistic missile system supposedly to protect ourselves against a rogue nation like Iraq or Iran or North Korea that might want to launch two or three nuclear armed missiles at us. Yet such a nation would be unlikely to use missiles to attack us if they wanted to, because missiles have return addresses, and the leaders know that American retaliation would obliterate their country a half an hour later.

Rogue nations and terrorists that want to attack the United States with atomic weapons would more likely put those weapons on ships, sail the ships into American ports and detonate the atomic bombs. Not knowing against whom to retaliate, the United States would be helpless.

Every year 12 million shipping containers enter the United States. We inspect fewer than 2 percent of them. This amendment provides $15 billion for two purposes:

First, so that we can insist that no container in a foreign port is loaded on a ship bound to the United States until that container is searched, sealed and certified by American inspectors. If a country refuses access, it should be prohibited from shipping anything to the United States.

Second, the amendment provides funds to enable the Coast Guard to board and search every single ship before they get within 200 miles of American shores, and we must inspect at the border all cargo unloaded from ships in other North American ports. Only by inspecting every container before it is loaded onto a ship in a foreign port and by searching every ship before it gets close enough to our shores can we be reasonably assured that atomic bombs will not obliterate American cities.

Some will object that this will hinder commerce. But one atomic bomb would halt commerce instantly. Every port would be closed tight until these procedures could be put, too late, into place.

This would cost money, about $15 billion a year, but we can afford it. Unfortunately, the administration and Republicans in Congress prefer to squander hundreds of billions of dollars for tax cuts on the wealthy instead of protecting the lives of our people. We have to realize we are in a serious war that may last decades and we must start thinking and acting seriously.

In wartime the government must spend the money to defend the lives of its people or it violates the fundamental social contract. President Bush and Congress must honor that contract or forfeit the trust of the Nation.

So I ask that this amendment be allowed to be considered. I urge the Congress to meet its obligation and to fully fund the security measures to inspect every container and search every ship that is contained in this amendment.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriations bill shall not be in order if changing existing law.

The amendment imposes additional duties, and I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this amendment does include language requiring a new determination and requiring further duties. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. WU

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WU:

In chapter 5 of title I, in the item relating to ''BORDER AND TRANSPORTATION SECURITY—TRANSPORTATION SECURITY ADMINISTRATION'', strike the paragraph beginning ''In addition, for expenses related to aviation security, $3,178,300,000'' and insert the following:

In addition, for an airline ticket voucher program to be carried out by the Secretary of Transportation, $3,178,300,000, to remain available until September 30, 2003: *Provided*, That under the program the Secretary shall permit individuals purchasing tickets for air transportation by an air carrier (as such terms are defined by section 40102 of title 49, United States Code) to receive a 50 percent discount on the price of such tickets, if such air transportation will be completed on or before March 31, 2004.

The CHAIRMAN. The gentleman is recognized for 5 minutes on his amendment.

Mr. WU. Mr. Chairman, I ask unanimous consent that the amendment be read in its entirety.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment.

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

Mr. WU. Mr. Chairman, I am proud to offer this amendment with my colleague from Virginia (Mr. SCOTT). This bill contains $3.178 billion as further assistance to our airlines. There is no doubt that our airlines are in dire financial circumstances. Passenger numbers have never recovered from September 11. Orange terror alerts, other factors have kept passengers away.

By point of illustration, the first Gulf War more than a decade ago. During that time period, four commercial airlines went into insolvency, never to emerge. I believe that this direct handout to the airlines of almost $3.2 billion is not the correct way to proceed.

Our amendment, the freedom to fly amendment, would put this money into the hands of passengers. It would stimulate more passenger traffic, put more people on more airplanes, and in so doing also stimulate the ancillary travel industry; that is, all the other components of the travel industry, whether it is hotels, restaurants, car rental, all the businesses that are at airports. And this would also help airline employees in a market-oriented commonsense approach.

Right now approximately 25 percent of airline seats are going unfilled and we know that a lot of flights have already been cut. The freedom to fly amendment would fill these empty seats and I believe stimulates the airlines to bring more flights on line, preserving jobs and generating additional revenues both for the airlines and for all the affiliated travel businesses.

Mr. SCOTT of Virginia. Mr. Chairman, will the gentleman yield?

Mr. WU. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, I rise in support of the amendment which we have introduced jointly.

The airlines are facing financial difficulties. Bankruptcies, layoffs, increased costs of fuel, and the war with Iraq have led the Republicans to propose a $3.2 billion bailout of the passenger airline industry in its House supplemental war appropriations bill. I believe it is time to have a more focused approach.

The real problem is that every day airlines fly with thousands of empty seats. A recent New York Times article referred to the airlines problem and estimated that, on average, 25 percent of the seats on airlines are left unsold, even though the number of flights have been reduced. The reduction in flights means cuts in the number of pilots, airline flight attendants, baggage handlers, and additional travel industry jobs. So instead of just writing a check for $3.2 billion to the airlines, we should be considering a way to encourage the American public to fly and fill those empty seats in a way that will preserve and create jobs. This will do it.

As a result of this amendment, air travel will naturally increase because the cost of consumer air travel will be cut in half. The plan will benefit not just the airlines but the traveling public. It will stimulate business for hotels, restaurants, rental car companies, travel agencies and other travel-related industries.

□ 1800

This is better than a subsidy. A subsidy will not create new passengers, will not preserve jobs. Over the past week, the airlines have laid off 10,000 workers; and a subsidy will not stem the tide of additional layoffs. Jobs in the airline industry will be no more secure after the subsidy than before.

On the other hand, the proposed program will result in increased airline business and increased demand for workers. This will fill the empty seats, making them more affordable, increase revenues for the airlines, preserve jobs and generate additional revenues for others involved in travel commerce.

We hope, Mr. Chairman, that this amendment will be adopted. I thank the gentleman for yielding to me.

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

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part: an appropriation may not be in order as an amendment for an expenditure not previously authorized by law.

Mr. Chairman, the authorization for this program has not been signed into

law. The amendment, therefore, violates clause 2 of rule XXI; and I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Oregon wish to be heard on the point of order?

PARLIAMENTARY INQUIRY

Mr. WU. Mr. Chairman, as a matter of parliamentary inquiry, I would inquire of the Chair, is it either required or customary for a point of order to be raised before discussion of the amendment?

The CHAIRMAN. Under the order of the House previously adopted today, points of order against amendments are considered reserved on each amendment.

Mr. WU. Mr. Chairman, is that within the rule that we passed for this particular bill, or is that always a rule of the House?

The CHAIRMAN. It was pursuant to the unanimous consent request agreed to earlier today in the full House.

Does the gentleman wish to be heard further on the point of order offered by the gentleman from Florida?

Does the gentleman from Virginia (Mr. SCOTT) wish to be heard on the point of order?

Mr. SCOTT of Virginia. Yes, Mr. Chairman. I think the plan that we have is a much better use of the taxpayers' money than in the underlying bill, and we would hope that the Chair would rule that it is in order to appropriately spend the money.

The CHAIRMAN. The Chair is prepared to rule. The proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law, and whether it constitutes a change in law.

Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation or the rebate mechanism in question is authorized in law. The Chair, therefore, is constrained to sustain the point of order under clause 2 of rule XXI. The amendment is not in order.

Are there further amendments to this title of the bill?

AMENDMENT OFFERED BY MR. FLAKE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 39, line 16, after the dollar amount insert ''(reduced by $2,078,300,000)''.

Page 39, line 17, strike ''That'' and all that follows through ''*Provided further*,'' on line 22.

Page 40, line 4, strike '': *Provided*'' and all that follows before the period on line 10.

Mr. FLAKE. Mr. Chairman, my amendment today, the reason that I come to the floor today is that I object to the airline provisions being added to this bill because it is a supplemental appropriation bill; and within an appropriation bill, we simply cannot do the things that we need to do long term for the airlines. All we do is ensure that they will be back 6 months later for a similar appropriation.

On an appropriation bill we cannot deal with tax relief, for example, and $25 for every $100 ticket is taxes and fees to the Federal Government. We cannot deal with that on an appropriation bill.

We cannot deal with regulatory relief as well. There are higher antitrust standards that apply to airlines that do not to other industries. We need to look at that. There are limits as far as access to equity capital that apply to the airlines that do not to other industries. Those we cannot deal with in a supplemental appropriation bill.

The reason for bringing this forward is to ensure that we simply do not appropriate an amount that ensures that we have the airlines come back and simply need the same thing 6 months, 8 months, a year from now; and that is surely what we will have if we go through with this.

We are turning the airlines into folks that want to compete under a regular business model into folks that simply will hire more lobbyists and rely on the generosity of taxpayers and appropriators forevermore. We are creating, unless we change this process, an Amtrak in the air where we simply, through appropriation, keep an industry going.

We cannot do that and for that purpose, I have agreed to enter into a colloquy with the gentleman from Missouri (Mr. BLUNT) to talk about what we might do in the future.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

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

Mr. YOUNG of Florida. I yield to the gentleman from Missouri, the very distinguished majority whip.

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding, and I would be pleased to have a discussion with my friend from Arizona. Is that allowed, Mr. Chairman, under this arrangement?

I certainly think the gentleman from Arizona (Mr. FLAKE) is right that we need to look for a long-term settlement to this issue. To continue to handle it as we have, in a crisis moment, is not the right way to do it. To look at the long term, some tax relief is an option to look at the new obligations that the Federal Government has, in my view, to review our long-term sense of airline security.

Until September 11, 2001, there was a widely held and generally defensible view that the fees that passengers paid for airline security were being paid for the purpose of protecting the passengers; and so it was a pure user fee, and it seemed to be defensible in that regard. We now know that we use our security system to secure people who not only are not on the plane that day but who may never be on the plane; and I think the gentleman senses that we need to review that structure to review the additional costs that airlines have assumed because of the new demands of airline security. To look for a more permanent solution to this is absolutely the direction we should take, and I certainly will commit to work with the gentleman on those issues and to try to solve them legislatively for the long term rather than to continue to have to deal with these short-term ways to deal with this issue.

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

Mr. YOUNG of Florida. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding to me. I thank the gentleman for this colloquy and discussion.

We simply cannot deal with the tremendous issues that we have to deal with in terms of tax relief, regulatory reform and to decide, as the gentleman from Missouri appropriately put it, what obligations the airlines actually have and what obligations should we, as general taxpayers or society, bear in terms of security costs; but we cannot have those discussions on appropriations measures.

We cannot wait in between bailouts every year or so to decide how much each airline gets to enact a formula. That is why we need to enter into these discussions in between, when the crisis is not right at hand; and with that understanding, I will agree to withdraw the amendment.

Mr. BACA. Mr. Chairman, I rise today to adamantly oppose the Flake Amendment. This amendment would eliminate $2.0 billion dollars in desperately needed funding for struggling US airlines. It is unconscionable to consider doing this while our economy suffers, and it is even more unconscionable to do so during wartime.

We are witnessing the collapse of the airline industry as we know it? US Air and United have already been forced into bankruptcy, and other major airlines are contemplating the same option. Northwest Airlines alone has lost $1.2 billion over the past two years. Air travel is falling at a rapid rate and will continue to fall until this war is over, the economy improves, and passengers are assured that they are safe in the friendly skies. This month alone, the air travel is down 11% and it is speculated that if another terrorism attack occurs, it will fall an additional 25 percent domestically 43 percent internationally.

Since September 11, 2001, we have placed many needed safety requirements on the airline industry. Eliminating the funding for compliance puts an unnecessary burden on an already frazzled industry and does little to promote flying. Passengers will not fly if they don't feel safe.

The airline industry is paramount to the economic vitality of this nation. It is critical to virtually every industry around the globe. Tourism, goods movement, and business travel affect virtually every locality in this nation. We must guarantee that goods continue to move in an expedited and inexpensive manner and that air travel does not suffer more than it already has.

We must also take into consideration that the airline industry employs a sizable workforce globally. United, which employs thousands in the state of California alone, employs 85,000 worldwide! If we do not help the airlines during these uncertain times, many jobs will be lost and the economy as a whole will be further compromised.

I oppose the Flake Amendment and stand behind the fact that we must do all that we can to keep the industry flying.

Mr. FLAKE. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in light of the recent colloquy, let me simply say that I am getting whiplash from trying to follow the lead of the majority party and the White House on the issue that was just under discussion.

We had before us earlier in the week this bill to essentially pay for the first downpayment on the Iraq war. We were trying to get additional money in the bill for homeland security so that we could protect ourselves at home from the retaliation that was likely to come from that involvement in the war.

The House Republican leadership would not see its way fit to allow us to even debate that amendment and come to a vote on the House floor; and yet they arbitrarily ordered the Committee on Appropriations to include the $3.5 billion bailout for the airline industry that was just discussed a moment ago. Then, after that happened, then the White House issued a statement saying that, in fact, the package before the House for airline bailout was too generous.

I am having a little difficulty following the lead of the majority and the lead of the White House because they seem to be working at cross purposes, and I am further confounded by the fact that this House is willing to consider a huge expenditure of funds like this with no hearings and to have it dealt with by a committee that has no special understanding of the problem; and it seems to me that a much better way, well, it just seems to me that we ought to be asking a fundamental question.

It seems to me we ought to be asking the question of whether or not we have a viable airline industry in this country. In my view, we have a bunch of let's-pretend capitalists who have to come to the government for a bailout every time something happens in the economy.

Now, they are essential to our national welfare and to our economic well-being. So I think we obviously need to keep the airline industry functioning, but I do not know how many times an airline has to go bankrupt before it is bankrupt. I do not know how many times they have to come to the taxpayers for additional money before we decide that a better way is to simply regulate them as a necessary public utility or as a public utility providing necessary service to the country, and that is what I really believe in the long term we ought to do.

But I also must protest the slap dash way that this issue has wound up on the appropriation bill because I find it quaint that the House Republican leadership would demand the House go one way while the White House seems to indicate it wants to go another way. It is pretty hard to follow that kind of leadership, and I admire the gentleman from Florida for being a good soldier and responding to the instructions of his leadership; but I would have a difficult time trying to explain this to any taxpayer, any of my constituents.

I would just hope that in the future we can do a better job of managing a problem like this, and I wish we could get to discuss the fundamentals on this issue rather than simply throwing more money at the problem.

We were told that we cannot throw more money at homeland security, and yet we are providing billions of dollars to the airline industry without doing one whit to help the employees of those same airlines.

I find that quaint. It is always the corporate part of the industry that gets the attention of Congress; and the working stiff sort of gets left in the caboose, if I can change transportation modes.

The CHAIRMAN. Are there further amendments to this title?

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 38, line 21, before the period insert:

''Of which up to $10,000,000 shall be available for the Student and Exchange Visitor Information System established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, including training programs''.

Mr. ROGERS of Kentucky. Mr. Chairman, could we have the amendment read for us, please?

□ 1815

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read the amendment.

The CHAIRMAN. The Clerk will report the entire amendment.

The Clerk read the entire amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, we have not had a chance to discuss this amendment with the gentlewoman, and I wonder if we might be able to delay the consideration of it for a few minutes while we do that. I do not want her to lose her opportunity to offer it, in case our conversation is fruitless.

Mr. Chairman, I ask unanimous consent that this amendment be delayed until after whatever is next on the agenda, and that the right of the gentlewoman to offer the amendment would be preserved.

The CHAIRMAN. Under the rule, the gentlewoman is entitled to withdraw her amendment, and the gentleman from Kentucky may seek unanimous consent to have it reoffered at another point in this title.

Mr. ROGERS of Kentucky. Mr. Chairman, I am told this is the last amendment in this title, other than this amendment.

Mr. Chairman, I withdraw the unanimous consent request.

The CHAIRMAN. The gentleman withdraws his request, and the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes on her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the subcommittee chairman, and as well I thank the chairman of the full committee and the ranking member of the full committee, as well as the ranking member of the subcommittee.

Mr. Chairman, this amendment will hopefully address the question that all of us have as a key element of our work on the floor today, and that is the securing of the homefront as we fight a raging war in Iraq. One of the key issues of 9/11, though we know that only one of the visas was a student visa, it highlighted the difficulty we have with balancing our desire to open the doors of opportunity to our allies and friends to educate their students in our institutions of higher learning. We have developed friendships through that process. We have developed allies through that process.

The exchange student program has been a key part of the foreign policy of the United States. Yet we have a broken system where we have a structure that allows exchange students to come and not follow through on either the purpose for which they have come or allowed us to track them while they are here.

In a statement by the inspector general on April 2 before the Committee on the Judiciary, his report noted that we found that the INS failed to properly train the contract investigators, test the checklist for usefulness and completeness, and monitor the quality of contract investigators' onsite reviews. It means that as we have the student tracking program in place, we do not have the proper training of our new Bureau for Citizens Affairs to oversee the contractors and, as well, to help the universities do their job.

The universities have asked us to be responsible and sensitive to the hard problems that they have. All of us can call the names of our respected universities. They want to do the right thing, Mr. Chairman, but they cannot do it without the right training.

This amendment, and I am very gratified that the chairman of the committee, the gentleman from Kentucky (Mr. ROGERS), has allowed this debate to go forward, this will allow resources

to provide training, and it is already authorized, specifically on how to oversee the SEVIS tracking system. It is new technology. We will be reviewing it in the Homeland Security Committee, I know.

We know that technology in terms of homefront defense is important, the ability to communicate with each other. But certainly as we promote the idea that immigration does not equate to terrorism, would it not be better to have a tracking system for students that works, that is fair, that helps our universities and helps the Homeland Security Department with something that can monitor without the threat of suggesting that every student is a terrorist? Because that is not the case, Mr. Chairman.

So I offer this amendment to give resources where they are needed, to focus the resources on this gaping hole with overseeing and training these contractors. These contractors may be well-intentioned but, in fact, they are not implementing this system as best as it could be. I hope in the discussions with this new Homeland Security Department we will also get a diversification of these contractors and an expertise that can be developed so that they can do the job right.

So this amendment, Mr. Chairman, is simply to allow authorized dollars to be focused on improving the SEVIS system, that is the student tracking system, by enhancing the quality of training of those staffers that are there at the Homeland Security Citizens Bureau but, as well, to oversee those contractors. I ask my colleagues to support this amendment.

Mr. Chairman, I rise today to offer an amendment that would help this nation's security system and help to protect our borders. The Inspector General for the Department of Justice issued a report last month on the Student Exchange Visitor Information System (SEVIS) program for tracking foreign students at American colleges.

The report concludes that SEVIS has not been implemented fully yet and discusses a wide range of implementation problems. Unfortunately, full implementation will require additional funding. For instance, the Help Desk system for providing assistance to the school is understaffed.

There are longs waits when school personnel call the Help Desk for assistance, and adequate funds are not available to increase the Help Desk staff or to send people to the schools to train school personnel in the use of SEVIS.

This amendment would provide additional funding to correct the implementation problems that are identified in the Inspector General's report, with special reference to the need for additional training.

SEVIS makes it easier for approximately 4,300 schools and 1,400 exchange programs to comply with immigration requirements so that they can include bright, talented foreign students in their programs.

International students and exchange visitor programs are enormously beneficial to the United States. They boost worldwide appreciation for democracy and market-based economics and give future world leaders first-hand exposure to America and Americans.

The Inspector General's report indicates that the immigration service needs additional resources to overcome problems in implementing SEVIS, which is a complex system that requires the storage of a huge amount of data. We need money available to implement this system properly.

We can create an effective tracking system that will facilitate bringing talented men and women from different countries to the United States to study and to exchange creative thought and ideas. I urge my colleagues to support this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word, and I would ask the gentlewoman a question. Should this amendment be accepted, would the other amendments, the five other amendments the gentlewoman has tendered, be withdrawn?

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would hope in that question would be the opportunity to present them. I would like to present those amendments and then I would offer, because I realize that those amendments would be subject to a point of order, so I would be very willing at that point to withdraw them, yes. That is what I would like to do, Mr. Chairman.

Mr. ROGERS of Kentucky. Well, Mr. Chairman, reclaiming my time, I was prepared to accept the amendment, but if we are not going to save any time by it, I do not see any point in accepting it. So I have no choice but to oppose it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman would continue to yield, if I am not mistaken I think we had the discussion, because we never have an agreement, but I understood that we would present this one, and I did not discuss the other amendments in the discussion; but that we would move past this one and we would discuss those other amendments and then withdraw them.

Mr. ROGERS of Kentucky. Well, I do not see any point in moving further on this. I was prepared to accept this one on condition that the gentlewoman would just simply withdraw the others. They are subject to a point of order anyway, and we could save a lot of time in that fashion. But if the gentlewoman is unwilling to do that, then I have no choice but to oppose this amendment and all of the others.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman will continue to yield, I think when we were discussing this, because the gentleman knows how important these issues are, and one of the amendments deals with domestic preparedness, another with the hazardous materials funding which I think is extremely important.

Mr. ROGERS of Kentucky. If the gentlewoman would like to discuss the other five in a 5-minute period, I would have no problem with that.

Ms. JACKSON-LEE of Texas. Mr. Chairman, that is exactly what I believe we had discussed earlier, is that I would discuss the others in the 5-minute period and then, and I hope the gentleman does not mind a colleague saying this, that I would then reluctantly withdraw them. But I would do so, Mr. Chairman.

Mr. ROGERS of Kentucky. So my understanding is if we accept this amendment, the gentlewoman would spend 5 minutes talking about all five of the others?

Ms. JACKSON-LEE of Texas. That is correct, Mr. Chairman.

Mr. ROGERS of Kentucky. Then I have no problem.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I wish to talk about this, Mr. Chairman. Are we talking 5 minutes on each of the 5 amendments, or 5 minutes total on the 5 amendments?

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I wish, Mr. Chairman, that that was the case, but I believe we have agreed, because of the procedural point of order, that it will be 5 minutes in total. That means I talk very quickly with this very raspy voice.

Mr. ROGERS of Kentucky. Reclaiming my time, Mr. Chairman, it is my understanding that the gentlewoman would speak 5 minutes for all of the five all at once, 5 minutes total?

Ms. JACKSON-LEE of Texas. That is correct, Mr. Chairman.

Mr. ROGERS of Kentucky. In that case, Mr. Chairman, I accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENTS OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer several amendments, which are at the desk; Jackson-Lee 002, 004, 003, and 005, Mr. Chairman.

The CHAIRMAN. Does the gentlewoman ask unanimous consent to consider those amendments en bloc?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to consider these amendments en bloc.

The CHAIRMAN. I believe the gentlewoman has identified four of her amendments. Is there another amendment the gentlewoman would like to include?

Ms. JACKSON-LEE of Texas. Yes, 001, 002, 005, 003, and 004. Did I miss one? They are not in order. I apologize.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Ms. JACKSON-LEE of Texas:

In chapter 5 of title I, in the item relating to ''OFFICE FOR DOMESTIC PREPAREDNESS'', after the first and second dollar amounts, insert the following: ''(increased by $2,000,000,000)''.

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In chapter 5 of title I, in the item relating to ''OFFICE FOR DOMESTIC PREPAREDNESS'', insert before the period at the end the following:

: *Provided further,* That, of the funds provided under this heading, $1,400,000 shall be for a grant to the Harris County, Texas Fire Department for Hazardous Materials Response Teams

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In chapter 5 of title I, in the item relating to ''OFFICE FOR DOMESTIC PREPAREDNESS'', insert before the period at the end the following:

: *Provided further,* That, of the funds provided under this heading, $3,000,000 shall be for grants to cities with populations over 1,000,000, and rural communities with populations under 200,000, for fire department hazardous materials response teams

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In chapter 6 of title I, before the general provisions under the heading ''DEPARTMENT OF HEALTH AND HUMAN SERVICES'', insert the following:

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For an additional amount for ''Substance Abuse and Mental Health Services'' for mental health services, $7,000,000, to remain available until expended.

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In chapter 6 of title I, before the general provisions under the heading ''DEPARTMENT OF HEALTH AND HUMAN SERVICES'', insert the following:

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For an additional amount for ''Substance Abuse and Mental Health Services'' for the Harris County, Texas Mental Health and Retardation Authority, $1,200,000, to remain available until expended.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas to consider the amendments en bloc?

There was no objection.

□ 1830

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of these amendments, and let me say first of all that sometimes it is very difficult for our colleagues to follow this debate, and I want to start by thanking the leaders of the Committee on Appropriations. Many Members have points and perspectives that sometimes are lost in the procedural aspects of this debate. Let me make it very clear that all of my amendments, unfortunately, will be subject to a point of order, the ones that I am intending to discuss at this point.

I am not conceding and giving up adequate debate on them, but obviously if they are going to be subjected to a point of order, I believe it is extremely important that I move forward on the legislation that will improve the INS services with the $10 million that has just passed, focus on the training issues, and work with my colleagues respectively on elements that I think are very important that are missing in this legislation.

My amendments before us today deal with adding $2 billion in domestic preparedness, because I believe that we do not have enough money for homeland security. Additionally, I would say that we have a problem in our respective fire departments in the hazardous materials team. I offer $2 million to provide to our first responders, in particular our hazardous materials team, that will allow additional funds to be given to these teams which will be facing the worst of any biological attack.

I think it is important to recognize that preparedness is key to what we are doing. Let me correct the record and say that domestic preparedness was $2 billion, and the hazardous material is $3 million, on the cities over a million, and rural communities under 200,000.

The reason I offer these amendments is I believe we do not have enough dollars dealing with homeland security. Frankly, I join and I was hoping that the Obey amendment would be made in order because obviously the emergency supplemental does not comply with the Budget Act nor do ours; but it is interesting that these were not made in order but the emergency appropriations was.

I have brought these amendments to the attention of this floor because I come from local communities that are suffering, not having enough overtime, not having enough dollars to ensure that we can provide the fire departments with the kind of staffing that they need in case these communities are subjected to biological attacks.

I am disappointed that a point of order will be subjected to them. Let me also say that my other amendments had to do with providing extra funding for SAMHSA because of the stress that individuals are under with respect to mental health services. I thought it was important to add $7 million because in this wartime, we are all facing the kind of stress that requires enhanced mental health services.

Additionally, I asked for additional funding for Harris County Mental Health Services because they too are suffering by closing clinics and having close to 1,500 clients not being able to be served. I know that a number of Members are not offering personal remarks and so I am withdrawing that along with these other amendments because I understand we are not being allowed that in fairness to the process.

Let me close by saying this. I started out by saying that I was against the war. I maintain that the war has not been officially declared by this body. This body has never debated the question of war and declared war against Iraq, but I believe we have the responsibility of supporting our troops. I am disappointed that we have not fully discussed the question of peace on this floor today, and that there are no specific funds designated to begin the discussion of peace.

I have an amendment which discusses that, and I hope in striking the last word towards the end of the bill, we will have an opportunity to discuss peace. I believe we can help our troops as they are waging war, brave as they are, and those that have lost their lives, and the POWs and their families, by recognizing that as they fight for peace, they can also be fighting for the freedom of this Nation.

Mr. Chairman, I support the troops deployed in Iraq. However, I am against this war because I believe war should have been the last option. We are spending $74.7 billion to fund the troops, to rebuild Iraq, to provide aid to our allies, and to fund drug control efforts—this is one of the largest supplemental bills this Congress has considered. Most of the funds in this bill are for the Department of Defense, $62.4 billion. Only $3.5 billion has been allocated for homeland security. While our troops are on the frontlines in Iraq, our first responders here at home—our firefighters, our police officers—in our states and localities are woefully underfunded. Many first responders do not have the equipment, technology, or training to meet national security needs. While we plan to construct schools in Iraq, schools in our nation are crumbling. While we provide humanitarian aid to many countries, our citizens at home lack affordable health care. And, while we plan to rebuild the nation of Iraq and assist our allies, we continue to neglect our nation's veterans.

We provide $700 million for Jordan; $300 million for Egypt; up to $1 billion for Turkey; and $127 million for Afghanistan through the Bilateral Economic Assistance account. In the Foreign Military Assistance account we provide $1 billion for Israel; $406 million for Jordan; $170 million to train the Afghan National Army; $175 million to assist Pakistan in counter-terrorism activities; and $115 million for Peacekeeping Operations.

The Chairman's Mark provides $2.8 billion for a new Iraq Relief and Reconstruction Fund. There are funds for the relief and reconstruction: for water/sanitation infrastructure, feeding and food distribution, refugee assistance and other humanitarian activities. Yet the Chairman's Mark only provides $2.2 billion for grants to First Responders through the Office of Domestic Preparedness. I strongly support our troops, but I also believe that we must protect the troops right here at home—the first responders, who will be called on in any emergency and national security threat.

This bill does not do enough for Homeland Security. We are underfunding the national security here at home. Our cities and ports need protection. I offered amends in the Rule Committee to increase funding for Homeland Security.

My amendment would have increased by $2 billion funding to the Office for Domestic Preparedness. The U.S. Conference of Mayors estimates that if the war and/or threat alert levels continue for six months, cities would incur nearly $2 billion in additional costs. These costs are on top of existing homeland security spending already underway or planned since September 11.

State and local governments have undertaken unprecedented new, expensive, and expanded responsibilities in our national efforts

against terrorism. State and local governments have developed and adopted budgets reflecting these increased responsibilities in difficult fiscal times with very little federal assistance. I offered an amendment to provide funds in the amount of $3 million to be set aside as grants to cities with populations over one million and rural communities with populations under 200,000 for fire department hazardous materials response teams.

Adequate federal resources must be available to assist our urban and rural areas to maintain a heightened level of alert and to assist our first responders during this time of crisis.

First responders have been called upon to identify and to plan for potential threats peculiar to their particular location; these threats include chemical, biological, nuclear, radiation, and explosives.

Additional funding specifically for firefighters in urban and rural areas would help fire departments meet the challenges of responding to threats of terrorism. Firefighters have emergency needs for clothing, equipment, and interoperable communications.

I am troubled that we are in a position today where we are spending money we don't have, on a war we didn't need. Of course, I will cast my vote in support of this bill because this predicament is not the fault of our soldiers. U.S. troops are fighting valiantly in Iraq and they will be victorious. I want them to have all the resources they need to get the job done efficiently and effectively, so that we can bring them home safely to their families and loved ones. I don't support this war, but I support our men and women in uniform—100 percent.

Mr. Chairman, I believe sometimes one must stand for what they believe. I know that there are times when a great nation must answer the call of war to defend itself and its people. Sometimes we must defend our values so that many more can be saved. This is not one of those situations.

Even before the dust had started to settle at the site of the Twin Towers, this war plan seemingly was being devised. From mid-September 2001, this Administration seemed to be resolved to march into Baghdad. The plan was forged before we knew that Saddam Hussein had no known connection to the attacks of 9/11; before we knew that far more insidious dangers lurked in North Korea; before we realized that backed with a true diplomatic and military coalition, inspections could work to disarm Iraq. Even as the true nature of the picture in Iraq came to light, the Administration held its resolve to go to war. But resolve does not equate with reason.

I, and many of my colleagues, and millions of people taking to the streets around the world, have been trying to inject reason into this debate for over a year now. I started by voting against the use of force resolution last Congress. There were two reasons: (1) I did not feel that force was yet justified in the case of Iraq, and (2) I believe that it is unconstitutional for Congress to give the President the power to start a war without a true Declaration from the Congress. Whereas the President controls the military and our nation's intelligence gathering services, before the President takes our soldiers into war he must come to Congress and make the case for war. It is then the duty of Congress according to Article I, Section 8 of the Constitution to make the decision of whether it is in the best interest of the people we represent to make the Declaration of War. That was never done. I, and 154 of my colleagues, supported the Spratt amendment to the Use of Force Resolution, which would have required the President to come back to Congress before marching to war. But we did not prevail.

Therefore, I have continued to call for a debate here on the Floor of the House to make that decision—between war and peace, and between life and death. Early this year, I offered a bill, H. Con. Res. 2, a bill to revisit and to debate the question of going to war with Iraq. Although I questioned the war in Iraq, I have always been in full support of our troops in the region. Indeed I have argued that keeping a force in the region to support weapons insepctors—50,000 soldiers-strong—was absolutely appropriate and prudent. That is because I believe that the threat of force can prevent violence, However, the use of force is violence. The use of force must always be the very last resort. However, we must be realistic in these times to recognize the threat both here and abroad. The threat is real in our local communities. Therefore, any Emergency Wartime Supplement Appropriations bill ought to provide resources to our local and state governments. We must support our military. They are men and women who risk their lives for our civil liberties, but we cannot give the President a blank check with which to reward our allies and to neglect domestic priorities.

Many argued that going to war was preferable to doing nothing in Iraq. Perhaps, I agree. But I have never argued that we should do nothing, nor have any of my colleagues on this side of the aisle. Working with ecumenical leaders from across the county, I developed a 5-point comprehensive plan—a third option—for improving stability in the Middle East. In addition to using a 50,000 soldier-strong force to coerce Iraqi compliance with rigorous inspections, the plan also included re-engaging our estranged allies, who some seem to be ridiculing at every chance, and forming a coalition to establish a warcrimes tribunal to indict and bring Saddam Hussein to justice. The plan included an immediate and generous humanitarian aid effort for the people of Iraqi, who have suffered for so long under Saddam's regime. It included a re-invigoration of the Middle East peace process and of the international fight against terrorism. And it provided for an international effort to rebuild and help to stabilize Iraqi infrastructure.

I still remain firmly against the proposition that war was the only option for disarming Iraq. In fact I believe there are still options to carrying this war to a violent conclusion in the streets of the ancient city of Baghdad. I hope that now that we are in a position of strength, we can force a peaceful resolution to this conflict and satisfy our national security goals without further bloodshed. I feel that such restraint would earn back some of the lost respect and moral authority we had in the eyes of the world community, and improve our homeland security in the long run.

For we are living in a glass house these days, and are throwing stones left and right. We are making enemies around the world and under-funding the domestic forces who would protect us from them. I have offered several amendments to today's supplemental bill, to make sure that in addition to supporting our troops overseas, we also take care of security issues here at home.

Mr. Chairman, I am offering this amendment to the fiscal year 2003 supplemental appropriations bill to help our Nation's security and to provide funds to the people on the frontlines in our own homefront—first responders.

I believe that our domestic priorities and our first responders must not be overlooked as we consider this supplemental appropriations bill. I know my amendments violate the Budget Act, but the supplemental appropriations bill itself violates the Budget Act. My amendment would provide additional funds for first responders in our nation's cities and rural communities.

My amendment would increase by $2 billion funding to the Office for Domestic Preparedness. The U.S. Conference of Mayors estimates that if the war and/or threat alert levels continue for six months, cities would incur nearly $2 billion in additional costs. These costs are on top of existing homeland security spending already underway or planned since September 11. While the Chairman's Mark provides $2.2 billion, $200 million over the President's request, for grants to local and state governments, this amount is still not adequate to fund the domestic security needs of our Nation's states and localities.

As you know, state and local governments have undertaken unprecedented new, expensive, and expanded responsibilities in our national efforts against terrorism. State and local governments have developed and adopted budgets reflecting these increased responsibilities in difficult fiscal times with very little federal assistance.

Adequate federal resources must be available to assist our urban and rural areas to maintain a heightened level of alert and to assist our first responders during this time of crisis.

First responders have been called upon to identify and to plan for potential threats peculiar to their particular location; these threats include chemical, biological, nuclear, radiation, and explosives.

Additional funding specifically for firefighters in urban and rural areas would help fire departments meet the challenges of responding to threats of terrorism. Firefighters have emergency needs for clothing, equipment, and interoperable communications.

First responders stand ready to answer the call of our nation. We must provide them with adequate resources for equipment, training, and supplies. In particular, fire departments are in desperate need of funding. I have heard from my fire department in Houston and hope to secure funding for the fire fighters there for hazardous materials response teams.

Mr. Chairman, I ask unanimous consent to withdraw these amendments, recognizing that I hope we can do more for domestic preparedness, for the hazardous materials teams and our fire departments, and we recognize that we have a crisis in this Nation and we need to help those facing mental health crises by providing more mental health funding.

The CHAIRMAN. Under the rule, unanimous consent is not required. The gentlewoman from Texas (Ms. JACKSON-LEE) withdraws the amendments offered en bloc.

The amendments were withdrawn.

Are there further amendments to this title?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—TECHNICAL CORRECTIONS

SEC. 2001. Division F of Public Law 108–7 is hereby amended under the heading ''United States Fish and Wildlife Service, State and Tribal Wildlife Grants'' by striking ''$3,000,000'' and inserting ''$5,000,000''.

SEC. 2002. The matter under the heading ''Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services'', in Public Law 108–7 is amended—

(1) by striking ''Heart Beat, New Bloomfield, PA'' and inserting ''Heart Beat, Millerstown, PA'' in lieu thereof;

(2) by striking ''Tressler Lutheran Services, Harrisburg, PA, for abstinence education and related services'' and inserting ''DIAKON Lutheran Social Ministries, Allentown, PA, for abstinence education and related services in Cumberland and Dauphin counties'' in lieu thereof;

(3) by striking ''Community Ministries of the Lutheran Home at Topton, Reading, PA, for abstinence education and related services'' and inserting ''DIAKON Lutheran Social Ministries of Allentown, PA, for abstinence education and related services in Berks county'' in lieu thereof;

(4) by striking ''$298,153,000'' and inserting $296,638,000'' in the first proviso; and

(5) by inserting after ''a study regarding delivery of pediatric health care in northeastern Oklahoma,'' ''$225,000 is available for the Mental Health Association of Tarrant County, Ft. Worth, TX, to provide school-based mental health education to schools in Tarrant County, $200,000 is available for the AIDS Research Institute at the University of California, San Francisco for a Developing Country Medical Program to facilitate clinician exchange between the United States and developing countries, $1,000,000 is available for the Geisinger Health System, Harrisburg, PA, to establish centers of excellence for the treatment of autism,''.

SEC. 2003. The matter under the heading ''Office of the Secretary, Public Health and Social Services Emergency Fund'', in title II of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003, (Public Law 108–7, div. G) is amended by striking '', to be available until expended'' after the ''$5,000,000''.

SEC. 2004. Section 207 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108–7, div. G) is amended by striking ''or any other''.

SEC. 2005. (a) In addition to the authority provided in section 215 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Public Law 108–7, div. G), in order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). (b) The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State.

SEC. 2006. (a) The matter under the heading ''Department of Education, School Improvement Programs'', in Public Law 108–7 is amended—

(1) by striking ''$508,100,000'' and inserting $537,100,000''; and

(2) by striking ''$4,132,167,000'' and inserting ''$4,233,167,000''.

(b) In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Education under the heading ''School Improvement Programs''—

(1) the provision specifying $150,000 for Illinois State Board of Education, Springfield, IL, for computers, hardware and software for the implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and Pleasant Plain Illinois District #18 shall be deemed to read as follows: ''Illinois State Board of Education, Springfield, IL, for implementation of Fast ForWord reading program to the Pleasant Plains Community Unit District #8 and for improving mathematics achievement in Peoria School District #150 and Jacksonville School District #117, $150,000'';

(2) the provision specifying $2,000,000 for Pinellas County Florida School District, St. Petersburg, FL, for technology for Title I schools shall be deemed to read as follows: ''St. Petersburg College, St. Petersburg, FL, for the Pinellas County EpiCenter, $2,000,000'';

(3) the provision specifying $500,000 for the St. Louis Children's Museum, MO, for a collaborative project with the St. Louis Public Library to create interactive exhibits and educational programs shall be deleted;

(4) the provision specifying $25,000 for the Boys and Girls Club of El Dorado, AR, for drug prevention and after school programs shall be deemed to read as follows: ''Boys and Girls Club, Southeast Unit, El Dorado, AR, for drug prevention and after school programs, $25,000'';

(5) the provision specifying $400,000 for the Milwaukee Public Schools, WI, to expand before- and after-school programs shall be deemed to read: ''Milwaukee Public Schools, WI, for before- and after-school programs, $400,000'';

(6) the provision specifying $200,000 for Tensas Reunion, Inc., Newellton, LA, for instructional technology training, and after school programs at the Tensas Charter School shall be deemed to read: ''Tensas Reunion, Inc., Newellton, LA, for the TREES Project in Tensas Parish, including activities such as the purchase of computers and educational software, tutoring, and workshops to promote parental involvement, $200,000'';

(7) the provision specifying $250,000 for Community School District 8, Flushing, NY, for after-school programs shall be deemed to read: ''Community School District 8, Bronx, NY, for after-school programs, $250,000'';

(8) the provision specifying $20,000 for Westside High School, Bakersfield, CA, for equipment shall be deemed to read: ''West High School, Bakersfield, CA, for equipment, $20,000'';

(9) the provision specifying $1,000,000 for the National Science Center Foundation, Atlanta, GA, for educational technology and other purposes shall be deemed to read: ''National Science Center Foundation, Augusta, GA, for educational technology and other purposes, $1,000,000'';

(10) the provision specifying $200,000 for the Golden Gate National Parks Association, San Francisco, CA, for environmental education programs at the Crissy Field Center shall be deemed to read: ''Golden Gate National Parks Conservancy, San Francisco, CA, for environmental education programs at the Crissy Field Center, $200,000'';

(11) the provision specifying $100,000 for the University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders and the Preparation and Recruitment of Teachers shall be deemed to read: ''University of South Florida, Tampa, FL, for the Tampa Bay Consortium for the Development of Educational Leaders, $100,000'';

(12) the provision specifying $25,000 for the Meredith-Dunn Learning Disabilities Center, Inc., Louisville, KY, for technology shall be deemed to read as follows: ''Meredith-Dunn Learning Disabilities Center, Inc., Louisville, KY, for school counseling services, $25,000'';

(13) the provision specifying $40,000 for Father Maloney's Boys Haven, Louisville, KY, for technology shall be deemed to read as follows: ''Father Maloney's Boys Haven, Louisville, KY, for an educational program, $40,000'';

(14) the provision specifying $50,000 for the Joel II Restoration Ministries for education programs shall be deemed to read as follows: ''Joel II Restoration Outreach, Inc., for education programs, $50,000''; and,

(15) the provision specifying $1,500,000 for the City of Upland, CA, for after school programs shall be deemed to read as follows: ''YMCA of the City of Upland, CA, for after-school activities, $1,500,000''.

SEC. 2007. In the statement of the managers of the committee of conference accompanying H.J. Res. 2 (Public Law 108–7; House Report 108–10), in the matter in title III of Division G, relating to the Fund for the Improvement of Postsecondary Education under the heading ''Higher Education''—

(1) the second reference to the provision specifying $1,000,000 for the University of Massachusetts-Boston to purchase research equipment and technology infrastructure shall be deleted;

(2) the provision specifying $100,000 for Slippery Rock University, Slippery Rock, PA, for Knowledge Pointe at Cranberry Woods, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents shall be deemed to read as follows: ''Regional Learning Alliance, Marshall Township in Allegheny County, PA, as part of an initiative to provide life-long educational services to Pittsburgh's regional industry and community residents, $200,000'';

(3) the provision specifying $100,000 for Slippery Rock University, Slippery Rock, PA, for the North Hill Educational Alliance shall be deleted; and,

(4) the provision specifying $250,000 to the National Aviary Conservation Education Technology Integration in Pittsburgh shall be deemed to read as follows: ''National Aviary Conservation Education Technology Integration in Pittsburgh, for the Remote Audio-Visual Engagement Network (RAVEN) project, $250,000''.

SEC. 2008. Section 336 of Division I of Public Law 108–7 is amended by striking ''Transportation Management'' and inserting in lieu thereof ''Urbanized''.

SEC. 2009. Amounts made available to carry out sections 1212(k) and 5117(b)(6) of 112 Stat. 107 et seq. shall be used to carry out item number 1278 of the table contained in section 1602 of such Act (112 Stat. 263).

SEC. 2010. The matter under the heading ''Corporation for National and Community Services, Domestic Volunteer Service Programs, Operating Expenses'', in Public Law 108–7 is amended by inserting after ''in this Act'' the following: ''for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973''.

SEC. 2011. To liquidate obligations previously incurred, $64,000,000 is provided to

the National Service Trust of the Corporation for National and Community Service: *Provided*, That the second proviso under the heading ''Corporation for National and Community Service'' in Division K of Public Law 108–7 is deemed to be amended by inserting after ''section 501(a)(4)'' the following: ''with not less than $2,500,000 for the Office of the Chief Financial Officer to enact financial reform in the Corporation, notwithstanding the provisions of section 501(a)(4)(B) of the Act''.

SEC. 2012. Section 115 under the heading ''Department of Veterans Affairs, Administrative Provisions'' in Public Law 108–7 is amended by striking ''2 and''.

TITLE III—GENERAL PROVISIONS—THIS ACT

SEC. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

AMENDMENT OFFERED BY MR. CROWLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CROWLEY:

At the end of the bill (before the short title), insert the following:

SEC.____. Of the amount provided in chapter 4 of title I, in the item relating to ''FOREIGN MILITARY FINANCING PROGRAM'', not more than $100,000,000 may be made available to Pakistan.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on the pending amendment offered by the gentleman from New York (Mr. CROWLEY) be limited to 20 minutes, to be equally divided and controlled by the gentleman from New York (Mr. CROWLEY) as the proponent and myself as the opponent.

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

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. CROWLEY) and the gentleman from Florida (Mr. YOUNG) each will control 10 minutes.

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

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

I rise today in strong support of the amendment at the desk put forth by myself and the gentleman from New Jersey (Mr. PALLONE).

India has been a strong ally in the war on terrorism, and has also felt the pain of terrorist attacks, as we have felt those same pains here in the United States. The most recent attack on India was last weekend, resulting in the brutal murder of 24 Hindus known as Pandits. The 24 murdered included women and children. This act of terrorism occurred in the Indian state of Jammu-Kashmir.

As we all know, last year Pakistani Islamic militants entered the Indian Parliament and opened fire, killing some of our colleagues in the Indian Parliament. I happened to be in India only 2 weeks after this horrific attack, and I can tell Members that I saw the bullets holes and blood-stained ground where militants killed our colleagues.

Even in the face of these facts, within the supplemental, Pakistan will receive $175 million for border security for their support on the international war against terrorism. They support the United States in our war against terrorism in Afghanistan and central Asia, but they are supporting the militias and terrorists who are crossing into India territory in Jammu-Kashmir every day and carrying out attacks on Indian civilians.

One hundred seventy-five million dollars for Pakistan is an award of support, when the true record shows that in spite of our substantial assistance to Pakistan, if President Bush and Prime Minister Blair pushed for a vote at the U.N. Security Council for the war on Iraq, the best we could have hoped for from Pakistan is they would have abstained.

While Pakistan has worked with the United States of late, they have continually also served as a destabilizing force in central Asia, including testing nuclear weaponry, threatening her neighbors, and funding and supporting terrorists who have crossed the border from Pakistan into India to perpetrate terrorist acts against Indian citizens.

Pakistan has made efforts to combat al Qaeda, and some members of that organization have been apprehended with their assistance. But other terrorist organizations allowed to operate within Pakistan's borders continue to spread extremist ideology and a visceral hatred of the United States.

Today I am asking that we limit foreign military financing aid to Pakistan to $100 million, in large part due to the failure of Pakistan to meet its commitments to combat terrorism. Last June General Musharraf pledged that he would halt all movement of Islamic militant infiltration into Kashmir and crack down on Pakistani supporters of militant organizations in the Kashmir region. While the general appeared to keep his word initially, last week's brutal attack on women and children demonstrates that his pledge has been forgotten.

Leaders of Pakistani terrorist organizations, organizations which have been designated as foreign terrorist organizations by our State Department, and who were previously arrested because of their terrorist activities, have since been released. The United States should not have two definitions of terrorism.

Terrorist organizations operating freely inside Pakistan, often with the tacit support of elements of the Pakistani Government, are focused on harming the United States and represent a grave threat to our national security interests.

I ask Members, is this the type of partner we want fighting with us in the war on terrorism, a country that is ruled by someone who came to power not by being elected but by seizing it, someone who has not clamped down on radical Islamic terrorism on his own soil, someone who has greatly contributed to the destabilization of that area of our globe through his testing of weapons of mass destruction and his refusal to rule out a first strike? It seems we are putting our immediate interests in front of our values.

India is the largest democracy in the world, and as the oldest democracy, we need to assist them so they can be free of terrorism, just as all nations want to be free of terrorism. This is a broad goal, but by not providing India with any funding or support in this bill, when they are affected by terrorism every day through cross-border incursions, I fear we are sending the message to other countries it is okay to support terrorists as long as they are not attacking the United States yet. Is this the message that we want to send to the world?

Today we have the opportunity to show the world that we will not look the other way while one nation allows terrorist acts to be committed on another sovereign nation.

Congress has a crucial responsibility to play in ensuring that U.S. funding is provided to countries fully committed to the war on terror. If we provide Pakistan with hundreds of millions of dollars, we must demand accountability and concrete actions that that country is doing all it can to eradicate terrorist organizations within its borders. We are providing $175 million for a partner that has been at best less than helpful and a destabilizing force in south Asia. I urge Members to limit Pakistan's foreign military assistance aid to $100 million from this account until we see real reforms in Pakistan, and pass these savings on to the homeland security account.

I thank the gentleman from New Jersey (Mr. PALLONE) for sponsoring this.

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

□ 1845

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

Mr. CROWLEY. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I thank the gentleman from New York (Mr. CROWLEY) for offering this amendment, which I support.

As was said, the amendment would strike $75 million of the $175 million in the foreign military finance funding for Pakistan in this bill.

Mr. Chairman, although Pakistan has provided assistance to the United States in our fight against terrorism and in our efforts against al Qaeda, I cannot support military aid to Pakistan. Since a military coup stages by President Musharraf in 1999, Pakistan has been run by a military dictatorship. As a result of the coup, democracy sanctions were put in place that barred any U.S. military assistance to Pakistan. However, just 1 month ago,

under waiver authority that was granted to President Bush by Congress, he waived this coup-related sanction to allow $50 million in military assistance to Pakistan for their antiterrorism measures. Given the current military dictatorship and given that Pakistan just weeks ago received a significant sum of money in military aid, I support striking $75 million in military assistance in this bill and perhaps either returning it to the FMF fund or to reallocate this amendment to first providers or towards other priority homeland security needs.

In addition, it is encouraging that the Bush administration is starting to publicly acknowledge Pakistan's role in transferring nuclear equipment to North Korea. I would like to thank the Bush administration for imposing both contracting and licensing sanctions on the Khan Research Laboratories nuclear firm in Pakistan. They are no longer authorized to export to the United States. And I am encouraged by this first step on the part of the administration to both publicly recognize Pakistan's role in supporting North Korea's covert nuclear weapons program and to impose punitive sanctions accordingly.

Normally, because of Pakistan's nuclear transfer to North Korea, Symington sanctions barring U.S. military assistance to Pakistan would be automatic. However, Symington sanctions have been waived by the President, and military assistance continues to flow to Pakistan. I am disappointed that the administration continues to support military assistance to Pakistan when it is clear that Pakistan exchanged equipment with North Korea most likely for missiles to challenge India.

Again, Mr. Chairman, I cannot argue against the fact that Pakistan has been a friend of the U.S. in fighting against global terrorism. However, the case is much different when we look at Pakistan's own backyard of Kashmir. Terrorism and violence by Islamic militants in Kashmir have escalated to a devastating degree, and I am very concerned that military assistance to Pakistan will be used to perpetuate the terrorist acts in Kashmir and elsewhere throughout India.

Mr. Chairman, based on the history of our laws in place that prevent the U.S. from providing military assistance to Pakistan in certain situations, such as military dictatorship or transfer of nuclear equipment to other countries, and for all the related reasons that I have just detailed, as has the gentleman from New York (Mr. CROWLEY), striking $75 million in military assistance to Pakistan from this bill today is more than justified; and most importantly, it is important to recognize that any dollars that would be cut can be redirected to our own homeland security or to our own first responders and that really should be a priority rather than giving this money to Pakistan.

I support the amendment, and I want to thank the gentleman from New York (Mr. CROWLEY); and I would hope that the administration would pay more heed to these issues of Pakistan's anti-democratic policies and its transfer of nuclear technology.

Mr. YOUNG of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me this time, the distinguished chairman of the full committee.

I understand that the gentleman from New York (Mr. CROWLEY) does intend to withdraw this amendment at the conclusion of this debate, but I do not think the remarks that were made with regard to Pakistan should stand without some comment, without some kind of rebuttal. I do understand and I do desire, as the gentleman from New Jersey (Mr. PALLONE) and the gentleman from New York (Mr. CROWLEY) have spoken so eloquently about the conflict in South Asia between Pakistan and India, I desire as much as they do to have a satisfactory resolution to this conflict, to see that Kashmir no longer divides these two countries and provides a source of conflict of two nuclear superpowers on the Asian subcontinent.

But this is not about an amendment about favoring Pakistan over India. This is an amendment about Pakistan, and Pakistan is one of the most critical front-line states in this global war against terrorism. It has paid a very high price, including the lives of its soldiers because of its decision to side with the United States in the fight against the al Qaeda and terrorism. Their cooperation on terrorism has been excellent. Our nations have coordinated to apprehend nearly 500 suspected al Qaeda and Taliban operatives, including the operational commander, Khalid Sheikh Mohammed, and the September 11 conspirator, Ramzi bin al-Sheibh.

Mr. Chairman, this is not blood money. Some have talked about that with relation to some of the other countries for which money is being provided. This is not money to get their support in the war against Iraq. This is funds to help Pakistan help us prosecute the war against terrorism. The $175 million in foreign military financing in the committee's recommendations is going to increase Pakistan's capability to apprehend and disable terrorists hiding and operating on its own territory. In the regular 2003 appropriation bill, we included money for fixed and rotary wing transport, including C–130s and Cobra/Huey helicopters. This supplemental provides urgent items needed to counter al Qaeda and Taliban pockets in the border area with Afghanistan. Key equipment identified for counterterror operations during the most recent bilateral defense consultation discussions last fall include ground radars and communications equipment. Surveillance systems are needed for the border, and communications can improve with interoperability between our forces and those of Pakistan. The supplemental will also provide for procurement of 10 OH–58 D helicopter reconnaissance systems to interdict the terrorists and to provide for drug interdiction.

Mr. Chairman, let me just conclude by repeating what I said a moment ago. This is not about giving something to Pakistan because they have been supportive of us. This money is being given to help prosecute the war against terrorism. That is our war, and Pakistan is deeply engaged in that war, as has been evidenced by the seizures of people that we have made along the border. We need their continued involvement, and we need their support; and this amendment ought not to be adopted.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I thank my colleague, the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs for yielding.

I rise simply to share with my colleagues from New York and New Jersey that I feel very, very strongly about our ally India and the role she may play in our future. For no reason that my colleague would know, I spent a decent amount of my life in India. I consider it to be my second country. In the case before us, however, we are talking about Pakistan, who has been our great ally in this war on terrorism. To mix the two at this moment could be a very dangerous procedure for us to follow. I am very appreciative of the fact that the gentleman is going to withdraw this amendment. I would hope that we could carry forward this discussion, though, in another forum at another time for there is a lot of work that needs to be done here. India is our ally and our friend and a great democracy. In turn, Pakistan today is helping us in a very special way in the war against terrorism.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for his comments, and I think they summarize precisely my point, which is really this is not about India. It is about Pakistan and having them continue to be involved in the war against terrorism. And I agree with him that India remains a great democracy in the region.

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

Mr. CROWLEY. Mr. Chairman, I want to say I appreciate the discussion. At this time I am prepared to withdraw my amendment.

The CHAIRMAN. The gentleman from New York withdraws his amendment.

AMENDMENT OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill (before the short title), insert the following:

TITLE IV—UNEMPLOYMENT ASSISTANCE FOR DISPLACED AIR TRANSPORTATION EMPLOYEES

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Air Transportation Employees Assistance Act''.

SEC. 4002. DEFINITIONS.

For purposes of this title—

(1) the term ''eligible individual'' means an individual whose eligibility for temporary extended unemployment compensation is or would be based on the exhaustion of regular compensation, entitlement to which was based in whole or in part on qualifying employment performed during such individual's base period;

(2) the term ''qualifying employment'', with respect to an eligible individual, means employment—

(A) with an air carrier, at a facility at an airport that involves the provision of transportation to or from an airport, or with an upstream producer or supplier for an air carrier; and

(B) as determined by the Secretary, separation from which was due, in whole or in part, to—

(i) reductions in service by an air carrier as a result of a terrorist action or security measure;

(ii) a closure of an airport in the United States as a result of a terrorist action or security measure; or

(iii) a military conflict with Iraq that has been authorized by Congress;

(3) the term ''air carrier'' means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code;

(4) the term ''upstream producer'' means a firm that performs additional, value-added, production processes, including firms that perform final assembly, finishing, or packaging of articles, for another firm;

(5) the term ''supplier'' means a firm that produces component parts for, or articles and contract services considered to be a part of the production process or services for, another firm;

(6) the term ''Secretary'' means the Secretary of Labor; and

(7) the term ''terrorist action or security measure'' means a terrorist attack on the United States on September 11, 2001, or a security measure taken in response to such attack.

SEC. 4003. ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT BENEFITS FOR ELIGIBLE EMPLOYEES.

In the case of an eligible employee, the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), shall be applied as if it had been amended in accordance with section 4004.

SEC. 4004. MODIFICATIONS.

(a) IN GENERAL.—For purposes of section 4003, the Temporary Extended Unemployment Compensation Act of 2002 (Public Law 107–147; 116 Stat. 21), as amended by Public Law 108–1 (117 Stat. 3), shall be treated as if it had been amended as provided in this section.

(b) PROGRAM EXTENSION.—Deem section 208 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108–1 (117 Stat. 3), to be amended to read as follows:

''SEC. 208. APPLICABILITY.

''(a) IN GENERAL.—Subject to subsection (b), an agreement entered into under this Act shall apply to weeks of unemployment—

''(1) beginning after the date on which such agreement is entered into; and

''(2) ending before December 29, 2003.

''(b) TRANSITION FOR AMOUNT REMAINING IN ACCOUNT.—

''(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual who has amounts remaining in an account established under section 203 as of December 28, 2003, temporary extended unemployment compensation shall continue to be payable to such individual from such amounts for any week beginning after such date for which the individual meets the eligibility requirements of this Act, including such compensation payable by reason of amounts deposited in such account after such date pursuant to the application of subsection (c) of such section.

''(2) LIMITATION.—No compensation shall be payable by reason of paragraph (1) for any week beginning after December 26, 2004.''.

(c) ADDITIONAL WEEKS OF BENEFITS.—Deem section 203 of the Temporary Extended Unemployment Compensation Act of 2002, as amended by Public Law 108–1 (117 Stat. 3), to be amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''50'' and inserting ''150''; and

(B) by striking ''13'' and inserting ''39''; and

(2) in subsection (c)(1), by inserting ''⅓ of'' after ''equal to''.

(d) EFFECTIVE DATE OF MODIFICATIONS DESCRIBED IN SUBSECTION (c).—

(1) IN GENERAL.—The amendments described in subsection (c)—

(A) shall be deemed to have taken effect as if included in the enactment of the Temporary Extended Unemployment Compensation Act of 2002; but

(B) shall be treated as applying only with respect to weeks of unemployment beginning on or after the date of enactment this Act, subject to paragraph (2).

(2) SPECIAL RULES.—In the case of an eligible individual for whom a temporary extended unemployment account was established before the date of enactment of this Act, the Temporary Extended Unemployment Compensation Act of 2002 (as amended by this title) shall be applied subject to the following:

(A) Any amounts deposited in the individual's temporary extended unemployment compensation account by reason of section 203(c) of such Act (commonly known as ''TEUC–X amounts'') before the date of enactment of this Act shall be treated as amounts deposited by reason of section 203(b) of such Act (commonly known as ''TEUC amounts''), as deemed to have been amended by subsection (c)(1).

(B) For purposes of determining whether the individual is eligible for any TEUC–X amounts under such Act, as deemed to be amended by this section—

(i) any determination made under section 203(c) of such Act before the application of the amendment described in subsection (c)(2) shall be disregarded; and

(ii) any such determination shall instead be made by applying section 203(c) of such Act, as deemed to be amended by subsection (c)(2)—

(I) as of the time that all amounts established in such account in accordance with section 203(b) of such Act (as deemed to be amended under this section, and including any amounts described in subparagraph (A)) are in fact exhausted, except that

(II) if such individual's account was both augmented by and exhausted of all TEUC-X amounts before the date of enactment of this Act, such determination shall be made as if exhaustion (as described in section 203(c)(1) of such Act) had not occurred until such date of enactment.

Mr. DEFAZIO. Mr. Chairman, this is an amendment that is long overdue. Those who are here would recall that in the aftermath of 9–11 when this House was rushing to approve a $15 billion package to help the airlines that we were told that there was not room or time, because it was so urgent to be done before the end of the week, to include the employees; but the gentleman from Missouri (Mr. GEPHARDT), the then-minority leader, and Speaker HASTERT engaged in a colloquy where assurances were made that in the very near future in, and this was in September of 2001, that we would consider a bill for employee relief including financial assistance, ability to retain health insurance, training for those in the airline industry.

Since that time 150,000 airline industry employees have been laid off or furloughed, and we are told now by the industry that even if this package is approved, there is a high likelihood that we will see another 70,000 layoffs. Boeing is looking at 30,000 layoffs; and then there are a whole lot of associated industries, travel agents and others, who have been devastated. So this legislation would begin to redress that oversight by this Congress.

The interesting thing about this amendment is it is not in order under the bill, I am going to hear shortly, but this amendment, we would not have to borrow the money to pay for it. We have to borrow the money to send to Pakistan. We have to borrow the money to send to Turkey. We have to borrow for every other function of this bill. We have to borrow the money to build 6,000 schools in Iraq. We have to borrow the money to begin to provide universal health care in Iraq. But to provide extended unemployment benefits to 150,000, headed to more than 200,000, airline employees, we would not have to borrow a penny because the money is already on deposit in the unemployment trust fund.

It is true that the administration does not want to spend the $20-some-odd billion balance in that fund and does not want to extend this benefit to airline employees who have exhausted their unemployment; but the fact is we would not have to borrow the money to do it and it helps Americans. We are borrowing money to help people all around the world. Can we not do something for the airline employees?

The Senate has acted on this issue, and hopefully we will come to a conference agreement that will provide for this long-overdue benefit; but if the House would send a message tonight, if the committee would accept this and waive a point of order against it, again, not having to appropriate funds, only to authorize expenditure of funds from the trust fund, we would begin to help these people who have been sorely hurt by 9–11 and now by this war in Iraq.

Mr. HOYER. Mr. Chairman, I strongly support Mr. DEFAZIO's amendment to provide an additional 26 weeks of unemployment compensation to workers in the air transportation industry.

This industry and its workers have borne the brunt of the continuing war on terrorism and have been wracked by our sluggish economy.

In fact, the industry is expected to lose $6.7 billion this year.

In addition, approximately 200,000 airline workers have lost their jobs since September 11, 2001, and another 70,000 workers are expected to be laid off.

This week, the world's largest carrier, AMR corporation's American Airlines, averted Chapter 11 bankruptcy by negotiating $1.8 billion in labor concessions.

And U.S. Airways only recently emerged from bankruptcy after winning approval for a $900 billion Federal loan guarantee.

Last week, I had the opportunity to meet with representatives of the industry and just hours ago I met in my office with airline workers' representatives.

The industry and workers know that their fate is inextricably linked; that one cannot survive without the other.

Members on both sides of the aisle understand this and want to help.

The fact is, this amendment would incorporate into this supplemental appropriations bill bipartisan legislation that was introduced yesterday by Mr. ENGLISH and Mr. OBERSTAR—H.R. 1553, the ''Air Transportation Employees Assistance Act''.

The Senate Appropriations Committee has already passed a similar plan to extend unemployment insurance benefits in its version of this legislation.

The members of this body should do the same thing to aid this struggling industry, and its workers and their families.

Let's help this vital industry and its workers navigate unprecedented turbulence.

That's precisely what this amendment extending unemployment insurance benefits would do.

I urge my colleagues to support it.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment directly amends existing law. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Oregon (Mr. DEFAZIO) wish to be heard on the point of order?

Mr. DEFAZIO. Mr. Chairman, if I could speak to the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. DEFAZIO. Mr. Chairman, I did last evening go to the Committee on Rules. There was a Republican member who was a principal sponsor of this legislation who was supposed to come to the Committee on Rules and ask for a waiver. He did not, but in his stead I asked the committee to protect this or, even better, to open up this section of the bill which goes to aviation and allow it to be amended outside of the rules of the appropriations process since this section of the bill was written totally, basically, behind closed doors. Unfortunately, apparently the Committee on Rules saw fit not to do that.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) may be heard on the point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Oregon (Mr. DEFAZIO) for being persistent in this very important initiative.

He is correct. In fact, I was in the Committee on Rules when the gentleman from Oregon (Mr. DEFAZIO) asked for a waiver, and as noted, this amendment was to be presented, Mr. Chairman, in a bipartisan fashion.

Let me just cite as a precedent that the emergency appropriations that is before us does not itself comply with the budget resolution, and therefore that legislation was given a waiver.

□ 1900

It would seem that now precedent has been laid that when we see a crisis, and that is what this is, an emergency appropriations, the gentleman from Oregon (Mr. DEFAZIO) is defining his amendment as a crisis, as an emergency. Because I even spoke to some of the leaders of airlines today who indicated that they were aware that employees were being laid off as we speak.

Mr. Chairman, if I might give an anecdotal comment in speaking to the point of order, just 7 days ago, flying Delta Airlines, I was asked to, one might say for many reasons, but I was asked to leave the plane because the plane was going to another location than what I thought it was going to, causing me to miss an important connection, because they canceled a flight and they had to go to another city to pick up some other, if you will, passengers. That meant that they canceled the work of other employees who would have been on that plane. Those employees did not work. They were canceled out.

So there is a crisis when airlines are telling passengers we are canceling flights, we are laying off employees; these employees have no unemployment benefits.

If we are operating under an emergency, Mr. Chairman, then I believe that this employment amendment that deals with extending the employment benefits for employees is a crisis, and we should be subject to a waiver to allow for this debate and to allow for this amendment to be presented, so that these employees, in an industry that is under crisis, can likewise have the relief they need.

Mr. Chairman, I would ask that a waiver be given under the same precedent of which we debate the emergency appropriations, and that is that it is an emergency, that it is a crisis; this amendment represents a crisis, and I would ask that this amendment be allowed to be debated on the basis of a waiver.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Does anyone else care to address the Chair regarding the point of order?

If not, the Chair is prepared to rule. The Chair finds that this amendment directly amends existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEFAZIO:

At the end of the bill insert the following new section:

SEC. . None of the funds in this Act may be used to initiate or launch military actions except as authorized by Article I, section 8 of the Constitution.

Mr. DEFAZIO. Mr. Chairman, I had hoped that this amendment would be accepted as noncontroversial. It would, at the end of a bill, insert a new section which basically simply recognizes the Constitution of the United States and the provisions of Article I, section 8. This has been reviewed by and edited by the Parliamentarian's Office and I understand that in its current form, it is in order. I had a previous version which was not in order.

It is very simple, and I will read it. Often we debate things that are too long to read, but this says, ''None of the funds in this Act may be used to initiate or launch military actions except as authorized by Article I, section 8 of the Constitution.''

Now, what does that mean? That means that we already have an outstanding authorization for these activities, which I opposed, which was not a declaration of war, but Congress did pass an authorization under the War Powers Act for current activities in the Middle East and any activities that might be pertinent to that. We have another outstanding authorization for anyone who has engaged in, aided, or abetted, or harbored those involved in 9/11. I think that pretty well covers any potential terrorist threat or harboring of terrorists or fugitives responsible for those sorts of actions around the world between those two resolutions.

So this simply says before the administration might use any of the $75 billion in this bill, which we are borrowing and delegating to them for a number of purposes, to engage in a military action outside of those two authorizations dealing with another part of the world or another country, that it would have to be compliant with the Constitution of the United States of America. I believe this is extraordinarily noncontroversial, and I would give the chairman an opportunity to accept it and save 2 minutes;

I probably have 2 minutes left. But he is not jumping to his feet, so I will keep talking for another 2 minutes.

Mr. Chairman, I find it hard to believe that this House, the people's House, would not feel that in borrowing and transmitting huge amounts of funds to the administration, would not want to protect its constitutional prerogatives and make certain that those funds were not used beyond the purposes of the already existing authorizations. So I would be puzzled if this House would reject this amendment, and I would wonder what they know that I do not know, or what plans to use this money in ways that are not already authorized by law might be out there; and that would cause me grave concern, particularly when I sometimes listen to the Secretary of Defense, who was then contradicted by the Secretary of State.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the DeFazio amendment.

The gentleman and I both offered two similar pieces of legislation, and I applaud this initiative which spoke to the question of whether or not this war was authorized by Article I, section 8, and whether or not this Congress has ever debated the up-or-down question of whether or not we go to war with Iraq.

Might I say that as the gentleman from Oregon well knows, we have repeatedly said that we support the troops. As I started out with this debate earlier today, many have trivialized that comment and suggested that we are unpatriotic to even be discussing this at this time.

I might cite many comments by some of our generals who offered to say that our troops, brave as they are, understand the distinction between the question of dissent against policy and dissent against them. Not a single one of us are not praying for the return of the POWs or are not joyfully celebrating the return of the young lady from West Virginia, the young soldier, the brave soldier. But I think really the question is, Mr. Chairman, is whether or not we adhere to our values and our Constitution. Our Constitution clearly points to a debate on this question.

So I would hope that even as we discuss the emergency supplemental, which, Mr. Chairman, I may ultimately support, that it is the responsibility of this Congress to both declare war, but it is also the responsibility of this Congress to raise up armies. We are doing that today because we do not want to abandon our troops while they are in the middle of battle, but we are asking or raising the question of whether this is authorized.

Might I just cite for my colleagues the statements made by former Secretary MacNamara some 20, 30 years after Vietnam, wishing that these concerns had been raised during the debate about Vietnam. Is it not important that we raise these discussions now?

Might I also say that I am concerned, and certainly have been concerned for a period of time, that the issues of peace were never parallel to the questions of war. We have a War Powers resolution and frankly, if we were under imminent attack, the President could defend us, the Commander in Chief could defend us and report to the Congress. But we went through a series of policy changes and many of us did not know what this war was about: regime change, disarmament, or exile for Saddam Hussein. I think a vigorous debate on this question would have been warranted on behalf of the American people.

To these families and to these troops who are now valiantly fighting, we say we are in support of your survival and your effort for the values of this Nation. But it is important, as we send funds to make sure that our troops are protected, that we remind the Nation that we have never had a debate on this floor to raise up the question under Article I, section 8 to ask the question of whether or not we go to war with Iraq.

Mr. Chairman, I support the DeFazio amendment because, in fact, it asks us within a turnaround period to debate that question as we, if you will, provide these funds, so that our troops might be protected.

I would ask my colleagues to consider the DeFazio amendment and to consider the responsibilities and duties of this particular Congress and this Nation.

Mr. DEFAZIO. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I had prior proposed legislation which would have required this House to fulfill its constitutional duties for this particular action, and some 30-some odd people saw fit to put their names on that. This amendment simply refers to the funds in this bill and future actions that are not authorized. So this is actually even more limited in its scope, but it does go directly to the obligations and duties of this House under Article I, section 8.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I would simply say that we are only suggesting by previous legislation, and suggesting today, that Congress must debate this question, even as we provide funds to protect our troops.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to this amendment.

I am not exactly sure what the gentleman has in mind when he offers it, but I think I know what the effect would be. The effect would be if the U.S. troops managed to take Baghdad, but that they have not finished the operation in Basra, that they might not be able to move from Baghdad to Basra as a new military operation.

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

Mr. YOUNG of Florida. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, it is very clear what we are saying here. Military actions except as authorized, none of the funds may be used to initiate a launch. This is beyond those already authorized. I had other language which went to that; the Parliamentarian stripped it out. But this is clearly saying we have already authorized the current actions, we authorized them under the 9/11 resolution, Afghanistan and other actions. Those are authorized. This would be future actions outside the scope of the Iraq war, outside the scope of the Afghanistan war and/or the war on terrorism, whatever those might be, and Secretary Rumsfeld has an active mind.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I understand what the gentleman is saying, but oftentimes what one intends in a very simple amendment is not really the effect.

Now, if the gentleman is talking about no further military action without a declaration of war, and I think that is what he is talking about, because Article I, section 8 refers to declaring war, let me make the point that the United States has not declared war since World War II. Korea was a massive war, but there was no declaration of war. Vietnam was a massive war, but there was no declaration of war. We worked on resolutions passed by the Congress to authorize the President to take whatever steps necessary to protect American interests or whatever the purpose was at the time.

So what I am suggesting is that this is a mischievous amendment for those who are opposed to this war in Iraq. They certainly have a right to oppose the war, and I wish we did not have to go to war as well. But I know that if we do not take care of the problem before it gets out of control, then it becomes out of control.

Now, I want to say something about those who are opposed to the war, and again they have the right to be opposed to the war, although I do not think that they are supporting our troops very effectively.

□ 1915

I wanted to tell the gentleman that since the wounded soldiers have started coming back from Afghanistan and Iraq, something that my wife and I do on a regular basis is visit these soldiers, sailors, airmen, Marines, Coast Guardsmen in the military hospitals at every opportunity, especially if they have no family there with them. We have been doing that quite actively very recently.

I want to tell the gentleman a story about a young soldier who, when we entered his room, began to cry. Soldiers usually do not cry, but this soldier cried. My wife went over and hugged him and tried to console him. She did not do too well, although she normally does.

I went and talked to him, and asked, Are you in pain? He said, No, I am not

in pain. I said, The injury could be repaired? He said, Yes, they told me they could fix the injury. I asked, Well, why are you crying? He said, I am crying because I am watching the television, and I am watching the people out there on the streets objecting to my colleagues and myself being in harm's way.

He was crying because of the antiwar protestors. Again, they have the right to protest, but they offended this soldier, who had been wounded defending their right to do it. Now, I am not suggesting that this amendment is anything like that; but I am suggesting that it does lend credence to those who would like to portray the United States as being totally wrong in what we are doing.

I want to say to the gentleman, whatever his position is on this war, if we do not fight the terrorists there is no doubt what would happen. We have already proved that al Qaeda and Saddam Hussein are in bed together. That has already been proved in this military action. But if we do not prevent another September 11, another destruction of two main towers in New York or the Pentagon with the loss of thousands of lives, if we do not do something now to prevent it and it happens again, none of us will be able to excuse our way out of it for not having done what was necessary to keep it from happening again.

I am determined to do everything that I can do, and I hope that all of my colleagues in the House will as well. I heard their speeches after September 11, stating that they would do everything possible to prevent these events from ever happening again, and to rid the world of the threat of terrorism and those who support terrorism.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DEFAZIO

Mr. DEFAZIO. 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 offered by Mr. DEFAZIO:

Page ___, after line ___, insert the following:

SEC. ___. The amounts otherwise provided by this Act are revised by increasing the amount made available in chapter 3 of title I for ''Operation and Maintenance, Defense-Wide'' by, and reducing the amount made available in chapter 4 of title I under the heading ''OTHER BILATERAL ECONOMIC ASSISTANCE'' for ''Economic Support Fund'' (and the allocation within that amount for grants for Turkey) by, $207,000,000, which, in the case of the additional amount for ''Operation and Maintenance, Defense-Wide'', shall be available to establish National Guard Weapons of Mass Destruction Civil Support Team as authorized by law, including section 12310(c) of title 10, United States Code, in order to carry out the requirement in section 1403 of Public Law 107-314 (116 Stat. 2676), that an additional 23 such teams be established, for a total of 55 such teams, with at least one team established in each State and territory.

Mr. DEFAZIO. Mr. Chairman, I will take part of the time to respond to the chairman, since he did not give me time.

Mr. Chairman, I resent the broad-scale implications about the ''proven linkage'' between Saddam Hussein. They have been able to put Saddam Hussein in the same sentence with al Qaeda; but the CIA, DIA and others have not been able to find or prove a single link, except for the group that he did not control up in the northern part of the country behind the Kurds, who have now been eradicated.

But there are proven links to the Saudis, there are proven links to the Pakistani intelligence service, there are proven links to others who in fact will receive assistance under this bill.

That aside, and we will not get back into that debate again here tonight, but I believe the gentleman mischaracterizes my amendment. This was raised in light of Secretary Rumsfeld threatening to take action against Syria. We have heard that ''real men go to Tehran'' and other things from this administration. I am concerned what adventures they might have in mind in terms of further preemptive wars.

I was trying to make the statement that before we fight any more preemptive wars, that we would live up to our authority under article 1, section 8, which we failed, and we failed the troops and the American people in the Congress in the matter of this current action, although it was authorized under other auspices by this Congress.

My other amendment is really simple. I know it will be opposed, but here it is.

This Congress authorized that we would make the American people safe by setting up National Guard weapons of mass destruction civil support teams in every State of the United States and the territories. Guess what, we have not delivered on that. We do not have enough money. We have been told there are budget constraints. We cannot afford a National Guard weapons of mass destruction civil support team in 17 States, including my own and that of the ranking member of the committee and a number of other States. We cannot afford it; yet we can send $1 billion unsolicited to Turkey.

As I said earlier on the floor tonight, the ambassador of Turkey said these funds were not solicited; they were a unilateral action on the part of the United States of America; essentially a gift or bribe, however we want to characterize it.

Would the American people not be better served by just reducing that by 20 percent? So 20 percent of the $1 billion that we are going to borrow and send to Turkey would be spent here in the United States of America for the National Guard to prevent destruction by weapons of mass destruction.

Now, I know we are going to hear, this would be an insult to the Turks and others. But is it not an insult to the American people that we are not making them as safe as we could? If Members want to talk about patriotism, damn it, protect our people here at home. If Members want to cast aspersions on me, I want this money to be spent in the United States of America. They want to send it to Turkey, plain and simple.

We are going to vote up or down on this. It is real simple. They will get up and say, oh, the Turks, the Turks. We either fund under the law what we said we would or what we were mandated to do, which we say we do not have the money to do, or we do not. This is the simple way to do it. The Turks would still get $800 million that they did not ask for.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. The Chair would remind all Members that they are to refrain from the use of profanity on the House floor.

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

Mr. Chairman, we have been through this debate earlier today. We had a definitive vote on the issue of whether or not we should eliminate these funds for Turkey.

The case, I think, was made very effectively here on the floor of the House of Representatives about the importance of Turkey in this fight against Iraq, in this fight to protect our soldiers who are operating in northern Iraq.

One of the points I did not get to make today, however, is about the fragility of the Turkish economy. It is very fragile. They have been battered for years by the oil sanctions. They have been battered by the costs of the number of refugees who have come in from Iraq into Turkey. They have been battered by the loss of tourism. They have been battered by the world recession. This is a country that has a huge amount, over $75 billion of public debt.

There is no one that thinks that this $8 billion of loan guarantees that the funds we are talking about would buy for them can save them on its own; but it can buy them time until we can get past this conflict, until we can begin to make the economic reforms with the new government in that country, until we can get an agreement with the IMF and with the World Bank, until we can restructure some of those loans that they have.

But that cannot happen, Mr. Chairman, unless we have these funds made available to Turkey. Taking 20 percent of it out means at least a reduction of $2 billion in those loan guarantees. This is important money. It is important for the security of our troops who are operating in northern Iraq, it is important for the resupply of them, it is important for the supply of the humanitarian assistance going into northern Iraq, and it is important to maintain

the coalition that we find so important in fighting this struggle.

I would urge my colleagues to defeat this amendment as soundly as they defeated the previous amendment. We ought not to be reducing this money that is very important to maintaining our relationship with Turkey and maintaining Turkey's involvement in the war against terrorism and the war against Iraq.

I urge a ''no'' vote.

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

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

Mr. DEFAZIO. 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 Oregon (Mr. DEFAZIO) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to simply point out to the House that there are still, as near as I can count, 14 amendments remaining. If we are going to debate 14 amendments, Members can calculate for themselves how long we will be here.

That is all I have to say.

AMENDMENT OFFERED BY MR. ROTHMAN

Mr. ROTHMAN. 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 offered by Mr. ROTHMAN:

At the end of the bill (before the short title), insert the following:

SEC. . The Transportation Security Administration shall place into effect flight restrictions, substantially similar to those applicable to the Washington, DC, area, that prohibit general aviation aircraft within a 15 mile radius of the City of New York, New York.

Mr. ROTHMAN. Mr. Chairman, under current Transportation Security Administration restrictions, no general aviation aircraft can fly within 15 miles of the Washington Monument. So why, then, does New York City, the other target of the worst terrorist attack in the history of the United States, not have the very same safeguard being provided to it by the Transportation Security Administration against general aviation aircraft within 15 miles of New York City?

Before I continue, I want to make it clear to my colleagues that I am not talking about commercial aircraft, the 737s, 767s, and so forth that so many Americans depend on each day for travel into our Nation's major airports. What I am talking about are the smaller private aircraft that primarily operate out of smaller, general aviation airports such as Teterboro Airport in my congressional district in New Jersey. Those airports do not have the same Transportation Security Administration security procedures that the major airports have.

While these general aviation aircraft by themselves, because of their size, may not seem to be able to inflict a great deal of damage even if they were diverted into a building, if they were filled with chemical or biological agents they could potentially cause a tragedy greater than the one we had on September 11.

The restrictions that I am calling for, which would be the same restrictions that are now in place for Washington, D.C., would keep general aviation aircraft from flying within 15 miles of New York City, the other major target of al Qaeda. That would mean that no general aviation aircraft would be able to fly over Times Square, fly over the Empire State Building, over Giants Stadium in New Jersey, or over the Continental Arena.

There would be exemptions provided, and if one was provided to a general aviation aircraft, that aircraft, and by the way, these exemptions are available here in Washington, D.C., it simply requires those general aviation aircraft first to fly into what is called a gateway airport outside of the 15-mile restricted zone. There, the plane, pilot, passengers, and luggage would be inspected by Transportation Security Administration officials before these general aviation aircraft would be allowed to continue on to Teterboro or these other airports within 15 miles of Manhattan, such as JFK or LaGuardia. Again, these same restrictions are now in place for Washington, D.C., but not New York City.

Mr. Chairman, I urge my colleagues to stand with me and support my call for Homeland Security Secretary Tom Ridge and the Bush administration to immediately put into effect these new restrictions and protect the people of the New York metropolitan area, just as they have chosen to protect the people of Washington, D.C.

Government's number one responsibility is to protect the people. Security is the reason why general aviation aircraft are restricted in coming into airports within 15 miles of Washington, D.C. My amendment would seek the same restriction for general aviation aircraft which would seek to fly in without first being inspected outside the 15-mile zone flying into New York City.

Mr. Chairman, I regret that the Chair will rule that this amendment is not in order to be voted on tonight, so I will, for this evening, be withdrawing my amendment. But let it be clear, Mr. Chairman, I will continue to press my case and to press for the Transportation Security Administration and the Bush administration and the Department of Transportation to protect the people of the New York metropolitan area by enacting the same restrictions that they have deemed necessary over Washington, D.C.

□ 1930

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitute legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriations bill shall not be in order if changing existing law.

The amendment imposes additional duties and I ask for a ruling.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. ROTHMAN. As the Chair and my distinguished chairman may have heard earlier that I have withdrawn my amendment on the basis that the gentleman may very well be correct on that point of order, and I simply wanted to restate my intention to pursue this issue notwithstanding its order this evening.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The gentleman from New Jersey withdraws his amendment.

AMENDMENT OFFERED BY MR. HOEKSTRA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOEKSTRA:

In section 2011 of title II, after the aggregate dollar amount, insert the following: ''(reduced by $64,000,000)''.

Mr. HOEKSTRA. Mr. Chairman, thousands of our Nation's troops woke up today with the express task of defending our country against Saddam Hussein's reign of terror in order to protect the safety and freedom of his people, neighboring countries and other nations like ours across the globe.

Our Nation's founders tasked Congress with the authority and power to wage war and the responsibility to fund these efforts. The bill before us today appropriates additional money to fund the work of our men and women fighting in this war. This bill provides critical dollars for efforts to protect and defend the homeland security of the United States. It provides vital resources to first responders, law enforcement officials, and public health workers across the Nation who have developed safety plans to counter the increased national threat posed by terrorism.

The President asked that we keep this a clean bill. Unfortunately this emergency wartime supplemental appropriations bill also seeks to fund an extraneous program entirely unrelated to national defense, homeland security or counterterrorism efforts. Included in this supplemental is a $64 million deficiency appropriation for the Corporation for National and Community Service in order to make the corporation's AmeriCorps trust fund solvent.

The $64 million shortfall was incurred because of poor tracking procedures at the corporation and a recent decision by the Office of Management and Budget to change the way the corporation has been determining the amounts of funds available in the National Service Trust.

The funding was put into the defense supplemental at the 11th hour without the knowledge of the Speaker, the majority leader, the majority whip or the authorizing committee. I chair the subcommittee which has responsibility for oversight for the corporation. It said that this $64 million, if not appropriated in this supplemental, kids in the AmeriCorps program will suffer. We had an oversight hearing this week. That is not what the chairman of the Corporation for National Community Service told us this week. He said they have plenty of time to work through this with the authorizing committee to explain exactly what the accounting problems are, what the accounting issues have been, and most importantly, what they will put in place to make sure that this does not happen again. It is time for us to continue holding the corporation accountable for its performance.

I am pleased that they have now had a couple of years of clean audits. That is significant progress after the mismanagement of the corporation through much of the 1990s. But this latest example of where what the corporation is trying to do in managing its dollars and managing the resources and the commitments that it makes to young people across the Nation reinforces the need that the corporation needs oversight and that it has to get its books in order.

We have the time to make sure that we fully understand what is happening here and how the corporation intends to fix it. We do not at this point in time have to allocate $64 million to the trust fund on this supplemental bill.

The President wanted a clean bill. He said, let us focus on national security. Let us focus on the war. And let us focus on homeland security. That is what the President came to Congress with. That is what he said. This is not the bill. It gives $64 million. They may need it, but they have testified that they can get this money sometime in the future and make sure that they do not deprive any of our young people of the grant and the scholarships that they have earned through the AmeriCorps program.

We are working through a reauthorizations process. We want to get this program reauthorized. We want to reform it. This is one of the elements that should be part of a reform package and should not be dealt with in this supplemental package. Let us make sure that we do it right. Let us make sure that the corporation does it right before we give them $64 million through this supplemental. In the past they have shown that they have not been able to manage the corporation well. They have made improvements, but before we at the 11th hour sneak something into a supplemental bill, before we give them $64 million dollars, let us make sure that they get it right. Let us make sure that they are managing this agency in the way that we expect our dollars to be allocated.

I ask my colleagues to support this amendment and vote for this money when we determine that this is absolutely essential.

Mr. WALSH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I chair the subcommittee on appropriations with responsibility for the Corporation for National Service and AmeriCorps, and for that reason this appropriations issue is within our subcommittee's jurisdiction.

The gentleman who just spoke is the authorizing subcommittee chair, and so he has the authorizing jurisdiction. This is clearly an appropriations issue, not an authorization issue. And I just wanted to try to explain exactly what has happened.

The gentleman said that this is being done in the dark of the night, that the Speaker did not know, the majority did not know, the whip did not know. Well, that is just not the case.

I have a letter here on White House stationery, signed by the President of the United States. The letter was dated March 4 and it is to the Speaker. So the Speaker has had this about a month now. And the letter says:

"Dear Mr. Speaker, I ask the Congress to consider the enclosed request for the Corporation for National and Community Service. The request is needed to liquidate legitimate prior year obligations for eligible participants in the AmeriCorps program, to complete the implementation of a comprehensive corrective action plan developed by CNCS to strengthen financial management, and to provide flexibility to support more than 50,000 AmeriCorps members in fiscal year 2003. This request will not increase fiscal year 2004 requests. The details of this request are set forth in the enclosed letter from the director of OMB." Which I also have.

Now, I understand the gentleman's frustration with this department. I have it also. I share responsibility with him, but that is no reason to deny the President's request. The President specifically asked that we move on this, and that is what I have done. These funds are set aside, are funds that are provided in a trust fund to these young people who volunteer to give their time to their community, to their country, and then they benefit from it at the end by receiving these funds. It is a stipend for their education. It is a wonderful program, full of idealism and altruism.

And imagine if you completed your service and realized that the commitment that was made to you to provide these stipends was not there. All that altruism, all that idealism, I think would turn pretty sour pretty fast.

So, Mr. Chairman, I will close by saying I respect the gentleman. I respect his thoughts on this. We work together very closely on this, but this is a direct request by the President of the United States and we are responding to that. So I would urge a no vote on the gentleman's amendment.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) be limited to 20 minutes to be equally divided and controlled by the proponent and myself as the opponent.

Mr. OBEY. Reserving the right to object, Mr. Chairman, I know that there are a number of people on this side of the aisle who want to participate in debate on this amendment. So I would ask whether the time arrangements could be adjusted so we would be guaranteed some time on this side of the aisle.

Mr. YOUNG of Florida. Mr. Chairman, the gentleman is opposed, correct?

Mr. OBEY. Yes, Mr. Chairman.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that half of my time be delegated to the gentleman from Wisconsin (Mr. OBEY).

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

There was no objection.

The CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) will be recognized for 10 minutes, the gentleman from Florida (Mr. YOUNG) will be recognized for 5 minutes, and the gentleman from Wisconsin (Mr. OBEY) will be recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

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

I thank the gentleman from Michigan for bringing forward this amendment. For myself I am not sure this is a proper way to spend AmeriCorps funding, but certainly it is not the proper place as part of this bill. As the gentleman from Michigan (Mr. HOEKSTRA) correctly pointed out, for moving forward we need to have a vehicle where you can actually reform, where you can actually make changes, where you can actually do good things moving ahead. You cannot do that as part of the supplemental. Just like it was with the airline money. You cannot reform. You cannot do what you need to do as part of an emergency war supplemental.

What kind of message are we sending to our constituents and taxpayers across the country when we say that AmeriCorps funding, $64 million, needs to be part of a war supplemental? That just breeds the cynicism that it ought to. We should not be doing this. The amendment is justified. I would urge support of it and I thank the gentleman for bringing it forward.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, if you follow the logic of the last speaker, what you are saying is that we should provide in this bill $3.25 billion to the airline industry,

which we do not owe, but that we should not provide the funds in the bill to reimburse the volunteers for services, for which we do owe. I find that that makes no sense whatsoever.

The gentleman from New York (Mr. WALSH) is absolutely right. This is an obligation which government has. We should not blame the recipients, we should not blame the participants in this program for the screw-ups of the agency on their bookkeeping balances.

The fact is that this is totally defensible at a time when we are trying to encourage volunteerism, at a time when we are trying to encourage a sense of self-sacrifice. It would be a strange message indeed to say that we are not going to meet our obligations to the volunteers under this program.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the chairman for yielding me time. I rise in opposition to the amendment.

I have heard my good friend, the gentleman from Michigan (Mr. HOEKSTRA), object to the inclusion of $64 million for the Corporation for National Service in a wartime supplemental appropriations bill.

I take the opposite view. I think including this funding in this bill is entirely appropriate precisely because we are at war against terrorism, and national service is a vital part of winning that war. National service is the right prescription during these times because the best antidotes to terror and hate in society are acts of kindness and service. For instance, just last week, the U.S.A. Freedom Corps launched a new resource for people seeking to support our troops, their families, and their communities called ''On The Home Front.''

The point of the program is that while hundreds of thousands of men and women from all over America are serving in the Armed Forces and away from home, those on the home front can make a difference too. Partnering with the Department of Defense, the U.S.A. Freedoms Corps is offering resources to Americans who want to express their support for members of the military and helping their families in a meaningful way.

□ 1945

As a fiscal conservative, I believe national service is one of the most productive and cost-effective investments our government can make. Through service, Americans of all ages gain a sense of commitment to their community and their country which will provide value for the rest of their lives.

National service benefits both the recipient and the giver. Volunteers not only address an immediate need; they lead and teach through example, and through that example, they learn the value of serving and helping others. We need to harness the energy and commitment of those anxious to contribute to their country. We should not only defeat this amendment, but we should finally pass the Citizen Service Act.

Let me just say, as a former Peace Corps volunteer, we were paid a minimum wage so we could live, and we were given a small stipend. I have failed to understand, as long as I have been a part of this party, why we would object to people earning a degree, an opportunity to go to school, instead of just being given a grant. I do not understand why we would not be eager and thrilled to have more people participate in national service.

Mr. HOEKSTRA. Mr. Chairman, I yield myself 1 minute just to respond to my colleague from Connecticut.

As he well knows, this $64 million appropriation has nothing to do with enlisting people for this year to be a part of national service. That is a distortion of where this $64 million is going.

This $64 million is going for mismanagement of the trust fund and accounting changes that have not been fully examined by the authorizing committees to determine whether the problems have been fixed. My colleague knows very well that I support the reauthorization of the corporation, and we are working together on the reforms that need to be put in place so that we can be proud of the organization and the promise that they make to our young people.

This is to fix abuses within the program that have occurred, and this is not saying no to community service. This is saying a big yes to community service, but let us make sure that we do it right.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I rise in support of the Hoekstra amendment striking the provision that provides the Federal AmeriCorps program with $64 million in funding. I have been a strong advocate for keeping this legislation clean, preventing the addition of costly, extraneous or unrelated spending.

The supplemental funding bill was meant to support our troops. It was meant to ensure that the men and women in uniform, like those from Fort Campbell in my home district, have every bit of support they need.

Funding for AmeriCorps simply does not belong in the legislation by any stretch of the imagination. Furthermore, there is a long history of financial mismanagement at the Corporation for National and Community Services, which includes the AmeriCorps program. The corporation has not been able to account for expenditures in recent years. It has had repeated difficulties with audits and a troubling tradition of not matching its funding commitments against the moneys appropriated by Congress. The AmeriCorps program has attempted to clean up its act, but the problem still persists.

AmeriCorps does not merit additional funding of $64 million at a time when we are asking agencies to make across-the-board spending reductions. This supplemental package should not be a funding rescue for AmeriCorps.

The supplemental was intended to provide for our men and women in uniform, to give them the equipment and supplies they need to bring freedom and democracy to Iraq. Let us keep this legislation focused on the troops.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise to oppose my friend, the gentleman from Michigan's (Mr. HOEKSTRA), amendment today because it cuts national service and breaks promises to thousands of American men and women who voluntarily choose to serve their country and communities.

I agree that we must hold the national service corporation accountable for any improper accounting or tracking procedures that they have engaged in. However, we should not punish thousands of innocent Americans who seek to serve their country and communities. They are responding to the President's call asking for volunteers to serve their country.

The Hoekstra amendment would slash funds to national service just as a record number of Americans are engaging in community and public service opportunities. The Hoekstra amendment would eliminate funds for AmeriCorps education awards. Upon completion of their service term, AmeriCorps members earn an education award.

The Hoekstra amendment breaks a promise made to thousands of AmeriCorps members who proudly chose to serve their country. I urge my colleagues to oppose the Hoekstra amendment.

Mr. OBEY. Mr. Chairman, I yield my remaining time to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in strong opposition to the Hoekstra amendment. I want to associate myself with the remarks of my colleagues, the gentleman from New York (Mr. WALSH) and the gentleman from Connecticut (Mr. SHAYS).

This amendment does, in fact, do great damage to those who have already earned their educational stipend. As my colleagues have pointed out, these individuals that have joined the Freedom Corps have joined AmeriCorps for the purposes of rendering service to our country and a bargain that we struck at the end of that service, a stipend that would be available.

Yes, it is true that apparently there has been some mismanagement in this program, but this administration has made this request for two reasons: one, they say to clean up and deal with the problems that have been discovered by the gentleman from Michigan (Mr. HOEKSTRA) and others; and the other is to pay the commitments that they already have.

These people have rendered their service. The stipend is due, and we ought not to break that faith because what we want to do is we have seen after 9–11 more and more people have offered to participate in the Freedom Corps, more and more people have offered to participate in service to the country; and for many of these individuals, that educational stipend is terribly important. It is now put on the footing that maybe a person got the stipend, maybe they do not. We are going to damage the reputation of this corps.

As my colleagues have pointed out, any of my colleagues who have visited these programs, these are rather remarkable young people from very different walks of life, from a cross section of our community; but for whatever reasons, they decide they are going to make this commitment of service and they do it to the elderly. They do it in education. They do it in public safety. They do it in health care. They do it in so many areas where our communities are in need.

Then when we meet them later in life, like so many of our Peace Corps volunteers, they have a little bit different cut to their jib, little bit different style because they have rendered that service and the pride that they carry with them of the time they spent with their colleagues in national service.

We ought to be encouraging this, and it would be a terrible, a terrible comment if we accept this amendment to simply take this money out and an amount of money at the time the administration is telling the Congress that we are trying to deal with those problems, but we are also trying to honor our pledges to these young people who have joined national service.

We have had debates in this Congress time and again about expanding national service, about having mandatory national service, having an alternative to the draft or to military service; and people on both sides of the aisle have recognized the value that is rendered by the people who engage in this service.

Yes, it is expensive; but we have constantly thought about how do we expand this so people invest in America. So they invest in their communities. So they invest in service to this country. This is not a message that we want to send. This is not a message we want to send after 9–11 when people are screaming to volunteer. This is not a time we want to send this message when people are offering, as was pointed out by the gentleman from Connecticut (Mr. SHAYS) and others, to help and assist some of these families.

Maybe it is working fine in Fort Campbell, but a lot of other facilities are in communities that do not have that kind of impact on the community; and these services are very helpful, certainly for those communities where the National Guard have been called up or the Reserves have been called up and families are away, their soldiers are away, and in those communities, they do not necessarily live in a military community, but they are rendering a service. Many of these people are trying to help them through these times. It is a very bad amendment.

Mr. HOEKSTRA. Mr. Chairman, can I inquire how much time remains?

The CHAIRMAN. The gentleman from Michigan (Mr. HOEKSTRA) has 6½ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 2½ minutes remaining.

Mr. HOEKSTRA. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I rise in support of the Hoekstra amendment. This Supplemental Appropriations Act is for one main purpose, and that is, to support the troops in this ongoing war and also in support of homeland security.

This shortfall in AmeriCorps funding, which has occurred over a number of years, $64 million, this is something that should be taken care of in the appropriate manner, within the authorizing committee, the Committee on Education and the Workforce.

There are some serious questions about the management of the AmeriCorps trust fund, and this clearly needs to be looked at carefully in the regular administrative process, through the Committee on Education and the Workforce; and I strongly urge my colleagues to vote in support of the Hoekstra amendment.

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

Mrs. MUSGRAVE. Mr. Chairman, whenever there are problems such as this $64 million shortfall, we need to have clear answers and a remedy for such a problem. I am definitely in support of the Hoekstra amendment because I do not believe that it is appropriate at this time for us to do this $64 million bailout when we do not have even an explanation as to why it exists.

When we look at current law, it explicitly states: ''The corporation may not approve positions as approved national service positions for a fiscal year in excess of the number of such positions for which the corporation has sufficient available funds in the national service trust for that fiscal year.''

We are looking at a critical problem here, and it should not be addressed in this way, in this particular legislation. This funding to eliminate the shortfall should only be addressed after Congress can be assured that the tracking failures will not be an ongoing problem.

Again, I support the Hoekstra amendment.

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of the time.

The myth has been repeated often that what we are doing tonight is taking money from young people who have served. That is not accurate.

In February, we put $100 million back into the trust, and the way that this works is that these young people work. They then have the opportunity within the next 7 years to claim their educational award. There is plenty of money in the trust fund to take care of any awards that are going to be coming due in the coming months.

The money is there. What is not there is the policies and the procedures within the corporation that will ensure that this does not happen again. It is called an antideficiency provision, where it is very possible that in the last year the corporation had made commitments for which there was not money that had been appropriated by this Congress.

That is a serious issue; and before we give the corporation $64 million, we ought to make sure that they have the proper procedures in place so that this does not happen, so that sometime in the future when young people do come to claim their education awards, that the money will not be there.

We do know right now that the money will be here. We had Les Lenkowsky come in and testify this week in front of the authorizing subcommittee, and he indicated this is not an immediate problem. This is something that we can work through. This is something that we can get done right; and rather than making sure that we get it done right, put it in the authorizing language, put it in the reauthorization, because I am expecting that there is going to be a significant bipartisan majority that is going to vote to reauthorize the corporation to make sure that we take this program, we reform it, we move it forward and we expand it.

□ 2000

There is no debate about whether this is a good program or not. This is an issue about management that says when we give an organization $64 million, we are going to make sure that they spend it in an appropriate way and that this Congress has done the appropriate oversight to make sure that the problems that we have uncovered in the past do not repeat themselves in the future. That is what this is about. Are we going to make sure that it is done correctly or are we going to give them more money before they are held fully accountable for their performance in the past?

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

Mr. YOUNG of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. WALSH).

The CHAIRMAN. The gentleman from New York is recognized for 2½ minutes.

Mr. WALSH. Mr. Chairman, I would remind my friend that the President of the United States requested these funds be made available as soon as possible. Here is the letter, it is a month old, to the Speaker of the House of Representatives.

The bill was circulated a week ago to all committees of jurisdiction. There

was no intent to do this in the dark of night. This was an honest response to an honest request from an honest President.

To paraphrase Mitch Daniels' letter, the Director of OMB, the $64 million requested is to liquidate legitimate prior-year obligations for eligible participants in the AmeriCorps program and to address this longstanding problem.

Mr. Chairman, after 9/11, the President appealed to our better instincts. He called on volunteerism across the country. This is the vehicle. It is the best vehicle. And now he has asked us to provide these funds to keep a promise. A promise is a promise. Support a wartime President who has the vision to see beyond the war. Vote ''no'' on the Hoekstra amendment.

Mr. BOEHNER. Mr. Chairman, I rise in support of the Hoekstra amendment to strike a non-emergency provision in this bill that provides $64 million in new funding for the Corporation for National Community Service.

Last month, the Administration requested $64 million in new funds for the Corporation to ''liquidate obligations incurred in previous years'' in the National Service Trust.

The Administration requested these new funds to make up for a shortfall that was incurred because of poor tracking procedures at the Corporation with regard to AmeriCorps participants and a recent decision by the Office of Management and Budget to change the way the Corporation has been determining the amount of funds available in the National Service Trust.

The purpose of the Administration's request is to ''complete the implementation of a comprehensive corrective action plan developed by CNCS to strengthen financial management of the Trust, change reporting procedures, and restore [National Service Trust] fund balances.''

While I will continue to work with President Bush and Mr. HOEKSTRA to reach agreement on a bill to reauthorize our national service laws—this is not the right time or place to address Corporation financial difficulties.

Mr. HOEKSTRA is currently working on this very issue in his Subcommittee. In fact, he held a hearing this week on ''Performance, Accountability, and Reforms at the Corporation for National and Community Service.'' There was significant discussion on this $64 million shortfall.

I am concerned about adding money to the National Service Trust at this time because, we can't exactly figure out why there is a $64 million shortfall in the Trust, especially considering the language in section 129(f) of current law. Section 129(f) explicitly states that ''the Corporation may not approve positions as approved national service positions . . . for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year . . .''

In addition, the Committee on Education and the Workforce has been examining this issue and this provision was added to the supplemental without prior consultation with our Committee.

Accordingly, I believe that funding to eliminate the shortfall should be addressed after Mr. HOEKSTRA and other Members on our Committee have had time to make sure that these financial problems do not continue at the Corporation. This is a specific issue that will be examined during reauthorization and I ask my Colleagues to let the Committee do its work and to support the Hoekstra amendment.

The CHAIRMAN. All time for debate has expired. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The amendment was rejected.

Mr. STUPAK. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Under the previous order of the House, only the chairman of the committee and the ranking minority member may move to strike the last word for the purpose of debate, or their designees.

Mr. STUPAK. Mr. Chairman, I ask unanimous consent to proceed out of order.

Mr. YOUNG of Florida. Mr. Chairman, I could not hear the unanimous consent request.

Mr. STUPAK. To proceed out of order. According to the ruling of the Chair, only yourself and the gentleman from Wisconsin (Mr. OBEY) can move to strike the last word.

Mr. YOUNG of Florida. Maybe the gentleman from Wisconsin (Mr. OBEY) would move to strike the last word.

Mr. OBEY. Mr. Chairman, I am told that I am asking permission to strike the last word.

The CHAIRMAN. The gentleman is correct, and the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

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

Mr. OBEY. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for getting us over that procedural hurdle, and I will not take the entire 5 minutes.

Mr. Chairman, I was going to offer an amendment tonight on health care, but I decided not to because I am sure it will be ruled out of order under the process we are provided with here tonight. But I wanted to make this point here on the floor tonight.

There is a provision in the supplemental that just sort of baffles me. What the Republicans are proposing is that we provide universal health care coverage for the Iraqi people. This Republican supplemental proposes, and I quote, ''to facilitate rapid universal health care service delivery to the Iraqi population.''

I must ask why are they willing to do this when they have staunchly opposed universal coverage for the American people for years now? I understand that special provisions need to be included to care for the Iraqi citizens injured in war. But if we are going to provide universal health care to the Iraqi population, we should do the same for our people here at home.

Mr. Chairman, I submit the rest of my statement, along with my proposed amendment, for the RECORD.

Mr. Chairman, the 41.2 million Americans who lack coverage should not have to suffer from lack of quality health care any longer. And our heroic soldiers, who will soon become veterans, should not be denied future health care.

The GOP Budget Resolution, that we passed 2 weeks ago, will deny and increase the cost of VA care. In my home state of Michigan, 25,000 veterans will be adversely affected and 5,000 of these veterans reside in my district.

Instead of honoring their commitment to our soldiers, the Republicans are proposing universal health coverage for Iraq?

Maybe now they will finally stop blocking Democratic attempts to cover the 41.2 million Americans who go without health insurance, and maybe now they will join in our other efforts on the health care front, such as providing American seniors access to a true prescription drug benefit through Medicare.

AMENDMENT TO H.R. 1559, AS REPORTED

Offered by Mr. Stupak of Michigan

Page 59, after line 25, insert the following:

SEC. 3002. None of the funds made available under chapter 4 of title I of this Act may be used for the provision of universal health care to the Iraqi people beyond those amounts needed to cover related physical injury to the Iraqi people resulting from the war in Iraq and other diseases or injuries caused by public health conditions resulting from the war in Iraq.

Mr. OBEY. Reclaiming my time, Mr. Chairman, let me simply say that I appreciate the gentleman's comments and would simply say this. I share the wonder that we can be in the process of planning to provide universal health care in Iraq and provide a lot of education reconstruction as well.

I guess my view of it is this. If we are going to be bombing the devil out of a country, I suspect that we have a considerable moral obligation to the population afterwards to help repair the damage and to help repair the human misery. So I do not begrudge what we will be trying to do for the people of Iraq after this miserable war.

What I do hope, however, is that we will be able to reduce and perhaps eliminate future tax cuts that are contemplated right now here at home so that we can in fact provide universal health care for the people at home; so that we can in fact provide some school construction in our own districts; and so that we can in fact modernize hospitals in our own country. I think that is the proper way to do it, and I appreciate the gentleman's comments.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word for the purpose of a colloquy.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Kentucky, chairman of the Subcommittee on Homeland Security of the Committee on Appropriations.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding to me, and I will ask that the gentleman from Florida (Mr. MICA), chairman of the Subcommittee on Aviation, be yielded to.

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

Mr. YOUNG of Florida. I yield to the gentleman from Florida.

Mr. MICA. I thank both the gentleman from Florida (Mr. YOUNG) and the gentleman from Kentucky (Mr. ROGERS), and I am pleased to engage in a colloquy with the chairman of the Subcommittee on Homeland Security, the gentleman from New York (Mr. ISRAEL), and the gentleman from Florida (Mr. YOUNG).

First of all, I want to thank both the gentleman from Florida (Mr. YOUNG) and the gentleman from Kentucky (Mr. ROGERS) and the Committee on Appropriations for bringing this supplemental appropriations measure to the floor. As my colleagues know, I was going to offer an amendment that would have provided $30 million for research, development, and the initial deployment of technology to protect our commercial aircraft from the threat posed by shoulder-fired missiles.

A terrorist attempting to attack a commercial aircraft is most likely to use a small portable surface-to-air missile. Unfortunately, there are thousands of these weapons worldwide that are available and obtainable on the black market. At least some 27 nonstate groups have these weapons. But there is military technology to defend against this particular potential threat, and the gentleman from New York (Mr. ISRAEL) can elaborate on this issue.

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

Mr. YOUNG of Florida. I yield to the gentleman from New York.

Mr. ISRAEL. Mr. Chairman, I thank my colleagues for recognizing the threat and their leadership in addressing this issue.

Mr. Chairman, time is of the essence. Thirty terrorist organizations, including Osama bin Laden's al Qaeda network, are already believed to own such missiles, and some say it is only a matter of time before they are filtered into the United States. They have the weapons and we have the technology to protect against those weapons.

The threat is real, but so is the defense. It is operational on U.S. and British military transports. Technology that the U.S. military uses to protect transports from missile attacks could be quickly and easily adapted for our own commercial air fleet. All Americans deserve that defense.

I had intended to offer an amendment on this issue, but in view of the work of the gentleman from Florida (Mr. MICA) and the gentleman from Kentucky (Mr. ROGERS) on this, I will withdraw it.

Mr. Chairman, let me once again thank these gentlemen for their leadership on this issue, and I look forward to working with them in the future.

Mr. MICA. Mr. Chairman, if the gentleman will continue to yield, I believe it is absolutely critical that Congress understand the threat of shoulder-fired missiles and respond now accordingly. Therefore, the focus of my amendment was to reduce the cost and use existing military technology and adapt that technology to the commercial aviation environment.

I have, however, decided not to offer the amendment tonight because I understand this issue will be addressed in conference, and it is also my understanding that the gentleman from Kentucky has agreed to support language in the conference report that would require the Transportation Security Administration to report to Congress within 30 days and that report will specify the financial and technical requirements of reducing the costs and also adapting existing military missile defense technology for deployment on our commercial aircraft.

I just want to thank again the gentleman from Kentucky and would ask the gentleman from Kentucky whether this is his understanding as well.

Mr. ROGERS of Kentucky. Mr. Chairman, if the gentleman from Florida will continue to yield, I would respond that the gentleman is correct.

Mr. MICA. I thank the chairman both of the full committee and of the subcommittee.

AMENDMENT OFFERED BY MR. ALLEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ALLEN:

At the appropriate place in the bill insert the following new sections:

SEC. ___. FULL FUNDING FOR INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

There is appropriated an additional $9,500,000,000 for programs under section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411).

SEC. ___. FULL FUNDING FOR THE NO CHILD LEFT BEHIND ACT OF 2001.

There is appropriated an additional $5,165,000,000 for programs authorized by the No Child Left Behind Act of 2001 (Public Law 107–110).

Mr. ALLEN. Mr. Chairman, the supplemental bill provides emergency funds for the war in Iraq, but right here at home, our States and our school systems are facing an emergency as well. I understand that the amendment that I have offered can be ruled out of order and I will withdraw it, but I am here because I cannot find another way to make the point that I am trying to make.

Our school systems in Maine are struggling and our school administrators and school board members do not know what to do because the Federal Government is not fully funding the special education law that was passed in 1976 and we are not fully funding the No Child Left Behind Act, so all of these school systems, all of these people are basically faced with laying off teachers or raising property taxes. What is going to happen is some combination of the both of them.

So tonight we stand here trying to figure out how to pay for a war in Iraq that we have to pay for, we have to support our troops, but we have these emergencies here at home that we are completely neglecting. I wish there was some way for me to bring this issue up on the floor at one time and say on the one hand the Republicans in this Congress are proposing hundreds of billions of dollars in tax cuts for the richest people in the country and on the other hand not adequately funding our schools. That is the priority.

I know that I cannot bring an amendment before this body and say reduce the tax cut by $9.5 billion this year and actually fully fund special education. We could do that. It is a piece of cake, if you do both at once. It would take $5 billion. Reduce the tax cut and you could fully fund the obligations that we are imposing on States through the No Child Left Behind. Again, it is simple math. It could be done. But the truth is we are barred from doing that. We cannot make that happen.

I came here tonight to say that is what we ought to be doing. That is what we ought to be doing with legislation like this in some form so we could deal with our expenditures and our revenues at the same time, the way people deal with their personal budgets and the way businesses deal with their budgets: look at the revenues, look at the expenditures and make them come out roughly balanced. We can do that. We can support education. But not without reducing the President's tax cut.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 7 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer amendment No. 7.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. WATERS:

At the end of the bill (before the short title), insert the following:

REQUIREMENT THAT UNITED STATES URGE THE INTER-AMERICAN DEVELOPMENT BANK TO RESUME LENDING TO HAITI

SEC. ___. The Secretary of the Treasury shall direct the United States Executive Director at the Inter-American Development Bank to use the voice, vote, and influence of the United States to urge the Inter-American Development Bank to immediately resume lending to Haiti, and disburse all loans to Haiti that have been approved by the Inter-American Development Bank.

Ms. WATERS. Mr. Chairman, this amendment would provide development assistance loans to Haiti. The amendment would require the United States to use its voice, vote, and influence to urge the Inter-American Development Bank to immediately resume lending to Haiti and disburse all previously approved loans.

There is no money being requested in this amendment. It is simply language. The Inter-American Development Bank is denying Haiti any access to loans for development assistance. Haiti has already had $145.9 million in development

loans approved by the IDB. These loans include $50 million for rural road development, $22.5 million for reorganization of the health sector, $54 million for potable water and sanitation, and $19.4 million for basic education programs.

Haiti could also qualify for an additional $317 million in new loans for development projects as well as a $50 million investment sector loan. However, the IDB is refusing to consider Haiti for any additional loans and has not even disbursed the loans that have been approved. The IDB effectively is denying Haiti access to critical development assistance.

This bill contains $1.7 billion to rebuild Iraq's infrastructure. The bill provides funds for health care services for 13 million Iraqis and finances repair or construction of 25,000 schools, 20,000 houses, and 3,000 miles of roads in Iraq. This bill also contains $105 million for Colombia, $300 million for reconstruction in Afghanistan, and $1 billion each for Israel, Jordan and Turkey.

Furthermore, the bill contains $85 million for the Eastern European countries of Poland, Hungary, the Czech Republic, Slovakia, Estonia, Latvia, Lithuania, Romania, Slovenia, and Bulgaria.

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The bill even includes funds for the Centers for Disease Control and assistance to America's airline industry. The Haiti amendment will not increase the cost of this bill to the American taxpayers; it will simply instruct the IDB to resume normal lending to Haiti and disburse the loans that have already been approved.

Haiti is one of the most impoverished nations in the western hemisphere. It is more impoverished than Israel, Jordan, Turkey, and most of Eastern Europe. The Haiti amendment would allow Haiti to build roads and infrastructure and provide basic education and health care services to the Haitian people. Haiti deserves to be included in this bill.

It may be ruled out of order, and the Members on the other side of the aisle are not even listening. Haiti is not important. It is just another little black country in this western hemisphere. The members of the Congressional Black Caucus have done everything. We have pleaded. We are watching people starve and die right next door to us.

This Congress does not give a darn about Haiti. It would be very simple to waive the rules and include the language in this bill. It does not cost a dime. That would say to IDB just move the money that has already been approved. It may not be done, but it is wrong and it is immoral for us to sit and watch the children dying, the infrastructure in total disrepair, and to do nothing even though the loans have already been approved to Haiti for the past 5 or 6 years. It can be ruled out of order, but I will not go away on this issue; and this Congress ought to be ashamed of itself.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rules state in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from Texas (Ms. JACKSON-LEE) wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Yes, Mr. Chairman.

Mr. Chairman, the point of order deals with the question of a waiver on this particular amendment, and I would just say that in the context of the emergency supplemental, we waived the issue of legislating on the appropriations because we said it was a crisis. And in waiving that, we allowed $700 million for Jordan, $300 million for Egypt, and $1 billion for Turkey, which I just voted on, and the reason is I believe we are in a crisis.

The point we would make in waiving it for Haiti is that Haiti represents a loophole in defense, if you will. They represent a potential loophole for terrorism, and not that they are housing terrorists, but if you have a country that is near collapse and there is no appropriating of monies here, clearly I believe this should be considered a crisis and be subjected to a waiver because as we help Turkey and Egypt, so should we help Haiti because it provides for the security of this Nation.

The CHAIRMAN. The Chair will entertain further arguments from the gentlewoman from California (Ms. WATERS) on the point of order.

Ms. WATERS. Mr. Chairman, on the point of order, I think the point was well made earlier today when our ranking member talked about the way we have been treated; and while the chairman and the majority party have waived points of order, have waived the rules so that they could have their amendments so they could do whatever it is they want to do on this bill, they basically closed us out.

Then of course the point that was made by the gentlewoman from Texas (Ms. JACKSON-LEE) that they have waived the rules when they have wanted to, are points that are well made. On the point of order, while it could be considered legislating on an appropriation, it is not that it has not been done, it is not that it will cost any money, it is not that it will cost anything except the will of this body to say to the IDB, go ahead and disburse the money that has already been appropriated. It is not too much to ask of the other side of the aisle. On the point of order, I believe if the chairman was of the mind to do so, he could do so.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

As the Chair noted earlier today, the fact that points of order under clause 2 of rule XXI were waived against provisions in the bill does not under the precedents permit amendments adding further legislation.

The point of order is sustained. The amendment is not in order.

AMENDMENT NO. 9 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. WATERS:

At the end of title ___, insert the following new item:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the ''Community Development Fund'' for assistance to States and units of general local government for carrying out a variety of development and renewal projects, $5,000,000,000, to remain available until expended: *Provided*, That such funds may be used only for urban and rural development and renewal projects that are designed to provide resources to urban and rural communities, to create jobs and economic opportunities, and to facilitate community growth, including projects for housing rehabilitation and construction, construction and development of health clinics, water projects, and transportation systems, acquisition and demolition of dilapidated buildings, and urban reconstruction and environmental cleanup: *Provided further*, That in administering such funds, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of such funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is required to facilitate the use of such funds: *Provided further*, That the Secretary may request the head of any appropriate agency to administer the use of the funds for any project, in lieu of or in conjunction with the Secretary, if the Secretary determines that such agency has more appropriate experience and expertise with respect to such project: *Provided further*, That such funds shall not adversely affect the amount of any formula assistance received by any State or unit general local government or any categorical application for other Federal assistance: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974, as amended, no later than 5 days before the effective date of such waiver: *Provided further*, That the Secretary shall notify the Committees on Appropriations on the proposed allocation of any funds and any related waivers pursuant to this section no later than 5 days before such allocation: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

The rules state in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment imposes additional duties.

The CHAIRMAN. Does the gentlewoman from California (Ms. WATERS) wish to be heard on the point of order?

Ms. WATERS. I certainly do, Mr. Chairman.

Mr. YOUNG of Florida. Mr. Chairman, I would insist on the comments being directed to the point of order rather than to the issue.

Ms. WATERS. Mr. Chairman, the gentleman from Florida can insist on whatever he wants to insist on; I choose to speak on the point of order.

The CHAIRMAN. The Chair will hear the gentlewoman from California (Ms. WATERS) on the point of order.

Ms. WATERS. Mr. Chairman, the chairman is exercising his right to make this point of order. He has not been doing it this way all evening. I would dare say that he has indeed waived the rules when he found it convenient to do so. This would not be a precedent this evening.

This particular amendment that I am addressing would simply point out all of the funding that is being done in this supplemental appropriation, and it would raise the question of why if we are building schools and providing universal health care, if we are doing it in Afghanistan and Iraq, doing it in other countries that are not even associated with the war, why not do it right here at home in America?

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained. The amendment is not in order.

AMENDMENT NO. 8 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. WATERS:

At the end of the bill (before the short title), insert the following:

SEC.____. (a) LIMITING CONFLICTS OF INTEREST.—If an officer described in subsection (b) was, at any time during the covered period, a member of the board of directors of a company or a senior management official of a company, such officer may not—

(1) be present at, or participate in any way in, any negotiation of a contract for the procurement of goods or services by the Federal Government with such company or any exercise of authority in connection with an existing contract with such company (other than to delegate authority to another officer); and

(2) otherwise directly or indirectly communicate with such company, or any officer or employee of such company, during the period any such negotiation is in progress or the exercise of authority is being considered.

(b) DESIGNATED OFFICERS.—The following officers are described in this subsection for purposes of subsection (a): the President, the Vice President, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Commerce, the Assistant to the President for National Security Affairs, the Senior Advisor to the President, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Deputy Secretary of Defense, and the Administrator of the United States Agency for International Development.

(c) COVERED PERIOD.—For purposes of subsection (a), the term ''covered period'' means the 4-year period preceding the beginning of a negotiation of a contract or the exercise of authority in connection with an existing contract.

Ms. WATERS. Mr. Chairman, this amendment is an entitled amendment that would eliminate conflicts of interest, and would ensure that senior level executives in the administration could not use the conflict with Iraq to obtain financial benefits for companies with which they have been affiliated. Specifically, the amendment prohibits senior level officials in the administration from being present at or participating in any negotiations of contracts with companies in which they were senior managers or members of the board of directors within the last 4 years.

There has been a considerable amount of suspicion about the motives of this administration in pursuing a war with Iraq. Many Americans have expressed concerns that our country initiated military action in order to secure control of Iraqi oil fields and other Iraqi resources. While these suspicions are based on rumors and allegations, we in Congress should not do anything that would contribute to doubts about the sincerity of our country's motives.

Prior to the 2000 election, Vice President DICK CHENEY spent 5 years as the chief executive of the Houston-based energy services company Halliburton. On March 24, 2003 Kellogg, Brown & Root, a Halliburton subsidiary, announced that it was awarded a contract by the U.S. Army Corps of Engineers to put out fires and make emergency repairs in Iraq's oil infrastructure. Prior to the onset of hostilities, Halliburton was one of the several company the administration invited to bid on up to $900 million in contracts to rebuild roads and bridges and other facilities in Iraq.

Although Halliburton declined to bid for a primary contract for reconstruction work in Iraq, the company's officials have indicated their interest and they are going to do it another way. They want to do it through subcontracting. Halliburton contracts and subcontracts in Iraq would create the appearance that the Vice President may be using his position to increase his former company's profit in time of war.

My amendment would protect the individuals who are advising the President on matters of war and peace from conflicts of interest. It would also help to eliminate the appearance of conflicts of interest at a time when the administration's decisions are affecting millions of lives around the world.

Mr. Chairman, I am sure this will be ruled out of order, and it may be embarrassing to some folks. It is a mild amendment. It does not prevent any company from getting a contract. It would simply take the person out of the room who is an adviser to the President who may be in the President's cabinet, who may be in a strategic position to help influence contracting. They would have to recuse themselves from those particular meetings.

Now, if we had the will and if we were interested about our image, and if we were interested in allaying the allegations and the fears that something is going on in the back room, we would indeed adopt this amendment.

I want to tell Members that there are too many people who believe that there are committees and advisory committees that are serving people in very key places and that on these committees we have folks who are looking for contracts who represent the defense industry. We have cronies and associates who are well placed.

This amendment would go a long way in improving our image and sending a message to the American people that we are not divvying up the spoils of this war in Iraq, and it would certainly say to our young men and women who are fighting for what they believe is protecting the freedoms of American people, it would say to them that they are not fighting so that someone could end up with some contracts.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rules state in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment imposes additional duties.

The CHAIRMAN. Does the gentlewoman from California (Ms. WATERS) wish to be heard on the point of order?

Ms. WATERS. Mr. Chairman, on the point of order again, I make the point that the chairman has on other occasions this evening waived the rules, and certainly this would not be a precedent. He could do it if he had the will to do it. Again, I think just as on my other two amendments, he has failed to give an opportunity to have some very serious issues heard. He is doing it, again, not because there should not be room for this kind of amendment, but simply because in this case he wants to protect the administration and allow them to continue to

divvy up the spoils and give contracts to cronies.

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The CHAIRMAN. The Chair is prepared to rule. The Chair finds this amendment includes language imparting direction. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. RODRIGUEZ

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RODRIGUEZ:

At the end of the bill, before the short title, insert the following:

SEC. ___. The amounts otherwise provided by this Act are revised by reducing the amount made available in chapter 4 of title I for ''Iraq Relief and Reconstruction Fund'' by, and appropriating under the heading ''DEPARTMENT OF VETERANS AFFAIRS'' an additional amount for ''Veterans Health Administration—Medical Care'' of, $90,000,000, of which, in the case of the amount appropriated for ''Veterans Health Administration—Medical Care'', $70,000,000 is for additional health care, as authorized by Chapter 17 of Title 38 and Sec. 8111A of Title 38, and $20,000,000 is for implementation of section 7325 of title 38, United States Code (relating to the establishment of medical emergency preparedness centers in the Department of Veterans Affairs).

Mr. RODRIGUEZ. Mr. Chairman, let me indicate that since the 9–11 attacks the VA has been forced to address issues and has never received any funding to undertake that. My amendment would allow the VA to be able to get additional resources that they need in order to take care of some of that cost and be able to respond to the time of war, also in part to the National Disaster Medical System.

The VA is responsible for several roles within the Federal response plan. The VA is currently diverting its scarce funds from the VA patient care mission to fulfill this mission.

I know that the other side would indicate that $122 million has been allocated, but it is coming from existing patient service. In fact, the VA has recently come out with a report, and on that report it basically indicates, and I have the figures here, that there is a real need for right now, just in terms of getting ready to prepare and what it costs, $248 million dollars, and that report was put together by the Secretary of Veterans Affairs Principi. So I would ask that as we look at providing the supplemental that we not only look at our veterans but the fact that the VA is also responsible to taking care of the healthcare of our military personnel.

There are also already some real costs involved with the war, and that cost has been estimated at a very conservative figure of $70 million since 9–11. So part of the $90 million is $70 million that I am asking that we take and be able to provide to the VA that has a system of hospitals and clinics throughout this country in order to prepare.

The other thing that I want to add is that in responding to the war, they have lost a number of nurses, a number of personnel, and they have had to be able to reach out and contract out for additional staff. So that cost has not been there. It is basically using existing resources to get prepared for the war. So this $90 million will go a long way in helping.

The other $20 million that is part of that $90 million allows an opportunity to identify four centers throughout the country; and those four centers will be ready to respond in case of a major disaster.

I also want to indicate that the VA has many areas of expertise in such diverse topics as biomedical research, as post-traumatic stress disorders, as war-related illnesses, environmental hazards and others.

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

Mr. RODRIGUEZ. I yield to the gentleman from Illinois.

Mr. EVANS. Mr. Chairman, I commend the gentleman for his amendment.

The VA has many programs they have put in place to address returning servicemembers' health care needs, to train their personnel, and to ensure that the VA providers and patients have access to adequate supplies of necessary drugs and state-of-the-art protective gear for decontaminated equipment.

The amendment of the gentleman from Texas (Mr. RODRIGUEZ) would ensure that the VA is adequately funded for these purpose; and as he indicated, it would allow the VA to establish four new centers of excellence in bioterrorism. These centers, created by legislation introduced by the gentleman from New Jersey (Mr. SMITH), chairman of the Committee on Veterans' Affairs, and me would allow the VA to draw from expertise that it has had in the past such as environmental hazards, post-traumatic stress disorder; and I understand the VA has lifted a bar on the provision of medical care funds for these centers, but they were underfunded.

We cannot continue to erode resources for VA's medical health care system.

Mr. RODRIGUEZ. Mr. Chairman, let me indicate that the VA is hurting right now. Our veterans are reaching that age where they need our help and assistance. The resources are needed and would appeal to both sides of the aisle to take into consideration this issue. I am not going to ask for a vote, but I want them to seriously consider what we are doing with our veterans. I know I have had a chance to dialogue with you on this issue. We really need those preparative centers now. We need about $20 million to start them and get those contracts going throughout this country, and I ask the Committee on Appropriations to seriously consider that issue.

Mr. WALSH. Mr. Chairman, I rise in opposition to the gentleman's amendment, and I do so regretfully. The gentleman has great concern for America's veterans, and he has always showed that concern; and he does so in this amendment, and I share that concern. I am also pleased that he has decided not to request a vote on this.

I think there is logic to his argument. I would just like to say that we on the subcommittee have taken great pains to provide the veterans medical centers with the resources that they need. In fact, the Committee on Appropriations has provided record increases to VA medical care in the last 3 years. We provided $122 million to the VA for medical care for emergency preparedness activities in the fiscal year 2003 bill which we just passed several weeks ago, fully funded. We fully funded the pharmaceutical cache requirement at $26 million; so no additional funds are required there. We fully funded the computer cybersecurity initiatives for $75 million. We fully funded the personal protective equipment and training needs of $15 million.

Mr. RODRIGUEZ. Mr. Chairman, will the gentleman yield since I am not asking for a vote?

Mr. WALSH. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Chairman, I know the gentleman is sincere about indicating $122 million, but I also understand that $122 million comes from existing programs that were taken away from services to veterans. I would hope that we just kind of take that into consideration.

Mr. WALSH. Mr. Chairman, reclaiming my time, I beg to differ with the gentleman. These funds were appropriated in the 2003 bill to provide for resources across the board for a VA medical center; and it was supported very strongly, close to 400 votes by the House. So I oppose the gentleman's amendment for those reasons.

We received a letter just a week ago requesting $5 million as opposed to the $20 million being requested today. I know the $5 million will be made available to the VA because I placed language in this bill to do so, and that will give the VA the time and the money they need to plan these medical emergency preparedness centers, and I spoke with the Secretary about it. He is pleased with that number. So I would ask that we oppose the gentleman's amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

I would like to rise in support of the gentleman from Texas's (Mr. RODRIGUEZ) amendment. We happen to come from the same State and are facing some of the same crises because Texas has one of the highest numbers of veterans among about four or five States. I know that he has a veterans facility in his congressional district or

near there, and I have one as well. The reality of it is that we are trying to provide new money because what we are facing, Mr. Chairman, is that many of our veterans are being de-enrolled or not allowed to be enrolled for veterans medical services. In addition, if one talks to the paralyzed veterans, they will say that they are getting fewer services, and since we are standing on this floor debating on an emergency appropriation to help our troops, the real question will be how will we treat these troops who will be returning who will need medical services along with their families. What is the aftermath? What is the after-attention that we will give the very young men and women who are fighting for us?

We already know we are going to have the wounded and some severely wounded. These individuals will be hospitalized in our veterans facilities. We are already closing the door on these veterans, and the money that the gentleman from Texas (Mr. RODRIGUEZ) is talking about is money that is going to help in homeland security, and I think that is a key element that he is adding to the centers dealing with biotechnology. And I might add that when we had Hurricane Allison in Houston, my veterans hospital was a lifesaver because it opened its doors to the patients who had to be evacuated from the medical center. So these facilities are crucial to the community. They do require, I think, our attention; and I believe this money is well needed.

Mr. RODRIGUEZ. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. Mr. Chairman, I thank the gentlewoman for yielding. Let me just indicate that my understanding is that that $122 million is not new dollars. It is existing dollars coming from existing services for veterans. In addition to that, and once again I appeal to both sides, the demographics on veterans is growing. Our World War II, Korean veterans are reaching that age where they need us now. They were there for us. We need to be there for them now. So we need to be able to provide those resources; and in all honesty, it does not make any sense for us to look at providing resources for health care for Iraq, which is needed and I do not disagree, but the fact is we also need it for our veterans and for those soldiers that are coming back because one of the objectives also is to serve the individuals in active military. In addition to that letter that the gentleman received for $5 million, I am hoping that that is in there because if that is not in there, then he is going to hear from me once again.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, let me just say to the gentleman from Texas (Mr. RODRIGUEZ) I thank him for his very hard work. What we are seeing is that the doors of veterans hospitals are being closed in the face of our veterans, and what are we going to do when the young veterans come home after they have valiantly fought for our freedom or our values? Whether we agree or disagree with what this war is about, we certainly agree with our troops. And I believe that this amendment from the distinguished gentleman from Texas allows the doors of veterans hospitals to be open; and minimally, Mr. Chairman, I cannot imagine that we would not want to say that the expanded centers that the gentleman from Texas (Mr. RODRIGUEZ) is talking about, these expanded centers cannot be a helpful element to our fight against terrorism and homefront security.

So I would ask that we support the amendment of the gentleman from Texas and add the additional funding for Veterans Affairs.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment, and I will use only a small part of the allotted time.

Let me just first say to the gentleman from Texas (Mr. RODRIGUEZ) that I really respect his support for veterans. I know it comes from his heart, and I know how strongly he feels about it and how hard he has worked on behalf of veterans everywhere in the United States, and I truly do respect that.

The gentleman from New York has talked about this from the veterans standpoint. Let me just say about where this money would be taken from, and that is from the nearly $2.5 billion that is set aside for the Iraq relief and reconstruction. I think even the gentleman from Texas would concede that the amount that we have provided for Iraq relief and reconstruction is probably only a small part of what is ultimately going to be required. It is certainly not enough to do the job entirely.

So, Mr. Chairman, I would rise in opposition to this amendment because I think it does significantly devastate or reduce the ability of our forces on the ground and our relief and reconstruction teams on the ground to do the job that they need to do for relief and reconstruction by reducing this amount. This is not the place, not the time for us to start whittling away at that account. If anything, we are going to need to come back and add to it later, and for that reason I would oppose this amendment.

Mr. BACA. Mr. Chairman, I rise in strong support of my colleague, Mr. RODRIGUEZ, and his amendment to the supplemental appropriations bill for FY03.

The Department of Veterans Affairs has enormous responsibility resting on its shoulders. Not only is the VA responsible for providing veterans with medical services once they return home from war, but during wartime, the VA backs up the DOD, activates their critical care nurses, and provides training and preparation in case unforeseen emergencies arise.

After 9/11, the biomedical expertise of the VA was tapped, and the VA was designated to begin operating four bio-terrorism centers. This responsibility was granted to the VA by unanimous consent. However, this responsibility was delegated to the VA without the critical funding necessary to operate these facilities.

Two years ago, it would be a luxury for the Federal Government to enable the VA to provided training, equipment, and research for medical centers in case of a biological or chemical attack. Two years ago it would be an added bonus to provide the VA with additional funds to research the effects of war on veterans' health. Today, we are post 9/11 and fighting overseas, and enhancing our security is not a luxury but a necessity. We have learned that there is no price tag for the safety and security of our Nation.

The VA is shouldering an increasingly heavy burden. Let's provide them with the $90 million in funds that it needs to carry out its responsibilities during this time of war in Iraq and time of war on global terrorism.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. RODRIGUEZ).

The amendment was rejected.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have been told all day numerous times that we could not afford to provide the funding that we wanted for homeland security; yet the leadership of this House has insisted that we include over $3 billion in ''relief'' for the airlines. I just thought the body would be interested in this article in the Atlanta Journal Constitution. I want to read the first three paragraphs:

''A group of 30 retired Delta Airline executives told current management last winter that spending millions of dollars to insulate top executive pensions from potential bankruptcy claims was 'morally wrong' and 'unconscionable.'

''The group, which included two former No. 2 executives at the Atlanta company, also warned the move would hurt Delta's reputation, as well as its ability to seek Federal aid and uphold employee morale.

''Their warning came in a January 22 letter to Delta Chairman and Chief Executive Leo Mullin.''

□ 2045

Some of the retired executives decided to make the letter public after last week's formal disclosure by Delta that it spent $25.5 million in 2002 to start creating protected pension trusts for Mullin and 32 other top executives.

Now, if this is not a spectacular idea or example of rip-off capitalism, I do not know what is. This is enough to give capitalism a bad name.

Mr. Chairman, I would just suggest that before we are so anxious to provide the funding that the Republican leadership in this House insists that we provide to these companies, I would suggest that Members recognize that the story tells us that there ought to be a few more stringent conditions on the use of that money by those airlines.

This kind of conduct is outrageous. It is an example of why 50 percent of

Americans do not vote, because they do not think that their elected representatives will protect the interests of working people nearly as eagerly as they will protect the interests of the corporate elite of this country. Delta Airlines management should be ashamed of itself, and anybody who comes into a congressional office looking for a bailout after they are trying to protect these kinds of pensions should be thrown bodily out of congressional offices.

AMENDMENT NO. 11 OFFERED BY MR. NETHERCUTT

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. NETHERCUTT:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act for reconstruction efforts in Iraq may be used to procure goods or services from any corporation or other business entity organized under the laws of France, Germany, the Russian Federation, the People's Republic of China, or Syria.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Under the previous order, points of order are reserved for all amendments.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Washington (Mr. NETHERCUTT) be limited to 30 minutes, to be equally divided and controlled by the proponent and myself as an opponent, and that I be permitted to yield 10 minutes of my 15 minutes to the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Chairman, reserving the right to object, I was having difficulty hearing here. The chairman is indicating that 15 minutes would be reserved for the gentleman from Washington, 5 minutes for the gentleman from Florida, and 10 minutes for yours truly? Is the gentleman opposed to the amendment?

Mr. YOUNG of Florida. Yes, I am.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN. The gentleman from Washington (Mr. NETHERCUTT) will be recognized for 5 minutes, the gentleman from Florida (Mr. YOUNG) for 5 minutes, and the gentleman from Wisconsin (Mr. OBEY) for 10 minutes.

The Chair recognizes the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Chairman, I yield myself such time as I may consume, and I thank the chairman and the ranking member for the time agreement.

I rise in support of this amendment, which has one fundamental premise attached to it. That is, it is a limitation amendment that says that American dollars to be used in the reconstruction of the post-Saddam Hussein Iraq will not be able to be expended to countries that were the coalition of the unwilling: France, Germany, the Russian Federation, or Syria.

It is a commonsense amendment. It is an amendment that was discussed at length in the Committee on Appropriations earlier this week, and it underscores one fundamental concept, and that is that in the postwar Iraq, there will be American dollars expended for reconstruction, and in that reconstruction effort, it seems only commonsensical and advisable that American taxpayer dollars be spent for American corporations that are doing business there, to create jobs in this country, and also to provide corporate and contract authority to companies and entities that are part of the coalition of the countries that assisted America and Great Britain and the rest of her allies in this joint effort to try to liberate the country of Iraq. It seems to me to be common sense. It seems to me to be well expected with respect to a responsible expenditure of dollars, American taxpayer dollars in postwar Iraq.

It also recognizes that there will be many kinds of expenditures and contributions across this world to help the people of Iraq get back on their feet. This amendment does not prevent the French or the Germans or the United Nations or anybody else from participating in that reconstruction effort. The limitation is not with American tax dollars.

So I am pleased to present this amendment. I believe it has broad support, and I am happy to acknowledge the cosponsorship of the gentleman from New Jersey (Mr. SAXTON), the gentleman from Texas (Mr. CULBERSON), the gentleman from Georgia (Mr. KINGSTON), Mr. KENNEDY the gentleman from Alabama (Mr. BACHUS), the gentleman from Florida (Mr. CRENSHAW), the gentleman from Texas (Mr. SESSIONS), the gentleman from California (Mr. OSE), and the gentleman from Indiana (Mr. SOUDER).

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding me this time. I rise today in support of the Nethercutt amendment.

Last month I introduced legislation to block any French company in particular from participating or receiving any U.S. Government aid or financing in any reconstruction of Iraq in the post-conflict setting. From the beginning, in particular, the French position on the war with Iraq encouraged Iraqi defiance of the United Nations Resolution 1441. In fact, the French position was probably well received in Baghdad itself, and resulted in the opinion of most people in encouraging Saddam Hussein to continue to fail to cooperate with the U.N. inspectors and into compliance with Resolution 1441.

I heard on the news just the other day that the French continue their diatribe against the coalition forces and, in fact, have received some current publications from France that I would like to share with the Members in case there is any doubt about the situation involving the French attitude.

Here is a magazine called The Observateur, and the cover headline is ''Iraq: The Traps of a Crazy War.'' The article that follows is entitled, ''The Insane Ones of God'' and goes on to say that they are crazy, meaning anyone who has ever supported a use of force to disarm Saddam Hussein, saying they are crazy and do not have an ounce of judgment. That refers to a lot of people who voted to support the use of force who happen to be here in this Chamber.

Another publication called L'Express has an article entitled, ''Baghdad: Victory at What Price?'' And then we have Le Point. They refer to this action in disarming Saddam Hussein as ''the tragedy.'' It is the cover story, and uses words such as ''arrogance'' and ''propaganda'' to describe the U.S. position.

So I commend the gentleman for moving forward with this amendment and I ask everyone to support it.

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

My understanding is that there is some confusion at the desk about the text of the amendment. It was originally designated as number 11. I substituted another text of language that was, my understanding was number 11.

Mr. Chairman, I ask unanimous consent that the text that was substituted well ahead in place of the original amendment be considered as read.

Mr. OBEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute to try to sort this out.

The gentleman's amendment number 11 indicates that he has written this thing 11 times. I know that we started working on this issue at the committee markup. I support and agree with what the gentleman is trying to do. But frankly, I am not satisfied that the language that he offers does not adversely affect other U.S. interests. That is the reason I rose in opposition to his amendment. It is just that I think there is too much confusion on that amendment as we speak, and the fact that we are considering an amendment that is different than the one the gentleman thought he offered I think just further worsens that situation.

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

What I did was put number 11 on the text, expecting that that is what the Chair was considering at the time that I called up the amendment. So I guess,

my sense is, Mr. Chairman, we have two number 11s, and my understanding was that the Chair was clear with respect to what amendment we called up. There is only one amendment with a slightly modified text, and that is the one that we should be debating and that is what I am expecting to be debating.

The CHAIRMAN. The Chair would simply respond briefly to the gentleman that the gentleman claimed to offer and the Clerk reported the only amendment numbered 11 which was at the desk. The other amendment which the gentleman had at the desk was not numbered.

POINT OF ORDER

Mr. OBEY. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OBEY. Mr. Chairman, it is in violation of clause 2, rule XXII.

Mr. Chairman, the minority has been told all day and all evening that we had to abide by the rules, even though the rule waived points of order against the majority bill. Now we have a situation where a majority Member chooses to try to substitute another amendment for the amendment that was presented by the Clerk. I am sorry, but if we are going to stick by the rules, I am sticking by the rules, and I make a point of order against the amendment.

The CHAIRMAN. Does the gentleman from Washington (Mr. NETHERCUTT) wish to be heard on the point of order?

Mr. NETHERCUTT. Mr. Chairman, I am offering to withdraw the amendment which has been designated 11 by the Chair with the expectation that the real amendment number 11 will be offered by the gentleman from Massachusetts (Mr. KENNEDY) in due course under the same circumstances, so we will be able to debate in full the issue before the House, rather than be denied on a technicality.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. NETHERCUTT. Yes.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. KUCINICH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KUCINICH:

At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds made available in this Act may be obligated for the procurement of goods or services without the use of competitive procedures in accordance with the Federal Acquisition Regulation and the U.S. Agency for International Development Acquisition Regulation.

Mr. KUCINICH. Mr. Chairman, 2 weeks ago, Kellogg, Brown & Root, the engineering and construction division of Halliburton, was granted a contract to put out Iraqi oil fires. This contract was awarded without competitive bidding. The contract also contained no set time limit or cost limit. This means that U.S. taxpayers will have to pay for whatever Halliburton chooses to charge; that is, whether they are the prime contractor or a sub-prime contractor. There is danger to the taxpayers when contracts are awarded without competitive bidding.

USAID, which gave out the contract, stated there was no competitive bidding for this contract because the job involved a ''complex emergency'' and ''national security'' issues. According to the Federal acquisition regulations and AID acquisition regulations, such waivers exist.

Okay, maybe that is understandable. But what about contracts for the postwar reconstruction of Iraq?

The uncontested contract acquisition of Kellogg, Brown & Root to put out Iraqi oil fires raises serious concerns over the administration's continued ties with big oil. The fact that the Department of Defense's Army Corps of Engineers did not conduct competitive bidding for this contract implies that an uncomfortably cozy relationship still exists between Halliburton and the administration.

□ 2100

Also, given there is no time limit or cost limit, it raises further concern that the contractor could increase the costs unchecked.

For the postwar reconstruction effort, waivers of emergency and national security will no longer be applicable. The reconstruction of schools, hospitals, airports, roads, bridges, and even oil refineries are not emergencies. If these types of efforts are not considered emergencies here in America, then they most certainly should not be considered emergencies in Iraq.

As such, contracts for the postwar reconstruction of Iraq should be awarded exclusively on the basis of competitive bidding in order to protect U.S. taxpayers from corruption. These long-term contracts, which USAID has categorized into eight areas, seaport administration, airport administration, capital construction, logistical support, public health, education, personnel support, and local governance, must be subject to competitive bidding.

It is not news that this administration has deep-pocket connections with big oil and defense companies. The President was CEO of Arbusto, CEO of Spectrum 7, and on the board of directors at Harken Energy. The Vice President was CEO of Halliburton. The Commerce Secretary was the CEO of Tom Brown, Inc., an oil and gas exploration company. The National Security Adviser was a director of Chevron Oil. The Veterans Affairs Secretary was chief operating officer of Lockheed Martin.

Then there is the Defense Policy Board, whose nine members have won more than $76 billion in defense contracts in 2001 and 2002. There is Mr. Perle, who until last week was chairman of the board, and has been accused of profiting from the war in Iraq because of his corporate connections with Trireme and Global Crossing.

It is because this administration has so many corporate ties that could lead to the misuse of taxpayer funds that it is important to stress the use of fair and competitive bidding. What this legislation would do and what we should be advocating is that officials in our government should not use their connections to secure these contracts.

The purpose of competitive bidding is to ensure that the acquisition of contracts is completely fair. It is because of these corporate ties that this administration should be going out of its way to reaffirm their commitment to competitive bidding.

The amendment would reaffirm already-existing law for this supplemental bill, stating that all contracts acquired for the reconstruction of Iraq must be subject to competitive bidding, as stated in the Federal acquisition regulations and the AID acquisition regulations.

Mr. Chairman, I think Members of this Congress, having been informed of this conversation this evening, should take steps in our various congressional committees to assure appropriate oversight; to make sure that competitive bidding laws are used to protect the American people, to protect the taxpayers of the United States.

This is an issue that really goes far beyond this particular piece of legislation in the supplemental, but I wanted to use this opportunity, Mr. Chairman, to let Members of both side of the aisle know that this issue is not going to go away and that the appropriate forum for dealing with it would be congressional investigative subcommittees or committees which could call the administration to an accounting. In the meantime, this forum is an appropriate place to demand competitive bidding.

Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Minnesota:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in the Act for reconstruction efforts in Iraq may be used to procure goods or services from any entity that includes information on a response to a Request for Proposal (RFP) that indicates that such entity is organized under the laws of France, Germany, the Russian Federation, or Syria.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that debate on the pending amendment offered

by the gentleman from Minnesota (Mr. KENNEDY) be limited to 30 minutes, to be equally divided and controlled by the proponent and an opponent.

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

Mr. OBEY. Reserving the right to object, Mr. Chairman, could I suggest that the gentleman, since it is late and we do have other amendments to dispose of, how much did the gentleman suggest in time?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. My suggested time is 30 minutes, to be divided between the proponent and an opponent.

Mr. OBEY. Could I suggest that we cut it to 20?

Mr. KENNEDY of Minnesota. I object, Mr. Chairman.

Mr. YOUNG of Florida. I would be happy to change that. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Minnesota (Mr. KENNEDY) be limited to 20 minutes, to be equally divided and controlled by the proponent and an opponent.

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

Mr. OSE. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. KENNEDY of Minnesota. May I clarify, Mr. Chairman, do I have just 5 minutes and no time to yield time outside of the proposal?

The CHAIRMAN. At this point, the committee is operating under the 5-minute rule. The gentleman from Minnesota (Mr. KENNEDY) is recognized for 5 minutes on his amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise to offer this amendment. This is an amendment that the gentleman from Washington (Mr. NETHERCUTT) has worked very closely on, responding to concerns that have been raised by many Members, including myself, the gentleman from Texas (Mr. STENHOLM), the gentleman from Kentucky (Mr. LUCAS), and the gentleman from Connecticut (Mr. SIMMONS).

The concern that we have is that we have a broad coalition of the willing supporting our efforts. There have been many that have tried to undermine those efforts. Well, we encourage their involvement in the reconstruction of Iraq; but during the time period when we are putting U.S. dollars into the reconstruction, we want those to be spent with those that have been supportive of us, as opposed to those that have been detrimental to us.

Mr. Chairman, this is a situation where, when we go to other countries and we have asked for their support and we have not received it, and received from 48 other countries the largest coalition of support outside of World War II, I think it is appropriate that there are many people out there that can help us in the rebuilding of Iraq using our dollars without requiring that that be going to those who have actively opposed the efforts we have made to liberate Iraq.

It is important to note that this amendment does protect American jobs, even though there may be some subsidiaries from these countries that are operating in the U.S. In the way the amendment is worded, we will not be putting any American jobs at risk. It is important that, given the great strides that America has put forth to liberate Iraq, that anything that is resulting from this that does require the use of the resources that America has available would be receiving that benefit, and that any other expenditures would be done on behalf of those that are part of our coalition of the willing, I would hope.

Mr. Chairman, I encourage Members to not only support this amendment but also to support the underlying supplemental appropriation.

Mr. BACHUS. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Minnesota (Mr. KENNEDY) and the gentleman from Washington (Mr. NETHERCUTT).

Let me ask all Members to think about this, because there are some things we all agree to. We all agree that we are winning the war, but I think we all believe that it is going to be harder to establish the peace. That is our concern now. We have won the war, but we have to be successful in winning the peace.

We all agree, both sides of the aisle, that we are facing anti-American sentiments. We should ask ourselves, where have those sentiments come from? They have come from the regime in Iraq, but they have also come from those that have supported them. France, Germany, Russia, Syria, the people named in this amendment have caused a great deal of the anti-American sentiment that we are now facing.

I ask Members to picture themselves a citizen of Iraq. We hear what the French and Germans have said, that we are there to get the oil. Then we see the American tanks; we see the American bullets. There is a lot of work for Americans to do after that. The last thing we want is then to see the French coming in and the Germans coming in and rebuilding Iraq; America coming in and conquering or invading, according to the French, and then the French rebuilding. That is going to do nothing to dissolve the anti-American sentiments.

In fact, we know the French intentions are not good. We know what they said; we know what they have done. It would add tremendous insult to the injury that American families have had, those who have sent loved ones into Iraq and lost those loved ones, for us now to send the French in behind them to capture the good will and the hearts of the Iraqi people.

It is the American people; it is the British. We are the ones that ought to be at the forefront and those visible in building the peace and rebuilding Iraq; not those who have made our job harder, those who have openly promoted anti-American sentiments, not only in Iraq but around the world.

Mr. Chairman, I urge the Members, let us not compound the immense problem we have today in establishing the peace and in trying to restore our credibility with the people of Iraq. Let them see Americans rebuilding Iraq. If the French want to be there, we ought to invite them to be there; and the French taxpayers can pay for the French companies who come in and rebuild. But with our money, it ought to be Americans because of this tremendous amount of ill will in the world, and particularly in Iraq.

If we lose this opportunity, we will always be viewed as those that came in with tanks and bullets and guns, and the French and the Germans will come behind us and self-promote themselves as those that came in and repaired the damage.

I close by simply saying this: If the French had not supplied Iraq with many articles of war, and the Germans, if they had not encouraged Saddam Hussein to stand and fight, our job would be a lot easier. They have caused some of the damage in Iraq. They have not acknowledged that. Even today in their newspapers they are continuing to stir up ill feelings. Let us not take our money and give them an opportunity to continue to do that.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the best evidence of the President's success in winning this war against terrorism is the silence outside, the absence of any attack on our homeland since September 11, when terrorists used 737s as fuel air bombs and flew them into buildings, two in New York and one here.

I think it is proof of the President's good judgment, the fact that we can trust this good man; that he has so successfully fought this war against terrorism, war on terrorism that he has prevented any further attacks in the United States. With the knowledge that he has of the scope of the threat and where it lies around the world, the President of the United States made the measured judgment to go after the dictator in Iraq, not only to enforce the sanctions that the United Nations imposed, not only to free the Iraqi people from this terrible, brutal dictator; but, most importantly, Mr. Chairman, the President of the United States of America is fighting this war to protect Americans here at home.

This war is being fought and will be won to free the Iraqi people, enforce the U.N. sanctions; but most of all, and I cannot stress this enough, the President is fighting this war to protect our constituents, to protect our families, to protect Americans in their neighborhoods from further terrorist attacks.

So when the French, Germans, Russians, Chinese, and Syrians stood up

and actively opposed American intervention, British intervention in Iraq, the French were, in essence, endangering our own homeland, endangering our constituents and our families.

It is absolutely unacceptable that the French, the Germans, the Russians, the Chinese, and the Syrians who have opposed the United States' efforts to protect ourselves against terrorist attacks should be allowed to profit from the reconstruction of Iraq.

I am proud to be a cosponsor of this amendment with the gentleman from Minnesota (Mr. KENNEDY) and the gentleman from Washington (Mr. NETHERCUTT) to make sure that, as the guardians of the Federal Treasury, that the Congress of the United States will not permit any Federal tax dollars to be used to purchase goods or services from any company or any business from France, Germany, China, Syria, or Russia, because those countries actively engaged in preventing United States from protecting ourselves, freeing the Iraqi people, and enforcing the U.N. resolution.

I am proud to be a cosponsor of this resolution and urge all Members to vote for it.

□ 2115

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. SOUDER. Mr. Chairman, on Veterans Day 2000 I was privileged to lead a CODEL to the beaches of Normandy. At that time it was very moving to meet with a number of French mayors, be at Omaha Beach and Utah Beach cemeteries, to visit some of their local cemeteries, the people who sacrificed their lives defending the freedom of the French people, trying to liberate Germany. The people at Normandy said they would never forget.

But clearly the people in Paris forgot. So did the people in Germany. I know Germany has protected our bases. I know they have helped root out terrorist cells. I know they have allowed movement of troops through their country, which others countries have not. That is a good argument not to move all of our bases from Germany, and that should be factored there. But not after the insulting remarks of some people in the administration towards our President, after the insulting remarks of people in their government about our country, should they use American tax dollars to help rebuild. Nor should Russia.

Russia, Syria, Germany, and France gave aid and comfort to Saddam Hussein at a time when American men and women were at risk of losing their lives through sweat and blood. They destroyed the last hope for peace, which was to have a united U.N. go in, encourage Saddam to leave and to turn over the government to people who wanted democracy and freedom in that country and get rid of weapons of mass destruction. But they encouraged him to go on. The blood is on their hands of Americans.

Our men and women who are now risking their lives should not also have their tax dollars go to companies from those countries that brought us into this war. Furthermore, many of those countries, particularly Russia and Syria, as well as France and Germany, have given and sold weapons illegally into these countries. Furthermore, at least Russia and Syria, and possibly others, have been giving consulting and helping monitor tracking systems during the war.

Now, what I want to know is what am I supposed to say to the people in my district, such as Mr. Harrison Triplett who has two sons in Iraq? He was out the other day with an American flag in one of the main sections of Fort Wayne, asking people to support his son and the troops. So I am supposed to say while his sons are over there risking their lives, that after this is over we are going to use our tax dollars to give the people who provided the weapons, who provided the aid and comfort to the people against him.

And what am I supposed to say to Jerry Shultz? He is over there also. He was just on the CBS Morning Show the other week because he proposed to his sweetheart back in Fort Wayne on national TV. She is at a pizza parlor in Albion. She cannot put her ring on until he gets home. But he is being shot at, in part because of France and Germany and Russia and Syria and others who gave aid and comfort to Saddam. They gave weapons to Saddam. He may be getting shot at at this moment by weapons that were developed and provided illegally from these countries.

Furthermore, and even more tragically, I have a young corporal from Warsaw, Indiana, who was a track and football star, who was moved, according to his dad, by the events of 9/11. Corporal David Fribley volunteered for the military. He was sent over to Iraq. He was one of the American soldiers who was shot under a white flag. Murdered by Iraqis. We do not know whether those weapons were provided by the French or the Germans or the Russians or the Syrians. We do not know whether this battle would have occurred without that; but what I know is I will not face his parents and say that their tax dollars are going to be used to go to companies that are headquartered in those countries, rather than to American companies, to people who fought with us in the coalition, to the British, to the Spanish, to the Australians, to those who are with us this moment.

France, Germany, Russia, Syria, other countries are important in trade. I voted for the trade agreements. I know we need to have trade with these countries. We are not cutting off relations, but not one cent of my tax dollars or the dollars of the parents who have their sons and daughters over there at risk, and we need to pass the Kennedy amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, every Member in this Chamber is familiar with my position on the administration's actions in moving towards war against Iraq. And I think that while we have our respective position, we should be careful not to expand the conflict which the United States finds itself in and not to take people who have been allies consistently for this country and turn them into something other than allies.

The world community has differences with the United States and we are going to have to heal those rifts. But it is more than interesting to have Members standing up condemning the French when we would not be in this Chamber today if it was not for one of the heroes of the Revolutionary War whose image and picture looks upon our every action. I am talking about Lafayette. And we are familiar with Lafayette.

Lafayette is not only a place in Indiana, Lafayette is one of the heroes of the American Revolutionary War. And the father of our country to my right, George Washington, and Marquis de Lafayette one of the great American and French statesmen, look upon us and watch these debates.

We need to reconcile ourselves with all of the nations of the world who may be disagreeing with this administration. We cannot be standing here singling out Russia and France and China and Syria as if they are outside the world community, because when this war is over, we must be the repairers of the breach. Let us not forget that the very symbol of liberty which generations of Americans sailed into New York harbor under, that Statue of Liberty came from France. There are deep spiritual connections between France and the United States.

I happen to agree that this country should not have proceeded in war against Iraq, and I love this country. And I think there are French men and French women who still love America despite the action that the administration has taken. So let us start looking ahead. Let us not condemn nations if they are not agreeing with the administration. Let us find a way to be the repairers of the breach. Let us find a way to look to the next challenge for America to bring the world communities together once again. We have had a genius for that in this country.

We need to remember where we came from. And we came from a relationship with Great Britain, who is now our ally, a relationship which was transformed through the Declaration of Independence, and we fought a war of liberation in this country with the help of the French, and we should never forget it.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to say this to the previous speaker: I certainly agree with him, the French have had a great role in our history and I certainly am a proud fan of Lafayette. I want to say Lafayette was a man of freedom, and there is no question in my mind whose side in this conflict Lafayette would be fighting for, and that is for the liberation of the oppressed Iraqi people. And that is why his portrait is here. That is why we have a square named after him in my hometown of Savannah. That is why we even have a city named after him in the gentleman from Georgia's (Mr. COLLINS) district. Only we pronounce it the correct way. We call it Lafayette, if you all ever want to come to visit.

The thing about the French, and I like the French but I dislike the French rhetoric that we have heard for the last 6 months. I dislike the French politics, which I think the rhetoric has fueled the politics and it is maybe some EU positioning that is going on.

The things that Mr. Chirac has said about my country are offensive. And the reality is there were not that many French businesses that were standing up and saying, Mr. Chirac, tone it down a little bit. And there certainly were not any Russian companies or Syrian companies that were standing up for the United States over the last 4 months. And it is such a shame, because I think they could have helped prevent this conflict if they would have said, Saddam Hussein, we stand against you in a unified world, in the community of freedom and the community of common law; we think what you are doing to the people of Iraq is outrageous. But instead, for whatever reason, they chose to apparently be on the side of oppression and the side of Iraq, and therefore we have American and British soldiers and 49 different countries, a coalition, fighting Iraqi oppression right now.

I had an interesting issue last week with a company from France that is actually providing food to the American Marine Corps. A French company actually caters to the American Marines. They have contracts worth $881 million. And I find it somewhat outrageous, and I have raised the question and many of you have joined me in raising that question to the DOD. But you know what, I will say, to that company's credit, they have written me a letter and said, you know what, we are on the side of America in this conflict. And I tell you what, they get it. And I am glad to see that they are exercising what I would say would be good corporate responsibility. I want to have further conversations with them.

But there are also rumors, and it was reported by Sean Hannity, who is pretty doggone careful of what he reports, but he was saying that there are apparently and sadly some French companies who have been providing, up to the conflict, helicopter and jet parts to the Iraqi regime. There were Russian companies that were apparently selling night vision goggles to the Iraqis.

Now, that is per one reporter. But I hope that as this conflict unfolds, we do not find that some of these countries who were opposing us in the Security Council had a profit motive of their own. I hope we find that their opposition to us in the Security Council was founded in idealism and passivism and not in, wait a minute, we have got some business deals at stake here; we got to stand for the sides of the Iraqis.

I think that what the gentleman from Washington (Mr. NETHERCUTT) and the gentleman from Minnesota (Mr. KENNEDY) have done is offer a reasonable amendment so that we can offer our objections as a collective body to these people who, when they had the chance to stand up for America and stand up against oppression, they chose instead the path of politics and rhetoric against America. And I hope that we pass this. And I hope down the road we have an opportunity to redress it.

The gentleman from Washington (Mr. DICKS) who I think a lot of, was telling me, you know what, after the war is fought, that is the time to consolidate everybody and get them on the side of the new tomorrow to rebuild Iraq. And you know what? I think he has some good points to it because we do not want to have a fissure between us and Russia and Germany and France and Syria and China or any of these other countries forever.

Indeed, we have 49 countries in our coalition right now. We do want to bring the world together to rebuild a democratic republic, a free republic of Iraq after this. And I hope that these folks will come on board. I hope that they not only bring their know-how, but I hope they bring some of their own dollars to the table. And if they can, and at that point, I think they absolutely should be welcome to help rebuild this country, the country of Iraq.

Mr. BAKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to express my appreciation to the gentleman from Washington (Mr. NETHERCUTT) for his good work. I have some concerns about the proposed amendment. It is not broad enough in its constitution. For example, when we construct the list of those who have been intransigent and unwilling to listen to the rational thoughts of those of us in America trying to free people from oppression, we have left off the list the country of Turkey who refused to let our troops cross their territory to bring about freedom to those oppressed people from Iraq.

It was only a few years ago when we conducted our operation in Afghanistan, when we asked those in Mexico to stand by our side. They refused to send troops. But when they were on the verge of bankruptcy, the President of the United States went around the Congress and sent billions of dollars to rescue them from financial calamity.

□ 2130

Vincente Fox has been unusually quiet in the recent weeks and days as America's young men have placed their lives at risk.

Yes, this group of identified nations should be known as an axis. It is called the ''axis of weasels,'' those who refuse to take a stand in defense of freedom, in the face of tyranny and oppression.

Tonight, as we sit and debate this resolution, the axis of weasels is watching as our young men and women storm the streets of Baghdad, trying to free young men and women from the fear of oppression and the Fejadin taking the lives of kids.

Is there any doubt? Is there any question? Is any Member of this House standing here tonight listening to this debate in question about what should be done about the axis of weasels? Are we going to tax the American workers, take their money and send it back to people to rebuild Iraq who criticized our efforts from its outset?

What are we thinking? They are our allies who have laid their lives on the line, who have more than adequate resource and contracting capability to join with American hardworking people and give back the people of Iraq the standard of living to which they are entitled, which was taken from them not by a coalition forces, but by the despot Saddam Hussein, whose fortunes I hope are not favorable this evening.

We have to join together in this House, stand up not only to this axis of weasels, but to all of those who stand in the face of Americans who fight only for one thing, to bring democratic opportunities to poor people around the globe.

Oh, I know there are those who say this was fought for the case of big oil. If we wanted oil, we would have simply taken Kuwait. If we wanted to oppress, we would not have left Afghanistan. Look at our record. We stand here tonight united as a Congress not for the cause of dominating the world interests. We stand united in the face of tyranny to free people who are oppressed.

It was only a few short months that the women of Afghanistan got the right to drive a car, to teach their children how to read publicly. Their tyranny cannot be fully comprehended, but what we are about tonight is the beginning of a new day, a day that brings justice and responsibility to those who refuse to give dignity to humans.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we used to have a Member of this body by the name of Jimmy Burke, and Jimmy Burke said once to the freshman class incoming, he said, oh, I understand your problem; you think this place is on the level. Well, I want to tell you that does not matter what you do on this amendment. This amendment ain't on the level. This amendment is consumer fraud masquerading as legislation, and it ain't going to do nothing to nobody and let me tell you why.

If you look at the language carefully, the language purports to send the message that what we are doing is, oh, oh,

look at the muscles. We are telling those Frenchies and those German companies, you cannot participate; but if you look at the actual language, the language allows those companies to get around this limitation by doing the same thing that corporate expatriates have done in this country by simply setting up a mailing address in Bermuda or any other offshore place.

So it is what I call a holy picture amendment. The politicians pause for holy pictures, boy, we really did something. But you have got language that does not do nothing to nobody.

This language has absolutely no effect whatsoever except that it makes the job of the White House and the State Department more difficult, which is I assume why we have the letter from the State Department which says that such an amendment would jeopardize the type of support we are attempting to build within the United Nations, support which aims to unite the international community in a forward-looking effort to build a better future for the people of Iraq.

Now, if we were wise, and I know that is beyond reasonable expectations often in a legislative body, but if we were wise, what we would, in fact, be doing is looking at tomorrow rather than yesterday.

We are going to, whether we like it or not, need to rebuild the alliances which have been temporarily shaken by our divisions in this war. We are going to have to rebuild the United Nations and rebuild NATO so that we are more unified in dealing with postwar Iraq and the rest of the world; and we are going to have to overcome the fact that because of divisions we have right now, pro-U.S. responses in public opinion polls throughout Europe have dropped by about 20 percent.

Now, to me, the way that we overcome that, the way we overcome the world's cynicism is by demonstrating traditional American magnanimity, which is what we did in the Marshall Plan and what we have done so many times in our country's history.

So I would simply say, Mr. Chairman, who am I to stand in the way, if majority party members want to make life a little more difficult for a Republican administration?

Now, I stand here, I hope as a patriot; and I believe that this amendment does cause the administration additional problems. I am so proud of the chairman of this committee because this committee produced legislation which guaranteed that the executive branch could not cross the line and trample on legislative prerogatives, and I congratulate and I honor the chairman for having the guts to do that.

But we also, we also as legislators from time to time have to restrain ourselves and recognize that sometimes we do the Nation no good when we impinge upon executive branch prerogatives, as this amendment I believe does.

So I am standing here as a Republican who has a minimum of, as the Democrat, as my friends know, I started out life as a Republican but then when I learned to read I switched parties.

But let me simply say, I stand here, I hope, as a patriot, and I think that this is one place where George Bush needs some running room. If you do not have enough confidence in him to let him make the right choice, then by all means vote for this amendment; but you know, it does not do nothing to nobody except enable politicians to pose for political holy pictures. What is new around here?

Mr. OSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my good friend from Wisconsin just recited a very amusing tale about learning to read and becoming a Democrat. When I learned to count, I became a Republican.

The night is late, the hour is late, and we have many, many challenges in front of us. We have people arrayed across the world protecting our interests; and in the face of that, I do something tonight that I rarely do and that is come to the well and speak in favor of the Nethercutt amendment and the Kennedy amendment.

I have heard a lot of citations to our indebtedness, to our friends Lafayette and others, the German Hessian soldiers and the like; and yet across this world there is but one country that uniformly puts its young people and its treasure on the line for the protection of freedom and democracy for people who do not even live here. Think about that. Think about what we are doing in this short period of time in particular.

We have young people, particularly in Iraq today, putting their lives on the line to bring freedom and democracy to people who have not enjoyed it for many, many decades.

It comes before us tonight on an appropriations bill with an amendment proposed by my good friends from Minnesota and Washington to say to the world that the Americans know who we are; that we believe in the concept of accountability; and that we will not vote to continue to spend American lives on a goal that benefits those lacking the courage to do the necessary thing, lacking the commitment to stand with those who will confront evil where it is found and lacking the qualifications to judge those of us who will.

Mr. Chairman, we are at a point that is at the heart of who we are. Are we a country that sends our young people across the world to defend the interests of freedom and democracy, to then yield those same interests to someone who simply seeks 12 pieces of silver?

I urge this body to think long and hard about the standard of accountability that we want in this world and the standard we set for our children and the generations to come.

I urge support of this amendment.

Mr. KENNEDY of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. OSE. I yield to the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, I thank the gentleman very much for yielding, and I would just like to respond to the ranking member to say, yes, we have carefully crafted this amendment in a way that protects American jobs and does not put those jobs at risk, that does give the State Department to a degree a modicum of flexibility, and we do need to rebuild those entities around the world; but we need to rebuild them with the understanding that America does remember who stands with America and America does remember who stands opposed to America on our efforts to defend peace and freedom and to liberate oppressed people around the world.

Mr. SCOTT of Georgia. Mr. Chairman, I move to strike the requisite number of words.

This has been a very heated debate and a welcome one, especially for me. As I look at this body, both sides of the aisle are right; but here is my problem.

My problem is respect. I think that the core of the gentleman from Minnesota's (Mr. KENNEDY) amendment is about respect. Every once in a while a person has to stand up and get some respect.

However one feels about this war, I want my colleagues to think about World War II; and I want my colleagues to think about a country, France, a country that would not pick up a rifle to defend its ownself, when 10,000, 10,000 of our troops hit the shores of Normandy and gave their life in one day to stand for a country's freedom, that would not stand and fight for its own freedom. That is the price that many of our American soldiers pay.

Maybe that would not be so bad with me if it were not for what they did. It is one thing to have your say, but it is another thing to go and help a country visibly with weapons, with arms, with their support at a time when we are sending our boys and girls into battle.

That World War II landing was very personal with me because one of those troops that put their lives on the line in World War II, to go help free France, was my own father. That is amazing, but that is important.

This amendment may or may not go anywhere. We are all here to stand up to say a word in support for our troops. I am going to vote for this amendment. I am going to vote for it for the respect of those World War II veterans who fought and thousands died for France, but France did not come to our aid, for those who are giving their lives and dying in Iraq today.

□ 2145

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

I think over my right shoulder stands George Washington, known to many of us as the Father of this Nation. As he looked in the eye of the British soldiers seeking to preserve the freedom of the 13 colonies, he looked for allies where he could find them. My history tells me

that one of those happened to be a country called France. It is interesting that as we have grown to be the singular power of this Nation, we seem to have lost both the decorum, the respect, and the dignity of many of our Founding Fathers.

Now, it is well known that I came to this Nation first in the bottom of the belly of a slave boat, but I realize that I live now in the most powerful Nation in the world, a Nation that first started with the language ''to form a more perfect union.'' What that means, my colleagues, is that we are looked upon to have the dignity, the decorum, the understanding of world diplomacy, and the appreciation of democracy and sovereign nations. And with this power comes responsibility. With this privilege comes burden.

It is interesting that in the course of the time where our troops are moving toward Baghdad, where they are embedded with our values, our values of freedom, we would make mockery on the floor of the House. This is not about France. This is about patronage and payback to the 40 babies that say they are part of the willing coalition. What is this, a Las Vegas gambling game? That if you are in the stakes, you get a piece of the action? This is not what this war is about.

I am against the war as it is presently constructed, as they would say. But we are here supporting these troops in this legislation. What, are we handing out dollars to people just because they are part of the coalition? It is the question to the United States that if we are to rebuild our world alliance and our position in this world, then however we do the peacekeeping it must be in a coalition, whether it is the United Nations, NATO, or whether we engage the European Union. We cannot do this alone. Because if you have a military occupation, you can be assured we are doomed to failure, not because of the military's lack of excellence, they are excellent, but because of the world's perception that we are occupiers as opposed to people who have come to induce democracy.

This is fraudulent that we would undermine the dignity of those who knew what coalitions were all about. And I am particularly offended that my colleagues would cite Mexico as an unwilling ally. We should not denigrate our friends, my colleagues, because we do not have permanent friends, but we have permanent interests. And every one of these people that have been denigrated rose to the occasion on 9/11. They cried with us, prayed with us, and joined the war on terrorism. What an insult that we would deny the sovereignty of these nations and not believe that they have the right to, in a democratic way, to object.

Oh, there may be politics. There may be contracts abound. Looks like everybody has a hand out in this. The baby NGOs do not get a chance to do their real work because they do not have any money. Small businesses, minority businesses, women-owned businesses do not get anything. The big guys are knocking everybody over. Is that what it is about; money? We have to move in the world tomorrow and next year, and the decade after. We should not burn our bridges that we have to cross again.

This would not be the kind of debate that would be befitting of a Nation premised on a constitution that says ''to form a more perfect union.'' What an insult that we do not tolerate the sovereignty of nations. I can assure my colleagues that there will be weeks and years and days to come when we will look to the allies that we denigrate now.

Coming from Texas, I am particularly insulted that one would question Mexico, who has tried to work with us over the years on border issues, and crying and sending troops during 9/11. We begin to get on shaky ground when we begin to attack individuals and nations who have differences of opinion on this war.

This war itself should be questioned, and I hope that we will be able to move in peace for those of us who have opposed the war and supported the troops; and move in dignity reflective of the Constitution and reflective of this founding Nation and our Founding Fathers.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all persons in the gallery they are here as guests of the House, and any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. NETHERCUTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the full 5 minutes, but I do think it is important that we put this debate into perspective. This is a good thing we are doing. We should be debating issues of expenditure of taxpayer dollars. This is not holy pictures. This is an important time for our country to talk about how we spend billions of dollars in this country.

Why in the world would our legislative body cede the authority for that to the administration? I respect this administration, but this is a congressional responsibility. And just because there is a difference in position on the issue that is before the House does not mean that this is posing for holy pictures. I think that is an objectionable declaration about what this is. This is in the best traditions of this House.

On the Committee on Appropriations just this week we had a fabulous debate on this precise issue and on an amendment that was very near to this one. It was a broader amendment, frankly, that gave the President great waiver authority to decide whether exceptions could be made with respect to the expenditure of taxpayer dollars for reconstruction in Iraq. So beyond being something that is frivolous, this is very serious business, and I would argue to my colleagues that this is in the best tradition of this House to talk about this issue of how we spend the money that the taxpayers send to us to decide how to spend.

It is not unreasonable that we make a judgment about what foreign countries should benefit with taxpayer dollars that are sent to Washington by loyal Americans. But it is the Congress' decision to decide whether a priority might be American jobs and American companies and allied countries, companies, and jobs. So what is wrong with having friends in the world and communicating with those friends and especially creating jobs in this country?

I would argue that anybody who votes against this has the potential to favor French job creation rather than American job creation. How in the world are we going to feel in 2 months, when perhaps our country would award a contract to a German or a French or a Russian company to the exclusion of American interests, to an American company that could do the job just as well? I would argue, my colleagues, that we should be concerned about that.

So this is a good debate. This is a good amendment. It is the amendment that I intended to have before the House before a point of order was raised. So that is fine. I appreciate the gentleman from Minnesota (Mr. KENNEDY) being there to offer this amendment. But we should never confuse a good debate and a difference of opinion on the issues as being unworthy or worthy. We can make our judgments about the validity of our arguments, but to say that this is not worthy of the House or not an appropriate debate as to how taxpayer dollars will be spent misses the mark.

So I urge my colleagues to vote for this amendment. This is what we are sent here to do, to guard the Treasury of the United States. This is the taxpayers' money. This is the people's House. The House of Representatives decides the appropriations for this country. I urge us to exercise our obligation and to vote for this amendment, and I believe it will pass.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief. I agree with the last speaker that this is a topic which should be debated, and I think this debate has shown what is some of the very best and perhaps what sometimes can be the worst in a legislative body in a great democracy like ours.

Passions can flare, passions can drive legislation. Passion is important. As legislators, as people who make policy, passion is important. We ought to believe in what we do. But as legislators we also have a responsibility to temper our passions, to temper our passions with careful thought, to make sure that passions do not alone drive us, drive our legislative proposals. So that

sometimes what looks good, what feels good, what sounds good, may not be good.

These are just some of the concerns that I have about the legislation, the proposal which is before us at this time, and I would just share some of these thoughts. I know these thoughts do not carry any of the weight of the passions that people feel. But I also think as legislators we need to keep these things in mind.

For one thing, we are deeply involved in the World Trade Organization with a number of trade agreements that we have entered into and this body has approved, and I have serious concerns that this violates a number of those obligations that we have freely entered into. No country has fought harder for the government procurement provisions in the World Trade Organization than the United States, because we are the largest exporter of contracting services. We have the most to benefit, and similarly, perhaps, the most to lose if others retaliate against us.

Secondly, I am concerned about the application of this as it applies to the defense part. This just does not limit it to the foreign assistance part, but to the defense side. There are times when you need to be able to buy equipment, to buy spare parts, to buy goods, and those may come from a foreign company. I am concerned about the foreign assistance part of it as it applies to spare parts. Let us say an American contractor is given the job of rebuilding hospitals in Iraq. We know that a lot of medical equipment comes from countries like Germany. What if we are trying to replace a part in an x-ray machine and we have to order those parts under this provision? I presume it would be forbidden to do so. So we would have to pay all the money to buy a new piece of equipment instead of being able to repair another piece of equipment.

Lastly, let me just ask this. Does this provision apply to a company like Chrysler, DaimlerChrysler? I think it might. It is not at all clear. I guess if they do not put that return address on their envelope, their RFP, maybe it does not. But if they happen to put the RFP as coming from the corporate headquarters in Germany, then indeed it would. And thousands of American jobs could be lost as we try to buy equipment from what is essentially an American company but happens to be a subsidiary of a country that is organized in Germany.

These are just a few of the considerations that I have and I think we need to take into account. If this amendment passes this evening, I will be looking at these very carefully. And I hope my colleagues on the conference will look at them as well and that we will work to make sure that we have a piece of legislation, when it comes from conference, that does not do more damage to American jobs, more damage to American contractors, than it would if we had this piece of legislation not included in the bill.

□ 2200

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we are nearing the end of this debate and getting ready to pass this bill. I think there is one other amendment that we will deal with very quickly after we conclude this. So I want to take a few minutes to say a word of compliment to the Committee on Appropriations members and the staff. We got this request just a little over a week ago. We were able to read it, vet it, understand it, hold hearings with all of the major agencies involved, write the bill, go to full committee, amend it and bring it to the floor in a little over a week. I think the committee and the staff, especially the staff, they spend more time than the Members, did a tremendous job.

Secondly, Mr. Chairman, you have been in the chair for nearly 12 hours today and have done an outstanding job. That applause is very well deserved. The gentleman from Texas (Mr. THORNBERRY) is very fair, and has managed this debate extremely well.

And now I yield to the gentleman from Georgia (Mr. ISAKSON).

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

Mr. YOUNG of Florida. I yield to the gentleman from Georgia.

Mr. ISAKSON. Mr. Chairman, earlier in the evening the distinguished ranking member read accurately from the Atlanta Journal Constitution a news article regarding the actions of the board of directors of Delta Airlines. The ranking member also accurately reflected his disappointment and disappointment shared by others in that action.

What was not entered into the RECORD were the actions of the CEO of Delta Airlines, and I will not read it all, but I would like to read the following things:

. . . who affirmatively, instead of accepting the compensation reduced his compensation by 25 percent, will not accept an annual incentive pay included in his contract for the year 2003, rescinded any retention award payment he might be eligible for 2004 and 2005, and affirmatively rescinded his contractual stock option agreements totaling $5.5 million.

Mr. Chairman, corporations are persons under the laws, and sometimes they do not have hearts. CEOs are individuals who have souls, and when corporate CEOs take appropriate actions, and I think consistent with the times which we are in, that should also be in the RECORD.

DELTA,
April 3, 2003.

To: All Delta Employees
From: Leo F. Mullin, Chairman and Chief Executive Officer
Subject: Executive Compensation

Following the release of Delta's proxy statement at the end of March, much attention by the media and within the company has been focused on the subject of executive compensation. Today, I would like to address this issue with you directly, beginning with the context in which the Board of Directors made the decisions described in the proxy statement, over the course of 2002. I would also like to share with you the actions I have taken in regard to my own compensation, given the dramatic ways in which that context has now changed.

Let me begin by noting that Delta's proxy statement, which outlines the Board's executive compensation decisions during 2002, was issued on March 25, 2003. The date of issue was set in order to comply with Security and Exchange Commission requirements for distribution prior to our April 25 annual shareholders meeting. However, the actions described in the proxy statement occurred over the full course of 2002, with many of those actions rooted in the events and the aftermath of September 11. As the Board explains in the proxy statement, a key priority in response to the national and industry crisis following 9/11 was to maintain a management team ''capable of responding effectively to the extraordinary challenges,'' including programs that would retain and motivate the team members.

Among other actions, the Board established demanding performance goals for Delta's executive team, placing primary emphasis on ensuring adequate liquidity and drastically reducing the daily ''burn'' of cash (generally defined as the amount by which costs exceed revenue). The Delta team succeeded on both counts. Consequently, Delta is the best positioned hub-and-spoke carrier in the industry, a view supported by reports from many Wall Street analysis. Because the key goals were met, the Board, in January 2003, approved the final 2002 incentive awards, as the proxy statement details.

Also as part of its effort to retain Delta's management team during the extraordinary challenges ahead, the Board in January 2002 established a Special Retention Program, as discussed in the proxy statement. This program provides potential cash awards in 2004 and 2005 for Delta executives, tied to both retention and performance goals.

In these and every other executive compensation program outlined in the proxy statement, the Board has consistently acted in the best interest of Delta Air Lines, meeting all legal and ethical requirements and expectations at every point. The decisions in regard to executive compensation were fully appropriate in the context of the time in which they were made.

However, the reality of the airline industry is that the context changes rapidly. Concerns we are now facing were not part of the environment when those earlier decisions were made, or their importance has been magnified, including issues related to:

Impact of the War in Iraq.

Continuing, deeper than expected plunge in revenue and traffic.

Increased competitive concerns as United and US Airways restructure under bankruptcy protection.

Further competitive pressure as American Airlines manages to reorganize outside of bankruptcy—and as others (most recently Air Canada) declare Chapter 11.

Need for immediate action in Washington to provide federal relief from post-9/11 security costs and tax burdens.

Competitive requirement that Delta's labor costs be brought in line with that of the restructuring carriers.

With this said, I understand the concerns that have been raised in the current context. Most importantly, I want to provide a basis for moving forward so that we can resume our focus on the crucial core business and strategic issues we face. Hence, I have chosen to take the following steps:

Reduce my salary rate by 25 percent (to $596,250), down from the beginning of year salary rate ($795,000); this reduction includes

the 10 percent salary rate reduction taken earlier this year.

Not accept any Annual Incentive Pay that might be awarded to me for 2003 performance.

Rescind any Retention Award payment I might be eligible for in 2004 and 2005.

Rescind the stock-based awards associated with the renewal of my five-year contract (signed November 29, 2002), with a minimum estimated Black-Scholes value of $5.5 million.

As Delta's CEO, I believe it is appropriate for me to take these steps. Also as Delta's CEO, I believe it is absolutely essential for the welfare of our company that I continue to meet the requirement, using a competitive compensation program, to attract and retain a highly motivated executive team. I am enormously proud of the team we have assembled, and fully confident of their ability to meet the challenges ahead. Most recently, they have confirmed their commitment to shared sacrifice with the salary reductions announced earlier this year. As with the entire Delta team, their continued support is absolutely invaluable to me and to the company as we move forward through the demanding days ahead.

In closing, let me say that while the specifics of this decision required careful thought and consideration, what became clear as I worked through the process was that there was no absolutely correct approach or set of actions. But, in the current circumstances, the steps I am taking feel right to me. I hope you will agree.

LEO MULLIN.

Mr. HINOJOSA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Minnesota (Mr. KENNEDY). While this amendment appears and seems to be patriotic at first glance, what this amendment could really do is punish American workers. It would hurt American workers who work for foreign companies and American companies who supply foreign corporations.

Many of my colleagues have given examples of companies that have their corporate office in France or Germany, but have big numbers of employees working here in the United States. In today's global economy, it is not possible to determine who this amendment would really be hurting. This issue deserves much more thought, debate, and consideration by the appropriate committees rather than being offered as an amendment at this time. I urge my colleagues to vote against the Kennedy amendment.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try to make this quick. I rise in strong support of this amendment. There is a limit to American magnanimity. There is a limit to how much we will just turn our heads and say we will forgive you. And yes, we will forgive those people who are our friends who betrayed us when we were putting the lives of our young people on the line. We will forgive them, but we will not forget; and that is what this amendment is all about, not forgetting those who would not stand with us, and remembering those who did stand with us when the lives of our people were at stake. I have no problem with that.

Mr. KENNEDY of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, I would just like to make it clear that the way this is worded, it would be highly unusual this would be putting any American jobs at risk, and we have gone to great pains, the gentleman from Washington (Mr. NETHERCUTT) and myself, in reviewing these approaches to make sure that we do not.

I think it is appropriate. This is not just about American jobs, but it is, the gentleman says, about American people, American Congress, remembering who has stood with us and making sure that those who stood with us as we go to liberate Iraq would also be standing with us as we go to rebuild Iraq.

Mr. ROHRABACHER. Mr. Chairman, there is a much greater chance that American jobs will be lost if we do not make this declaration to the policymakers and to the bureaucrats and to the government officials who will enforce the law once we pass the law. We are making it very clear to them that American companies and companies from countries which helped us, which stood by us, will have preference over those companies from countries which stood aside at the moment when it counted or even harped and backbit our leaders when they were taking tough stands.

We will not forget what happened during these last 3 and 4 months. We will not forget the actors who play President of the United States, but spend their own time in the real world undercutting American Presidents who have had to make tough decisions about the national security of our country.

We will not forget the impotence of the United Nations. We are not going to place our faith in that institution again. We will not forget that NATO is dominated by the Germans and French, and we will not forget that the British and the Spanish not only stood by us but joined us and put the lives of their young people on the line as well.

Finally, I would like to end with one small story. I hope our French brethren are brethren. Dean Rusk in his memoirs talks about how Lyndon Johnson called him into the Oval Office in 1964 after Charles de Gaulle declared that France would be out of NATO and declared that all American troops would have to be off of French soil in 90 days. LBJ gave Mr. Rusk the job of going to France, talking to the General, and asking him a question and coming back and reporting verbatim what the General said. So Mr. Rusk, our Secretary of State, went to Paris and met with General de Gaulle.

He said, President Johnson has tasked me with asking you this question: When you demand that all American soldiers are off of French soil within 90 days, are you including those thousands of Americans buried in Normandy?

General de Gaulle was speechless. He turned away and could not speak.

I would hope that the French people, now that this war is coming to a conclusion with the great victories that we have had in these last few days, when they see that we have put the lives of our people on the line again, I hope they will become speechless, because I am sick and tired of hearing from a lot of those people, and so are a lot of Americans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EDWARDS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS:

At the end of the bill (before the short title), insert the following:

No funds appropriated under this Act may be provided to an air carrier if the air carrier or any of its subsidiaries discontinues service to the Kilred Texas Municipal Airport between April 4, 2003 and April 4, 2004.

Mr. EDWARDS. Mr. Chairman, the vote we just cast dealt with how America should treat nations who do not support us in our war against Iraq.

This amendment deals with the issue of how we treat American companies who have turned their back on the families of our military servicemen and women who are fighting that war against Iraq tonight. Let me read from the Atlanta Journal Constitution just 4 days ago. ''The use of Delta's funds for this purpose left us in disbelief.'' That is what 30 former Delta executives said about the CEO of Delta Airlines and 32 executives spending $25 million of Delta Airlines funds to set up special pension trust funds for themselves.

Mr. Chairman, the CEO of Delta who comes before this House asking for billions of Federal tax subsidies was recently part of providing $25 million in expenditures to protect 33 executives while 16,000 employees are being laid off. Mr. Chairman, I find myself in disbelief that the same Delta Airline executives who could spend $25 million to protect their pension trust funds said today in Killeen, Texas, in my district, that they cannot afford to continue air service during a time of war to the community that is the home of the only two-division Army installation in America, Fort Hood.

That is correct. The same executives that had $25 million to protect their future said to the families of soldiers who are deploying tonight, some of whom are at war tonight in Iraq, two of whom from Fort Hood are POWs in Iraq tonight, that we are not going to provide air service anymore. In fact, we are going to cut off air service to Fort

Hood and its two Army installations and the 44,000 soldiers that represent Fort Hood, we are going to cut off that air service even while we are at war in Iraq. They even had the audacity to tell employees today, while Delta lobbyists were running around the halls of this Capitol saying we need millions, in fact billions, in tax subsidies to support our efforts at Delta Airlines. I find myself in disbelief, just as 30 former executives at Delta found themselves in disbelief at the actions of executives of this company.

My amendment sends a clear message to the executives of Delta and to Continental Airlines and any other airline: Do not come to the House of Representatives, to these hallowed halls, during a time of war and ask for the taxpayers of military families to subsidize a bailout for your companies while you are cutting off airline service to the thousands of military families whose loved ones are putting their lives on the line in Iraq tonight.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I ask the gentleman to yield because he and I discussed this at length earlier in the evening, and I think the gentleman raises a point that should be considered seriously, and I have told the gentleman that.

I told the gentleman during the negotiations with the conference committee I would make sure that this issue was brought before the conference and a thorough discussion would take place and see if there is something that we can do that would be helpful to the families of those soldiers at Fort Hood.

Mr. EDWARDS. Mr. Chairman, I thank the chairman because the gentleman realizes, as I do, that since I did not get the news, employees of my district did not get the news today after the Committee on Rules had established the rules for amendments on this bill, technically this amendment could be ruled out of order. For that reason, in a moment I will respectfully pull down the amendment in my appreciation of the chairman for his recognizing the importance of talking to airlines about not cutting off airline service to major military installations during a time of war when we are asking those families, taxpayers, to help subsidize the continuation of those airlines.

I do not know what the intention is of Delta and Continental who have made these recent announcements to cut off air service to so many military families which are sacrificing so much for us. I will say to them, if they are willing to reconsider what I consider their incredibly unfair decisions tonight and in the days ahead, I will be the first to applaud them for their patriotism and sense of public service during this time of war.

But I also want to send a clear message. If all they offer us is lip service for the next 3 days until they get this bill passed and then they cut off air service to tens of thousands of military families who might lose loved ones as they are cutting off that service, I may be only one Member of Congress, but I hope they understand there will be millions of American veterans and millions of American families who will share my outrage that it is wrong, it is unpatriotic for these companies to turn their backs on the military families who are facing death and risk of life in Iraq tonight.

I thank the chairman, and I look forward to solving this problem.

□ 2215

Mr. EDWARDS. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN. The amendment is withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. 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 Massachusetts (Mr. MCGOVERN) and the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. MCGOVERN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the remainder of this series will be conducted as a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 209, noes 216, not voting 10, as follows:

[Roll No. 106]

AYES—209

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

NOES—216

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

Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stenholm
Sullivan
Sweeney
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner (OH)
Upton
Vitter
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—10

Berman
Combest
Gephardt
Hyde
McCarthy (MO)
McInnis
Oberstar
Walden (OR)
Weiner
Young (AK)

□ 2234

Messrs. NETHERCUTT, JANKLOW, JONES of North Carolina, TURNER of Ohio, CUNNINGHAM, BARTLETT of Maryland, MORAN of Virginia, SMITH of Michigan, PENCE, and MOLLOHAN changed their vote from ''aye'' to ''no.''

Messrs. TANCREDO, DEFAZIO, LEACH, and KANJORSKI changed their vote from ''no'' to ''aye.''

Mr. UPTON changed his vote from ''present'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 113, noes 312, not voting 10, as follows:

[Roll No. 107]

AYES—113

Bachus
Ballenger
Becerra
Berkley
Berry
Bilirakis
Blumenauer
Boswell
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Coble
Conyers
Cooper
Costello
Cummings
Davis (AL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
Doggett
Duncan
Eshoo
Etheridge
Evans
Feeney
Ferguson
Filner
Garrett (NJ)
Goode
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Hayes
Hill
Hinchey
Hoekstra
Holt
Honda
Hooley (OR)
Hostettler
Hulshof
Inslee
Jackson-Lee (TX)
Jenkins
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Lampson
Langevin
Larson (CT)
Lee
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Majette
Maloney
McDermott
McGovern
McIntyre
McNulty
Menendez
Michaud
Millender-McDonald
Miller, George
Ney
Nussle
Osborne
Otter
Owens
Pallone
Pastor
Paul
Payne
Pence
Ramstad
Rogers (MI)
Rush
Sanchez, Linda T.
Sanders
Sandlin
Schiff
Scott (VA)
Sherman
Slaughter
Souder
Stark
Stenholm
Strickland
Tanner
Taylor (MS)
Taylor (NC)
Tiberi
Tierney
Toomey
Towns
Upton
Waters
Watson
Woolsey
Wu

NOES—312

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bell
Bereuter
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal (GA)
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Everett
Farr
Fattah
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoeffel
Holden
Houghton
Hoyer
Hunter
Isakson
Israel
Issa
Istook
Jackson (IL)
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lowey
Lucas (OK)
Lynch
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McKeon
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Ose
Oxley
Pascrell
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Saxton
Schakowsky
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Vitter
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NOT VOTING—10

Berman
Buyer
Combest
Gephardt
Hyde
McCarthy (MO)
McInnis
Oberstar
Walden (OR)
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote.) Members are reminded there are 2 minutes remaining on this vote).

□ 2241

Mr. PENCE changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

If not, the Clerk will read the last lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Emergency Wartime Supplemental Appropriations Act, 2003''.

The CHAIRMAN. No further amendments being in order, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. THORNBERRY, Chairman 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. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, pursuant to House Resolution 172, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

(Mr. LAHOOD asked and was given permission to speak out of order.)

DEBT OF GRATITUDE

Mr. LAHOOD. Mr. Speaker, I think we owe a big debt of gratitude for the way that the gentleman from Texas (Mr. THORNBERRY) has conducted the proceedings of the House all day today. Mac, you did a great job.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on 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.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 12, not voting 9, as follows:

[Roll No. 108]

YEAS—414

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
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, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
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)
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
Fattah
Feeney
Ferguson
Filner
Fletcher
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
Hastert
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
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
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)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
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
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (FL)

NAYS—12

Blumenauer
DeFazio
Farr
Flake
Grijalva
Kucinich
Lee
Lewis (GA)
Paul
Sanders
Watson
Woolsey

NOT VOTING—9

Berman
Combest
Gephardt
Hyde
McCarthy (MO)
McInnis
Oberstar
Walden (OR)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2259

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2300

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Texas (Mr. DELAY) for the purposes of informing the body as to the schedule for the coming week.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman from Maryland (Mr. HOYER) yielding to me.

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 a suspension of the rules and a final list sent to Members' offices by the end of the week.

We may also consider a motion to go to conference on the Armed Services Tax Fairness Act and any votes called on these measures, though, will be rolled until 6:30 p.m.

On Tuesday we expect to consider several additional bills under suspension of the rules, as well as S. 380, which is virtually identical to the Postal Service Reform Bill that we had scheduled for consideration tonight.

For Wednesday and the balance of the week we have several measures that we will consider under a rule. These include the gun manufacturers liability Reform Bill that was reported by the Committee on the Judiciary earlier today, the comprehensive energy policy bill, the FY 2004 Budget Resolution Conference Report, and the Conference Report on the FY 2003 War Supplemental.

I would note for Members that we plan to stay in session into the weekend if necessary in order to complete the supplemental before our spring recess.

I thank the gentleman for yielding, and I am happy to answer any questions.

Mr. HOYER. Mr. Speaker, I thank the gentleman for his information. First, if I might, Mr. Leader, you indicate that we may also consider a motion to go to conference on the Armed Services Tax Fairness Act on Monday. Do you know whether that is more definite now? The reason I ask that is we may want to have a motion to instruct on this side.

I yield to the gentleman.

Mr. DELAY. I appreciate the gentleman yielding and I wish I could give him a more definite answer. We are trying to consider how we would approach this very important bill and we want to get it out before the Easter break. And the best I can tell the gentleman is it looks like we are going to conference on it or we want to go to conference on it. But I do not want to mislead him. There may be other alternatives available to us after we consider work with the Senate.

Mr. HOYER. I thank the gentleman for that information, and I would appreciate as soon as you know how you are going to handle this if you would let us know.

Mr. DELAY. Absolutely, I will let the gentleman know, so he will have plenty of time to write a motion to instruct.

Mr. HOYER. Thank you, Mr. Leader. Will there definitely be votes next Friday?

Mr. DELAY. If the gentleman would yield, ''definitely'' is a very tough word in this business and on this floor. I would think, looking at the work ahead of us, that the probability of having votes on Friday is more to the affirmative than to the negative.

Mr. HOYER. The gentleman certainly has outlined some very significant pieces of legislation that may be on the floor.

Mr. DELAY. If the gentleman would yield, I do want to repeat that it is very possible that we could have votes on Friday and we intend to pass the War Supplemental Conference Report and send it to the President before we break for the break. And if things get a little difficult, we could actually be here through the weekend.

Mr. HOYER. Reclaiming my time, I thank the gentleman for his comment and I hear him talking about the supplemental. Does the leader believe that the budget conference report is a necessary piece of legislation for us to pass before we leave? I know you mentioned that you might want to try to do that, but does your side believe that is necessary before we leave next week?

Mr. DELAY. If the gentleman would yield, I have not personally consulted with the Speaker or the rest of the leadership, but it is my own understanding that the conference report on the budget is as important as doing the supplemental. But the word that I have is things are progressing with that conference report. There are very few issues to resolve, and we have the greatest expectation that that conference report will be on the floor sometime next week and will not slow down our ability to go into the Easter break.

Mr. HOYER. I thank the gentleman for that comment.

Related to the budget conference, Mr. Leader, do you expect that we will have a debt limit vote on the floor either as a part of the conference report or as a freestanding bill of some type or other in the week to come?

Mr. DELAY. If the gentleman would yield, the gentleman is very well aware that we reinstituted a very important rule called the Gephardt rule that includes in the budget conference report the number that is needed in order to raise the debt ceiling. So the vote on the conference report as far as the House is concerned is the vote on the debt ceiling.

Mr. HOYER. I thank the gentleman for reminding me. Is that the same Gephardt rule that the minority, when the Democrats were in control, thought was undemocratic, masked the desire of Democrats to raise the debt limit and spend more money; is that the same rule you are talking about reinstituting and you have reinstituted and are going to apply? I just want to clarify and make sure that is the same awful rule that you attacked so vigorously when you were in the minority.

Mr. DELAY. I think it is a different rule. I think it is the Hastert rule now.

Mr. HOYER. A rule by any other name, my friend.

The energy bill, Mr. Leader, do you have a pretty good estimate as to which day of the week that bill might come to the floor?

Mr. DELAY. If the gentleman would yield, as the gentleman knows, this is a very complicated piece of legislation that has had at least four committees consider. All four committees have reported, and we have to get together with the minority to pull this bill together and bring it to the floor, and we hope to schedule that bill for some time on Wednesday; if not Wednesday, on Thursday of next week.

Mr. HOYER. I thank the gentleman for that information.

May I also ask him, and I see the chairman of the Committee on Rules on the floor, you correctly observed, Mr. Leader, this is a complicated bill, a lot of different subjects, very important subjects, very consequential subjects. What, if you know, perhaps the chairman of the Committee on Rules knows, do you contemplate an open rule such as the rule we had on the floor today?

Mr. DELAY. The discussion in the Committee on Rules has not been forthcoming, and certainly we would hope that a rule would be fashioned to give every Member of the House the greatest opportunity to express himself on a very important and complicated piece of legislation like the energy bill.

Mr. HOYER. Reclaiming my time, we share the leader's hope.

I yield to the distinguished chairman of the Committee on Rules.

Mr. DREIER. I thank the gentleman for yielding. I would say that the majority leader has outlined the goal that the Committee on Rules has on every piece of legislation. We demonstrated that this evening, allowing an opportunity for Members to consider a wide range of issues. And we know, as has been said by everyone, that the energy bill is going to be a very complex piece of legislation. There are a number of committees that have been involved in the process, and we anxiously look forward to resolving some of those questions in the Committee on Rules, and then we will come forward with an opportunity for a wide range of considerations.

Mr. HOYER. Reclaiming my time, I would say again in all sincerity to my friend, the chairman of the Committee on Rules, and the leader, this is the kind of legislation, which you are absolutely correct, which is very serious, very complicated, and ought to have the fullest airing on the floor of this House. Obviously, it has had a full airing in a number of committees.

□ 2310

We would urge and very strongly hope that the goal that the gentleman has expressed as his will, in fact, be followed so that alternatives can be offered by committee or individual Members on this side of the aisle as well as that side of the aisle when this bill comes to the floor.

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

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

Mr. DREIER. Mr. Speaker, I would just say that we will certainly take the recommendation of our friend, the minority whip, into consideration as we proceed; and I thank my friend for yielding.

ADJOURNMENT TO MONDAY, APRIL 7, 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 next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING H.R. 1036, PROTECTION OF LAWFUL COMMERCE IN ARMS ACT OF 2003

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet the week of April 7 to grant a rule which could limit the amendment process for floor consideration of H.R. 1036, the Protection of Lawful Commerce in Arms Act.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of 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 8. Members should draft their amendment to the bill as reported by the Committee on the Judiciary on April 3, 2003.

Members are advised that the text should be available for their review on the Web sites of the Committee on the Judiciary and the Committee on Rules today.

Members should use the Office of Legislative Council to ensure that their amendments are 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1040

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1040.

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

There was no objection.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to (20 U.S.C. 955(b) note), I hereby appoint, Rep. Betty McCollum of Minnesota, to the National Council on the Arts for the 108th Congress.

Best regards,

NANCY PELOSI,
Democratic Leader.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to (2 U.S.C. 88b–3), I hereby appoint Rep. Dale E. Kildee of Michigan, to the House of Representatives Page Board for the 108th Congress.

Best regards,

NANCY PELOSI,
Democratic Leader.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore. Pursuant to 20 U.S.C. 4303, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of Gallaudet University:

Ms. WOOLSEY of California.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BISHOP of Utah). 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 Exetensions of Remarks.)

CUBA'S CRACKDOWN ON DISSIDENT COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last week I stood before this House and spoke of the opening stages in Castro's outright assault on human rights and democracy. I spoke of Castro's decision to arrest over 80 nonviolent human rights advocates, pro-democracy leaders and independent journalists, in what has become a campaign by the regime to silence all voices of opposition on the island. Hoping that his actions would be overshadowed by the situation in Iraq, Castro has declared war on his own people.

Among those arrested include signers and supporters of a joint statement from the Cuban dissident community to the European Union, promoters of the Varela Project, members of the independent press, owners of independent libraries, and members of Cuba's independent civil society.

When I last spoke on this situation, it was feared that those arrested would be prosecuted under a much-criticized 1999 Cuban law that makes it a crime to publish subversive materials provided by the U.S. Government, and that carries with it a harsh prison sentence. Those fears, unfortunately, Mr. Speaker, have become a reality, as Castro has begun the trial of many of the detainees, seeking sentences that range from 12 years to decades and even requesting life in prison for some.

Furthermore, the prisoners have been refused access to their wives and families, have been allowed little or no legal defense, and have even been denied the ability to read the State's case against them.

Mr. Speaker, the Cuban Government has provided no information about the trials. Authorities outside two of the trials barred access to international journalists.

Castro's wave of oppression was also accompanied by a decision to limit the travel of Americans with the U.S. Interests Section, quarantining our diplomats to the province of Havana. Castro has become increasingly irritated by the actions of James Cason, chief of the U.S. Interests Section, and Cason's continued contact with members of the Cuban pro-democracy movement. Cason and other American diplomats have met in public with opposition leaders and independent journalists in an effort basically to encourage democracy and freedom of information on the island.

Mr. Speaker, these recent actions by the Castro regime are simply the next step in the systematic denial of even the most basic human rights for the citizens of Cuba. I, and many of my colleagues, have often urged this body to be wary of Castro and the Cuban Government. These latest developments are nothing new, but we must continue to be vigilant and not allow these deeds to go unnoticed.

Castro must know that despite his hope that the world would be looking the other way, we are noticing, and that these actions will not be allowed to continue.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Exetensions 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 addressd the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Mr. MEEK of Florida. Mr. Speaker, I ask unanimous consent to proceed with my Special Order.

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

There was no objection.

GEORGE ''GODFATHER'' THOMPSON: A LIFETIME OF SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

Mr. MEEK of Florida. Mr. Speaker, I rise this evening to honor George ''Godfather'' Thompson, one of the most remarkable men in my life and many of the lives of individuals who have played Rattler football at Florida A&M. Tomorrow night, friends and families and other players at Florida A&M are going to come together to pay tribute to this wonderful man who has done so much on behalf of so many, a man of great humility and compassion. When he speaks of Florida A&M and Rattler football, he gets chill bumps all over his body.

His heart is so big that those who go to Florida A&M with very little money, very little guidance or those that have great guidance, he takes the time to speak with them.

This Nation loves sports and for good reasons, but the right coach and guidance and sports, particularly in team sports, are fun and effective ways to teach young people the great lessons of life, that discipline and hard work are necessary for success but not necessarily guaranteed; that those who are

trying to beat their opponents, they are not necessarily their enemies; that winning with grace and dignity often requires as much character as losing with grace and dignity; and that teams succeed over the long haul when there are people working together, helping each other and supporting each other.

These are the great lessons of George ''Godfather'' Thompson.

I played defensive end for Florida A&M University, and this is where I met Godfather. He gave me a great, great insight on life, even though he was just an equipment manager. He was one of great dignity and pride and told many Rattler football players about the programs and stories. Even though it was not his responsibility to be the counselor, he took that responsibility as being someone to head young men in the right direction, or point young men in the right direction.

For everyone who calls George Thompson ''Godfather,'' and we still do, it is not a godfather that we may see on a movie or what have you, but it is out of respect and love for someone who took the time with everyone and opened his heart to accommodate not only their feelings but to guide them in the right direction.

□ 2320

He came to Florida A&M from Melbourne, Florida in 1951 as a student and pursued his degree and worked on campus as an equipment manager. It changed his life and the lives of thousands of student athletes who passed under his mentorship. He is a walking, talking history book who still inspires the coaches, students and players at Florida A&M. His compliment to the university and the students is unprecedented at Florida A&M, and maybe unprecedented in the entire Nation.

Mr. Speaker, I think it is very important for us to be able to highlight the fact that he served under five coaches there at Florida A&M, and for many of those years great individuals passed through that program. Rattler football is something we take very seriously down in Florida, especially in Tallahassee, Florida where the blood runs orange and green.

I want to thank him for his commitment and his level of responsibility for so many individuals in our lifetime. So many young men have moved on to do great things in this country because of his guidance, and we honor his presence and we thank God that so many of us had the opportunity to have him walk our way. So I not only commend him, Mr. Speaker, but I also want this Congress to be aware that a great American and patriot took time to not only guide individuals like myself and others and that we are forever indebted to his presence and to his feelings and to the work that he put forth over the years doing common things uncommonly well.

IN HONOR AND MEMORY OF PRIVATE FIRST CLASS HOWARD JOHNSON, II, OF MOBILE, ALABAMA

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from Alabama (Mr. BONNER) is recognized for 5 minutes.

Mr. BONNER. Mr. Speaker, this Saturday, Mobile, and indeed all of Alabama will say goodbye to our first casualty in the war on Iraq. While many Americans will be busy running weekend errands, shopping at the local mall, or spending time with their children at a T-ball game, I will, instead, be attending what will be a much more somber occasion, the funeral services for Private First Class Howard Johnson, II. Private Johnson was killed in combat while bravely serving and protecting this great Nation in Operation Iraqi Freedom.

Mr. Speaker, recently I visited with Howard's parents, the Reverend and Mrs. Howard Johnson, at their home in Mobile. Like every other parent would do in similar circumstances, the Johnsons grieve over the loss of their wonderful son. They told me what a fine young man Howard was, how he was always thinking of other people, and how he had a special concern especially for the older people who were in his father's church.

They said Howard loved life, and he was blessed with many wonderful friends. In the living room of their home, I had a chance to view several photographs of Howard, first as a little boy, then as a teenager, and more recently as a young man. Always, always, there was a big smile on his face. Howard Johnson, II, had a contagious smile and an optimistic spirit that looked to the future with hope and anticipation.

In uniform and in service to our country, Private Johnson exhibited courage, selfless service, and honor as a member of the United States Army and its 507th Ordnance Maintenance Company. Tragically, Private Johnson's supply convoy was ambushed in the early days of the campaign in the Iraqi city of Nasiriyah.

Although stationed at Fort Bliss in El Paso, Texas, Private Johnson resided in Mobile, Alabama with his family. He was a 2001 graduate of LeFlore High School and a member of the ROTC. Upon graduation from high school, Howard joined the Army and served as an automated logistical specialist after graduating from basic training at Fort Jackson, South Carolina in August of 2001.

On Wednesday of this week, more than 1,500 friends, former classmates, teachers and members of Howard's extended family attended a memorial service at the LeFlore High School gymnasium. Howard Johnson, II, will be remembered for many fine qualities, not the least of which is the fact that today he is also known as and wears the title ''hero.''

As you might imagine, I was deeply saddened to receive the word of Private Johnson's death. While it is always hard to understand why we must lose any of our young people, especially those serving and protecting our Nation in our Armed Forces, I believe it is accurate to say Private Johnson's family takes great comfort from the fact that Howard was ably performing his duty in an honorable manner that reflects the rich tradition of our military.

Even during this sad time, his parents, family and friends are rightly proud of his many accomplishments and that he voluntarily committed himself to preserving the freedoms that we sometimes take for granted and that we enjoy here in the United States and to spreading those freedoms to the victims of an oppressive regime halfway around the world.

Mr. Speaker, Howard's family is fortunate that they can rely on a rock-solid faith and a loving God to provide personal strength and comfort during these difficult days. Reverend Johnson, Howard's father, is pastor of the Truevine Missionary Baptist Church in Mobile where Howard played drums and was active in Sunday school in the children's ministry. Right before Howard was prepared to ship off to Kuwait, he reassured his father that ''I'm ready, and I know what I'm facing, and I just believe that God is going to do it for me.''

Mr. Speaker, Howard Johnson's willingness to pay what has become the ultimate sacrifice has contributed immeasurably to the freedom and security of this Nation, to Iraq, and the world.

The 507th's ''One team, one fight'' motto also embodies this worldwide mission that our servicemen and women have undertaken. May the prayers of a grateful Nation bring some comfort to the Johnson family and to all other families who have lost loved ones during this war, and may God continue to bless America, the greatest country on the face of the Earth.

ESTABLISHING A PERMANENT PRESENCE IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I want to bring to your attention a fascinating article in this month's issue of Mother Jones magazine, written by Robert Dreyfuss, and it deals with the question of establishing a permanent presence in the Middle East. I wanted to point out that this issue of oil, which fuels military power, national treasuries and international politics, is no longer a commodity to be bought and sold within the confines of traditional energy supply and demand balances. Rather, it has been transformed into a determinant of well-being of national security and of international

power. I recommend it to the attention of all of my colleagues.

Mr. Speaker, I submit the above-mentioned article for the RECORD.

ESTABLISHING A PERMANENT PRESENCE IN THE MIDDLE EAST

If your were to spin the globe and look for real estate critical to building an American empire, your first stop would have to be the Persian Gulf. The desert sands of this region hold two of every three barrels oil in the world-Iraq's reserves alone are equal, by some estimates, to those of Russia, the United States, China, and Mexico combined. For the past 30 years, the Gulf has been in the crosshairs of an influential group of Washington foreign-policy strategists, who believe that in order to ensure its global dominance, the United States must seize control of the region and its oil. Born during the energy crisis of the 1970s and refined since then by a generation of policymakers, this approach is finding its boldest expression yet in the Bush administration—which, with its plan to invade Iraq and install a regime beholden to Washington, has moved closer than any of its predecessors to transforming the Gulf into an American protectorate.

In the geopolitical vision driving current U.S. policy toward Iraq, the key to national security is global hegemony—dominance over any and all potential rivals. To that end, the United States must not only be able to project its military forces anywhere, at any time. It must also control key resources, chief among them oil—and especially Gulf oil. To the hawks who now set the tone at the White House and the Pentagon, the region is crucial not simply for its share of the U.S. oil supply (other sources have become more important over the years), but because it would allow the United States to maintain a lock on the world's energy life-line and potentially deny access to its global competitors. The administration ''believes you have to control resources in order to have access to them,'' says Chas Freeman, who served as U.S. ambassador to Saudi Arabia under the first President Bush. ''They are taken with the idea that the end of the Cold War left the United States able to impose its will globally—and that those who have the ability to shape events with power have the duty to do so. It's ideology.''

Iraq, in this view, is a strategic prize of unparalleled importance. Unlike the oil beneath Alaska's frozen tundra, locked away in the steppes of central Asia, or buried under stormy seas, Iraq's crude is readily accessible and, at less than $1.50 a barrel, some of the cheapest in the world to produce. Already, over the past several months, Western companies have been meeting with Iraqi exiles to try to stake a claim to that bonanza.

But while the companies hope to cash in on an American-controlled Iraq, the push to remove Saddam Hussein hasn't been driven by oil executives, many of whom are worried about the consequences of war. Nor are Vice President Cheney and President Bush, both former oilmen, looking at the Gulf simply for the profits that can be earned there. The administration is thinking bigger, much bigger, than that.

''Controlling Iraq is about oil as power, rather than oil as fuel,'' says Michael Klare, professor of peace and world security studies at Hampshire College and author of Resource Wars. ''Control over the Persian Gulf translates into control over Europe, Japan, and China. It's having our hand on the spigot.''

Ever since the oil shocks of the 1970s, the United States has steadily been accumulating military muscle in the Gulf by building bases, selling weaponry, and forging military partnerships. Now, it is poised to consolidate its might in a place that will be a fulcrum of the world's balance of power for decades to come. At a stroke, by taking control of Iraq, the Bush administration can solidify a long-running strategic design. ''It's the Kissinger plan,'' says James Akins, a former U.S. diplomat. ''I thought it had been killed, but it's back.''

Akins learned a hard lesson about the politics of oil when he served as a U.S. envoy in Kuwait and Iraq, and ultimately as ambassador to Saudi Arabia during the oil crisis of 1973 and '74. At his home in Washington, D.C., shelves filled with Middle Eastern pottery and other memorabilia cover the walls, souvenirs of his years in the Foreign Service. Nearly three decades later, he still gets worked up while recalling his first encounter with the idea that the United States should be prepared to occupy Arab oil-producing countries.

In 1975, while Akins was ambassador in Saudi Arabia, an article headlined ''Seizing Arab Oil'' appeared in Harper's. The author, who used the pseudonym Miles Ignotus, was identified as ''a Washington-based professor and defense consultant with intimate links to high-level U.S. policy-makers.'' The article outlined, as Akins puts it, ''how we could solve all our economic and political problems by taking over the Arab oil fields [and] bringing in Texans and Oklahomans to operate them.'' Simultaneously, a rash of similar stories appeared in other magazines and newspapers. ''I knew that it had to have been the result of a deep background briefing,'' Akins says. ''You don't have eight people coming up with the same screwy idea at the same time, independently.

''Then I made a fatal mistake,'' Akins continues. ''I said on television that anyone who would propose that is either a madman, a criminal, or an agent of the Soviet Union.'' Soon afterward, he says, he learned that the background briefing had been conducted by his boss, then-Secretary of State Henry Kissinger. Akins was fired later that year.

Kissinger has never acknowledged having planted the seeds for the article. But in an interview with Business Week that same year, he delivered a thinly veiled threat to the Saudis, musing about bringing oil prices down through ''massive political warfare against countries like Saudi Arabia and Iran to make them risk their political stability and maybe their security if they did not cooperate.''

In the 1970s, America's military presence in the Gulf was virtually nil, so the idea of seizing control of its oil was a pipe dream. Still, starting with the Miles Ignotus article, and a parallel one by conservative strategist and Johns Hopkins University professor Robert W. Tucker in Commentary, the idea began to gain favor among a feisty group of hardline, pro-Israeli thinkers, especially the hawkish circle aligned with Democratic senators Henry Jackson of Washington and Daniel Patrick Moynihan of New York. Eventually, this amalgam of strategists came to be known as ''neoconservatives,'' and they played important roles in President Reagan's Defense Department and at think tanks and academic policy centers in the 1980s. Led by Richard Perle, chairman of the Pentagon's influential Defense Policy Board, and Deputy Secretary of Defense Paul Wolfowitz, they now occupy several dozen key posts in the White House, the Pentagon, and the State Department. At the top, they are closest to Vice President Cheney and Defense Secretary Donald Rumsfeld, who have been closely aligned since both men served in the White House under President Ford in the mid-1970s. They also clustered around Cheney when he served as secretary of defense during the Gulf War in 1991.

Throughout those years, and especially after the Gulf War, U.S. forces have steadily encroached on the Gulf and the surrounding region, from the Horn of Africa to Central Asia. In preparing for an invasion and occupation of Iraq, the administration has been building on the steps taken by military and policy planners over the past quarter century.

STEP ONE: The Rapid Deployment Force. In 1973 and '74, and again in 1979, political upheavals in the Middle East led to huge spikes in oil prices, which rose fifteenfold over the decade and focused new attention on the Persian Gulf. In January 1980, President Carter effectively declared the Gulf a zone of U.S. influence, especially against encroachment from the Soviet Union. ''Let our position be absolutely clear,'' he said, announcing what came to be known as the Carter Doctrine. ''An attempt by any outside force to gain control of the Persian Gulf region will be regarded as an assault on the vital interests of the United States of America, and such an assault will be repelled by any means necessary, including military force.'' To back up this doctrine, Carter created the Rapid Deployment Force, an ''over-the-horizon'' military unit capable of rushing several thousand U.S. troops to the Gulf in a crisis.

STEP TWO: The Central Command. In the 1980s, under President Reagan, the United States began pressing countries in the Gulf for access to bases and support facilities. The Rapid Deployment Force was transformed into the Central Command, a new U.S. military command authority with responsibility for the Gulf and the surrounding region from eastern Africa to Afghanistan. Reagan tried to organize a ''strategic consensus'' of anti-Soviet allies, including Turkey, Israel, and Saudi Arabia. The United States sold billions of dollars' worth of arms to the Saudis in the early '80s, from AWACS surveillance aircraft to F–15 fighters. And in 1987, at the height of the war between Iraq and Iran, the U.S. Navy created the Joint Task Force-Middle East to protect oil tankers plying the waters of the Gulf, thus expanding a U.S. naval presence of just three or four warships into a flotilla of 40-plus aircraft carriers, battleships, and cruisers.

STEP THREE: The Gulf War. Until 1991, the United States was unable to persuade the Arab Gulf states to allow a permanent American presence on their soil. Meanwhile, Saudi Arabia, while maintaining its close relationship with the United States, began to diversify its commercial and military ties; by the time U.S. Ambassador Chas Freeman arrived there in the late '80s, the United States had fallen to fourth place among arms suppliers to the kingdom. ''The United States was being supplanted even in commercial terms by the British, the French, even the Chinese,'' Freeman notes.

All that changed with the Gulf War. Saudi Arabia and other Gulf states no longer opposed a direct U.S. military presence, and American troops, construction squads, arms salesmen, and military assistance teams rushed in. The Gulf War put Saudi Arabia back on the map and revived a relationship that had been severely attrited,'' says Freeman.

In the decade after the war, the United States sold more than $43 billion worth of weapons, equipment, and military construction projects to Saudi Arabia, and 416 billion more to Kuwait, Qatar, Bahrain, and the United Arab Emirates, according to data compiled by the Federation of American Scientists. Before Operation Desert Storm, the U.S. military enjoyed the right to stockpile, or ''pre-position,'' military supplies only in the comparatively remote Gulf state of Oman on the Indian Ocean. After the war, nearly every country in the region began conducting joint military exercises, hosting U.S. naval units and Air Force squadrons,

and granting the United States pre-positioning rights. ''Our military presence in the Middle East has increased dramatically,'' then-Defense Secretary William Cohen boasted in 1995.

Another boost to the U.S. presence was the unilateral imposition, in 1991, of no-fly zones in northern and southern Iraq, enforced mostly by U.S. aircraft from bases in Turkey and Saudi Arabia. ''There was a massive buildup, especially around Incirlik in Turkey, to police the northern no-fly zone, and around [the Saudi capitol of] Riyadh, to police the southern no-fly zone,'' says Colin Robinson of the Center for Defense Information, a Washington think tank. A billion-dollar, high-tech command center was built by Saudi Arabia near Riyadh, and over the past two years the United States has secretly been completing another one in Qatar. The Saudi facilities ''were built with capacities far beyond the ability of Saudi Arabia to use them,'' Robinson says. ''And that's exactly what Qatar is doing now.''

Step four: Afghanistan. The war in Afghanistan—and the open-ended war on terrorism, which has led to U.S. strikes in Yemen, Pakistan, and elsewhere—further boosted America's strength in the region. The administration has won large increases in the defense budget—which now stands at about $400 billion, up from just over $300 billion in 2000—and a huge chunk of that budget, perhaps as much as $60 billion, is slated to support U.S. forces in and around the Persian Gulf. Military facilities on the perimeter of the Gulf, from Djibouti in the Horn of Africa to the island of Diego Garcia in the Indian Ocean, have been expanded, and a web of bases and training missions has extended the U.S. presence deep into central Asia. From Afghanistan to the landlocked former Soviet republics of Uzbekistan and Kyrgyzstan, U.S. forces have established themselves in an area that had long been in Russia's sphere of influence. Oil-rich in its own right, and strategically vital, central Asia is now the eastern link in a nearly continuous chain of U.S. bases, facilities, and allies stretching from the Mediterranean and the Red Sea far into the Asian hinterland.

Step five: Iraq. Removing Saddam Hussein could be the final piece of he puzzle, cementing an American imperial presence. It is ''highly possible'' that the United States will maintain military bases in Iraq, Robert Kagan, a leading neoconservative strategist, recently told the Atlanta Journal Constitution. ''We will probably need a major concentration of forces in the Middle East over a long period of time,'' he said. ''When we have economic problems, it's been caused by disruptions in our oil supply. If we have a force in Iraq, there will be no disruption in oil supplies.''

Kagan, along with William Kristol of the Weekly Standard, is a founder of the think tank Project for the New American Century, an assembly of foreign-policy hawks whose supports include the Pentagon's Perle, New Republic publisher Martin Peretz, and former Central Intelligence agency director James Woolsey. Among the group's affiliates in the Bush administration are Cheney, Rumsfeld, and Wolfowitz; I. Lewis Libby, the vice president's chief of staff; Elliott Abrams, the Middle East director at the National Security Council; and Zalmay Khalilzad, the White House liaison to the Iraqi opposition groups. Kagan's group, tied to a web of similar neoconservative, pro-Israeli organizations, represents the constellation of thinkers whose ideological affinity was forged in the Nixon and Ford administrations.

To Akins, who has just returned from Saudi Arabia, it's a team that looks all too familiar, seeking to implement the plan first outlined back in 1975. ''It'll be easier once we have Iraq,'' he says. ''Kuwait, we already have. Qatar and Bahrain, too. So it's only Saudi Arabia we're talking about, and the United Arab Emirates falls into place.''

Last summer, Perle provided a brief glimpse into his circle's thinking when he invited Rand Corporation strategist Laurent Murawiec to make a presentation to his Defense Policy Board, a committee of former senior officials and generals that advises the Pentagon on big-picture policy ideas. Murawiec's closed-door briefing provoked a storm of criticism when it was leaked to the media; he described Saudi Arabia as the ''kernel of evil,'' suggested that the Saudi royal family should be replaced or otherthrown, and raised the idea of a U.S. occupation of Saudi oil fields. He ultimately lost his job when Rand decided he was too controversial.

Murawiec is part of a Washington school of thought that views virtually all of the nations in the Gulf as unstable ''failed states'' and maintains that only the United States has the power to forcibly reorganize and rebuild them. In this view, the arms systems and bases that were put in place to defend the region also provided a ready-made infrastructure for taking over countries and their oil fields in the event of a crisis.

The Defense Department likely has contingency plans to occupy Saudi Arabia, says Robert E. Ebel, director of the energy program at the Center for Strategic and International Studies (CSIS), a Washington think tank whose advisers include Kissinger; former Defense Secretary and CIA director James Schlesinger; and Zbigniew Brzezinski, Carter's national security adviser. ''If something happens in Saudi Arabia,'' Ebel says, ''if the ruling family is ousted, if they decide to shut off the oil supply, we have to go in.''

Two years ago, Ebel, a former mid-level CIA official, oversaw a CSIS task force that included several members of Congress as well as representatives from industry including ExxonMobil, Arco, BP, Shell, Texaco, and the American Petroleum Institute. Its report, ''The Geopolitics of Energy Into the 21st Century,'' concluded that the world will find itself dependent for many years on unstable oil-producing nations, around which conflicts and wars are bound to swirl. ''Oil is high-profile stuff,'' Ebel says. ''Oil fuels military power, national treasuries, and international politics. It is not longer a commodity to be bought and sold within the confines of traditional energy supply and demand balances. Rather, it has been transformed into a determinant of well-being, of national security, and of international power.''

As vital as the Persian Gulf is now, its strategic importance is likely to grow exponentially in the next 20 years. Nearly one out of every three barrels of oil reserves in the world lie under just two countries: Saudi Arabia (with 259 billion barrels of proven reserves) and Iraq (112 billion). Those figures may understate Iraq's largely unexplored reserves, which according to U.S. government estimates may hold as many as 432 billion barrels.

With supplies in many other regions, especially the United States and the North Sea, nearly exhausted, oil from Saudi Arabia and Iraq is becoming ever more critical—a fact duly noted in the administration's National Energy Policy, released in 2001 by a White House task force. By 2020, the Gulf will supply between 54 percent and 67 percent of the world's crude, the document said, making the region ''vital to U.S. interests.'' According to G. Daniel Butler, an oil-markets analyst at the U.S. Energy Information Administration (EIA), Saudi Arabia's production capacity will rise from its current 9.4 million barrels a day to 22.1 million over the next 17 years. Iraq, which in 2002 produced a mere 2 million barrels a day, ''could easily be a double-digit producer by 2020,'' says Butler.

U.S. strategists aren't worried primarily about America's own oil supplies; for decades, the United States has worked to diversify its sources of oil with Venezuela, Nigeria, Mexico, and other countries growing in importance. But for Western Europe and Japan, as well as the developing industrial powers of eastern Asia, the Gulf is all-important. Whoever controls it will maintain crucial global leverage for decades to come.

Today, notes the EIA's Butler, two-thirds of Gulf oil goes to Western industrial nations. By 2015, according to a study by the CIA's National Intelligence Council, three-quarters of the Gulf's oil will go to Asia, chiefly to China. China's growing dependence on the Gulf could cause it to develop closer military and political ties with countries such as Iran and Iraq, according to the report produced by Ebel's CSIS task force. ''They have different political interests in the gulf than we do,'' Ebel says. ''Is it to our advantage to have another competitor for oil in the Persian Gulf?''

David Long, who served as a U.S. diplomat in Saudi Arabia and as chief of the Near East division in the State Department's Bureau of Intelligence and Research during the Reagan administration, likens the Bush administration's approach to the philosophy of Admiral Mahan, the 19th-century military strategist who advocated the use of naval power to create a global American empire. ''They want to be the world's enforcer,'' he says. ''It's a worldview, a geopolitical position. They say, ''We need hegemony in the region.''

Until the 1970s, the face of American power in the Gulf was the U.S. oil industry, led by Exxon, Mobil, Chevron, Texaco, and Gulf, all of whom competed fiercely with Britain's BP and Anglo-Dutch Shell. But in the early '70s, Iraq, Saudi Arabia, and the other Gulf states nationalized their oil industries, setting up state-run companies to run wells, pipelines, and production facilities. Not only did that enhance the power of OPEC, enabling that organization to force a series of sharp price increases, but it alarmed U.S. policymakers.

Today, a growing number of Washington strategists are advocating a direct U.S. challenge to state-owned petroleum industries in oil-producing countries, especially the Persian Gulf. Think tanks such as the American Enterprise Institute, the Heritage Foundation, and CSIS are conducting discussions about privatizing Iraq's oil industry. Some of them have put forward detailed plans outlining how Iraq, Saudi Arabia, and other nations could be forced to open up their oil and gas industries to foreign investment. The Bush administration itself has been careful not to say much about what might happen to Iraq's oil. But State Department officials have had preliminary talks about the oil industry with Iraqi exiles, and there have been reports that the U.S. military wants to use at least part of the country's oil revenue to pay for the cost of military occupation.

''One of the major problems with the Persian Gulf is that the means of production are in the hands of the state,'' Rob Sobhani, an oil-industry consultant, told an American Enterprise Institute conference last fall in Washington. Already, he noted, several U.S. oil companies are studying the possibility of privatization in the Gulf. Dismantling government-owned oil companies, Sobhani argues, could also force political changes in the region. ''The beginning of liberal democracy can be achieved if you take the means of production out of the hands of the state,'' he said, acknowledging that Arabs would resist that idea. ''It's going to take a lot of selling, a lot of marketing,'' he concluded.

Just which companies would get to claim Iraq's oil has been a subject of much debate. After a war, the contracts that Iraq's state-owned oil company has signed with European, Russian, and Chinese oil firms might well be abrogated, leaving the field to U.S. oil companies. ''What they have in mind is denationalization, and then parceling Iraqi oil out of American Oil companies,'' says Akins. ''The American oil companies are going to be the main beneficiaries of this war.''

The would-be rulers of a post-Saddam Iraq have been thinking along the same lines. ''American oil companies will have a big shot at Iraqi oil,'' says Ahmad Chalabi, leader of the Iraqi National Congress, a group of aristocrats and wealthy Iraqis who fled the country when its repressive monarchy was overthrown in 1958. During a visit to Washington last fall, Chalabi held meetings with at least three major U.S. oil companies, trying to enlist their support. Similar meetings between Iraqi exiles and U.S. companies have also been taking place in Europe.

''Iraqi exiles have approached us, saying, 'You can have our oil if we can get back in there,'' says R. Gerald Bailey, who headed Exxon's Middle East operations until 1997. ''All the major American companies have met with them in Paris, London, Brussels, all over. They're all jockeying for position. You can't ignore it, but you've got to do it on the QT. And you can't wait till it gets too far along.''

But the companies are also anxious about the consequences of war, according to many experts, oil-company executives, and former State Department officials. ''The oil companies are caught in the middle,'' says Bailey. Executives fear that war could create havoc in the region, turning Arab states against the United States and Western oil companies. On the other hand, should a U.S. invasion of Iraq be successful, they want to be there when the oil is divvied up. Says David Long, the former U.S. diplomat, ''It's greed versus fear.''

Ibrahim Oweiss, a Middle East specialist at Georgetown University who coined the term ''petrodollar'' and has also been a consultant to Occidental and BP, has been closely watching the cautious maneuvering by the companies. ''I know that the oil companies are scared about the outcome of this,'' he says. ''They are not at all sure this is in the best interests of the oil industry.''

Anne Joyce, an editor at the Washington-based Middle East Policy Council who has spoken privately to top Exxon officials, says it's clear that most oil-industry executives ''are afraid'' of what a war in the Persian Gulf could mean in the long term—especially if tensions in the region spiral out of control. ''They see it as much too risky, and they are risk averse,'' she says. ''They think it has 'fiasco' written all over it.''

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. OXLEY) is recognized for 5 minutes.

(Mr. OXLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Exetensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida addressed the House. His remarks will appear hereafter in the Exetensions of Remarks.)

CUBA BEGINS TRIALS OF DISSIDENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, let me draw your attention to a headline that appeared in the Associated Press today, and the headline reads ''Cuba Begins Trials of Dissidents. Cuba pressed forward with its harshest crackdown on dissidents in years, holding the first trials Thursday for dissidents rounded up across the Island and reportedly seeking life sentences for at least 10 of them.''

My colleagues, we are at this moment attempting to liberate Iraq from a dictator, Saddam Hussein. Our men and women are in harm's way. Regrettably, in this very Chamber, we have had our own colleagues, our own colleagues advocating open trade and opportunity with Fidel Castro.

□ 2330

Mr. Speaker, I am referring to the very person who is arresting and charging and sentencing dissidents in Cuba to life sentencing. At least 78 dissidents have been arrested since March 18. If you dare to speak out against the government, and I say that loosely because it is not a government, it is a dictatorship, of Fidel Castro, you are arrested. My colleagues from south Florida will tell Members at length what is considered a chargeable crime, and they will tell some of the things that this dictator is charging his citizens with.

Let me read what Elsa Pollan said about her husband, Hector Fernando Maseda. She says, ''I feel so defenseless. Where can I find someone to defend my husband?''

Her husband is going to be on trial, and no one will stand up for him. Why are our men and women in Iraq? To free and liberate people. And yet the very Members who voted to send our men and women into harm's way in Iraq, some of those people here on the floor gleefully say the embargo has not worked, 42 years later. Let us just trade with Cuba because if we embolden this dictator, he may give up and we will have freedom for people.

I have never heard such nonsense in my life. I hope those Members who advocate free trade with Cuba will look at today's headlines. If they feel comfortable doing business with a person who will incarcerate people for simply speaking their free will and their free mind, then have at it. I want no part of it.

If Members can look Elsa Pollan in the eyes and say her husband should be locked up for life because he spoke out against Fidel Castro, join with the happy campers in wanting to do free trade with Cuba. I challenge those Members who believe in free trade with Cuba, would they today, based on the political reality, advocate free trade with Saddam Hussein? Would they stand up in this well and say let us do business with Saddam Hussein because if he gets a little economic commerce, he will become a nicer person?

It is different because they keep saying if we do grain sales and medicine and food, we do opportunity, travel, somehow we are going to loosen the embargo and loosen Fidel Castro's grip on his people. Obviously, Fidel Castro has a different opinion on what loosening the grip on his people means. There are 78 people, confirmed defendants, and sentences sought for each. Several Cuban exile groups have distributed slightly longer lists. We are not sure. We hear 78 by the Associated Press. These are probably people who we will never hear from again because they will probably be dead at the hands of Fidel Castro's henchmen.

Mr. Speaker, tonight I ask my colleagues to carefully look at the headlines, think about our men and women in harm's way, and think if they really want to pursue a policy of appeasement with a man who is in fact locking up his own citizens as we speak. The parallels between Saddam Hussein and Fidel Castro are absolutely identical. One has a beard, one is south of Florida by 90 miles, the other is in the Middle East. But if the citizens dare speak out against either, they are dead or imprisoned for life. If they advocate health care or opportunity, they are arrested. Please do not fall for the trap; trade will not work. The embargo must stand. Fidel must go, and Cubans on that beautiful island south of Florida should have a chance for democracy and free elections.

CUBAN REGIME ARRESTS PRO-DEMOCRACY ACTIVISTS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for at least half the time until midnight as the designee of the majority leader.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I appreciated the remarks of the gentleman from New Jersey (Mr. PALLONE) and then my distinguished friend from Florida, the gentleman from Florida (Mr. FOLEY),

with regard to the crackdown that the Cuban dictatorship is engaged in at this moment against the pro-democracy movement in Cuba.

An entire new generation of leaders has developed and sprung up in Cuba; and even though they make a very purposeful point of maintaining their struggle always to a totally peaceful means, the dictator in Cuba is nervous, precisely because an entire generation of leadership that signifies and represents the future of Cuba has arisen. So this crackdown has occurred while the attention of the world, and it is occurring while the attention of the world is obviously upon Iraq because of the liberation of Iraq taking place by coalition forces led by the United States.

So taking advantage of the fact that the world is looking at Iraq, the Cuban dictator has once again filled his prisons with men and women who are peaceful pro-democracy activists or independent librarians, independent journalists, including Raul Rivero who is usually referred to as the dean of independent journalists in Cuba. Very well-known peaceful pro-democracy activists have been part of this roundup. Their homes have been burst into by the thugs of the dictatorship called the Rapid Action Brigades. They have burst into the homes, ransacked the homes, stolen property and terrorized the families of the pro-democracy victims, as well as the pro-democracy activists; and that has been going on systematically in the last 2 weeks in Cuba.

As I stated before, very well-known activists such as Hector Palacios and Martha Beatriz Roque are among the many, the 80 that we know of. Certainly there are many more that we do not know of, but 80 we know of.

Mr. Speaker, I include for the RECORD the list of the 80 imprisoned journalists and activists that we know of.

INDEPENDENT JOURNALISTS

Víctor Rolando Arroyo, Pedro Argüelles Morán, Majail Bárzaga Lugo, Carmelo Díaz Fernández, Oscar Espinosa Chepe, Adolfo Fernández Saínz, Miguel Galván Gutiérrez, Julio César Gálvez, Edel José García, Roberto García Cabreras (prisión domiciliaria), Jorge Luis García Peneque, Ricardo González Alfonso, and Luis González Pentón.

Alejandro González Raga, Normando Hernández, Juan Carlos Herrera Acosta, José Ubaldo Izquierdo, Héctor Maseda, Mario Enrique Mayo, Jorge Olivera, Pablo Pacheco Avila, Fabio Prieto Llorente, José Gabriel Ramón Castillo, Raúl Rivero Castañeda, Omar Rodríguez Saludes, Omar Ruiz Hernández, and Manuel Vázquez Portal.

PRO-DEMOCRACY ACTIVISTS

Osvaldo Alfonso, Nelson Aguilar, Pedro Pablo Alvarez Ramos, Rafael Ernesto Avila Pérez, Margarito Broche Espinosa, Marcelo Cano, Eduardo Díaz Fleites, Antonio Díaz Sánchez, Alfredo Domínguez Batista, Efrén Fernández, José Daniel Ferrer Castillo, Luis Enrique Ferrer García, Oscar Elias Biscet, Orlando Fundora, Alfredo Felipe Fuentes, Próspero Gainza, Javier García Pérez, Diosdado González Marreero, Léster González Pentón, Jorge Luis González Tanquero, Iván Hernández Carrillo, Regis Iglesias, Rolando Jiménez Posada, Reynaldo Labrada Peña, Librado Linares, José Miguel Martínez Hernández, and Rafael Millet.

Luis Milán Fernández, Roberto de Miranda, Nelson Moliné, Angel Moya Acosta, Félix Navarro, Héctor Palacios Ruiz, Arturo Pérez de Alejo, Omar Pernet Hernández, Horacio Julio Piña Borrego, Alfredo Pulido, Arnaldo Ramos Laubiriquet, Alexis Rodriguez Fernández, Blas G. Rodríguez Reyes, Martha Beatriz Roque Cabello, Claro Sánchez Altarriba, Ariel Sigler Amaya, Guido Sigler Amaya, Miguel Sigler Amaya, Ricardo Silva Gual, Fidel Suárez Cruz, Manuel Ubals González, Julio Antonio Valdés Guerra, Miguel Valdés Tamayo, Héctor Raúl Valle Hernández, Antonio A. Villarreal Acosta, and Orlando Zapata Tamayo.

Mr. Speaker, without any doubt, Martha Beatriz Roque, of the pro-democracy activists who have been rounded up in this Stalinist crackdown in the last 2 weeks, she is the best known, an economist by trade and a very erudite intellectual. Martha Beatriz was rounded up and thrown in the dungeon along with these 80 other pro-democracy activists, and today her summary trial began. Apparently it is set to end tomorrow.

The Castro regime's prosecutors are requesting life imprisonment for this woman, this economist who simply writes and speaks on behalf of freedom and democracy and analyzes economic conditions, and engages in that kind of work. The indictment does not contradict the fact that her work is peaceful, the so-called indictment because it is really a farce. It would be laughable if we were not dealing with the tragic situation of a people who have had to be subjected to 44 years of totalitarianism led by a Stalinist dictator.

□ 2340

The indictment charges Marta Beatriz Roque with possessing a computer, possessing a Web page on her computer, utilizing a server for her Web page in the United States of America. By way of the Web page, the indictment continues, Marta Beatriz Roque established links with entities in the United States. The accused, Marta Beatriz Roque, numerous times spoke on Radio Marti. The accused, Marta Beatriz Roque, published an article in a dissident magazine known as ''Enquentro.'' The accused, Marta Beatriz Roque, was visited in her residence by the head of the United States Diplomatic Mission. The accused, Marta Beatriz Roque, possessed in her residence, the indictment continues, a Cannon copier and a Panasonic fax machine. The accused, Marta Beatriz Roque, had communications with the gentlewoman from Florida (Ms. ROS-LEHTINEN) and LINCOLN DIAZ-BALART. The accused must be sentenced pursuant to this indictment, pursuant to the request of the prosecution in the totalitarian state to life imprisonment for what she is being accused of.

That is what the Cuban people are subjected to, Mr. Speaker. Obviously, we see that the international community is beginning despite the fact that, naturally so, the attention has been on the liberation of Iraq, despite the fact that the dictator chose this moment to act, to attempt to wipe out an entire generation of leaders that will be the leaders of democratic Cuba. The international community is beginning to react. The European Union that had recently declared that it would accept the Cuban dictatorship in its international aid agreement, its foreign aid agreement, has now said that it will not continue to do so. The Cuban ambassador in London, I read today, was called in for an explanation by the Foreign Ministry in London. Publications, editorial boards, and I think it is just, it is only just and fair and appropriate to admit that publications, editorial boards with which I, for example, have had profound differences on many issues over the past, a number of them have come around and have seen that this totalitarian crackdown cannot be treated as business as usual; and thus business as usual must not be able to take place now with that dictatorship.

For example, the Los Angeles Times last week talking about the crackdown even before these sentences were requested, these barbaric Stalinist sentences. The Los Angeles Times ended its editorial last week saying before Congress even thinks about loosening restrictions, it should demand that Castro free those rounded up this month and demonstrate that his nation is moving toward democracy and away from totalitarianism, the Los Angeles Times, a newspaper that admittedly has had a different position in the past. And I must admit this demonstrates intellectual honesty and good faith by the editorial board of the Los Angeles Times.

The Washington Post today talks about the fear that obviously the dictator is demonstrating because, yes, he chose this moment; and then The Washington Post says there are signs of deeper reasons besides just the diversion of attention that Iraq signifies.

Over the past 2 weeks, The Washington Post of today says, there have been two skyjackings and a ferry hijacking in Havana. In all cases, the apparently well-armed hijackers wanted to be taken immediately to Miami or Key West, also the recent destination of a Cuban Government patrol boat.

The normally placid Cuban Church has recently blasted the regime, and the economy is in crisis. Perhaps Fidel Castro is more worried about the growth of opposition to his regime than he wants to let on, and perhaps this is not the moment for the U.S. Government to drop the ball, ease the pressure, or allow Cuba to pretend that the country's multiple problems are anything but self-inflicted. The Washington Post. I think that it is important and relevant to point this out and appreciate it.

I appreciate my colleagues being here. We have 15 minutes remaining, and I know we will be back on Tuesday,

but I so much appreciate their being here also this evening, the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for yielding to me in this special moment for the people of Cuba.

It is with a heavy heart that my colleagues from south Florida and I stand here today because, while we are filled with hope and satisfaction about the liberation of the Iraqi people from the repressive regime of Saddam Hussein, at the same time our hearts bleed and weep for our brothers and sisters enslaved and oppressed in Cuba because the brutal tyrannical regime of Fidel Castro has used the cover of military action in Iraq to launch, as my colleague from south Florida clearly pointed out, one of the most intense crackdowns against dissidents in recent years. Castro's security agents have been storming into homes across the island, confiscating typewriters, books, papers from dissidents' homes, and rounding up almost 100 pro-democracy activists and independent journalists. And what have been their so-called crimes? Engaging in supposedly threatening activities such as possessing and lending books by such authors as Vaclac Havel, Mahatma Ghandi, Martin Luther King, Jr.

Arrested have been valiant freedom fighters such as Marta Beatriz Roque, an economist by trade who has already served time in Castro's gulags for her role in a publication that sought to take back the rights of all of the Cuban people, by underscoring that the ''Homeland Belongs to All, La Patria es de Todos.''

Another arrested, Raul Rivero, perhaps Cuba's most prominent independent journalist; Reformist Hector Palacios; labor leader Pedro Pablo Alvarez Ramos. And my colleague had entered into the RECORD all of their names, as far as we know; and the list is growing every day. And their sentences: Osvaldo Alfonso Valdes, life sentence; Jorge Olivera Castillo, 15 years; Ricardo Gonzalez Alfonso, life sentence; Orlando Fundora Alvarez, 15 to 25 years. Life sentences, 15 years, 25 years for possession of papers.

And these brave souls that are listed in these pages are just a few of the victims of the most recent wave of terrorism and repression. Many of the dissidents are being tortured. The summary sentences range from 15 years to execution, all in an attempt to intimidate by submission and silence those who oppose the regime's tyrannical rule. However, as Claudia Marquez, the wife of jailed dissident Osvaldo Alfonso, has emphasized, she said: ''Our voices and cries will not be silenced, even if our only weapon is our statements.''

With every arrest the opposition is strengthened, not weakened. With each beating their mission becomes clear. They are willing to make the ultimate sacrifice if it means an end to tyranny, for they know that their blood and their tears fertilize the roots of democracy which are taking hold in our native Cuba.

□ 2350

They will not be deterred. Let us not ignore their cries, cries emanating just 90 miles off our shores. This crackdown is a direct challenge to the United States and to the international community.

The regime assumed that we were all too busy with Iraq to care about the suffering of the Cuban people. Well, the dictatorship made a grave mistake. The European Union issued a statement condemning the arrest and demanding that these prisoners of conscience be immediately released. Amnesty International urged Cuba to release all of its prisoners of conscience and reform the laws which make such detentions possible. Human Rights International, the American Society of Newspaper Editors, the Inter-American Press Association have all denounced the crackdowns; and newspapers, as pointed out by the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), in the Los Angeles Times, they have published editorials saying, ''After years of calling for liberalized relations with Cuba, this editorial page must now urge American policymakers to hit the brakes.''

So rather than focusing on rewarding the Castro regime by loosening U.S. restrictions, all of us in the U.S. Congress should demand that Castro free all of the pro-democracy activists who have been arrested in the last few weeks, along with all prisoners of conscience.

We must demand respect for human rights and freedom for the Cuban people. We have done it before. We did it for the iron grip, for the former Soviet Union. We did it for the people in Kosovo, for the people in Bosnia. We did it for the Haitian people. We supported the Afghan people in their struggle, and we are now working to liberate the Iraqi people. But after more than 40 years of enslavement and subjugation, the U.S. Congress, with a single voice but one which will be heard around the world, must speak out against these atrocities and the gross violations committed by the Castro dictatorship, because the Cuban people deserve no less. I thank the gentleman.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentlewoman. Her words were eloquent, as always, and so appropriate. I would like to yield at this time to our other distinguished colleague from South Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman from Florida for this opportunity.

I was listening to our distinguished colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), talk about the sentences, these horrendous, long prison sentences to these human beings. Why are they going to prison? It sounds like a cruel joke. They are going to prison because they own a fax machine. They are going to prison because they own a copy machine. They are going to prison because they have the audacity of owning a computer. They are going to prison because how could they dare put up a Web page, a Web page that expresses what? Love for freedom. That is why they have been sentenced to prison. People who are nonviolent, people who want just one thing: freedom. Because they have the audacity to speak up and say that they want to be free and they want their people to be free, they get sentences of life imprisonment. Is that a cruel joke?

At the same time there are brave men and women who are giving their lives for freedom, just 90 miles from our shores we have another dictator taking away people's freedoms, putting them in prison because they own a fax machine and because they have the audacity to own a printer, a copier, or to have a Web page.

The world will not sit quietly. The world will not pretend this is not happening. We must all now speak up with one voice. We must all speak up against permitting this insanity by this insane human being just 90 miles away from our shores from taking place. Again, we will not forget these people. We will not tolerate their incarceration. We will not stop until they are freed, and we will insist that the entire world, starting with this body, the Congress of the United States, we will insist that every single one of us say to that dictator, we will not tolerate it. We will provide and put all of the pressure necessary to make sure that these people go free and that everybody on that island will one day very soon get rid of that nightmare, that horrendous nightmare that the world knows as Fidel Castro.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank both of my colleagues.

One week ago, the President of the United States, despite the fact that he is leading as Commander in Chief Operation Iraqi Freedom, with all the complexities that that has entailed and the attention that that has required, the President of the United States a week ago sent a letter to one of the most prestigious political prisoners in Cuba, a prisoner of conscience, Dr. Oscar Elias Biscet, and the President wrote in this letter to Dr. Biscet at Combinado del Este Prison where he is currently imprisoned:

''Dear Dr. Biscet: Congratulations on your recognition by the International Republican Institute with its first Democracy's People Award.

''Your work and your example are the embodiment of democratic values, including self-determination, free expression, and liberty. I applaud your courageous and dignified struggle for

human rights and to bring freedom to all Cubans.

''Laura and I continue to pray for your health and that of the many political prisoners held unjustly in your country.

''Sincerely, George W. Bush.''

The President sent this letter. Obviously, Castro cannot stand the fact that a Cuban would receive such an honor as a letter of this type from the President of the United States.

Well, Dr. Biscet's trial, after having languished for month after month after month, without being even charged, his summary trial has been announced for commencement and perhaps for finishing, for termination on Monday. And there are reports that Castro's prosecutor will either ask for the death penalty for Dr. Biscet or, in an act of great totalitarian mercy, request life imprisonment.

This cannot continue. This cannot continue and the Cuban people cannot continue, as the gentleman stated, in this nightmare.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, if the gentleman will yield, I imagine that now the Members of this body who may be well intentioned thought that we should do business as usual, as the gentleman well stated, with that dictator, will now realize that Castro is what he is. He is an assassin, he is a thug, he is a murderer, and he jails people for having computers in their homes.

So I would imagine and, of course, encourage everybody in this body to now join us, join the President of the United States, join the European Community in condemning this dictatorship and also making sure that we put pressure by applying every possible sanction possible to make sure that this nightmare goes away.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank my colleagues for being here this evening. We will come back next week. I know that the gentlewoman from Florida (Ms. ROS-LEHTINEN) has been working hard, and we have been working along with her, on precisely a resolution to condemn this Stalinist crackdown on the peaceful pro-democracy movement in Cuba 90 miles from our shores in the strongest possible terms by this House of Representatives.

Mr. Speaker, I will include for the RECORD the letter sent by President Bush to Dr. Oscar Elias Biscet that I previously referred to.

Mr. Speaker, we shall return.

PRESIDENT, GEORGE W. BUSH,
March 26, 2003.

Dr. OSCASR ELÍAS BISCET,
Combinado del Este Prison,
La Habana, Cuba.

DEAR DR. BISCET: Congratulations on your recognition by the International Republican Institute with its first Democracy's People Award.

Your work and your example are the embodiment of democratic values, including self-determination, free expression, and liberty. I applaud your courageous and dignified struggle for human rights and to bring freedom to all Cubans.

Laura and I continue to pray for your health, and that of the many political prisoners held unjustly in your country.

Sincerely,

GEORGE W. BUSH.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCINNIS (at the request of Mr. DELAY) for today on account of surgery.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today and April 7.

Mr. OXLEY, for 5 minutes, today.

Mr. BONNER, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

ADJOURNMENT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, April 7, 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:

1661. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1662. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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1668. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1669. A letter from the Deputy Associate Attorney General and White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1670. A letter from the Attorney/Advisor, Department of Transportation,transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

1671. A letter from the Secretary, Department of Commerce, transmitting a report entitled, ''Federal Assistance for Interjurisdictional and Anadromous Fisheries, Program Report 2001–2002''; to the Committee on Resources.

1672. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as a result the loss of the Space Shuttle Columbia has exceeded $5 million, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

1673. 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 02–010] (RIN: 2115–AA97) received February 27, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. SENSENBRENNER: Committee on the Judiciary. H.R. 760. A bill to prohibit the procedure commonly known as partial-birth abortion (Rept. 108–58). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ENGLISH (for himself, Mr. TANNER, Mr. SHERWOOD, Mr. MCNULTY, Mr. BERRY, Mr. MURTHA, Mr. MCHUGH, Mr. FARR, Mr. UDALL of Colorado, Mrs. EMERSON, Mr. ALLEN, Mr. REYNOLDS, Mr. PETERSON of Pennsylvania, Mr. KANJORSKI, Mr. HOLDEN, Mr. ORTIZ, Mr. TURNER of Texas, Mr. DAVIS of Tennessee, Mr. PLATTS, Mr. DOYLE, Mr. LATHAM, Mr. POMEROY, Mr. BOSWELL, Mr. COOPER, and Mr. ROGERS of Alabama):

H.R. 1580. A bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the Medicare Program, and for other purposes; to the Committee on Ways and Means.

By Mr. KNOLLENBERG (for himself, Mr. HOSTETTLER, and Mr. EDWARDS):

H.R. 1581. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for certain compensation received by members of the Armed Forces serving in South Korea; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. STUPAK, Mr. STRICKLAND, Mrs. WILSON of New Mexico, Mr. SHIMKUS, Mr. CANNON, Mr. INSLEE, Mr. OTTER, Mr. SIMPSON, Mr. TANCREDO, Mr. BISHOP of Utah, Mr. RENZI, Mr. DICKS, Mr. OSBORNE, Mr. BEREUTER, Mr. MCINNIS, Mrs. CUBIN, Mr. HASTINGS of Florida, Mr. POMEROY, Mr. KLINE, Ms. MCCARTHY of Missouri, Mr. RUSH, Mr. RADANOVICH, Mr. ROGERS of Michigan, Mr. BROWN of Ohio, Ms. DEGETTE, Mr. BARTON of Texas, Mr. BASS, and Mr. BEAUPREZ):

H.R. 1582. A bill to equitably distribute universal service support throughout rural America, and for other purposes; to the Committee on Energy and Commerce.

By Mr. NORWOOD (for himself, Mr. BOEHNER, Mrs. BIGGERT, Mr. BALLENGER, Mr. HOEKSTRA, Mr. KELLER, Mr. KLINE, Mrs. BLACKBURN, and Mr. ISAKSON):

H.R. 1583. A bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative improvement, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOUGHTON (for himself, Mr. THOMAS, and Mr. RANGEL):

H.R. 1584. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on International Relations, 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. BUYER (for himself, Mr. SMITH of New Jersey, Mr. EVANS, Mr. EVERETT, Mr. BILIRAKIS, Mr. MICHAUD, Ms. CARSON of Indiana, Mr. FILNER, Mr. BEAUPREZ, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. STEARNS, Mr. QUINN, Mr. SWEENEY, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, and Mr. MCHUGH):

H.R. 1585. A bill to establish an office to oversee research compliance and assurance within the Veterans Health Administration of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CANNON:

H.R. 1586. A bill to provide for the fair and efficient judicial consideration of personal injury and wrongful death claims arising out of asbestos exposure, to ensure that individuals who suffer impairment, now or in the future, from illnesses caused by exposure to asbestos receive compensation for their injuries, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. ROYCE, Mr. ROHRABACHER, Mr. WOLF, Mr. SOUDER, Mr. PENCE, Mr. CROWLEY, Ms. LOFGREN, Ms. ROS-LEHTINEN, Mr. TOM DAVIS of Virginia, Mr. TOWNS, Mr. MCNULTY, Ms. GINNY BROWN-WAITE of Florida, Mr. BALLENGER, Ms. LORETTA SANCHEZ of California, Mr. SAM JOHNSON of Texas, Mr. CLAY, Mr. BEAUPREZ, Mr. GREEN of Texas, Mr. ENGLISH, Mr. GREEN of Wisconsin, Ms. NORTON, Mr. WYNN, Mr. BELL, Mr. MORAN of Virginia, Mr. PAYNE, Mr. COX, Mr. GALLEGLY, Mr. MOORE, Mr. VAN HOLLEN, and Mr. WELDON of Pennsylvania):

H.R. 1587. A bill to promote freedom and democracy in Viet Nam; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself and Mr. SKELTON) (both by request):

H.R. 1588. A bill to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes; to the Committee on Armed Services.

By Mrs. CAPITO:

H.R. 1589. A bill to authorize the Secretary of the Interior to provide grants for the preservation of historic courthouses; to the Committee on Resources.

By Mr. LANTOS (for himself and Mr. DREIER):

H.R. 1590. A bill to enhance United States leadership and the functioning of international organizations and multilateral institutions; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 1591. A bill to amend title 49, United States Code, to provide a credit toward the non-Federal share of projects carried out under the airport improvement program to an owner or operator of an airport that is utilized to respond to a disaster or emergency; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 1592. A bill to amend title 10, United States Code, to repeal the two-tier annuity computation system applicable to annuities for surviving spouses under the Survivor Benefit Plan for retired members of the Armed Forces so that there is no reduction in such an annuity when the beneficiary becomes 62 years of age; to the Committee on Armed Services.

By Mr. BOSWELL (for himself, Mr. CROWLEY, Mr. HASTINGS of Florida, Mr. REYES, Mr. ETHERIDGE, and Mr. TIERNEY):

H.R. 1593. A bill to improve homeland security, prevent tax increases, support education and health care, and strengthen the economy; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, the Judiciary, 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 Mrs. CHRISTENSEN:

H.R. 1594. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the St. Croix National Heritage Area in St. Croix, United States Virgin Islands, and for other purposes; to the Committee on Resources.

By Mrs. CHRISTENSEN (for herself and Mr. RAHALL):

H.R. 1595. A bill to further cooperation and support among Federal land managers and designated gateway communities where the results of such cooperation and support are likely to be mutually beneficial, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. AKIN, Mr. GEPHARDT, Mr. SKELTON, Ms. MCCARTHY of Missouri, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. HULSHOF):

H.R. 1596. A bill to designate the facility of the United States Postal Service located at 2318 Woodson Road in St. Louis, Missouri, as the ''Timothy Michael Gaffney Post Office Building''; to the Committee on Government Reform.

By Mr. COLLINS:

H.R. 1597. A bill to amend the Internal Revenue Code of 1986 to classify qualified rental office furniture as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. COX:

H.R. 1598. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in projects within the San Diego Creek Watershed, California, and for other purposes; to the Committee on Resources.

By Mr. CUMMINGS (for himself and Mr. SOUDER):

H.R. 1599. A bill to amend the Office of National Drug Control Policy Act Reauthorization Act of 1998 to ensure that adequate funding is provided for certain high intensity drug trafficking areas; to the Committee on Government Reform, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 1600. A bill to amend the Elementary and Secondary Education Act of 1965 to reserve funds to provide special training, technical assistance, and professional development to eligible entities implementing Even Start programs and to the staff of such programs, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 1601. A bill to provide for reform relating to Federal employment, and for other purposes; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 1602. A bill to provide for reform of the Senior Executive Service, adjustment in the rates of pay of certain positions, and for other purposes; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. PUTNAM):

H.R. 1603. A bill to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees; to the Committee on Government Reform, and in addition to the Committees on the Judiciary, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 1604. A bill to amend Public Law 105-295 to increase the amount of funds authorized to be appropriated for construction of temperature control devices; to the Committee on Resources.

By Mr. GILCHREST (for himself, Mr. OLVER, Mr. BOEHLERT, Mr. MARKEY, Mrs. JOHNSON of Connecticut, and Ms. SOLIS):

H.R. 1605. A bill to amend title 49, United States Code, to require phased increases in the fuel efficiency standards applicable to light trucks; to require fuel economy standards for automobiles up to 10,000 pounds gross vehicle weight; to increase the fuel economy of the Federal fleet of vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE:

H.R. 1606. A bill to amend the Immigration and Nationality Act to impose a limitation on the wage that the Secretary of Labor may require an employer to pay an alien who is an H-2A nonimmigrant agricultural worker; to the Committee on the Judiciary.

By Mr. GOODE:

H.R. 1607. A bill to amend the Internal Revenue Code of 1986 to allow a credit for contributions of real property interests for conservation purposes; to the Committee on Ways and Means.

By Mr. GOODE (for himself, Mr. HEFLEY, Mr. FORBES, and Mr. MORAN of Virginia):

H.R. 1608. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate any portion of a refund for use by the Secretary of Health and Human Services in providing catastrophic health coverage to individuals who do not otherwise have health coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES (for himself, Mr. SKELTON, Mrs. EMERSON, Mr. AKIN, Mr. CLAY, Mr. BLUNT, Mr. HULSHOF, Ms. MCCARTHY of Missouri, and Mr. GEPHARDT):

H.R. 1609. A bill to redesignate the facility of the United States Postal Service located at 201 West Boston Street in Brookfield, Missouri, as the ''Admiral Donald Davis Post Office Building''; to the Committee on Government Reform.

By Mr. GRAVES (for himself, Mr. SKELTON, Mrs. EMERSON, Mr. AKIN, Mr. CLAY, Mr. BLUNT, Mr. HULSHOF, Ms. MCCARTHY of Missouri, and Mr. GEPHARDT):

H.R. 1610. A bill to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the ''Walt Disney Post Office Building''; to the Committee on Government Reform.

By Mr. HONDA (for himself, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. FROST, Mr. HINOJOSA, Mr. GRIJALVA, Mr. BISHOP of New York, Ms. HOOLEY of Oregon, Mr. RODRIGUEZ, Mr. RUPPERSBERGER, Mr. INSLEE, Ms. LINDA T. SANCHEZ of California, Mr. HOLT, Ms. SOLIS, Ms. LOFGREN, Mr. GEORGE MILLER of California, Mr. ISRAEL, Mr. EHLERS, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. VAN HOLLEN, Mr. BECERRA, Mrs. JONES of Ohio, Mr. CASE, Mr. OWENS, and Mr. ENGEL):

H.R. 1611. A bill to authorize grants to local educational agencies for teacher mentoring programs; to the Committee on Education and the Workforce.

By Mr. HULSHOF (for himself, Mr. RYAN of Wisconsin, Mr. HAYWORTH, Mr. ENGLISH, Mr. FOLEY, Mr. BRADY of Texas, Mr. HERGER, Mr. LEWIS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. CRANE, Mr. COX, Mr. HALL, Mr. AKIN, Mr. SHUSTER, Mr. WILSON of South Carolina, Mr. GOODE, Mr. NETHERCUTT, Mr. JOHNSON of Illinois, Mr. GIBBONS, Mr. GRAVES, Mr. MCKEON, Mr. FRELINGHUYSEN, Mr. PLATTS, Mr. MICA, Mr. SENSENBRENNER, Mr. HASTINGS of Washington, Mr. KING of New York, Mrs. BLACKBURN, Mr. PITTS, Mr. SWEENEY, Ms. ROS-LEHTINEN, Mr. KIRK, Mr. TERRY, Mr. FRANKS of Arizona, Mr. FORBES, Mr. REHBERG, Mr. BACHUS, Mr. KENNEDY of Minnesota, Mr. KNOLLENBERG, Mr. BALLENGER, Mr. SHIMKUS, Mr. MILLER of Florida, Mr. HOSTETTLER, Mr. GREEN of Wisconsin, Mr. HAYES, Mr. PEARCE, Mr. WAMP, Mr. KLINE, Mr. NEY, Mr. MARIO DIAZ-BALART of Florida, Mr. WELDON of Florida, Mr. UPTON, Mr. CARTER, Mr. BURTON of Indiana, Mr. CANNON, Ms. GINNY BROWN-WAITE of Florida, Mr. SOUDER, Mr. MCCOTTER, Mrs. MUSGRAVE, Mr. RYUN of Kansas, Mr. LAHOOD, Mr. FLAKE, Mr. BEAUPREZ, Mr. ADERHOLT, Mr. PENCE, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. DEMINT, Mr. SHADEGG, Mr. SULLIVAN, Mr. ISTOOK, Mrs. MYRICK, Mr. TOOMEY, Mr. BROWN of South Carolina, Mr. BOOZMAN, Mr. HOEKSTRA, Mr. ROHRABACHER, Mr. MANZULLO, Mr. CULBERSON, Mr. SESSIONS, Mr. FOSSELLA, Mr. SCHROCK, Mr. POMBO, and Mr. FEENEY):

H.R. 1612. A bill to make permanent the tax benefits enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Ways and Means.

By Mrs. JONES of Ohio:

H.R. 1613. A bill to establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LEACH (for himself, Mr. WATT, Mr. DAVIS of Alabama, and Ms. HARRIS):

H.R. 1614. A bill to reauthorize the HOPE VI program for revitalization of severely distressed public housing and to provide financial assistance under such program for main street revitalization or redevelopment projects in smaller communities to support the development of affordable housing for low-income families in connection with such projects, and for other purposes; to the Committee on Financial Services.

By Mr. LEVIN (for himself, Mr. TOWNS, Mr. MCGOVERN, Mr. DELAHUNT, Ms. CORRINE BROWN of Florida, Mr. WELDON of Pennsylvania, Mr. FROST, Mr. MCNULTY, Ms. KAPTUR, Ms. NORTON, Ms. MILLENDER-MCDONALD, Mr. DINGELL, and Mr. FILNER):

H.R. 1615. A bill to amend title 36, United States Code, to grant a Federal charter to the Ukrainian American Veterans, Incorporated; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia:

H.R. 1616. A bill to authorize the exchange of certain lands within the Martin Luther King, Junior, National Historic Site for lands owned by the City of Atlanta, Georgia, and for other purposes; to the Committee on Resources.

By Mr. LIPINSKI (for himself, Mr. NADLER, Mr. BLUMENAUER, Mr. FILNER, Ms. NORTON, Ms. CORRINE BROWN of Florida, Ms. MILLENDER-MCDONALD, Mr. COSTELLO, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Mr. MANZULLO, Mr. EMANUEL, Mr. FARR, Mr. KUCINICH, Ms. CARSON of Indiana, Mr. RUSH, Mr. JACKSON of Illinois, Mr. HOLDEN, Mr. SANDERS, Mr. FRANK of Massachusetts, Ms. BERKLEY, Mr. EVANS, Mr. BAIRD, and Mr. CUMMINGS):

H.R. 1617. A bill to establish and provide for funding for a National Rail Infrastructure Program; to the Committee on Transportation and Infrastructure, 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 Ms. MAJETTE (for herself, Mr. LINDER, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. GINGREY, Mr. ISAKSON, Mr. KINGSTON, Mr. MARSHALL, and Mr. SCOTT of Georgia):

H.R. 1618. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY (for herself, Mr. PETRI, and Mr. MCNULTY):

H.R. 1619. A bill to provide for a test census of Americans residing abroad, and to require that such individuals be included in the 2010 decennial census; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. RANGEL, Mr. SWEENEY, Mr. HINCHEY, Mr. SERRANO, Mrs. MCCARTHY of New York, Mr. TOWNS, Mr. OWENS, Mrs. LOWEY, and Mr. MCHUGH):

H.R. 1620. A bill to provide that Federal funds for the relief and revitalization of New York City after the September 11, 2001, terrorist attack shall not be subject to Federal taxation; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California (for himself and Mr. DEFAZIO):

H.R. 1621. A bill to provide environmentally sound, expedited procedures for the planning and implementation of hazardous fuels reduction activities for wild-fire prone National Forest System lands and lands administered by the Bureau of Land Management, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD (for himself and Mrs. CAPPS):

H.R. 1622. A bill to amend title XVIII of the Social Security Act and otherwise revise the Medicare Program to reform the method of paying for covered drugs, drug administration services, and chemotherapy support services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE:

H.R. 1623. A bill to amend title 44, United States Code, to direct the Archivist of the United States to maintain an inventory of all gifts received from domestic sources for the President, the Executive Residence at the White House, or a Presidential archival depository; to the Committee on Government Reform.

By Mr. PALLONE:

H.R. 1624. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL:

H.R. 1625. A bill to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P.Hammer Post Office Building''; to the Committee on Government Reform.

By Mr. PETERSON of Minnesota (for himself, Mr. GONZALEZ, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 1626. A bill to amend the Communications Act of 1934 to ensure equity for all full-service television broadcasters and ensure the benefits of local programming for communities served by class A television broadcast stations by providing cable carriage rights for qualified class A television stations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PICKERING (for himself and Mr. TOWNS):

H.R. 1627. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1999, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PICKERING:

H.R. 1628. A bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians; to the Committee on Financial Services.

By Mr. REHBERG:

H.R. 1629. A bill to clarify that the Upper Missouri River Breaks National Monument does not include within its boundaries any privately owned property, and for other purposes; to the Committee on Resources.

By Mr. RENZI (for himself and Mr. HAYWORTH):

H.R. 1630. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Mr. BARTLETT of Maryland, Ms. GINNY BROWN-WAITE of Florida, Mr. GOODE, Mr. GRAVES, Mr. MCHUGH, Mr. NORWOOD, and Mr. TANCREDO):

H.R. 1631. A bill to amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. ROYCE:

H.R. 1632. A bill to create a national commission, modeled after the successful Defense Base Closure and Realignment Commission, to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient executive agencies; to the Committee on Government Reform.

By Mr. SCHIFF (for himself, Mr. MCHUGH, Mr. HINCHEY, Ms. MILLENDER-MCDONALD, Mr. KENNEDY of Rhode Island, Mr. HOEFFEL, Mr. TOWNS, Mr. MATSUI, Mr. SHERMAN, Mr. HONDA, Ms. WOOLSEY, Ms. LEE, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BELL, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. LANTOS, and Mr. STUPAK):

H.R. 1633. A bill to amend title XXI of the Social Security Act to encourage the use of web-based enrollment systems in the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Mr. SHAW (for himself, Mr. NEAL of Massachusetts, Mr. ENGLISH, Mr. RAMSTAD, Mr. BECERRA, Mr. FOLEY, Mr. HAYWORTH, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. LEWIS of Kentucky, Mr. WELLER, Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. MATSUI, Mr. LARSON of Connecticut, Mr. LUCAS of Kentucky, Mr. ISAKSON, Mr. MCKEON, Mr. KOLBE, Mr. TERRY, Mr. FROST, Mr. WELDON of Florida, Mrs. MYRICK, Mr. KELLER, Mr. BARTLETT of Maryland, Mr. SMITH of Michigan, Mr. PRICE of North Carolina, Mr. GREEN of Wisconsin, Mr. GARY G. MILLER of California, Mr. WICKER, Ms. HARRIS, Mr. SIMMONS, Mr. UPTON, Mr. UDALL of Colorado, Mr. GRIJALVA, Mr. DOOLITTLE, Mr. SHERMAN, Mr. DEAL of Georgia, Mr. GOODE, Mr. BLUMENAUER, Mr. CASE, Ms. GINNY BROWN-WAITE of Florida, Mr. BROWN of South Carolina, Mr. MANZULLO, Mr. WILSON of South Carolina, and Mrs. BLACKBURN):

H.R. 1634. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. MCDERMOTT, Mr. KLECZKA, Ms. JACKSON-LEE of Texas, Mr. MCNULTY, Mr. ABERCROMBIE, Ms. DELAURO, Mr. FROST, and Mr. FRANK of Massachusetts):

H.R. 1635. A bill to amend title XVIII of the Social Security Act to provide for a complete transition period for the reduction of Medicare beneficiary copayment for hospital outpatient department services furnished under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. BOUCHER, Mr. TAUZIN, Mr. TERRY, Mr. BASS, Ms. ESHOO, Mr. WHITFIELD, Mr. GORDON, Mrs. BONO, Mr. MORAN of Virginia, Mr. GILLMOR, Mr. BILIRAKIS, Mr. TOWNS, Mr. DEAL of Georgia, Mr. WELLER, Mr. SHIMKUS, Mr. GREENWOOD, Mr. UPTON, Ms. DEGETTE, Mr. WALDEN of Oregon, Ms. HARMAN, Mr. WELDON of Florida, and Mr. SHADEGG):

H.R. 1636. A bill to protect and enhance consumer privacy, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on International Relations, 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. TANNER:

H.R. 1637. A bill to authorize the Secretary of the Army to convey certain land at Fort Campbell, Kentucky and Tennessee, for the purpose of realigning and upgrading United States Highway 79 from a 2-lane highway to a 4-lane highway; to the Committee on Armed Services.

By Mr. TAYLOR of Mississippi (for himself, Mr. EVANS, Mr. ROGERS of Alabama, Mr. MCINTYRE, Mr. RODRIGUEZ, Mr. FORBES, Mr. SIMMONS, Mr. KANJORSKI, Mr. COSTELLO, Mr. DAVIS of Tennessee, and Mr. PICKERING):

H.R. 1638. A bill to amend the Defense Base Closure and Realignment Act of 1990 to repeal the authorized 2005 round of closures and realignments of military installations; to the Committee on Armed Services.

By Mr. UDALL of Colorado:

H.R. 1639. A bill to provide a means of resolving claims regarding the continued existence of rights-of-way under former section 2477 of the Revised Statutes, which was repealed by the Federal Land Policy and Management Act of 1976; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.R. 1640. A bill to amend the Internal Revenue Code of 1986 to allow a married couple who operates an unincorporated business as co-owners to file separate returns for purposes of the self-employment tax, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 1641. A bill to require increased safety testing of 15-passenger vans, ensure the compliance of 15-passenger vans used as schoolbuses with motor vehicle safety standards applicable to schoolbuses, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 1642. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to monitor complaints regarding the quality of wireless telephone service; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico (for herself, Mr. BOEHNER, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. ENGLISH, Mr. TIBERI, Mr. BOUCHER, Mr. CASE, Mr. FROST, Mr. SHERMAN, Mr. PUTNAM, Mr. HAYES, Mr. SOUDER, Mr. PAUL, Mr. BERRY, Mr. HOLDEN, Mr. DAVIS of Alabama, Mr. DAVIS of Tennessee, Mr. LUCAS of Kentucky, Mrs. JONES of Ohio, Mr. SIMMONS, Ms. GINNY BROWN-WAITE of Florida, Mr. GREENWOOD, Mr. WILSON of South Carolina, Mr. BOSWELL, Mr. KENNEDY of Rhode Island, Mr. MOORE, Mr. STENHOLM, Mr. PEARCE, Mr. UDALL of New Mexico, Mr. ETHERIDGE, and Mr. EHLERS):

H.R. 1643. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for teachers and principals who work in certain low income schools; to the Committee on Ways and Means.

By Mr. LANTOS (for himself, Mr. BEREUTER, Mr. ACKERMAN, and Mr. WEXLER):

H. Con. Res. 136. Concurrent resolution providing that NATO should play a greater role in promoting security in Afghanistan, and for other purposes; to the Committee on International Relations.

By Mr. HOEKSTRA:

H. Con. Res. 137. Concurrent resolution supporting the goals and ideals of a National Safety in Numbers Month; to the Committee on Government Reform.

By Mr. BOYD (for himself and Mr. PUTNAM):

H. Res. 173. A resolution recognizing the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary and expressing strong support for the continued success of the National Wildlife Refuge System; to the Committee on Resources.

By Ms. DELAURO (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. POMEROY, Mrs. JONES of Ohio, Mr. SERRANO, Mr. KILDEE, Mr. BROWN of Ohio, Mr. TIERNEY, Ms. JACKSON-LEE

of Texas, Mr. HONDA, Ms. SOLIS, Mrs. MALONEY, Mr. STARK, Mr. BOSWELL, Mr. FARR, Ms. LEE, Ms. MCCOLLUM, Ms. ROYBAL-ALLARD, Mr. ALLEN, Mr. CASE, Mr. GEORGE MILLER of California, Ms. BERKLEY, and Ms. LOFGREN):

H. Res. 174. A resolution recognizing the unique effects that proposals to reform Social Security may have on women; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H. Res. 175. A resolution recognizing the United States Air Force's Air Force News Agency on the occasion of its 25th anniversary and honoring the Air Force personnel who have served the Nation while assigned to that agency; to the Committee on Armed Services.

By Mr. GONZALEZ (for himself and Mr. RODRIGUEZ):

H. Res. 176. A resolution honoring the San Fernando Cathedral and the city of San Antonio on the occasion of the completion of the cathedral's renovation; to the Committee on Government Reform.

By Mr. GREEN of Wisconsin:

H. Res. 177. 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.

By Mr. WELDON of Pennsylvania (for himself, Mr. PETERSON of Pennsylvania, Mr. GREENWOOD, Mr. PITTS, Mr. MURPHY, Ms. HART, Mr. DOYLE, Mr. SHUSTER, Mr. PLATTS, Mr. HOEFFEL, Mr. SHERWOOD, Mr. GERLACH, Mr. TOOMEY, Mr. FATTAH, Mr. ENGLISH, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. KANJORSKI, and Mr. MURTHA):

H. Res. 178. A resolution honoring the life and work of former Speaker of the Pennsylvania House of Representatives Matthew J. Ryan and offering the deepest condolences of the United States House of Representatives to his wife and family on his death; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

8. The SPEAKER presented a memorial of the Legislature of the State of Wyoming, relative to a Joint Resolution memorializing the United States Congress to recognize the mobilization and deployment of the Fourth Infantry Division Rear Operations Center of the Wyoming Army National Guard; to the Committee on Armed Services.

9. Also, a memorial of the Legislature of the State of Wyoming, relative to a Joint Resolution memorializing the United States Congress to recognize the mobilization and deployment of the 1041st Engineer Company of the Wyoming Army National Guard; 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. COOPER, Mr. ISRAEL, Ms. CARSON of Indiana, Mr. CUMMINGS, Mr. DINGELL, and Mr. PETERSON of Minnesota.

H.R. 25: Mr. HEFLEY.

H.R. 31: Mr. HILL.

H.R. 33: Mr. ACEVEDO-VILA and Mr. POMEROY.

H.R. 35: Mr. TERRY.

H.R. 40: Mr. HASTINGS of Florida and Ms. JACKSON-LEE of Texas.

H.R. 49: Mrs. WILSON of New Mexico and Mr. RADANOVICH.

H.R. 100: Mr. VAN HOLLEN, Mrs. DAVIS of California, Mr. BEAUPREZ, Mr. SIMMONS, Mr. BOOZMAN, Mr. MILLER of Florida, Mr. FROST, Mr. PLATTS, and Mr. HAYES.

H.R. 102: Mr. PAYNE, Ms. SCHAKOWSKY, Mr. ANDREWS and Mr. ENGEL.

H.R. 107: Mr. WILSON of South Carolina.

H.R. 111: Mr. ORTIZ and Mr. BRADLEY of New Hampshire.

H.R. 140: Mr. BISHOP of Georgia and Mr. SCOTT of Georgia.

H.R. 141: Mr. BISHOP of Georgia.

H.R. 217: Mr. GORDON, Mrs. CHRISTENSEN, Mr. HEFLEY, Mr. VAN HOLLEN and Mr. HOLT.

H.R. 218: Mr. FILNER, Mr. MCKEON, Mr. KINGSTON, Mr. DAVIS of Illinois, Mr. TIBERI, Mr. BONILLA, Mr. BOEHNER, Mr. HILL, Mr. LIPINSKI, Mr. ROGERS of Kentucky and Mr. GREENWOOD.

H.R. 277: Mr. DEAL of Georgia.

H.R. 290: Ms. BERKLEY, Mr. HOEFFEL, Mr. DOYLE and Mr. MORAN of Virginia.

H.R. 296: Mr. HOEFFEL.

H.R. 303: Mr. ALEXANDER and Mr. KINGSTON.

H.R. 328: Mr. FORBES, Mr. DOYLE and Mr. GALLEGLY.

H.R. 339: Mr. CHABOT, Mr. CARTER, Mr. RENZI and Mr. BONILLA.

H.R. 357: Mr. ALEXANDER.

H.R. 375: Mrs. MILLER of Michigan, Mr. PICKERING and Mr. ALLEN.

H.R. 412: Mr. OWENS.

H.R. 450: Mr. WYNN.

H.R. 466: Mr. BROWN of Ohio, Mr. EMANUEL, Mr. SWEENEY, Mr. BELL, Mr. BOEHLERT and Mr. HINOJOSA.

H.R. 527: Mr. FROST, Mr. SIMMONS and Mr. RYAN of Ohio.

H.R. 548: Mr. JOHN, Mr. WELDON of Florida, Mr. BERRY, Mr. DEMINT, Mr. ANDREWS, Mr. CUMMINGS, Mr. TAUZIN, Mr. THOMPSON of Mississippi, Mr. GEORGE MILLER of California, Mr. RYAN of Ohio, Mrs. KELLY, Mr. UDALL of Colorado, Mr. FATTAH, Mrs. CUBIN, Mr. SHAW, Mr. BACHUS, Mr. TURNER of Ohio, Mr. KILDEE, Mr. OSE, Mr. ACEVEDO-VILA, Mr. BAIRD, Mr. DAVIS of Alabama, Mr. ALEXANDER, Mr. SESSIONS, and Ms. DUNN.

H.R. 578: Mr. PICKERING, Mr. RYAN of Wisconsin, Mr. MCINNIS, Mr. CAMP, and Mr. SESSIONS.

H.R. 583: Mr. KLINE, Mr. SHUSTER, Mr. REYNOLDS, Mr. GREENWOOD, Mr. BURGESS, Mr. GILCHREST, and Mr. DREIER.

H.R. 584: Mr. MEEKS of New York.

H.R. 589: Mr. BAKER, Mr. PICKERING, Mr. TIERNEY, Mr. CROWLEY, and Ms. PELOSI.

H.R. 591: Mr. WEXLER.

H.R. 593: Mr. REYES.

H.R. 627: Mr. LARSEN of Washington, and Mr. WATT.

H.R. 660: Mr. ENGLISH, Mr. EHLERS, Mr. DAVIS of Tennessee, Mr. PASTOR, Mr. STEARNS, and Mr. PICKERING.

H.R. 664: Mr. FROST and Mrs. JONES of Ohio.

H.R. 684: Mr. BARTON of Texas, Mr. NORWOOD, and Mr. PETRI.

H.R. 687: Mr. GARY G. MILLER of California, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. ISAKSON, Mr. CARTER, Mr. BURTON of Indiana, Mr. BEREUTER, Mr. MICA, Mr. VITTER, Mr. PLATTS, Mr. ROGERS of Kentucky, Mr. OSE, and Mr. CUNNINGHAM.

H.R. 713: Mr. MANZULLO.

H.R. 714: Mr. PAUL and Mr. LATHAM.

H.R. 720: Mr. GOSS.

H.R. 737: Mr. THOMPSON of California and Ms. SLAUGHTER.

H.R. 742: Mr. UDALL of New Mexico, Mr. FALEOMAVAEGA, Mr. ETHERIDGE, Mr. PALLONE, Mr. MENENDEZ, Mr. JENKINS, and Mr. PASCRELL.

H.R. 759: Mr. FEENEY and Mr. NETHERCUTT.

H.R. 771: Mr. REYNOLDS.

H.R. 782: Mr. ORTIZ, Mr. GONZALEZ, and Mr. DOGGETT.

H.R. 785: Mr. RENZI, Mr. HINOJOSA, Ms. WATSON, Mr. PLATTS, Ms. LOFGREN, Mr. PORTER, Mr. EHLERS, and Mr. SMITH of Michigan.

H.R. 786: Mr. HAYES and Mr. BAKER.

H.R. 787: Mr. SOUDER.

H.R. 792: Ms. HART, Mr. DEMINT, Mr. SHIMKUS, Mr. LUCAS of Kentucky, Mr. ROSS, Mr. LANGEVIN, Mr. DEUTSCH, Mr. SANDERS, and Mr. GERLACH.

H.R. 811: Mr. MEEKS of New York.

H.R. 814: Mr. RAMSTAD, Ms. SOLIS, Mr. LANTOS, Mr. MATSUI, Mr. HINCHEY, Mr. OWENS, Mr. VAN HOLLEN, and Mr. HILL.

H.R. 815: Mr. MEEKS of New York.

H.R. 816: Mr. LARSEN of Washington and Mr. MEEKS of New York.

H.R. 819: Mr. GARY G. MILLER of California.

H.R. 834: Mr. GALLEGLY, Mr. GREEN of Wisconsin, Mr. MORAN of Kansas, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. SHIMKUS, Mr. SHUSTER, Mr. JENKINS, and Mr. LATOURETTE.

H.R. 839: Mr. SESSIONS, Mr. CUMMINGS, and Mr. PAYNE.

H.R. 871: Mr. JOHNSON of Illinois.

H.R. 876: Mr. MICA.

H.R. 879: Mr. JONES of North Carolina and Mr. EHLERS.

H.R. 898: Mr. GRIJALVA and Mr. RODRIGUEZ.

H.R. 919: Mr. LANGEVIN, Mr. BISHOP of Georgia, Mr. INSLEE, and Mr. BAKER.

H.R. 927: Mr. REHBERG.

H.R. 953: Mr. LAMPSON, Ms. WATERS, Ms. VELAZQUEZ, Mr. TANNER, Mr. SANDLIN, Ms. MILLENDER-MCDONALD, Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Washington, Mr. HINOJOSA, Mr. FILNER, Mr. GEPHARDT, Mr. HOYER, and Mr. SPRATT.

H.R. 956: Mr. BERMAN.

H.R. 962: Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. LIPINSKI, Mr. HINCHEY, Mr. CASE, and Mr. SABO.

H.R. 977: Mr. GUTKNECHT and Mrs. MCCARTHY of New York.

H.R. 980: Ms. DELAURO and Mr. PORTMAN.

H.R. 1036: Mr. DEAL of Georgia, Mrs. WILSON of New Mexico, Mr. BILIRAKIS, and Mr. GALLEGLY.

H.R. 1046: Mr. MARKEY, Mr. BOSWELL, and Mr. WAXMAN.

H.R. 1054: Mr. LEWIS of Kentucky.

H.R. 1080: Mr. VAN HOLLEN, Mr. STARK, Mrs. CAPPS, Ms. CORRINE Brown of Florida, Mr. GREEN of Wisconsin, and Mr. SPRATT.

H.R. 1081: Mr. VAN HOLLEN, Mr. STARK, Mrs. CAPPS, Ms. CORRINE Brown of Florida, Mr. GREEN of Wisconsin, and Mr. SPRATT.

H.R. 1093: Mr. WEXLER.

H.R. 1125: Mr. OLVER, Mr. ORTIZ, Mr. ALLEN, Mr. CARSON of Oklahoma, Mr. BOYD, Mr. OBERSTAR, Mr. DOYLE, Mr. MOORE, Ms. KAPTUR, Mr. STARK, Mr. LATHAM, and Mr. SKELTON.

H.R. 1130: Mr. SABO.

H.R. 1157: Mr. MCNULTY.

H.R. 1160: Mrs. JOHNSON of Connecticut, Mr. ROGERS of Alabama, Mr. CRAMER, Mr. BACHUS, Mr. ADERHOLT, Mr. KANJORSKI, Mr. PLATTS, Mr. BISHOP of Utah, Mr. ABERCROMBIE, Mr. SHIMKUS, Mrs. JO ANN DAVIS of Virginia, Mr. MICHAUD, Mr. DAVIS of Alabama, Mr. WHITFIELD, Ms. GINNY BROWN-WAITE of Florida, Mr. TAYLOR of Mississippi, Mr. STUPAK, Mr. RANGEL, and Mr. BRADLEY of New Hampshire.

H.R. 1162: Mr. CROWLEY.

H.R. 1165: Mr. MCDERMOTT.

H.R. 1177: Mr. DEAL of Georgia, Mrs. NORTHUP, Mr. SOUDER, and Mr. UDALL of Colorado.

H.R. 1179: Mrs. BLACKBURN and Mr. FROST.

H.R. 1191: Mrs. DAVIS of California and Mr. EHLERS.

H.R. 1196: Mr. RANGEL, Mr. SABO, Mr. BAIRD, and Mr. VAN HOLLEN.

H.R. 1211: Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. CROWLEY, and Mr. RANGEL.

H.R. 1213: Mr. MURPHY, Mr. WICKER, Mr. MCINNIS, and Mr. POMEROY.

H.R. 1214: Mr. LIPINSKI, Mr. FRANK of Massachusetts, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. POMEROY, Mr. DAVIS of Tennessee, Mr. BACHUS, and Mr. DUNCAN.

H.R. 1225: Ms. GRANGER, Mr. SOUDER, Mr. KILDEE, Mr. LANGEVIN, Mr. SCHIFF, Mr. GREEN of Texas, Mr. ALLEN, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. GIBBONS, Mr. BOOZMAN, Mr. WAXMAN, Mr. MORAN of Virginia, and Mr. DOYLE.

H.R. 1235: Mr. YOUNG of Alaska, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, and Mr. COLE.

H.R. 1236: Mr. TERRY.

H.R. 1258: Mr. WAXMAN, Mr. ENGEL, Mr. UDALL of New Mexico, Mr. STARK, and Mr. HOEFFEL.

H.R. 1264: Mr. TURNER of Texas, Mr. ROSS, Mr. THOMPSON of California, Mr. SCOTT of Georgia, Mr. MCINTYRE, Mr. MOORE, Mr. DAVIS of Tennessee, Mr. LUCAS of Kentucky, Mr. BERRY, Mr. BOYD, Mr. STENHOLM, Mr. HILL, Mr. BOSWELL, Mr. ALEXANDER, Ms. HARMAN, and Mr. TAYLOR of Mississippi.

H.R. 1265: Mrs. MUSGRAVE.

H.R. 1267: Mr. LANTOS, Mr. MICHAUD, Mr. WEXLER, and Mr. DOYLE.

H.R. 1275: Mr. DOGGETT, Ms. HARMAN, Mr. DOOLEY of California, Mr. GUTIERREZ, Mr. HOLT, and Mr. GRIJALVA.

H.R. 1279: Mr. JANKLOW, Mr. CHOCOLA, Mr. THOMPSON of Mississippi, and Ms. MCCARTHY of Missouri.

H.R. 1294: Ms. DEGETTE.

H.R. 1295: Mr. KENNEDY of Rhode Island, Mr. PLATTS, Ms. LEE, Mr. WYNN, Mr. HINOJOSA, Mr. ACKERMAN, Mr. LYNCH, and Mr. BOSWELL.

H.R. 1297: Mr. SMITH of New Jersey, Mr. MURPHY, Mr. EVANS, Mr. MICHAUD, Mr. REYES, Ms. HOOLEY of Oregon, Ms. BERKLEY, Mr. FILNER, Mr. GUTIERREZ, Mr. UDALL of New Mexico, Mr. RYAN of Ohio, Mr. SIMMONS, Mr. BEAUPREZ, Mr. BROWN of South Carolina, Mr. BOEHLERT, and Mr. MILLER of Florida.

H.R. 1304: Ms. KAPTUR.

H.R. 1306: Ms. KAPTUR.

H.R. 1317: Mr. HERGER.

H.R. 1320: Mr. DOOLITTLE and Mr. WYNN.

H.R. 1322: Ms. KAPTUR and Mr. DINGELL.

H.R. 1323: Mr. LANTOS, Mr. HAYWORTH, Mrs. MCCARTHY of New York, Mr. SIMMONS, and Mr. ALEXANDER.

H.R. 1336: Mr. PAYNE.

H.R. 1366: Mr. RANGEL, Mrs. TAUSCHER, and Mrs. JONES of Ohio.

H.R. 1373: Mr. ISAKSON and Mr. TIAHRT.

H.R. 1379: Ms. CARSON of Indiana.

H.R. 1380: Mr. BONILLA, Mr. BELL, and Mr. CLAY.

H.R. 1381: Mr. ACKERMAN, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. PAYNE, Ms. LEE, Mr. EHLERS, Mr. OWENS, Ms. KAPTUR, Mr. WYNN, Ms. DEGETTE, Mr. MEEHAN, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Mr. KILDEE, Mr. MICHAUD, Mr. GONZALEZ, and Ms. WATERS.

H.R. 1386: Mr. GOODE Mr. PICKERING, Mr. PAYNE, Mr. CARSON of Oklahoma, Mr. CUMMINGS, Mr. FROST, and Mr. CARDOZA.

H.R. 1389: Mr. BERMAN.

H.R. 1397: Mr. KILDEE.

H.R. 1400: Mr. MURTHA, Mr. SANDLIN, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Mr. CROWLEY, Mr. MEEHAN, Mr. BOYD, Mr. MCDERMOTT, Mr. BAIRD, Ms. DELAURO, Mr. SANDERS, and Mr. STUPAK.

H.R. 1414: Ms. BALDWIN.

H.R. 1415: Mr. STARK, Mr. ALLEN, Mr. VAN HOLLEN, Mr. SANDERS, Ms. NORTON, Mr. GILLMOR, Ms. CARSON of Indiana, and Mr. MATHESON.

H.R. 1422: Mr. COOPER and Mr. PICKERING.

H.R. 1425: Mr. TIERNEY.

H.R. 1429: Mr. BACA and Ms. SLAUGHTER.

H.R. 1443: Mr. BURTON of Indiana.

H.R. 1452: Mr. BEAUPREZ and Mr. BURGESS.

H.R. 1459: Mr. FROST.

H.R. 1466: Mr. CONYERS, Ms. BALDWIN, MR. DOYLE, Ms. LORETTA SANCHEZ of California, Ms. WOOLSEY, and Mr. PASCRELL.

H.R. 1472: Mr. BARTLETT of Maryland and Mr. SMITH of New Jersey.

H.R. 1473: Ms. JACKSON-LEE of Texas.

H.R. 1478: Mr. SIMMONS and Mr. HOEFFEL.

H.R. 1480: Mr. DEFAZIO, Mr. SABO, and Mr. CONYERS.

H.R. 1500: Mr. LARSEN of Washington and Mr. BAIRD.

H.R. 1508: Mr. FORD, Mr. ISAKSON, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Ms. JACKSON-LEE of Texas, Mr. ACEVEDO-VILA, Ms. WATSON, and Mr. OWENS.

H.R. 1511: Mrs. MILLER of Michigan, Mr. SESSIONS, Mr. BALLENGER, Mr. NEY, Mr. WALSH, Mr. GREEN of Wisconsin, Mr. BRADY of Texas, Mr. MCCOTTER, Mr. COLE, Mr. COBLE, Mr. REYNOLDS, Mr. PORTER, Mr. SAXTON, Mr. PICKERING, Mr. FOSSELLA, Mr. BISHOP of Utah, Mr. BURNS, Mr. CASTLE, Mr. ROGERS of Alabama, Mr. GILLMOR, and Mr. TOOMEY.

H.R. 1519: Mr. FRANKS of Arizona.

H.R. 1534: Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mr. CUMMINGS, and Mr. KILDEE.

H.R. 1540: Mr. KENNEDY of Rhode Island.

H.R. 1552: Mr. WICKER, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1553: Mr. TIAHRT, Mr. CASE, Mr. LATOURETTE, Mr. MILLER of North Carolina, Mr. MEEKS of New York, Mrs. TAUSCHER, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. LOWEY, Mr. PASTOR, Mr. FRANK of Massachusetts, and Mr. LUCAS of Kentucky.

H.R. 1554: Mr. EVANS and Mr. MCGOVERN.

H.R. 1565: Ms. CARSON of Indiana.

H.R. 1570: Mr. TAUZIN.

H.J. Res. 4: Mr. LANGEVIN, Mr. WICKER, Mr. COLE, Mr. BAKER, and Mr. DAVIS of Tennessee.

H.J. Res. 37: Mr. LEWIS of Georgia.

H. Con. Res. 23: Mr. LINDER.

H. Con. Res. 39: Mr. SCHIFF, Ms. LORETTA SANCHEZ of California, and Mr. ABERCROMBIE.

H. Con. Res. 49: Mr. MARKEY, Mr. SANDERS, Mr. FILNER, and Mr. GRIJALVA.

H. Con. Res. 86: Mr. WAXMAN, Mr. ANDREWS, Mr. HINCHEY, Ms. DELAURO, Mr. THOMPSON of California, and Mr. WEINER.

H. Con. Res. 98: Mr. SWEENEY and Mr. SIMPSON.

H. Con. Res. 107: Mr. ABERCROMBIE, Mr. FORD, Mr. DOGGETT, Mr. HINCHEY, Mr. DOYLE, and Ms. KAPTUR.

H. Con. Res. 111: Ms. LEE, Mr. DINGELL, Ms. DUNN, and Mr. BLUMENAUER.

H. Con. Res. 113: Mr. NEY.

H. Con. Res. 116: Mr. BEAUPREZ and Mr. BURGESS.

H. Con. Res. 117: Mr. ACKERMAN, Mr. DEUTSCH, Mr. BAKER, Mr. HINCHEY, Mr. SCHROCK, Mr. ANDREWS, Ms. CARSON of Indiana, and Mr. WU.

H. Con. Res. 119: Mr. BARTLETT of Maryland, Mr. GOODE, Mr. TOOMEY, Mr. FRANKS of Arizona, Mr. ADERHOLT, Mr. BOEHNER, Mr. ISRAEL, and Mr.. KING of Iowa.

H. Con. Res. 130: Ms. SOLIS, Ms. ROYBAL-ALLARD, and Ms. DELAUARO.

H. Res. 58: Mr. GOODE.

H. Res. 76: Mr. ROTHMAN, Mr. LAMPSON, and Mr. CASE.

H. Res. 112: Mr. FILNER.

H. Res. 141: Ms. CARSON of Indiana and Mr. FRANK of Massachusetts.

H. Res. 142: Mr. HASTINGS of Florida, Mr. DAVIS of Alabama, Mr. INSLEE, and Mrs. JOHNSON of Connecticut.

H. Res. 154: Mr. JANKLOW, Mr. SIMMONS, and Mr. OSBORNE.

H. Res. 157: Mr. FRANK of Massachusetts.

H. Res. 159: Mr. LAMPSON, Mr. GONZALEZ, Mr. BECERRA, Mr. ORTIZ, Mr. ACEVEDO-VILA, Ms. JACKSON-LEE of Texas, Mr. TURNER of Texas, Mr. REYES, Mr. EDWARDS, Mr. DOGGETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STENHOLM, Mr. FROST, Mr. BELL, Ms. SOLIS, Mr. RODRIGUEZ, Mr. GRIJALVA, Mr. BACA, Mr. MENENDEZ, Mr. PASTOR, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. LINDA T. SANCHEZ of California, and Mr. GUTIERREZ.

H. Res. 164: Mr. MCGOVERN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 898: Mr. KENNEDY of Rhode Island.

H.R. 1040: Mr. SCOTT of Georgia.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 1. April 2, 2003, by Mr. FROST on S. 121, was signed by the following Members Martin Frost, Rush D. Holt, Nick Lampson, Dennis Moore, Sheila Jackson-Lee, John Conyers, Jr., Jim Matheson, Rick Larsen, and Steve Israel.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, THURSDAY, APRIL 3, 2003 No. 54—Book II

Senate

SUPPLEMENTAL APPROPRIATIONS ACT TO SUPPORT DEPARTMENT OF DEFENSE OPERATIONS IN IRAQ FOR FISCAL YEAR 2003—Continued

Mr. SPECTER. Mr. President, there is no doubt that major cities, such as Philadelphia, with airports and seaports and Independence Hall and the Liberty Bell, have much higher costs than cities which do not have these facilities.

I have discussed the issue with Mayor Street. The letter which I have had printed in the RECORD is a succinct summary, so we can observe this very short time limit which has been agreed to.

Similarly, I have conferred with Mayor Tom Murphy of Pittsburgh, who, again, makes the comment about the additional costs.

I have had an opportunity—actually, I was called by Mayor Bloomberg of New York City about the very substantial increases in costs there, and during the markup in the Appropriations Committee earlier this week commented about these factors and have sought to increase the funding from the $100 million for high-risk urban areas to a total of some $600 million.

Again, it would be highly desirable if we had more money, as suggested by Senator SCHUMER, but that simply cannot be accommodated within the current budget constraints.

In the conversations with Mayor Bloomberg, he pointed out about the fact that police cost some $5 million a month, and there are other costs in the range of $8 million a month for the United Nations, with a very heavy imposition of costs on New York City, commenting in a way very similar to the mayors of Philadelphia and Pittsburgh.

There is no doubt these costs really ought to be borne principally by the Federal Government. In the bill, language was inserted by Senator GREGG and language by myself which would require the Secretary of Homeland Defense to make a report to the Congress within 60 days to identify what are the costs in safeguarding airports, seaports, landmarks such as Independence Hall, such as the Liberty Bell, and to make a recommendation as to an allocation by the Federal Government, and whether such costs, in part, should be borne by other entities. That will enable us to make a determination as to how this $600 million will be spent, and to have a rationale for what the expenses will be with the specification of the costs involved and an allocation between the Federal Government and other governmental agencies if it is determined that would be appropriate.

EXHIBIT 1

CITY OF PHILADELPHIA,
OFFICE OF THE MAYOR,
Philadelphia, PA, April 2, 2003.

Hon. ARLEN SPECTER,
9400 Federal Building,
Philadelphia, PA.

DEAR SENATOR SPECTER: In Fiscal Year 2002, the City of Philadelphia spent $21.2 million in increased domestic security costs. These costs include overtime incurred by the Police, Fire and Public Health employees associated with the formation of Rapid Assessment Teams. These teams, consisting of employees from each department responded to all critical incidents citywide. Additionally, $8 million was allocated for security improvements to city facilities. These improvements include installations of bollards around the perimeter of City Hall, installation of security access and surveillance systems in the One Parkway Building and installation of security cameras and metal detectors at other facilities. The Police Department enhanced coverage in Center City and provided enhanced security staffing at the Philadelphia Stock Exchange, Red Cross Headquarters and the City's Emergency Operations Center. An intensive training was given to a team of police officers and supervisors that may be called upon to respond to a hazardous materials incident.

Going forward, the Police Commissioner formed the Bureau of Counter-Terrorism absorbing the Detective Bureau's Organized Crime Unit as its foundation. The 76 member Bureau is developing new methods and initiatives to pursue counter-terrorism preparedness. These initiatives include strategic and tactical training, equipment purchase, inter-agency and regional cooperation and coordination, and community outreach. The Bureau meets regularly with task forces such as the FBI's Joint Terrorism Task Force, the US Attorney's Anti-Terror Task Force and the US Coast Guard Task Force to keep current with the latest counter-terrorism strategies. These initiatives are likely to cost about $10 million annually.

Sincerely,

JOHN F. STREET,
Mayor.

SECURITY COSTS IN RESPONSE TO SEPTEMBER 11TH

	Full year			
	Personnel	Purchased Services	Matrl., Supplies & Equipment	Total
Police Department (General Fund)	3,949,187	47,006	1,400,437	5,396,630
Police Department (Airport)	3,288,784			3,228,784
Fire Department	2,810,271			2,810,271
Public Property	891,000	360,000	17,000	1,268,000
Office of Fleet Management	54,034	102,770		156,804
Public Health	340,178			340,178
Triplex Security		8,000,000		8,000,000
Total	11,273,454	8,509,776	1,147,437	21,200,667

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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SECURITY COSTS IN RESPONSE TO SEPTEMBER 11TH—Continued

	Full year			
	Personnel	Purchased Services	Matrl., Supplies & Equipment	Total
Total General Fund	8,044,670	8,509,776	1,417,437	17,971,883

Mr. SPECTER. Mr. President, how much of my 15 minutes remains?

The PRESIDING OFFICER. The Senator from Pennsylvania has 9 minutes remaining.

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished chairman of the Appropriations Committee.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have asked for a portion of the time of the Senator from Pennsylvania because we had worked to try to reach an agreement between the two amendments so that they would be put together and have an amendment we could adopt. We are unable to do that.

I am compelled to state I will oppose the first-degree amendment of Senator SCHUMER. It is a situation where, as far as I am concerned, there is ample money in the House bill, if we are compelled to raise the amount that is in our bill. But it is the kind of situation where we prefer to have this amendment not be adopted now, so we can find a way to work the matter out with the House.

We have $100 million in the bill. The Schumer amendment, as I understand it, as drafted, now adds $600 million. I oppose going to that height. That would, in effect, take it to the level of the House. And the administration opposes the level in the House bill.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SCHUMER. Mr. President, I believe I have time. I will yield 3 minutes to myself.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I heard my friend from Pennsylvania speak on——

Mr. STEVENS. Mr. President, will the Senator allow me to interrupt for a problem that has come up.

Mr. SCHUMER. Please.

Mr. STEVENS. The problem has come up in connection with the unanimous consent agreement. There was no time allocated to those who might want to oppose the Specter amendment. And, as I understand it, a Senator on the Democratic side wishes to oppose the Specter amendment. In fairness, I ask unanimous consent she be given 5 minutes to speak; and if it raises additional items the Senator has not spoken to that he wishes to speak to, I would allocate an additional 5 minutes to Senator SPECTER, so there would be a comment back and forth. All right. I make that request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. I thank the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I heard my friend from Pennsylvania speak for his amendment. I will support that amendment because it is better than what is currently in the bill, although I wish it had more money. I wish it had money for the FIRE and COPS Programs, which the amendment I am offering with my colleagues from New York and Maryland, does. And I wish it gave more funding to high-threat, high-need areas, and to all other areas. I also wish that it ensured, as my amendment does, that the Department of Homeland Security would be required to provide the funds within 30 days and that the amendment would guarantee an 80/20 split of those funds between the States and localities.

The Schumer amendment is the amendment that provides sufficient funding for police, for fire, for first responders all across the country. We all know how beleaguered they are. We know how stretched they are. We know whether they be in a large city like New York City, or a medium-sized city like Rochester or Syracuse, or a suburb, or even a rural area, our police and firefighters have been pushed to the limit. They must meet their regular law enforcement and public safety responsibilities, but now have new responsibilities under 9/11, and from the Iraq war.

And many police and fire departments have to do more with fewer people and fewer resources, because of the terrible budget deficits at the State and local level, and because many are in the Reserves and have been called up and are proudly serving our country.

So we have an obligation. If we are going to fight the war on terrorism at home, we have to vote for this amendment. We cannot just fight the war on terrorism overseas and not fight it at home. Our first responders, our police and fire, in a very real sense are on the front lines.

So I hope we will get support for the Schumer amendment. I hope we will back up our police and firefighters. I hope we will back up our local governments and our first responders.

The idea that we can win the war on terror just by fighting it overseas and giving it all the money for needs overseas—I am for that and support that proudly—but not do what we need to do domestically makes no sense. We will rue the day.

I ask my colleagues to vote for an amendment that really provides sufficient funding. Again, I am for the Specter amendment. It is an improvement. I salute my colleague from Pennsylvania for offering it. But if you really want to give the dollars to police and fire in the way that they need them, then the Schumer amendment is the answer. It is not a Democratic or Republican amendment. It is supported by police and fire organizations, both management and union throughout the country. It is supported by local governments. It is what our badly strapped local governments need in this post-9/11 world.

Again, a good team needs a good offense and good defense. Our soldiers overseas are providing the offense. But it is our police, our firefighters, our first responders who are providing the defense. We need to back them up and back them up fully as well.

I urge support of the Schumer amendment and yield 3 minutes to my colleague who has been with me all along on this issue, the Senator from New York, Mrs. CLINTON.

Mrs. CLINTON. Mr. President, I support the Schumer-Clinton-Mikulski amendment because I believe it more accurately reflects the needs that have been conveyed. Even in the materials that the Senator from Pennsylvania has entered into the RECORD, the kind of requests we are hearing from mayors and county executives and police chiefs and fire chiefs far exceed what is available. It has been now 18 months where we have failed to arrive at an understanding of what our local communities and our States require in order to fulfill their obligations on the front lines of this second front.

Once again, I believe we have an opportunity to do what is needed, but we are not taking it. The Schumer amendment provides the kind of thoughtful analysis and disbursement of funds that will most guarantee that the money, No. 1, gets out of the Federal Government within 30 days—something not in the Specter amendment—and that once it gets to the States, it has to be distributed within 60 days. And we appreciate that. But one of the problems we have had is getting the money out of the Federal Government to the States, and we also have to assure that the money gets where it is most needed—to our first responders.

I urge our colleagues to support the Schumer amendment as being far more reflective of the overall needs our country confronts when it comes to homeland security.

Across the country, there are common sounds that should trigger an alarm in all of us: the sound of a firehouse door closing for the final time; a police officer turning in his or her badge as it slides across the desk; or an ambulance door locking. In the cities

and the towns in the States we represent our first responders are losing their jobs.

States and cities are trying to deal with budget deficits—some the worst in a generation, and they simple do not have the money to keep paying for additional homeland security costs.

We need to work together—Republicans and Democrats—to provide them with the resources they need to strengthen our domestic defense.

Yes, we have made progress since September 11, but we have not done enough. That same message echoes from report after report, from our experts, from independent commissions, from our police commissioners, fire chiefs, mayors, doctors and nurses—we have not done enough to prevent and respond to another terrorist attack.

I cannot find a single credible security expert who has said, ''We're fine. We've done enough.'' ''There's no need to guard our chemical plants and nuclear plants. It's okay if we only check 2 percent of the containers that come through our ports. Don't worry about hiring border guards they don't need the extra support. We don't need to give our police officers, firefighters, and emergency response personnel the equipment they need. We're fine, and 'All's Quiet on the Homefront.'''

You know last week, the President was asked about how long the war in Iraq would take and he responded correctly, ''How ever long it takes.''

That's the same attitude we need to use for homeland security—''whatever it takes'' to protect the American people. This isn't a new public work project or an example of frivolous spending; this is about securing our country on the frontlines here at home. And for 18 months our cities and States and counties have been shouldering this burden alone. Homeland security is a national priority and these costs and these responsibilities should be shared by the Nation.

So what are we doing?

What we are doing 18 months after that tragic day in September when nearly 3,000 Americans lost their lives still debating homeland security?

Still debating whether or not we should not take the steps we need to take in order to prevent another day like that from ever happening again. Still talking about whether or not we should provide our first responders with the support they need.

Homeland security is a concern we all share. We should not allow politics to prevail over our Nation's protection. We should not let it get in the way of strengthening our border and port security, improving security at our chemical and nuclear plants, and providing critical support for our police officers, firefighters, emergency personnel, and public health officials.

Why would some in this Chamber willingly say ''no'' to critical steps that would improve our domestic defense? Why would our colleagues who care just as much about their constituent's safety as I care about the people of New York say, ''no, this isn't the right vehicle for these investments. No, this isn't the right time for homeland security because this supplemental bill is for spending that's an emergency-it's for the war.''

This is the right vehicle. This is the right time. This is an emergency. This is funding that does go toward winning the war against terrorism here at home. And this would be the right moment for Washington to send a clear message to the millions of first responders across this Nation who have sacrificed in order to keep us safe—we support you too.

This amendment that I am proposing with Senator SCHUMER and Senator MIKULSKI would provide $4.3 billion for critical first responder funding. It includes $3 billion for grants to States and local governments; another $1.045 billion for high-threat areas like New York City; $155 million for the FIRE Act, and $130 million for the COPS Program.

Yes, the President's proposal last week was a good start, but it is not nearly enough for what we need to do here at home in order to fight this two-front war.

This amendment would provide $3 billion to Office of Domestic Preparedness at DHS for grants to States and Local Governments:

$2.5 billion of this funding would go toward equipment, training, exercises, planning, and first responder personnel costs.

The Federal Government must pass the money to States within 30 days.

States must pass on at least 80 percent of this money to local communities within 30 days of the date they receive it.

And States and local governments may use up to 20 percent of this $2.5 billion for first responder personnel costs, including overtime.

For the last 18 months, our majors, fire chiefs, police commissioners, and public health officials have been telling me that they need more help from Washington to better protect the American people. This amendment provides that help. It guarantees that the Federal resources will get out of Washington and to the state houses and to our local first responders quickly so that they can continue to do what they do best-keep America safe.

In January I gave a speech at John Jay in New York City to talk about how our country needed to renew its commitment to strengthen our domestic defense. I also released a report that showed how 70 percent of New York cities and counties had not received any federal homeland security funding.

I continue to work with the U.S. Conference of Mayors, national police organizations, firefighters, and emergency medical technicians from across the country to find the best way to support our first responders. And I spoke with Secretary Ridge the other day to talk about improving this formula to meet our country's needs, and he agrees.

Within the $3 billion for State grants, $500 million is set-aside for States and local communities to secure critical infrastructure security—bridges, nuclear and chemical plants, water treatment facilities, communication centers to name a few.

All of this money may be used for first responder personnel costs, including overtime. The States must provide 80 percent of this funding to local communities, with states allowed to use 20 percent. And again, the federal government must send this money to the States within 30 days, and the States must pass through 80 percent of the funds to local communities within 30 days.

These ideas follow my block grant proposal of 2001 and I am very pleased that the leadership has adopted my other proposal to put aside more than $1 billion for high threat areas. And I want to thank my colleague Senator BYRD for understanding that New York's needs are different because it is the top target for terrorists.

The $1.045 billion for high-threat areas would be disbursed based on whether or not there is a credible threat, over-all vulnerability, critical infrastructure that is important to the Nation, population, and the needs of public safety organizations.

This isn't just good for New York City and DC; it's good for all of our Nation's most vulnerable targets. This applies to Arizona and the recent threat against the nuclear power plant. This amendment would help cover extra security costs. Recent news reports suggested that al-Qaida was targeting the Arizona Memorial at Pearl Harbor. This would help Hawaii cover costs and take precautions. It would assist Las Vegas Nevada where the population doubles Friday through Sunday. This would benefit Florida and help them cover costs to secure Disney World.

These are high-threat areas. They are different and they need extra assistance. Let's look at recent ''code orange'' costs. According to the U.S. Conference of Mayors, they estimate that cities are spending an extra $70 million a week. In six months, when this supplemental runs out, that's $2 billion in costs. $2 billion they don't have, but costs they will incur because they are honoring their commitment to protect this country.

During the ''code orange,'' New York and New York City are spending a total of $12 million a week. In the supplemental, the President set aside only $50 million to cover such costs for every high-risk area. New York will have exhausted those resources by the end of next week. That's why we need this extra $1 billion for high-threat areas. And we cannot forget that it's not just in our cities where extra security steps are being taken. Who would have thought that a terrorist cell was working in Lackawanna, NY? This could

have been a small town in Missouri, Texas, or Pennsylvania.

I know that some of my colleagues believe that their State isn't a target—they may think that because their state is small, it's safe. I bet the chief of police in Lackawanna, NY, would beg to differ about the likelihood of terrorists turning up in small towns. He would say we cannot forget that the terrorists continue to plot and plan against us, and we can't predict exactly where they will turn up.

Yesterday, the FBI issued a new warning to their field agents to look out for people making chemicals like Ricin. Yesterday, the Wall Street Journal reported that the Bush administration was getting ready to launch a plan to increase chemical plant security. The Department of Homeland Security's spokesman said, ''We realize that voluntary efforts alone will not be sufficient to assure the appropriate level of security across the chemical sector.''

And in the last few weeks, we heard Secretary of State Powell, FBI Director Mueller, Secretary Ridge and CIA Director Tenet all state that another attack by al-Qaida is not a matter of ''if'' but ''when.''

We can all hope for the best, but I think it's best to plan and prepare for the worst.

Why would any of us want to take a risk that ''when'' that day comes, it would be in someone else's back yard—a tragedy in another state across the Continental Divide and not my problem. When any city or State or American interest abroad has been attacked like we were. America was attacked and Washington and the country united to deal with that aftermath.

Again, we have to do that today to pass this amendment and improve our domestic defense.

I believe that Retired Colonel Randy Larsen, from the ANSER Institute said it best when he testified about the Hart-Rudman report on November 14, 2002. He said, ''All of us want what is best for America. But we do not have much time. We must get it right—or close to right—very soon. I cannot repeat often enough: America is at war. We need to act like it while there is still time to prepare.''

But they way to prepare, the way to fund homeland security isn't by taking money from existing traditional first responder programs. That's why this amendment also includes $155 million for the FIRE Act, and $130 million for the COPS Program. We need to fully fund every traditional first responder program. Since 1994, COPS has helped nearly 12,950 jurisdictions through 27 different grant programs. As of September 2002, COPS had provided funding for 116,573 community policing professionals across the country.

It has played a critical role in reducing crime. It has worked well in the past, and it will continue to work well in the future to help our communities fight crime. And it should not be used to fund homeland security.

The same applies to the FIRE Act. The $155 million here ensures full funding—$900 million—for the FIRE Act for FY 2003. This program assists fire departments in protecting communities and fire fighters' health and safety. Local communities may use the funding for training, equipment and additional staffing.

Currently, 2/3 of this Nation's fire departments do not meet the standards for adequate staffing. Congress would never allow our Army to engage in a war with 2/3 of its divisions understaffed.

But this is exactly what we are asking our fire fighters to do. To date this grant program has received requests totaling more than $2 billion. The program's funding levels only allow it to award grants that a small percentage of that need. In the event of a terrorist act, fire fighters are the troops on the front lines. And they deserve our full support.

So when we think about all of the good that comes out of this amendment and the others that strengthen our domestic defense, why wouldn't every leader support these steps?

There are some who may try to defeat domestic defense funding by saying that the only dollars that should be included in the emergency supplemental are those that go toward winning this war. I agree, we should only be talking about funding to fight the war, but I believe we need to fight the war on all fronts that it is being waged.

Every support that our troops in Iraq need to win will have the full support of Congress. We cannot forget about our men and women who continue to fight al-Qaida in Afghanistan—they too deserve every resource they need. And so do our domestic troops, our police, firefighters, and EMT's, on the frontlines here at home. The President's proposal last week was a good start, but it is not nearly enough. The Congress and the administration have the opportunity to do so much good for our first responders and strengthen the domestic defense of our Nation. It would be a shame if we did not take advantage of this moment, use this as the moment Washington turned the page and said the time has come, whatever it takes, we will give it our all to secure our country.

But instead of using this as a chance to do more for our country, we're hearing phrases like ''beat them straight up.'' ''We will fight it out.'' ''Defeat them.'' Those aren't words meant for Saddam Hussein or al-Qaida. Those are fighting words against those of us who are trying to get more homeland security funding, new masks for firefighters, extra patrols along our borders and at nuclear power plants, guards at tunnels and bridges, new high tech equipment to track radioactive material, and more help for the Coast Guard.

We seem to have gotten stuck in a dialogue that eliminates our ability to look at a great American tradition that is at stake in this debate. Some of our country's greatest successes reside in our ability to do whatever it takes to do what is right for the greater good of our country.

Imagine if George Washington had decided at the battle of Brooklyn that it was too much of a challenge for the army to retreat to Manhattan that night? That decisive act saved the majority of our army, made victory inevitable, and this debate possible.

What about Lewis and Clark? What if they turned back just after they had embarked on their journey? Or imagine if Jefferson believed that it would take too long and that it was too much for two men to search for that path to the Pacific? But his belief in them, the task at hand, and that expansion and exploration was critical to a young nation.

What about Josuah Chamberline, a professor from Bowdoin College in Maine and what he did for our country at the battle of Gettysburg. He and his regiment stood their ground at Little Round Top. Against overwhelming odds and the future of the Union resting on his shoulders, Chamberline charged. His regiment followed, they prevented the south from taking that hill, and our Union was preserved.

Or when President Lincoln gave the final speech about Reconstruction in April 1865, he did not buckle at the great challenge of uniting a divided and partially destroyed country.

Or today, what if we as a Congress decided to only partially support our troops in Iraq? What kind of victory would follow if we balked at the challenge? So then why would we not do the same for our domestic defense? Why wouldn't we support our first responders?

Again, our country's success rises and falls in our ability to confront great challenges. On September 11th, we were tested once again. The new challenges that came out of that tragic day are what we are debating today. These are the stakes.

The Senate has a choice to meet the new demands against the war on terrorism at home, to finally give it our all to protect this country, and to carry on this tradition of never giving up and doing what it takes to do what is right.

Or we can bow our heads, look the other way and pray that tragedy does not strike again on our shores and hope that if the alarms do ring in our fire stations and police stations, our brave men and women in uniform here at home are ready to answer the call to 9–1–1.

I urge my colleagues to make the right choice and support this amendment.

Mr. AKAKA. Mr. President, I am pleased to join Senators SCHUMER, CLINTON, and MIKULSKI in offering this amendment that addresses funding shortfalls for the Federal, State, and local first responders who are on the front lines of the war on terrorism. I

am disappointed that since 9/11, the administration has failed to provide adequate funding for local governments to prepare for the possibility of new terrorist attacks.

This funding is critically important to Hawaii. The Hawaii State Civil Defense estimates that a response to a weapons of mass destruction attack would challenge the State's emergency response system. As with all States, in the event of a terrorist attack, Hawaii would rely on Federal, State, and local officials. However, unlike all States but Alaska, external assistance from the U.S. mainland is not immediately available. Hawaii's geographic location makes mutual aid from mainland States or from other Pacific jurisdictions impossible.

As a result, Hawaii's State Civil Defense estimates that each of the State's four counties need the capability to sustain an effective response to any weapons of mass destruction attack for up to 72 hours.

Independent experts and government officials have repeatedly warned that first responders do not have sufficient resources. A Council on Foreign Relations Task Force Report entitled ''America—Still Unprepared, Still in Danger'' concluded that first responders are not prepared for a weapons of mass destruction attack. According to the same report, first responders lack the training and equipment to protect themselves and the public in an emergency and do not have radios that can communicate with one another. In fact, the National Fire Protection Association estimates that only one-quarter of the Nation's fire departments have equipment to communicate with State and Federal emergency officials.

Our amendment takes important steps to respond to funding shortfalls by providing $4.3 billion for first responders, including $3 billion for State and local first responders.

Mr. LIEBERMAN. Mr. President, I rise in strong support of Senator SCHUMER's amendment, which I am proud to cosponsor.

We spent much of last year on the Senate floor talking about how to reorganize our Federal Government to meet and beat the challenge of terrorism. In the end, we passed a bill creating a Department of Homeland Security that for the first time is refocusing and reorganizing the Federal Government to make America safer.

But we have said all along that while better organization is a necessary prerequisite to making us safer, it isn't enough. We need to put dollars where the danger is. You can't protect your house in a dangerous neighborhood with a jerry-rigged lock or no lock at all. A ''Beware of Dog'' sign isn't good enough. You need to spend some money. You need to buy a real lock. You need to get a decent dog.

The President often says that America has the resolve it needs to win this war against terrorism. And that is true. Americans are resolute. They are courageous. They are prepared to face down danger and do what it takes to overcome it. That is especially true of the men and women in our fire departments, police departments, emergency medical offices, and hospitals the men and women we call first responders.

Resolve, however, will only go so far if it isn't matched by real resources. Can resolve buy interoperable communications equipment? Pay for firefighters' overtime? Install a security system at a port? Upgrade the information sharing databases in local communities? Dramatically improve public health systems to deal with biological or chemical attacks? No all those urgent improvements and others demand more than resolve. They demand resources.

Right now the resources are nowhere to be found. This administration seems determined to do homeland security on the cheap adding just $300 million to the budget for next fiscal year for homeland security. And the reason boils down to one reason and one reason only. The administration is committed to protecting $2 trillion in unfair, unfocused, and ineffective tax cuts, at all costs. On this, it will not budge. It will not yield. It will not reconsider a single digit or a single dollar.

That irrational and ideological commitment to those unaffordable tax cuts has squeezed out every other priority. It has raided the national cupboard at a time when we desperately need new resources to tackle new threats.

America has the greatest military in the world, and that is because we have paid for it. Generation after generation, we have worked together across party lines and every other division to invest in our Armed Forces and the men and women who dedicate their lives to the common defense. We are truly, to recall President Kennedy, willing to pay any price and bear any burden to deter and defeat foreign threats.

There is no way around this: If we want the best domestic defenses, we will have to pay for them, too.

At the State and local level, where fiscal crises are already forcing cuts in services, the Federal Government's failure to invest is especially serious.

The amendment under consideration today addresses the critical shortfalls facing our local communities by providing $3 billion in first responder grants to States in the wartime supplemental budget, and over $1 billion for grants to high threat urban areas. In addition to these first responder grants, the amendment provides $155 million in grants to fire departments to fully fund the $900 million authorized level, and an additional $130 million to the COPS Program, which will fund additional police costs.

This is the least we can provide. As you may know, I have called for a still greater investment—$7.5 billion for our first responders above and beyond the President's proposal in next year's budget—and $16 billion overall in that budget above and beyond the paltry $300 million increase.

But this amendment, along with the other amendments I am proud to cosponsor that will come before the Senate today, is a good start, a necessary start. Let me give you a few examples of the urgent needs throughout America today that it would begin to address:

New York Mayor Michael Bloomberg said his city is currently spending $5 million a week to post armed units at potential targets like Times Square, conduct bioterrorism detection, and prepare police in the five boroughs to operate as independent departments should the Manhattan headquarters be disabled in an emergency.

According to The Washington Post in an article published April 1—and, no, unfortunately it wasn't an April Fool's joke—Los Angeles ''has grown so desperate waiting for federal money that last week it reluctantly raided a municipal trust fund for $4.5 million and bought 1,000 chemical protection suits for firefighters and police.'' L.A. has also reduced staffing at its 24-hour emergency operation center in part to save money on security costs.

According to The Baltimore Sun, the mayor's office in Baltimore estimates that the city needs to spend another $8.4 million on new communications and hazmat equipment, protective gear, and training, not to mention another $122 million to upgrade water treatment plants, build a new emergency operations center, and more.

The list goes on. My own home community of New Haven, CT, has been able to outfit about 10 percent—just 10 percent—of its 300 firefighters with protective equipment that will be needed to respond in the event of a chemical or biological attack.

Let's face it. Meeting those needs and others will take more money from Washington, plain and simple. But some don't seem to understand that. The majority leader, Senator FRIST, was quoted in CongressDaily as saying that, ''It is unnecessary and wasteful to spend more money at the federal level. The problem is not the federal availability of money. It's getting it down to the local level.''

With all respect, that is just not the case. In fact, according to the National Governors Association, States have already obligated or spent more than 90 percent of their Federal funds. And to complicate things, many States have been spending their own money for 15 months but have yet to be reimbursed by the slow and cumbersome process through which money flows from the Federal Government to States and localities. This is only exacerbating budget crises at the State and local level, where many communities are actually laying off and reducing the number of first responders—so we are going backwards. The reality is that we need to get more funding to first responders, and we need to get it to them as quickly as possible.

The bottom line is this: We must get our first responders more resources and we need to do it without further delay. Enough posturing, enough politics. Let's rise above partisanship and put the national interest first.

The strain on our local first responders has put them in a fiscal straitjacket of historic proportions—one we must relieve now if we are to protect Americans from terrorism.

Nevertheless, let's be fair. Let's realize that, yes, we have made some progress in the 18 months since September 11. Today we are better equipped to handle a second September 11. Our skies are safer. The FBI has announced major reforms, which are in progress. I hope we are beginning to tackle the problem of intelligence coordination that plagued us in the weeks and months leading up to that dark day.

But the terrorists constantly change their methods. Next time, the threat isn't likely to come in the form of airplanes crashing into buildings. The weapon might only be visible under the microscope. Instead of arriving with a loud crash and flames, it might come quietly, secretly, surreptitiously. Just as September 11 challenged our police officers and firefighters as never before, a biological or chemical attack would challenge our public health first responders as never before.

The reality is, if that happens, we are nowhere near ready. As resolute and resourceful as our public health professionals are, they lack the support, the capabilities, and the funding they need to detect these deadly diseases swiftly and protect us effectively. We need significant new investment today to improve our readiness tomorrow.

Look at the reaction to the recent outbreak of Severe Acute Respiratory Syndrome, or SARS. An unknown microbial agent. A mysterious name. Those harrowing pictures of children with surgeon's masks covering their mouths and noses. The slow but consistent spread throughout Asia, and now around America. Travel warnings from the World Health Organization placing large swaths of the world off limits. This, by all accounts, is simply a serious disease with which we are unfamiliar—but the profile of the outbreak is frighteningly close to what we imagined a bioterror attack might look like.

The public health officials in our local communities are well informed and well trained. But working together with the CDC, they just don't have the tools to determine what is causing SARS. They don't have the tools to treat the victims. They don't have the tools to try to stop the spread of the disease in its tracks.

If SARS is 4-percent lethal, what will we do with a disease that is 80 percent lethal? What will we do with a disease that spreads faster and is harder to diagnose? Let's not cross our fingers and hope. Unfortunately, that is exactly what we are forced to do under the administration's budget, which shortchanges investment in our local public health systems and hospitals.

As a result, our hospitals—already constrained by drastic budget cuts, are now rubbing quarters together when they need to be building substantial new capabilities to contend with the new threats. Time magazine put it this way: ''Speed and calm, both critical in a state of emergency, can be taught without special gear, but training in certain techniques and life-saving equipment, like $25,000 protective suits, don't come cheap. That means most of America's hospitals are ill-prepared to face a major disaster.''

According to the Greater New York Hospital Association, hospitals throughout the State have spent more than $200 million on security and emergency response improvements that they never imagined would be necessary before September 11—with plans to spend more than that in the coming year. What has Washington's contribution been? About $8 million in new funding—less than the hospitals will spend on the new smallpox vaccination program alone.

These new demands are only further straining emergency rooms that are already stretched to the limit. Dr. Cai Glushak, director of emergency medicine at the University of Chicago, described the state of Chicago's hospitals this way: ''The hospitals are vastly lacking in resources and have yet to address major things with brick and mortar to create truly adequate facilities to deal with a major contamination issue.'' He went on to say of his hospital, ''If we had an onslaught of 20 people in this emergency room, it would be a catastrophe. It would be sending an external disaster on top of an internal overload.''

How can we expect our hospitals, clinics, labs, and public health departments to protect us from unknown biothreats when they themselves are on the verge of being fiscally bedridden?

Now, of course money isn't all that local hospitals need from the Feds. They also need information, expertise, and guidance. They are getting some of that from the CDC. But a sustained improvement in our bioterror defense demands more than that. It demands a real investment. It demands Federal leadership. Those are sorely lacking in the budget requests that we have seen from this administration.

For the next fiscal year, I have called for $3 billion in new homeland security funding over and above the president's proposal to shore up bioterror preparedness. Mr. President, $1 billion of that increase would increase CDC grants to help State public health departments care for and track infectious disease outbreaks, $500 million would help local hospitals increase capacity, training and supplies, and $1.5 billion would help get new medical research as quickly as possible from ''bench to bedside''—meaning, from the discovery phase into actual use.

Hand in hand with these efforts, we simply must jumpstart efforts to spark private sector production of the drugs, antidotes, and countermeasures we need to fight unknown chemical and biological agents. Again, the SARS example is instructive here as well.

We have no antidote for this disease. No vaccine. No countermeasure. No diagnostic. It is possible that the only effective medical response will turn out to be quarantine.

Imagine a biological weapon that spreads twice as fast and is twice as deadly. Do we really want quarantine to be our only answer? No—we need real medical shields to fight back against the biological and chemical weapons our enemies might use.

And we can't simply hope and pray for these to appear. Stocking our medicine cabinet with the right drugs to protect people from SARS will take months or years of research, months or years of investment, months or years of hard work by private and government professionals.

That is why we need to begin today—not in 6 months, not in a year—engaging every national resource we have to develop the drugs, vaccines, and antidotes we may need in the event of a biological attack. We know of dozens upon dozens of deadly agents for which we currently have no defense, and this does not even count the hybrid or genetically modified organisms we may see in the future. America is blessed with thousands and thousands of brilliant researchers in universities and companies across the country. Why not harness their ingenuity to develop those antidotes, those vaccines, those medicines? Senator HATCH and I have proposed legislation that would do exactly that.

I do not believe that Project Bioshield, the limited incentive program the President has proposed, is remotely enough. At best, it focuses on short-term procurement of existing countermeasures, not on long-term research to deal with the threats for which we have no countermeasure. It will not lead to development of a broad-spectrum antibiotic, or to the development of powerful new research tools that will enable us to quickly develop an antiviral to deal with a new threat like SARS. It is a start, but it is late and it does not reflect the urgency that is warranted by the threat.

The bill Senator HATCH and I have introduced will put in place a broad range of incentives our private sector needs to start filling our medicine cabinet today so our public health first responders are not caught emptyhanded tomorrow, as they have been caught with SARS.

We are at war against terrorism. Our first responders—whether they go to work in firehouses, police precincts, hospitals, or laboratories—are our first line of defense. Let's not frustrate and condemn to failure those whose job it is to protect us—many of whom risk their lives—by failing to provide them

the resources they need to meet and beat the new and unfamiliar threats to our homeland.

The war against terrorism cannot be won with a magic wand, tough talk, or wishful thinking. It will take talent, training, and technology. It will take real, not rhetorical, partnership among every layer and level of government. It will take bipartisan action in Congress. It will take money. To begin providing our Government the resources it needs to protect us from terrorism, I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, I rise today in support of the amendment offered by Senators SCHUMER, CLINTON, MIKULSKI, and others. I am proud to join them as a cosponsor of this amendment that will provide desperately-needed funds directly to State and local governments to boost the emergency preparedness capabilities of our Nation's first responders. The amendment also provides much-needed funding for high threat urban areas, FIRE grants, and COPS.

Our Nation is at war, and we find ourselves facing enormous challenges, both at home and abroad. The American people have responded to those challenges and are performing with skill and determination and valor on both fronts.

We have nearly a quarter of a million troops in the Middle East. Our soldiers and marines have been engaging tenacious guerilla fighters in Iraq's harshest weather conditions. Our sailors are superbly executing their complex missions. Our Air Force already has performed thousands of missions over long distances amid withering ground fire, eliminating threats to all our troops. And we have National Guard units being called up all across the country to prepare for what could turn into a lengthy assignment overseas.

Here on the homefront, our first responders and thousands of dedicated Federal workers are giving their all to preparedness and prevention. Police officers, firefighters, and emergency medical response providers are being pushed to the limit with added duties, longer shifts, and cancelled time off. The new responsibilities they are shouldering in guarding against and preparing for terrorism have become largely unfunded mandates on them and on their States and communities. Every time the threat alert level is raised, it takes millions more in local and State costs to respond.

The administration readily accepts the need to fund our antiterrorism efforts abroad, but the administration continues to downplay and minimize the real needs in real communities across the Nation for adequate resources to meet homeland defense needs here at home. That must change. We need to do both we need a robust response to terrorism on both fronts, here and abroad.

This supplemental spending plan the President submitted to the Congress addresses costs in Iraq and other locations overseas but misses the mark by a mile in funding our needs on the homefront. We are fighting a two-front war, yet the President's request mostly only addresses the war in Iraq—as well as the needs of a few coalition allies.

It is frustrating, as well as more than a little ironic, that after all of the repeated requests from Congress and State and local officials, over a period now of a year and a half, about the need for taking care of the fight against terrorism at home, the administration has decided to request almost $8 billion in assistance on behalf of the foreign nations that it considers helpful in the war against Iraq, but only $2 billion for first responders. The Nation's Governors and mayors have made abundantly clear the urgent need for that same level of funding, $8 billion. Our hometown heroes need help now.

In recent months, the Nation's first responder needs have grown increasingly urgent. I have repeatedly joined with congressional leaders like Senator BYRD, Senator DASCHLE, and others in asking the President, in this supplemental request for appropriations, to include at least $5 billion for our State and local first responders. But the administration has fallen far short in this bill, including only $2 billion to assist State and local governments to support federally mandated terrorism preparedness during this time of heightened threats and insecurity. The amount included in the supplemental is inadequate.

No Federal agencies are doing the jobs that we need first responders to do. When terrorists attack, the first call that is made is not to a Federal agency in Washington. It is to 9–1–1, for their State and local first responders. The responsibility now falls to the Congress to boost funding for our first responders. We are in a two-front war, overseas and here at home, and we need to fund both.

The sooner we help first responders help us in the war on terrorism, the better. I hope you will agree that our Governors and mayors know what their States and communities need to be safe from and respond to terrorist attacks. My colleagues and I who introduce this amendment have heard their pleas and responded. I hope the Congress will respond accordingly, even though the administration so far has not.

Mr. KENNEDY. Mr. President, September 11, 2001, taught us that the Nation is vulnerable to terrorist attacks on our own soil. In Massachusetts, almost 200 families lost loved ones on that day, and they bear an especially heavy share of the burden of that vulnerability.

Here in Congress, we are each committed to do all we can to see that 9/11 never happens again. We need to work together to provide the resources to prevent terrorists from attacking the cities, the towns, the villages, and the communities we all care so much about in our States and across this country.

Yet we failed to live up to our responsibility yesterday during the debate on Senator HOLLINGS' needed proposal to strengthen the protection of our seaports. It would have provided $1 billion to begin to protect our Nation's notoriously porous and vulnerable ports. Yet during the debate on the amendment, opponents questioned ''where will it end?'' as if this was such an extravagant investment. It was defeated, and I cannot understand why.

One billion dollars was proposed to secure our seaports against sabotage, dirty bombs or worse in cargo containers. Was that really too much—even though the President has pledged $9 billion in aid to other nations to help them protect their own citizens?

These entryways into the United States are responsible for 95 percent of all U.S. international trade, but only about 2 percent of all cargo is now being inspected. An urgent proposal to do more, and do it now, should certainly get a unanimous vote in the Senate. The stakes are too high. September 11 taught us what can happen.

Obviously, we don't have unlimited funds. Obviously, we can't make ourselves 100 percent free of the terrorist threat. But can we really say that we are doing all we can when the overall bill before us provides only $2 billion to help State and local governments meet their new security requirements? Facing serious budget reductions of their own, the Nation's cities are spending an additional $70 million a week on direct homeland security costs, and tens of millions more in indirect costs.

But can we really say we are doing all we can when Federal assistance for homeland security has, to date, provided the entire State of Massachusetts with only $11 million, the entire State of Pennsylvania with only $18.5 million, and the entire State of California with only $45 million?

Can we say we are doing all we can—let alone all that we should—when the bill before us provides the grand total of only $100 million to protect all the high-level-threat urban areas in the country?

How many of these high-level-threat urban areas are there?

Is $100 million enough—or is it only a drop in the bucket—when we are talking about the security of Atlanta or Austin or Baltimore or Boston or Charleston or Cleveland or Chicago or Dallas or Denver or Detroit or Houston or Las Vegas or Los Angeles or Miami or Milwaukee or Minneapolis or New York City or New Orleans or Philadelphia or Phoenix or Portland or Pittsburgh or Seattle or St. Louis or St. Paul or San Diego or San Antonio or San Francisco or Tampa or Washington, DC, or dozens of other American cities that can legitimately be called high-threat areas.

Mr. President, $100 million for high-level urban threat areas—just for the 29 cities I mentioned above, that works out to $3.3 million for each city. That won't go very far in New York City,

where the mayor is spending $5 million a week.

It won't go very far in Boston, which is struggling to meet its security obligations while confronting a potential 2-year State-aid cut of $153 million. As a result of these cuts, and declining tax revenues brought about by the recession, there will be no incoming class of police officers for Boston this year. No incoming class, when the threats to the city are unprecedented and when 18 of Boston's officers are serving their country in Iraq.

Is Boston supposed to take on these new challenges, with only token financial support from Washington?

Apparently, Boston is to go it alone in its efforts to prevent a terrorist attack on any of the 61 hazardous material storage facilities that dot its waterfront. Boston alone is supposed to protect the home heating oil depots along its expressway. And Boston alone is supposed to prevent terrorists from commandeering any one of the hundreds of cruise vessels that stop in our port every year.

Instead of wondering where it will end, a better question for us to be asking ourselves today is: How can we go back to our States without doing all we can to protect our communities?

Last week, half of the Senate had no problem voting for a massively excessive tax cut for the wealthiest Americans on the flimsiest of economic justifications. Yet now we have voted down $1 billion to protect our seaports—even though their vulnerability could have immediate and devastating effects on our economy—and we are reluctant to add another $2 billion to secure our communities.

The amendment before us is modest. It does not try to change the fundamental fiscal relationships between the Federal, State, and local governments. It simply says that we can do more. We can do more than the bare minimum that the President's Budget Director says is absolutely necessary. We can do more so that our Nation's homeland security isn't entirely dependent upon property taxes, lottery revenues, and car washes.

The amendment before us would increase assistance to first responders by $1 billion, provide a total of $1.05 billion for assistance to high threat urban areas, $155 million for firefighter's equipment grants, and $130 million for staffing and overtime expenses for COPS Program activities.

In the context of an unprecedented supplemental appropriation request of $74.8 billion, and with the backdrop of heightened domestic security, can anyone really pretend that these investments are unwise or unnecessary?

Today, I spoke to 17 mayors in Massachusetts by conference call, all of whom are struggling to meet the challenges of post-September 11 security—and none of whom know how they can go on bearing these costs alone. Their obstacles are impossible to overcome.

Mayor Fred Kalisz of New Bedford, a city of 94,000 people and home of the Nation's highest value commercial fishing fleet, has incurred $500,000 in specific homeland security expenses to date and has come up with list of $3.4 million in essential capital security requests to protect his city's port, its commercial fishing fleet, and key public facilities. He has no way to pay for these costs. He recently had to suspend drug and alcohol prevention programs for New Bedford's youth.

Mayor John Barrett of North Adams, a city of only 14,000 people, has to deploy his small town police force to secure two nuclear powerplants—including 533 spent radioactive fuel rods—against terrorist attack.

In Everett, a city of 38,000 people located just outside Boston, Mayor David Ragucci spends $10,000 a day to secure facilities containing 685,000 gallons of propane, 95 million gallons of jet fuel and a 1500 megawatt powerplant from terrorist attack. In the wake of a $4.5 million budget cut, Mayor Ragucci deserves a combat medal for his efforts to protect these facilities which are within 5 miles of nearly 1 million people.

Mayor Bill Whelan of Quincy, a city of 88,000 people, has been hit with over $300,000 in overtime and other personnel costs responding to over 300 anthrax and hazardous materials calls since 9/11. He also has had to begin patrolling the city's 27 miles of open coastline, and begin providing 24-hour police protection for a Muslim place of worship. And he is staring at $4.3 million of State local aid cuts in the face.

In Fall River, with 92,000 people, Mayor Ed Lambert has done a good job so far balancing a very difficult situation. With a reservoir that serves 200,000 people and the State's largest bridge within city limits, Mayor Lambert has had to dramatically increase security at both these critical sites. But, he has had to do it while cutting back his police and fire forces in response to difficult budget shortfalls. Over the last 18 months, Fall River has lost 15 percent of its police force and 10 percent of its firefighters because of budget cuts.

In Brockton, Mayor Jack Yunits has been trying to meet the challenges confronting his city of 94,000 while dealing with the loss of 17 police officers. Another six will soon be retiring, and there is no funding to replace them. Among the mayor's chief homeland security challenges is the safety and well-being of the 6,000 students and faculty who attend Brockton High School each day, the largest high school this side of the Mississippi River. His difficulties will soon be compounded if the proposed State cut of $2.9 million from his budget becomes law.

In Lowell, with a population 105,000, six of its police officers and a fireman have been sent to Iraq. With a police force of 220, Lowell may have to insist on 30 early retirements this year to meet its budget constraints. City Manager John Cox tells me that for the first time in recent memory, there will be no new recruits from the police academy.

Worcester is Massachusetts' second largest city, and Mayor Tim Murray tells me that he has lost over 80 police officers and 86 firefighters due to budget difficulties.

All these mayors have their backs against the wall. They are trying as hard as they can to protect their security, but they are not being given the help they need.

I think Mayor Yunits from Brockton said it best ''Our first responders are fighting for their jobs, while they continue fighting to protect us.''

They will keep at it, I am sure, because they care about this country. They care about their city. They care about protecting their citizens. They care about doing every last thing possible to prevent another disaster on American soil.

Shouldn't we in the Senate—with our responsibility to protect the American people—at least try to help ease this burden?

I urge my colleagues to support this amendment, and send a message to the Governors and mayors of America that they are not alone, that they can count on Congress to provide more than mere photo opportunities as they confront the threat of domestic terrorism in their communities.

Mrs. BOXER. Mr. President, first, let me thank Senator SCHUMER for offering this amendment to immediately provide more resources to our local first responders. I am pleased to be a cosponsor of this amendment.

This amendment is vital to our first responders at the State and local levels of government. We must increase the resources available so that our police, firefighters, and other emergency personnel can help prevent and respond to terrorist acts.

This amendment makes $2.2 billion available to the Office for Domestic Preparedness in the Department of Homeland Security.

This $2.2 billion is for direct grants to States and local governments. This funding will be passed to the States, and then on to local governments within 45 days.

This expediency is an important concern of many States, including my State of California. We have all heard about the budget shortages that many States are facing. These budget shortages then affect cities and counties.

My State of California is facing a budget shortfall of between $26 and $35 billion. In California, revenue from vehicle license fees helps communities pay for the equivalent of 12,000 police officers or 15,000 firefighters for one year. But, because of the State shortfall, this funding may not be passed on to local communities.

Already, the financial crunch is taking its toll. For example, the city of Marysville faces a $700,000 budget shortfall. This shortfall will affect the police payroll, which accounts for 60 percent of the city's budget. The cities of Santa Cruz, and Napa have also made cuts in police and fire departments. This amendment will assist cities like Marysville, Santa Cruz and

Napa to have full teams of first responders.

On top of this budget crunch, the Federal Government has handed additional responsibilities and a heightened terror alert to already troubled State and local governments. The states are paying for security costs that the Federal Government has asked them to cover. In California, the Governor estimates $500 million in statewide homeland defense costs for the State and local governments. These estimates are probably low, especially if the war in Iraq goes on for several months.

The city of Los Angeles spent an additional $4.2 million just during the 20 days of code orange to meet the demands of heightened security. The city of Fresno is spending between $15,000 and $20,000 per week on homeland security costs. On average, the city of San Francisco is spending $2.3 million per week, second only to New York City. In fact, of the five cities nationwide that are spending the most money on protecting the homeland, two of them—San Francisco and Los Angeles—are in my State.

This amendment is vital for our communities, vital for our local police, vital for our local firefighters, vital for the protection of the American people. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I yield 3 minutes to another sponsor of the amendment, somebody who has fought long and hard for first responders and localities, the people of Maryland, the Senator from Maryland, Ms. MIKULSKI.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 3 minutes.

Ms. MIKULSKI. Mr. President, I am pleased to join with my colleagues, Senators SCHUMER and CLINTON, who have been working steadfastly to get the resources we need to properly fund homeland security. They have stood up not only for New York but for all of America because we know that homeland security cannot be done on the cheap. We are at war. We are at war in Iraq, and we need to support our troops. But we are at war here. The President of the United States, George Bush, said we are at war here in the war against terrorism and we need to support the hometown, homeland troops. They are our first responders.

Where are they? They are in local governments. They are in fire stations. They are in police stations. They are standing sentry behind the ambulances ready to respond to any emergency need. When a citizen calls 911 because of an event that has happened in their community, it happens locally.

The Schumer-Clinton-Mikulski amendment not only gives more money, which is desperately needed, but it brings money to the local communities where it is needed.

We live in the capital region, we in Maryland, whether it is Montgomery County or Prince George's or Baltimore City. Our overtime is skyrocketing. We are spending loads of money in the protection for infrastructure. In Baltimore, every time we go to code orange we are spending $50,000 a week on police overtime. Prince George's County needs $50 million just to be able to talk to the rest of the State in interoperable radio equipment. Anne Arundel County is responsible for the protection of the National Security Agency, the Naval Academy, the capitol of the State of Maryland, and BWI Airport. We say: Oh, wow, we can't afford to do it.

Let me say this: When the country goes to code orange, our local communities go to red ink. Local governments have no place to turn except higher property taxes. We say no to higher property taxes. We say yes to more funds for homeland security. If we want to wear the flag, let's stand up for the flag and let's stand up for the flag by supporting our first responders in the local community and by putting the money where our patriotism is, right in the Federal checkbook.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise in support of the Schumer amendment, but I also wanted to make a comment about the Specter amendment. I support the amendment of the Senators from New York and Maryland who are lead sponsors on this particular amendment. They are absolutely correct. We are not giving the resources that are necessary to first responders.

While the bill before us attempts in good measure to support the war underway, we always need to be prepared each and every day to fight the war on terrorism—which is broader than the battlefield in Iraq. The battlefield has now become in some sense the U.S. territory, and we need to do more faster. I realize we can't pay for every bill that is submitted, but we most certainly can do more than what we are doing. I intend to vote for the Schumer amendment.

I am not sure what I will do on the Specter amendment. I will say why. I think the offset is inappropriate. I understand there might be some consensus about the amendment of the Senator from Pennsylvania, but let me say what I object to strenuously in the amendment. To fund the high threat urban areas, a portion of the money, $150 million, is taken from State and local governments, and a portion is taken from critical infrastructure protection. So here, as a Senator from Louisiana, I have to now be forced to choose—these are tough votes and this is a job we asked for—because on one hand, I do want to add money to the overall pot, which the amendment does, but I want to call to the attention of my colleagues that part of the offset is taking it away from protection for pipelines, chemical plants, ports, and other critical infrastructure that could be described as highways, rail, et cetera, to support high urban threat areas.

It is a dilemma. I hope, however, it is resolved. Perhaps a better offset could be found in the conference report because I agree with Senator SCHUMER and Senator CLINTON that we have to do more. I don't agree with the proposal put down by the Senator from Pennsylvania that to solve that problem, it needs to be taken from States such as Louisiana—perhaps Texas could find itself in the same situation—having a tremendous amount of critical infrastructure to protect, which I might say to my colleagues in the Senate, supplies a tremendous amount of energy for the Nation. Those critical infrastructures are all over urban as well as rural parts of Louisiana. So I rise in support of the Schumer amendment, and with great reservations about the amendment offered by the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. SCHUMER. Mr. President, I yield 2 minutes to the Senator from Michigan, who has been a great supporter of first responders.

Ms. STABENOW. I thank my colleague. I rise as a cosponsor of this amendment. I commend my colleagues for bringing it forward.

As has been said so many times, we have two front lines in the battle on terrorism. We have come together virtually unanimously in support of our troops in Iraq and for the efforts on other soils away from our country. But here at home we have not done the same. Back in Michigan, I held nine different community meetings around the State, and I heard the same thing from our urban to rural areas: They are working hard, working overtime, but they cannot do it alone.

When our country was attacked, it was not just New York or Washington. They were, in fact, attacking the United States of America. We have an obligation to our hard-working men and women, the firefighters, the police officers, the emergency medical workers, to make sure we are partnering with them to make sure they have the resources they need.

I have heard so much about the need for communications equipment, bioterrorism training, additional personnel. They are saying to me that it is very frustrating when, on the one hand, we say we are getting them more money, and then we cut the COPS Program or the Fire Grant Program.

The Senator from Louisiana raises an important point about the Specter amendment as to where the dollars come from. I will support the Specter amendment, but we have to make sure these are really new dollars and not just moving from one pot to another pot because the reality is that our first responders cannot do this without our partnership and our support.

This is the time we are bringing forth the resources to fund the war to support our troops abroad. We have troops right here. They are asking us, finally, to support them. We have tried for 18 months to provide the resources, to let them know, and today is the day.

I hope my colleagues will join unanimously to do that.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, by way of a brief reply and comment on the arguments that have been made, I agree with a great deal of what has been said. It would be highly desirable to put in more money, but what we have seen today are efforts on the other side of the aisle to add funds, and a response on this side of the aisle, pretty much on party-line votes, to deny the addition. I have sought to find a figure that is significant, such as $600 million, which will be agreed to by votes significantly on this side of the aisle, and with some votes on the other side of the aisle.

When the Senator from New York, Mrs. CLINTON, made the comment that there are features of Senator SCHUMER's amendment that expedite the disbursement of the funds, that is not included in my amendment because we don't really know what the formula should be. When Secretary Ridge testified before the Appropriations Committee on March 27, he agreed that the current formula on a population basis was inappropriate, that high-risk areas need more money. At the moment, we do not have a determination as to what those costs are. We have directed the Secretary to make that determination. Once he makes that determination, then we can make an allocation. I certainly would like to see more money.

I agree totally with the comments made about the bravery of the firefighters and of the police officers, and the threat of terrorism that has to be fought domestically as well as overseas. What I am looking for in my amendment is the art of the possible—to come up with a figure, and $600 million is substantial.

It is true, as the Senator from Louisiana points out, money has been taken in other lines for $300 million. But we have gotten the managers to agree to an additional $200 million, so it is a matter of priorities. If you look at the high-risk areas, such as New Orleans, it is in the interest of the State of Louisiana to have this allocation.

How much of my time remains?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. SCHUMER. I inquire how much time I have.

The PRESIDING OFFICER. The Senator from New York has 4 minutes remaining.

Ms. LANDRIEU. Will the Senator from Pennsylvania yield?

The PRESIDING OFFICER. Who yields time?

The Senator from Louisiana has 2 minutes remaining.

Ms. LANDRIEU. Mr. President, I wish to respond to the Senator from Pennsylvania because this is a very important debate. I thank him, first, for the effort he has made to try to bring some compromise to the issue.

I restate how difficult it is for some of us from some States that have serious needs of critical infrastructure. We supply 20 percent of the Nation's oil and gas. I have more pipelines in my State than any other State in the Union. We are happy to provide the energy. We have more chemical plants than Illinois, New Jersey, and other States. To ask us to be forced to say we don't really need money for that and we can give money to urban areas—the fact is, we need to give money to both, and to New York, Pennsylvania, New Orleans, as well as other places where pipelines run under very small communities.

I hope the Senator from Pennsylvania will take seriously—and I know he does—what point I am making and perhaps work as a member of the Appropriations Committee as this bill moves through to try to find an additional remedy so we don't have to get rural areas giving up their money for urban areas, or urban areas giving up their money for rural areas, and we can try to make fair allocations to protect all of the critical infrastructure in the Nation, whether it is in rural or urban areas.

Mr. SPECTER. Mr. President, I think the Senator from Louisiana makes a valid point on the need for more funding. We are now on the emergency supplemental. We do not know at this moment what the costs are to protect all of these interests. We will know shortly. We have asked for 60 days. We will be moving forward with more appropriations bills. We are in the process now of moving forward.

The subcommittee, chaired by the distinguished Senator from Mississippi, on which I serve, will be taking it up. We will be interested to see the specifications as to what it costs to protect the interests identified by the Senator from Louisiana. But I think this is a substantial start. This is a combination of trying to get more funds in, and getting $200 million is not easy on this side of the aisle. Making the reallocation of the $600 million is a very material advance.

Ms. LANDRIEU. I thank the Senator for his comments. I look forward to working with him as we try to provide additional funding for the critical structure that is necessary throughout many places in the South and in the industrial East.

Mr. SCHUMER. Mr. President, I ask unanimous consent to add Senator LAUTENBERG as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I yield to the Senator from New Jersey 2 minutes.

Mr. LAUTENBERG. Mr. President, I rise in support of the amendment offered by our colleagues, Senator SCHUMER, Senator CLINTON, and Senator MIKULSKI.

The amendment of the Senator from Pennsylvania, too, is an amendment that has to be considered favorably. This amendment would provide desperately needed funds to State and local governments to bolster their emergency preparedness. I am pleased the amendment sponsors have included my proposal to reimburse State and local governments for additional costs that they are incurring because they have not replaced the first responders called to active duty in the Reserves or National Guard.

Not surprisingly, many local police and fire and rescue and emergency medical service and hazardous material disposal personnel serve in the National Guard and Reserves. More and more, these men and women are being called up for longer and longer tours of active duty, and especially now that the war with Iraq is underway. It is critical that we bolster our military capabilities here and abroad but that we not do it at the expense of our safety and security at home.

I have spoken to a lot of mayors in New Jersey. New Jersey shared the impact of the terrible assault on the Trade Centers with New York, as 700 of our citizens died that day. What perplexes them is the fact that here they are being asked to bolster the defenses at home, to make sure they cover the emergency needs, and, in many instances, it takes people away to serve either in the Reserves or the National Guard, to put them on active duty.

They do not understand—and I agree with them—why it is we cannot take care of our defenses with strength at home as well as abroad.

I am pleased that the amendment sponsors have included my proposal to reimburse State and local governments and Indian tribes for the additional costs they incur replacing their first responders who are called to active duty in the Reserves or National Guard.

The 1.2 million men and women who serve in the National Guard and Reserves are a crucial component of our military. They account for just 8.3 percent of the Defense budget but give us the capability, if necessary, of nearly doubling our armed forces.

Not surprisingly, many local police, fire, rescue, emergency medical service, and emergency hazardous material disposal personnel serve in the National Guard and Reserves. More and more of these men and women are being called up for longer and longer tours of active duty, especially now that the war with Iraq has begun.

It is critical that we bolster our military capabilities here and abroad. But we must not do it at the expense of our safety and security at home.

Our local communities must have the necessary personnel to respond to terrorism, natural disasters, and other emergencies.

My proposal would reimburse State, local, and tribal governments for the additional costs they incur when their ''first responders'' who serve in the Reserves and the National Guard are called to active duty for 6 or more consecutive months.

Reimbursable costs could include the salary and benefits associated with hiring a replacement or the overtime paid to other emergency personnel who ''fill in'' for the first responder called to active duty.

The effect of my amendment would be to make such reimbursements an authorized use of the $500 million contained in the underlying provision.

Increasingly, I am hearing from State and local officials who are concerned about the toll that active duty call-ups are taking on their emergency preparedness.

According to the Police Executive Research Forum, 452 of 1,002 law enforcement agencies and departments surveyed so far have lost personnel to call-ups.

The problem is worse in rural and smaller jurisdictions where just a few call-ups can decimate a police or fire department.

State and local governments are facing their worst fiscal crisis in over 50 years. We shouldn't leave them ''holding the bag'' when their first responders get called up. And we should not be making our communities *less* able to respond to terrorism, natural disasters, and other emergencies.

Again, I thank my colleagues from New York and Senator MIKULSKI for accommodating my proposal. I think my language makes a good amendment even better and I urge my colleagues to adopt it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Mr. President, I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the bill reported by the committee provides an additional $2 billion in supplemental appropriations to enhance assistance to State and local first responders. It does so in a manner which builds on the State strategies; provides funding for enhanced security of critical infrastructure, and allows the Secretary to target funds to high threat urban areas.

This amendment does more than just boost funding for the Office for Domestic Preparedness. It mandates mechanisms for the dispersal of Federal funds which would dilute the impact of the supplemental funding altogether.

The amendment which has been offered requires a direct pass-through of grant funds to States within 30 days. This requirement would negate the strategic planning process the Office for Domestic Preparedness has developed and implemented with States to allocate funds to those with greatest need and it would undermine the States' regional approach which is currently supported by the majority of States.

The amendment requires that funds for grants be allocated to States based on the minimum grant requirement in the USA PATRIOT Act and the remaining amounts being distributed on a per capita basis. This is what is being done currently. However, it mandates that the funds be allocated to States within 30 days of enactment of the Act. This would not allow time for the States to submit a plan for the use of the funds requested which ensures some degree of accountability that Federal funds will be used to cover allowable costs.

The amendment further requires that not less than 80 percent of each State's funds be made available to units of local government based on population. Of the 80 percent mandated to go to localities, the amendment then requires 20 percent be used ''shall be for''—''costs of law enforcement, fire, emergency medical services, and other emergency personnel, including covering overtime expenses.''

In addition, the amendment allows grant funds to be used for ''personnel funds''. It does not define what this means. Does this mean hiring personnel or reimbursement of costs of existing personnel, or both? What is the baseline for determining this? What will ensure that Federal assistance supplement and not supplant existing levels of effort?

The amendment also does not define units of Local Government. If it truly means all local units will receive funds based on population, the Federal funding will be diluted by giving many small jurisdictions small grants. And, it will most likely cause further delay, if you consider there are over 3,100 counties, each containing townships, villages or other governmental units, and the States are required, as this amendment mandates, to disperse all these funds to this number of jurisdictions based on population within 30 days, and then to make sure that 20 percent of those funds be allocated only for specified purposes, as the amendment requires.

Where the current system relies on planning-based decisionmaking, this amendment resembles revenue sharing.

I realize that changes to the current system may be merited. Questions have been raised about the appropriate Federal share of the additional cost to States and local governments of terrorism preparedness and response efforts; what should properly be a Federal responsibility; and the formula for distributing funds, and the extent to which it properly reflects risks and vulnerabilities.

However, changes should be made after careful review by the authoring committees of jurisdiction, not done on this supplemental appropriations bill. The chairman of the Senate Government Affairs Committee has already announced a series of hearings, beginning next week, to review the Department of Homeland Security's grant programs and their effectiveness.

I do know that with respect to making a decision on this here today, the current process is preferable to what is being proposed by this amendment. This amendment would only make things worse.

The same is true for the mechanism proposed by this amendment to deliver critical infrastructure protection funds to States. It would require funds be distributed on a per capita basis to States. Once funds are available to States, 50 percent must be made available to local jurisdictions within 30 days of receipt.

Again, it would dilute the funds being made available for security costs related to protection of critical infrastructure, which are intended to help State and local governments cover additional costs resulting from Operation Liberty Shield. Again, this is not targeted assistance, it is a revenue sharing approach to a problem.

The amendment also provides an additional $155 million for grants under the Federal Fire Prevention and Control Act. There is no indication that additional funding is needed at this time. The Department of Homeland Security is still processing applications for the $745 million made available for fiscal year 2003.

Plus, this additional funding, as well as an additional $130 million proposed for the Department of Justice Community-Oriented Policing Services, is proposed on top of the amendment's requirement that 20 percent of local jurisdictions' share of State grants be used for ''law enforcement, fire, emergency medical services, and other emergency personnel, including covering overtime expenses.''

The bill reported by the Appropriations Committee includes $2 billion in supplemental appropriations for the Office for Domestic Preparedness to assist State and local governments to expand their capacity to prepare and respond to potential terrorist acts.

It provides an additional $1.42 billion for grants to States, at least 80 percent of which must be passed through to local governments. This funding is for the acquisition of equipment, training, excercises, and planning. It is intended to assist States to more aggressively implement their statewide domestic preparedness strategies.

In addition, the committee-reported bill provides an additional $30 million in direct technical assistance to states for a variety of activities, as needed, including support for plan development and implementation of exercises.

It also provides $450 million, as requested by the President, for State grants to assist State and local governments with the costs of augmenting security at critical infrastructure facilities during the period of hostilities with Iraq. This recognizes the new requirements imposed on States and localities by the immediate need for heightened protection of critical infrastructure facilities. We understand

that the department has already reached out to States to ensure security measures are under way for the most sensitive sites and has been working with governors in developing site protection plans so that these funds can be released rapidly.

Lastly, it provides an additional $100 million to be targeted to high-risk urban areas, as determined by the Secretary of Homeland Security.

The amendment offered by the Senator from Pennsylvania would alter the amounts recommended in the committee-reported bill to provide total supplemental appropriations of $600 million for assistance to high-threat urban areas and the total supplemental appropriations for the Office for Domestic Preparedness to $2.2 billion. I support the Specter amendment, and I urge my colleagues to oppose the amendment offered by Senator SCHUMER.

Mr. SPECTER. Mr. President, I yield to the distinguished chairman.

Mr. STEVENS. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Pennsylvania has 8 minutes 16 seconds.

Mr. STEVENS. Mr. President, I want to make clear what I stated before. I do support the Specter amendment. By virtue of the approach the Senator from Pennsylvania has enunciated, we end up with more moneys in this area of great concern, but we increase the amount of money in the bill by $200 million. There was already $100 million in the committee-reported bill.

I do accept Senator SPECTER's approach to this. I am hopeful we can convince the House to recognize that this is the proper way to allocate the money the President requested and convince them that the amount we have in this bill is sufficient to meet the objectives we all seek to attain.

I urge Senators to vote for the Specter amendment. Again, reluctantly, I state I am opposed to the amendment offered by the Senator from New York and his colleagues.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. How much time remains on our side?

The PRESIDING OFFICER. The Senator from Pennsylvania has 7 minutes.

Mr. SPECTER. On the other side?

The PRESIDING OFFICER. The Senator from New York has 1 minute 50 seconds.

Mr. SPECTER. Mr. President, I am prepared to yield back time if the Senator from New York is.

Mr. SCHUMER. I am prepared to yield back our time as well so we can move this along.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 515.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote ''yes.''

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) 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 65, nays 32, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—65

Akaka	Dole	Mikulski
Alexander	Domenici	Miller
Allen	Durbin	Murkowski
Bayh	Edwards	Murray
Bennett	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Pryor
Brownback	Graham (FL)	Reid
Burns	Grassley	Roberts
Campbell	Hagel	Sarbanes
Cantwell	Hatch	Schumer
Chambliss	Hutchison	Shelby
Clinton	Jeffords	Smith
Cochran	Kohl	Snowe
Coleman	Lautenberg	Specter
Collins	Levin	Stabenow
Cornyn	Lieberman	Stevens
Corzine	Lincoln	Talent
Daschle	Lott	Voinovich
Dayton	Lugar	Warner
DeWine	McCain	Wyden
Dodd	McConnell	

NAYS—32

Allard	Dorgan	Kyl
Baucus	Ensign	Landrieu
Biden	Enzi	Leahy
Bingaman	Feingold	Nickles
Breaux	Graham (SC)	Reed
Byrd	Gregg	Rockefeller
Carper	Harkin	Santorum
Chafee	Hollings	Sessions
Conrad	Inhofe	Sununu
Craig	Johnson	Thomas
Crapo	Kennedy	

NOT VOTING—3

Bunning	Inouye	Kerry

The amendment (No. 515) was agreed to.

CHANGE OF VOTE

Mr. BAUCUS. Mr. President, on vote No. 122, I voted aye. It was my intention to vote no. I ask unanimous consent that it be recorded as no. It does not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

VOTE ON AMENDMENT NO. 514

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask for the yeas and nays on the Schumer amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. STEVENS. Mr. President, I move to table that amendment.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

I further announce that, if present and voting, the Senator from Kentucky (Mr. BUNNING) would vote ''yes.''

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—51

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Cornyn	Kyl	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

NAYS—46

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Graham (FL)	Nelson (NE)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Dodd	Levin	

NOT VOTING—3

Bunning	Inouye	Kerry

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I would like to be able to discuss what we are going to do now. We have the managers' package that has some problems. We have to decide how to get out of it. It is my suggestion that we listen to the Senator from Arizona on some of the objections he has to items in the managers' package and see what we can do after the Senator explains his position.

How long would the Senator like to talk?

Mr. MCCAIN. Ten minutes.

Mr. STEVENS. I ask unanimous consent we listen to Senator MCCAIN for 10 minutes and see what objections we can possibly remedy with the problems he has with the managers' package.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent to be recognized when he has finished.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, approximately 40 minutes ago, maybe a half hour ago, we were given a ''managers' package.'' The managers' package, the first group was—we haven't yet received the second group of amendments in the managers' package—27 amendments. There is $10 million for the South Pole station in the managers' package; $10 million for NOAA; $600 million for the Department of Agriculture expert assistance; $500 million for the DOJ and FEMA; $281 million for the Department of Energy; $5 million earmarked for a Kentucky public safety communications system. I haven't finished compiling the list because we haven't even had a chance to review these amendments.

I ask my colleagues again: How do you accept a managers' package—in this case worth billions, B as in billions—worth billions of dollars without any debate, without any vote, without any discussion that I know of of any kind? How do you do that? How do you do that?

I intend to have votes on parts of the managers' package. I don't know why we need in this bill $10 million for the South Pole station. I did not know that al-Qaida had reached the South Pole. More importantly, how can we appropriate $500 million for the Department of Justice and FEMA without even talking about it? Couldn't we debate it? Maybe it won't be absolutely necessary. Do we need $281 million additional for the Department of Energy? I don't think the Department of Energy is on the frontline in the war in Iraq.

I am told by the Senator from Alaska—I have the greatest respect and, believe it or not, a great deal of affection for him—that, well, they would pass anyway and this is the best way to treat it because then he will be able to reduce it in the conference.

I am not a member of the conference. Most of us are not conferees. Most of us are just ordinary Senators who have a responsibility to our constituents, not to approve of a managers' package worth billions of dollars that none of us have ever seen or read—and you would not have seen or read it if I had not demanded that the managers' package be shown to us.

Is this the way to govern? Is this the way to spend the taxpayers' dollars? It cannot be. It cannot be the right thing to do.

I have great sympathy for what the Senator from Alaska is trying to achieve by getting this bill done, paying for the war, paying for the war on terror. But how do we sit here and accept billions of dollars in a managers' package that none of us—excuse me, all but a few of us have ever seen, debated, discussed, voted on, or will ever have anything to do with?

I trust the judgment of those who go to the appropriations conference, but I don't give them the responsibility that I have to the taxpayers of my State.

I am sure many of these amendments in the managers' package will pass. I have already seen that today. When we had an amendment to take out the totally extraneous provisions, we only got 39 votes. I am sure they will pass. At least I will be able to go back and tell my constituents that I didn't support $10 million for the South Pole Station in the name of fighting the war on terrorism and the war on Iraq. I have greater respect for the men and women in the military who are doing the fighting than to vote for $10 million for the South Pole in the name of helping them fight the war.

I will yield the remainder of my time, and I will object to the managers' package, and we will have a series of votes. I yield the floor.

Mr. STEVENS. Mr. President, I have great respect for the Senator from Arizona. He provides really a service to the Senate to make us think about these issues. I have thought about all of these. In fact, a dozen Senators on either side are already carrying a grudge because they didn't get their amendment through the process to even get to the Senator from Arizona because they were rejected by someone in the committee of jurisdiction.

Let me say to the Senator, for instance, the $10 million for the South Pole is not an add-on. We took that money off an account and put it in there because they had a disastrous winter. This is the last supplemental for this year, as far as we know. Only another tragedy and the war could bring us to another supplemental. We are going into regular bills after this bill. We will have nights such as this on some of them, probably.

The money for the Department of Energy was identified by several Members, and that is security at nuclear facilities. It was debated on the floor. It was raised here and debated. I asked them to put it into the package because it was my opinion that it was, frankly, raising the bill a little too much, and I didn't want it to look as if I was accepting those amendments. There are a few others that we accepted that go in the bill. As you say, there are times that it is possible to reduce amendments voted on the floor in conference; but when the Senate votes overwhelmingly for an amendment on the floor, it is difficult to deal with in the House—if the House doesn't want to put the full amount up and to reduce it, or negotiate it.

We have several amendments. Senator KOHL's amendment, for instance. He has been courteous in allowing us to put that amendment—it will pass, by the way; I know it will pass. I will tell the Senate that there is not an amendment in this managers' package that I believe would pass the Senate if raised individually.

Why do we have a managers' package? Because we have cleared each amendment with the committee of jurisdiction, cleared by the majority and minority on the subcommittee involved in our Appropriations Committee, and cleared by Senator BYRD and myself, and we have cleared them or offered them to Senator MCCAIN and to Senator REID, or whoever wants to look at the package can look at it. It is a package of convenience.

By putting these amendments together on items we think would pass anyway, we might be able to go home at a decent hour tonight. I might be able to keep my commitment to the Senator from Hawaii to be in Hawaii with him when he gets his great honor on Saturday. That may not be possible because I have a job and I will stay until we do it.

It is also a problem that a couple of the Senators have already departed, and they are relying on us to put these in the package because they had other problems with family, and they are not here now. I can think of three of them who are gone who have amendments in here. We passed judgment on a collective basis. It hasn't just been myself, or myself and my colleague, or our staffs. Everybody in the system is involved in clearing a bill, including the Senator from Arizona who knows I cleared several with him as chairman of the Commerce Committee.

All I say is, I am prepared to proceed in any way that the Senate wishes to proceed with the amendments. There are 25 amendments in this package. They call it the first package. Several are being cleared that will go in this. There is a group of, I think, six that is still out there being cleared. Of these, Senator MCCAIN has agreed with 11 out of the 25. He agrees to modify four others that were not in my accounting. So we can proceed with those on a consent basis and see if the Senator wants to call up the amendments. We are going to be here for a long time if we do that, but in fairness I don't have the ability to withdraw these and say the Senators cannot offer them. They allowed us to use them in the package mechanism so we could save time for the Senate. It is obviously not going to do that. I am prepared, however, as soon as I get the balance of this, to offer them all and let the Senator object and then we will move them one at a time.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. I yield to my friend.

Mr. BYRD. Why don't we just finish this Tuesday?

Mr. STEVENS. If we finish this Tuesday, the bill cannot be finished by next weekend because we have to have time for both Houses to prepare a chart on a bill such as this, to see what our differences are, so we can go into conference and deal with the differences. If we pass this bill Tuesday, the House will pass it Tuesday or Wednesday, and we will not be able to get it finished by a week from Friday.

Mr. BYRD. Will the Senator yield?

Mr. STEVENS. Yes, sir.

Mr. BYRD. In the request that will be propounded with respect to the appointment of conferees, how many conferees on the part of the Senate is the chairman expecting?

Mr. STEVENS. In the conference on the supplemental, following the procedures the Senator from West Virginia and I have used in the past, we will have the full committee.

Mr. BYRD. Will the Senator yield further?

Mr. STEVENS. Yes.

Mr. BYRD. Other Senators may do as they wish. This Senator is going to go home. That is my right to do. I don't have any quarrel with others who want to stay. I have cast over 16,600 votes in the Senate. I think I have been pretty loyal to my duties to my constituents. But I need to be home. I have been married almost 66 years. I have been in the Senate a little over 44 years. I have been married longer. So I think my duty is to my wife. There are only two duties that will exceed my duties in the Senate. One is my duty to my God and the second is to my family.

So I ask unanimous consent, in accordance with paragraph 2 of rule VI of the Standing Rules of the Senate, that I be granted leave to go home now and not vote any further today. I will be granted a leave of absence for the rest of the day so that I can go home and be with my wife. Others who wish to stay here may do so. I have spent my time over the years here. If others want to stay, that is fine. I don't think it is absolutely necessary to finish this tonight. I think we can wait until Tuesday. But as far as I am concerned, I thank all Senators for their staying around and completing action on this bill, but count me out. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my great friend from West Virginia today told me of the difficult problems he has and wanted to leave by 5:30. I thought we might make that. Again I find myself apologizing to my friend twice in 2 days.

Mr. BYRD. The Senator does not owe me an apology.

Mr. STEVENS. I thought we would finish the bill in time for the Senator to be with his wife.

Mr. BYRD. The Senator has always been courteous to me. I have no quarrel with him or any other Senator.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I do not want to prolong the debate. The Senator from Alaska just mentioned there are six amendments still being cleared. This cannot be the way to spend the taxpayers' dollars—to pack 25, or how ever many amendments there are, into a managers' amendment accumulating billions of dollars.

The Senator from Alaska said ''the appropriate people were notified and these amendments were discussed with them.'' I do not like to indulge in a show of hands, but I guarantee you, Mr. President, most of the Members of this body were not consulted on most of these amendments that are in the managers' package because I have been here most of the day and I have never heard them discussed or debated. The only reason I am seeing them now for the first time, as I say, 40 minutes before we would have had final passage on the bill is because we demanded to see them.

Again, I am not a member of the Appropriations Committee. I believe there are 20 some members of the hundred of us who are members of the Appropriations Committee. For us to simply say, I will accept a $600 million amendment; don't worry, we will work it out in conference—I am supposed to go back to my constituents and say: I spent $600 million of your money, but do not worry, we left it up to another Senator to work it out in conference.

We cannot govern this way. We cannot. We cannot have this kind of procedure. I apologize to my colleagues for this, but I am not the one who ran this procedure. I warned the Senator from Alaska time after time that the managers' package was the most egregious of everything that is done in the appropriations process. I will never forget a couple years ago when I asked the manager of the bill: What is in the managers' package, as everybody was standing in line to vote. He said: I don't know.

I let it go because I did not want to anger my colleagues and upset the schedules of my colleagues. Do you know what we found? We found about $50 million in absolutely unnecessary and unrelated projects added in a ''managers' amendment.'' We cannot do that. We cannot do business this way.

I agree with the Senator from Alaska that he will win on every one of these votes because we just saw earlier today that if we are not going to reject $93 million for an agriculture research center and $50 million for maritime administration guaranteed loans, which is a totally failed program—and I have forgotten some of the others—we certainly are not going to turn down amendments that have as much as $600 million.

Here is another one. An amendment described as town meetings. Interesting, town meetings. It removes a 250,000-person threshold for Senate funding of town meetings. What is that all about? It may be, as the Senator alleges—I did not know they had more severe winters than others at the South Pole, but there may be a very legitimate reason to lift the cap on a 250,000-person threshold for Senate funding of town meetings. We do not know. We do not know, I say to the Senator from Alaska.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. No. I would like to finish first.

I yield to the Senator from Alaska. I yield.

Mr. STEVENS. No, I will wait.

Mr. MCCAIN. All I am saying is we do not know. There may be good reasons or there may be bad reasons. There may be good reasons, when we are trying to fight the war on terrorism and the war on Iraq, to lift the 250,000-person threshold for funding for town meetings. There may not be also. We do not know.

Mr. President, I would like to make two points. One, I propose a vote on the Kohl amendment, which is amendment No. 455, which gives an additional $600 million for agriculture. At the conclusion of that vote, then I will be ready to go to final passage, but I want to tell my colleagues for the last time, I will not—I will not—we cannot govern this way. It is not right. We are not carrying out our duties to the people who send their hard-earned tax dollars to us to handle with care and deliberation.

So if it is agreeable with the Senator from Alaska, we will have a vote, which he will win, adding $600 million, which was in the managers' package and never debated or discussed that I know of, and I bet most of my colleagues never knew of, and we will probably adopt it, giving an additional $600 million to help I guess feed the troops in Iraq, and then we will go to final passage.

But I tell my colleagues who are here on the floor, I will not do this managers' package routine ever again. If the Senator from Alaska feels he will not carry something in conference because it is a losing vote, then that is how it should be, but at least every Senator will be on record and their constituents will know how they stood on town meetings and the South Pole and all of these others—Louisville/Jefferson County Public Safety Communications System, et cetera. If it is agreeable with the Senator from Alaska, I will agree to a unanimous consent request to do that.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Arizona for that suggestion. I point out to him before we proceed—and we will proceed; I will ask Senator KOHL to be prepared to offer his amendment, and following that we will offer the managers' amendment—but just this afternoon, I was notified that travel and transportation for members of the armed services was not authorized in some circumstances. One of these amendments authorizes transportation of families of the people who have been injured to Germany, or wherever they are, so they can see their loved ones. They did not have that authority. An amendment in this bill will do that.

They also do not have the money and authorization to buy, for a young person injured and coming back not on a

gurney, but needs civilian clothes, something different to wear other than a military uniform because of the injury—we have a provision in here for the purchase of civilian attire for medical evacuation of members of the Armed Forces. Those came to me at 6 o'clock. I think they are relevant to this bill, one of the six the Senator has not seen yet. There are a lot that came up.

I suggest we proceed. The managers' package concept replaces the old litany of amendments that were offered and offered and offered. I remember one time we were here 40 hours. That is what you get into when you do not have a managers' package.

Is Senator KOHL here?

Mr. DASCHLE. We can offer it on his behalf.

Mr. STEVENS. Will the Chair lay before the Senate Senator KOHL's amendment?

AMENDMENT NO. 455

Mr. STEVENS. Mr. President, I call up amendment No. 455.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KOHL, for himself, Mr. LEAHY, Mr. BYRD, Mr. BIDEN, Mrs. MURRAY, Mr. HARKIN, and Mr. NELSON of Florida, proposes an amendment numbered 455.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide humanitarian food assistance in connection with U.S. activities in Iraq)

On page 2, after line 7, insert the following:

''PUBLIC LAW 480 TITLE II GRANTS (INCLUDING TRANSFER OF FUNDS)

''For additional expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior year's costs, including interest thereon, under the Agricultural Trade Development Act of 1954, $600,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act: *Provided,* That of this amount, $155,000,000 shall be used to restore funding for previously approved fiscal year 2003 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: *Provided further,* That of the funds provided under this heading, the Secretary of Agriculture shall transfer to the Commodity Credit Corporation such sums as are necessary to acquire, and shall acquire, a quantity of commodities for use in administering the Bill Emerson Humanitarian Trust in an amount equal to the quantity allocated by the Corporation pursuant to the release of March 19, 2003, and the release of March 20, 2003: *Provided further,* That the authority contained in 7 U.S.C. 1736f–1(c)(4) shall not apply during fiscal year 2003 for any release of commodities after the date of enactment of this Act.''.

Mr. STEVENS. Mr. President, I ask unanimous consent that following the consideration of Senator KOHL's amendment, the amendments that I shall offer en bloc be considered en bloc, and adopted en bloc as a managers' package.

Mr. HARKIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. STEVENS. I withdraw the request.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Would the Senator renew his request?

Mr. STEVENS. I intend to renew the request. This is a unanimous consent that the amendments we have here in the managers' package be considered en bloc following the vote on or in relation to the amendment offered by Senator KOHL.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 455

Mr. KOHL. Mr. President,

I am pleased to join with Senator ROBERTS in offering this amendment.

I offer an amendment to provide $600 million for our international food aid programs. The amendment is cosponsored by Senators BYRD, DASCHLE, LEAHY, HARKIN, BIDEN, MURRAY, NELSON of Florida, DORGAN, LINCOLN, DURBIN, DEWINE, BAUCUS, ROBERTS, and DAYTON.

Our amendment is necessary because of the intense pressure the food needs in Iraq have placed on our world food programs. Already, the Department of Defense has used $269 million from our largest international food aid program—PL–480—to feed the Iraqi people. That is $269 million from the $1.4 billion that was appropriated last year for other world hunger needs in places like Sub-Saharan Africa and Afghanistan. As the war progresses and the reconstruction begins, the draw on our existing food aid accounts will continue.

Specifically, our amendment replenishes the $269 million already taken from PL–480 for Iraq. It also adds $100 million to an emergency grain reserve—the Emerson Trust—which has recently released approximately 800,000 tons of wheat to Iraq. A final $231 million is made available for future Iraqi draws on PL–480 as that country waits for the resumption of the UN ''Oil for Food'' Program.

This amendment is responsible budgeting. We are asking only for the minimum dollars we need to meet an unanticipated food crisis in Iraq—a crisis that is the direct result of the war. Our actions will allow us to meet this crisis efficiently without crippling our other food aid efforts.

I do not for a moment dispute the Administration's decision to tap into PL–480 funds to meet immediate needs in Iraq. I do dispute the position that we should not replenish those funds—thus effectively defaulting on our obligations to starving people in other countries.

There is no doubt that the war has disrupted food delivery to innocent Iraqis. And everyone agrees that, as we move to liberate the Iraqi people, we have an absolute obligation to deliver humanitarian relief.

Before the war, a full 60 percent of the Iraqi population was fed through the UN-run ''Oil for Food Program''—a program that turned Iraqi oil revenues into food supplies. It provided over $3 billion worth of food a year distributed at more than 40,000 food distribution sites throughout the country. On March 17, UN Secretary General Kofi Annan suspended the Oil for Food Program. Now, over 2 weeks later, the citizens of Iraq are nearing the end of their food stocks.

We are not just guessing that a food crisis is imminent in Iraq. The UN has stated unequivocally that there is a continuing and immediate need to feed the Iraqi people as they attempt to reestablish the Oil for Food Program. Last Friday, the United Nations petitioned the world community for $1.3 billion to meet that need. Just Saturday, the World Food Program announced that the operation in Iraq could ''evolve into the largest humanitarian operation in history.'' The supplemental before us earmarks no funds for that effort.

The administration has decided—I believe correctly—to use our existing food aid programs to deliver this aid to Iraq. Our amendment simply asks that we replace the funds we are removing now—and will continue to remove—from that program—funds that were budgeted for starving people in Africa, Afghanistan, Indonesia, and North Korea.

Our amendment is endorsed by a coalition of international relief agencies called the ''Coalition for Food Aid.'' Their members include the American Red Cross, CARE, Catholic Relief Services, and Save the Children. The amendment is also supported by the American Farm Bureau, the National Association of Wheat Growers, the U.S. Rice Producers Association, the USA Rice Federation, and the Wheat Export Trade Education Committee. I ask unanimous consent to have printed in the RECORD these letters of endorsement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 3, 2003.

Hon. HERBERT KOHL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KOHL: The undersigned organizations appreciate your dedication to restore funding for food aid and we support your amendment to the FY03 Supplemental Appropriations bill.

Your amendment comes at a critical time as the United States prepares to provide necessary food aid for the people of Iraq. Providing additional funding and replenishing

funding for current food aid programs will place these programs in a better position to meet this year's food aid needs. The amendment also provides the flexibility to purchase the mix of commodities that are needed without disrupting our own domestic market.

American agriculture is prepared and dedicated to providing U.S. commodities for those in need to help alleviate hunger. We thank you for your leadership and urge adoption of your amendment.

Sincerely,

American Farm Bureau Federation, National Association of Wheat Growers, US Rice Producers Association, USA Rice Federation, and Wheat Export Trade Education Committee.

AGRICULTURE, MARITIME AND CHARITABLE ORGANIZATIONS, SUPPORTING ADDITIONAL FOOD AID FUNDING,

April 2, 2003.

Hon. HERB KOHL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KOHL: We appreciate and support your amendment to the FY 2003 Supplemental Appropriations Bill to restore funding for food aid programs and to provide adequate additional funds for emergency needs. By appropriating $600 million for PL 480 Title II, including funds to partially replenish the Bill Emerson Humanitarian Trust, this amendment will allow the US to meet commitments to many needy countries this year and to be prepared to provide adequate humanitarian food assistance in the wake of conflict in Iraq.

Because of the gap between the amount of funds available for food aid and actual food needs, the Administration has been forced to limit funding for African emergencies and to reduce ongoing food assistance in many vulnerable countries, including Angola, Bangladesh, Uganda, Malawi, Haiti, Mozambique, Ghana, Kenya, Bolivia, Guatemala, Peru and parts of Ethiopia. The amendment assures the restoration of funds for previously-approved food aid programs in FY 2003. It is critical that these funds be provided as soon as possible to replenish these programs, since it takes a few months to buy commodities and to deliver them abroad.

The amendment also provides funds to restore the Bill Emerson Humanitarian Trust to 2 million metric tons, one half of the authorized level. This will replenish the value of commodities that are allocated in FY 2003 for food assistance related to the conflict in Iraq. For the rest of fiscal year 2003, it would remove the authority for the Secretary of Agriculture to sell Emerson Trust commodities on the domestic market. Because additional funds are made available by this amendment for Title II and to replenish the Emerson Trust, needed commodities can be purchased directly from the market and sales of commodities held by the Trust is unnecessary.

With America's abundant agricultural resources and long-standing tradition of helping the poor, providing funding so the United States may meet its commitments to help alleviate hunger is both appropriate and necessary. We therefore thank you for your leadership and urge the acceptance of your amendment by the United States Senate.

Sincerely,

ACDI/VOCA, Africare, American Red Cross, Cal Western Packaging Corp., Adventist Development & Relief Agency International, American Maritime Congress, American Soybean Association, CARE, Catholic Relief Services, Counterpart International, Food for the Hungry International, International Food Additives Council, International Orthodox Christian Charities, Jesuit Refugee Service/USA, Maersk Sealand, and Maritime Institute for Research and Industrial Development.

National Association of Wheat Growers, National Dry Bean Council, National Milk Producers Federation, OIC International, SUSTAIN, Transportation Institute, U.S. Rice Producers Association, USA Dry Pea & Lentil Council, Wheat Export Trade Education Committee, World Vision, Colorado Potato Growers Association, Didion Milling, Inc., Global Food & Nutrition Inc., International Organization of Masters, Mates & Pilots, International Relief & Development, Land O'Lakes, Marine Engineers Beneficial Association, Mercy Corps, National Corn Growers Association, National Farmers Union, North American Millers' Association, Save the Children, TECO Ocean Shipping Company, U.S. Dairy Export Council, U.S. Wheat Associates; USA Rice Federation; and Wilson Logistics, Inc.

Mr. KOHL. In the last month, we have heard many voices expressing many views of what it means to be American and at war. Among those disparate voices, there are strong, common themes: our pride in our brave troops; our burning hatred for tyranny and injustice; our undying compassion for the poor and hungry of the world.

Our amendment speaks to the last of these. It states simply that, even in times of war, America will remain a compassionate leader in the world community and a passionate combatant of hunger and hopelessness throughout the world.

To reiterate, I offer this amendment because through the Department of Defense and other agencies, $269 million from our largest international food program, Public Law 480, and the Bill Emerson Humanitarian Trust, have already been obligated to meet the urgent necessity to feed the Iraqi people. That $269 million is derived from funds appropriated or made available last year for other world hunger needs in countries such as Saudi Arabia, Afghanistan, Korea, and North Korea. We need to replenish that money which has been used to feed the people in Iraq.

I also thought we needed to provide more than an additional $200 million for the requirements that I anticipate we will be very shortly facing in Iraq with respect to feeding their people. The Bill Emerson Humanitarian Trust is an emergency grain reserve which recently released approximately 800,000 tons of wheat for assistance to Iraq at a cost of $100 million. The replenishment of the Bill Emerson Humanitarian Trust, restoration of Public Law 480 funds that have been diverted from areas such as Sub-Saharan Africa, and providing resources for anticipated needs in Iraq total the $600 million I have included in this amendment.

I urge my colleagues to support the amendment.

Mr. NELSON of Florida. Mr. President, as U.S. and allied forces steadfastly close on Baghdad, they come closer to liberating the people of Iraq, and closer to ridding the world of a menace to global peace. Our troops are performing magnificently. The young men and women of our armed forces have served bravely and honorably, and have made me proud.

When the bombing stops and the war is over, the world will be a safer place. But make no mistake, the American commitment in Iraq must endure for a long haul. It is incumbent upon the United States to ensure Iraq's transition to a freedom. One element critical to post-conflict reconstruction has already begun, and must continue throughout the fighting. That element is the supply of food and humanitarian relief to the people of Iraq.

The supplemental does provide some funds for humanitarian relief, but it is not enough. The Senator from Wisconsin has offered an amendment to this legislation which would provide $600 million in funding in emergency food relief for P.L. 480, Title Two and the Emerson Humanitarian Trust. This $600 million the amendment provides is based on close consultation with organizations who know the situation well from their humanitarian work. The Kohl amendment is vitally important to ongoing operations in Iraq. It: restores funds diverted from other emergency food assistance provided in P.L. 480 activities—including those in Africa—that have been redirected for assistance to Iraq; restores 800,000 metric tons of Emerson Trust, another humanitarian food relief program, because of previous releases this year; and allows for at least one third of food aid needs for Iraq, as identified by the World Food Program. Historically, the U.S. provides one half of emergency food aid needs.

At the time hostilities commenced in Iraq, the U.N. Oil for Food Program provided food to over 60 percent of the Iraqi people via over 40,000 feeding stations. These feeding stations were run by the regime of Saddam Hussein. Hopefully, U.S. and coalition forces can restore the program quickly. But hope alone will not feed Iraqi families left starving by a disruption in this program. The world Food Program has just announced an overall appeal of $1.3 billion for food aid for Iraq for the next 6 months.

We must make adequate preparations right now to provide the food assistance required of us. The Kohl amendment delivers on this moral imperative by providing funds needed for the remainder of this fiscal year in the event significant Oil for Food Program revenues are not available, or is otherwise unable to function.

In another part of the globe desperately needing food assistance, the droughts in sub-Saharan Africa have caused a massive food shortage over the last several months. The toll of this famine threatens millions of Africans and could be far worse than anything we have seen previously. The terrible epidemic of HIV/AIDS, which is currently ravaging the continent, destroys the immune systems of its victims. When further weakened by malnutrition, they are unable to fight off

even the most mild illnesses thereby exacerbating the impact of the food shortage. In addition, we know there is still about $250–$350 million shortfall in food assistance to Africa for this fiscal year, which the Congress was unable to provide during consideration of the omnibus appropriations legislation for 2003. It is vitally important that food assistance to this region not be shortchanged, forcing us to choose which mouths to feed, on which continents.

Similarly, there have been droughts in regions of Haiti. The United States currently provides food assistance to Haiti from P.L. 480, Title Two, to the tune of about $22 million, or about 40 percent of our bilateral assistance. This assistance is so important because it is one of the few ways in which we can help the Haitian people, without providing assistance to a corrupt government. We do not provide Haiti with other forms of assistance commonly provided to other countries, like economic support funds or development assistance. This is due to the political stalemate, almost 3 years old, and the inability of President Aristide to take any meaningful and demonstrable steps to resolve the crisis and improve conditions. Therefore, the integrity of the food assistance to Haiti must be protected and preserved in its entirety. The Kohl Amendment does so.

This provision also provides initial resources that will be needed to win the peace in Iraq. It does not specifically designate the funds for Iraq, to be consistent with the way we have traditionally appropriated food assistance governed by P.L. 480 Title II funds, but I trust that these funds will be used for the purpose for which they are intended—feeding the Iraqi people without raiding important food assistance accounts for other regions, such as sub-Saharan Africa, and Haiti.

We must act now. I urge support of the Kohl Amendment.

Mr. MCCAIN. Mr. President, the Senator from Wisconsin mentioned Saudi Arabia; I did not know the people of Saudi Arabia were in need.

But, again, it is unrequested by the administration. I am sure it is worthwhile. There is not an amendment that has come before us that is not worthwhile, but it was not felt urgent at this time by the administration.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Mr. President, I don't know of anyone on our side who asked for time on the amendment. I believe the Senator has explained it. I ask unanimous consent that when we start consideration of this vote, there be no further amendments in order, and that immediately following the vote on the managers' package, we go to third reading of this bill, and we have a procedure arranged so that we would hold this bill at the desk until the House bill arrived and it would automatically be married to the House bill and sent to conference as soon as possible.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, I will be very brief. I am very reluctant to do this because the chairman has been very gracious to me.

Senator COLLINS and I had worked throughout the day on a bipartisan amendment. We would like a few minutes. It has been heard by the committees of jurisdiction, and we would like a few minutes to work with the chairman because if we are going to spend billions, we certainly ought to make sure there is a repetitiveness in the contracting. The Senator from Maine, the Chair of the Governmental Affairs Committee, has done exceptional work in this area. If we could work with the chairman, I think in a few minutes we could work this out.

I am very reluctant to make this reservation.

Mr. STEVENS. Mr. President, the Senator's amendment would change the procedure for every Department or Agency in the Federal Government in terms of the concept of what must be published in the Federal Register. It also has an exception for withholding publication of any document that is classified.

But in the period of time we are in right now, I don't have time to research this in terms of what does this do to the Department of Defense, what does it do to the CIA, what does it do to the FBI, what does it do to every other organization of the country. I have tried to clear this. There is a great deal of what has been eliminated, but I, too, am a member of this Governmental Affairs Committee, and I could not ever remember taking it up in the Governmental Affairs Committee. I understand what it is, but I don't understand its impact on the agencies I am supposed to protect in terms of the Department of Defense.

I cannot in good faith accept that.

I renew my request that following the vote on the managers' package, no further votes be in order and we proceed immediately to third reading under the proceedings as outlined, which will be outlined in fuller detail at that time, but it will mean that will be the last vote of the day and we will not vote past taking the bill to third reading.

The Kohl amendment comes first.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, the first amendment offered by the Senator from Alaska when we started yesterday, that is going to be withdrawn; is my understanding correct?

Mr. STEVENS. We will have a dialog here about the debt ceiling amendment, and I have given my word to the Senator from West Virginia that we would withdraw the amendment. I want to have that dialog. That can take place after the vote. I assured everyone that will be handled in a proper way. I have been asked to make a record of why we did not proceed with the debt ceiling amendment, and I would like to do it at that time.

I renew my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. The parliamentary situation is: We will vote on the Kohl amendment, we will vote then on the managers' package, and then the bill will go to third reading under the outline we provided at that time, and there be no further votes or amendments in order to this bill.

The PRESIDING OFFICER. There are four amendments pending which must be disposed of prior to third reading.

AMENDMENTS NOS. 440, 500, AND 504, WITHDRAWN

Mr. STEVENS. I would say there are amendments at the desk that have been modified or agreed to and put into the managers' package. So I ask that those be withdrawn. I believe all the Members involved know what has been done on those amendments. I ask that they be withdrawn and—there are four of them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I will withdraw the other amendment when we have the dialog after the vote.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered. The three amendments are withdrawn.

Mr. STEVENS. I ask for the yeas and nays on the Kohl amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 455. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Kentucky (Mr. MCCONNELL) are necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY), would vote ''Aye.''

The result was announced—yeas 67, nays 26, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—67

Akaka	Carper	Dole
Baucus	Clinton	Dorgan
Bayh	Cochran	Durbin
Bennett	Coleman	Edwards
Biden	Collins	Feingold
Bingaman	Conrad	Feinstein
Boxer	Cornyn	Fitzgerald
Breaux	Corzine	Graham (FL)
Brownback	Daschle	Grassley
Burns	Dayton	Hagel
Campbell	DeWine	Harkin
Cantwell	Dodd	Hatch

Hollings	Lugar	Rockefeller
Hutchison	Mikulski	Sarbanes
Jeffords	Miller	Schumer
Johnson	Murkowski	Snowe
Kennedy	Murray	Specter
Kohl	Nelson (FL)	Stabenow
Landrieu	Nelson (NE)	Talent
Lautenberg	Pryor	Warner
Leahy	Reed	Wyden
Levin	Reid	
Lincoln	Roberts	

NAYS—26

Alexander	Enzi	Santorum
Allard	Frist	Sessions
Allen	Graham (SC)	Shelby
Bond	Gregg	Smith
Chafee	Inhofe	Stevens
Chambliss	Kyl	Sununu
Craig	Lott	Thomas
Crapo	McCain	Voinovich
Ensign	Nickles	

NOT VOTING—7

Bunning	Inouye	McConnell
Byrd	Kerry	
Domenici	Lieberman	

The amendment (No. 455) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. Senator, let me thank all Members for their patience and consideration in expediting the bill. It is imperative that we complete this bill, get it to conference, and then get the bill on the President's desk. This next vote will be the last vote of the week. The Senate will not be in session on Friday. We will resume business on Monday with a vote occurring at 5 p.m. on a judicial nomination.

Next week we hope to take up and complete the CARE Act, the FISA bill, POW resolution, other nominations, as well as conference reports that become available.

I thank everyone for their attention and appreciate the hard work over the course of the day.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that Senators JEFFORDS and KENNEDY be added as cosponsors of amendment No. 459.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 522

Mr. STEVENS. Mr. President, I have an amendment at the desk, a series of amendments. I ask that these amendments be considered en bloc and they be adopted en bloc by one rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I withdraw that. Is it possible we might have a voice vote? I will be happy to have a voice vote.

I renew the request that the managers' package at the desk be considered en bloc and adopted en bloc. Does the Senator want a rollcall vote? Without a rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I call the attention of the clerk to the fact that there are several original amendments in that package, and they will be properly handled.

Mr. MCCAIN. May I ask what that means?

Mr. STEVENS. It just means they were not numbered. We took out some amendments and put a new one in its place, but we did not make it a substitute for the amendment that is in place.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 522.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. EDWARDS. Mr. President, I rise today to speak about an amendment I have offered to provide funding for the All Hazards Emergency Warning Network. If we are truly going to improve homeland defense, we must prepare Americans to respond in time of attack. And the first step towards that goal is updating our emergency warning system. We must ensure that warnings reach all Americans at risk as quickly as possible.

In the event of a terrorist attack or natural disaster, Americans must know how to respond. Unfortunately, for everything that has happened since September 11, if an attack happened again, many of us still would not know what to do. Today, our emergency alert system depends heavily on television and radio, and doesn't reach millions of Americans who aren't near a TV and radio at a given moment. In addition, the system doesn't provide all the information we need. Right now, the All Hazards Warning Network cannot effectively broadcast information about all types of emergencies, particularly terrorist attacks. That must change. We need to ensure that NOAA has the funds it needs to begin incorporating new warnings and new technologies within the national weather radio immediately.

I have proposed providing NOAA with $10 million right now for incorporating additional technologies for disseminating terrorism warnings within the All Hazards Warning Network. There are a lot of ways that NOAA weather radio could be broadcast using existing technology. For example, cell phones could receive emergency warnings for users in a certain area even if those folks are just passing through. Pagers and beepers can achieve the same result. Televisions can be programmed to come on automatically and provide alerts in the event of a disaster. We need to encourage the development and implementation of these new technologies.

Additionally, and perhaps most importantly, NOAA needs to have full communication with emergency managers at the local level—the men and women who will be on the front lines of any emergency. The All Hazards Warning Network needs to allow emergency managers to transmit warnings about all types of disasters, including terrorism, to citizens in their area without the delays currently in place.

This is an idea I have been working on for some time. This first bill I introduced this session, together with Mr. HOLLINGS, would require the Department of Homeland Security and the Department of Commerce to make sure that comprehensive, easily understood emergency warnings get to every American at risk. Today's amendment will go a long way towards reaching that goal.

Mr. LEAHY. Mr. President, today I am proud to offer an amendment with Senator CRAIG and five other Senators that will repeal a rider that was inserted without a vote, without debate, and without discussion into the Omnibus Appropriations Conference Report.

After the Conference Committee met and behind closed doors, this special interest rider gutted the organic standards just recently enacted by U.S. Department of Agriculture. This special interest provision was inserted into the bill on behalf of a single producer who essentially wants to hijack the ''organic'' certification label for his own purposes, to get a market premium for his products, without actually being an organic product.

The antiorganic rider allows producers to label their meat and dairy products ''organic'' even though they do not meet the strict criteria set forth by USDA, including the requirement that the animals be fed organically grown feed. This approach was considered and outright rejected by USDA last June. The entire organic industry opposed this weakening of the organic standards.

If beef, poultry, pork and dairy producers are able to label their products as ''organic'' without using organic feed, which is one of the primary inputs, then what exactly is organic about the product?

Opposition to this rider has been broad, deep, and extremely bipartisan. I have spoken to Secretary Veneman, who has come out publicly in opposition to the antiorganic rider. In the last month, a total of 68 Senators have joined me by cosponsoring a bill to repeal this rider.

This antiorganic rider is particularly galling because so many producers have already made the commitment to organic production. For most, this is a huge financial commitment on their part.

Now the rider has created a legal limbo for farmers. No one knows what the legal requirements for organic animal products are anymore.

I have heard from large producers—General Mills, Tyson Foods—as well as scores of farmers from Vermont and around the country who are enraged by this special loophole included for one company that does not want to play by the rules.

Our amendment simply strikes this antiorganic rider from the Omnibus

Appropriations Act, restoring the strong organic standards created by USDA. We need to send a message to all producers that if you want to benefit from the organic standards economically, you must actually meet them.

When I included the Organic Foods Production Act in the 1990 farm bill, it was because farmers recognized the growing consumer demand for organically produced products, but needed a tool to help consumers know which products were truly organic and which were not.

The act directed USDA to set minimum national standards for products labeled ''organic'' so that consumers could make informed buying decisions. The national standard also reassured farmers selling organically produced products that they would not have to follow separate rules in each State, and that their products could be labeled ''organic'' overseas.

The new standards have been enthusiastically welcomed by consumers, because through organic labeling they now can know what they are choosing and paying for when they shop. The antiorganic rider, however, has undermined public confidence in organic labeling, which is less than a year old.

This was not the first attempt to weaken the organic standards. Getting the organic standards that are behind the ''USDA Organic'' label right was a long and difficult process, but critically important to the future of the industry. During the rule-making process, some tried to allow products treated with sewer sludge, irradiation, and antibiotics to be labeled ''organic.''

The public outcry against this was overwhelming. More than 325,000 people weighed in during the comment period, as did I. The groundswell of support for strong standards clearly showed that the public wants ''organic'' to really mean something. Those efforts to hijack the term were defeated and this one should be, too.

Consumers and producers rely on the standard. I hope more members will support my amendment and send a message to special interests that they cannot hijack the organic industry through a rider on the spending bill.

We need to fix this mistake and restore integrity to our organic standards.

I urge my colleagues to support this amendment.

Mrs. FEINSTEIN. Mr. President, the amendment I offer today would restore fiscal year 2003 funding for the State Criminal Alien Assistance Program, SCAAP, to the level of funding Congress provided in fiscal year 2002.

Specifically, my amendment would provide an additional $315 million in supplemental funding to the SCAAP program, to bring the total fiscal year 2003 appropriations to the same amount that was appropriated in fiscal year 2002—$565 million.

Most of my colleagues have had to deal with the question of illegal immigration. Just the sheer number of illegal immigrants in our country—estimates range from 9 to 11 million—suggests that Federal strategies to curb illegal immigration have failed.

While only a relatively small percentage of the illegal immigrant population have committed crimes, nonetheless, even that small percentage represents a significant burden on State and local governments, which are forced to apprehend, prosecute, and incarcerate those who prey on our communities.

Today most States are encountering their largest deficits in more than 60 years. Indeed, the fiscal consequences of illegal immigration have contributed to this challenge. In fiscal year 2002, for instance, States and counties incurred more than $13 billion in incarceration expenses. It is the responsibility of the Federal Government to help shoulder the burden that its failures have created. The Federal Government alleviated some of that burden by providing $565 million to the States in fiscal year 2002.

Increasingly, States and local counties are relying on SCAAP funding to help supplement their homeland security activities.

Clearly, our local governments would spend the $13 billion they have spent incarcerating criminal aliens on other fiscal priorities, such as homeland security.

The amendment I offer today would not only provide a more equitable level of funding to help reimburse States for the costs they incur for incarcerating undocumented criminal aliens, it would also help free up funds that State and local governments may need for their first responder activities.

Without adequate funding, this fiscal burden will continue to fall on many of our local law enforcement agencies—including sheriffs, police officers on the beat, antigang violence units, and district attorneys offices.

At a time when cash-strapped State and local governments are being asked to do even more to protect our homeland, we cannot afford to eliminate vital funding that already falls far short of what local governments spend to incarcerate undocumented criminal aliens.

SCAAP payments have never matched the true costs to the States dealing with this problem, but they have nevertheless been critical additions to prison and jail budgets. They have also symbolized the Federal Government's obligation to pay for the results of its failed immigration strategies.

Counties and sheriffs offices across the country, and not just those along the border, are very concerned because of the severe cuts in funding this year. I have received letters from county executives and sheriffs from Virginia, Wisconsin, New York, and other States who are facing critical cuts in their law enforcement budgets because of the anticipated shortfall in SCAAP funding. Those amounts will be cut drastically.

I ask unanimous consent that I may submit for the record, a chart comparing the amount of SCAAP money States received in fiscal year 2002 to the amount they will receive with the fiscal year 2003 SCAAP allocation of $250 million.

Our Nation is facing one of the most challenging periods in our Nation's history. And, we want, to the best extent possible, our constituents to feel secure in their homes and in their communities.

At a time when the Nation is focused on enhancing security within our borders, our States, and our local communities, a vital program like SCAAP should not be vulnerable to being underfunded or eliminated altogether.

The control of illegal immigration is a Federal obligation and we owe it to our States and local communities to provide them with the critical Federal assistance they need to continue doing their job.

Therefore, I urge my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, my amendment will increase funding by $295 million to help meet the humanitarian and other needs that are already obvious in Iraq and that are likely to mushroom in the weeks and months ahead.

To achieve victory in Iraq, we must not only win the war, but win the peace as well. And we know that in order to do this, we will have to deal effectively from the start with all the serious problems we'll face in meeting humanitarian needs, establishing law and order, and beginning the reconstruction process there.

For the next six months, to cover the additional costs that are likely to arise in the current fiscal year, the administration has requested $2.4 billion for humanitarian assistance and reconstruction. It's an essential down payment, and I commend the administration for including this provision.

Many of us on both of the aisle feel that we need to send a strong signal of our willingness to work with the UN in post-war Iraq, and put the recent harsh divisions that erupted in the Security Council behind us.

President Bush said that that if military force is required to disarm Iraq, the United States would ''quickly seek new Security Council resolutions to encourage broad participation in the process of helping the Iraqi people to build a free Iraq.'' He also said that to achieve the goal of a unified Iraq with democratic institutions, we will be ''working closely with the international community, including the United Nations and our coalition partners.''

Lately, however, we read stories of a tug of war between the State Department and DoD over who will be in charge of the post-war effort and how. Secretary Powell has said that the UN has ''a role to play in many different

ways'' and that its involvement is needed to provide ''international legitimacy'' to the post-war efforts.

As our key ally, Prime Minister Tony Blair of Great Britain said yesterday the post-war effort ''should not, in the end, be run by the Americans, should not be run by the British, should not be run by any outside force. Iraq should be run, for the first time in decades, by the Iraqi people.''

These are strong statements of the importance of cooperation among our friends and allies in the major challenges facing the region and the world in the aftermath of this war.

They also make good sense. The UN will be essential in assessing, coordinating and delivering humanitarian aid, and in defusing any rage in the region over a so-called U.S. occupation.

With the resumption of the UN's Oil for Food program last week, resources will start to become available to meet the food needs of the Iraqi people. However, we still have to meet other needs, such as sanitation, health, shelter, the removal of landmines, and local emergency repairs to help civilians resume their daily lives as soon as possible. My amendment provides an additional $225 million to meet these priorities and to prevent illness, disease, and death among the survivors of the war.

It also provides an additional $45 million for law enforcement. The rule of law—the sense of public security and safety—is something that we often take for granted. As we learned in Kosovo, and again in Afghanistan, law and order are the indispensable cornerstones for building a functioning society. Without it, everything else takes longer, and costs more. Experts may doubt that Iraq will erupt into major civil conflicts, but most of them do expect local violence, revenge killing, and power struggles if there is no clear transitional force and stable government.

The bill before us contains funds for a civilian police force, but a full judicial team has not been included. This was a significant problem in Kosovo, and it can be avoided in Iraq by paying adequate attention to revising laws so that the effort to bring criminals to justice is not undermined. The immediate presence of a judicial team will assist in expediting this process and begin to establish adequate rules on arrests, detention, trials, and other aspects of a new legal system.

Fair treatment of the people of Iraq in the immediate weeks and months after the war will obviously help to smooth the way to peace and encourage other nations to join in meeting this responsibility.

The final provision of this amendment addresses a separate ongoing need. The Emergency Refugee and Migration Assistance Fund is our global fund for unforeseen refugee and migration emergencies. This program has been funded at $50 million, but its needs continue to outpace the available resources. The United Nations refugee agency recently appealed to us for $29 million to assist the refugee emergency in the Ivory Coast and another $29 million to finance the repatriation of Angolans.

The underlying bill provides an additional $75 million, but in the next six months, new demands for these emergency funds are likely for Afghanistan, Sudan, and the Congo. It makes sense to provide the funds now that we already know we will need for this account. With emergency relief, it is not a question of if but when. The amendment will add $25 million to be sure that we have sufficient monies to respond to emergencies on the horizon. As we focus on the humanitarian needs in Iraq, we cannot ignore the refugee crises in Africa and other regions of the world.

We know that the whole world is watching what we do. Reports of massive anger in the Middle East and in other countries should be very troubling to us all. We need to get the Iraq reconstruction effort right the first time. Its importance cannot be underestimated, and we can't afford to leave it underfunded.

These additional funds are a start, a downpayment on the longer effort. This bill may well not be enough even for the very short term of the next six months. Far more will be needed to meet our responsibilities, and to win the peace. We ought to be planning and preparing to meet these reponsibilites now.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. STEVENS. I thank all Members for their patience and courtesy. And as the leader said, this is the last vote. We will handle the problem of moving this matter to third reading after this vote. There will be no further votes tonight. Have we adopted the managers' amendment?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 522.

The amendment (No. 522) was agreed to.

AMENDMENT NO. 435, WITHDRAWN

Mr. STEVENS. Mr. President, according to the Treasury Department, the statutory limit on the national debt needs to be raised. The amendment I offered yesterday would have increased the debt limit so as to avoid the risk of a default. I understand the concerns that have been raised about this amendment by the other side, and I am willing to withdraw the amendment if the majority can be assured that the Senate will pass a freestanding bill to increase the debt limit with the cooperation of the minority and without unnecessary delay, and there will be no necessity to file cloture to bring this bill to a vote. I know the distinguished Democratic whip has discussed this with the Democratic leader and others, and I would ask if he is able to give those assurances at this time.

Mr. REID. I would say to the distinguished chairman of the Appropriations Committee that he is correct: I have discussed this matter with the Democratic leader and others, and we fully understand the importance of ensuring that the borrowing authority of the Treasury is not impeded, and we appreciate the interest of the Senator from Alaska making certain that the full faith and credit of the United States is never called into question. While we on this side cannot commit to supporting a bill we have not seen, we do assure the Senator from Alaska that when a freestanding bill to increase the debt limit in the usual form is brought to the floor, we will work with him to see to it that the bill is passed in a timely and orderly way, without any unncesssary delay. The Senator has our commitment on that.

Mr. STEVENS. I appreciate the cooperation of the Democratic whip, and given his assurances, I withdraw my amendment dealing with the debt ceiling.

The PRESIDING OFFICER. Without objection, amendment No. 435 is withdrawn.

ATAP

Mr. DOMENICI. Mr. President, I rise to address Senator MCCONNELL, the chairman of the Foreign Operations Appropriations Subcommittee, about the Antiterrorism Training Assistance Program, or ATAP.

I note that the supplemental appropriations bill includes $52 million for the State Department to establish the Center for Antiterrorism and Security Training (CAST) in Maryland. These funds were deferred from the Consolidated appropriations Resolution for Fiscal Year 2003 with the understanding that they would be included in an appropriate vehicle, which is this bill. CAST will be a central training academy for the State Department.

It will be a while before the new center is operational, which makes it difficult for me to understand the actions of the State Department to eliminate and scale back existing antiterrorism training programs that have been successfully carried out by Louisiana State University (LSU) and the New Mexico Institute of Mining and Technology (New Mexico Tech) for the past several years. In fact, LSU has been carrying out this training for the State Department for over a decade. New Mexico Tech has partnered with LSU since January 2000.

The State Department has relocated the Hostage Negotiations Program from New Mexico Tech to LSU, and it has advised New Mexico Tech that it will relocate the Rural Border Operations Course to a facility on a military base in Albuquerque.

Ms. LANDRIEU. Mr. President, I join my colleague from New Mexico in questioning the State Department's actions on the ATAP training programs. Both

universities and the surrounding communities have made substantial investments in facilities, curriculum, and even diplomacy in welcoming foreign law enforcement officers to their communities and providing them with training courses to help them combat terrorist and other criminal activity. Yet it appears the State Department will pull all ATAP training out of New Mexico Tech by this June. I can only guess that the State Department has similar intentions for LSU in my State.

Mr. DOMENICI. Mr. Chairman, this makes no sense to me as this Nation contiues to fight the war on terrorism and is now engaged in a war against Iraq. The antiterrorism training programs are more critical than ever, and they should continue to be carried out at LSU and New Mexico Tech, which have run successful programs for the Department of State for years.

Mr. Chairman, would you agree with me that it is premature to withdraw current antiterrorism training assistance courses out of LSU and New Mexico Tech during these troubled times?

Mr. McCONNELL. I would agree with the Senator from New Mexico that this seems to be an unusual time for the State Department to take such actions. The Foreign Operations Subcommittee has provided significant increases for the ATAP Program through the regular appropriations bill and the supplemental appropriations bill last year, and the President proposes another $106 million for this program, an increase of nearly $42 million above the current level.

I believe these programs with law enforcement personnel from other nations are more important than ever, and there is a significant benefit to the State Department in using the facilities at LSU and New Mexico Tech to continue these training programs. I would concur that the Department should continue to carry out these courses at these two universities.

Ms. LANDRIEU. I thank the Chairman for his direction on this matter.

Mr. LEAHY. I can understand the concerns of the Senator from Louisiana and the Senator from New Mexico. I join the chairman of the Foreign Operations Subcommittee in his view that the State Department should continue to carry out ATAP courses at Lousiana State University and the New Mexico Institute of Mining and Technology.

Mr. DOMENICI. I thank the Chairman and Ranking Member for their interest in, and assistance on, this most important issue.

SURPLUS FOOD AID TO IRAQ

Mrs. BOXER. Mr. President, 2 weeks ago Ambassador Wendy Chamberlain of the U.S. Agency for International Development testified before the Senate Foreign Relations Committee that there is as little as a 1-month supply of food available to Iraqi citizens. I am told that the administration has had informal discussions with the Appropriations Committee on how they plan to spend the $2.4 billion in the supplemental for the Iraq Relief and Reconstruction Fund.

After hearing about these consultations with the administration, I am very concerned to learn that there is virtually no new money in this bill for food aid. Rather, the money that is being requested will be used primarily to reimburse funds that were already borrowed from other fiscal year 2003 foreign operation accounts to pay for food aid or to pay for logistics and distribution. The good news is that the Senate may be working to increase the amount of food aid in this bill and the House version of the supplemental appropriates funds for food aid.

With this food aid, we have a chance to help not only the Iraqi people, but also America's farmers. Many of America's farmers are experiencing a surplus of commodities that could provide valuable nutrition to the Iraqi people while alleviating potential crop losses for our Nation's farmers. Our high quality food products such as rice, beans, raisings, dates, dried fruit and other relatively nonperishable items are familiar foods in that region of the world and would be appropriate for inclusion in our relief supplies.

I am wondering if the chairman and ranking member of the Agriculture Appropriations Subcommittee could tell me if this additional food aid funding can be used to purchase surplus agricultural commodities, which would both help feed the Iraqi people and benefit American farmers?

Mr. BENNETT. Yes, that use is entirely permitted. I agree that we should do all that we can to help the Iraqi people and our farmers at the same time.

Mr. KOHL. I think that this is an excellent suggestion, and I would support the use of a portion of these funds to purchase surplus U.S. commodities that are appropriate to meet the dietary needs of the affected populations and that are currently authorized for inclusion under these programs.

Mrs. BOXER. I thank my colleagues.

● Mr. KERRY. Mr. President, we are currently engaged in a war with Iraq. I strongly believe that our military must have every resource at its disposal to fully prosecute and win this war. I support the Senate fiscal year 2003 supplemental appropriations bill because it provides funding for the military functions of the Department of Defense as it prosecutes the war in Iraq. The bill also includes funding for the reconstruction efforts in Iraq and funding to continue our anti-terrorism efforts. However, I am disappointed that the bill does not provide adequate funding to protect our homeland.

The bill provides more than $62 billion to prosecute the military operations in Iraq, including replenishing munitions that have been expended and maintaining air, ground and sea operations critical to our war effort. It also provides more than $7.8 billion to support the reconstruction of health services, sanitation, transportation and telecommunications for the people of Iraq.

I also support the additional funds included in this bill to increase airline security. The bill provides $1 billion to reimburse airline security costs, $100 million to assist airlines in upgrading cockpit doors, and $375 million for airline operating and capital costs. I believe that this funding will help maintain the flying safety of the American public.

I am grateful to both Chairman STEVENS and Ranking Member BYRD for providing $150 million to the Department of Veterans Affairs for health care services to veterans of the Iraq war. I worked with Senator GRAHAM on an amendment to help pay for the health care of returning service members who are released from the military. We are not meeting our promises to our veterans. The VA has consistently received inadequate resources to meet rising medical costs and a growing demand for its health services. This funding crisis has forced the VA health system to resort to short-term fixes, such as discontinuing outreach activities in an effort to reduce enrollment and instituting new regulations that require the rationing of health care. This veteran's health care crisis has been exacerbated with the recent announcement that the VA would provide free medical services to all veterans of the Iraq war for 2 years. The additional funding included in the supplemental is crucial to insure that current veterans do not receive a further reduction in health benefits.

While this legislation contains an acceptable level of funding to help prosecute the war with Iraq, I am deeply concerned that this legislation does not meet our Nation's homeland security needs. Vulnerabilities exist in our homeland security infrastructure, and we should not squander a single day addressing them. An independent task force, chaired by former Senators Gary Hart and Warren Rudman, recently advised that ''America remains dangerously unprepared to prevent and respond to a catastrophic attack on U.S. soil.'' We must act to ensure that the Federal and State agencies needed to better protect our borders, coasts, cities, and towns have sufficient resources to do so.

The bill includes approximately $4.6 billion for increased border and maritime security to assist State and local governments in protecting our cities and our critical infrastructure from terrorism. But I believe that more should have been done to protect our homeland from the risk of terrorism. That is why, I supported an amendment offered by Senator SCHUMER which would have provided $3 million in additional funding for first responders and $1 billion for security in high-threat areas.

Last year I was very involved in the development of the new port security law, which included new rigorous security requirements for our ports. Given

the vulnerabilities that we know exist in our port security, I am deeply disappointed that the Senate has thus far provided insufficient funding to address these problems. I strongly supported a Hollings amendment that would have provided $1 billion for port security and to screen vessels for radioactive materials.

I also support an amendment offered by Senator BOXER that would provide $30 million to the Department of Homeland Security for research, development and initial deployment of technology to protect commercial aircraft from the threat posed by stinger missiles.

While I missed the votes on these amendments, I was recorded in support of each in the RECORD.

We must continue to fight both the war with Iraq and the war against terrorism and funding for these programs is a necessary component of that fight.●

Mr. LEVIN. I am pleased that this supplemental appropriations bill contains language proposed by Senator STABENOW and myself that will increase security inspections of trucks hauling municipal solid waste into Michigan from Canada. At a time when we are increasing security measures at all levels to protect our citizens, it doesn't make sense to allow 130 to 140 truckloads of waste cross into Michigan every day from Canada without inspection.

On January 1, 2003, the city of Toronto began shipping all of its municipal solid waste 1.1 million tons—to Michigan's landfills. As a result, thousands of truckloads of waste cross the Blue Water Bridge and the Ambassador Bridge and travel through the busiest parts of Metro Detroit without inspection.

Even though Customs recently issued a memo announcing that it would increase security measures for municipal solid waste trucks, citing security concerns related to September 11, it reversed that decision on February 7, 2003, the same day that the Homeland Security national threat level was raised to level orange. Therefore, these trucks will continue to be treated as a low-risk commodity, which will allows these trucks carrying tons of municipal solid waste to cross the Michigan-Canadian border with minimal scrutiny.

Our amendment, that has been included in this bill, will ensure that these trucks are inspected before they cross the Ambassador and Blue Water Bridges. Further, the amendment provides that the Blue Water Bridge will receive radiation detection equipment by May 1, 2003.

We cannot take the chance that harmful materials will be transported into Michigan on one of these trucks. Our amendment will help to prevent that scenario by ensuring the inspection of these municipal solid waste trucks at the border.

Mr. JEFFORDS. Mr. President, reluctantly, I am voting for this supplemental appropriations bill to provide funding for homeland defense and our military campaign in Iraq. Like it or not, the war is on and we owe it to our men and women in uniform to provide them with the resources necessary to bring the war to a rapid and successful conclusion.

We have known for more than a decade that Saddam has chemical and biological weapons, but there has been little concern that these weapons pose a direct threat to the United States. Since coming to office, this administration has raised the specter that Iraq also has been developing nuclear weapons capable of causing great harm to the United States. It has focused a great deal of America's intelligence assets on the question of Saddam's capabilities, yet the administration has not presented any evidence of an active nuclear program. In fact, one of the key pieces of evidence provided to the United Nations by the administration turned out to be a forged document. Moreover, International Atomic Energy Agency experts rejected the administration's assertion that the aluminum tubing in Iraq's possession was evidence of a nuclear program. Two months of intrusive inspections by U.N. inspectors turned up no additional evidence of new Iraqi possession or production of weapons of mass destruction. In the end, the administration has failed to demonstrate that possession of such weapons by Iraq would pose an imminent threat to the United States.

My concerns with the administration's course of action are long-standing and public. I voted against the resolution to give the President the authority to go to war because I did not believe that the threat posed by Iraq was imminent. I do not believe that the administration should have abandoned the U.N. inspection regime. Its inspectors were on the ground in Iraq and achieving concrete results in actively disarming Saddam's regime. Instead of allowing the inspection process to continue, the administration turned its back on international institutions and relationships built up over many decades and pursued a unilateralist course of action with a narrow coalition of allies.

As we all know, the military campaign in Iraq is now at a critical juncture. With countless examples of Saddam's troops using the Iraqi population as human shields, the prospect of devastating consequences looms with the impending battle for Baghdad. In recognition of this fact, Gen Richard Myers today suggested that the United States military, while consolidating its encirclement of Baghdad, might attempt to isolate Saddam Hussein and cut off his communication with the rest of Iraq without bringing the military campaign into Baghdad. I urge President Bush to use this opportunity to turn to the international community, whether it be the United Nations or the Arab League, or any other suitable or appropriate entity, to make one last effort to seek the removal of Saddam Hussein and his cadre of supporters. Time is fleeting, but I believe we must make this effort prior to exposing American lives, and the lives of untold numbers of innocent Iraqis, to the potential devastation of a door-to-door campaign in the streets and houses of densely populated Baghdad. Accordingly, I call on the administration to hold off for a period of 3 to 4 days on the invasion of Baghdad. During this time, the United States and its military allies could continue building their forces around Baghdad and consolidating control across the rest of Iraq. However, this critical period would provide Saddam Hussein one last opportunity to spare his people the inevitable destruction and loss of life that would result from the siege of Baghdad. Such an initiative also would demonstrate to the international community, particularly to the other nations in the region, America's continued commitment to seeking the removal of Saddam Hussein from power with the least possible loss of civilian life.

President Bush campaigned for President on a pledge that America would be humble in its relations with other countries. However, on issue after issue of critical international importance, the Bush administration has governed in a very different fashion. It rejected the Kyoto Treaty, despite years of negotiation and worldwide agreement on the dangers of global warming. It has refused to join worldwide efforts to bring into force the Comprehensive Nuclear Test Ban Treaty, despite the critical dangers posed by the spread of nuclear weapons technology. Instead of capitalizing on a Russian desire to reach agreement on deep cuts in nuclear weapons, and ensuring that Russian nuclear materials never fell into the hands of America's enemies, the President allowed his distaste for arms control to preclude agreement on real cuts in nuclear weapons. In its place we got the charade called the Moscow Treaty, a treaty that fails to remove even one nuclear warhead from either country's arsenal.

A decade ago, the United States went to war with the United Nations' blessing, a united NATO, and a broad, diverse coalition of nations by its side. Today, the United States is at war without U.N. support, in the face of direct opposition by longtime NATO allies, and with only a smattering of other major nations aligned with it. A decade ago, America's gulf war allies joined in the military action and funded the bulk of the war effort. Today, the administration has been forced to open the vault, offering untold tens of billions of dollars to enlist the support of allies that traditionally have stood by our side. And I am afraid the American people will be left picking up the tab for both the military operation and the rebuilding of Iraq.

I urge the President to take this opportunity to avert more bloodshed and

to involve the international community in the Iraqi end-game and the critically important job of rebuilding the political and economic infrastructure of Iraq.

Mr. REID. Mr. President, I rise to support this important bill that will provide $60 billion for our troops in Iraq. I am especially proud of the Nevada sons and daughters who have been deployed to the Middle East as part of Operation Iraqi Freedom. As many of you know, Nevada has the finest military aviation training facilities in the world.

Nellis Air Force Base and Fallon Naval Air Station train the aviators serving on the front lines of this battle. Hundreds from Nellis—pilots and other mission critical personnel—are right now serving on the front lines. Hundreds trained at Fallon are there too. When you see those Navy fighters taking off from carriers in the Gulf, chances are they were trained at Fallon.

Nevada's Guard and Reserve troops are also playing a significant role. Nevada's percentage of Guard and Reserve call-ups and deployments has been one of the highest in the Nation. I understand why so many Nevadans have been called up. They are talented. They are heroes. When this action started, I promised to do everything in my power to ensure that Congress fully funds and supports the needs of our troops as this conflict proceeds. This bill provides more than $60 billion to make good on the commitment that my colleagues and I made to support our troops.

I am also encouraged by the efforts the administration made to provide additional funds for protecting our frontline defenders here at home—the emergency responders we depend on to respond to a terrorist attack. I believe we could have done more to give cities and counties in each of our states the resources they need to ensure our homeland is as secure as it can be. I am pleased that we were able to add an additional $150 million for securing nuclear materials at home and abroad. This amendment will provide additional resources to keep terrorists from getting the ingredients they need to make a dirty bomb. I want to thank my colleagues for completing this bill in a timely manner to help our troops as they help bring freedom to the people of Iraq.

Mr. STEVENS. Do we have the yeas and nays on final passage? I am too tired. We are going to third reading. We are finished. I am going to do that right now. We are done.

Mr. President, I ask unanimous consent that following the passage of S. 762, the bill be held at the desk; provided further that when the Senate receives the House companion bill to S. 762, the Senate proceed to its consideration, all after the enacting clause be stricken, the text of S. 762, as amended, be inserted in lieu thereof; provided further the bill then be read for a third time and passed, the motion to reconsider be laid upon the table, the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate; finally, I ask unanimous consent that passage of S. 762 be vitiated and it be placed back on the calendar at that time and that the conferees be the entire Appropriations Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Parliamentary inquiry: There is no further business to be had on that bill; right?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Good night, ladies and gentlemen.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FRIST. I announce that the Senator from Kentucky (Mr. BUNNING), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Kentucky (Mr. MCCONNELL) are necessarily absent.

I further announce that if present and voting the Senator from Kentucky (Mr. MCCONNELL) would vote ''yes''.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KERRY) would each vote ''aye''.

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—93

Akaka	Corzine	Hutchison
Alexander	Craig	Inhofe
Allard	Crapo	Jeffords
Allen	Daschle	Johnson
Baucus	Dayton	Kennedy
Bayh	DeWine	Kohl
Bennett	Dodd	Kyl
Biden	Dole	Landrieu
Bingaman	Dorgan	Lautenberg
Bond	Durbin	Leahy
Boxer	Edwards	Levin
Breaux	Ensign	Lincoln
Brownback	Enzi	Lott
Burns	Feingold	Lugar
Campbell	Feinstein	McCain
Cantwell	Fitzgerald	Mikulski
Carper	Frist	Miller
Chafee	Graham (FL)	Murkowski
Chambliss	Graham (SC)	Murray
Clinton	Grassley	Nelson (FL)
Cochran	Gregg	Nelson (NE)
Coleman	Hagel	Nickles
Collins	Harkin	Pryor
Conrad	Hatch	Reed
Cornyn	Hollings	Reid
Roberts	Shelby	Sununu
Rockefeller	Smith (OR)	Talent
Santorum	Snowe	Thomas
Sarbanes	Specter	Voinovich
Schumer	Stabenow	Warner
Sessions	Stevens	Wyden

NOT VOTING—7

Bunning	Inouye	McConnell
Byrd	Kerry	
Domenici	Lieberman	

The bill (S. 762), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I announce for Senator BYRD that at the time of final passage, he was necessarily absent, but if Senator BYRD had been here, he would have voted aye.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order for the chairman and ranking member, with the concurrence of both leaders, to be permitted to make technical and conforming changes as necessary to the supplemental appropriations bill. The bill was put together pretty quickly, and we want to do it carefully. We have cleared this with both leaders and with both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPETITIVE BIDDING ON GOVERNMENT CONTRACTS

Mr. WYDEN. Mr. President, of course, the debate throughout the day has been about the wise use of taxpayers' money. Yesterday in the Wall Street Journal, there was an article entitled ''USAID Defends Secret Bids to Rebuild Iraq.'' At the same time, there was an article in the Washington Post entitled ''Contracts to Rebuild Iraq Go to Chosen Few.'' ''No Bidding War on Contracts in Iraq.''

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 2, 2003]

THE ASSAULT ON IRAQ—USAID DEFENDS SECRET BIDS TO REBUILD IRAQ

NATIONAL SECURITY IS CITED AS REASON FEW FIRMS KNEW OF $1.7 BILLION IN CONTRACTS

(By Neil King Jr.)

WASHINGTON.—Amid worries that preparations aren't moving as fast as hoped, a top procurement official defended the government's decision to approach only a handful

of U.S. companies to help rebuild postwar Iraq.

The U.S. Agency for International Development chose to put out the bids in secret to a limited number of companies under an exception that allows agencies to by-pass the usual competitive bidding for national security reasons, said Timothy Beans, the agency's chief of procurement.

''Anytime you are in wartime condition you don't have the four or five months to go out on the street for the kind of competition you'd like,'' Mr. Beans said.

USAID began approaching preselected bidders for postwar Iraq work as early as late January, when the possibility of going to war with Iraq was still being hotly debated at the United Nations. Requests for proposals went out for four contracts in mid-February, with two more early last month. Altogether, the work—including rebuilding highways and bridges and rehabilitating Iraq's school system—is expected to cost at least $1.7 billion.

Similar exceptions were made for reconstruction after the recent antiterror campaign in Afghanistan and in the mid-1990s after the war in Bosnia, Mr. Beans said. He conceded that except for those three emergencies the restricted contracting procedures are unusual.

USAID officials said last week that as many as six contract awards would be announced soon, but final decisions may now be put off until next week. Some companies competing for the contracts say they are receiving conflicting signals over the length and ambitiousness of the work.

Plans last month outlined an aggressive rebuilding campaign, including sweeping changes to Iraq's education and health systems, that would nonetheless last only 12 months. Some U.S. officials now concede that any meaningful work will take much longer than a year, but others in the administration are wary of moving forward on anything that would suggest a prolonged U.S. occupation of Iraq.

The uncertainty over how to proceed also reflects mounting unease over the U.S.-led military campaign, which has so far offered scant evidence that average Iraqis are ready to embrace American control of their country.

Reconstruction officials within the administration had planned to use the southern city of Basra as a test case for the U.S. rebuilding effort. Iraq's second-largest city has a dominant Shiite population that has long been at odds with Saddam Hussein. But continued fighting there, and signs that the local population might be less receptive than some predicted, have put those plans on hold.

Competition for the big infrastructure-rebuilding contract, valued at $600 million, was limited to seven large U.S. engineering companies, several of which have now either been dropped from the running or formed teams with other bidders. People involved in the bidding say the lead competitors are Bechtel Corp. and Parsons Corp, which has taken on Halliburton Co.'s Kellogg Brown & Root as a subcontractor. Halliburton announced Monday that its KBR division won't seek to be the prime contractor for rebuilding Iraq's infrastructure, but ''remains a potential subcontractor for this important work.''

The administration's postwar plans for Iraq have stirred charges in Europe that all major rebuilding work will go to U.S. concerns. While none of the contracts will go to foreign companies, those companies will be eligible to fill in as subcontractors, Mr. Beans said.

CONTRACTS TO REBUILD IRAQ GO TO CHOSEN FEW

(By Jackie Spinner)

KBR, the company the U.S. government picked this week to put out oil-field fires in Iraq, has a long history of working for the military on big projects in foreign hot spots. The former Kellogg Brown & Root—a subsidiary of Houston-based energy services firm Halliburton Co., which Vice President Cheney headed from 1995 until 2000—developed a contingency plan for extinguishing the fires as part of a 10-year Pentagon logistics contract it was awarded in 2001 through a competitive bid, company officials said. So when the U.S. Army Corps of Engineers needed a firm to douse fires ignited by retreating Iraqi forces, the company was already on the ground in Kuwait. ''KBR have been over there, and they had an existing contract with the Army,'' said Scott Saunders, a spokesman for the Corps of Engineers. ''Because of that and because of that need to snuff those fires quickly, KBR was sole-sourced.'' The work is being subcontracted to Boots & Coots International Well Control Inc. and Wild Well Control Inc.

The latest contract was awarded under a waiver the Bush administration granted in January allowing government agencies to handpick companies for Iraqi reconstruction contracts. The U.S. Agency for International Development is handling the bulk of the contracts. KBR is also on the short list of companies the USAID invited to bid for the prime contract to rebuild Iraq's infrastructure after the war, including highways, bridges, airports and government buildings. The others include Fluor Corp., Washington Group Inc., Bechtel Group, Louis Berger Group and Parsons Corp. That contract, for at least $900 million, could be awarded as soon as today. The government is proposing to spend $2.4 billion on humanitarian aid and reconstruction in Iraq.

Halliburton plans to put KBR and another subsidiary into bankruptcy protection this summer as part of a plan to settle outstanding asbestos-related claims for about $4 billion. But KBR's government operations aren't part of that plan, Halliburton said.

Some government contract experts said the latest KBR award shows how companies with long-standing ties to the military get dibs on new work. The company has been building ships, mess halls and toilets at base camps around the world for six decades, originally as Brown & Root. Over the past decade it has won contracts to provide logical support to troops, most recently in Somalia, Haiti and the Balkans.

But the experts said the problem is that not putting the contracts out for bid allows critics to question the fairness of the process and whether the most politically connected companies have an edge in getting the awards.

''The administration has made potential use of shortcuts and exceptions that let it put literally billions of taxpayer dollars in the hands of selected contractors,'' said Charles Tiefer, a law professor at the University of Baltimore and the author of a casebook on government contracting. ''Naturally, a large credibility gap looms between the administration's plausible excuses that tight deadlines and exceptional security needs compelled it to forgo the usual competitive safeguards and the critics' observations that it is awfully convenient for juicy plums to land in the lap of the vice president's former company.''

William H. Carroll, a government contract lawyer who also teaches at American University's Washington College of Law, said there is justification for getting the contracts out as soon as possible. But he said it could come at a price.

''Because of the intense nature of the need to do things quickly, the work may not be as well defined, and the fact that there isn't a competitor putting pressure on price, these are probably going to be expensive contracts,'' Carroll said. ''I don't think there's an evil intent. But our procurement process relies on competition to determine what is a fair and reasonable price.''

The General Accounting Office found in September 2000 that the U.S. Army had not done enough to contain costs associated with KBR's $2.2 billion work providing logistical and engineering support in the Balkans.

Officials ''frequently have simply accepted the level of services the contractor provided without questioning whether they could be provided more efficiently or less frequently and at lower cost,'' the report said. The company and the Pentagon disputed the findings, which did not question the quality of the work KBR had performed.

The Corps of Engineers said the value of the KBR contract in Iraq will depend on the scope and number of fires it will have to extinguish during and after a war that has not yet ended. So far there are seven oil fires burning in Iraq. Steven L. Schooner, co-director of the Government Procurement Law Program at George Washington University's law school, said KBR's track record is not in question.

''They have won the hearts and minds and stomachs of the military,'' he said. ''They have done a fabulous job, and our troops are better off for it.''

Schooner said the Cheney connection to Halliburton should not be an issue. But, he said, the non-competitive nature of awarding the Iraqi reconstruction contracts has made it one.

''Had these contracts not been awarded in a secretive manner it would be easier to cut off the questions earlier,'' he said.

Mr. WYDEN. Mr. President, suffice it to say, the Senate missed an opportunity tonight to stand up for openness and competition in contracting and to make sure there was an opportunity to spend prudently on the effort to rebuild Iraq. It seems to me that too much taxpayers' money is at stake in rebuilding Iraq to allow Federal officials to use a secret process to handpick companies to do this work. There ought to be an open and full and competitive process to ensure the prices charged are reasonable and the contractors selected are the most qualified.

Senator COLLINS of Maine and I worked for 48 hours on a bipartisan basis to make it possible to offer an amendment that would ensure that there be real openness in contracting and that there be an effort to make sure that the billions of dollars that are going to be spent rebuilding Iraq be part of a contract process that is governed by competitive bid.

It is a very simple proposition. We ought to make sure it is out in the open, it is transparent, that the public can see what is going on, and that contracts should not just go to a handful who have power and influence, particularly in this city.

Unfortunately, because of an objection, that amendment was not added tonight. I come to the floor to say that I intend to keep coming back until the Senate stands up for openness in Government contracting and competitive bidding so that the taxpayers' money is used well.

That is not what is happening with $1.7 billion worth of contracts for rebuilding highways and bridges and rehabilitating Iraq's school system. Recently, the U.S. Agency for International Development handpicked a selective group of companies to participate in a secret bidding process for awarding four separate contracts totaling $1.7 billion. That is just one example of what is ahead with respect to how taxpayers' money is going to be used.

In the past, the General Accounting Office has been very critical of this kind of approach. The General Accounting Office has found that contractors had not done enough to contain costs on projects involving engineering support in areas where the military was involved.

According to a September 2000 report by the General Accounting Office, Federal officials said:

> Frequently, they have had accepted the level of services the contract provided without questioning whether they could be provided more efficiently and more frequently and at lower cost.

What could be more important for this Senate to stand up for? What could be more important than to make these contracts involving billions of dollars be let in a way that is efficient and open?

The current plan to select contractors for reconstruction work in Iraq without competitive bidding creates the potential for more of the same, more of the same where noncompetitive contracting work is conducted by the Federal Government and we have a repeat of the overpriced contracts and less acceptable services that come about when contracting is not competitive.

Given the enormous sums of taxpayer money that will be involved, there ought to be competitive bidding across the board. Certainly there ought to be competitive bidding unless someone shows a compelling national security reason to do otherwise. I am of the view that if Federal agencies are not going to use full and open competition, at a minimum they ought to have the burden of demonstrating why competition is not the proper way to avoid the contracts.

Senator COLLINS and I wanted, tonight, with the very helpful counsel of Senator CLINTON of New York, who also worked in this area, to offer an amendment to require the Federal agencies to make public the documents used to justify their decision to waive the normal requirements for open and fully competitive bidding. Think about that proposition. Heaven forbid we actually make public the documents that describe why we are not having competitive bidding. That strikes me as a very modest step when you are talking about billions of dollars' worth of taxpayer money.

But because there was an objection tonight, now we are not going to have the refusal to go forward with competitive bidding even made public. It seems to me the way to make sure the taxpayers get the best value for their money and we have companies that compete for this work is to make sure that the standards for exempting contracts from competition are strict and rigorous and are designed to protect the needs of taxpayers and the national security.

Our amendment would have required agencies to make the justification and approval documents it used, if you were to have a contract exempt, public. And it would ensure we have full and vigorous competition and would have required other Federal agencies to make their justifications public before they entered into any contracts to rebuild Iraq.

I don't think the Senate wants to sit by and see these kinds of articles in our newspapers day after day: USAID Defends Secret Bids to Rebuild Iraq. Contracts to Rebuild Iraq Go To Chosen Few.

Unless we have the Wyden-Collins bipartisan amendment to open up this process, to promote competition, to have full disclosure, we are going to have articles like this in our newspapers day after day after day. It is going to contribute to the cynicism and frustration that taxpayers have in this country with respect to how their money will be used. It will be a long year. We are going to see these articles again and again.

I intend to come back to the Senate and stay at this. I wanted to make sure we would have a bipartisan amendment on this effort and worked very closely with the bipartisan leadership throughout the day. I thought we were there. I thought we had this amendment in a fashion acceptable to both sides. It is very regrettable it has not been accepted. I will continue to work with my colleagues. The taxpayers of this country ought to be angry about this kind of process used to let contracts.

Certainly, if there is a national security reason or some sort of contract that requires an expedited arrangement, that needs to be treated in a way that protects our national security. That is not what is going on here. What we are seeing is businesses in Missouri, Oregon, Maine, and across the country not being part of the privileged circle. A lot of businesses are going to be angry about this because they are not part of that hand-picked elite that will have a chance to get the contracts. What is going on now is bad for business, it is bad for competition, it is bad for taxpayers, and I think it is bad for national security. I don't think we will get the most for our money if we continue to have the contracts, as the papers say, go to a chosen few.

The Senate made a mistake. It is particularly unfortunate because two Senators worked for the last 48 hours in a bipartisan way to try to prevent the things we have seen in the last few days from happening again and again. It will happen again and again. That is why I intend to come back to the Senate. It is unfortunate there was an objection tonight to our bipartisan legislation.

I look forward to seeing the Senate in the days ahead stand up again on a bipartisan basis for a process that is open, a process that promotes competition, that is good for taxpayers, good for business, and good for our country.

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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DANIEL PATRICK MOYNIHAN

Mr. WARNER. I join all who had the privilege to serve with our late colleague, Senator Patrick Moynihan. Of the 24 years I have been here, 22 were spent with him. While my heart has sadness, it is filled with joy for the recollections of a wonderful friendship and working relationship we had in the Senate.

We shared a deep and profound love for the U.S. Navy. He served from 1944 to 1947 and was a commissioned officer. I served from 1946 to 1947 as an enlisted man. Whenever we would meet, he would shout out, ''Attention on deck,'' and require me to salute him as an enlisted man properly salutes an officer. Then he would turn around and salute me, as I was once Secretary of the Navy, and he was consequently, at that point in time, outranked.

That was the type of individual he was. He filled this Chamber with spirit, with joy, with erudition, and he spoke with eloquence. We shall miss our dear friend.

I recall specifically serving with him on the Committee on Environment and Public Works, of which he was chairman for a while. He had a great vision for the Nation's Capital. Some of the edifices we enjoy today would not have been had it not been for this great statesman. The landmarks would not be there had it not been for him. I am talking about the completion of the Federal Triangle. The capstone, of course, is the magnificent building today bearing the name of our President Ronald Reagan.

He was a driving force behind the completion of that series of Government buildings started in the 1930s, under the vision of Herbert Hoover and Andrew Mellon. They were great

friends. They wanted to complete that magnificent series of buildings, but the Depression came along and the construction stopped. Pat Moynihan stepped up and finished.

Many do not know that in Union Station, which today is a mecca for transportation, a transportation hub—we have rail, the bus, and we have the subway. Pat Moynihan was the one who saved that magnificent structure for all to enjoy for years to come.

I suppose the capstone was the Judiciary Building. I remember full well how he came before the committee and expressed the importance for the third branch of Government to have its administrative offices and other parts of that branch of the Government encased in a building befitting the dignity that should be accorded our third branch of Government. That building marks his genius.

In improving transportation, he was key in TEA–21, the landmark legislation that provided so much return to the States for their transportation needs, again, as chairman of Environment and Public Works.

He had a strong commitment to addressing poverty in rural America and was a strong supporter of the Appalachian Regional Commission which touched the States of West Virginia, Virginia, and others.

We are grateful to him. He understood the people as few did. I say goodbye to this dear friend. I salute him. I will always have joy in my heart for having served with this man who, in my humble judgment, had the wit, the wisdom, and the vision of a Winston Churchill.

Mr. SARBANES. Mr. President, when Pat Moynihan retired from the Senate in 2000, following four terms of devoted and distinguished service to the citizens of New York and indeed of the Nation, he left a great void; now, with his death, he leaves a greater void still. To paraphrase Thomas Jefferson, speaking of Benjamin Franklin when in 1784 he took Franklin's place as the Ambassador of the new American Republican in Paris, others may succeed him in the many different roles he played in our national life, but no one will ever replace him.

No simple category was ever capacious enough to accommodate Daniel Patrick Moynihan. With justification he has been called an intellectual, a scholar, an academic, an author, an editor, a politician, a diplomat, and a statesman. He has been known variously as a scholarly politician and a political-minded scholar; certainly as Nicholas Lemann has observed, ''he was more of a politician, by far, than most intellectuals.'' He was a fierce partisan of cities and the urban landscape, but he was equally devoted to the urban and rural spaces of his State of New York. Born in Tulsa, he was a quintessential New Yorker. He was also a proud citizen of this capital city, where he and Liz, his wife and partner in every endeavor for nearly 50 years, chose to live at the very center. He was at home in academic communities wherever he found them. He was equally expert in domestic and foreign policy.

Pat Moynihan grew up poor, and never, ever forgot the grinding, corrosive effects of poverty; many years removed from poverty himself, he characterized tough bankruptcy reform legislation as ''a boot across the throat'' of the poor. As a child he earned money by shining shoes; later he worked as a longshoreman. He served in the U.S. Navy. He went to college courtesy of the G.I. bill, earning his B.A. from Tufts University and his M.A. from Tufts' Fletcher School of Law and Diplomacy. Some years later he earned his Ph.D. in international relations at Syracuse University, but only after spending a year as a Fulbright Scholar at the London School of Economics and working for a time in the office of the Governor of New York.

From the time he left Syracuse for Washington in 1961 until he ran successfully for the Senate in New York in 1976, Pat Moynihan held a challenging succession of positions in public service and in the academic world. Although over the years Pat represented New York in the Senate his colleagues became accustomed to that versatility, in retrospect it appears astonishing. He joined the Labor Department in 1961, eventually becoming the Assistant Secretary for Policy Planning, but left in 1965 to become director of the Joint Center for Urban Studies and a professor in the Graduate School of Education at Harvard. Four years later he returned to public life as an assistant to the President for urban affairs, only to return the following year to Harvard, only to be called upon to serve as the U.S. Ambassador to India and then to the United Nations. In those 15 years he served in four different administrations and held six different positions. In every one of them he served with distinction and his accomplishments—many of them considered controversial at the time—are remembered respectfully today. They will not soon be forgotten.

New York's voters first sent Pat Moynihan to represent them in the Senate in 1976, and returned him every 6 years for three additional terms; he declined to run again in 2000, after 24 years of service. It was as though, in coming to the Senate, he had come home. He set his sights quickly on the Finance Committee, with its vital jurisdiction over Social Security, Medicare, and other social programs. In his third term he rose to the chairmanship, the first New Yorker to chair that committee in nearly 150 years. In that capacity he worked to enact legislation that proved to be the foundation for a period of economic growth that raised millions of Americans above the poverty level.

As a member of the Committee on the Environment and Public works he worked hard, often with spectacular success, to promote awareness and assure the preservation of many of the buildings, once seemingly destined for demolition, that today we consider our priceless national heritage. For this the National Trust for Historic Preservation in 1999 honored him with the Louise DuPont Crowinshield Award, its highest honor, noting, ''The award is made only when there is indisputable evidence of superlative lifetime achievement and commitment in the preservation and interpretation of the country's historic architectural heritage.'' Everyone who walks along Pennsylvania Avenue in this city or through New York's Pennsylvania Station is forever indebted to Pat Moynihan. He procured the necessary funding to save Louis Sullivan's Guarantee Building, in Buffalo, and promptly moved his district office into it. In his brief chairmanship of the committee he shepherded through to enactment groundbreaking legislation, the Intermodal; Surface Transportation Efficiency Act of 1991, ISTEA, which recast our thinking about surface transportation.

Pat Moynihan's formal academic training was in foreign policy. Here he will be remembered for his effective ambassadorship to India, his forceful and principled representation of United States interests in the U.N. Security Council and his early conviction, little shared at the time he expressed it, that behind the facade of Soviet military might and empire lay a system in danger of collapse. He proved to be correct. He should also be remembered for his role as one of the ''Four Horsemen'' in the Congress, whose work often went unremarked. These four Members, whose families had come to this country from Ireland, worked tirelessly together in support of efforts to bring peace to Northern Ireland, and especially to steer United States policy in that direction. That Northern Ireland is no longer torn apart by violence is in some significant measure due to their efforts.

Once we have catalogued all Pat Moynihan's many accomplishments, however, there remains the man himself. In everything he did he remained a teacher, with an amazing capacity to instruct and to inspire. He believed, with Thomas Jefferson, that ''Design activity and political thought are indivisible''—an elliptical idea to many of us, until we find ourselves in the presence of the architectural monuments he helped to preserve. He brought to every undertaking an extraordinary historical perspective, and an astute appreciation of what he called, in his commencement address at Harvard just a year ago, ''our basic constitutional design.'' In his turn of phrase and in his thought, he was unabashedly himself—deeply self-respecting, just as he was respectful of other people and other cultures. For all these reasons he remains a vivid part of our national life.

It is difficult to know just how to honor our former colleague, Senator Daniel Patrick Moynihan, for his lifetime of service and his legacy. In the

end, our best tribute will lie not in the words of remembrance we speak but rather his tangible achievements and his legacy. The best tribute we can pay is not the words we speak but rather in our rededication to the principles for which he fought.

Mr. COCHRAN. Mr. President, the Senate was enriched enormously by the services of the late Senator from New York, Daniel Patrick Moynihan.

He was appreciated and respected for his intelligence, his sense of humor, his seriousness of purpose, and the warmth and steadfastness of his friendship.

His death last week saddened this Senator very much. His funeral services at St. Patrick's Church here in Washington last Monday attracted a large crowd of friends, former colleagues, and staff members as well as his attractive family. This manifestation of friendship reminded me why Pat Moynihan was such a successful public official. He liked people, and they liked him.

He took his job as U.S. Senator from New York very seriously. He worked hard for funding for the New York Botanical Gardens. He was also an active and effective member of the Board of Regents of the Smithsonian Institution where it was my good fortune and pleasure to serve with him.

He transformed the City of Washington, D.C. through his determined efforts to enhance the beauty and protect the architectural integrity of Pennsylvania Avenue.

His scholarly articles and books on the subject of the cultural and social history of our nation were informative and influential. The correctness of his assessment of the importance of the family unit in our society changed our attitudes about the role of federal government policies.

His influence was also felt on tax policies as a member of the Senate Finance Committee.

I convey to all the members of Pat Moynihan's family my sincerest condolences.

A NEW WAVE OF FALLEN HEROES

Mrs. FEINSTEIN. Mr. President, I rise today to pay my respects to four more Californians who have died in combat in Iraq, as well as to nine other Americans who were stationed in California and have made the ultimate sacrifice in our efforts to liberate the Iraqi people. Most of these men have left family in California.

So far, of the 44 Americans who have died, 10 were from California, while another 9 were stationed there. This accounts for around 45 percent of all those killed in action.

But first, I would like to take a moment to remind my colleagues about the two servicemen killed and another wounded late last week in Geresk, Afghanistan, when they were ambushed by Taliban forces while on a reconnaissance patrol.

As America focuses almost exclusively on the conflict in Iraq, we must not forget the bravery and sacrifice of men such as SGT Orlando Morales, SSG Jacob Frazier, and others in America's larger, global war on terror.

Of the four Californians I would like to recognize today, two of them, members of the 1st Tank Battalion of 29 Palms, were killed when their tank plunged off a bridge near Nasiriyah, during a heavy sandstorm. Both of them were still legal residents.

LCpl Patrick T. O'Day: One of these was 20-year-old Patrick O'Day, who was born in Scotland and came to the United States when he was just 3. He learned to read around the same time and quickly impressed his family and surprised his kindergarten teacher.

He was captain of the wrestling team at Santa Rosa Middle School and a 2001 graduate of Santa Rosa High School, where he met his future wife Shauna. They were married in October of last year, and they are expecting their first child in September.

His younger brother, Thomas, said that Patrick was ''always someone that could make anyone in the room laugh. When he came into a room, everyone knew he was there. He could change the atmosphere very quickly. . . . He was just so much fun to be around.''

PVT Francisco A. Martinez Flores: Francisco Martinez Flores was also in the tank that plunged in the Euphrates River. He was born in Guadalajara, Mexico, and settled in Duarte, CA, when only a little boy.

He attended Maxwell Elementary School and graduated from Duarte High School in 2000, where he was a popular and outgoing football player with a passion for fixing up old cars.

He had expressed a desire to be ''a great soldier'' ever since he was a young boy. ''[The Marines] returned to me a true man,'' said his mother, Martha, who had gone back to Mexico to bury her father when her son was deployed to the gulf. She never had the opportunity to say goodbye.

Francisco Martinez Flores was to become a U.S. citizen in 2 weeks. But the 21-year-old marine was killed before he could take an oath of allegiance to the country he died fighting for.

LCpl Jesus Suarez del Solar: Just 20, Cpl Suarez had already served in Afghanistan, and was ready to returning to combat, this time in Iraq. This past December, he had married his longtime girlfriend Sayne. They had a baby boy, Erik.

''I'm very proud of Jesus,'' said his father, Fernando. ''I want Americans to know that immigrants that came to the United States, we did not come to take their jobs. We came here to give them our blood, so they can have freedom and they can have a world free of terrorism. That's why my son died.''

Known as something of a charmer and even a bit of a flirt, he graduated in 2001 from Valley High School, in Escondido, a town about 30 miles north of San Diego. His principal, Janice Boedeker, said that ''Jesus wanted to become a marine from the time I met him, as a junior in high school. He was just a wonderful kid with maturity beyond his years.''

''He was so excited about being a part of the infantry and the Marine Corps,'' Boedeker said. ''I always ask kids about their goals what they want to do. There was never a question with him. I remember he wrote in big, capital letters: MARINES.''

One of his teachers, Tom Gabriella, remembered how Jesus ''felt he could build a solid life around the Marine Corps. . . .Once, he gave a presentation to a class. He always had a big smile on his face.''

GySgt Joseph Menusa: Born in the Philippines, Joseph Menusa came to the United States when he was 10 and grew up in San Jose. A veteran of the first gulf war, he was killed in battle on Thursday, March 27. He was a graduate of Silver Creek High, Class of '89.

He was working his way up the ranks and was in the process of gaining his U.S. citizenship when he received his deployment orders to the gulf.

On the eve of his deployment, Sgt Menusa told his wife Stacy why he had to go. ''He said he was in charge of these young kids and he was the only one who had ever seen combat. He needed to be their guide.''

Capt Tuan Pham, who was born in Vietnam and worked with Sgt Menusa as a Marine recruitment officer in San Francisco, had this to say about his friend: ''We are both naturalized Americans and believe in the ideals of what this country represents. He paid the ultimate price for something we all believe in—freedom.''

Of those Americans stationed in California, most were from the 1st Marine Expeditionary Force based at Camp Pendleton, in San Diego County. While from all across the country, these men were so much a part of the local community, where the mood is somber, yellow ribbons are everywhere, and the flags at half mast.

I would also like to commend the local newspaper, the San Diego Union Tribune, for doing an impressive job of providing much of the information on those stationed at Camp Pendleton.

2Lt Therrel S. Childers, Harrison County, MS: While most youngsters pick a new career more often than they outgrow their sneakers, Lt Therrel Childers, the son of a Navy Seabee, first decided he wanted to be a marine when only 5 years old.

He joined the Marines a month after he graduated from high school; they sent him to college and promoted him. 25 years after he first glimpsed his future, Second Lieutenant Childers was fatally injured on a battlefield in Iraq.

''We're proud of him,'' his mother said from her Powell, WY, home. ''He died doing what he believed in.'' He approached his life with a unique intensity that made him successful both in his career and in the classroom.

His professors at The Citadel, in Charleston, SC, saw the dedication

that made him a good marine. ''When he decided to study French, he wanted to speak French perfectly,'' said one of his professors, Guy Toubiana. ''It really bothered him if he was making a couple of mistakes.''

His intensity sometimes made him the butt of jokes, but somehow he remained a likable guy, perhaps because he maintained his sense of humor. And despite his military surroundings, he still had a sensitive side. ''He was very warm,'' Toubiana said.

The 30-year-old spent his limited free time climbing mountains, running road races, and mountain biking. Perhaps he would be most proud that marine friends remember him as someone they could count on.

John Bacon, who met Childers at The Citadel, said Childers would always show up to help lift a heavy sofa on moving day. ''He was a type of person that would never let you down,'' Bacon said. ''The world lost a great man.''

Marine Cpt Ryan Anthony Beaupre, St. Anne, IL: Cpt Ryan Beaupre, who was single, abandoned an accounting career to join the Marines in 1996. ''He always wanted to fly, but his parents wanted him to get a college degree first,'' said Bob Themer, a friend of the family's.

Beaupre, who was from St. Anne, IL, and graduated from Illinois Wesleyan University, and worked in accounting for a year. ''Then he came home and told them he could do more as a marine,'' Themer said.

Beaupre lived in an Encinitas apartment overlooking the sea, where he often surfed, said neighbor Ron Holdsworth. He remembers a comment the marine made after military helicopters flew by their building one day.

''At the time, we were in Afghanistan fighting, and he said, 'The thing about being a marine is you know when your brother marines are fighting, you can't sit still. You want to go help them.'''

Navy Hospital Corpsman Michael Vann Johnson, Jr., Little Rock, AR: Navy corpsman Michael Vann Johnson, Jr., was killed Tuesday while tending to a marine wounded in battle in Iraq. He was hit in the head by shrapnel from a grenade and fatally injured, his sister, Janisa Hooks, told the Associated Press in Little Rock, AR, where Johnson was born and raised.

Only 25 years old, Johnson was a hospital corpsman who had been assigned to travel with Camp Pendleton-based marines in Iraq.

''He provided medical care right up to the time he was killed,'' said Doug Sayers, spokesman for the San Diego Naval Medical Center, where Johnson had been stationed.

Johnson had worked at the Marine Corps Recruit Depot since June 2001, helping oversee the health care of thousands of recruits, Sayers said. ''A big hole has been ripped in the soul of the clinic down there,'' Sayers said.

Johnson's mother Jana Norfleet said she had recently received a letter from her son saying that he was going to be all right. She said he wrote that ''God had twisted a guardian angel around him.''

Marine Cpl Brian Matthew Kennedy, Houston, TX: ''He gave his life in an effort to contribute to the freedom of the Iraqi people,'' Mark Kennedy of Houston wrote in a statement about his 25-year-old son, Brian. ''We are so very proud of him and his service to his country.''

But sitting at home, staring at a photograph of his handsome, athletic son in his marine dress uniform, reminiscing about Brian's love of football and lacrosse, patriotism and pride seems overwhelmed by a father's pain. ''We just miss him terribly already,'' the father said. ''He was a wonderful man.''

Sgt Michael V. Lalush, 23, Troutville, VA: Sgt Michael Lalush—pronounced LAW'-lish—was always busy trying to fix things, said Linda McMillan, a family friend who knew the sergeant from birth. He always had his hands in equipment, tinkering with lawnmowers and cars. As a teenager, he dragged home a pink 1965 Volkswagen Beetle, rebuilt and repainted it, and in no time was driving it around the neighborhood.

Lalush moved to Virginia with his family in 1994 from Sunnyvale, CA, settling in a quiet house on a hilltop overlooking farmland about 20 miles north of Roanoke.

A tall, gangly boy who eventually sprouted several inches above his parents, Lalush was anything but the stereo typically domineering military man, McMillan said. He was quieter, more sensitive, she said. He loved his sister Danielle and depended on his family.

More than anything, Lalush wanted to be a pilot and he wanted to be a marine. After graduating from Lord Botetourt High School, Lalush left for boot camp at Parris Island in South Carolina. He was transferred to Camp Lejeune, NC, and then to Camp Pendleton.

SSgt Donald C. May, Jr. Richmond, VA: SSgt Donald May, Jr., followed both parents into the Marine Corps and, just like his dad, became a tank commander. He disappeared in Iraq nearly a week ago and his mother learned Monday he had been killed.

May and his crew were in the 1st Tank Battalion, 1st Marine Division, based at the Marine Corps Air-Ground Combat Center in Twentynine Palms, CA.

He joined the Marine Corps the year he graduated from high school and spent 4 years in the military police, serving in the Middle East for the last few months of the first gulf war in 1991. He left for 2 years, serving in the Reserves, then ''got back in as a tank commander, just like his dad,'' his mother said.

May's wife Deborah is 7½ months pregnant with a boy, due May 16. She went into premature labor Friday after learning that her husband was missing, but doctors were able to halt the delivery.

Maj Kevin Nave, White Lake Township, MI: A veteran of the 1991 Persian Gulf war, Maj Kevin Nave is the first Michigan native reported killed in the war with Iraq. He was from White Lake Township, about 20 miles north of Detroit, where he used to fish in the river behind his house.

He and his wife Carrie lived at Camp Pendleton with their son Anthony, 6, and daughter, Maeve, who turned 5 Thursday.

Nave graduated in 1985 from Waterford Kettering High School where he was on the school's varsity football and wrestling teams.

He was a very positive type personality, a school leader and a good citizen,'' said Ronald Zeeman, dean of students and a math teacher during Nave's years there. ''The whole Waterford Kettering staff was proud of him. To have something like this happen, it really hits home.''

After high school, Nave went to the University of Michigan on a Reserve Officer Training Corps scholarship. He graduated in 1989 with a degree in political science and attended marine officer's school immediately after college, said T.J. McCullough, a high school classmate and ex-marine.

According to T.J. McCullough, a high school classmate and ex-marine, ''He was motivated, focused and driven, but one of the nicest, most easygoing guys you'd ever want to meet,'' said McCullough. ''I know he followed his dream. He was a career marine.''

Marine LCpl William W. White, NY: A shy and quiet 24-year-old with a sweet and charming smile, Marine LCpl William W. White had grand plans for his return from Iraq.

He had tested to become a New York City firefighter, a job that would take him home to his native Brooklyn. White and his wife Mychaele 23, wanted to begin a family when they moved back east.

Instead, the Camp Pendleton marine, whose father fought with the Army in the 1991 Persian Gulf war, was killed when his Humvee overturned into a canal and he drowned.

Along with his wife, White leaves behind two younger brothers and his parents in Brooklyn. According to his mother-in-law, Debra Gentry, ''He was one of the sweetest, kindest guys. He always put himself last.''

SSgt Kendall Damon Waters-Bey, Baltimore, MD: A specialist in helicopter maintenance, Sgt Kendall Damon Waters-Bey was assigned to the Marine Medium Helicopter Squadron-268, 3rd Marine Aircraft Wing.

Waters-Bey was among four United States Marines and eight British soldiers killed when a CH–46 helicopter crashed Thursday in Kuwait, about 9 miles from the Iraqi border.

He grew up in the rowhouse working-class neighborhood of northeast Baltimore, graduating from Northern High School where he excelled in swimming and track. At home, his sisters recalled, he excelled in jokes and cooking. ''He was always making faces,

making people laugh,'' said his sister Michelle.

The oldest of five children, 29-year-old Waters-Bey had been living in California with his wife of 11 months, Angela, who serves in the Navy. He also leaves behind a 10-year-old son from a previous marriage.

Maj Jay Thomas Aubin, Waterville, ME: An 18-year marine veteran, 36-year-old Maj Thomas Aubin was an instructor with Marine Aviation Weapons and Tactics Squadron 1 in Yuma, AZ, before deploying for war with the Camp Pendleton force.

Aubin's hometown was Waterville, ME, where he was the first of 30 grandchildren in a family that has been in that State for generations.

''He was a very determined little boy,'' said his aunt, Kim Willette of Winslow, ME. ''He had big dreams. He always wanted to fly planes and knew he was going to, just like his dad—a private pilot. Jay would fall asleep in the back of the Cessna.''

''There's no way to soften the blow, his aunt said. ''He prepared us for this all the time,'' she said. ''But that doesn't make it any easier.''

He is survived by his wife Rhonda and children Alicia, 10, and Nathan, 7.

SSgt James Cawley, Layton, UT: SSgt James Cawley, was a marine reservist and Salt Lake City police detective, was killed in a fire fight in Iraq Saturday.

''He could have been anything but he chose to be a soldier and an officer because of his strong beliefs,'' his family wrote in a prepared statement distributed by the police department Sunday.

Cawley leaves behind a wife, Miyuki, an 8-year-old son, Cecil, and a 6-year-old daughter, Keiko. He served for 12 years in the Marines, traveling around the world. He met his wife Miyuki in Okinawa, Japan, while serving there.

He also served a proselytizing mission with the Mormon Church in Fukuoka, Japan. ''He knew that his life was not the end and that we will all be together again in a far greater place,'' the letter said.

Detective Mark Schuman, Cawley's partner on the Salt Lake City force for 18 months and one of his closest friends, had just received a letter from Cawley a few days ago. At the time of his writing, Cawley was in Kuwait, awaiting further instructions.

''He was a loyal and trusting friend, and he was an outstanding officer,'' Schuman said. ''He was a very patriotic man, and he loved the Marine Corps, and he felt it was his duty to protect us and protect America.''

As our troops move rapidly towards Baghdad, I continue to hope for a quick resolution to this conflict. I hope that the repressive regime of Saddam Hussein will soon collapse and the Iraqi people will be liberated. And I hope all of this can be done with as few casualties as possible, Iraqi, American and allied, civilian and military.

To those that have already fallen, we must never forget their sacrifice. They have given their future for that of our Nation—and we as a nation owe them and the others that have fallen our eternal gratitude.

THE CRACKDOWN ON PRO-DEMOCRACY ADVOCATES IN CUBA

Mr. MCCAIN. Mr. President, tomorrow marks the anniversary of the assassination of Dr. Martin Luther King Jr. Dr. King's life reminds Americans of our unyielding commitment to freedom, justice, and equality for all. The peaceful civil rights movement that Dr. King lives and died for serves as a model for the ideals America promotes worldwide.

Today, just 90 miles off the shores of the United States, a desperate dictator is 2 weeks into a Stalinist-style crackdown on his country's non-violent democratic movement and its leaders. One political prisoner, Dr. Oscar Elias Biscet, has often been compared to Dr. King for his brave struggle to seek a non-violent transition to democracy in Cuba. The International Republican Institute (IRI), of which I am chairman, recently awarded Dr. Biscet with its Democracy's People Award for his courageous commitment to human rights, despite his imprisonment and the painful disease from which he suffers, and which remains untreated.

In a severe crackdown that demonstrates the true and brutal character of Cuba's dictatorship, the Castro regime has imprisoned over 80 independent journalists, human rights advocates, independent labor and pro-democracy activists, and supporters of the pro-democracy Varela project since March 18. Many of these activists are currently on trial. Dr. Biscet, who was arrested on December 6, 2002, while organizing a human rights discussion for International Human Rights Day, may be sentenced to life in prison and has apparently been threatened with the death penalty. The founder of the Lawton Foundation for Human Rights, which carries out educational campaigns to end the death penalty and forced abortions, Dr. Biscet was formerly imprisoned from 1999–2002. Dr. Biscet's wife, Elsa Morejon, had her house ransacked and her computer, phone, pictures and letters from her husband taken by the Cuba government.

Freedom-loving people everywhere condemn the use of the death penalty against peaceful political opponents of Castro's rule. Rather than threaten them with death, Fidel Castro should release all political prisoners in Cuba, which the State Department estimated to number between 230 and 300 before the current, massive crackdown.

The many brave Cubans who work and sacrifice every day for non-violent and democratic Cuba ask only that their fundamental human rights be respected. Although world attention is focused on Iraq, it is important that we not lose sight of the continued, aggressive repression of Cuba's democracy and human rights activists. The United Nations Human Rights Commission is currently in Geneva preparing what I hope will be a strong and clear condemnation of these systematic violations of fundamental freedoms. It is imperative that the Cuban government be held accountable for this repressive crackdown.

One day soon, the political prisoners now held in Fidel's gulags will be celebrated as the voices of conscience that finally brought freedom and justice to Cuba after decades of brutal dictatorship. Castro and his regime cannot extinguish the flame of freedom and hope that burns in the hearts of Cubans, who will continue to peacefully seek liberty and justice—and will one day prevail.

OPERATION IRAQI FREEDOM

Mr. ENZI. Mr. President, like so many of us in the Senate and the House, I try to get home as often as I can, not just because I miss the scenery, but because I would miss the opportunity to meet with my constituents as they share their perspective with me on the issues that concern them. I think of it as harvesting good old Wyoming common sense. After I get as much as I can, I bring it back with me to share with my colleagues.

One of my constituents, Mr. Wallace Ulrich of Moose, WY gave me a copy of his presentation on Operation Iraqi Freedom that he shared with two groups of High School students at Jackson Hole High School in Jackson, WY.

In his remarks, Wally addresses several issues about the conflict and his thoughts about them. To begin with, he correctly points out that no one is pro-war, but that responsible nations are occasionally called to step up and take action when a wrong cannot be solved or addressed through diplomatic measures.

Saddam Hussein created just such a situation when he failed to abide by the agreements signed by his government at the end of Operation Desert Storm and refused to fully comply with the terms of several United Nations resolutions. It was only when a long diplomatic effort failed to produce the necessary results that the United States had to ensure that Iraq was disarmed and no longer a threat to the peace loving world.

I hope all my colleagues will take a moment to read what Wally had to say to our young people in Jackson, WY. He has an interesting point of view and he presents his position well. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY MR. WALLACE ULRICH

Good Day.

And thank you for that kindness. Some of you know that I am also a ski patroller on Snow King—for the last thirty years—and you've even been kind to me up there!

First, I want to say that I am here not as a spokesman for any party or entity or organization or group. While I have held elected positions I am here, just like you, a citizen (only a lot older and a little grey in the hair).

I want you to know too, that I am neither a fan of nor a practitioner of personal degradation when discussing issues. I find it a sad trend in our politics. So you won't hear it here from me.

I admire the way Casey Baux persisted; his gracious and helpful demeanor should benefit us all today. The way Casey helped this event become reality is really, how ''political things'' get accomplished. Your teachers are also to be commended and the administration.

It is a misnomer to be labeled pro war. Frankly, I don't understand how anyone would take that position—but there comes a time when despots who have the blood of hundreds of thousands of people on their hands have to be stopped.

In the early decades of the 20th century, the Turks annihilated the Armenians. They asked the world for help, but got virtually nothing. When Hilter was determined to wipe out the Jews, he referred back to the fact that no one remembered the Armenian genocide.

Saddam Hussein wiped out the Sumerians. The culture no longer exists.

When he lost the 1991 war he agreed as a condition of his surrender to disarm Iraq. He would not. And that is what generated this war.

A million Iranians are dead because of Saddam, 8000 Kurds we know, his own people were gassed to death and his tortures and barbarity continue unabated by international disgust.

It is always easier to do nothing. You know that. But while we stand by, hundreds of thousands of people are being tortured and killed.

Our country moving off the path of diplomacy that it has traveled so long, personally touches me. My brother in law and family live there, in the ''Scud Box'' zones of Saddam. We speak almost daily about what they will do. But they're some of the lucky ones. They can leave when it gets too close.

I hold simple yet solid beliefs that one can make a difference. I have learned through experience, my own in high school, and with students over the years since, that given opportunity and information you make good decisions.

I came today because my family has been deeply wounded by war. I lost two uncles in WWII. My Uncle Wallace was one of the first Wyoming casualties when the USS *Houston* was sunk. The Japanese took prisoner the other when he was a year older than some of you. Orral survived the cruel Battan Death March. He was brutally tortured, bayoneted, and his gold tooth removed, left alone and died on the compound dirt.

My family can never forget the horror of war, because it touched us personally.

Yet, in 1960, President Eisenhower chose one of our large fossil fish to be the National Gift of the American People of the Japanese Emperor Hirohito. When our family sat at the kitchen table to discuss whether we should accept the offer given the damage to our family, My Father showed us what courage and forgiveness was about in an eloquent explanation of War and the difficulty of creating peace over time, one family at a time.

The kitchen table was my great spring board, because there we were all allowed our own thoughts, ideas, solutions we were accepted, though often confronted by solid debate and fact. I hope you have a kitchen table, a family that talks and listens for that is the beginning which you carry to friends and school and business and life.

You can be empowered to change public policy or to maintain our policy. The system is simple and works.

Assure we practice mutual respect in our politics because we are largely citizens in all phases, from citizen legislator to citizen soldier.

I urge you to view and digest the remarkable objective coverage of the Free American Press. And seek out the press worldwide. One is always more enlightened by seeking differing views and information.

Be skeptical, but avoid the despair of cynicism. They are very different things.

Question. Ask questions. And listen.

Seek out all sides and all sources before you find your view, and know it may have a spectrum as wide as Wyoming and change as often as Wyoming's weather.

Travel. Travel the country, but more importantly travel the world. You will be enlightened as to how well off we are.

Trust.

Trust that you will find your own truth about these difficult times.

Trust that you will be alright.

Trust that just like those around you now as family, teachers, police, forest rangers, on and on up the system that Americans in leadership positions are decent, honest, and caring—for you, our country, and others.

Know this too, from NY Democrat Charlie Rangel, of the U.S. Congress; when asked about his criticism of the President and policy days before the war he said: ''That's what I am elected to do! But let me tell you, when that flag goes up, I salute, I'm there.''

When at war observe that partisan politicians cease their partisanship, that parents and brothers and sisters of soldiers, and aviators, and sailors find solitude and prayer to comfort their fear and the choking that comes in the night from knowing that one's child is defending, by fighting with their life, one nation, one people, made up of all the peoples of Earth.

And I close my comment with a quote from my favorite non-warrior Mahatma Gandhi. Said in 1931, ''Peace and disarmament are not matter of reciprocity. When real peace and disarmament come, they will be initiated by a strong nation like America irrespective of the consent and cooperation of other nations.''

Thank you.

NATIONAL TARTAN DAY

Mr. LOTT. Mr. President, today I rise to commemorate the fifth anniversary of National Tartan Day. While it is observed on April 6 of each year, I make this recognition today because the Senate is not expected to be in session on that date. I want to remind my colleagues that the resolution which establishes National Tartan Day was Senate Resolution 155. It passed by unanimous consent on March 20 of 1998.

As an American of Scottish descent, I appreciate the efforts of the individuals, clan organizations, and all the many other groups who were instrumental in generating support for the resolution. These groups worked diligently to foster national awareness of the important role that Americans of Scottish descent have played in the progress of our country.

The purpose of National Tartan Day is to recognize the contributions that Americans of Scottish ancestry have made to our national heritage. It also recognizes the contributions that Scottish Americans continue to make to our country. I look forward to National Tartan Day as another opportunity to pause and reflect on the role Scottish Americans have played in advancing democracy and freedom. It is my hope that this annual event will continue to grow in prominence, with ceremonies and activities similar to those that have been held over the past few years. Scottish Americans have helped shape this Nation. Their contributions are innumerable. In fact, three-fourths of all American Presidents can trace their roots to Scotland.

In addition to recognizing Americans of Scottish ancestry, National Tartan Day reminds us of the importance of liberty. It honors those who strived for freedom from an oppressive government on April 6, 1320. It was on that day that the Declaration of Arbroath was signed. It is the Scottish Declaration of Independence. This important document served as the model for America's Declaration of Independence.

In demanding their independence from England, the men of Arbroath wrote, ''We fight for liberty alone, which no good man loses but with his life. '' These words are applicable today to the heroism of our American veterans and active duty forces who know the precious cost of fighting for liberty—a fight that is taking place at this moment as a coalition of military forces seeks liberation for the people of Iraq.

Senate Resolution 155 has served as a catalyst for the many States, cities, and counties that have passed similar resolutions recognizing the important contributions of Scottish Americans. I would like to thank all those groups and individuals who have continued the work of reminding the world of the stand for liberty taken on April 6th almost 700 years ago—in Arbroath, Scotland. A call for liberty which still echoes through our history and the history of many nations across the globe.

I believe April 6 can also serve as a day to recognize those nations that have not achieved the principles of freedom which we hold dear, and which we are fighting for even now. The example of the Scotsmen at Arbroath—their courage—their desire for freedom—still serves as a bright beacon today.

ANDEAN COUNTERDRUG INITIATIVE

Mr. GRASSLEY. Mr. President, I want to take a moment to express some concern to the Appropriations Committee about the report language that was included regarding the supplemental request for the Andean Counterdrug Initiative. The Senate report indicates that the committee considers their funding of the President's request as a downpayment on funding for the next fiscal year.

I would like to ask the committee to reconsider taking this position without

a greater examination of both the 2004 request and how the supplemental funding will be used. I believe penalizing the 2004 request because of needed funds today will hamper the effectiveness of this program, particularly when it seems we may be turning the corner.

This request is designed to support our current efforts in Colombia, which are occurring at a significantly higher operational pace than was anticipated when the current fiscal year budget was developed. Since the fiscal year 2004 budget was created, we have seen a wave in urban bombings, the launch of a rescue mission for kidnapped American citizens, a significant increase in the violent attacks against our spray aircraft, and an increase in the violent attacks against President Uribe and other top Colombian officials. These increased threats need to be countered now, and require a revision in the original budget estimates on what will be spent both this fiscal year and next.

The supplemental funding is necessary to continue current operations at their current pace. By including the President's request in this bill, the committee is recognizing this need. But we should not penalize next year's efforts by counting this supplemental appropriations against the 2004 request. I strongly urge the committee to reconsider holding this needed supplemental funding for the Andean Counterdrug Initiative against the fiscal year 2004 request.

TRIBUTE TO GREG MASTEL

Mr. BAUCUS. Mr. President, I rise today to thank Greg Mastel for his work as the Finance Committee's chief trade adviser and chief economist during the 107th Congress.

I asked Greg to rejoin my staff in early 2001 with two specific goals in mind—significantly expanding the Trade Adjustment Assistance Program and reinstating fast-track trade negotiating authority for the President. To me, these are the twin pillars of U.S. trade policy. If the United States was to move beyond the logjam that had stalled progress on trade for nearly a decade, both of these programs needed to be in place.

Thanks in large part to Greg's hard work, both of those goals were achieved.

In August of last year, the President signed into law the Trade Act of 2002. Not only did it restore fast track to the President, it also created the largest expansion of Trade Adjustment Assistance in that program's history. And just for good measure, we renewed and expanded both the Andean Trade Preferences Act and the Generalized System of Preferences.

The Trade Act of 2002 is the most significant piece of trade legislation to come out of the Congress in over a decade. And it would not have happened without the skilled guidance and steady hand that Greg showed every step of the way.

Getting there wasn't easy. There were a lot of long nights and more than a few tense meetings. And for Greg, there were some personal challenges that didn't make the job any easier, but made his performance even more impressive.

Shortly before we went into conference with the House on the Trade Act, Greg suffered a nasty bicycling accident that left him with a broken collarbone, badly bruised ribs, and more sore muscles than I care to think about. But Greg was in the office every day, working through the pain and showing the same good humor that always made him such a pleasure to work with.

At the time, I called Greg ''the Lance Armstrong of the Trade World''—although he probably needs to hone those biking skills. I stand by those comments. In conference negotiations, it is always a challenge to bridge the differences between Democrats and Republicans and between the Senate and the House. But to sit in a room negotiating the finer points of U.S. trade policy at 2 in the morning while fighting through the pain of broken collarbone takes a special kind of staffer.

Not only is Greg an expert on trade—he also understands the state of Montana. Greg is a true product of Montana. He grew up on a ranch outside of Missoula, where his childhood pursuits included hunting, camping, and archery. He is a graduate of Hellgate High School in Missoula, where he was a star second baseman on their baseball team.

He has never forgotten his roots in Montana. I have always felt that Greg's experiences back home gave him a feel for policy issues that cannot be learned.

And Greg has a long history with my office. He began as an intern in 1987, and within a few months became my youngest legislative assistance. His formal training as an economist made him a natural for covering international trade issues, vital for a State that depends on exporting its goods and services to markets around the globe. I relied on Greg to assist me with some of the most important issues to Montanans, including beef exports to Japan and wheat exports to China.

At various points, Greg has served as both my legislative director and my chief of staff. In each of these positions, he served with distinction through many years of trying to convince Montanans that trade was necessary and could be beneficial. He came up with the idea of trade missions and helped organize those to Asia and South America. Those missions did more to promote understanding than 100 speeches could have.

Greg also became an expert on U.S. trade laws, including many which he helped to draft. It was a natural that, after leaving my staff in 1994, Greg moved on to a distinguished career in academia and public policy. He is the author of three books dealing with China, United States trade laws, and WTO negotiations, and has written a column for the Journal of Commerce.

Somewhere along the way, Greg and his wife Lois found the time to raise two beautiful children—Alexander and Caroline.

I was lucky to be able to lure him back for the 107th Congress to serve as my chief trade adviser on the Finance Committee.

Greg has been a wonderful friend to me and my staff over the years. I thank him for all of this hard work and wish him the best of luck in all his future endeavors.

TRIBUTE TO VICTOR BAIRD

Mr. VOINOVICH. Mr. President, today I wish to speak on behalf of a man, Victor Baird, who, until recently, had probably one of the most thankless jobs in the Senate—Staff Director and Chief Counsel of the Senate Ethics Committee. In this position, Victor was charged with preserving the integrity of the Senate by policing the conduct of its Members and ensuring that the Senators and their staffs adhered to the Senate's high ethical standards.

The nature of the Ethics Committee is that the work we do remains confidential, except in the most egregious circumstances. Victor faced some of these circumstances and his guidance in steering the committee, the Senate, through them was invaluable. In general, though, most people didn't hear that much about Victor or the work he did in his 16 years on the committee, but to those of who sit on the committee or who have ever sat on the committee, we know that a lack of public exposure for the committee means that Victor was doing his job, and doing it well.

As I mentioned before, Victor was a 16 year veteran of the Senate Ethics Committee. He was first appointed to the committee by Senator Heflin in March 1987. He was acting Staff Director and Chief Counsel from October 1992 until March 1993 and became Staff Director and Chief Counsel from April 1993 until this January.

Before arriving in the Senate, Victor served in the United States Air Force and had a distinguished legal career in Georgia that included serving as an Assistant Attorney General in Georgia, as an Administrative Law Judge for the Georgia Department of Natural Resources, and on the Consumers' Utility Council of Georgia.

Victor's legal acumen, good nature, keen attention to detail, nonpartisan nature, and most of all, his integrity, all contributed to his success in the Senate. He will be missed by many. I thank him for his service to the United States Senate and to his country, and wish him God speed in all his journeys ahead.

TRIBUTE TO ARKANSAS GUARD AND RESERVES

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to the American

troops in the National Guard and Reserves who are placing themselves in harm's way to defend our Nation against the threats of terrorism and rogue states.

As of Wednesday, April 2, 2003, there are 218,931 reservists and guardsmen nationwide activated in the war on terrorism and in Operation Iraqi Freedom. Currently, there are 2,356 Arkansans activated in the Guard and Reserves, according to the U.S. Department of Defense. I would like to ask that the attached list be printed in the RECORD following my remarks.

The sacrifices that these men and women are making protect our freedoms, defend our liberties, and ensure regional and global stability. We are very proud of each and every one of them, and we owe all them a tremendous debt of gratitude for their service and for their dedication to their country. We look forward to welcoming them home safely.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Army National Guard (1,258 Arkansans):		
N. Little Rock	State Area Command	4 Guardsmen
Ft. Smith	2nd Battalion, 142nd Field Artillery, HQ	42
Lincoln	2nd Battalion, 142nd Field Artillery, Service Battery	20
Van Buren	2nd Battalion, 142nd Field Artillery, Battery A	72
Siloam Springs	2nd Battalion, 142nd Field Artillery, Battery B	73
Ozark	2nd Battalion, 142nd Field Artillery, Battery C	73
West Memphis	216th Military Police Company	124
N. Little Rock	149th Medical Company	2
Little Rock	343rd Mobile Public Affairs Detachment	7
Ft. Smith	935th Support Battalion	101
N. Little Rock	935th Support Battalion	32
Charleston	296th Medical Company	117
Marked Tree	1123rd Transportation Company	167
N. Little Rock	25th Support Detachment	44
N. Little Rock	114th Aviation Air Traffic Control Battalion	I64
N. Little Rock	223rd Regiment (Regional Training Institute)	2
Jonesboro	875th Engineer Battalion	99
Mtn. Home	224th Maintenance Company	215
Army Reserve (794 Arkansans):		
Fayetteville	362nd Psychological Operations Company	67 Reservists
Little Rock	431st Civil Affairs Battalion	140
Little Rock	460th Chemical Brigade	1
Charleston	38th Ordnance Group	56
Little Rock	468th Chemical Battalion	45
N. Little Rock	489th Engineer Battalion	452
Little Rock	90th Regional Support Command	23
Little Rock	112th Chaplain Detachment	2
Little Rock	U.S. Army Engineering Facility Group	8
Air National Guard (172 Arkansans):		
Little Rock	189th Airlift Wing	120 Guardsmen
Fort Smith	188th Airlift Wing	52
Navy Reserves (9 Arkansans):		
Little Rock	Naval Support Activity Bahrain, Detachment C	6 reservists
N. Little Rock	4 MD 3/23 I	3
Marine Reserves (123 Arkansans):		
N. Little Rock	3rd Battalion, 23rd Marines, I Company	120 Reservists
N. Little Rock	Peacetime War Support Team	3

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 14, 2001 in San Francisco, CA. An Australian software engineer was stabbed in the chest by someone who thought his friend, a man of Indian and Hispanic heritage, was an Arab. The victims say the stabbing took place when they were passed by a group while crossing the street. A scuffle ensued when the engineer was punched or bumped by one of the men. The assailant used racial slurs to describe the victims and said, ''We don't like Arabs'' before stabbing the engineer.

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.

CONGRATULATIONS TO DR. THOMAS FRIST

Mr. ALEXANDER. Mr. President, I would like to congratulate Dr. Thomas F. Frist, Jr., a cofounder of HCA and its former chairman and CEO, on his induction into the Healthcare Hall of Fame. The Healthcare Hall of Fame honors individuals who bring a legacy of enthusiasm, vision, and perseverance to the healthcare industry. I cannot think of a more deserving recipient of this honor.

Dr. Frist began his hospital administrative career shortly after his service as a military flight surgeon. In 1968, he founded HCA in Nashville, with his father, the late Dr. Thomas F. Frist, Sr., and the late Jack C. Massey. In 1977, Dr. Frist became president of HCA and subsequently became chairman, president and chief executive officer in 1987. When HCA merged with Columbia in February 1994, Dr. Frist served as chairman of the board and later as Vice Chairman, following the company's April 1995 merger with HealthTrust Inc. Dr. Frist returned as chairman and CEO of the company in 1997. He was chairman and CEO until January 2001 and chairman until January 2002.

Not only is Dr. Frist a great physician and hospital administrator, he is also a great benefactor to his hometown of Nashville. He served as vice president of the Vanderbilt University Board of Trust from 1995–1997. He was chairman of the board of Governors of the United Way of America in 1995, and founded the United Way's Alexis de Tocqueville Society. He was the 1999–2000 chair of the Nashville Area Chamber of Commerce. Currently, Dr. Frist is chairman of the board of The Frist Foundation and chairman of the board of the Frist Center for the Visual Arts. Dr. Frist also serves on the board of Montgomery Bell Academy in Nashville and is chairman of the Nashville Healthcare Council's 2002–2003 board of directors.

Dr. Frist is also the brother of our own majority leader, Dr. BILL FRIST, a leader on healthcare issues in the Senate. Dr. Frist's father, the late Dr. Thomas Frist, Sr., was also a member of the Healthcare Hall of Fame. Dr. Frist's induction makes them the first Hall of Fame father-son pair. All of us in Tennessee appreciate Dr. Frist's dedication and great work in the healthcare industry, and I would like

to congratulate him today on this great honor.

RECOGNITION OF THE UMD LADY BULLDOGS FOR WINNING THE 2003 NCAA DIVISION I NATIONAL WOMEN'S ICE HOCKEY CHAMPIONSHIP

Mr. COLEMAN. Mr. President, I am pleased to join my distinguished colleague from Minnesota in recognizing the University of Minnesota Duluth Women's Ice Hockey Team for winning their third straight national championship.

A Stanley Cup-winning professional hockey player said that ''when you start a tournament, you stick with it.'' History has shown that the Lady Bulldogs maintain this same principle. In 2001 at the inaugural Frozen Four, they took on St. Lawrence University and won 4–2. The following year, they made it through the semifinals again, allowing them the opportunity to face Brown University, who they defeated 3–2 for their second title.

They entered this year's national tournament playing Dartmouth College in the semifinals, a game which was tied in the second period before UMD came back to win it 5–2.

Two days later, in the championship, they met No. 2 seeded Harvard University in what has been referred to by some as the best women's college hockey game ever.

Knowing what makes a good hockey game, I would have to agree. There was a near-capacity crowd; a first period ending score of 2–0, with Duluth in the lead; a solid return by Harvard in the second; and a scoreless first overtime, which resulted in a second where sophomore Nora Tallus scored the winning goal at 4 minutes and 19 seconds.

This goal concluded the 84-minute game, giving the Lady Bulldogs their third and probably most memorable title, as it was won at home in front of a near-capacity crowd at the Duluth Entertainment Convention Center.

I am pleased to stand here today, commending the UMD Women's Ice Hockey Team for winning the 2003 NCAA Division I National Collegiate Women's Ice Hockey Championship and recognizing the achievements of all the team's players, coaches, and staff.

THE POSTAL PENSION LIABILITY ACT, S. 380

Mr. SUNUNU. Mr. President, I am pleased that the Senate has taken action to pass S. 380, the Postal Pension Liability Act.

I would like to thank my colleagues on the Governmental Affairs Committee for their effort in getting this bill passed, particularly Senator COLLINS and Senator LIEBERMAN, chairman and ranking member, respectively, as well as Senator STEVENS and Senator CARPER, who have provided tremendous leadership in getting this bill through the Senate.

As my colleagues may know, the U.S. Postal Service, USPS, is required to pay into the Civil Service Retirement System, CSRS, an amount that equals the full cost of its obligation to CSRS. While the Postal Service has done so, the money it has placed into this account has earned interest at a higher rate than previously thought. Thus, the Office of Personnel Management estimated in November that the pension obligations for the USPS totaled $5 billion and not a previously estimated $32 billion.

This bill would correct the formula that overpays the Postal Service's obligation to the civil service retirement fund. In addition, this bill would stabilize postage rates through 2006 and help the Postal Service to pay down some of its debt. Stable postage rates will help keep shipping costs down as well as the indirect cost of all consumer goods.

Without this bill, the U.S. Postal Service would continue to overfund its contribution to the Civil Service Retirement System fund. If it had not been evaluated and corrected, the overpayment could have reached tens of billions of dollars in the decades ahead.

Mr. President, as a cosponsor of S. 380, I am pleased with the bipartisan manner in which the Senate has acted to pass this much-needed ill. This spirit of cooperation is truly in the best interest of the American people.

RETIRED OFFICERS' COMMENTARY

Mr. WARNER. Mr. President, there has been much discussion here in the Senate and in the press about retired military officers who have been appearing in the media throughout the coverage of the diplomatic efforts and the actual military operations to end the global threat posed by Saddam Hussein and his weapons of mass destruction.

My own opinion is that most of these retired officers have, in a very fair, constructive, helpful way, interpreted the complexity of modern military operations, the highly technical range of military equipment, and have conveyed their positive observations of the courage and professionalism of our men and women in uniform—from the generals to the privates.

In most presentations, these retired officers have shown professional responsibility and prudent restraint in giving their views and interpretations. But a few have added personal criticisms over the planning and execution of Operation Iraqi Freedom.

Professionals in the military have devoted their careers to protecting our Constitutional freedoms. Among the most cherished of these is freedom of speech. But that freedom has its legal, as well as ethical, restraints, and requires the exercise of good judgment, common sense, and taking into accounts the likely impact of their criticisms on servicemen and their families.

By and large, the retired officers have, through their careers of dedidated service, earned the admiration of the general public. Consequently, a special trust is accorded them by the families, the parents, the grandparents of those serving in uniform. Quite often, the families take to heart what they say, even more so than the views of others.

If retired officers have professional views and judgments at variance with the active duty chain of command, they are, like all Americans, free to speak their mind. But how to do it—publicly or privately?

They have ample opportunity to convey their views to their former colleagues—today's military commanders—through private channels, and I know many do so through a variety of forums and through personal communications. Before making critical public statements during the course of military operations, I hope they carefully consider the consequences of such statements and recall how they, and their families, felt about unexpected public criticism when they were in the ''trenches of conflict.''

The tradition followed by Presidents, especially in times of conflict, is a worthy precedent. A sitting President customarily receives the views of past Commanders in Chief by way of private communication rather than through the media.

Mr. President, I expressed these points to members of the media after a Capitol Hill meeting Tuesday evening with Secretary Rumsfeld and General Meyers, and I ask unanimous consent that the excerpted text of my remarks at that news conference, and those of the general, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM TRANSCRIPT, NEWS CONFERENCE WITH SECRETARY OF DEFENSE DONALD RUMSFELD; GENERAL RICHARD MYERS, CHAIRMAN, JOINT CHIEFS OF STAFF; SENATOR JOHN WARNER (R-VA); REPRESENTATIVE DUNCAN HUNTER (R-CA)

Sen. WARNER.—We covered that very carefully. The general gave us a complete briefing. And I think, Duncan, I believe you will join with me, the consensus in our group just now is that a good plan has been in place, it is being executed. It is timely. Considerable progress has been made to date. And we see no reason at this time for anyone to be in criticism of this program.

And I want to talk a little bit about this retired military. I've been associated with the military a half-century or more. I think some of them have in a very constructive way interpreted the complexity of military operations today and the equipment, and I think they have done a good job in portraying the courage shown by the men and women who are executing this plan.

And if some have criticisms, we don't mean to stifle freedom of speech, but I think they should follow the tradition of President, the Commander in Chiefs. You do not see former Presidents criticizing a sitting President during a war. And in the same way, if they've got constructive criticism at variance with the plan, I think they should confidentially contact their own peers in the Pentagon and share it that way rather than open.

Question: But Senator Warner, what about current commanders? It is reported this morning, Army—(inaudible)—Army colonel—(inaudible)—concerned about doing this war—(inaudible)—not bring enough—(inaudible)—

Sen. WARNER. Well, there's always, during any conflict, going back to George Washington, complaints among his forces. I have personally been involved in the wars in Korea, and Vietnam, and Panama, and Somalia—and I could go on for a few more, and I think Duncan, you've been in them—but that's all right, we'll take that in stride. I'm more concerned about the very senior officers who by virtue of their training and experience have a lot of credibility, and I think that if they have criticism, fine. Call up the chairman——

General RICHARD MYERS. You bet.

Sen. WARNER: You'd take the call?

Gen. MYERS: Absolutely.

ADDITIONAL STATEMENTS

TRIBUTE TO SACRED HEART ACADEMY

● Mr. BUNNING. Mr. President, today I pay tribute to the Sacred Heart Academy in Louisville, KY. Their basketball team won their second straight Sweet 16 girls title last night.

Sacred Heart won their second straight Sweet 16 title after defeating Lexington Catholic 42–40. Sacred Heart is the first team in over 25 years to repeat as state champions. Their win last night was their 62nd straight victory against in-state competition.

The citizens of Louisville, KY should be proud to have Sacred Heart Academy basketball team living and learning in their community. Their example of hard work and determination should be followed by all in the Commonwealth.

I would like to congratulate the members of the basketball team for their success, along with Crystal Kelly for being named the tournament's MVP. But also, I want to congratulate their coach, Donna Moir, along with their peers, faculty, administrator, and parents for their support and sacrifices they've made to help meet those achievements and dreams.●

TRIBUTE TO BILL CANARY

● Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, William Canary, of Montgomery, AL. Bill Canary was recently name president of the Business Council of Alabama.

While he now calls Montgomery, Al, home, Bill is a native of New York and attended the State University of New York at Oneonta. He also holds a juris doctorate degree from the Jacob D. Fuchsberg Law Center at Touro College.

Bill came to BCA from the American Trucking Association, the national trade and safety organization of the U.S. trucking industry. He began his career at ATA nearly a decade ago, serving as counselor to the AT president and CEO, Thomas J. Donohue. Over the years, he served ATA in various capacities including political advisor to the president and senior vice president for State, Federation and Intergovernmental Affairs. In 2001, the ATA board of directors named him their president and CEO.

Prior to his service at the ATA, Bill served as a Special Assistant to President George H.W. Bush for Intergovernmental Affairs. From January 1989 through June 1991, Bill served the White House as the President's liaison to local elected officials and mayors throughout the Nation.

Bill has also served as chief of staff for the Republican National Committee and as national political director for the Committee to Re-Elect President Bush. During the 2000 Republican National Convention he served as a senior advisor to the co-chairman, Andrew Card, currently chief of staff to President George W. Bush.

He is the coauthor of the public research product ''The Alabama Poll,'' and is a writer, commentator, and political analyst for several Alabama television programs.

In 2001, I was proud to recommend Bill's wife Leura to serve as the U.S. attorney for the Middle District of Alabama. Leura has served in this position with distinction. Bill and Leura have a daughter, Margaret, and a son, Will.

Bill Canary is a good friend and a beloved family man. I offer him my congratulations and best wishes in his new role as president of BCA.●

MESSAGE FROM THE HOUSE

At 11:58 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. 522. An act to reform the Federal deposit insurance system, and for other purposes.

H.R. 743. an act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 522. An act to reform the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

H.R. 743. An act to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–72. A concurrent resolution by the House of the Legislature of the State of New Hampshire relative to a peaceful and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir; to the Committee on Foreign Relations.

HOUSE CONCURRENT RESOLUTION 16

Whereas, the people of the former Princely State of Jammu and Kashmir have for the past 55 years been subjected to documented and unspeakable human rights abuses, including the execution of civilians, the rape and burning of women, the immolation and mutilation of children, the deliberate shelling of civilians by military artillery, and the torture and murder of political detainees; and

Whereas, 2 wars between India and Pakistan, in 1965 and 1971, failed to justly resolve either the issue of self-determination or the ongoing and egregious violations of human rights; and

Whereas, the threat of nuclear war between India and Pakistan has reached unprecedented levels because of the volatility of the issues attendant to the accession of Kashmir; and

Whereas, resolution of this conflict, the cessation of atrocities, and the reduction of the threat of nuclear war is unquestionably in the best interests of the people of the state of New Hampshire, the United States of America, and the world community of nations: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the New Hampshire general court, fully mindful of the sacred obligation embodied in our state motto, ''Live Free or Die,'' respectfully requests that the United States Senate and the United States House of Representatives immediately initiate hearings to discern all relevant facts and circumstances attendant to the Kashmiri conflict so as to facilitate its just, peaceful, and rapid resolution; to bring a cessation of atrocities against the people of Jammu and Kashmir; and to minimize the threat of nuclear war in Southwest Asia; and

That the New Hampshire general court hereby calls upon all parties to this conflict to adhere to the principles of the United Nations Charter on Human Rights forthwith, and grant observers from Amnesty International and Human Rights Watch free and unrestricted access to the entire State of Jammu and Kashmir to monitor the status of human rights therein; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, and the New Hampshire congressional delegation.

POM–73. A concurrent resolution adopted by the Legislature of the State of Michigan relative to federal transit funding for highways and transit programs; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 1

Whereas, Michigan faces a difficult task in maintaining a transportation network that meets the many needs of the individuals and businesses of this state. This challenge is made more difficult because of the fact that Michigan receives in return from the federal government far less in highway funding than we send to Washington; and

Whereas, under the provisions of the Transportation Equity Act for the 21st Century, Michigan currently receives approximately 90.5 cents in return for every highway dollar we send to the federal government. While this is a notable improvement

from the amounts received in prior years, it remains inadequate for our state's considerable overall transportation needs. In the area of transit, the deficiency of funding received from Washington is much more severe, with Michigan receiving only about 50 cents for each dollar we send through taxes; and

Whereas, this shortfall will present significant problems to certain aspects of our transportation infrastructure. As discussions take place on future funding mechanisms and the next federal transportation funding bill, it is imperative that a fairer approach be developed: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That we memorialize the Congress of the United States to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–74. A resolution adopted by the Senate of the State of Michigan relative to the United States Coast Guard Cutter Bramble; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 21

Whereas, Since its launch in 1943, the United States Coast Guard Cutter Bramble has served our nation in a variety of capacities. Following its six decades of service, the 180-foot buoy tender is scheduled for decommissioning in the spring of 2003; and

Whereas, The people of Port Huron, the home port of the Bramble since 1975, feel a strong sense of identity with the vessel. As a result, local citizens are working hard to make the cutter a permanent educational and historical resource of Port Huron by securing title and ownership for the Port Huron Museum of Arts and History. Members of the community have expressed a commitment to renovating the Bramble for its new role and maintaining it for the future; and

Whereas, The history of the missions undertaken by the Bramble will serve as a visible reminder of the many ways the Coast Guard serves our nation. The cutter's work during World War II, its journey through Arctic waters and the Bering Straits to the Atlantic in 1957, and its long years working to secure navigation and safety along the Great Lakes will provide invaluable lessons for visitors, especially children; and

Whereas, Legislation has been introduced in Congress to provide for the Coast Guard to convey the Bramble to the Port Huron Museum of Arts and History after decommissioning: Now, therefore, be it

Resolved by the senate, That we memorialize the Congress of the United States to enact legislation to provide for the United States Coast Guard to transfer ownership of the decommissioned Coast Guard Cutter Bramble to the Port Huron Museum of Arts and History; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–75. A concurrent resolution adopted by the Legislature of the State of South Dakota relative to memorializing the Congress to refrain from acquiring certain additional land for Wind Cave National Park; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 1019

Whereas, the United States Congress is considering legislation to add more than 5,500 acres to Wind Cave National Park; and

Whereas, Wind Cave National Park, located in the southern Black Hills, is the location of one of the longest and most complex cave systems in the United States and includes 28,000 acres of mixed-grass prairies and pine forests that provide habitat for bison, deer, elk, and many other species; and

Whereas, the proposed addition would involve the purchase of similar adjacent, private land; and

Whereas, residents of Custer and Fall River counties by a large margin do not support the proposed purchase of additional property for Wind Cave National Park; and

Whereas, the proposed purchase would reduce property tax revenues to Custer County and the Hot Springs School District, and federal payments in lieu of taxes would not be sufficient to make up for the loss; and

Whereas, the National Park Service prohibits hunting in Wind Cave National Park and would prohibit hunting in the additional areas to be purchased, and the National Park Service does not have a strong record in the area of wildlife management; and

Whereas, the purchase price for the proposed additional acres is higher than warranted and would drive the price of land in the area beyond the reach of agricultural producers: Now, therefore, be it

Resolved, by the House of Representatives of the Seventy-eighth Legislature of the State of South Dakota, the Senate concurring therein, That the South Dakota Legislature does not support the proposed purchase of additional land for an expansion of Wind Cave National Park currently under consideration by the United States Congress. The Legislature urges Congress to refrain from making the purchase and to allocate the resources intended for the purchase to more appropriate purposes.

POM–76. A concurrent resolution adopted by the Parish of Ascension of the State of Louisiana relative to establishing a national energy policy; to the Committee on Energy and Natural Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation.

*Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation.

*Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation.

*William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation.

*William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation.

*Alfred Plamann, of California, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

By Mr. HATCH for the Committee on the Judiciary.

Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Dee D. Drell, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Richard D. Bennett, of Maryland, to be United States District Judge for the District of Maryland.

Raul David Bejarano, of California, to be United States Marshal for the Southern District of California for the term of four years.

Allen Garber, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

*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 Ms. SNOWE:

S. 774. 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 Finance.

By Mrs. FEINSTEIN:

S. 775. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry-specific clients eligible for hazard mitigation and disaster assistance; to the Committee on Environment and Public Works.

By Mr. CAMPBELL:

S. 776. A bill to amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes; to the Committee on Governmental Affairs.

By Mr. INHOFE (for himself and Mr. BAUCUS):

S. 777. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself, Mr. ENSIGN, Mr. LUGAR, and Mr. INHOFE):

S. 778. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensures access to affordable prescription drugs; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mr. GRAHAM of Florida, and Mr. LIEBERMAN):

S. 779. A bill to amend the Federal Water Pollution Control Act to improve protection of treatment works from terrorist and other harmful and intentional acts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LOTT (for himself and Mr. COCHRAN):

S. 780. A bill to award a congressional gold medal to Chief Phillip Martin of the Mississippi Band of Choctaw Indians; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT (for himself and Mr. BREAUX):

S. 781. A bill to restore balance to the membership of the Gulf of Mexico Fisheries Management Council; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM of South Carolina:

S. 782. A bill to amend the National Labor Relations Act to provide for inflation adjustments to the mandatory jurisdiction thresholds of the National Labor Relations Board; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MILLER (for himself and Mr. CHAMBLISS):

S. 783. A bill to expedite the granting of posthumous citizenship to members of the United States Armed Forces; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 784. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. COLEMAN, Mr. HARKIN, Mr. CRAIG, Mr. JOHNSON , Mr. BURNS, Mr. DORGAN, Mr. ROBERTS, Mr. DAYTON, Mr. FITZGERALD, Mrs. LINCOLN, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, and Mr. HATCH):

S. 785. A bill to amend the Internal Revenue Code of 1986 to allow the payment of dividends on the stock of cooperatives without reducing patronage dividends; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, and Mr. BREAUX):

S. 786. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 787. A bill to provide for the fair treatment of the Federal judiciary relating to compensation and benefits, and to instill greater public confidence in the Federal courts; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. BROWNBACK, Mr. ROCKEFELLER, Mr. INOUYE, Ms. CANTWELL, and Mr. KERRY):

S. 788. A bill to enable the United States to maintain its leadership in aeronautics and aviation; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself and Mrs. BOXER):

S. 789. A bill to change the requirements for naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. LUGAR:

S. 790. A bill to authorize appropriations for the Department of State for fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; to the Committee on Foreign Relations.

By Mr. INHOFE (for himself, Mr. VOINOVICH, and Mr. TALENT):

S. 791. A bill to amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply, to increase production and use of renewable fuel, and to increase the Nation's energy independence, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DAYTON (for himself and Mr. COLEMAN):

S. Res. 104. A resolution commending the University of Minnesota Duluth Bulldogs for winning the 2002-2003 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 6, a bill to enhance homeland security and for other purposes.

S. 237

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 237, a bill to amend the Fair Labor Standards Act of 1938 to clarify the exemption from the minimum wage and overtime compensation requirements of that Act for certain construction engineering and design professionals.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 269

At the request of Mr. JEFFORDS, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 269, a bill to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

S. 387

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 387, a bill to amend title XVIII of the Social Security Act to extend the eligibility periods for geriatric graduate medical education, to permit the expansion of medical residency training programs in geriatric medicine, to provide for reimbursement of care coordination and assessment services provided under the medicare program, and for other purposes.

S. 442

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 442, a bill to provide pay protection for members of the Reserve and the National Guard, and for other purposes.

S. 460

At the request of Mrs. FEINSTEIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 460, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2004 through 2010 to carry out the State Criminal Alien Assistance Program.

S. 461

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 461, a bill to establish a program to promote hydrogen fuel cells, and for other purposes.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 518

At the request of Ms. COLLINS, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors 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. 560

At the request of Mr. CRAIG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 560, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 580

At the request of Mr. LUGAR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 580, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Russia.

S. 595

At the request of Mr. HATCH, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mrs. DOLE), the Senator from Michigan (Ms. STABENOW) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 607

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 607, a bill to improve patient access to health care services and provide

improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

S. 636

At the request of Ms. COLLINS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 636, a bill to amend title XVIII of the Social Security Act to provide for a permanent increase in medicare payments for home health services that are furnished in rural areas.

S. 645

At the request of Mr. LEVIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Hawaii (Mr. INOUYE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 645, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

S. 646

At the request of Mr. CORZINE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 646, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 648

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 648, a bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

S. 709

At the request of Mrs. DOLE, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 709, a bill to award a congressional gold medal to Prime Minister Tony Blair.

S. 731

At the request of Mr. BIDEN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 731, a bill to prohibit fraud and related activity in connection with authentication features, and for other purposes.

S. 750

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 750, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 755

At the request of Mr. BAUCUS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to provide a uniform definition of child, and for other purposes.

S. 760

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 760, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 771

At the request of Mr. BIDEN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 771, a bill to improve the investigation and prosecution of child abuse cases through Children Advocacy Centers.

S. 773

At the request of Mr. LEAHY, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 773, a bill to reauthorize funding for the National Center for Missing and Exploited Children, and for other purposes.

S.J. RES. 1

At the request of Mr. KYL, the names of the Senator from Ohio (Mr. DEWINE), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 26

At the request of Ms. LANDRIEU, the name of the Senator from Massachusetts (Mr. KERRY) 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. 31

At the request of Mr. LIEBERMAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of 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.

S. CON. RES. 32

At the request of Mr. GRAHAM of South Carolina, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. Con. Res. 32, a concurrent resolution expressing the sense of Congress regarding the protection of religious sites and the freedom of access and worship.

S. RES. 74

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. REID) 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.

S. RES. 97

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. Res. 97, a resolution expressing the sense of the Senate regarding the arrests of Cuban democracy activists by the Cuban Government.

AMENDMENT NO. 436

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 436 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 439

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 439 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 439

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 439 intended to be proposed to S. 762, supra.

AMENDMENT NO. 440

At the request of Mr. AKAKA, his name was added as a cosponsor of amendment No. 440 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 441

At the request of Mr. LEAHY, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. ENSIGN), the Senator from Michigan (Ms. STABENOW), the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 441 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 449

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of amendment No. 449 intended to be proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 451

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 451 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 455

At the request of Mr. KOHL, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. DORGAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Mr. DAYTON), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. DASCHLE), the Senator from Montana (Mr. BAUCUS), the Senator from Missouri (Mr. TALENT), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Maryland (Ms. MIKULSKI) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of amendment No. 455 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 459

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 459 proposed to S. 762, an original bill making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes.

AMENDMENT NO. 459

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 459 proposed to S. 762, supra.

AMENDMENT NO. 459

At the request of Mr. GRAHAM of Florida, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 459 proposed to S. 762, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 774. 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 Finance.

Ms. SNOWE. Mr. President, I rise today to once again introduce legislation to simplify and restore fairness to the tax accounting rules under which our six major U.S. naval shipyards determine their tax liability on the naval ship contracts they are awarded by the Navy.

Quite simply, this legislation would permit naval shipyards to use a method of accounting under which shipbuilders would pay income taxes upon delivery of a ship rather than during construction. Under current law, profits must be estimated during the construction phases of the shipbuilding process and taxes must be paid on those estimated profits, a process known as the ''Percent of Completion Method'' of accounting.

The major shortcoming of this method is that shipbuilders must report progress payments as ''revenue'' rather than as a source of financing, which had been recognized and permitted for the 64 years between 1918 and 1982. Additionally, it creates a ''legal fiction'' of an ''interim profit,'' when in reality a profit or loss is not reasonably known until after a ship is completed. This places a financial burden on shipbuilders during the critical construction phase; reduces the resources available to invest in facilities and processes to reduce construction costs; places a burden on the cash flow management of the shipbuilder; and weakens the financial health of the defense shipbuilding industrial base.

The legislation being proposed would simply allow naval shipbuilders and their team members to use a modified ''Completed Contract Method'' of accounting, under which the shipbuilder would pay taxes when the ship is actually delivered to the Navy. In other words, the delivery of each ship would be treated as the completion of the contract for ''Completed Contract'' purposes, regardless of how many ships are built under a contract.

Prior to 1982, Federal law permitted shipbuilders to use this method but the law was changed due to abuses by Federal contractors in another sector, having absolutely nothing to do with shipbuilding. Moreover, non-government shipbuilding contracts are already allowed to use this method of accounting, and this legislation contains provisions designed to prevent the types of abuses witnessed in the past. Specifically, the bill would restrict shipyards from deferring tax payments for a period beyond the time it takes to build a single ship.

This bill would not reduce the amount of taxes ultimately paid by the shipbuilder. It simply would defer payment until the profit is actually known upon delivery of the ship. I believe that this is the most fair and most sensible accounting method. It is the method that naval shipbuilders employed in the past. It is the method which commercial builders are permitted to use to this day. This legislation has the strong support of the major shipyards that build for the Navy. As such, I strongly urge my colleagues to join me in a strong show of support for this effort.

By Mrs. FEINSTEIN:

S. 775. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make private, nonprofit medical facilities that serve industry-specific clients eligible for hazard mitigation and disaster assistance; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill that would allow private, non-profit medical facilities which service industry-specific clients to be eligible for hazard mitigation and disaster assistance. Under the current law, institutions such as these are limited in their ability to receive the Federal funds needed for both preparedness and response in the case of emergencies.

In particular, I speak today of the Motion Picture & Television, MPTF, Hospital, located in the earthquake-prone San Fernando Valley. Set up more than 80 years ago to provide members of the entertainment industry with vital medical care and social services, the MPTF Hospital is the only institution of its kind in the United States.

With an acute care hospital, six outpatient facilities staffed with primary care physicians, a children's center, retirement facilities, and programs for the elderly, the MPTF Hospital provides comprehensive care for a significant sector of the population of the greater Los Angeles community. It is the only non-profit institution providing industry-specific health and human services to the entertainment industry and to the general public.

This legislation is important because in the aftermath of the Northridge Earthquake of 1994, considered one of the worst natural disasters in U.S. history, the MPTF Hospital was unable to receive federal assistance to repair structural and equipment damages suffered from the earthquake. Furthermore, that same year, the California Senate enacted legislation requiring all hospitals to be seismically retrofitted by 2010. The costs of both the reparations and structural upgrades are enormous, and the MPTF Hospital cannot receive federal funds because as an institution serving an industry-specific clientele, it does not qualify under the current definition of a ''private, nonprofit facility'' within the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, Stafford Act.

To address this problem, this legislation broadens that definition to include tax-exempt facilities that provide medical services to specific occupational or industry segments of the general public.

Under this change, facilities such as the MPTF Hospital would have the opportunity to apply for federal assistance under the Stafford Act, alongside other private, nonprofit institutions.

There is no up-front cost stemming from this amendment to the Stafford Act. This bill simply puts the MPTF Hospital on equal footing with other critical care facilities when applying for Federal disaster assistance.

This legislation is timely and necessary. Hospitals such as the MPTF deserve an opportunity to apply for Federal funding, and desperately need this financial assistance in order to both meet California's 2010 deadline for seismic retrofitting and respond adequately to future disasters. I call on this body to enact this legislation promptly.

By Mr. CAMPBELL:

S. 776. A bill to amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes; to the Committee on Governmental Affairs.

Mr. CAMPBELL. Mr. President, today I am introducing legislation that would amend Title V of the United States Code. It authorizes the Office of Personnel Management, OPM, to make payments to a disability trust or a pooled trust which is set up for a disabled dependent of a Federal worker in a way that would allow him or her to continue to receive Medicaid benefits.

My bill would put disabled dependents of federal workers on a par with disabled dependents of those in the private sector. In 1993, Congress passed a statute allowing disabled persons to have trusts. And, in 1999, the Supplemental Security Income, SSI, statute was amended to conform with the basic Medicaid law. But, as current law is interpreted, these protective trusts cannot be set up for disabled dependents of federal workers in a way that allows them to keep their other benefits.

This oversight can cause devastating and confusing circumstances for disabled dependents and their guardians. In Colorado, Lisa Neikirk, a Downs Syndrome child, became entitled to a small civil service retirement annuity from her father when he died in 1994. This benefit in the amount of $310 per month was just high enough to push her off SSI and Medicaid and she lost her benefits at that time.

Because Congress had recently passed a Medicaid statute allowing disabled people to have trusts, Lisa's mother created a trust for her. However, the Social Security Administration took the position that OPM statutes do not permit Lisa's benefit to be assigned to a trust without negating her Medicaid benefits. The Social Security Administration accepts these trusts with other assets but the OPM statute preexisted the 1993 law and would not allow benefits to be assigned to these trusts without this change. Lisa's situation is only one of several such cases throughout the country.

The bill I am introducing would grant to OPM the discretion to pay a retirement annuity to a disability trust which is set up for a person in a way which would allow them to continue to receive Medicaid benefits. This policy change has been very carefully drafted so that it cannot be abused. It stipulates a trust that is qualified under Medicaid law and adheres to two Medicaid statutes.

I believe it is important that we better protect disabled children of Federal workers. We need to make it clear that disabled dependents of Federal workers are protected by laws that now protect people in the private sector. In today's uncertain world, I believe dependents of federal workers need all the protection that is available to them under the law. We must not let outdated federal statutes put federal workers and their dependents at a disadvantage.

This legislation provides another step toward making our laws fair for the disabled in our country. I urge my colleagues to support its passage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objective, the bill was ordered to be printed in the RECORD, as follows:

S. 776

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

SECTION 1. AUTHORIZATION OF CERTAIN PAYMENTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM AND THE FEDERAL EMPLOYEES RETIREMENT SYSTEM TO CERTAIN TRUSTS UNDER THE SOCIAL SECURITY ACT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) PAYMENTS.—Section 8345(e) of title 5, United States Code, is amended in the first sentence by inserting before the period '', or is a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C))''.

(2) ASSIGNABILITY OF PAYMENTS.—Section 8346(a) of title 5, United States Code, is amended by striking ''except under'' and inserting ''except to a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)) or under''.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

(1) PAYMENTS.—Section 8466(c) of title 5, United States Code, is amended in the first sentence by inserting before the period '', or is a trustee under a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C))''.

(2) ASSIGNABILITY OF PAYMENTS.—Section 8470(a) of title 5, United States Code, is amended by striking ''except under'' and inserting ''except to a trust meeting the requirements of subparagraph (A) or (C) of section 1917(d)(4) of the Social Security Act (42 U.S.C. 1396p(d)(4) (A) or (C)) or under''.

By Mr. INHOFE (for himself and Mr. BAUCUS):

S. 777. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I rise today to introduce a bill to make the Impact Aid Program a Federal entitlement.

Impact Aid is one of the oldest Federal education programs, dating from the 1950's, and is meant to compensate a local school district for financial losses resulting from Federal properties or lands in that district. Congress met its obligation of fully funding Impact Aid until the 1970's. When the funding was cut in 1971, many districts that greatly depend on Impact Aid began to suffer. In the past few years, the Impact Aid payment formula has become increasingly complex, causing great funding disparities for the same types of students in different districts.

I have consistently supported increased appropriations for Impact Aid because it not only provides an essential revenue source for impacted districts, but it is also a Federal obligation. Often, close to 90 percent of a local school's funding is comprised of the local tax base. When the presence of the Federal Government in a community takes away from this tax base, we must compensate for this loss. When we do not fulfill our obligation by adequately funding Impact Aid, our children suffer the consequence such as lower test scores, lower attendance rates, crowded classrooms, and fewer and older facilities.

Although funding for Impact Aid has increased over the past few years, it still remains under-funded. Today, I am taking the first step to correct this inequity. My bill will require Congress to meet its duty to these children and schools that have been under-funded for so long. I urge my colleagues to join me in fulfilling our obligation by permanently fully funding the Impact Aid program.

Mr. BAUCUS. Mr. President, I rise today to join my friend and colleague Senator INHOFE in introducing a bill that will make a real difference in schools on or near military bases, Indian reservations, and other Federal lands. Our bill will make the Impact Aid Program a Federal entitlement.

We require public schools to accept all children from military families and tribal reservations. It is the right thing to do. But families in Federal housing or on reservations do not pay local property taxes, a traditional revenue source for school districts. While Impact Aid was designed to make up the difference, we have not met our obligation to public schools. Instead, we have let the Impact Aid Program fall prey to the annual appropriations process. This means that payments to Impact Aid schools are never guaranteed, are usually underfunded, and rarely arrive on time. In fact, Impact Aid has not been fully funded since the early 1980s. The result of this underfunding can been seen in Impact Aid schools in States across the country. Schools are cutting programs and staff, not buying new books and materials, and deferring maintenance on buildings to help cover classroom costs. As a result, schools like Hays Lodge Pole School in Montana cannot teach their students and maintain their school facility; in the last couple of years, the Hays Lodge Pole School has been susceptible to electrical fires and other structural hazards.

I am so proud of the students, teachers, and administrators that learn and work in our Impact Aid districts. They have gone above and beyond to make due with scant resources. In many cases, however, we have stretched school districts to the breaking point. We have an obligation to our schools and the students. We can and must do better than we have in the past.

The bill that Senator INHOFE and I are introducing today will make a difference. It requires the Federal Government to meet its obligation to these schools. As a result, districts will know when and how much they will receive. The guesswork will vanish, and school leaders will be able to focus on student achievement instead of budget games.

I recognize that creating a Federal entitlement program is not an easy task. But Impact Aid is not like other discretionary programs. It was set up to compensate school districts for the ''substantial and continuing financial burden resulting from Federal activities.'' It is not a program that supplements local programming. It is the only game in town, and when we do not meet our Federal obligation, there is no other program to pick up the slack. Other Federal education programs, such as title I, supplement insufficient local resources.

Importantly, Impact Aid is a Federal program that addresses Federal needs. Our bill recognizes that providing Impact Aid resources on time and in full helps federally impacted students learn and achieve. It also recognizes that Impact Aid funds are better spent in our schools than on plane tickets and expenses for Impact Aid officials to come to Washington to fight for dollars that they inherently deserve.

Finally, I want to say a little about my personal perspective on education. I honestly believe there is nothing more important than giving our children the best opportunities to succeed in life. That is a principle I hold very deeply. Nothing we can do for our children will make a bigger difference in their lives than giving them a solid education. Education provides greater advantages in the workplace, and greater personal enrichment; both of which lead to future personal and professional success. I have always believed that a quality public education system is not only the right of every child, but also the key to smart economic development. The investments we make in our education system today will provide our children with the skills and knowledge to be successful in the 21st century economy.

Our bill recognizes the importance of education and makes sure that our federally impacted school districts receive the money they deserve. More importantly, our bill makes sure that students in federally impacted schools will have an education that will prepare them for personal and professional success.

By Mr. HAGEL (for himself, Mr. ENSIGN, Mr. LUGAR, and Mr. INHOFE):

S. 778. A bill to amend title XVII of the Social Security Act to provide medicare beneficiaries with a drug discount card that ensure access to affordable prescription drugs; to the Committee on Finance.

Mr. HAGEL. 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. 778

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medicare Rx Drug Discount and Security Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Voluntary Medicare Prescription Drug Discount and Security Program.
''PART D—VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM
''Sec. 1860. Definitions.
''Sec. 1860A. Establishment of program.
''Sec. 1860B. Enrollment.
''Sec. 1860C. Providing enrollment and coverage information to beneficiaries.
''Sec. 1860D. Enrollee protections.
''Sec. 1860E. Annual enrollment fee.
''Sec. 1860F. Benefits under the program.
''Sec. 1860G. Requirements for entities to provide prescription drug coverage.
''Sec. 1860H. Payments to eligible entities for administering the catastrophic benefit.
''Sec. 1860I. Determination of income levels.
''Sec. 1860J. Appropriations.
''Sec. 1860K. Medicare Competition and Prescription Drug Advisory Board.''.
Sec. 3. Administration of Voluntary Medicare Prescription Drug Discount and Security Program.
Sec. 4. Exclusion of part D costs from determination of part B monthly premium.
Sec. 5. Medigap revisions.

SEC. 2. VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following new part:

''PART D—VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM

''DEFINITIONS

''SEC. 1860. In this part:

''(1) COVERED DRUG.—

''(A) IN GENERAL.—Except as provided in this paragraph, the term 'covered drug' means—

''(i) a drug that may be dispensed only upon a prescription and that is described in subparagraph (A)(i) or (A)(ii) of section 1927(k)(2); or

''(ii) a biological product described in clauses (i) through (iii) of subparagraph (B) of such section or insulin described in subparagraph (C) of such section,

and such term includes a vaccine licensed under section 351 of the Public Health Service Act and any use of a covered drug for a medically accepted indication (as defined in section 1927(k)(6)).

''(B) EXCLUSIONS.—

''(i) IN GENERAL.—Such term does not include drugs or classes of drugs, or their medical uses, which may be excluded from coverage or otherwise restricted under section 1927(d)(2), other than subparagraph (E) thereof (relating to smoking cessation agents), or under section 1927(d)(3).

''(ii) AVOIDANCE OF DUPLICATE COVERAGE.—A drug prescribed for an individual that would otherwise be a covered drug under this part shall not be so considered if payment for such drug is available under part A or B for an individual entitled to benefits under part A and enrolled under part B.

''(C) APPLICATION OF FORMULARY RESTRICTIONS.—A drug prescribed for an individual that would otherwise be a covered drug under this part shall not be so considered under a plan if the plan excludes the drug under a formulary and such exclusion is not successfully appealed under section 1860D(a)(4)(B).

''(D) APPLICATION OF GENERAL EXCLUSION PROVISIONS.—A prescription drug discount card plan or Medicare+Choice plan may exclude from qualified prescription drug coverage any covered drug—

''(i) for which payment would not be made if section 1862(a) applied to part D; or

''(ii) which are not prescribed in accordance with the plan or this part.

Such exclusions are determinations subject to reconsideration and appeal pursuant to section 1860D(a)(4).

''(2) ELIGIBLE BENEFICIARY.—The term 'eligible beneficiary' means an individual who is—

''(A) eligible for benefits under part A or enrolled under part B; and

''(B) not eligible for prescription drug coverage under a State plan under the medicaid program under title XIX.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means any—

''(A) pharmaceutical benefit management company;

''(B) wholesale pharmacy delivery system;

''(C) retail pharmacy delivery system;

''(D) insurer (including any issuer of a medicare supplemental policy under section 1882);

''(E) Medicare+Choice organization;

''(F) State (in conjunction with a pharmaceutical benefit management company);

''(G) employer-sponsored plan;

''(H) other entity that the Secretary determines to be appropriate to provide benefits under this part; or

''(I) combination of the entities described in subparagraphs (A) through (H).

''(4) POVERTY LINE.—The term 'poverty line' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services.

''ESTABLISHMENT OF PROGRAM

''SEC. 1860A. (a) PROVISION OF BENEFIT.—The Secretary shall establish a Medicare Prescription Drug Discount and Security Program under which the Secretary endorses prescription drug card plans offered by eligible entities in which eligible beneficiaries

may voluntarily enroll and receive benefits under this part.

''(b) ENDORSEMENT OF PRESCRIPTION DRUG DISCOUNT CARD PLANS.—

''(1) IN GENERAL.—The Secretary shall endorse a prescription drug card plan offered by an eligible entity with a contract under this part if the eligible entity meets the requirements of this part with respect to that plan.

''(2) NATIONAL PLANS.—In addition to other types of plans, the Secretary may endorse national prescription drug plans under paragraph (1).

''(c) VOLUNTARY NATURE OF PROGRAM.—Nothing in this part shall be construed as requiring an eligible beneficiary to enroll in the program under this part.

''(d) FINANCING.—The costs of providing benefits under this part shall be payable from the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

''ENROLLMENT

''SEC. 1860B. (a) ENROLLMENT UNDER PART D.—

''(1) ESTABLISHMENT OF PROCESS.—

''(A) IN GENERAL.—The Secretary shall establish a process through which an eligible beneficiary (including an eligible beneficiary enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization) may make an election to enroll under this part. Except as otherwise provided in this subsection, such process shall be similar to the process for enrollment under part B under section 1837.

''(B) REQUIREMENT OF ENROLLMENT.—An eligible beneficiary must enroll under this part in order to be eligible to receive the benefits under this part.

''(2) ENROLLMENT PERIODS.—

''(A) IN GENERAL.—Except as provided in this paragraph, an eligible beneficiary may not enroll in the program under this part during any period after the beneficiary's initial enrollment period under part B (as determined under section 1837).

''(B) SPECIAL ENROLLMENT PERIOD.—In the case of eligible beneficiaries that have recently lost eligibility for prescription drug coverage under a State plan under the medicaid program under title XIX, the Secretary shall establish a special enrollment period in which such beneficiaries may enroll under this part.

''(C) OPEN ENROLLMENT PERIOD IN 2004 FOR CURRENT BENEFICIARIES.—The Secretary shall establish a period, which shall begin on the date on which the Secretary first begins to accept elections for enrollment under this part, during which any eligible beneficiary may—

''(i) enroll under this part; or

''(ii) enroll or reenroll under this part after having previously declined or terminated such enrollment.

''(3) PERIOD OF COVERAGE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subject to subparagraph (C), an eligible beneficiary's coverage under the program under this part shall be effective for the period provided under section 1838, as if that section applied to the program under this part.

''(B) ENROLLMENT DURING OPEN AND SPECIAL ENROLLMENT.—Subject to subparagraph (C), an eligible beneficiary who enrolls under the program under this part under subparagraph (B) or (C) of paragraph (2) shall be entitled to the benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

''(4) PART D COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B OR ELIGIBILITY FOR MEDICAL ASSISTANCE.—

''(A) IN GENERAL.—In addition to the causes of termination specified in section 1838, the Secretary shall terminate an individual's coverage under this part if the individual is—

''(i) no longer enrolled in part A or B; or

''(ii) eligible for prescription drug coverage under a State plan under the medicaid program under title XIX.

''(B) EFFECTIVE DATE.—The termination described in subparagraph (A) shall be effective on the effective date of—

''(i) the termination of coverage under part A or (if later) under part B; or

''(ii) the coverage under title XIX.

''(b) ENROLLMENT WITH ELIGIBLE ENTITY.—

''(1) PROCESS.—The Secretary shall establish a process through which an eligible beneficiary who is enrolled under this part shall make an annual election to enroll in a prescription drug card plan offered by an eligible entity that has been awarded a contract under this part and serves the geographic area in which the beneficiary resides.

''(2) ELECTION PERIODS.—

''(A) IN GENERAL.—Except as provided in this paragraph, the election periods under this subsection shall be the same as the coverage election periods under the Medicare+Choice program under section 1851(e), including—

''(i) annual coordinated election periods; and

''(ii) special election periods.

In applying the last sentence of section 1851(e)(4) (relating to discontinuance of a Medicare+Choice election during the first year of eligibility) under this subparagraph, in the case of an election described in such section in which the individual had elected or is provided qualified prescription drug coverage at the time of such first enrollment, the individual shall be permitted to enroll in a prescription drug card plan under this part at the time of the election of coverage under the original fee-for-service plan.

''(B) INITIAL ELECTION PERIODS.—

''(i) INDIVIDUALS CURRENTLY COVERED.—In the case of an individual who is entitled to benefits under part A or enrolled under part B as of November 1, 2004, there shall be an initial election period of 6 months beginning on that date.

''(ii) INDIVIDUAL COVERED IN FUTURE.—In the case of an individual who is first entitled to benefits under part A or enrolled under part B after such date, there shall be an initial election period which is the same as the initial enrollment period under section 1837(d).

''(C) ADDITIONAL SPECIAL ELECTION PERIODS.—The Administrator shall establish special election periods—

''(i) in cases of individuals who have and involuntarily lose prescription drug coverage described in paragraph (3);

''(ii) in cases described in section 1837(h) (relating to errors in enrollment), in the same manner as such section applies to part B; and

''(iii) in the case of an individual who meets such exceptional conditions (including conditions provided under section 1851(e)(4)(D)) as the Secretary may provide.

''(D) ENROLLMENT WITH ONE PLAN ONLY.—The rules established under subparagraph (B) shall ensure that an eligible beneficiary may only enroll in 1 prescription drug card plan offered by an eligible entity per year.

''(3) MEDICARE+CHOICE ENROLLEES.—An eligible beneficiary who is enrolled under this part and enrolled in a Medicare+Choice plan offered by a Medicare+Choice organization must enroll in a prescription drug discount card plan offered by an eligible entity in order to receive benefits under this part. The beneficiary may elect to receive such benefits through the Medicare+Choice organization in which the beneficiary is enrolled if the organization has been awarded a contract under this part.

''(4) CONTINUOUS PRESCRIPTION DRUG COVERAGE.—An individual is considered for purposes of this part to be maintaining continuous prescription drug coverage on and after the date the individual first qualifies to elect prescription drug coverage under this part if the individual establishes that as of such date the individual is covered under any of the following prescription drug coverage and before the date that is the last day of the 63-day period that begins on the date of termination of the particular prescription drug coverage involved (regardless of whether the individual subsequently obtains any of the following prescription drug coverage):

''(A) COVERAGE UNDER PRESCRIPTION DRUG CARD PLAN OR MEDICARE+CHOICE PLAN.—Prescription drug coverage under a prescription drug card plan under this part or under a Medicare+Choice plan.

''(B) MEDICAID PRESCRIPTION DRUG COVERAGE.—Prescription drug coverage under a medicaid plan under title XIX, including through the Program of All-inclusive Care for the Elderly (PACE) under section 1934, through a social health maintenance organization (referred to in section 4104(c) of the Balanced Budget Act of 1997), or through a Medicare+Choice project that demonstrates the application of capitation payment rates for frail elderly medicare beneficiaries through the use of a interdisciplinary team and through the provision of primary care services to such beneficiaries by means of such a team at the nursing facility involved.

''(C) PRESCRIPTION DRUG COVERAGE UNDER GROUP HEALTH PLAN.—Any prescription drug coverage under a group health plan, including a health benefits plan under the Federal Employees Health Benefit Plan under chapter 89 of title 5, United States Code, and a qualified retiree prescription drug plan (as defined by the Secretary), but only if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

''(D) PRESCRIPTION DRUG COVERAGE UNDER CERTAIN MEDIGAP POLICIES.—Coverage under a medicare supplemental policy under section 1882 that provides benefits for prescription drugs (whether or not such coverage conforms to the standards for packages of benefits under section 1882(p)(1)) and if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

''(E) STATE PHARMACEUTICAL ASSISTANCE PROGRAM.—Coverage of prescription drugs under a State pharmaceutical assistance program, but only if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

''(F) VETERANS' COVERAGE OF PRESCRIPTION DRUGS.—Coverage of prescription drugs for veterans under chapter 17 of title 38, United States Code, but only if (subject to subparagraph (E)(ii)) the coverage provides benefits at least equivalent to the benefits under a prescription drug card plan under this part.

For purposes of carrying out this paragraph, the certifications of the type described in sections 2701(e) of the Public Health Service Act and in section 9801(e) of the Internal Revenue Code of 1986 shall also include a statement for the period of coverage of whether the individual involved had prescription drug coverage described in this paragraph.

''(5) COMPETITION.—Each eligible entity with a contract under this part shall compete for the enrollment of beneficiaries in a prescription drug card plan offered by the entity on the basis of discounts, formularies,

pharmacy networks, and other services provided for under the contract.

''PROVIDING ENROLLMENT AND COVERAGE INFORMATION TO BENEFICIARIES

''SEC. 1860C. (a) ACTIVITIES.—The Secretary shall provide for activities under this part to broadly disseminate information to eligible beneficiaries (and prospective eligible beneficiaries) regarding enrollment under this part and the prescription drug card plans offered by eligible entities with a contract under this part.

''(b) SPECIAL RULE FOR FIRST ENROLLMENT UNDER THE PROGRAM.—To the extent practicable, the activities described in subsection (a) shall ensure that eligible beneficiaries are provided with such information at least 60 days prior to the first enrollment period described in section 1860B(c).

''ENROLLEE PROTECTIONS

''SEC. 1860D. (a) REQUIREMENTS FOR ALL ELIGIBLE ENTITIES.—Each eligible entity shall meet the following requirements:

''(1) GUARANTEED ISSUANCE AND NONDISCRIMINATION.—

''(A) GUARANTEED ISSUANCE.—

''(i) IN GENERAL.—An eligible beneficiary who is eligible to enroll in a prescription drug card plan offered by an eligible entity under section 1860B(b) for prescription drug coverage under this part at a time during which elections are accepted under this part with respect to the coverage shall not be denied enrollment based on any health status-related factor (described in section 2702(a)(1) of the Public Health Service Act) or any other factor.

''(ii) MEDICARE+CHOICE LIMITATIONS PERMITTED.—The provisions of paragraphs (2) and (3) (other than subparagraph (C)(i), relating to default enrollment) of section 1851(g) (relating to priority and limitation on termination of election) shall apply to eligible entities under this subsection.

''(B) NONDISCRIMINATION.—An eligible entity offering prescription drug coverage under this part shall not establish a service area in a manner that would discriminate based on health or economic status of potential enrollees.

''(2) DISCLOSURE OF INFORMATION.—

''(A) INFORMATION.—

''(i) GENERAL INFORMATION.—Each eligible entity with a contract under this part to provide a prescription drug card plan shall disclose, in a clear, accurate, and standardized form to each eligible beneficiary enrolled in a prescription drug discount card program offered by such entity under this part at the time of enrollment and at least annually thereafter, the information described in section 1852(c)(1) relating to such prescription drug coverage.

''(ii) SPECIFIC INFORMATION.—In addition to the information described in clause (i), each eligible entity with a contract under this part shall disclose the following:

''(I) How enrollees will have access to covered drugs, including access to such drugs through pharmacy networks.

''(II) How any formulary used by the eligible entity functions.

''(III) Information on grievance and appeals procedures.

''(IV) Information on enrollment fees and prices charged to the enrollee for covered drugs.

''(V) Any other information that the Secretary determines is necessary to promote informed choices by eligible beneficiaries among eligible entities.

''(B) DISCLOSURE UPON REQUEST OF GENERAL COVERAGE, UTILIZATION, AND GRIEVANCE INFORMATION.—Upon request of an eligible beneficiary, the eligible entity shall provide the information described in paragraph (3) to such beneficiary.

''(C) RESPONSE TO BENEFICIARY QUESTIONS.—Each eligible entity offering a prescription drug discount card plan under this part shall have a mechanism for providing specific information to enrollees upon request. The entity shall make available, through an Internet website and, upon request, in writing, information on specific changes in its formulary.

''(3) GRIEVANCE MECHANISM, COVERAGE DETERMINATIONS, AND RECONSIDERATIONS.—

''(A) IN GENERAL.—With respect to the benefit under this part, each eligible entity offering a prescription drug discount card plan shall provide meaningful procedures for hearing and resolving grievances between the organization (including any entity or individual through which the eligible entity provides covered benefits) and enrollees with prescription drug card plans of the eligible entity under this part in accordance with section 1852(f).

''(B) APPLICATION OF COVERAGE DETERMINATION AND RECONSIDERATION PROVISIONS.—Each eligible entity shall meet the requirements of paragraphs (1) through (3) of section 1852(g) with respect to covered benefits under the prescription drug card plan it offers under this part in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

''(C) REQUEST FOR REVIEW OF TIERED FORMULARY DETERMINATIONS.—In the case of a prescription drug card plan offered by an eligible entity that provides for tiered cost-sharing for drugs included within a formulary and provides lower cost-sharing for preferred drugs included within the formulary, an individual who is enrolled in the plan may request coverage of a nonpreferred drug under the terms applicable for preferred drugs if the prescribing physician determines that the preferred drug for treatment of the same condition is not as effective for the individual or has adverse effects for the individual.

''(4) APPEALS.—

''(A) IN GENERAL.—Subject to subparagraph (B), each eligible entity offering a prescription drug card plan shall meet the requirements of paragraphs (4) and (5) of section 1852(g) with respect to drugs not included on any formulary in the same manner as such requirements apply to a Medicare+Choice organization with respect to benefits it offers under a Medicare+Choice plan under part C.

''(B) FORMULARY DETERMINATIONS.—An individual who is enrolled in a prescription drug card plan offered by an eligible entity may appeal to obtain coverage under this part for a covered drug that is not on a formulary of the eligible entity if the prescribing physician determines that the formulary drug for treatment of the same condition is not as effective for the individual or has adverse effects for the individual.

''(5) CONFIDENTIALITY AND ACCURACY OF ENROLLEE RECORDS.—Each eligible entity offering a prescription drug discount card plan shall meet the requirements of the Health Insurance Portability and Accountability Act of 1996.

''(b) ELIGIBLE ENTITIES OFFERING A DISCOUNT CARD PROGRAM.—If an eligible entity offers a discount card program under this part, in addition to the requirements under subsection (a), the entity shall meet the following requirements:

''(1) ACCESS TO COVERED BENEFITS.—

''(A) ASSURING PHARMACY ACCESS.—

''(i) IN GENERAL.—The eligible entity offering the prescription drug discount card plan shall secure the participation in its network of a sufficient number of pharmacies that dispense (other than by mail order) drugs directly to patients to ensure convenient access (as determined by the Secretary and including adequate emergency access) for enrolled beneficiaries, in accordance with standards established under section 1860D(a)(3) that ensure such convenient access.

''(ii) USE OF POINT-OF-SERVICE SYSTEM.—Each eligible entity offering a prescription drug discount card plan shall establish an optional point-of-service method of operation under which—

''(I) the plan provides access to any or all pharmacies that are not participating pharmacies in its network; and

''(II) discounts under the plan may not be available.

The additional copayments so charged shall not be counted as out-of-pocket expenses for purposes of section 1860F(b).

''(B) USE OF STANDARDIZED TECHNOLOGY.—

''(i) IN GENERAL.—Each eligible entity offering a prescription drug discount card plan shall issue (and reissue, as appropriate) such a card (or other technology) that may be used by an enrolled beneficiary to assure access to negotiated prices under section 1860F(a) for the purchase of prescription drugs for which coverage is not otherwise provided under the prescription drug discount card plan.

''(ii) STANDARDS.—The Secretary shall provide for the development of national standards relating to a standardized format for the card or other technology referred to in clause (i). Such standards shall be compatible with standards established under part C of title XI.

''(C) REQUIREMENTS ON DEVELOPMENT AND APPLICATION OF FORMULARIES.—If an eligible entity that offers a prescription drug discount card plan uses a formulary, the following requirements must be met:

''(i) PHARMACY AND THERAPEUTIC (P&T) COMMITTEE.—The eligible entity must establish a pharmacy and therapeutic committee that develops and reviews the formulary. Such committee shall include at least 1 physician and at least 1 pharmacist both with expertise in the care of elderly or disabled persons and a majority of its members shall consist of individuals who are a physician or a practicing pharmacist (or both).

''(ii) FORMULARY DEVELOPMENT.—In developing and reviewing the formulary, the committee shall base clinical decisions on the strength of scientific evidence and standards of practice, including assessing peer-reviewed medical literature, such as randomized clinical trials, pharmacoeconomic studies, outcomes research data, and such other information as the committee determines to be appropriate.

''(iii) INCLUSION OF DRUGS IN ALL THERAPEUTIC CATEGORIES.—The formulary must include drugs within each therapeutic category and class of covered drugs (although not necessarily for all drugs within such categories and classes).

''(iv) PROVIDER EDUCATION.—The committee shall establish policies and procedures to educate and inform health care providers concerning the formulary.

''(v) NOTICE BEFORE REMOVING DRUGS FROM FORMULARY.—Any removal of a drug from a formulary shall take effect only after appropriate notice is made available to beneficiaries and physicians.

''(vi) GRIEVANCES AND APPEALS RELATING TO APPLICATION OF FORMULARIES.—For provisions relating to grievances and appeals of coverage, see paragraphs (3) and (4) of section 1860D(a).

''(2) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE; MEDICATION THERAPY MANAGEMENT PROGRAM.—

''(A) IN GENERAL.—Each eligible entity offering a prescription drug discount card plan shall have in place with respect to covered drugs—

''(i) an effective cost and drug utilization management program, including medically appropriate incentives to use generic drugs and therapeutic interchange, when appropriate;

''(ii) quality assurance measures and systems to reduce medical errors and adverse drug interactions, including a medication therapy management program described in subparagraph (B); and

''(iii) a program to control fraud, abuse, and waste.

Nothing in this section shall be construed as impairing an eligible entity from applying cost management tools (including differential payments) under all methods of operation.

''(B) MEDICATION THERAPY MANAGEMENT PROGRAM.—

''(i) IN GENERAL.—A medication therapy management program described in this paragraph is a program of drug therapy management and medication administration that is designed to ensure, with respect to beneficiaries with chronic diseases (such as diabetes, asthma, hypertension, and congestive heart failure) or multiple prescriptions, that covered drugs under the prescription drug discount card plan are appropriately used to achieve therapeutic goals and reduce the risk of adverse events, including adverse drug interactions.

''(ii) ELEMENTS.—Such program may include—

''(I) enhanced beneficiary understanding of such appropriate use through beneficiary education, counseling, and other appropriate means;

''(II) increased beneficiary adherence with prescription medication regimens through medication refill reminders, special packaging, and other appropriate means; and

''(III) detection of patterns of overuse and underuse of prescription drugs.

''(iii) DEVELOPMENT OF PROGRAM IN COOPERATION WITH LICENSED PHARMACISTS.—The program shall be developed in cooperation with licensed pharmacists and physicians.

''(iv) CONSIDERATIONS IN PHARMACY FEES.—Each eligible entity offering a prescription drug discount card plan shall take into account, in establishing fees for pharmacists and others providing services under the medication therapy management program, the resources and time used in implementing the program.

''(C) TREATMENT OF ACCREDITATION.—Section 1852(e)(4) (relating to treatment of accreditation) shall apply to prescription drug discount card plans under this part with respect to the following requirements, in the same manner as they apply to Medicare+Choice plans under part C with respect to the requirements described in a clause of section 1852(e)(4)(B):

''(i) Paragraph (1) (including quality assurance), including any medication therapy management program under paragraph (2).

''(ii) Subsection (c)(1) (relating to access to covered benefits).

''(iii) Subsection (g) (relating to confidentiality and accuracy of enrollee records).

''(D) PUBLIC DISCLOSURE OF PHARMACEUTICAL PRICES FOR EQUIVALENT DRUGS.—Each eligible entity offering a prescription drug discount card plan shall provide that each pharmacy or other dispenser that arranges for the dispensing of a covered drug shall inform the beneficiary at the time of purchase of the drug of any differential between the price of the prescribed drug to the enrollee and the price of the lowest cost drug covered under the plan that is therapeutically equivalent and bioequivalent.

''ANNUAL ENROLLMENT FEE

''SEC. 1860E. (a) AMOUNT.—

''(1) IN GENERAL.—Except as provided in subsection (c), enrollment under the program under this part is conditioned upon payment of an annual enrollment fee of $25.

''(2) ANNUAL PERCENTAGE INCREASE.—

''(A) IN GENERAL.—In the case of any calendar year beginning after 2005, the dollar amount in paragraph (1) shall be increased by an amount equal to—

''(i) such dollar amount; multiplied by

''(ii) the inflation adjustment.

''(B) INFLATION ADJUSTMENT.—For purposes of subparagraph (A)(ii), the inflation adjustment for any calendar year is the percentage (if any) by which—

''(i) the average per capita aggregate expenditures for covered drugs in the United States for medicare beneficiaries, as determined by the Secretary for the 12-month period ending in July of the previous year; exceeds

''(ii) such aggregate expenditures for the 12-month period ending with July 2004.

''(C) ROUNDING.—If any increase determined under clause (ii) is not a multiple of $1, such increase shall be rounded to the nearest multiple of $1.

''(b) COLLECTION OF ANNUAL ENROLLMENT FEE.—

''(1) IN GENERAL.—Unless the eligible beneficiary makes an election under paragraph (2), the annual enrollment fee described in subsection (a) shall be collected and credited to the Federal Supplementary Medical Insurance Trust Fund in the same manner as the monthly premium determined under section 1839 is collected and credited to such Trust Fund under section 1840.

''(2) DIRECT PAYMENT.—An eligible beneficiary may elect to pay the annual enrollment fee directly or in any other manner approved by the Secretary. The Secretary shall establish procedures for making such an election.

''(c) WAIVER.—The Secretary shall waive the enrollment fee described in subsection (a) in the case of an eligible beneficiary whose income is below 200 percent of the poverty line.

''BENEFITS UNDER THE PROGRAM

''SEC. 1860F. (a) ACCESS TO NEGOTIATED PRICES.—

''(1) NEGOTIATED PRICES.—

''(A) IN GENERAL.—Subject to subparagraph (B), each prescription drug card plan offering a discount card program by an eligible entity with a contract under this part shall provide each eligible beneficiary enrolled in such plan with access to negotiated prices (including applicable discounts) for such prescription drugs as the eligible entity determines appropriate. Such discounts may include discounts for nonformulary drugs. If such a beneficiary becomes eligible for the catastrophic benefit under subsection (b), the negotiated prices (including applicable discounts) shall continue to be available to the beneficiary for those prescription drugs for which payment may not be made under section 1860H(b). For purposes of this subparagraph, the term 'prescription drugs' is not limited to covered drugs, but does not include any over-the-counter drug that is not a covered drug.

''(B) LIMITATIONS.—

''(i) FORMULARY RESTRICTIONS.—Insofar as an eligible entity with a contract under this part uses a formulary, the negotiated prices (including applicable discounts) for nonformulary drugs may differ.

''(ii) AVOIDANCE OF DUPLICATE COVERAGE.—The negotiated prices (including applicable discounts) for prescription drugs shall not be available for any drug prescribed for an eligible beneficiary if payment for the drug is available under part A or B (but such negotiated prices shall be available if payment under part A or B is not available because the beneficiary has not met the deductible or has exhausted benefits under part A or B).

''(2) DISCOUNT CARD.—The Secretary shall develop a uniform standard card format to be issued by each eligible entity offering a prescription drug discount card plan that shall be used by an enrolled beneficiary to ensure the access of such beneficiary to negotiated prices under paragraph (1).

''(3) ENSURING DISCOUNTS IN ALL AREAS.—The Secretary shall develop procedures that ensure that each eligible beneficiary that resides in an area where no prescription drug discount card plans are available is provided with access to negotiated prices for prescription drugs (including applicable discounts).

''(b) CATASTROPHIC BENEFIT.—

''(1) TEN PERCENT COST-SHARING.—Subject to any formulary used by the prescription drug discount card program in which the eligible beneficiary is enrolled, the catastrophic benefit shall provide benefits with cost-sharing that is equal to 10 percent of the negotiated price (taking into account any applicable discounts) of each drug dispensed to such beneficiary after the beneficiary has incurred costs (as described in paragraph (3)) for covered drugs in a year equal to the applicable annual out-of-pocket limit specified in paragraph (2).

''(2) ANNUAL OUT-OF-POCKET LIMITS.—For purposes of this part, the annual out-of-pocket limits specified in this paragraph are as follows:

''(A) BENEFICIARIES WITH ANNUAL INCOMES BELOW 200 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as determined under section 1860I) is below 200 percent of the poverty line, the annual out-of-pocket limit is equal to $1,500.

''(B) BENEFICIARIES WITH ANNUAL INCOMES BETWEEN 200 AND 400 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as so determined) equals or exceeds 200 percent, but does not exceed 400 percent, of the poverty line, the annual out-of-pocket limit is equal to $3,500.

''(C) BENEFICIARIES WITH ANNUAL INCOMES BETWEEN 400 AND 600 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as so determined) equals or exceeds 400 percent, but does not exceed 600 percent, of the poverty line, the annual out-of-pocket limit is equal to $5,500.

''(D) BENEFICIARIES WITH ANNUAL INCOMES THAT EXCEED 600 PERCENT OF THE POVERTY LINE.—In the case of an eligible beneficiary whose income (as so determined) equals or exceeds 600 percent of the poverty line, the annual out-of-pocket limit is an amount equal to 20 percent of that beneficiary's income for that year (rounded to the nearest multiple of $1).

''(3) APPLICATION.—In applying paragraph (2), incurred costs shall only include those expenses for covered drugs that are incurred by the eligible beneficiary using a card approved by the Secretary under this part that are paid by that beneficiary and for which the beneficiary is not reimbursed (through insurance or otherwise) by another person.

''(4) ANNUAL PERCENTAGE INCREASE.—

''(A) IN GENERAL.—In the case of any calendar year after 2005, the dollar amounts in subparagraphs (A), (B), and (C) of paragraph (2) shall be increased by an amount equal to—

''(i) such dollar amount; multiplied by

''(ii) the inflation adjustment determined under section 1860E(a)(2)(B) for such calendar year.

''(B) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $1, such increase shall be rounded to the nearest multiple of $1.

''(5) ELIGIBLE ENTITY NOT AT FINANCIAL RISK FOR CATASTROPHIC BENEFIT.—

''(A) IN GENERAL.—The Secretary, and not the eligible entity, shall be at financial risk for the provision of the catastrophic benefit under this subsection.

''(B) PROVISIONS RELATING TO PAYMENTS TO ELIGIBLE ENTITIES.—For provisions relating to payments to eligible entities for administering the catastrophic benefit under this subsection, see section 1860H.

''(6) ENSURING CATASTROPHIC BENEFIT IN ALL AREAS.—The Secretary shall develop procedures for the provision of the catastrophic benefit under this subsection to each eligible beneficiary that resides in an area where there are no prescription drug discount card plans offered that have been awarded a contract under this part.

''REQUIREMENTS FOR ENTITIES TO PROVIDE PRESCRIPTION DRUG COVERAGE

''SEC. 1860G. (a) ESTABLISHMENT OF BIDDING PROCESS.—The Secretary shall establish a process under which the Secretary accepts bids from eligible entities and awards contracts to the entities to provide the benefits under this part to eligible beneficiaries in an area.

''(b) SUBMISSION OF BIDS.—Each eligible entity desiring to enter into a contract under this part shall submit a bid to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

''(c) ADMINISTRATIVE FEE BID.—

''(1) SUBMISSION.—For the bid described in subsection (b), each entity shall submit to the Secretary information regarding administration of the discount card and catastrophic benefit under this part.

''(2) BID SUBMISSION REQUIREMENTS.—

''(A) ADMINISTRATIVE FEE BID SUBMISSION.—In submitting bids, the entities shall include separate costs for administering the discount card component, if applicable, and the catastrophic benefit. The entity shall submit the administrative fee bid in a form and manner specified by the Secretary, and shall include a statement of projected enrollment and a separate statement of the projected administrative costs for at least the following functions:

''(i) Enrollment, including income eligibility determination.

''(ii) Claims processing.

''(iii) Quality assurance, including drug utilization review.

''(iv) Beneficiary and pharmacy customer service.

''(v) Coordination of benefits.

''(vi) Fraud and abuse prevention.

''(B) NEGOTIATED ADMINISTRATIVE FEE BID AMOUNTS.—The Secretary has the authority to negotiate regarding the bid amounts submitted. The Secretary may reject a bid if the Secretary determines it is not supported by the administrative cost information provided in the bid as specified in subparagraph (A).

''(C) PAYMENT TO PLANS BASED ON ADMINISTRATIVE FEE BID AMOUNTS.—The Secretary shall use the bid amounts to calculate a benchmark amount consisting of the enrollment-weighted average of all bids for each function and each class of entity. The class of entity is either a regional or national entity, or such other classes as the Secretary may determine to be appropriate. The functions are the discount card and catastrophic components. If an eligible entity's combined bid for both functions is above the combined benchmark within the entity's class for the functions, the eligible entity shall collect additional necessary revenue through 1 or both of the following:

''(i) Additional fees charged to the beneficiary, not to exceed $25 annually.

''(ii) Use of rebate amounts from drug manufacturers to defray administrative costs.

''(d) AWARDING OF CONTRACTS.—

''(1) IN GENERAL.—The Secretary shall, consistent with the requirements of this part and the goal of containing medicare program costs, award at least 2 contracts in each area, unless only 1 bidding entity meets the terms and conditions specified by the Secretary under paragraph (2).

''(2) TERMS AND CONDITIONS.—The Secretary shall not award a contract to an eligible entity under this section unless the Secretary finds that the eligible entity is in compliance with such terms and conditions as the Secretary shall specify.

''(3) REQUIREMENTS FOR ELIGIBLE ENTITIES PROVIDING DISCOUNT CARD PROGRAM.—Except as provided in subsection (e), in determining which of the eligible entities that submitted bids that meet the terms and conditions specified by the Secretary under paragraph (2) to award a contract, the Secretary shall consider whether the bid submitted by the entity meets at least the following requirements:

''(A) LEVEL OF SAVINGS TO MEDICARE BENEFICIARIES.—The program passes on to medicare beneficiaries who enroll in the program discounts on prescription drugs, including discounts negotiated with manufacturers.

''(B) PROHIBITION ON APPLICATION ONLY TO MAIL ORDER.—The program applies to drugs that are available other than solely through mail order and provides convenient access to retail pharmacies.

''(C) LEVEL OF BENEFICIARY SERVICES.—The program provides pharmaceutical support services, such as education and services to prevent adverse drug interactions.

''(D) ADEQUACY OF INFORMATION.—The program makes available to medicare beneficiaries through the Internet and otherwise information, including information on enrollment fees, prices charged to beneficiaries, and services offered under the program, that the Secretary identifies as being necessary to provide for informed choice by beneficiaries among endorsed programs.

''(E) EXTENT OF DEMONSTRATED EXPERIENCE.—The entity operating the program has demonstrated experience and expertise in operating such a program or a similar program.

''(F) EXTENT OF QUALITY ASSURANCE.—The entity has in place adequate procedures for assuring quality service under the program.

''(G) OPERATION OF ASSISTANCE PROGRAM.—The entity meets such requirements relating to solvency, compliance with financial reporting requirements, audit compliance, and contractual guarantees as specified by the Secretary.

''(H) PRIVACY COMPLIANCE.—The entity implements policies and procedures to safeguard the use and disclosure of program beneficiaries' individually identifiable health information in a manner consistent with the Federal regulations (concerning the privacy of individually identifiable health information) promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996.

''(I) ADDITIONAL BENEFICIARY PROTECTIONS.—The program meets such additional requirements as the Secretary identifies to protect and promote the interest of medicare beneficiaries, including requirements that ensure that beneficiaries are not charged more than the lower of the negotiated retail price or the usual and customary price.

The prices negotiated by a prescription drug discount card program endorsed under this section shall (notwithstanding any other provision of law) not be taken into account for the purposes of establishing the best price under section 1927(c)(1)(C).

''(4) BENEFICIARY ACCESS TO SAVINGS AND REBATES.—The Secretary shall require eligible entities offering a discount card program to pass on savings and rebates negotiated with manufacturers to eligible beneficiaries enrolled with the entity.

''(5) NEGOTIATED AGREEMENTS WITH EMPLOYER-SPONSORED PLANS.—Notwithstanding any other provision of this part, the Secretary may negotiate agreements with employer-sponsored plans under which eligible beneficiaries are provided with a benefit for prescription drug coverage that is more generous than the benefit that would otherwise have been available under this part if such an agreement results in cost savings to the Federal Government.

''(e) REQUIREMENTS FOR OTHER ELIGIBLE ENTITIES.—An eligible entity that is licensed under State law to provide the health insurance benefits under this section shall be required to meet the requirements of subsection (d)(3). If an eligible entity offers a national plan, such entity shall not be required to meet the requirements of subsection (d)(3), but shall meet the requirements of Employee Retirement Income Security Act of 1974 that apply with respect to such plan.

''PAYMENTS TO ELIGIBLE ENTITIES FOR ADMINISTERING THE CATASTROPHIC BENEFIT

''SEC. 1860H. (a) IN GENERAL.—The Secretary may establish procedures for making payments to an eligible entity under a contract entered into under this part for—

''(1) the costs of providing covered drugs to beneficiaries eligible for the benefit under this part in accordance with subsection (b) minus the amount of any cost-sharing collected by the eligible entity under section 1860F(b); and

''(2) costs incurred by the entity in administering the catastrophic benefit in accordance with section 1860G.

''(b) PAYMENT FOR COVERED DRUGS.—

''(1) IN GENERAL.—Except as provided in subsection (c) and subject to paragraph (2), the Secretary may only pay an eligible entity for covered drugs furnished by the eligible entity to an eligible beneficiary enrolled with such entity under this part that is eligible for the catastrophic benefit under section 1860F(b).

''(2) LIMITATIONS.—

''(A) FORMULARY RESTRICTIONS.—Insofar as an eligible entity with a contract under this part uses a formulary, the Secretary may not make any payment for a covered drug that is not included in such formulary, except to the extent provided under section 1860D(a)(4)(B).

''(B) NEGOTIATED PRICES.—The Secretary may not pay an amount for a covered drug furnished to an eligible beneficiary that exceeds the negotiated price (including applicable discounts) that the beneficiary would have been responsible for under section 1860F(a) or the price negotiated for insurance coverage under the Medicare+Choice program under part C, a medicare supplemental policy, employer-sponsored coverage, or a State plan.

''(C) COST-SHARING LIMITATIONS.—An eligible entity may not charge an individual enrolled with such entity who is eligible for the catastrophic benefit under this part any copayment, tiered copayment, coinsurance, or other cost-sharing that exceeds 10 percent of the cost of the drug that is dispensed to the individual.

''(3) PAYMENT IN COMPETITIVE AREAS.—In a geographic area in which 2 or more eligible entities offer a plan under this part, the Secretary may negotiate an agreement with the entity to reimburse the entity for costs incurred in providing the benefit under this part on a capitated basis.

''(c) SECONDARY PAYER PROVISIONS.—The provisions of section 1862(b) shall apply to the benefits provided under this part.

''DETERMINATION OF INCOME LEVELS

''SEC. 1860I. (a) DETERMINATION OF INCOME LEVELS.—

''(1) IN GENERAL.—The Secretary shall establish procedures under which each eligible entity awarded a contract under this part determines the income levels of eligible beneficiaries enrolled in a prescription drug card plan offered by that entity at least annually for purposes of sections 1860E(c) and 1860F(b).

''(2) PROCEDURES.—The procedures established under paragraph (1) shall require each eligible beneficiary to submit such information as the eligible entity requires to make the determination described in paragraph (1).

''(b) ENFORCEMENT OF INCOME DETERMINATIONS.—The Secretary shall—

''(1) establish procedures that ensure that eligible beneficiaries comply with sections 1860E(c) and 1860F(b); and

''(2) require, if the Secretary determines that payments were made under this part to which an eligible beneficiary was not entitled, the repayment of any excess payments with interest and a penalty.

''(c) QUALITY CONTROL SYSTEM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a quality control system to monitor income determinations made by eligible entities under this section and to produce appropriate and comprehensive measures of error rates.

''(2) PERIODIC AUDITS.—The Inspector General of the Department of Health and Human Services shall conduct periodic audits to ensure that the system established under paragraph (1) is functioning appropriately.

''APPROPRIATIONS

''SEC. 1860J. There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Federal Supplementary Medical Insurance Trust Fund established under section 1841, an amount equal to the amount by which the benefits and administrative costs of providing the benefits under this part exceed the enrollment fees collected under section 1860E.

''MEDICARE COMPETITION AND PRESCRIPTION DRUG ADVISORY BOARD

''SEC. 1860K. (a) ESTABLISHMENT OF BOARD.—There is established a Medicare Prescription Drug Advisory Board (in this section referred to as the 'Board').

''(b) ADVICE ON POLICIES; REPORTS.—

''(1) ADVICE ON POLICIES.—The Board shall advise the Secretary on policies relating to the Voluntary Medicare Prescription Drug Discount and Security Program under this part.

''(2) REPORTS.—

''(A) IN GENERAL.—With respect to matters of the administration of the program under this part, the Board shall submit to Congress and to the Secretary such reports as the Board determines appropriate. Each such report may contain such recommendations as the Board determines appropriate for legislative or administrative changes to improve the administration of the program under this part. Each such report shall be published in the Federal Register.

''(B) MAINTAINING INDEPENDENCE OF BOARD.—The Board shall directly submit to Congress reports required under subparagraph (A). No officer or agency of the United States may require the Board to submit to any officer or agency of the United States for approval, comments, or review, prior to the submission to Congress of such reports.

''(c) STRUCTURE AND MEMBERSHIP OF THE BOARD.—

''(1) MEMBERSHIP.—The Board shall be composed of 7 members who shall be appointed as follows:

''(A) PRESIDENTIAL APPOINTMENTS.—

''(i) IN GENERAL.—Three members shall be appointed by the President, by and with the advice and consent of the Senate.

''(ii) LIMITATION.—Not more than 2 such members may be from the same political party.

''(B) SENATORIAL APPOINTMENTS.—Two members (each member from a different political party) shall be appointed by the President pro tempore of the Senate with the advice of the Chairman and the Ranking Minority Member of the Committee on Finance of the Senate.

''(C) CONGRESSIONAL APPOINTMENTS.—Two members (each member from a different political party) shall be appointed by the Speaker of the House of Representatives, with the advice of the Chairman and the Ranking Minority Member of the Committee on Ways and Means of the House of Representatives.

''(2) QUALIFICATIONS.—The members shall be chosen on the basis of their integrity, impartiality, and good judgment, and shall be individuals who are, by reason of their education, experience, and attainments, exceptionally qualified to perform the duties of members of the Board.

''(3) COMPOSITION.—Of the members appointed under paragraph (1)—

''(A) at least 1 shall represent the pharmaceutical industry;

''(B) at least 1 shall represent physicians;

''(C) at least 1 shall represent medicare beneficiaries;

''(D) at least 1 shall represent practicing pharmacists; and

''(E) at least 1 shall represent eligible entities.

''(d) TERMS OF APPOINTMENT.—

''(1) IN GENERAL.—Subject to paragraph (2), each member of the Board shall serve for a term of 6 years.

''(2) CONTINUANCE IN OFFICE AND STAGGERED TERMS.—

''(A) CONTINUANCE IN OFFICE.—A member appointed to a term of office after the commencement of such term may serve under such appointment only for the remainder of such term.

''(B) STAGGERED TERMS.—The terms of service of the members initially appointed under this section shall begin on January 1, 2005, and expire as follows:

''(i) PRESIDENTIAL APPOINTMENTS.—The terms of service of the members initially appointed by the President shall expire as designated by the President at the time of nomination, 1 each at the end of—

''(I) 2 years;

''(II) 4 years; and

''(III) 6 years.

''(ii) SENATORIAL APPOINTMENTS.—The terms of service of members initially appointed by the President pro tempore of the Senate shall expire as designated by the President pro tempore of the Senate at the time of nomination, 1 each at the end of—

''(I) 3 years; and

''(II) 6 years.

''(iii) CONGRESSIONAL APPOINTMENTS.—The terms of service of members initially appointed by the Speaker of the House of Representatives shall expire as designated by the Speaker of the House of Representatives at the time of nomination, 1 each at the end of—

''(I) 4 years; and

''(II) 5 years.

''(C) REAPPOINTMENTS.—Any person appointed as a member of the Board may not serve for more than 8 years.

''(D) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

''(e) CHAIRPERSON.—A member of the Board shall be designated by the President to serve as Chairperson for a term of 4 years or, if the remainder of such member's term is less than 4 years, for such remainder.

''(f) EXPENSES AND PER DIEM.—Members of the Board shall serve without compensation, except that, while serving on business of the Board away from their homes or regular places of business, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government employed intermittently.

''(g) MEETINGS.—

''(1) IN GENERAL.—The Board shall meet at the call of the Chairperson (in consultation with the other members of the Board) not less than 4 times each year to consider a specific agenda of issues, as determined by the Chairperson in consultation with the other members of the Board.

''(2) QUORUM.—Four members of the Board (not more than 3 of whom may be of the same political party) shall constitute a quorum for purposes of conducting business.

''(h) FEDERAL ADVISORY COMMITTEE ACT.—The Board shall be exempt from the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

''(i) PERSONNEL.—

''(1) STAFF DIRECTOR.—The Board shall, without regard to the provisions of title 5, United States Code, relating to the competitive service, appoint a Staff Director who shall be paid at a rate equivalent to a rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

''(2) STAFF.—

''(A) IN GENERAL.—The Board may employ, without regard to chapter 31 of title 5, United States Code, such officers and employees as are necessary to administer the activities to be carried out by the Board.

''(B) FLEXIBILITY WITH RESPECT TO CIVIL SERVICE LAWS.—

''(i) IN GENERAL.—The staff of the Board shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, subject to clause (ii), shall be paid without regard to the provisions of chapters 51 and 53 of such title (relating to classification and schedule pay rates).

''(ii) MAXIMUM RATE.—In no case may the rate of compensation determined under clause (i) exceed the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of the Federal Supplemental Medical Insurance Trust Fund established under section 1841, and the general fund of the Treasury, such sums as are necessary to carry out the purposes of this section.''.

(b) CONFORMING REFERENCES TO PREVIOUS PART D.—

(1) IN GENERAL.—Any reference in law (in effect before the date of enactment of this Act) to part D of title XVIII of the Social Security Act is deemed a reference to part E of such title (as in effect after such date).

(2) SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL.—Not later than 6 months after the date of enactment of this section, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of this section.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(2) IMPLEMENTATION.—Notwithstanding any provision of part D of title XVIII of the Social Security Act (as added by subsection (a)), the Secretary of Health and Human Services shall implement the Voluntary Medicare Prescription Drug Discount and Security Program established under such part in a manner such that—

(A) benefits under such part for eligible beneficiaries (as defined in section 1860 of such Act, as added by such subsection) with annual incomes below 200 percent of the poverty line (as defined in such section) are available to such beneficiaries not later than the date that is 6 months after the date of enactment of this Act; and

(B) benefits under such part for other eligible beneficiaries are available to such beneficiaries not later than the date that is 1 year after the date of enactment of this Act.

SEC. 3. ADMINISTRATION OF VOLUNTARY MEDICARE PRESCRIPTION DRUG DISCOUNT AND SECURITY PROGRAM.

(a) ESTABLISHMENT OF CENTER FOR MEDICARE PRESCRIPTION DRUGS.—There is established, within the Centers for Medicare & Medicaid Services of the Department of Health and Human Services, a Center for Medicare Prescription Drugs. Such Center shall be separate from the Center for Beneficiary Choices, the Center for Medicare Management, and the Center for Medicaid and State Operations.

(b) DUTIES.—It shall be the duty of the Center for Medicare Prescription Drugs to administer the Voluntary Medicare Prescription Drug Discount and Security Program established under part D of title XVIII of the Social Security Act (as added by section 2).

(c) DIRECTOR.—

(1) APPOINTMENT.—There shall be in the Center for Medicare Prescription Drugs a Director of Medicare Prescription Drugs, who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) RESPONSIBILITIES.—The Director shall be responsible for the exercise of all powers and the discharge of all duties of the Center for Medicare Prescription Drugs and shall have authority and control over all personnel and activities thereof.

(d) PERSONNEL.—The Director of the Center for Medicare Prescription Drugs may appoint and terminate such personnel as may be necessary to enable the Center for Medicare Prescription Drugs to perform its duties.

SEC. 4. EXCLUSION OF PART D COSTS FROM DETERMINATION OF PART B MONTHLY PREMIUM.

Section 1839(g) of the Social Security Act (42 U.S.C. 1395r(g)) is amended—

(1) by striking ''attributable to the application of section'' and inserting ''attributable to—

''(1) the application of section'';

(2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(2) the Voluntary Medicare Prescription Drug Discount and Security Program under part D.''.

SEC. 5. MEDIGAP REVISIONS.

Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following new subsection:

''(v) MODERNIZATION OF MEDICARE SUPPLEMENTAL POLICIES.—

''(1) PROMULGATION OF MODEL REGULATION.—

''(A) NAIC MODEL REGULATION.—If, within 9 months after the date of enactment of the Medicare Rx Drug Discount and Security Act of 2003, the National Association of Insurance Commissioners (in this subsection referred to as the 'NAIC') changes the 1991 NAIC Model Regulation (described in subsection (p)) to revise the benefit package classified as 'J' under the standards established by subsection (p)(2) (including the benefit package classified as 'J' with a high deductible feature, as described in subsection (p)(11)) so that—

''(i) the coverage for prescription drugs available under such benefit package is replaced with coverage for prescription drugs that complements but does not duplicate the benefits for prescription drugs that beneficiaries are otherwise entitled to under this title;

''(ii) a uniform format is used in the policy with respect to such revised benefits; and

''(iii) such revised standards meet any additional requirements imposed by the Medicare Rx Drug Discount and Security Act of 2003;

subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2005, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed under this subparagraph (such changed regulation referred to in this section as the '2005 NAIC Model Regulation').

''(B) REGULATION BY THE SECRETARY.—If the NAIC does not make the changes in the 1991 NAIC Model Regulation within the 9-month period specified in subparagraph (A), the Secretary shall promulgate, not later than 9 months after the end of such period, a regulation and subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after January 1, 2005, as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed by the Secretary under this subparagraph (such changed regulation referred to in this section as the '2005 Federal Regulation').

''(C) CONSULTATION WITH WORKING GROUP.—In promulgating standards under this paragraph, the NAIC or Secretary shall consult with a working group similar to the working group described in subsection (p)(1)(D).

''(D) MODIFICATION OF STANDARDS IF MEDICARE BENEFITS CHANGE.—If benefits under part D of this title are changed and the Secretary determines, in consultation with the NAIC, that changes in the 2005 NAIC Model Regulation or 2005 Federal Regulation are needed to reflect such changes, the preceding provisions of this paragraph shall apply to the modification of standards previously established in the same manner as they applied to the original establishment of such standards.

''(2) CONSTRUCTION OF BENEFITS IN OTHER MEDICARE SUPPLEMENTAL POLICIES.—Nothing in the benefit packages classified as 'A' through 'I' under the standards established by subsection (p)(2) (including the benefit package classified as 'F' with a high deductible feature, as described in subsection (p)(11)) shall be construed as providing coverage for benefits for which payment may be made under part D.

''(3) APPLICATION OF PROVISIONS AND CONFORMING REFERENCES.—

''(A) APPLICATION OF PROVISIONS.—The provisions of paragraphs (4) through (10) of subsection (p) shall apply under this section, except that—

''(i) any reference to the model regulation applicable under that subsection shall be deemed to be a reference to the applicable 2005 NAIC Model Regulation or 2005 Federal Regulation; and

''(ii) any reference to a date under such paragraphs of subsection (p) shall be deemed to be a reference to the appropriate date under this subsection.

''(B) OTHER REFERENCES.—Any reference to a provision of subsection (p) or a date applicable under such subsection shall also be considered to be a reference to the appropriate provision or date under this subsection.''.

By Mr. JEFFORDS (for himself, Mr. LAUTENBERG, Mr. GRAHAM of Florida, and Mr. LIEBERMAN):

S. 779. A bill to amend the Federal Water Pollution Control Act to improve protection of treatment works from terrorist and other harmful and intentional acts, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today with Senators LAUTENBERG, GRAHAM of Florida, and LIEBERMAN to introduce the Wastewater Treatment Works Security and Safety Act. This legislation provides for the safety and security of our Nation's wastewater treatment works by providing needed funds to conduct vulnerability assessments and implement security improvements. In addition, this bill will ensure long-term safety and security by providing funds for researching innovative technologies and enhancing proven vulnerability assessment tools already in use.

Since the terrible events of September 11, we have taken several comprehensive steps to protect our water supplies and infrastructure. I have spoken on the many initiatives taking place on the Committee on Environment and Public Works and at the Environmental Protection Agency to protect our Nation's critical water infrastructure. I am pleased to say that we have made some progress.

EPA worked with State and local governments to expeditiously provide guidance on the protection of drinking water facilities from terrorist attacks. Based on the recommendations of Presidential Decision Directive 63, issued by President Clinton in 1998, the Environmental Protection Agency and its industry partner, the Association of Metropolitan Water Agencies, established a communications system, a water infrastructure Information Sharing and Analysis Center, designed to provide real-time threat assessment data to water utilities throughout the Nation.

Last year, Senator SMITH and I worked to include the authorization of $160 million for vulnerability assessments at drinking water facilities as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Despite our hard work during the conference, we were unable to include a provision in that bill for wastewater facilities due to jurisdictional issues in the House.

While these initial efforts are essential, our task is by no means finished. We cannot forget the vital importance of protecting our Nation's wastewater facilities. Everyday we take for granted the hundreds of thousand of miles of

pipes buried underground and the thousands of wastewater treatment works that keep our water clean and safe. Like all our Nation's critical infrastructure, the disruption or destruction of these structures could have a devastating impact on public safety, health, and the economy.

The legislation I am introducing today will take us one step further by authorizing support of ongoing efforts to develop and implement vulnerability assessments and emergency response plans at wastewater facilities.

Using existing tools such as the Sandia Laboratory's vulnerability assessment tool or the Association of Metropolitan Sewerage Association's Vulnerability Self-Assessment Tool, treatment works will be able to securely identify critical areas of need. With the funds provided by this bill, EPA will also ensure that treatment works remedy areas of concerns. Using the results of the vulnerability assessment, treatment works will develop or revise emergency response plans to minimize damage if an attack were to occur.

This bill authorizes $180 million for fiscal years 2004 through 2008 for grants to conduct the vulnerability assessments and implement basic security enhancements. The bill also recognizes the need to address immediate and urgent security needs with a special $20 million authorization over 2004 and 2005.

In my home State of Vermont, we have only three towns of over 25,000 people. The small water facilities serving these communities have been particularly challenged to meet today's new homeland security challenges. Many times, water managers operate the town's water facilities as a part-time job or even as a free service. We must ensure that they are afforded the same consideration under this act as the medium and large facilities. This bill authorizes $15 million for grants to help small communities conduct vulnerability assessments, develop emergency response plans, and address potential threats to the treatment works. It also instructs the Administrator of the EPA to provide guidance to these communities on how to effectively use these security tools.

To ensure the continued development of wastewater security technologies, the Wastewater Treatment Works Security and Safety Act authorizes $15 million for research for 2004 through 2008. It also provides $500,000 to refine vulnerability self-assessment tools already in existence.

I look forward to working with my colleagues on this legislation and other efforts to enhance the security of our Nation's water infrastructure in the weeks, months, and years to come. We truly have something to protect—clean, safe, fresh water is worth our investment.

By Mr. MCCAIN.

S. 784. A bill to revise the boundary of the Petrified Forest National Park in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MCCAIN. Mr. President, I rise to introduce legislation to authorize expansion of the Petrified Forest National Park in Arizona. I'm pleased that Representative RICK RENZI will introduce companion legislation in the House of Representatives.

The Petrified Forest National Park is a national treasure among the Nation's parks, renowned for its large concentration of highly colored petrified wood, fossilized remains, and spectacular landscapes. However, it is much more than a colorful, scenic vista, for the Petrified Forest has been referred to as ''one of the world's greatest storehouses of knowledge about life on earth when the Age of the Dinosaurs was just beginning.''

For anyone whom has ever visited this park, one is quick to recognize the wealth of scenic, scientific, and historical values of this park. Preserved deposits of petrified wood and related fossils are among the most valuable representations of Triassic-period terrestrial ecosystems in the world. These natural formations were deposited more than 220 million years ago. Scenic vistas, designated wilderness areas, and other historically significant sites of pictographs and Native American ruins are added dimensions to the park.

The Petrified Forest was originally designated as a National Monument by former President Theodore Roosevelt in 1906 to protect the important natural and cultural resources of the Park, and later re-designated as a National Park in 1962. While several boundary adjustments were made to the Park, a significant portion of unprotected resources remain in outlying areas adjacent to the Park.

A proposal to expand the Park's boundaries was recommended in the park's General Management Plan in 1992, in response to concerns about the long-term protection needs of globally significant resources and the Park's viewshed in nearby areas. For example, one of the most concentrated deposits of petrified wood is found within the Chinle encarpment, of which only thirty percent is included within the current Park boundaries.

Increasing reports of theft and vandalism around the Park have activated the Park, local communities, and other interested entities to seek additional protections through a proposed boundary expansion. It has been estimated that visitors to the Park steal about 12 tons of petrified wood every year. Other reports of destruction to archaeological sites and gravesites have also been documented. Based on these continuing threats to resources intrinsic to the Park, the National Parks Conservation Association listed the Petrified Forest National Park on its list of Top Ten Most Endangered Parks in 2000.

Support for this proposed boundary expansion is extraordinary, from the local community of Holbrook, scientific and research institutions, state tourism agencies, and environmental groups, such as the National Parks Conservation Association, NPCA. I ask unanimous consent that a letter of support from the National Parks Conservation Association be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL PARKS CONSERVATION ASSOCIATION,
March 20, 2003.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR MCCAIN: I wish to express the appreciation of the National Parks Conservation Association (NPCA) for your reintroduction of the Petrified Forest National Park Expansion Act. Every day that passes without adequately protecting the remarkable resources adjacent to this gem of the National Park System places them and the park at greater risk. NPCA strongly agrees with the National Park Service's 1992 findings that the park should be expanded. Now, with your leadership and with private landowners within the proposed expansion area anxious to sell their land, we believe the time has come to pass this important legislation.

It is hard to imagine a better example of an outdoor classroom than Petrified Forest National Park. This boundary expansion will ensure long-term protection of globally significant paleontological resources outside the park, which are believed even to surpass those within the present park boundary. Only 30 percent of the 22-mile long Chinle escarpment, known to constitute the best record of Triassic period terrestrial ecosystems found anywhere in the world, is protected within the park. The opportunities for schoolchildren in Arizona and elsewhere, for the scientific community, and others to learn from the 225 million-year old record entombed in these lands is truly incredible. The lessons locked within Petrified Forest and the proposed expansion lands can give us important perspectives about how modern day challenges like global warming and biodiversity relate to historical changes in the earth's climate and environment, dating back to prehistoric times. And they can excite the next generation of scientists the nation will need to compete in the 21st century.

In addition to the Chinle, the expansion would protect major ancestral puebloan archaeological sites dating as far back as 7,000 years, and the incredible vista from the park's Blue Mesa. It will also alleviate the threat of encroaching incompatible development and will greatly enhance the National Park Service's capability to protect the resources from vandalism and illegal pothunting.

I have had the opportunity to discuss this expansion proposal with Arizona's new governor, Janet Napolitano and her staff and am very encouraged by their strong interest. NPCA looks forward to working with you, your able staff, the Arizona delegation, the new governor, and the park service to build upon the progress we made in last year's negotiations on the bill.

Expanding Petrified Forest National Park will be a gift the American people will appreciate for generations to come. In addition, I can think of no more fitting tribute to the park's late superintendent, Michele Hellickson, than saving the resource she fought to protect for so many years. Because

it provides such a compelling explanation about why this expansion is so important, I am attaching an article by David Gillette, the Colbert Curator of Paleontology at the Museum of Northern Arizona, which was published in our magazine last fall. Thank you for advancing this important proposal to protect a truly remarkable resource for our nation and the rest of the world.

Sincerely,

CRAIG D. OBEY,
Vice President for Government Affairs.

The legislation I am introducing today is intended to serve as a placeholder bill for further development of a boundary expansion proposal. The legislation is identical to the version introduced in the 107th Congress. Several key issues remain that require resolution, including the exact definition of the expanded boundary acreage as well as the disposition and possible acquisition of private and State lands within the proposed expansion area.

It's encouraging to note that the four major landowners within the proposed boundary expansion area have expressed interest in the Park expansion. Other public landowners, primarily the state of Arizona and the Bureau of Land Management, have recognized the significance of the paleontological resources on its lands adjacent to the Park. The Arizona State Trust land Department closed nearby State trust lands to both surface and subsurface applications. Additionally, the Bureau of Land Management has identified its land-holdings within the proposed expansion area for disposal and possible transfer to the Park.

Other issues involving additional private landholders and State trust land must still be resolved. In particular, the State of Arizona has specific requirements which must be addressed as the legislation moves through the process, particularly with regard to compensation to the state for any acquisitions of State trust lands by the Secretary of the Interior, in keeping with the requirements of State law.

I fully intend to address these issues in consultation with affected entities and resolve any additional questions within a reasonable time-frame. A historic opportunity exists to alleviate major threats to these nationally significant resources and preserve them for our posterity.

On a personal note, I'd like to acknowledge the former Park Superintendent of Petrified Forest National Park, Michele Hellickson, who recently lost a battle with cancer a few months ago. She served as Park Superintendent for nine years, from 1993 to 2002, and was one of the most ardent supporters to protect the resources of this Park. Her commitment to protect this incredible Park will long be remembered and acknowledged.

I look forward to working with my colleagues on both sides of the aisle to ensure swift consideration and enactment of this proposal. Time is of the essence to ensure the long-term protection of these rare and important resources for the enjoyment and educational value for future generations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 784

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 ''Petrified Forest National Park Expansion Act of 2003''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Petrified Forest National Park was established—

(A) to preserve and interpret the globally significant paleontological resources of the Park that are generally regarded as the most important record of the Triassic period in natural history; and

(B) to manage those resources to retain significant cultural, natural, and scenic values;

(2) significant paleontological, archaeological, and scenic resources directly related to the resource values of the Park are located in land areas adjacent to the boundaries of the Park;

(3) those resources not included within the boundaries of the Park—

(A) are vulnerable to theft and desecration; and

(B) are disappearing at an alarming rate;

(4) the general management plan for the Park includes a recommendation to expand the boundaries of the Park and incorporate additional globally significant paleontological deposits in areas adjacent to the Park—

(A) to further protect nationally significant archaeological sites; and

(B) to protect the scenic integrity of the landscape and viewshed of the Park; and

(5) a boundary adjustment at the Park will alleviate major threats to those nationally significant resources.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to acquire 1 or more parcels of land—

(1) to expand the boundaries of the Park; and

(2) to protect the rare paleontological and archaeological resources of the Park.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term ''map'' means the map entitled ''Proposed Boundary Adjustments, Petrified Forest National Park'', numbered ___, and dated _____.

(2) PARK.—The term ''Park'' means the Petrified Forest National Park in the State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) STATE.—The term ''State'' means the State of Arizona.

SEC. 4. BOUNDARY REVISION.

(a) IN GENERAL.—The boundary of the Park is revised to include approximately _____ acres, as generally depicted on the map.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ACQUISITION OF ADDITIONAL LAND.

(a) PRIVATE LAND.—The Secretary may acquire from a willing seller, by purchase, exchange, or by donation, any private land or interests in private land within the revised boundary of the Park.

(b) STATE LAND.—

(1) IN GENERAL.—The Secretary may, with the consent of the State and in accordance with State law, acquire from the State any State land or interests in State land within the revised boundary of the Park by purchase or exchange.

(2) PLAN.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, in coordination with the State, develop a plan for acquisition of State land or interests in State land identified for inclusion within the revised boundary of the Park.

SEC. 6. ADMINISTRATION.

(a) IN GENERAL.—Subject to applicable laws, all land and interests in land acquired under this Act shall be administered by the Secretary as part of the Park.

(b) TRANSFER OF JURISDICTION.—The Secretary shall transfer to the National Park Service administrative jurisdiction over any land under the jurisdiction of the Secretary that—

(1) is depicted on the map as being within the boundaries of the Park; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

(c) GRAZING.—

(1) IN GENERAL.—The Secretary shall permit the continuation of grazing on land transferred to the Secretary under this Act, subject to applicable laws (including regulations) and Executive orders.

(2) TERMINATION OF LEASES OR PERMITS.—Nothing in this subsection prohibits the Secretary from accepting the voluntary termination of a grazing permit or grazing lease within the Park.

(d) AMENDMENT TO GENERAL MANAGEMENT PLAN.—Not later than 3 years after the date of enactment of this Act, the Secretary shall amend the general management plan for the Park to address the use and management of any additional land acquired under this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. DASCHLE, Mr. COLEMAN, Mr. HARKIN, Mr. CRAIG, Mr. JOHNSON, Mr. BURNS, Mr. DORGAN, Mr. ROBERTS, Mr. DAYTON, Mr. FITZGERALD, Mrs. LINCOLN, Mr. COCHRAN, Mr. HAGEL, Mr. CONRAD, and Mr. HATCH):

S. 785. A bill to amend the Internal Revenue Code of 1986 to allow the payment of dividends on the stock of cooperatives without reducing patronage dividends; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today I am introducing a very important piece of legislation to modify the cooperative dividend allocation rule. I would like to thank Senator GRASSLEY and my other colleagues that have signed on the bill for their support for correcting this rule.

America's agriculture industry has not had it easy in recent years. In Montana and other areas of the country, drought, low prices and the economic downturn have hit our farms and ranches hard. Over the past few years Congress has worked diligently to help our Nation's smaller agriculture producers. However, there is more work to be done.

Senator GRASSLEY and I recently introduced ''The Tax Empowerment and

Relief for Farmers and Fisherman Act'', TERFF, with the intention of giving farmers the tools to help themselves. One provision within that Act deals with the payment of dividends on cooperatives' stock. Today we are introducing that provision on its own to emphasize the importance of changing the dividend allocation rule.

Currently, the dividend allocation rule reduces patronage income when a cooperative pays a dividend on capital stock from non-patronage earnings. This reduces the amount cooperatives can pay back to their farmer patrons and inhibits their ability to equity-finance operations.

Modifying this rule will make farmer cooperatives more competitive and provide better access to capital. This piece of legislation will help revitalize farmer cooperatives by providing more accurate tax treatment for patronage and non-patronage income.

I look forward to working with my colleagues to enact the critical piece of legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 785

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

SECTION 1. PAYMENT OF DIVIDENDS ON STOCK OF COOPERATIVES WITHOUT REDUCING PATRONAGE DIVIDENDS.

(a) IN GENERAL.—Subsection (a) of section 1388 of the Internal Revenue Code of 1986 (relating to patronage dividend defined) is amended by adding at the end the following new sentence: ''For purposes of paragraph (3), net earnings shall not be reduced by amounts paid during the year as dividends on capital stock or other proprietary capital interests of the organization to the extent that the articles of incorporation or bylaws of such organization or other contract with patrons provide that such dividends are in addition to amounts otherwise payable to patrons which are derived from business done with or for patrons during the taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions in taxable years beginning after the date of the enactment of this Act.

Mr. GRASSLEY. Mr. President, the Dividend Allocation Rule, DAR, is the result of several old court cases and subsequent IRS interpretation that applies only to cooperatives which are corporations. When a non cooperative corporation pays a dividend to its shareholder the corporation pays tax on the dividend issued and the shareholder pays a tax on the dividend received, so they pay two levels of taxation. In fact, under the President's dividend exclusion proposal as presented to the U.S. Congress, the President of the United States makes a compelling argument that being taxed twice is inherently unfair and it would be good for the Nation's economy that only one level of tax should be paid by the corporation and that the shareholder would receive the dividend tax free.

Well—if two levels of taxation on corporations and their shareholders is unfair and adverse to the creation of capital and the economy—how would you like to try to operate as a fiscally sound business entity if you had to figure out every day how you were going to generate enough cash flow to pay THREE levels of taxation.

Current law requires corporate cooperatives to treat income from their member-owners, patrons, separate from income of their non-members money. Contributions and earnings used by the cooperative to operate is typically called retained patronage. The member, unlike a shareholder, has to pay income tax on that amount even if the Cooperative retains the money for operation expenses. Then, because of the IRS' rules, when the Cooperative returns money to its non-members it loses its corporate deduction which in turn reduces the return of earnings that the patron has already paid taxes on—the result is a triple layer of tax. This rule is inherently unfair to our corporate cooperatives.

Now is the time to finally correct this injustice. The Congress passed this bill in 106th Congress, but it was subsequently vetoed by the President. It was a part of a bill I sponsored the ''Tax Empowerment and Relief for Farmers and Fishermen, TERFF, Act'' in the 107th, and now it is time for the Senate to pass it again in the 108th. As Chairman of the Finance Committee, I am proud to join with my Ranking Member MAX BAUCUS to introduce the bill to repeal the Dividend Allocation Rule. We have been joined by many of our farm States' Senators in a truly bipartisan effort to correct this financial injustice.

The time to act is now and this bipartisan legislation will eliminate the adverse tax problem and will help rejuvenate over 100 of our farmer cooperative networks in Iowa and nearly 3000 of our cooperatives across the America.

By Mr. BINGAMAN (for himself, Mr. ROCKEFELLER, and Mr. BREAUX):

S. 786. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to provide grants for transitional jobs programs, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Business Links Act, on behalf of myself, Senator ROCKEFELLER and Senator BREAUX.

The Business Links Act is a companion bill to the Education Works Act, which I introduced a short time ago. Both of these bills address the need to support State efforts to use welfare to work strategies that combine work with a flexible mix of education, training and other supports. The Business Links Act, more specifically, provides resources to States seeking to implement one of the most effective of these types of programs: transitional jobs programs. These programs provide subsidized, temporary, wage-paying jobs for 20 to 35 hours a week, along with access to job readiness, basic education, vocational skills, and other barrier-removal services based on individualized plans. The Business Links Act would provide states with funding to implement these transitional jobs programs and other training and support programs such as Business Links.

Existing transitional jobs programs are achieving great outcomes. Research has shown that 81 percent to 94 percent of those who completed transitional jobs programs went on to unsubsidized jobs with wages, and that most of these individuals moved into full-time employment. Transitional jobs can be particularly effective for the hardest to serve welfare recipients. For people who face barriers, or who lack the skills or experience to compete successfully in the labor market, paid work in a supportive environment, together with access to needed services provides a real chance to move into stable, permanent employment. Transitional jobs not only help individuals, but communities as well. In providing work opportunities for hard-to-employ individuals, these programs reduce pressure on local emergency systems and decrease government expenditures on health care, food stamps, and cash assistance.

Our legislation also supports ''business link'' programs that provide individuals with fewer barriers and those who have historically found only very low wage employment with intensive training and skill development activities designed to lead to long-term, higher paid employment. These programs are based on partnerships with the private sector. In my home State, just such a program is producing great results the Teamworks program. During a 12-week course, participants are provided with training in life and employment skills, necessary supports such as childcare and transportation, assistance in their job search efforts and ongoing support for 18 months after job placement. Impressively, the average wage of those completing the program is $1.50 per hour higher than other programs and job retention rates are 20 percent higher.

Additional Federal support for transitional job and business link programs is sorely needed. The Welfare-to-work funds that have previously been used to support these programs are nearly exhausted. In addition, in a period of rising caseloads and state budget crises such as we are now facing, funding transitional jobs solely with existing TANF funds will be very difficult.

I urge my colleagues to join me in supporting the Business Links Act, which will provide States with the tools they need to implement programs that work. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 786

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 ''Business Links Act of 2003''.

SEC. 2. TRANSITIONAL JOBS GRANTS.

(a) IN GENERAL.—Section 403(a)(4) of the Social Security Act (42 U.S.C. 603(a)(4)) is amended to read as follows:

''(4) INNOVATIVE BUSINESS LINK PARTNERSHIP GRANTS.—

''(A) IN GENERAL.—The Secretary and the Secretary of Labor (in this paragraph referred to as the ''Secretaries'') jointly shall award grants in accordance with this paragraph for projects proposed by eligible applicants based on the following:

''(i) The potential effectiveness of the proposed project in carrying out the activities described in subparagraph (E).

''(ii) Evidence of the ability of the eligible applicant to leverage private, State, and local resources.

''(iii) Evidence of the ability of the eligible applicant to coordinate with other organizations at the State and local level.

''(B) DEFINITION OF ELIGIBLE APPLICANT.—

''(i) IN GENERAL.—In this paragraph, the term 'eligible applicant' means a nonprofit organization, a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), a State, a political subdivision of a State, or an Indian tribe.

''(ii) GRANTS TO PROMOTE BUSINESS LINKAGES.—

''(I) ADDITIONAL ELIGIBLE APPLICANT.—Only for purposes of grants to carry out the activities described in subparagraph (E)(i), the term 'eligible applicant' includes an employer.

''(II) ADDITIONAL REQUIREMENT.—In order to qualify as an eligible applicant for purposes of subparagraph (E)(i), the applicant must provide evidence that the application has been developed by and will be implemented by a local or regional consortium that includes, at minimum, employers or employer associations, and education and training providers, in consultation with local labor organizations and social service providers that work with low-income families or individuals with disabilities.

''(C) REQUIREMENTS.—

''(i) IN GENERAL.—In awarding grants under this paragraph, the Secretaries shall—

''(I) consider the needs of rural areas and cities with large concentrations of residents with an income that is less than 150 percent of the poverty line; and

''(II) ensure that—

''(aa) all of the funds made available under this paragraph (other than funds reserved for use by the Secretaries under subparagraph (J)) shall be used for activities described in subparagraph (E);

''(bb) not less than 40 percent of the funds made available under this paragraph (other than funds so reserved) shall be used for activities described in subparagraph (E)(i); and

''(cc) not less than 40 percent of the funds made available under this paragraph (other than funds so reserved) shall be used for the activities described in subparagraph (E)(ii).

''(ii) CONTINUATION OF AVAILABILITY.—If any portion of the funds required to be used for activities referred to in item (bb) or (cc) of clause (i)(II) are not awarded in a fiscal year, such portion shall continue to be available in the subsequent fiscal year for the same activity, in addition to other amounts that may be available for such activities for that subsequent fiscal year.

''(D) DETERMINATION OF GRANT AMOUNT.—

''(i) IN GENERAL.—Subject to clause (ii), in determining the amount of a grant to be awarded under this paragraph for a project proposed by an eligible applicant, the Secretaries shall provide the eligible applicant with an amount sufficient to ensure that the project has a reasonable opportunity to be successful, taking into account—

''(I) the number and characteristics of the individuals to be served by the project;

''(II) the level of unemployment in the area to be served by the project;

''(III) the job opportunities and job growth in such area;

''(IV) the poverty rate for such area; and

''(V) such other factors as the Secretary deems appropriate in such area.

''(ii) MAXIMUM AWARD FOR GRANTS TO PROMOTE BUSINESS LINKAGES OR PROVIDE TRANSITIONAL JOBS PROGRAMS.—

''(I) IN GENERAL.—In the case of a grant to carry out activities described in clause (i) or (ii) of subparagraph (E), an eligible applicant awarded a grant under this paragraph may not receive more than $10,000,000 per fiscal year under the grant.

''(II) RULE OF CONSTRUCTION.—Nothing in subclause (I) shall be construed as precluding an otherwise eligible applicant from receiving separate grants to carry out activities described in clause (i) or (ii) of subparagraph (E).

''(iii) GRANT PERIOD.—The period in which a grant awarded under this paragraph may be used shall be specified for a period of not less than 36 months and not more than 60 months.

''(E) ALLOWABLE ACTIVITIES.—An eligible applicant awarded a grant under this paragraph shall use funds provided under the grant to do the following:

''(i) PROMOTE BUSINESS LINKAGES.—

''(I) IN GENERAL.—To promote business linkages in which funds shall be used to fund new or expanded programs that are designed to—

''(aa) substantially increase the wages of eligible individuals (as defined in subparagraph (F)), whether employed or unemployed, who have limited English proficiency or other barriers to employment by creating or upgrading job and related skills in partnership with employers, especially by providing supports and services at or near work sites; and

''(bb) identify and strengthen career pathways by expanding and linking work and training opportunities for such individuals in collaboration with employers.

''(II) CONSIDERATION OF IN-KIND, IN-CASH RESOURCES.—In determining which programs to fund under this clause, an eligible applicant awarded a grant under this paragraph shall consider the ability of a consortium to provide funds in-kind or in-cash (including employer-provided, paid release time) to help support the programs for which funding is sought.

''(III) PRIORITY.—In determining which programs to fund under this clause, an eligible applicant awarded a grant under this paragraph shall give priority to programs that include education or training for which participants receive credit toward a recognized credential, such as an occupational certificate or license.

''(IV) USE OF FUNDS.—

''(aa) IN GENERAL.—Funds provided to a program under this clause may be used for a comprehensive set of employment and training benefits and services, including job development, job matching, workplace supports and accommodations, curricula development, wage subsidies, retention services, and such other benefits or services as the program deems necessary to achieve the overall objectives of this clause.

''(bb) PROVISION OF SERVICES.—So long as a program is principally designed to assist eligible individuals, (as defined in subparagraph (F)), funds may be provided to a program under this clause that also serves low-earning employees of 1 or more employers even if such individuals are not within the definition of eligible individual (as so defined).

''(ii) PROVIDE FOR TRANSITIONAL JOBS PROGRAMS.—

''(I) IN GENERAL.—To provide for wage-paying transitional jobs programs which combine time-limited employment in the public or nonprofit private sector that is subsidized with public funds with skill development and activities to remove barriers to employment, pursuant to an individualized plan (or, in the case of an eligible individual described in subparagraph (F)(i), an individual responsibility plan developed for an individual under section 408(b)). Such programs also shall provide job development and placement assistance to individual participants to help them move from subsidized employment in transitional jobs into unsubsidized employment, as well as retention services after the transition to unsubsidized employment.

''(II) ELIGIBLE PARTICIPANTS.—The Secretary shall ensure that individuals who participate in transitional jobs programs funded under a grant made under this paragraph shall be individuals who have been unemployed because of limited skills, experience, or other barriers to employment, and who are eligible individuals (as defined in subparagraph (F)), provided that so long as a program is designed to, and principally serves, eligible individuals (as so defined), a limited number of individuals who are unemployed because of limited skills, experience, or other barriers to employment, and who have an income below 100 percent of the Federal poverty line but who do not satisfy the definition of eligible individual (as so defined) may be served in the program to the extent the Secretaries determine that the inclusion of such individuals in the program is appropriate.

''(III) USE OF FUNDS.—Funds provided to a program under this clause may only be used in accordance with the following:

''(aa) To create subsidized transitional jobs in which work shall be performed directly for the program operator or at other public and non profit organizations (in this subclause referred to as 'worksite employers') in the community, and in which 100 percent of the wages shall be subsidized, except as described in item (ff) regarding placements in the private, for profit sector.

''(bb) Participants shall be paid at the rate paid to unsubsidized employees of the worksite employer who perform comparable work at the worksite where the individual is placed. If no other employees perform the same or comparable work then wages shall be set, at a minimum, at 50 percent of the Lower Living Standard Income Level (commonly referred to as the 'LLSIL'), as determined under section 101(24) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(24)), for a family of 3 based on 35 hours per week.

''(cc) Transitional jobs shall be limited to not less than 6 months and not more than 24 months, however, nothing shall preclude a participant from moving into unsubsidized employment at a point prior to the maximum duration of the transitional job placement. Participants shall be paid wages based on a workweek of not less than 30 hours per week or more than 40 hours per week, except that a parent of a child under the age of 6, a child who is disabled, or a child with other special needs, or an individual who for other reasons cannot successfully participate for 30

to 40 hours per week, may be allowed to participate for more limited hours, but not less than 20 hours per week. In any work week, 50 percent to 80 percent of hours shall be spent in the transitional job and 20 percent to 50 percent of hours shall be spent in education or training, or other services designed to reduce or eliminate any barriers.

''(dd) Program operators shall provide case management services and ensure access to appropriate education, training, and other services, including job accommodation, work supports, and supported employment, as appropriate and consistent with an individual plan that is based on the individual's strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice and that is developed with each participant. The goal of each participant's plan shall focus on preparation for unsubsidized jobs in demand in the local economy which offer the potential for advancement and growth. Services shall also include job placement assistance and retention services, which may include coaching and work place supports, for 12 months after entry into unsubsidized placement. Participants shall also receive support services such as subsidized child care and transportation, on the same basis as those services are made available to recipients of assistance under the State program funded under this part who are engaged in work-related activities.

''(ee) Providers shall work with individual recipients to determine eligibility for other employment-related supports which may include (but are not limited to) supported employment, other vocational rehabilitation services, and programs or services available under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), or the ticket to work and self-sufficiency program established under section 1148, and, to the extent possible, shall provide transitional employment in collaboration with entities providing, or arranging for the provision of, such other supports.

''(ff) Not more than 20 percent of the placements for a grantee shall be with a private for-profit company, except that such 20 percent limit may be waived by the Secretary for programs in rural areas when the grantee can demonstrate insufficient public and nonprofit worksites. When a placement is made at a private for-profit company, the company shall pay 50 percent of program costs (including wages) for each participant, and the company shall agree, in writing, to hire each participant into an unsubsidized position at the completion of the agreed upon subsidized placement, or sooner, provided that the participant's job performance has been satisfactory. Not more than 5 percent of the workforce of a private for-profit company may be composed of transitional jobs participants.

''(IV) DEFINITION OF TRANSITIONAL JOBS PROGRAM.—In this clause, the term 'transitional jobs program' means a program that is intended to serve current and former recipients of assistance under a State or tribal program funded under this part and other low-income individuals who have been unable to secure employment through job search or other employment-related services because of limited skills, experience, or other barriers to employment.

''(iii) CAPITALIZATION.—To develop capitalization procedures for the delivery of self-sustainable social services.

''(iv) ADMINISTRATIVE EXPENDITURES.—Not more than 5 percent of the funds awarded to an eligible applicant under this paragraph may be used for administrative expenditures incurred in carrying out the activities described in clause (i), (ii), or (iii) or for expenditures related to carrying out the assessments and reports required under subparagraph (H).

''(F) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this paragraph, the term 'eligible individual' means—

''(i) an individual who is a parent who is a recipient of assistance under a State or tribal program funded under this part;

''(ii) an individual who is a parent who has ceased to receive assistance under such a State or tribal program;

''(iii) an individual who is at risk of receiving assistance under a State or tribal program funded under this part;

''(iv) an individual with a disability; or

''(v) a noncustodial parent who is unemployed, or is having difficulty in paying child support obligations, including such a parent who is a former criminal offender.

''(G) APPLICATION.—Each eligible applicant desiring a grant under this paragraph shall submit an application to the Secretaries at such time, in such manner, and accompanied by such information as the Secretaries may require.

''(H) ASSESSMENTS AND REPORTS BY GRANTEES.—

''(i) IN GENERAL.—An eligible applicant that receives a grant under this paragraph shall assess and report on the outcomes of programs funded under the grant, including the identity of each program operator, demographic information about each participant, including education level, literacy level, prior work experience and identified barriers to employment, the nature of education, training, or other services received by the participant, the reason for the participant's leaving the program, and outcomes related to the placement of the participant in an unsubsidized job, including 1-year employment retention, wage at placement, benefits, and earnings progression, as specified by the Secretaries.

''(ii) ASSISTANCE.—The Secretaries shall—

''(I) assist grantees in conducting the assessment required under clause (i) by making available where practicable low-cost means of tracking the labor market outcomes of participants; and

''(II) encourage States to provide such assistance.

''(I) APPLICATION TO REQUIREMENTS OF THE STATE PROGRAM.—

''(i) WORK PARTICIPATION REQUIREMENTS.—With respect to any month in which a recipient of assistance under a State or tribal program funded under this part who satisfactorily participates in a business linkage or transitional jobs program described in subparagraph (E) that is paid for with funds made available under a grant made under this paragraph, such participation shall be considered to satisfy the work participation requirements of section 407 and be included for purposes of determining monthly participation rates under subsection (b)(1)(B)(i) of that section.

''(ii) PARTICIPATION NOT CONSIDERED ASSISTANCE.—A benefit or service provided with funds made available under a grant made under this paragraph shall not be considered assistance for any purpose under a State or tribal program funded under this part.

''(J) ASSESSMENTS BY THE SECRETARIES.—

''(i) RESERVATION OF FUNDS.—Of the amount appropriated under subparagraph (L) for each of fiscal years 2004 and 2005, $3,000,000 of such amount for each such fiscal year is reserved for use by the Secretaries to prepare an interim and final report summarizing and synthesizing outcomes and lessons learned from the programs funded through grants awarded under this paragraph.

''(ii) INTERIM AND FINAL ASSESSMENTS.—With respect to the reports prepared under clause (i), the Secretaries shall submit—

''(I) the interim report not later than 4 years after the date of enactment of the Business Links Act of 2003; and

''(II) the final report not later than 6 years after such date of enactment.

''(K) EVALUATIONS.—

''(i) RESERVATION OF FUNDS.—Of the amount appropriated under subparagraph (L) for a fiscal year, an amount equal to 1.5 percent of such amount for each such fiscal year shall be reserved for use by the Secretaries to conduct evaluations in accordance with the requirements of clause (ii).

''(ii) REQUIREMENTS.—The Secretaries—

''(I) shall develop a plan to evaluate the extent to which programs funded under grants made under this paragraph have been effective in promoting sustained, unsubsidized employment for each group of eligible participants, and in improving the skills and wages of participants in comparison to the participants' skills and wages prior to participation in the programs;

''(II) may evaluate the use of such a grant by a grantee, as the Secretaries deem appropriate, in accordance with an agreement entered into with the grantee after good-faith negotiations; and

''(III) shall include, as appropriate, the following outcome measures in the evaluation plan developed under subclause (I):

''(aa) Placements in unsubsidized employment.

''(bb) Retention in unsubsidized employment 6 months and 12 months after initial placement.

''(cc) Earnings of individuals at the time of placement in unsubsidized employment.

''(dd) Earnings of individuals 12 months after placement in unsubsidized employment.

''(ee) The extent to which unsubsidized job placements include access to affordable employer-sponsored health insurance and paid leave benefits.

''(ff) Comparison of pre- and post-program wage rates of participants.

''(gg) Comparison of pre- and post-program skill levels of participants.

''(hh) Wage growth and employment retention in relation to occupations and industries at initial placement in unsubsidized employment and over the first 12 months after initial placement.

''(ii) Recipient of cash assistance under the State program funded under this part.

''(jj) Average expenditures per participant.

''(iii) REPORTS TO CONGRESS.—The Secretaries shall submit to Congress the following reports on the evaluations of programs funded under grants made under this paragraph:

''(I) INTERIM REPORT.—An interim report not later than 4 years after the date of enactment of the Business Links Act of 2003.

''(II) FINAL REPORT.—A final report not later than 6 years after such date of enactment.

''(L) APPROPRIATION.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there is appropriated for grants under this section, $200,000,000 for each of fiscal years 2004 through 2008.

''(ii) AVAILABILITY.—Amounts appropriated under clause (i) for a fiscal year shall remain available for obligation for 5 fiscal years after the fiscal year in which the amount is appropriated.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

By Mr. LEAHY (for himself and Mr. KERRY):

S. 787. A bill to provide for the fair treatment of the Federal judiciary relating to compensation and benefits, and to instill greater public confidence in the Federal courts; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, Senator KERRY and I are pleased to introduce the ''Fair and Independent Judiciary Act of 2003.'' This legislation arises from our belief that we must remain steadfast in our commitment to preserving the vitality of our third branch of government. Ensuring a fair and independent judiciary is critical to preserving the system of checks and balances established in our Constitution. The Fair and Independent Judiciary Act includes measures to respond to the shortfall in real judicial compensation, to repeal the link of judicial pay to congressional pay, to improve survivorship benefits, and to instill greater public confidence in our courts.

The National Commission on Public Service, a blue-ribbon panel of experts headed by Paul Volcker, recently concluded that Congress' budgetary treatment of this co-equal branch threatens its ability to perform its essential mission. This legislation addresses a problem that the Chief Justice has repeatedly brought to our attention—the decline in real judicial salaries.

As a member of both the Senate Judiciary Committee and the Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, I have worked hard to help preserve a fair and independent judiciary. I was very disappointed that the Continuing Resolutions approved by Congress failed to give the Federal judiciary a cost-of-living adjustment, COLA, for fiscal year 2003.

Earlier this year, Senator HATCH and I were joined by Senator DEWINE and Senator SPECTER to cosponsor legislation in the Senate to provide the Federal judiciary with a COLA for the present fiscal year. House Judiciary Chairman SENSENBRENNER was joined by that Committee's Ranking Democratic Member, Congressman CONYERS, and others to introduce identical legislation. Congress eventually passed a measure to give the Judiciary their cost of living adjustment for fiscal year 2003 but this effort failed to compensate the judiciary for many other previously skipped COLAs.

The Fair and Independent Judiciary Act would correct the earlier failures to provide COLAs and prevent this situation from happening again.

It is important to put our budgetary treatment of this co-equal branch in historical context. In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking Executive Branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted Section 140 of Public Law 97–92, mandating specific congressional action to give COLAs to judges.

Five times in the last decade Congress failed to provide the Judiciary with a COLA. We believe that this treatment was unfair to the judiciary and that we should restore their salaries to what they would be had the COLAs been granted. In order to have their salaries reflect the current cost of living we should unlink the salaries of Members of Congress and Members of the Judiciary by repealing Section 140.

In their thorough report, the Volcker Commission recommended that Congress unlink judicial salaries from those of Members of Congress. The Commission explained that due to ''the reluctance of members of Congress to risk the disapproval of their constituents . . . Congress has regularly permitted salaries to fall substantially behind cost-of-living increases.'' Urgent Business for America: Revitalizing the Federal Government for the 21st Century, January 2003, Recommendation 10. Therefore, the Commission found that ''executive and judicial salaries must be determined by procedures that tie them to the needs of the government, not the career-related political exigencies of members of Congress.''

The Fair and Independent Judiciary Act would restore the skipped cost of living adjustments that occurred in 1995, 1996, 1997, 1999 and 2002 so that the salaries of our judges and justices are not outpaced by inflation.

Chief Justice Rehnquist has called judicial pay ''the most pressing issue'' facing the courts.

We look forward to Senate consideration of the Fair and Independent Judiciary Act to restore previously skipped cost of living adjustments for the Justices and judges of the United States. We hope we can all work together to preserve the vitality of our third branch of government and to instill even greater confidence in our federal courts.

I ask unanimous consent that the January 6, 2003 editorial from the Washington Post, and the text of the bill be printed in the RECORD.

There being no objection, the bill and additional material was ordered to be printed in the RECORD, as follows:

MR. REHNQUIST'S PLEAS

Chief Justice William H. Rehnquist made two pleas in his year-end report. Neither is much of a surprise, because on both judicial salaries and the process by which judges get nominated and confirmed Mr. Rehnquist has spoken before. Yet familiarity should not obscure the importance of the subjects. The chief justice is correct, and the failure year after year of the political branches to remedy the problems of which he complains is harmful.

Mr. Rehnquist once again stressed that the need to increase judicial salaries is ''the most pressing issue'' facing the courts. There is something demeaning about the chief justice of the United States having to beg for the same cost-of-living adjustments for judges that other federal employees get as a matter of course. Congress's frequent failure in recent years to increase judicial compensation contravenes the promise it made in 1989, when it banned judges from making outside income and promised regular raises in exchange. Between 1969 and 2000, according to one study, real salaries for lower-court judges declined by 25 percent. And while judges got a raise last year, this year's cost-of-living increase is, Mr. Rehnquist notes, very much in doubt.

The problem is that Congress has irrationally linked judicial pay to the salaries of members of Congress, who face a political problem whenever they seek to jack up their own paychecks. The judges end up hostage to congressional cowardice. This disparity between their salaries and other lawyer compensation is enormous and growing. This encourages judges to leave the bench, and provides a substantial disincentive for first-rate people to become federal judges in the first place.

Mr. Rehnquist also gave a timely reminder that the judicial nominations process needs work. The chief justice is one of the few people who has advocated for a reasonable process irrespective of which party controls the presidency or the Senate. So Mr. Rehnquist speaks with unusual moral authority on this subject. And while he notes approvingly the 100 judges the 107th Congress confirmed, he warns that the problem has not gone away. Having unified government may temporarily ease the vacancy problem, he writes, but 'there will come a time when [unified government] is not the case, and the judiciary will again suffer the delays of a drawn-out confirmation process.'' Mr. Rehnquist rightly urged that the political branches use this respite to ''fix the underlying problems that have bogged down the . . . process for so many years.'' On both pay and nominations, one can only wonder how many more years the chief justice will have to repeat himself before reason prevails.

S. 787

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 ''Fair and Independent Federal Judiciary Act of 2003''.

SEC. 2. SALARY ADJUSTMENTS.

(a) RESTORATION OF STATUTORY COST-OF-LIVING ADJUSTMENTS.—The annual salaries for justices and judges are the following:

(1) Chief Justice of the Supreme Court, $211,300.

(2) Associate Justices of the Supreme Court, $202,100.

(3) Judges, Court of Appeals, $174,600.

(4) Judges, Court of Military Appeals, $174,600.

(5) Judges, District Court, $164,700.

(6) Judges, Court of Federal Claims, $164,700.

(7) Judges, Court of International Trade, $164,700.

(8) Judges, Tax Court, $164,700.

(9) Judges, Bankruptcy, $151,524.

(b) EFFECTIVE DATE.—This section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 3. REPEAL OF ANNUAL CONGRESSIONAL AUTHORIZATION FOR COST OF LIVING ADJUSTMENT.

Section 140 of Public Law 97–92 (28 U.S.C. 461 note) is repealed.

SEC. 4. SURVIVOR BENEFITS UNDER JUDICIAL SYSTEM AND OTHER SYSTEMS.

(a) CREDITABLE YEARS OF SERVICE.—Section 376 of title 28, United States Code, is amended—

(1) in subsection (k)(3), by striking the colon through ''this section''; and

(2) in subsection (r), by striking the colon through ''other annuity''.

(b) NOTIFICATION PERIOD FOR SURVIVOR ANNUITY COVERAGE.—

(1) IN GENERAL.—Section 376 (a)(1) of title 28, United States Code, is amended in the matter following subparagraph (G) by striking ''six months'' and inserting ''1 year''.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply only to written notifications

received by the Director of the Administrative Office of the United States Courts after the dates described under clause (i) or (ii) in the matter following subparagraph (G) of section 376 (a)(1) of title 28, United States Code.

SEC. 5. CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION.

(a) APPOINTMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the President shall appoint members to the Citizens' Commission on Public Service and Compensation under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.).

(2) MEMBERSHIP.—Section 225(b) of the Federal Salary Act of 1967 (2 U.S.C. 352) is amended—

(A) by striking paragraph (1) and inserting the following:

''(1) The Commission shall be composed of 11 members, who shall be appointed from private life by the President. No more than 6 members of the Commission may be affiliated with the same political party.'';

(B) by striking paragraph (4); and

(C) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively.

(3) QUADRENNIAL APPLICATION.—Section 225(b)(8)(B) of the Federal Salary Act of 1967 (2 U.S.C. 352(8)(B)), is amended in the first sentence by striking ''1993'' each place that term appears and inserting ''2006'' in each such place.

(b) REPORT.—The Citizens' Commission on Public Service and Compensation shall prepare a report in accordance with section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.) with respect to fiscal year 2003 and every fourth fiscal year thereafter.

SEC. 6. JUDICIAL EDUCATION FUND.

(a) ESTABLISHMENT.—Chapter 42 of title 28, United States Code, is amended by adding at the end the following:

''§ 630. Judicial Education Fund

''(a) In this section, the term—

''(1) 'institution of higher education' has the meaning given under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

''(2) 'private judicial seminar'—

''(A) means a seminar, symposia, panel discussion, course, or a similar event that provides continuing legal education to judges; and

''(B) does not include—

''(i) seminars that last 1 day or less and are conducted by, and on the campus of, an institute of higher education;

''(ii) seminars that last 1 day or less and are conducted by national bar associations or State or local bar associations for the benefit of the bar association membership; or

''(iii) seminars of any length conducted by, and on the campus of an institute of higher education or by national bar associations or State or local bar associations, where a judge is a presenter and at which judges constitute less than 25 percent of the participants;

''(3) 'national bar association' means a national organization that is open to general membership to all members of the bar; and

''(4) 'State or local bar association' means a State or local organization that is open to general membership to all members of the bar in the specified geographic region.

''(b) There is established within the United States Treasury a fund to be known as the 'Judicial Education Fund' (in this section referred to as the 'Fund').

''(c) Amounts in the Fund may be made available for the payment of necessary expenses, including reasonable expenditures for transportation, food, lodging, private judicial seminar fees and materials, incurred by a judge or justice in attending a private judicial seminar approved by the Board of the Federal Judicial Center. Necessary expenses shall not include expenditures for recreational activities or entertainment other than that provided to all attendees as an integral part of the private judicial seminar. Any payment from the Fund shall be approved by the Board.

''(d) The Board may approve a private judicial seminar after submission of information by the sponsor of that private judicial seminar that includes—

''(1) the content of the private judicial seminar (including a list of presenters, topics, and course materials); and

''(2) the litigation activities of the sponsor and the presenters at the private judicial seminar (including the litigation activities of the employer of each presenter) on the topic related to those addressed at the private judicial seminar.

''(e) If the Board approves a private judicial seminar, the Board shall make the information submitted under subsection (d) relating to the private judicial seminar available to judges and the public by posting the information on the Internet.

''(f) The Judicial Conference shall promulgate guidelines to ensure that the Board only approves private judicial seminars that are conducted in a manner so as to maintain the public's confidence in an unbiased and fair-minded judiciary.

''(g) There are authorized to be appropriated for deposit in the Fund $2,000,000 for each of fiscal years 2003, 2004, and 2005, to remain available until expended.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 42 of title 28, United States Code, is amended by adding at the end the following:

''630. Judicial Education Fund.''.

SEC. 7. PRIVATE JUDICIAL SEMINAR GIFTS PROHIBITED.

(a) DEFINITIONS.—In this section, the term—

(1) ''institution of higher education'' has the meaning given under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a));

(2) ''private judicial seminar''—

(A) means a seminar, symposia, panel discussion, course, or a similar event that provides continuing legal education to judges; and

(B) does not include—

(i) seminars that last 1 day or less and are conducted by, and on the campus of, an institute of higher education;

(ii) seminars that last 1 day or less and are conducted by national bar associations or State or local bar associations for the benefit of the bar association membership; or

(iii) seminars of any length conducted by, and on the campus of an institute of higher education or by national bar associations or State or local bar associations, where a judge is a presenter and at which judges constitute less than 25 percent of the participants.

(3) ''national bar association'' means a national organization that is open to general membership to all members of the bar; and

(4) ''State or local bar association'' means a State or local organization that is open to general membership to all members of the bar in the specified geographic region.

(b) IN GENERAL.—Not later than 240 days after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate regulations to apply section 7353(a) of title 5, United States Code, to prohibit the solicitation or acceptance of anything of value in connection with a private judicial seminar.

(c) EXCEPTION.—The prohibition under the regulations promulgated under subsection (b) shall not apply if—

(1) the judge participates in a private judicial seminar as a speaker, panel participant, or otherwise presents information;

(2) Federal judges are not the primary audience at the private judicial seminar; and

(3) the thing of value accepted is—

(A) reimbursement from the private judicial seminar sponsor of reasonable transportation, food, or lodging expenses on any day on which the judge speaks, participates, or presents information, as applicable;

(B) attendance at the private judicial seminar on any day on which the judge speaks, participates, or presents information, as applicable; or

(C) anything excluded from the definition of a gift under regulations of the Judicial Conference of the United States under sections 7351 and 7353 of title 5, United States Code, as in effect on the date of enactment of this Act.

SEC. 8. RECUSAL LISTS.

Section 455 of title 28, United States Code, is amended by adding at the end the following:

''(g)(1) Each justice, judge, and magistrate of the United States shall maintain a list of all financial interests that would require disqualification under subsection (b)(4).

''(2) Each list maintained under paragraph (1) shall be made available to the public at the office of the clerk for the court at which a justice, judge, or magistrate is assigned.''.

SEC. 9. AVOIDING IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

In accordance with the Code of Conduct for United States Judges, a judge must avoid all impropriety and appearance of impropriety. The prohibition against behaving with impropriety applies to both the professional and personal conduct of a judge. Therefore, a judge should not hold membership in any organization, except for religious or fraternal organizations, that practices discrimination on the basis of race, gender, religion, or national origin.

By Mr. HOLLINGS (for himself, Mr. BROWNBACK, Mr. ROCKEFELLER, Mr. INOUYE, Ms. CANTWELL, and Mr. KERRY):

S. 788. A bill to enable the United States to maintain its leadership in aeronautics and aviation; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today to address a crucial issue that is affecting our competitiveness in the world economy. Since that first flight in 1903 when the Wright brothers took off on our great journey, the United States has piloted the course of aerospace and aviation technology development. Now that leading role is being threatened. The European Union has embarked on an ambitious plan to dominate the industry that historically we have led. Last year, for the first time, Airbus surpassed Boeing, by grabbing 54 percent of the market share in terms of aircraft units.

Air travel is critical to our competitiveness in the global economy. The movement of passengers and goods throughout our nation feeds American business and keeps us close to our families and friends. The impact of civil aviation on the U.S. economy exceeds $900 billion a year, which is 9 percent of

the Gross National Product. In terms of jobs, civil aviation employs 11 million Americans. We can not sit idle as this important industry is threatened.

To compete we must have the most advanced and safest technology; yet the Air Traffic Management System in the United States is still reliant on ground-based technology that was developed over 30 years ago. Congress, FAA, NASA and the aviation industry must work together to update this system to accommodate future aviation demand and to take advantage of satellite navigation and advances in aircraft avionics. Historically upgrades to air traffic management have been slow and often come in over budget. We must focus on creating the next generation of air traffic management technology in a more efficient and effective manner that will enhance safety and increase capacity.

Aerospace and aviation advancement are also dependent upon a well-trained and skilled workforce. According to the Commission Report on Aerospace, 26 percent of the science, engineering and manufacturing workforce will be eligible to retire in the next five years. New entrants to the aerospace industry are at a historical low as the number of layoffs have increased. In order to maintain our dominance in aerospace, we must continue to foster a qualified workforce.

Our international competitors have been persistent in providing government support to aerospace research and aeronautical advancement. The subsidies offered by our foreign competitors, hinder the U.S. companies that often bear the majority of the burden for research and development. In order to give our companies a competitive advantage and to ensure that advances in aviation and aerospace technology continue, Congress must invest ample resources in fundamental aeronautical research. The President's FY 04 budget proposal cuts investment in FAA and NASA research, engineering and development. This will only hasten our descent in this industry. During this time of competing interests for the Federal dollar we cannot be too quick to divest ourselves from needed research that will renew our aviation business and maintain our global dominance.

To turn an idea into a product, the process is often tedious and long. NASA and FAA must promote technological advancement and enable American industry to bring their products to market. Collaboration with government and industry is critical to ensure that research efforts lead to viable products that will enhance our aerospace and aviation industry.

As we reflect on the last 100 years of advancement in the aviation and aerospace fields we cannot help to be proud of our accomplishments. But, we cannot afford to be content with those successes. We must look higher, faster, and farther than we have before—that is the American prerogative. And so with the help of my colleagues Senators BROWNBACK, ROCKEFELLER, INOUYE, CANTWELL and KERRY, I have crafted legislation to increase aeronautical research, nurture our industry's workforce, and ensure a collaborative partnership between government and private industry with the goal of ensuring the ''Second Century of Flight'' is as exciting and awe inspiring as the first.

By Mr. Nelson of Florida (for himself and Mrs. BOXER):

S. 789. A bill to change the requirements for naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

Mr. NELSON, of Florida. Mr. President, I rise on behalf of myself and Mrs. BOXER to introduce the Citizenship for Service Members Act of 2003. This legislation reduces the waiting period for service members during peace time from 3 years to 2 years, waives all fees related to naturalization, and allows for naturalization proceedings to occur overseas.

Everyday now we see our young men and women fighting and dying in Iraq and Afghanistan to protect freedom and democracy. One of the strengths of our military has always been its diversity. From the birth of our Nation, our military has attracted people from all walks of life including people who have immigrated to the United States to pursue freedom, prosperity, and security.

Young men and women join the military in the hopes of achieving a better life while serving our country in the most difficult and honorable way. These young people enjoy various benefits for volunteering to protect American citizens such as assistance with college tuition, a secure and rewarding career in the military, and for some, the hope of gaining American citizenship.

Non-citizens fighting in our military side by side with American citizens is a tradition that dates back to the Civil War, when recently arrived Irish immigrants fought for the Union. After World Wars I and II over 140,000 legal permanent resident participants gained citizenship. Currently there are 3,400 legal permanent residents in the Marines alone who have been deployed overseas. Further, Miami, FL and Los Angeles, CA contribute the second and third highest number of legal permanent residents to the military.

Under current law, in the absence of an Executive Order eliminating the time of service requirement altogether, men and women may apply for citizenship after completing three years of service. This legislation would shorten that period to 2 years making it more likely that the service member will gain citizenship prior to finishing his first enlistment. Additionally, this legislation waives all fees related to naturalization eliminating a possible financial barrier. Finally, this bill allows for service members to complete the naturalization process overseas eliminating the sometimes unnecessarily lengthy and expensive trips back to the United States.

Citizenship is a momentous honor and the ultimate goal of nearly every person who immigrates to the United States. Naturalization is especially critical to the thousands of young men and women who are placing their lives at risk every day to defend the citizens and ideals of the United States. These men and women desire citizenship so that they can become a recognized member of the country that they have chosen to defend.

In addition, citizenship confers certain benefits upon servicemen and women. For example, while a legal permanent resident may enlist in the United States military, he or she is barred from becoming a commissioned officer, obtaining positions that require security clearances, becoming a part of any aircrews or rising to the level of special operations.

We continue to see the great sacrifices these young men and women make on a daily basis. There is no greater show of patriotism than to join our armed forces and fight under the American flag. Over 30,000 men and women from countries ranging from Canada to Japan to Cuba have volunteered to put their lives on the line to defend the United States. We owe it to these brave men and women to help them obtain the citizenship they have clearly earned.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 789

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 ''Citizenship for Servicemembers Act of 2003''.

SEC. 2. REQUIREMENTS FOR NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) REDUCTION OF PERIOD FOR REQUIRED SERVICE.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking ''three years'' and inserting ''2 years''.

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Title III of the Immigration and Nationality Act (8 U.S.C. 301 et seq.) is amended—

(1) in section 328(b)—

(A) in paragraph (3)—

(i) by striking ''honorable. The'' and inserting ''honorable (the''; and

(ii) by striking ''discharge.'' and inserting ''discharge); and''; and

(B) by adding at the end the following:

''(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in

which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.''; and

(2) in section 329(b)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.''.

(c) NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES.—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 301 et seq.) relating to naturalization of members of the Armed Forces are available through United States embassies, consulates, and as practicable, United States military installations overseas.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 328(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1439(b)(3)) is amended by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

By Mr. LUGAR:

S. 790. A bill to authorize appropriations for the Department of State for fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, by request, I introduce for appropriate reference a bill entitled the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005.

This proposed legislation has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as to make any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with a section-by-section analysis of the bill and the letter from the Assistant Secretary of State for Legislative Affairs dated April 2, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Foreign Relations Authorization Act, Fiscal Years 2004 and 2005.''

SEC. 2. ORGANIZATION OF ACT INTO TITLES; TABLE OF CONTENTS.

(a) TITLES.—This Act is organized into eight Titles as follows:

TITLE I—AUTHORIZATION OF APPROPRIATIONS
TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES
TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE
TITLE IV—INTERNATIONAL ORGANIZATIONS
TITLE V—SUPPORTING THE WAR ON TERRORISM
TITLE VI—SECURITY ASSISTANCE
TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003
TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—Streamlining Reporting Requirements

Subtitle B—Other Matters

(b) The table of contents for this Act is as follows:

Sec. 1. Short Title
Sec. 2. Organization of Act into Titles; Table of Contents

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Administration of Foreign Affairs
Sec. 102. International Organizations and Conferences
Sec. 103. International Commissions
Sec. 104. Migration and Refugee Assistance
Sec. 105. Centers and Foundations

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Sec. 201. Reimbursement Rate for Airlift Services Provided to the Department of State
Sec. 202. Grant Authority to Promote Biotechnology
Sec. 203. Immediate Response Facilities
Sec. 204. Mine Action Programs Grant Authority
Sec. 205. The U.S. Diplomacy Center
Sec. 206. Public Affairs Grant Authority

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Sec. 301. Cost of Living Allowances
Sec. 302. Waiver of Annuity Limitations on Re-Employed Foreign Service Annuitants
Sec. 303. Fellowship of Hope Program
Sec. 304. Claims for Lost Pay
Sec. 305. Suspension or Enforced Leave
Sec. 306. Home Leave
Sec. 307. Ombudsman for the Department of State
Sec. 308. Repeal of Recertification Requirement for Senior Foreign Service

TITLE IV—INTERNATIONAL ORGANIZATIONS

Sec. 401. Raising the Cap on Peacekeeping Contributions

TITLE V—SUPPORTING THE WAR ON TERRORISM

Sec. 501. Designation of Foreign Terrorist Organizations

TITLE VI—SECURITY ASSISTANCE

Sec. 601. Restrictions on Economic Support Funds for Lebanon
Sec. 602. Thresholds for Congressional Notification of FMS and Commercial Arms Transfers
Sec. 603. Bilateral Agreement Requirements Relating to Licensing of Defense Exports
Sec. 604. Authorization of Appropriations—Foreign Military Financing, International Military Education and Training, and Nonproliferation, Anti-Terrorism, Demining, and Related Programs
Sec. 605. Cooperative Threat Reduction Permanent Waiver
Sec. 606. Congressional Notification for Comprehensive Defense Export Authorizations
Sec. 607. Expansion of Authorities for Loan of Material, Supplies, and Equipment for Research and Development Purposes
Sec. 608. Establish Dollar Threshold for Congressional Notification of Excess Defense Articles that are Significant Military Equipment
Sec. 609. Waiver of Net Proceeds Resulting from Disposal of U.S. Defense Articles Provided to a Foreign Country on a Grant Basis
Sec. 610. Transfer of Certain Obsolete or Surplus Defense Articles in the War Reserve Stockpiles for Allies to Israel
Sec. 611. Additions to U.S. War Reserve Stockpiles for Allies
Sec. 612. Provision of Cataloging Data and Services
Sec. 613. Provision to Exercise Waivers with Respect to Pakistan

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

Sec. 701. Short Title
Sec. 702. Inadmissibility of Aliens Supporting International Child Abductors and Relatives of Such Abductors

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Reports on Benchmarks for Bosnia
Sec. 802. Report Concerning the German Foundation ''Remembrance, Responsibility, and the Future''
Sec. 803. Report on Progress in Cyprus
Sec. 804. Reports on Activities in Colombia
Sec. 805. Report on Extradition of Narcotics Traffickers
Sec. 806. Report on Terrorist Activity in Which United States Citizens Were Killed and Related Matters
Sec. 807. Report and Waiver Regarding Embassy in Jerusalem
Sec. 808. Report on Progress toward Regional Nonproliferation
Sec. 809. Report on Annual Estimate and Justification for Sales Program
Sec. 810. Report on Foreign Military Training
Sec. 811. Report on Human Rights Violations by IMET Participants
Sec. 812. Report on Development of the European Security and Defense Identity (ESDI) Within the NATO Alliance
Sec. 813. Report on Transfers of Military Sensitive Technology to Countries and Entities of Concern
Sec. 814. Nuclear Reprocessing Transfer Waiver
Sec. 815. Complex Foreign Contingencies

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under ''Administration of Foreign Affairs'' to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For ''Diplomatic and Consular Programs'' of the Department of State $4,163,544,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(A) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (1), $646,701,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005 are authorized to be appropriated only for worldwide security upgrades.

(2) CAPITAL INVESTMENT FUND.—For ''Capital Investment Fund'' of the Department of State, $157,000,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For ''Embassy Security, Construction and Maintenance,'' $1,514,400,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For ''Educational and Cultural Exchange Programs,'' $345,346,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(5) REPRESENTATION ALLOWANCES.—For ''Representation Allowances,'' $9,000,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(6) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For ''Protection of Foreign Missions and Officials,'' $10,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(7) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For ''Emergencies in the Diplomatic and Consular Service,'' $1,000,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(8) REPATRIATION LOANS.—For ''Repatriation Loans,'' $1,219,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(9) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For ''Payment to the American Institute in Taiwan,'' $19,773,000 for the fiscal year 2004, and such sums as may be necessary for fiscal year 2005.

(10) OFFICE OF THE INSPECTOR GENERAL.—For ''Office of the Inspector General,'' $31,703,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There are authorized to be appropriated for ''Contributions to International Organizations,'' $1,010,463,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There are authorized to be appropriated for ''Contributions for International Peacekeeping Activities,'' $550,200,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005, for the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes. Funds appropriated pursuant to this paragraph are authorized to be available until expended.

(c) FOREIGN CURRENCY EXCHANGE RATES.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 and 2005 to offset adverse fluctuations in foreign currency exchange rates. Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under ''International Commissions'' for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(a) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For ''International Boundary and Water Commission, United States and Mexico''—

(1) for ''Salaries and Expenses,'' $31,562,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005; and

(2) for ''Construction,'' $8,901,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005;

(b) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For ''International Boundary Commission, United States and Canada,'' $1,261,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(c) INTERNATIONAL JOINT COMMISSION.—For ''International Joint Commission,'' $7,810,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(d) INTERNATIONAL FISHERIES COMMISSIONS.—For ''International Fisheries Commissions,'' $20,043,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

There are authorized to be appropriated for ''Migration and Refugee Assistance'' for authorized activities $760,197,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

SEC. 105. CENTERS AND FOUNDATIONS.

(a) ASIA FOUNDATION.—There are authorized to be appropriated for ''The Asia Foundation'' for authorized activities, $9,250,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(b) NATIONAL ENDOWMENT FOR DEMOCRACY.—There are authorized to be appropriated for the ''National Endowment for Democracy'' for authorized activities, $36,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(c) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated for the ''Center for Cultural and Technical Interchange Between East and West'' for authorized activities, $14,280,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 201. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

Section 2642(a) of Title 10 (10 U.S.C. 2642(a)) is amended by inserting ''or the Department of State'' after ''Central Intelligence Agency''.

SEC. 202. GRANT AUTHORITY TO PROMOTE BIOTECHNOLOGY.

The Secretary of State is authorized to support, by grants, cooperative agreements or contract, outreach and public diplomacy activities regarding the benefits of agricultural biotechnology, science-based regulatory systems, and the application of the technology for trade and development. Except as otherwise specifically authorized, the total amount of grants made in any one fiscal year pursuant to this authority shall not exceed $500,000.

SEC. 203. IMMEDIATE RESPONSE FACILITIES.

(a) Section 604(b) of the Secure Embassy Construction and Counterterrorism Act of 1999 (P.L. 106–113, 22 U.S.C. 4865 note) is amended by:

(1) redesignating subsection (b)(1) as ''(b)(1)(A)'' and by redesignating subsection (b)(2) as ''(b)(1)(B)''; and

(2) by deleting the period after the words ''set forth in section 606'' at the end of subsection (b), and adding the following: ''; or

''(2) providing facilities to support immediate response efforts in times of emergency.''

(b) The Foreign Service Buildings Act of 1926 (P.L. 69–186, 22 U.S.C. 292 et seq.) is amended by adding the following new section at the end:

''SEC. 13. Of the amounts appropriated to carry out the Foreign Service Buildings Act of 1926 and the Secure Embassy Construction and Counterterrorism Act 10 of 1999, not to exceed $15,000,000 in any fiscal year may be made available to provide immediate response diplomatic facilities through a reprogramming of funds, notwithstanding any advance congressional notification requirements contained in any other law. In the case of any such reprogramming that would otherwise be subject to a requirement of advance congressional notification, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after the obligation or expenditure of such funds and shall contain an explanation of the circumstances requiring the deployment of immediate response facilities.''

SEC. 204. MINE ACTION PROGRAMS GRANT AUTHORITY.

The Secretary of State is authorized to support public-private partnerships for mine action programs by grant, cooperative agreement, or contract. Except as otherwise specifically authorized, the total amount of grants made in any one fiscal year pursuant to this authority shall not exceed $450,000.

SEC. 205. THE U.S. DIPLOMACY CENTER.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et. seq.) is amended by adding the following new section:

''SEC. 59. THE U.S. DIPLOMACY CENTER.

''(a) ACTIVITIES.—

''(1) The Secretary of State is authorized to provide—by contract, grant or otherwise—for appropriate museum visitor and educational outreach services, including but not limited to, organizing conference activities, museum shop, and food services, in the public exhibit and related space utilized by the U.S. Diplomacy Center (''USDC'') program.

''(2) The Secretary of State may pay all reasonable expenses of conference activities conducted by the USDC, including refreshments and travel of participants.

''(3) Any revenues generated under the authority of paragraph (1) for visitor services may be retained and credited to any appropriate Department of State appropriation to recover the costs of operating the USDC.

''(b) DISPOSITION OF USDC ARTIFACTS AND MATERIALS.—

''(1) All historic documents, artifacts or other articles permanently acquired by the Department of State and determined by the Secretary of State to be suitable for display in the USDC shall be considered to be the

property of the Secretary in his or her official capacity and shall be subject to disposition solely in accordance with this subsection.

''(2) SALE OR TRADE—Whenever the Secretary of State or his/her designee determines that—

''(A) any item covered by paragraph (1) no longer serves to further the purposes of the USDC as established in the Collections Management Policy, or

''(B) in order to maintain the standards of the collections of the USDC, a better use of that article would be its sale or exchange,

''the Secretary may sell the item at fair market value, trade, or transfer it, without regard to the requirements of the Federal Property and Administrative Services Act of 1949. The proceeds of any such sale may be used solely for the advancement of the USDC's mission; in no event shall proceeds be used for anything other than acquisition or direct care of collections.

''(3) LOANS—The Secretary of State may also lend items covered by paragraph (1), when not needed for use or display in the USDC, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.''

(c) Except as may be identified subject to reprogramming procedures, the Bureau of Public Affairs may not expend more than $950,000 for fiscal year 2004, and such sums as may be necessary for fiscal year 2005, for the U.S. Diplomacy Center.

SEC. 206. PUBLIC AFFAIRS GRANT AUTHORITY.

To the extent that the Secretary of State is otherwise authorized by law to provide for public affairs activities, the Secretary may do so by grant, cooperative agreement, or contract.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 301. COST OF LIVING ALLOWANCES.

Section 5924 of Title 5, United States Code, is amended as follows:

(a) by revising section (4)(A) to read as follows:

''(A) An allowance not to exceed the cost of obtaining such kindergarten, elementary and secondary educational services as are ordinarily provided without charge by the public schools in the United States (including activities required for successful completion of a grade or course and such educational services as are provided by the States under the Individuals with Disabilities Education Act), plus in those cases when adequate schools are not available at the post of the employee, board and room, and periodic transportation between that post and the school chosen by the employee, not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest United States locality where an adequate school is available, without regard to section 3324(a) and (b) of title 31. When travel from school to post is infeasible, travel may be allowed between the school attended and the home of a designated relative or family friend or to join a parent at any location, with the allowable travel expense not to exceed the cost of travel between the school and post. The amount of the allowance granted shall be determined on the basis of the educational facility used.''

(b) by revising section (4)(B) to read as follows:

''(B) The travel expenses of dependents of an employee to and from a secondary, post-secondary or post-baccalaureate educational institution, not to exceed one annual trip each way for each dependent. An allowance payment under subparagraph (A) of this paragraph (4) may not be made for a dependent during the 12 months following his arrival at the selected educational institution under authority contained in this subparagraph (B).'', and

(c) by inserting a new section 4(C) as follows:

''(C) Allowances provided pursuant to subparagraphs (A) and (B) above may include, at the election of the employee and in lieu of transportation thereof, payment or reimbursement of the costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the employee's duty station, provided that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage with the dependent in connection with the annual trip.''

SEC. 302. WAIVER OF ANNUITY LIMITATIONS ON RE-EMPLOYED FOREIGN SERVICE ANNUITANTS.

(a) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

''(g) The Secretary may waive the application of paragraphs (a) through (d) of this section, on a case by case basis, for an annuitant re-employed on a temporary basis—

(i) if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

(ii) in positions for which there is exceptional difficulty in recruiting or retaining a qualified employee.''

(b) Effective October 1, 2005, section 824(g), as amended by this section, is further amended to read as follows:

''(g) The Secretary may waive the application of paragraphs (a) through (d) of this section, on a case by case basis, for an annuitant re-employed on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.''

SEC. 303. FELLOWSHIP OF HOPE PROGRAM.

The Secretary of State is authorized to establish the Fellowship of Hope program under which employees of the governments of designated countries may be assigned to an office of profit or trust in the Department of State and continue to receive salary and other benefits from those governments, in exchange for assignments of a member of the Foreign Service to the governments of the designated foreign countries. The Secretary of State shall administer this program in a manner consistent with the national security and foreign policy interests of the United States, in consultation with the Attorney General and the Director of Central Intelligence.

SEC. 304. CLAIMS FOR LOST PAY.

Section 2 of the State Department Basic Authorities Act (22 U.S.C. 2669) is amended by adding a new subsection (o) as follows:

''(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under the Back Pay Act as part of the settlement or compromise of administrative claims or grievances filed against the Department.''

SEC. 305. SUSPENSION OR ENFORCED LEAVE.

(a) Notwithstanding any other provision of law, and pending final resolution of the matter, the Secretary may suspend a member of the Foreign Service without pay, or place the member on enforced leave without pay,

(1) where there is an investigation regarding the revocation of an employee's security clearance or a suspension of an employee's security clearance; or

(2) where there is reasonable cause to believe a member has committed a crime for which a sentence of imprisonment may be imposed and there is a nexus to the efficiency of the Service; or

(3) for such other cause as will promote the efficiency of the service;

(b) Any member suspended or placed on enforced leave pursuant to subsection (a) shall be entitled to—

(1) at least 30 days advance written notice of the specific reasons for such suspension, unless there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed;

(2) a reasonable time, not less than seven days, to answer orally and in writing;

(3) be represented by an attorney or other representative; and

(4) a final written decision.

(c) Any member suspended or placed on enforced leave pursuant to this section shall be entitled to grieve such action in accordance with procedures applicable to grievances under chapter 11 of this Act. The review by the Foreign Service Grievance Board with respect to such a grievance shall be limited:

(1) in the case of an action pursuant to subparagraph

(a)(1) only to a determination whether the procedures set forth in subsection (b) were followed, and

(2) in the case of an action pursuant to subparagraph (a)(2), only to a determination of whether the reasonable cause requirements have been fulfilled and whether there is a nexus between the conduct and the efficiency of the Service; and

(3) in the case of a suspension pursuant to subparagraph (a)(3), only to a determination whether the action promotes the efficiency of the service.

(4) In no case regarding an appeal pursuant to this section may the Foreign Service Grievance Board order prescriptive relief.

SEC. 306. HOME LEAVE.

(a) Section 901(6) of the Foreign Service Act (22 U.S.C. 4081(6)) is amended by striking ''unbroken by home leave'' wherever that phrase occurs.

(b) Section 903(a) of the Foreign Service Act (22 U.S.C. 4083) is amended by striking ''18 months'' and inserting ''12 months.''

SEC. 307. OMBUDSMAN FOR THE DEPARTMENT OF STATE.

(a) There is established in the Office of the Secretary of State the position of Ombudsman. The Ombudsman shall report directly to the Secretary of State.

(b) At the discretion of the Secretary of State, the Ombudsman shall participate in meetings regarding the management of the Department in order to assure that all employees may contribute to the achievement of the Department's responsibilities and to promote the career interests of all employees.

(c) CONFORMING AMENDMENT.—Subsection (c) of section 172 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (as codified in 22 U.S.C. 2664a(c)) is deleted, and subsection (d) renumbered accordingly.

SEC. 308. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is hereby repealed.

TITLE IV—INTERNATIONAL ORGANIZATIONS

SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBUTIONS.

(a) IN GENERAL.—Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by amending subparagraph (B), added by Section 402 of P.L. 107–228 (FY 2003 Foreign Relations Authorization Act), to amend subparagraph (iv) as follows and add subparagraph (v) at the end:

''(iv) For assessments made during calendar year 2004, 27.1 percent.

''(v) For assessments made during calendar year 2005, 27.1 percent.''

TITLE V—SUPPORTING THE WAR ON TERRORISM

SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended as follows:

(a) DURATION OF DESIGNATION.—

(1) In subparagraph 219(a)(4)(A), by striking the words ''Subject to paragraphs (5) and (6), a'' and adding ''A'' and by striking the words ''for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)'' and adding ''until revoked under paragraphs (5) or (6) or set aside pursuant to subparagraph (c)'' in lieu thereof;

(2) by revising subparagraph 219(a)(4)(B) to read as follows:

''(B) REVIEW OF DESIGNATION UPON PETITION.—

''(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in (ii)–(iii) if the designated organization files a petition for revocation within the petition period. If the organization has not previously filed a petition for revocation under this subparagraph, the petition period begins once two years have elapsed from the date of designation. If the designated organization has previously filed a petition under this subparagraph, then the petition period begins once two years have elapsed from the date of its last petition.

''(ii) PROCEDURES.—Any foreign terrorist organization that submits a petition under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) no longer exist with respect to the organization.

''(iii) The Secretary shall complete his or her review of any petition from a designated organization that is filed within the petition 20 period and shall make a determination concerning revocation of the designation within 180 days after receiving the petition. The Secretary may consider classified information in making a determination in response to a petition. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c). A determination under this clause shall be published in the Federal Register, and any revocation under this subparagraph shall be made under the procedures set forth in paragraph (6).

(3) by adding a new subparagraph 219(a)(4)(C) to read as follows:

''(C) OTHER REVIEW OF DESIGNATION.—

''(i) IN GENERAL.—The Secretary shall review the designation of each foreign terrorist organization at least once every four years in order to determine whether it should be revoked pursuant to paragraph (6) . If such review does not take place pursuant to subparagraph (4)(B) in response to a petition for revocation that is filed during the petition period, then it shall be conducted pursuant to procedures to be developed by the Secretary, and neither the results of such review nor the applicable procedures shall be reviewable in any court.

''(ii) The Secretary shall publish the results of any review conducted pursuant to this subparagraph in the Federal Register.

(4) in subparagraph 219(a)(6)(A), by deleting the words ''or a redesignation made under paragraph (4)(B)'' and by adding ''at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (4)(B) or (4)(C)'';

(5) in subparagraph 219(a)(6)(A)(i), by deleting the words ''or a redesignation'';

(6) in subparagraph 219(a)(7), by deleting '', or the revocation of a redesignation under paragraph (6),'';

(7) in subparagraph 219(a)(8), by deleting '', or if a redesignation under this subsection has become effective under subsection (b)(4)(B),'' and by deleting ''or redesignation.'';

(b) ALIASES.—By inserting a new subsection (b) as follows and relettering the following subsections accordingly:

''(b) AMENDMENTS TO A DESIGNATION.

''(1) IN GENERAL.—The Secretary is authorized to amend a designation under the provisions of this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged-with another organization.

''(2) PROCEDURE.—Such amendments shall be effective upon publication in the Federal Register and the provisions of subparagraphs (a)(2)(B) and (a) (2)(C) shall apply. The procedures and rules set forth in paragraphs (a)(4), (5), (6), (7), and (8) shall also apply to amended designations.

''(3) Any such amendment shall be reported to the appropriate Congressional committees within 30 days of publication pursuant to subparagraph (a)(2)(A)(i).

''(4) The administrative record may be amended to include such new or additional names and any additional relevant information to support the amendment.

''(5) The Secretary may consider classified information in making an amendment under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).''; and

(c) TECHNICAL AMENDMENTS.—

(i) In subparagraph 219(a)(3)(B), by changing ''subsection (b)'' to ''subsection (c)''.

(ii) In subsection 219(c)(1), as amended by this section, by striking the phrase after ''publication'' and before ''in the United States Court of Appeals'' and inserting ''in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review in the United States'' in lieu thereof.

(iii) In subsection 219(c)(2), (3), and (4), as amended by this section, by adding '', amendment, or determination'' after ''designation'' wherever it occurs.

(d) SAVINGS PROVISION.—The term ''designation'' includes all previous redesignations made pursuant to subparagraph 219(a)(4) prior to the effective date of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraphs (a)(5) or (a)(6).

TITLE VI—SECURITY ASSISTANCE

SEC. 601. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS FOR LEBANON.

Section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003'' is amended by inserting after ''lapses.'': ''c. EXCEPTION.—Subsection (a) shall not apply to such assistance otherwise subject to the restriction set forth therein that is made available to address the water needs of Southern Lebanon.''

SEC. 602. THRESHOLDS FOR CONGRESSIONAL NOTIFICATION OF FMS AND COMMERCIAL ARMS TRANSFERS.

The Arms Export Control Act is amended—

(a) in section 36(b)—

(1) in paragraph (1)—

(A) by striking ''Subject to paragraph 6, in'', and inserting in lieu thereof ''(1) In'';

(B) by striking ''$14,000,000'' and inserting in lieu thereof ''$100,000,000'';

(C) by striking ''$50,000,000'' and inserting in lieu thereof ''$200,000,000''; and

(D) by striking ''$200,000,000'' and inserting in lieu thereof ''$500,000,000''; and

(E) by inserting ''and in any case in which the President concludes doing so would be appropriate,'' before ''before such letter of offer is issued'';

(2) in paragraph (5)(C)—

(A) by striking ''Subject to paragraph (6), if'' and inserting in lieu thereof ''If'';

(B) by striking ''$14,000,000'' and inserting in lieu thereof ''$100,000,000'';

(C) by striking ''$50,000,000'' and inserting in lieu thereof ''$200,000,000''; and

(D) by striking ''$200,000,000'' and inserting in lieu thereof ''$500,000,000'';

(E) by inserting ''and in any case in which the President concludes doing so would be appropriate,'' before ''then the President shall submit''; and

(3) by striking paragraph (6);

(b) in section 36(c)—

(1) in paragraph (1)

(A) by striking ''Subject to paragraph (5), in'', and by inserting in lieu thereof ''In'';

(B) by striking ''$14,000,000'' and inserting in lieu thereof ''$100,000,000'';

(C) by striking ''$50,000,000'' and inserting in lieu thereof ''$200,000,000'';

(D) by inserting ''and in any case in which the President concludes doing so would be appropriate,'' before ''before issuing such license''; and,

(2) in paragraph 2 by striking ''(A) and (B)'' and inserting in lieu thereof ''(A), (B) and (C)'';

(3) by striking paragraph (5);

(c) in section 3(d)—

(1) in paragraphs (1) and (3)(A) by striking ''Subject to paragraph (5), the'' and inserting in lieu thereof ''The'';

(2) in paragraphs (1) and (3)(A) by striking ''$14,000,000'' and inserting in lieu thereof ''$100,000,000''; and,

(3) in paragraphs (1) and (3)(A) by striking ''$50,000,000'' and inserting in lieu thereof ''$200,000,000''; and

(4) by striking paragraph (5).

SEC. 603. BILATERAL AGREEMENT REQUIREMENTS RELATING TO LICENSING OF DEFENSE EXPORTS.

The Arms Export Control Act is amended in section 38(j) as follows

(a) by adding a new paragraph (5):

''(5) WAIVER.—Any of the requirements for a bilateral agreement set forth in paragraph (2) may be waived if the President determines that to do so is important to the national interests, in particular the foreign policy, of the United States, and, prior to exercising this authority, provides notification to the appropriate congressional committees of his intent to exercise this authority, the justification for, and the extent of the exercise of this authority. The certification requirement of paragraph 3(A) may be met where the President has exercised this authority.''

(b) by adding a new paragraph (4)(C):

''(C) UNITED STATES ORIGIN DEFENSE ITEMS.—The term 'United States origin defense items' means those defense items that would be exempt from United States defense export licensing requirements under an anticipated country exemption extended in accordance with the authority of this subsection.''

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

(a) GRANTS UNDER ARMS EXPORT CONTROL ACT.—There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section $4,414,000,000 for fiscal year 2004

and such sums as may be necessary for FY 2005.

(b) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—There is authorized to be appropriated to the President $91,700,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2347, et seq.).

(c) NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS.—There is authorized to be appropriated under ''Nonproliferation, Anti-Terrorism, Demining, and Related Programs'' $385,200,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005.

SEC. 605. COOPERATIVE THREAT REDUCTION PERMANENT WAIVER.

(a) AUTHORITY TO WAIVE RESTRICTIONS AND ELIGIBILITY REQUIREMENTS.—if the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year—

(1) the restrictions in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952) shall cease to apply, and funds may be obligated and expended under that section for assistance, to that state during that fiscal year; and

(2) funds may be obligated and expended during that fiscal year under section 502 of the FREEDOM Support Act (22 U.S.C. 5852) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of that section.

(b) CERTIFICATION AND REPORT.—

(1) The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restrictions and requirements described in paragraphs (1) and (2) of that subsection during such fiscal year is important to the national security interests of the United States, together with a report containing the following:

(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in paragraphs (1) and (2) of subsection (a) in such fiscal year.

(B) An explanation of why the waiver is important to the national security interests of the United States.

(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

(2) The matter included in the report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 606. CONGRESSIONAL NOTIFICATION FOR COMPREHENSIVE DEFENSE EXPORT AUTHORIZATIONS.

Section 36(d)(1) of the Arms Export Control Act (P.L. 90–629) is amended to add the following new sentences at the end after ''subsection.'':

''Notwithstanding section 27(g) of this Act, the provisions of this subsection shall also apply in the case of an approval under section 38 of this Act of a comprehensive export authorization provided for in section 126.14 of the International Traffic in Arms Regulations where the estimated total value of the transfers anticipated at the time of application meets the value thresholds of subsection (c)(1). The provisions shall also apply to amendments to such comprehensive authorizations that involve the addition to the authorization of a new country entering into a related cooperative agreement with the United States Government or memorandum of understanding with the Department of Defense to participate in cooperative activities referred to in such authorizations.''

SEC. 607. EXPANSION OF AUTHORITIES FOR LOAN OF MATERIAL, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.

Section 65 of the Arms Export Control Act (22 U.S.C. 2796d) is amended—

(a) in paragraph (1) of subsection (a)—

(1) by striking ''Except as provided in subsection (c), the Secretary of Defense, with the concurrence of the Secretary of State, may loan to a country that is a NATO or major non-NATO ally'' and inserting ''Except as provided in subsection (c), the Secretary of Defense may loan to—

''(i) a NATO organization or a country that is a NATO ally:

''(ii) a major non-NATO ally; or

''(iii) a friendly foreign country''; and

(2) by striking ''The Secretary may accept as a loan or a gift from a country that is a NATO or major non-NATO ally'' and inserting ''The Secretary may accept as a loan or a gift from—

''(i) a NATO organization or a country that is a NATO ally;

''(ii) a major non-NATO ally; or

''(iii) a friendly foreign country''; and

(b) by amending subsection (d) to add after ''United States)'' the following:

''and the term 'friendly foreign country' means any country not a member of the North Atlantic Treaty Organization designated as a friendly foreign country for purposes of section 27(j)(2) of this Act''.

SEC. 608. ESTABLISH DOLLAR THRESHOLD FOR CONGRESSIONAL NOTIFICATION OF EXCESS DEFENSE ARTICLES THAT ARE SIGNIFICANT MILITARY EQUIPMENT.

Section 516(f)(1) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2321j) is amended by striking the clause ''excess defense articles that are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or''.

SEC. 609. WAIVER OF NET PROCEEDS RESULTING FROM THE DISPOSAL OF U.S. DEFENSE ARTICLES PROVIDED TO A FOREIGN COUNTRY ON A GRANT BASIS.

Section 505(f) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2314(f)) is amended:

(1) by striking in the second sentence ''In the case of items which were delivered prior to 1985, the'' and inserting in lieu thereof ''The''; and,

(2) by adding after the second sentence the following:

''A waiver is not required for a country to retain such net proceeds if the net proceeds are five per cent or less of the original acquisition value of the items.''.

SEC. 610. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) AUTHORITY.—(1) Notwithstanding Section 514 of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2321h), the President may transfer to Israel, in return for concessions to be negotiated by the Secretary of Defense, any or all of the items described in paragraph (2).

(2) The items referred to in paragraph (1) are munitions such as armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) CONCESSIONS.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFER.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations and Armed Services Committee of the Senate and the Committee on International Relations and the Armed Services Committee of the House of Representatives a notification of the proposed transfer. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section five years after the date of enactment of this Act.

SEC. 611. ADDITIONS TO U.S. WAR RESERVE STOCKPILES FOR ALLIES.

Section 514(b)(2) of the Foreign Assistance Act of 1961 as amended, (22 U.S.C. 2321h(b)) is amended—

(1) in subparagraph (A) by striking ''$50,000,000'' and ''2001'', and inserting in lieu thereof ''$100,000,000'' and ''2004'', respectively; and,

(2) in subparagraph (B) by striking $50,000,000'' and ''Republic of Korea'' and inserting in lieu thereof ''$100,000,000'' and ''Israel'', respectively.

SEC. 612. PROVISION OF CATALOGING DATA AND SERVICES.

Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking ''or to any member government of that Organization if that Organization or member government'' and inserting '', to any member of that Organization, or to the government of any other country if that Organization, member government, or other government''.

SEC. 613. PROVISION TO EXERCISE WAIVERS WITH RESPECT TO PAKISTAN

Public Law 107–57, an Act to Authorize the President to Exercise Waivers of Foreign Assistance Restrictions with Respect to Pakistan, is amended—

(1) in section 1(a), by striking ''2002'', wherever appearing (including in the caption), and inserting in lieu thereof ''2004'';

(2) in section 1(b), by striking ''2003'', wherever appearing (including in the caption), and inserting in lieu thereof ''2005'';

(3) in section 2, by striking ''prior to January 1, 2001,'';

(4) in section 3(2), by striking ''Foreign Operations, Export Financing, and Related Programs Appropriations Acts, 2002, as is'' and inserting in lieu thereof ''annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, 2004, and 2005, as are''; and

(5) in section 6, by striking ''2003'' and inserting in lieu thereof ''2005''.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

To amend the Immigration and Nationality Act to render inadmissible to the United States certain relatives of international child abductors, and for other purposes.

SEC. 701. SHORT TITLE.

This Act shall be cited as the ''International Parental Child Abduction Prevention Act of 2003.''

SEC. 702. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.

(a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C) (ii)) is amended—

(1) in subclause (I), by striking the comma at the end and inserting in its place a semicolon;

(2) in subclause (II), by striking the comma before ''or'' at the end and inserting in its place a semicolon;

(3) by amending subclause (III) to read as follows:

''(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (i), or is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State, in the Secretary of State's sole and unreviewable discretion,'';

(4) by separating the final general clause from subclause (III) as amended by subsection (a) (3) of this section; and

(5) by amending the final general clause to read as follows:

''is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age.''

(b) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS; IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE ALIENS IN VISA LOOKOUT SYSTEM; DEFINITIONS.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

''(iv) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS.—The Secretary of State may, in his sole and unreviewable discretion and at any time, cancel a designation made pursuant to Section 212(a)(10)(C)(ii)(III) .

''(v) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).

''(vi) ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE PERSONS IN VISA LOOKOUT SYSTEM.—In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the visa lookout system of the name or names of, and identifying information about, such individual and of any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).

''(vii) DEFINITIONS.—For purposes of this subparagraph—

''(I) the term 'child' means a person under twenty-one years of age regardless of marital status;'' and

''(II) the term 'sibling' includes step-siblings and half-siblings.''

(c) ANNUAL REPORT.—The Secretary of State shall submit to the Committee on International Relations and the Committee on the Judiciary of the United States House of Representatives, and the Committee on Foreign Relations and the Committee on the Judiciary of the United States Senate, for the year beginning on the first day of the first full month after the date of enactment of this Act, and for each of the four subsequent years, an annual report that describes the operation of Section 212(a)(10)(C) of the Immigration and Nationality Act, as amended by this Title, during the year to which the report pertains. Each such annual report shall be submitted not later than 60 days after the end of the applicable reporting period. As part of the required description of the Act's operation, and to the extent corresponding data are reasonably available, each such annual report shall specify,

(1) the number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the applicant's inadmissibility under Section 212(a)(10)(C) during the reporting period; and

(2) the cumulative total number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which a visa was denied to an applicant on the basis of the applicant's inadmissibility under Section 212(a)(10)(C) since the beginning of the first reporting period; and

(3) the number of cases known to the Secretary of State, disaggregated according to the nationality of the aliens concerned, in which an alien's name was placed in the visa lookout system on the basis of the alien's inadmissibility or potential inadmissibility under Section 212(a)(10)(C) during the reporting period; and

(4) the cumulative total number of names, disaggregated according to the nationality of the aliens concerned, known to the Secretary of State to appear in the visa lookout system on the basis of the aliens' inadmissibility or potential inadmissibility under Section 212(a)(10)(C) at the end of the reporting period.

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—Streamlining Reporting Requirements

SEC. 801. REPORTS ON BENCHMARKS FOR BOSNIA.

Section 7(b)(2) of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174, 112 Stat. 64) and Section 1203 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) are repealed.

SEC. 802. REPORT CONCERNING THE GERMAN FOUNDATION "REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE".

Section 704 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is repealed.

SEC. 803. REPORT ON PROGRESS IN CYPRUS.

Section 620C(c) of the Foreign Assistance Act of 1961 (Public Law 87–195) is amended by:

(a) striking in the second sentence ''within 60 days after the date of enactment of this section and at the end of each succeeding 60–day period''; and

(b) inserting in its place ''on a semiannual basis''.

SEC. 804. REPORTS ON ACTIVITIES IN COLOMBIA.

Section 694 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is repealed.

SEC. 805. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.

Section 3203 of the 2001 Military Construction Appropriations Act (Public Law 106–246) is repealed.

SEC. 806. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

Section 805 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (22 U.S.C. 2656f note), as amended by section 216 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), is repealed.

SEC. 807. REPORT AND WAIVER REGARDING EMBASSY IN JERUSALEM.

The Jerusalem Embassy Act of 1995 (Public Law 104–45) is amended as follows:

(a) in section 6, by:

(1) striking ''SEMIANNUAL'' in the section heading;

(2) and by striking ''every six months thereafter'' and inserting in its place ''each year thereafter''; and

(b) in section 7(a)(2) by striking ''for an additional six month period'' and inserting in its place ''for an additional one year period''.

SEC. 808. REPORT ON PROGRESS TOWARD REGIONAL NONPROLIFERATION.

Section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)) is repealed.

SEC. 809. REPORT ON ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.

Section 25 of the Arms Export Control Act (22 U.S.C. 2765) is repealed.

SEC. 810. ANNUAL FOREIGN MILITARY TRAINING REPORT.

Section 656 of the Foreign Assistance Act of 1961 is amended as follows:

(a) in paragraph (a)—

(1) by striking ''January 1'' and inserting in lieu thereof ''March 1'',

(2) after ''personnel'' by inserting '', excluding training provided through sales,''

(3) after ''State'' by inserting '', which was completed'',

(4) by striking all that follows after ''previous fiscal year'' before the period, and

(5) by inserting the following new second sentence:

''This paragraph shall not apply with respect to any NATO member, Australia, New Zealand or Japan unless the Secretaries jointly determine, after consultation with Congress, that inclusion of any such country in the report is warranted.'', and

(6) by striking (a) (2);

(b) in paragraph (b)—

(1) in subparagraph (1) after ''purpose for the activity,'' by inserting ''and'' and after ''operation'' by striking all that follows before the period,

(2) in subparagraph (3) after ''activity'' the first time it occurs by striking all that follows before the period;

(c) in paragraph (c) after ''unclassified form'' by striking all that follows before the period; and

(d) in paragraph (d) by striking ''All unclassified portions of the'' and inserting in lieu thereof ''The''.''

SEC. 811. REPORT ON HUMAN RIGHTS VIOLATIONS BY IMET PARTICIPANTS

(a) Section 549 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347(h)) is repealed.

(b) Section 548 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347g) is amended by striking paragraphs (b) and (c) in their entirety and inserting the following:

''(b) Information on Human Rights'' Abuses. Upon request of the Secretary of State for information regarding foreign personnel or military units, the Secretary of Defense shall provide such information contained in the database to the Secretary of State. If the Secretary of State determines that a foreign person identified in the database maintained pursuant to this section was involved in a violation of internationally recognized human rights, the Secretary of State shall so advise the Secretary of Defense, who shall in turn ensure that the database is updated to contain such fact and all relevant information.''

SEC. 812. REPORT ON THE DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY (ESDI) WITHIN THE NATO ALLIANCE.

Section 1223 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2075 and 2155, respectively) is repealed.

SEC. 813. REPORT ON TRANSFERS OF MILITARY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113

Stat. 542, 697, 706, 748, 756, 779, and 798, respectively) is amended in section 1402, by striking subsection (b)(2).

Subtitle B—Other Matters

Sec. 814. NUCLEAR REPROCESSING TRANSFER WAIVER

Section 102(a)(2) of the Arms Export and Control Act (Public Law 90–629) (22 U.S.C. 2799aa–1) is amended in the first sentence by deleting the phrase ''in any fiscal year'' and the phrase ''during that fiscal year''.

SEC. 815. COMPLEX FOREIGN CONTINGENCIES.

(a) PURPOSES.—The President should ensure that assistance provided to address complex foreign crises is designed to respond on an urgent, flexible basis, including at the outset, to mitigate without regard to scale of the crisis, but taking account of the gravity of the crises, political crises threatening democratic institutions, food, agricultural or health crises, fiscal or economic crises affecting countries, regions or ethnic groups. The response should be designed to best serve United States foreign policy interests, including the restoration or maintenance of peace and security.

(b) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this section for the purpose of responding to complex foreign crises.

(c) There is hereby established a United States Complex Foreign Contingency Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, which may be made available notwithstanding any other provision of law. Amounts appropriated hereunder shall remain available until expended.

SECTIONAL ANALYSES

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

This section authorizes appropriations under the heading ''Administration of Foreign Affairs'' for fiscal years 2004 and 2005. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, effective implementation of consular programs and its border security component, the acquisition and maintenance of office space and living quarters for the United States missions abroad, provision of security for those operations, and information resource management.

In particular, this section provides authorization of appropriations for the necessary expenses of the Department of State and the Foreign Service, not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act. These expenses include an authorization for worldwide security upgrades. This section also includes authorization of appropriations for the conduct of U.S. public diplomacy programs, capital investment, representation, protection of foreign missions and officials, emergencies in the diplomatic and consular service, repatriation loans, and payment to the American Institute in Taiwan. This section includes the funding for the final year of the Department's Diplomatic Readiness Initiative aimed to hire 1158 additional employees beyond attrition over a three-year period to fill our staffing gaps (particularly in critical overseas positions), provide a ''personnel complement'' to allow for training, and respond quickly to crises and emerging policy priorities.

SEC. 102. INTERNATIONAL ORGANIZATIONS AND CONFERENCES.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading ''International Organizations and Conferences.'' It authorizes the necessary funds for U.S. contributions of its assessed share of the expenses of the United Nations and other international organizations of which the United States is a member. In addition, provision is made for assessed contributions to international peacekeeping activities under United Nations auspices.

This section also authorizes such sums as may be necessary for each of the fiscal years 2004 and 2005 to offset adverse fluctuations in foreign currency exchange rates.

SEC. 103. INTERNATIONAL COMMISSIONS.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading ''International Commissions.'' It authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions, including those dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

This section authorizes appropriations for fiscal years 2004 and 2005 under the heading ''Migration and Refugee Assistance'' to enable the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, through private volunteer agencies, governments, and bilateral assistance, as authorized by law.

SEC. 105. CENTERS AND FOUNDATIONS.

This section authorizes appropriations for fiscal years 2004 and 2005 for the East-West Center, the National Endowment for Democracy, and the Asia Foundation.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 201. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

The Department of Defense provides a variety of airlift support for official Secretary of State overseas travel on a reimbursable basis. The airlift mission involves, for example, transporting armored vehicles necessary to provide a safe environment for the Secretary, when such vehicles are not available in country. The Department of Defense has a two-tiered rate structure for charging for such support. At present the Department of State is paying the higher rate, which is nearly twice as much as the lower. This section would authorize the Department of State to pay the Department of Defense for airlift services at the Department of Defense rate.

Legislation has already been enacted under which the CIA receives the Department of Defense rate on missions, which the Secretary of Defense has determined to be related to national security objectives (10 U.S.C. 2642). The Secretary of State's travel is similarly aimed at national security objectives, and similar treatment is therefore warranted. This section would therefore amend 10 U.S.C. 2642 to add the Department of State.

SEC. 202. GRANT AUTHORITY TO PROMOTE BIOTECHNOLOGY.

The Department plays a critical role in U.S. Government efforts to ensure that foreign governments consider biotechnology and its applications in agriculture/food on the basis of science. Currently, the Department does not have grant authority for funds that the Bureau of Economic and Business Affairs (EB) receives for biotechnology policy programs and for the Business Financial Incentive Fund. Unlike a contractual arrangement, where a contractor provides a good or service to the governmental agency in return for payment, the grant process allows the government and the grantee to enter into a partnership to achieve a shared objective that serves the public good. Grant and cooperative agreement authority would enable the Department to use these funds more effectively, permitting it to work more directly with universities, non-governmental organizations, international organizations, private voluntary organizations, scientific groups, and private sector associations. It is anticipated that grants and cooperative agreements, as well as contracts, would be used to support public-private partnerships, workshops, seminars, media events, speaker programs, and publications. The Department will implement this authority in compliance with applicable statutory and regulatory guidelines governing grants and cooperative agreements. This section provides for up to $500,000 in grant authority each fiscal year.

SEC. 203. IMMEDIATE RESPONSE FACILITIES.

In recent years, the Department has experienced a need to stand up a diplomatic facility on very short notice to achieve urgent, high-visibility foreign policy objectives. The most dramatic cases were the situations in Nairobi, Kenya, and Dar Es Salaam, Tanzania, immediately after the 1998 bombings. A recent example is the immediate temporary facilities in Kabul in the aftermath of the war. Other circumstances demanding immediate action would include, for example, destruction or incapacitation of a U.S. diplomatic facility by a terrorist attack, a natural disaster, or a war or insurrection to which the U.S. is not a party. To ensure that the Department has the flexibility to respond rapidly in emergency situations, this section would provide that not to exceed $15,000,000 of the funds appropriated under the heading ''Embassy Security, Construction, and Maintenance'' may be reprogrammed to provide immediate response facilities without having to provide advance congressional notification pursuant to any other provision of law, including but not limited to section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706). In such instances where advance notification would otherwise be required, the Department is required to notify and provide an explanation of the circumstances requiring the deployment of immediate response facilities to the Committee on Appropriations and the Committee on International Relations of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate as soon as practicable, but not later than 3 days after the obligation or expenditure of such funds. This post-notification procedure is similar to the one provided for in Section 34(c) of the Basic Authorities Act of 1956 for situations involving substantial risk to human health or welfare.

This authority will not be used to circumvent advance notification where a facility is not an immediately-needed response to an urgent situation. It will be used for existing posts or facilities, but not to stand up a new post or commit initial funds toward a long-term project, such as construction of a New Embassy Compound. Thus, for example, had this authority existed at the time of the war in Afghanistan, it would have been appropriately used for the Phase 1 immediate temporary facilities, but not for the Phase 2 embassy annex and reconstruction.

SEC. 204. MINE ACTION PROGRAMS GRANT AUTHORITY.

The Department, through its Office of Mine Action Initiatives and Partnerships (PM/MAIP), is actively working with non-governmental organizations, foundations, and companies to raise awareness and resources for mine action. In particular, the

Department has developed over two dozen public-private partnerships which promote mine clearance; survivors assistance, education programs, and research and development of promising technologies for finding and destroying landmines. To maximize the effectiveness of these public-private partnerships, it is important that the Department have the ability to enter into grants and cooperative agreements. Unlike a contractual arrangement, where a contractor provides a good or service to the governmental agency in return for payment, the grant process allows the government and the grantee to enter into a partnership to achieve a shared objective that serves the public good. This section provides for up to $450,000 in grant authority each fiscal year.

By being able to provide grants and enter into cooperative agreements with organizations participating in the public-private partnership program, the Department would be able to provide support to such private sector projects as training demining personnel and mine-detecting dogs; developing training materials and mine risk education materials that teach children and adults about how to recognize, report, and avoid landmines; and research and development into new technologies to increase the effectiveness and speed of detecting and removing landmines. To the maximum extent feasible, grants and cooperative agreements would be used to support mine action activities of non-governmental organizations. The Department will implement this authority in compliance with all statutory and regulatory guidelines governing grants and cooperative agreements.

SEC. 205. THE U.S. DIPLOMACY CENTER.

This section would provide necessary authorities for the operation of the new U.S. Diplomacy Center at the Department of State. As envisioned, this Center would be dedicated to creating a better understanding of the history and practice of United States diplomacy. The Center would organize and sponsor educational and outreach programs, including conferences, seminars, and educational materials. It would also include a museum area, focusing on the history of U.S. diplomacy in safeguarding U.S. security, searching for peace, increasing prosperity, promoting U.S. values, and protecting U.S. lives abroad. As is customary in connection with such activities, the Center should include appropriate visitor services such as a museum shop, and should be able to pay for reasonable expenses in connection with conferences and outreach activities, such as refreshments and travel of participants. This legislation would provide clear statutory authority in these areas. Authority is also provided to retain fees to support the Center's activities. It would also include authority to dispose and lend museum artifacts and materials, similar to the authority already provided to the Department of State for the Diplomatic Reception Areas on the seventh and eighth floors of the Harry S Truman Building. Consistent with the Code of Ethics for Museums of the American Association of Museums, the legislation provides that proceeds from disposition of museum holdings can only be used for collection purposes. This section also provides that, except as may be identified subject to reprogramming procedures, the Bureau of Public Affairs may not expend more than $950,000 in fiscal year 2004 and such sums as may. be necessary in fiscal year 2005 for the U.S. Diplomacy Center.

SEC. 206. PUBLIC AFFAIRS GRANT AUTHORITY.

The Department is actively pursuing outreach programs designed to educate the American public about foreign affairs issues and the development and implementation of foreign policy. In particular, the Bureau of Public Affairs is working with a number of nonprofit organizations (such as academic institutions of higher learning, organizations representing associations of American educators, local organizations or community groups, and broadcasting entities) in order to reach different sectors of the domestic audience.

In certain situations, a grant or cooperative agreement is a more appropriate vehicle than a contractual agreement to meet the Department's goals. Unlike a contractual arrangement, where a contractor provides a good or service to the governmental agency in return for payment, the grant process allows the government and the grantee to enter into a partnership to achieve a shared objective that serves a public good. In this case, the shared purpose is to educate the American public on foreign affairs matters in a factual and fair manner.

The Department would continue to use its existing contract authority for many activities and would exercise authority to enter into grants and cooperative agreements only in those limited instances where appropriate. The Department will implement this authority in compliance with applicable statutory and regulatory guidelines governing grants and cooperative agreements.

TITLE III: ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 301. COST OF LIVING ALLOWANCES.

The proposed changes to the education allowance in 5 U.S.C. 5924(4) would: (1) allow for educational travel to the United States for children in kindergarten through 12th grade, when schools at post are not adequate; (2) allow for educational travel to a school outside the United States for children at the secondary and college level; (3) provide for educational travel at the graduate level for children who are still dependents; (4) permit payment of fees required by overseas schools for successful completion of a course or grade; and (5) allow the option of storing a child's personal effects near the school during their trip home, rather than transporting it back and forth.

Currently, when families are serving in a post without adequate local school facilities, the law allows for transportation of children in kindergarten through 12th grade to the nearest place where there is adequate education. For instance, if an employee is assigned to Guinea-Bissau, transportation for his/her dependents is calculated based on hub-points in Europe (London and Rome). This causes significant financial hardships for families, who are often serving in the most difficult overseas assignments, and whose children are in school in the United States. By changing the wording of the law to allow transportation back to the United States, the transportation component will ensure that parents can afford to send their children to the United States for an American education.

On the other hand, when a child has reached the secondary or post-secondary level, aside from a limited exception, current law allows payment for travel only to and from a school in the United States. This amendment would permit transportation to schools outside the United States as well. It would also allow educational travel at the post-baccalaureate level, when a child is still a dependent but has graduated from college. This would be consistent with what is allowed for military member dependents.

Overseas schools frequently require participation in programs that would not fall into the category of expenses considered ''ordinarily provided without charge in the United States,'' as described in 5 U.S.C. 5924(4)(A). For example, students may be required to participate in a cultural studies program that may include mandatory field trips. The proposed amendment would allow associated costs to be paid with the education allowance.

Finally, the proposed amendment would allow for local storage of a child's effects in lieu of transporting them back and forth during school closings for students in kindergarten and elementary school as well as higher levels of education, provided that payment for local storage would not exceed the cost of transport. Section 319 of the FY 2003 Foreign Relations Authorization Act (P.L. 107–228) added this option for educational travel under 5 U.S.C. 5924(4)(B), and this amendment would extend the option to educational travel under 5 U.S.C. 5924(4)(A).

In addition, this section makes technical amendments including Puerto Rico as part of the ''United States,'' eliminating language referring to the Canal Zone, and removing a reference to an irrelevant statute.

SEC. 302. WAIVER OF ANNUITY LIMITATIONS ON RE-EMPLOYED FOREIGN SERVICE ANNUITANTS.

Foreign Service annuitants hired on a full-time basis have their annuities terminated. Those employed on a parttime, intermittent or temporary basis face a cap on the total sum of their salary and their retirement annuity. The ''dual compensation restrictions'' on Foreign Service annuitants, many of whom have unique experience and talents, hamper the Department's ability to hire these individuals to meet mission needs. This section amends the Foreign Service Act to allow the Secretary of State and heads of other relevant agencies to waive these restrictions for positions for which there is exceptional difficulty in recruiting or retaining a qualified employee.

Section 824(g) of the Foreign Service Act was last amended in 1988 to authorize the Secretary to waive the annuity limitations on re-employed Foreign Service annuitants on a case by case basis if the annuitant is re-employed on a temporary basis due to an emergency involving a direct threat to life or property or other unusual circumstances. This amendment extended to the 10 Foreign Service a waiver authority that had existed and currently exists for the Civil Service.

Subsection (a) again seeks to amend section 824(g) of the Foreign Service Act, and again to extend a waiver authority to the Foreign Service that already exists for the Civil Service. It would provide the Secretary authority to waive the annuity limitations for annuitants reemployed on a temporary basis in positions for which it is exceptionally difficult to recruit or retain qualified employees. This authority, which we do not expect to be used very often, would better enable the Department to recruit and retain. highly qualified persons necessary, for example, to meet our mission needs in the war on terrorism and in our public diplomacy efforts.

Subsection (b) indicates that effective October 1, 2005, section 824(g) will revert to its current form.

SEC. 303. FELLOWSHIP OF HOPE PROGRAM.

This section clarifies the authority underlying a current exchange program between the foreign affairs agencies of the United States, the European Union, and its member states, created to promote collaboration among its young leaders. Under this very successful program, Foreign Service officers are identified on an annual basis to serve one-year details at the European Union in Brussels and designated European foreign ministries. After the Foreign Service Officers complete the details at the EU or in the foreign ministries, they are assigned to a position in the U.S. embassy in the relevant

European capital. Conversely, the State Department also will receive members of the diplomatic corps from the European Union and designated foreign ministries. While the present program is limited to EU members, it may be that this program could be extended to other designated countries.

This provision renders moot a potential legal concern under the Emoluments Clause of the Constitution (Article 1, section 9, clause 8). The Emoluments Clause provides that no person holding an office of profit or trust under the United States may, without the consent of Congress, accept an emolument from a foreign state. Under the Fellowship of Hope program, diplomats from the Commission and designated foreign countries accept an emolument from a foreign state through the course of compensation by their own government. However, these diplomats are also holding an office of profit or trust in the U.S. government. Explicit Congressional authority for the exchange program would obviate any issue regarding the Emoluments Clause.

The Secretary will be responsible for administering this program consistent with the national security and the foreign policy interests of the United States. In particular, it should be noted that information security considerations have been carefully considered in the implementation of this exchange program. Moreover, the Secretary will consult with the Department of Justice or the Central Intelligence Agency, as appropriate, to meet these responsibilities.

SEC. 304. CLAIMS FOR LOST PAY.

This section clarifies the Department's authority to make technical corrections or enter into settlements of claims or grievances brought by its employees involving lost pay, allowances, or differentials. These complaints may involve simple technical ''glitches'' in the payment of salary or benefits, for which the Department (like other agencies) routinely retroactively corrects the payment or makes a payment as appropriate. Administrative adjustments also may be required in order, for example, that a member of the Foreign Service is made whole in connection with a retroactive promotion.

In addition, the Department routinely settles non-Title VII claims brought by Civil Service employees before the Merit Systems Protection Board, or those brought by Foreign Service employees before the Foreign Service Grievance Board. In settling or compromising such claims, the normal authority for the payment of back pay would be the Back Pay Act (5 U.S.C. 5596). However, as is the case with most settlements, the Department does not usually make any admission as to liability, and therefore does not make a finding of an unwarranted or unjustified personnel action under the provisions of the Back Pay Act. This section would make clear that no such finding would be necessary in the event of a settlement or compromise of a claim or grievance which otherwise is in accordance with all provisions of the Back Pay Act.

The Department is seeking this provision as clarification to resolve back pay claims consistent with the spirit of conciliation that underlies settlements generally. This provision is not meant to question the current ability of agencies to settle claims without admitting fault.

SEC. 305. SUSPENSION OR ENFORCED LEAVE.

This amendment brings the Foreign Service into parity with the Civil Service. Current statutes, in particular, 5 U.S.C. 7512 and 7513, permit an indefinite suspension or enforced leave of an employee during an investigation into the revocation of a security clearance, where a security clearance has been suspended, where there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed, or for such other cause as will promote the efficiency of the service. The due process requirements in this amendment are the same as those afforded Civil Service employees.

''Reasonable cause'' may include, but is not limited to, an indictment or circumstances attendant to an arrest or investigation conducted by the Department or criminal law enforcement authorities. The Board is substantially constrained in what it may review with respect to suspensions and enforced leave authorized by this amendment. The Board will not, for example, have the authority to review the merits of any security clearance revocation investigation, which triggers a suspension under this amendment. In reviewing any suspension or enforced leave under this amendment, it is the Department's expectation that the considerable body of law interpreting 5 U.S.C. sections 7512 and 7513 will guide the Board. Decisions as to whether or not to grant the employee back pay upon the resolution of the underlying matter will be at the discretion of the Department. Under no circumstance may the Board grant prescriptive relief with respect to an indefinite suspension or enforced leave.

SEC. 306. HOME LEAVE.

This section reduces the time period for eligibility for home leave from 18 to 12 months. In addition, this amendment provides that members may take authorized rest and recuperation travel under section 4081(6) even if they take accrued, unused home leave authorized by this amendment. This would ensure that eligibility for R&R would not be affected if someone took home leave while on other travel to the United States.

The effect of these two amendments will be to facilitate members to take home leave during tours of duty (including at R&R posts) rather than at the end of their tours of duty as is the Department's current practice. The Department does not plan, however, to change its current policies related to the authorization of home leave travel, i.e., that members take home leave normally at the end of a two-year tour or at the midpoint of a four-year tour. This amendment simply provides some flexibility.

SEC. 307. OMBUDSMAN FOR THE DEPARTMENT OF STATE.

In section 172 of the Foreign Relations Authorization Act, FY 1988 and 1989 (P.L. 100–204), the Congress expressed its objective that the contributions of Civil Service employees to the Department of State would not be overlooked and would be adequately protected. It therefore established an Ombudsman for Civil Service Employees in the Office of the Secretary. This section is intended to enhance the responsibilities of the Ombudsman to better serve the Department's mission.

This provision further ensures that the Ombudsman would continue to report directly to the Secretary, and will have the ability to participate in meetings regarding management of the Department in order to be able to protect the interests of all Department employees.

SEC. 308. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

This section repeals the provision in the Foreign Service Act that requires the Secretary to establish a recertification requirement for members of the Senior Foreign Service (SFS) that is equivalent to the recertification process for the Senior Executive Service (SES).

In section 1321 of the Homeland Security Act of 2002 (P.L. 107–296), the Congress repealed the recertification 14 requirements for SES employees contained in title 5 of the United States Code. The rationale was that these periodic recertification requirements for the SES did not serve a useful purpose. We believe the same rationale applies to the SFS.

TITLE IV—INTERNATIONAL ORGANIZATIONS

SEC. 401 RAISING THE CAP ON PEACEKEEPING CONTRIBUTIONS.

This provision would set at 27.1% for calendar years 2004 and 2005 the cap on UN peacekeeping assessments. This would allow the United States to pay its peacekeeping assessment in full in 2004 and 2005. This provision will allow us to avoid accruing future peacekeeping arrears.

TITLE V—SUPPORTING THE WAR ON TERRORISM

SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

Overview: This section amends section 219 of the Immigration and Nationality Act (''INA'') (8 U.S.C. 1189), authorizing the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury (the ''Secretary''), to designate foreign terrorist organizations (''FTOs''), in order to improve the statutory designation procedures. It eliminates the statute's redesignation provision, requiring the Secretary instead to review FTO designations regularly, and it adds a procedure for amending designations.

Amending the Redesignation Requirement: The Duration of Designation provision removes the requirement for the Secretary to redesignate FTOs every two years for designations to remain in effect. It permits an FTO designation to remain in effect until it is revoked by an Act of Congress or by the Secretary or set aside by the United States Court of Appeals for the District of Columbia Circuit.

The Review of Designation upon Petition provision requires the Secretary to review the designation of an FTO if a designated organization petitions the Secretary for revocation once two years have elapsed from the date of its designation. It also requires such review if an organization files another petition once two years have elapsed from the date of its last petition. This provision requires the Secretary to issue a determination on a petition for revocation within 180 days. It also permits an organization to petition for judicial review of the Secretary's determination within 30 days after that determination is published in the Federal Register.

The Other Review of Designation provision requires the Secretary to review the designation of each FTO at least once every four years in order to determine whether it should be revoked, even if the organization does not submit a petition for revocation. Absent such a petition, this automatic review would be completed according to procedures to be developed by the Secretary, and there would be no judicial review. This periodic review is intended as an 17 automatic check on the continued vitality of a designation, even in the absence of a petition for revocation by the designated organization.

With 36 FTOs designated as of March 2003, and others on the way to designation, the demands that the current statutory requirement to redesignate organizations every two years imposes on the interagency counterterrorism workforce are great. Each redesignation requires an interagency review process and preparation of an administrative record that can take months. The time demands associated with proving repeatedly

that terrorist groups have retained their character as terrorists significantly drain resources from other pressing counterterrorism work, including the pursuit of additional designations pursuant to section 219 of the INA, section 212(a)(3)(B) of the INA (8 U.S.C. 1182) (designation of terrorist organizations for immigration purposes), and Executive Order 13224 (terrorist financing).

The proposed changes would streamline the current procedures and permit a more effective use of USG resources, while ensuring that the Secretary would regularly review an organization's designation to determine if it should be revoked. The terrorist threat we face has increased greatly since section 219 was enacted in 1996, and now more than ever, the USG needs to marshal its counterterrorism resources as efficiently as possible.

Aliases: Section 219 does not contain any explicit statutory authority or guidance for making additional alias designations after an organization is designated as an FTO. In designating FTOs, the Secretary of State routinely lists the names of the designated entities together with their aliases, a practice that has been upheld by the United States Court of Appeals for the District of Columbia Circuit. Recently, certain groups that have been designated as FTOs have changed their names in an effort to evade asset freezing and other consequences of designation. Some FTOs have dissolved and reconstituted themselves under a different name or names, or merged with other organizations, even while retaining the capability and intent to engage in terrorist activity or terrorism. The difficulty of identifying all of an organization's aliases also can slow down the process of designating an organization as an FTO, creating unnecessary delays that weaken an otherwise powerful tool for combating international terrorism.

This section would enhance the effectiveness and efficiency of the designation process by adding explicit, streamlined procedures for adding new aliases to an underlying designation. It would allow the Secretary, or the Secretary's designee if the Secretary subsequently delegates that authority, to amend the existing administrative record for an organization's designation, rather than requiring the Secretary to create an additional administrative record in support of the amendment.

This section would require the Secretary of State (or the Secretary's designee if the Secretary delegates that authority) to make amendments in consultation with the Attorney General and the Secretary of the Treasury (or their designees if they delegate that authority), ensuring that amendments reflect the expertise of Justice and Treasury. Because it is a criminal offence to provide material support or resources to a designated FTO, and because of the asset blocking consequences of FTO designation, it is important that designations be made in consultation with Justice and Treasury. An organization covered by any such amendment also would have the ability to seek judicial review of the amendment or submit a petition to the Secretary for revocation of an amendment.

TITLE VI—SECURITY ASSISTANCE

SEC. 601. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS (ESF) FOR LEBANON.

The annual restriction that $10M of the ESF designated for Lebanon be withheld from central government until the President certifies their armed forces effectively assert authority over Lebanon's southern border accomplishes little beyond reducing the amount of ESF available to that country. Since none of our ESF assistance monies go directly to the government, but rather to NGOs, this restriction serves neither as a carrot nor a stick from the perspective of the Lebanese government. Rather, this provision restricts our ability to promote democracy and economic development precisely when we have a strong interest in helping Lebanon rebuild its institutions. We believe that using this money in water projects in southern Lebanon will help defuse Lebanese-Israeli tensions and would directly support USG efforts to assure careful management of scarce water resources. Amending this section to allow this funding to be used for water projects would provide more transparency to Lebanese water management and thereby more comfort to Israel, than would be done by keeping this funding in escrow.

SEC. 602. THRESHOLDS FOR CONGRESSIONAL NOTIFICATION OF FMS AND COMMERCIAL ARMS TRANSFERS.

This section reflects the need for meaningfully increasing the congressional notification thresholds for arms sales and exports beyond the relatively modest increases for NATO and Japan, Australia and New Zealand enacted in section 1404 of the FY 2003 Foreign Relations Authorization Act. These recent increases will only minimally reduce the number of congressional notifications required and will, therefore, result in the continued notification of what are often rather insignificant sales of defense articles or services, particularly since the recent threshold increases apply to so few countries.

The proposed revision would in effect repeal the modest increases enacted last year and substitute in their place new notification thresholds for defense sales and exports applicable to all countries as follows: $100,000,000 for Major Defense Equipment; $200,000,000 for other defense articles and services; and, $500,000,000 for design and construction services, sold via Foreign Military Sales. The Administration plans to enhance its process for consultation on cases of lesser value that may nonetheless be sensitive in order to ensure an opportunity for Congressional input and oversight. In that regard, the Administration would be prepared to an exchange of letters with the chairs and ranking members of the SFRC and the HIRC, indicating that we would notify cases of concern to the committees even though they might be of a lesser value than the higher thresholds proposed by in this amendment.

SEC. 603. BILATERAL AGREEMENT REQUIREMENTS RELATING TO LICENSING OF DEFENSE EXPORTS.

The Security Assistance Act of 2000 converted into a legal requirement the policy which set as a prerequisite for a foreign country qualifying for a country exemption from defense export licensing that the country have entered into a binding bilateral agreement committing it to apply specific defense export controls comparable to those of the United States. Fundamental differences between U.S. law and the legal regimes of the two countries with which the U.S. commenced negotiations in July 2000, Australia and the U.K., have proven that the specific commitments required by the law are in many instances too strict or specific, making it very difficult, if not impossible, to conclude an agreement that will satisfy all the Act's requirements.

To overcome this undue constraint on the President's otherwise extremely flexible authorities to control commercial defense trade, it is imperative, at very least, that appropriate legislative relief be provided. The amendment would allow the President to waive any of the law's specific requirements for the agreement. This would give the Administration, in this case the State Department, latitude to conclude the best agreements that are achievable, and that represent in its judgment sufficient significant improvements in a country's defense export regulatory regime so as to justify extending an exemption from U.S. defense export licensing requirements. A second proposed revision would narrow the scope of the commitments required of a foreign country, to comport more with reasonable expectations that a country would be 21 required to apply its enhanced defense export controls mainly to U.S. origin defense items that are exempt from U.S. licensing, which are harder to keep track of, versus those items in that country that are subject to U.S. licenses.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) authorizes $4,414,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005 for Foreign Military Financing (''FMF'').

Subsection (b) authorizes $91,700,000 for fiscal year 2004 and such sums as may be necessary for Fiscal Year 2005 for the International Military Education and Training (IMET) program. This requested level of funding for 2004 is an increase of $6,700,000 over the Congress' authorization of appropriations for fiscal year 2003 and reflects the Administration's strong support for the IMET program.

Subsection (c) authorizes $385,200,000 for fiscal year 2004 and such sums as may be necessary for fiscal year 2005 for ''Nonproliferation, Anti-Terrorism, Demining, and Related Programs.''

SEC. 605. COOPERATIVE THREAT REDUCTION PERMANENT WAIVER.

This section provides a permanent annual waiver for the restrictions contained in subsection (d) of 22 U.S.C. 5952 and the requirements of section 502 of the Freedom Support Act (Public Law 102–511). Section 1306 of the National Defense Authorization Act for FY 2003 (Public Law 107–314) provided authorization for an annual waiver only for Fiscal Years 2003 through 2005. This permanent annual waiver would ensure continuity for program planning purposes.

SEC. 606. CONGRESSIONAL NOTIFICATION FOR COMPREHENSIVE DEFENSE EXPORT AUTHORIZATION.

This provision amends section 36(d) of the Arms Export Control Act to require congressional defense export notifications for comprehensive defense export authorizations. Specifically, the existing procedures for such notifications of commercial defense exports applicable under section 36(c) shall now apply in the case of comprehensive defense export authorizations set forth in section 126.14 of the International Traffic in Arms Regulations where the estimated total value of the transfers anticipated at the time of application meets the value thresholds of subsection (c) (1). The amendment addresses a Congressional concern that the congressional notification provided by the Administration for the Global Project Authorization, a type of comprehensive defense export authorization provided for in the above mentioned regulation, may not have necessarily been viewed to be covered by section 36(c), despite the willingnesss to provide such notification. This amendment will clarify that such notifications are to be provided, pursuant to the statute.

SEC. 607. EXPANSION OF AUTHORITIES FOR LOAN OF MATERIAL, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.

The amendment would expand the scope of the authority under section 65 of the Arms Export Control Act to loan items for cooperative research and development beyond the current NATO and major non-NATO ally recipients to include ''friendly foreign countries'' as that term is used in section 27(j)(2) of the Act. It would permit the loan authority to be used in a manner that corresponds

to that for the countries with which cooperative activities may be conducted under section 27.

SEC. 608. ESTABLISH DOLLAR THRESHOLD FOR CONGRESSIONAL NOTIFICATION OF EXCESS DEFENSE ARTICLES THAT ARE SIGNIFICANT MILITARY EQUIPMENT.

This proposal seeks to establish the same dollar limit for advance notification to Congress for all excess defense articles. Currently, Congress requires advance notification of all transfers of excess defense articles that are Significant Military Equipment (SME), whereas Congress only receives advance notification for those transfers of other excess defense articles valued at $7 million or more. SME are articles for which special export controls are warranted because of their capacity for substantial military utility of capability. This proposal would apply the $7 million advance notice threshold to transfers of all excess defense 23 articles, including SME. This would reduce the number of congressional notifications sent annually to Congress.

SEC. 609. WAIVER OF NET PROCEEDS RESULTING FROM DISPOSAL OF U.S. DEFENSE ARTICLES PROVIDED TO A FOREIGN COUNTRY ON A GRANT BASIS.

This proposal allows the President to waive the requirement that net proceeds resulting from the disposal of defense articles provided to a foreign country on a grant basis be paid to the United States. Existing law limits the waiver authority to items delivered before 1985. This proposal supports the goal of reducing the volume of defense articles worldwide, and reduces the potential that Defense articles inadvertently may fall into the hands of parties hostile to the United States. This legislation would retain the requirement that the net proceeds greater than 5 percent of the original acquisition value needs to be paid to the United States Government, absent a Presidential determination that a waiver is in the national interest of the United States.

SEC. 610. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

This proposal provides the United States increased authority to transfer obsolete or surplus defense items to Israel, in exchange for concessions to be negotiated by the Secretary of Defense. Section 514 of the Foreign Assistance Act (FAA) of 1961 (22 U.S.C. 2321h) provides that defense articles included in DoD War Reserve Stocks (WRS) be transferred to foreign governments only through Foreign Military Sales (where the foreign government buys the articles) or through grant military assistance (where the value of the article is counted against military assistance appropriations provided for the recipient country). The DoD maintains a WRS stockpile in Israel. This is a separate stockpile of U.S.-owned munitions and equipment set aside, reserved, or intended for use as war reserve stocks by the U.S. and which may be transferred to the Government of Israel in an emergency, subject to reimbursement. The DoD now seeks authority from Congress to transfer to Israel certain of these WRS stocks to Israel. In return for transferring these stocks to Israel, the U.S. would negotiate equivalent value concessions from the Government of Israel. This initiative is not without precedent. During 1995–96 pursuant to section 509 of the FY94/FY95 Foreign Relations Authorization Act (P.L. 103–236), the U.S. Government provided $66.62M (fair market value) of WRS equipment to the Republic of Korea (ROK) for equivalent value concessions. This proposal would allow the U.S. to receive fair market value consideration, relieve the U.S. Government of storage and other stockpile maintenance costs, and avoid millions in cost to demilitarize, destroy, or retrograde munitions and equipment back to the U.S.

SEC. 611. ADDITIONS TO U.S. WAR RESERVE STOCKPILES FOR ALLIES.

This proposal would allow the United States to transfer excess items to the DoD War Reserve Stock in Israel. Section 514(a) of the Foreign Assistance Act (FAA) of 1961, provides for DoD War Reserve Stockpiles in a host country that remain the property of the U.S. government. These stockpiles enable equipment and supplies to be prepositioned in key parts of the world to enhance U.S. and host country defense readiness. DoD maintains a War Reserve Stockpile in Israel that directly supports the U.S. European Command's strategy for the defense of Israel. This proposal is necessary to allow the U.S. to transfer excess items to the War Reserve Stockpile in Israel. The transfer allows excess assets to remain under U.S. title but shifts the costs for maintenance, storage, transportation, and demilitarization of the excess munitions to Israel. By agreement with Israel, the U.S. does not pay for the storage, maintenance, transport, and warehousing of assets designated as War Reserve Stockpile, although the assets remain under U.S. title.

SEC. 612. PROVISION OF CATALOGING DATA AND SERVICES.

The United States provides cataloging data and services to the North Atlantic Treaty Organization (NATO) and member governments on a reciprocal basis. The United States also provides such services to several non-NATO countries, such as Australia and New Zealand, but on a reimbursable basis under foreign military sales. There are instances when the interests of the United States would best be served if such data and services could be provided to a non-NATO country under a reciprocal agreement. This section would authorize 25 the President to provide such services to non-NATO countries on a reciprocal basis.

For almost 50 years, the NATO Codification System, which is based on United States standards for naming, describing and numbering items of supply, has served as the cornerstone for interoperability between the United States and its NATO allies. Many non-NATO countries that participate in joint exercises and deployments with the United States have adopted the NATO Codification System. Facilitating the provision of United States cataloging data for materials produced in the United States has been and continues to be in the Nation's strategic interest. This is especially true in light of contingency operations that have and may be initiated in the war on terrorism.

SEC. 613. PROVISION TO EXERCISE WAIVERS WITH RESPECT TO PAKISTAN.

This amending legislation would extend the authority contained in P.L. 107–57 to make inapplicable for FY 2004 foreign assistance restrictions relating to coups with respect to Pakistan and. would waive for FY 2005 any coup restrictions applicable in that year so long as the President exercised that authority prior to October 1, 2005, the amended and extended date of expiration of this amendment. It would also make inapplicable foreign assistance restrictions relating to debt with respect to Pakistan through fiscal year 2005. With respect to missile sanctions, the amendment would extend the authority of current law waiving the notification period for a missile sanction waiver with respect to any sanctions imposed on foreign persons in Pakistan. It would also continue the reduced notification period for drawdowns and transfer of excess defense articles.

The coup waiver of section 508 of the Foreign Operations Appropriations Act in Section 1 is most critical for Pakistan. Section 1(b)(1), as amended, would legislatively extend the authority to waive coup-related sanctions for Pakistan for FY 2004 and FY 2005—the President has waived the sanction for FY 2003 under the current authority. Five (5) days advance notice to Congress required under P.L 107–57 is continued. Section 2, as amended, would waive the requirement for a 45 day advance notification to Congress prior to waiving the missile 26 sanctions imposed on Pakistan pursuant to section 73 of the AECA with respect to any such sanctions imposed on foreign persons in Pakistan (versus waiving only with respect to those sanctions imposed prior to January 1, 2001, which would have already expired in any event). Section 3 exempts Pakistan from foreign assistance prohibitions in section 512 of the Foreign Operations Appropriations Act relating to loan defaults by foreign nations and similar restrictions contained in the Foreign Assistance Act through fiscal year 2005, the period through which the exemptions or waiver authority with respect to the coup sanctions would be extended by these amendments.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

General: The International Parental Child Abduction Prevention Act of 2003 would amend Section 212(a)(10)(C) of the Immigration and Nationality Act (INA) and is proposed to provide additional tools to deter international parental child abduction and/or wrongful retention, and to create incentives for the return of children abducted from or wrongfully retained outside the United States by their foreign national parent or others., This measure's efficacy in particular cases of international child abduction will necessarily depend in large part on the degree to which the taking parent and/or their family members desire to travel to the United States and apply for a visa. Unlike legislation proposed last year in the Government Reform Committee, this measure would not adversely affect the lives or travel of innocent adult American citizens. This legislation also seeks. to avoid certain counterproductive definitional difficulties from which the earlier proposals suffered, while achieving many of the same results intended.

Section 702(a)(3). This provision would expand the range of persons who could be designated inadmissible by the Secretary of State in international child abduction and wrongful retention cases, even though those individuals were not culpable in the abduction or wrongful retention. This would be accomplished by amending existing subclause (III) of INA 212(a)(10)(C)(ii) to include a wider range of persons who could be designated inadmissible based on their familial connections to an abducting alien.

Sections 702(a)(4) and (5). This language specifies the circumstances under which inadmissibility based on any one of subclauses I, II, or III of INA 212(a)(10)(C)(ii) will terminate. It also makes a purely technical amendment to clarify that the concluding clause of (C)(ii) is the operative provision for subclauses (C)(ii)(I), (II), and (III). As originally enacted, the concluding clause is erroneously printed as if it were part of subclause (III), when it in fact clearly applies to each of subclauses (I)–(III). Finally, the concluding clause is amended to provide that inadmissibility based on (C)(ii) would terminate with the return of the abducted child or the child's attainment of age 21.

Section 702(b). This would create new subsections (iv)-(vii). Subsection (iv) would (1) make explicit the Secretary of State's authority to cancel designations of inadmissibility applicable to relatives of abductors,

and (2) make clear that inadmissibility pursuant to subclauses (I) and (II) (which is not discretionary) will expire only on occurrence of the events specified in INA 212(a)(10)(C)(ii) (the return of the abducted child or the child reaching age 21). These amendments will maximize the leverage available to the Department when inadmissibility is used to encourage relatives to place pressure on abductors for the return of abducted children.

New subsection (v) would require the Department of State to identify the persons potentially inadmissible under clause (ii) of INA 212(a)(10)(C) .

New subsection (vi) would require the Department to enter the names of persons inadmissible or potentially inadmissible for a visa under subsections (i) or (ii) of INA 212(a)(10)(C) into the visa lookout system. Together these requirements would codify what the Department does through its intake procedures to ensure that individuals who may be inadmissible under the provisions of subsections (C)(i) and (ii) are identified and that their names are entered into the visa lookout system.

New subsection (vii) defines ''child'' in a way that is not inconsistent with the word's meaning throughout the INA while taking account of concerns about abducted or wrongfully retained children who marry at very young ages, often against their will. The definition proposed seeks to avoid the unintended consequences of potential alternatives. For example, H.R. 5715, introduced last session, would have effectively created a class of permanent children for purposes of the visa ineligibility laws, frustrating the Department's efforts to promote reconciliation and contact within what are often multinational families. The effect of the definition proposed in H.R. 5715 would have been to compromise the rights normally accorded adult U.S. citizens to travel while doing little to promote the return of abducted or wrongfully removed children. This subsection also changes the definition of ''sibling'' to include step- and half-siblings.

Section 702(c). Finally, this Title includes a requirement that the Department of State report to Congress annually for five years with a description of the operation of 212(a)(10)(C), including data on the number of visas denied and names entered into the visa lookout system on the basis of the statute. The report will provide Congress with information useful to its ongoing communication with the Department about the effectiveness of efforts to deter international parental child abductions and to promote the return of abducted and wrongfully retained American children to the United States.

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—Streamlining Reporting Requirements

SEC. 801. REPORTS ON BENCHMARKS FOR BOSNIA.

This section would eliminate reporting requirements on progress toward achieving the benchmarks for a sustainable peace process in Bosnia that must be done as long as U.S. ground combat forces continue to participate in the SFOR. Significant reductions in U.S. and allied troops have continued regularly since 1998. Regular briefings to congressional staff (and Members, as desired) are sufficient to address continuing concerns. This is a very timeconsuming report for the Departments of State and Defense.

SEC. 802. REPORT CONCERNING THE GERMAN FOUNDATION ''REMEMBRANCE, RESPONSBILITY, AND THE FUTURE.''

This section would repeal this semi-annual report required by section 704 of the FY 2003 Foreign Relations Authorization Act. The State Department, in particular the office of the Special Envoy on Holocaust Issues, offers regular formal and informal briefings to Members and staff on this issue. This report duplicates the information conveyed at these briefings. Moreover, we have no authority to require the ''Eagleburger Commission'' (the International Commission on Holocaust Era Insurance Claims, or ICHEIC) or the Conference on Jewish Material Claims against Germany to supply the data needed for this report.

SEC. 803. REPORT ON PROGRESS IN CYPRUS.

This report is currently due every two months. This section would change it to a semi-annual requirement. The Administration is in regular contact with Congress on the Cyprus situation. Generally, the situation does not change rapidly in two months. If it did, the Administration would brief Congress immediately.

SEC. 804. REPORTS ON ACTIVITIES IN COLOMBIA.

This section repeals the two reports required by section 694 of the FY 2003 Authorization Act (P.L. 107–228).

Section 694(a) requires the Secretary, not later than 180 days after the enactment of the Foreign Relations Authorization Act, Fiscal Year 2003, and annually thereafter to report to Congress on the status of activities funded or authorized, in whole or in part, by the Department or the Department of Defense in Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights. This report duplicates material from a number of other reports on Colombia:

USAID includes much of the information that Section 694(a) requires in the Congressional Budget Justification it submits annually. For each program area, USAID provides progress on implementation.

Although it does not specifically address U.S.-funded activities, the Department's annual Country Reports on Human Rights Practices contain detailed information concerning human rights and internally displaced persons in Colombia.

Although not specifically required to report on internally displaced persons, judicial reform, the peace process, and general human rights matters, a number of other reports typically include information on these issues:

Pursuant to section 564(c) of the FY 2003 Foreign Operations, Export Financing, and Related Programs Appropriations Act (P.L. 108–7), the Secretary is required to submit two reports and certifications to Congress in conjunction with the obligation of funds for the Colombian Armed Forces describing actions taken by the Colombian Armed Forces to meet the human rights conditions on the provision of assistance in section 564(a).

Pursuant to section 3204(e) of the Military Construction Appropriations Act, 2001 (P.L. 106–246), the President is required to report to Congress semiannually through Fiscal Year 2005 on costs incurred by any department, agency, or other entity of the executive branch during the two previous quarters in support of Plan Colombia. Each of those reports includes information on subobligations of funds by the Department of State in support of Plan Colombia.

Pursuant to section 3204(f) of P.L. 106–246, the President provides a bimonthly, classified report to Congress on the aggregate number, locations, activities, and lengths of assignments for all U.S. military personnel and U.S. individuals civilians retained as contractors involved in the antinarcotics campaign in Colombia. These reports include certain information on contract personnel who are participating in U.S.-funded efforts to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, or human rights.

Finally, it is burdensome and inefficient to require the Department of State to report on activities of the Department of Defense.

Section 694(b) requires an annual report on the activities of U.S. businesses that have entered into agreements in the previous 12–month period with the Departments of State or Defense to carry our counternarcotics activities in Colombia. Information responding to some of the information sought in this report is available in the classified report we submit to the Congress bimonthly pursuant to section 3204(f) of P.L. 106–246. We also cannot easily track and report on DOD's contract activities.

We are also concerned that recurrent, public reporting of the names of businesses under contract to the Department of State to support counternarcotics activities is likely to increase the security risks to these businesses and their employees both in Colombia and the United States. The Department finances contracts for counternarcotics support in Colombia expressly because the Colombian National Police cannot meet the need for all services. P.L. 106–246, as amended by the FY 2002 Foreign Operations Act (P.L. 107–115), already provides limitations on the numbers of U.S. contract personnel permitted in Colombia in support of counternarcotics programs. Moreover, the Department is making every effort to minimize the number of U.S. citizen personnel employed by its contractors. The U.S. Embassy in Colombia continually assesses the potential for U.S. businesses to be involved in hostilities, and the risks to personal safety of their personnel. These risks vary widely from day to day and week to week. A report at any given moment in time would not have general applicability.

SEC. 805. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.

This section repeals Section 3203 of the 2001 Military Construction Appropriations Act. This section requires the Secretary of State to report biannually during the period Plan Colombia resources are made available on extradition of narcotics traffickers from any country receiving assistance in support of Plan Colombia from the U.S. This reporting requirement is burdensome and duplicative of other required reports. For instance, section 696 of the FY 2003 Foreign Relations Authorization Act requires the Secretary of State to submit a report on extradition practice between the United States and governments of all foreign countries with which the United States has an extradition relationship that contains numerous similar requirements. This section 696 report includes: an aggregate list, by country, of the number of extradition requests made by the United States to that country in 2002; the number of fugitives extradited by that country to the United States in 2002; an aggregate list, by country, of the number of extradition requests made by that country to the United States in 2002 and the number of fugitives extradited by the United States to that country in 2002; any other relevant information regarding difficulties the United States has experienced in obtaining the extradition of fugitives; and a summary of the Department's efforts in 2002 to negotiate new or revised extradition treaties and its agenda for such negotiations in 2003. Additionally, the Department's annual International Narcotics Control Strategy Report also contains certain information about extradition from countries worldwide with which we have extradition treaties in force. We would also be happy to brief members of Congress or their staffs on any issues of particular concern.

SEC. 806. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CIVILIANS WERE KILLED AND RELATED MATTERS.

This section would eliminate this semi-annual report. The information is already available elsewhere: the Americans killed overseas in terrorist attacks are prominently listed in the Introduction to the Department's annual Patterns of Global Terrorism report to Congress, and the names are available on the State Department's Rewards for Justice web-site. PLO activities are also covered in the semi-annual PLO Compliance with Obligations Under the Oslo Accords Report. Moreover, the names and details of Americans killed overseas in terrorist attacks are well covered in the press. The separate compilation and preparation of a report specifically on American casualties diverts scarce manpower resources from other activities to fight terrorism.

SEC. 807. REPORT AND WAIVER REGARDING EMBASSY IN JERUSALEM.

This section would make the waiver and accompanying report an annual, rather than semi-annual, requirement. The Jerusalem Embassy Act prohibits obligation of more than our annual overseas building acquisition and maintenance appropriation unless the Secretary reports to Congress that we have opened an embassy in Jerusalem. This prohibition may be waived for successive six-month periods on ''national security interest'' grounds; each waiver must be accompanied by a report detailing progress made during the preceding six months on moving our embassy to Jerusalem. Although the reports have not significantly varied from one another, they still require a significant amount of work to draft and clear.

SEC. 808. REPORT ON PROGRESS TOWARD REGIONAL NONPROLIFERATION.

This section repeals section 620F(c) of the Foreign Assistance Act of 1961 which addresses efforts made by the United States to achieve regional agreement on nuclear nonproliferation in South Asia and a list of obstacles to such an agreement. The report is duplicative, since South Asia nonproliferation issues are covered extensively in other classified and unclassified reports by State and the CIA. For example, India and Pakistan are included in the major nonproliferation report done annually pursuant to section 1308 of the FY 2003 Foreign Relations Authorization Act and in the CIA's annual ''721 Report'' on proliferation activities.

SEC. 809. REPORT ON ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.

Section 25(a) requires the President to submit a report to the SFRC, HIRC, and the House and Senate Appropriations Committees by February 1 of each year listing all FMS and commercial sales of military hardware anticipated in the coming year. Preparation of this report is extremely labor-intensive, as security assistance officers at U.S. embassies around the world must begin compiling data in October. Unfortunately, while this report grows in size and complexity each year, its value and utility are increasingly questionable. Since the report includes *all possible* U.S. sales of military equipment (760 in 2002) and has a dollar threshold for reporting sales that is half that required for congressional notification of actual sales, it includes a large number of potential sales that are too minor to have genuine military significance, or, in fact, never materialize. In recent years, less than 20% of the entries on the report (58 pages long in 2002) result in actual sales during the reporting year. It is also redundant as a reporting channel. The congressional committees that receive this report also receive similar data for FMS sales on a quarterly basis from reports provided under DSCA under section 36(a)(6) of the AECA which cover all projected FMS sales through the end of the year. Furthermore, prenotification consultations assure that congressional staff are advised of potentially controversial transfers well in advance of formal notification.

SEC. 810. REPORT ON FOREIGN MILITARY TRAINING.

This section seeks to bring the military training report required by section 656 of the Foreign Assistance Act of 1961 into conformity with a very similar report required in the annual Foreign Operations Appropriation Acts (FOAA) and to eliminate those portions of the current section 656 requirement that make it necessary to classify major portions of the report. We intend to seek a similar amendment to the FOAA requirement.

To bring the section 656 requirement into conformity with that of the FOAA, this amendment ''excludes training provided through sales'' from the reporting requirement and changes the date upon which the report is due to the Congress from January 31 to March 1.

To eliminate the portions of the report that must be classified due to foreign policy or force protection reasons, this amendment would eliminate the requirement to report on projected training (i.e., ''training proposed for the current fiscal year''), training locations, the U.S. military units providing the training, and training provided through sales. With these changes, a completely unclassified report could be produced that would be accessible to a wider public audience.

SEC. 811. REPORT ON HUMAN RIGHTS VIOLATIONS BY IMET PARTICIPANTS.

This section would repeal the report on human rights required by section 549 of the Foreign Assistance Act of 1961 (added by section 1212 of the FY 2003 Foreign Relations Authorization Act). This report requires the Secretary of State to submit an annual report ''describing, to the extent practicable, any involvement of any foreign military or defense ministry civilian participant in . . . [the IMET program] in a violation of internationally recognized human rights.'' This provision sends the very dangerous signal that the USG will be tracking anyone enrolled in IMET thereafter. This will deter people from participating in IMET and, thus, damage U.S. national security interests. Moreover, while the Bureau of Democracy and Human Rights maintains data necessary to prepare the annual Human Rights Report, data is not systematically collected on individual human rights violators. As a result, if the department were required to report on human rights violators who attended IMET courses prior to the enactment of the Leahy Laws, we would be forced to rely on the records and memories of security assistance officers in U.S. embassies around the world which would likely be of uneven quality.

SEC. 812. REPORT ON DEVELOPMENT OF THE EUROPEAN SECURITY AND DEFENSE IDENTITY (ESDI) WITHIN THE NATO ALLIANCE.

The provision in section 1223 (22 U.S.C. 1928 note) requires the Secretary of Defense to provide Congress with various reports on the development of the European Security and Defense Identity (ESDI) within the NATO Alliance. The ESDI would enable the Western European Union, with the consent of the NATO Alliance, to assume the political control and strategic direction of specified NATO assets and capabilities. This report is obsolete and provides information of limited utility. The requested information is no longer relevant and does not reflect the shift in focus between the European Union and NATO.

SEC. 813. REPORT ON TRANSFERS OF MILITARY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

The provision in section 1402(b)(2) (22 U.S.C. 2778) requires the Secretary of Defense, in consultation with the Joint Chiefs of Staff and the Director of Central Intelligence, to provide Congress with an assessment of the cumulative impact of licenses granted by the U.S. for exports of technologies and technical information with potential military applications during the preceding 5-calendar year period on the military capabilities of such countries and entities, and countermeasures that may be necessary to overcome the use of such technologies and technical information. This report is redundant with reports already submitted to Congress by the Department of State, the Department of Commerce, and the Central Intelligence Agency.

Subtitle B—Other Matters

SEC. 814. NUCLEAR REPROCESSING TRANSFER WAIVER.

This section would amend section 102(a) of the Arms Export Control Act so as to permit Presidential waivers to be granted once again on a one-time, rather than fiscal year, basis. When the Nuclear Proliferation Prevention Act of 1994 (NPPA) folded section 670 of the Foreign Assistance Act (the so-called ''Glenn Amendment'', dealing with nuclear reprocessing transfers) into the Arms Export Control Act as a new section 102(a), the NPPA modified the waiver authority originally in section 670. This change eliminated the President's ability to grant one-time waivers from sanctions (cutoff of U.S. economic and military assistance) and replaced it with a requirement that any waivers may only be granted in the fiscal year to which they will apply. The ramifications of this change only became clear after there were real cases to deal with. Specifically, any country, having once been determined by President to have violated section 102(a), is placed in an enduring and unchangeable state of annual jeopardy of a U.S. aid cutoff. This is the case even where the activity that triggered the violation was subsequently terminated, the countries involved are not proliferation threats, and the U.S. is fully satisfied with these countries' current nuclear nonproliferation policies and practices. We do not believe that this was the intent of Congress when it made the waiver provision change.

The re-establishment of the authority for the President to grant one-time waivers under section 102(a) would not eliminate our nuclear nonproliferation leverage under this section since the President has the authority to impose sanctions should any resumed or new activities occur. More importantly, the processing of annual waivers from section 102(a) sanctions for situations long since satisfactorily resolved is not a constructive use of this and future Presidents' time and has a continuing potential to be an irritant to our relations with these countries. The President has no authority to put this situation to rest once and for all absent a change in the law to allow, once again, one-time waivers for Glenn Amendment violations.

SEC. 815. COMPLEX FOREIGN CONTINGENCIES.

This section authorizes the President to provide assistance to quickly and effectively respond to or prevent unforeseen complex foreign crises. This authority will be used to provide assistance for a range of foreign assistance activities, including support for peace and humanitarian intervention operations to prevent or to respond to foreign territorial disputes, armed ethnic and civil conflicts that pose threats to regional and international peace, and acts of ethnic cleansing, mass killing or genocide. Use of this authority will require a determination

by the President that a complex emergency exists and that it is in the national interest to furnish assistance in response. These authorities will not be used to fund assistance activities in response to natural disasters because existing contingency funding is available for that purpose. This section authorizes appropriation of such sums as may be necessary.

DEPARTMENT OF STATE,
Washington, DC, April 2, 2003.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: I am pleased to transmit proposed legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs for fiscal years 2004 and 2005.

The attached FY 2004–2005 Foreign Relations Authorization Bill also contains provisions related to Department of State authorities and activities, organization and personnel, international organizations, security assistance, child abduction prevention, and other miscellaneous provisions.

Key sections for the Department, in addition to the FY 2004–2005 authorization of appropriations, would raise the peacekeeping assessment cap, provide for a permanent annual CTR waiver, and provide for greater flexibility in our administration of security assistance. Also included is an emergency fund for complex foreign crises which may be important to operations in Iraq.

Title VII of the proposed legislation, the International Parental Child Abduction Prevention Act of 2003, is designed to deter international abductions and unlawful retentions and pressure an abductor to return a child to the parent with lawful custody. This could provide an important new lever in addressing child abductions worldwide.

The FY 2004 Budget contains the first step toward a capital security cost sharing program that will ensure that all agencies and departments pay a fair share of the cost of new, secure diplomatic and consular facilities. The full program implementation is now under development, and a legislative proposal may be forwarded at a later date. Other provisions may be submitted in the near future in a supplemental package. The Office of Management and Budget advises that there is no objection to the submission of this proposed legislation to the Congress and that its enactment would be in accord with the President's program.

We look forward to working with the Committee on this important legislation.

Sincerely,

PAUL V. KELLY,
Assistant Secretary, Legislative Affairs.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 104—COMMENDING THE UNIVERSITY OF MINNESOTA DULUTH BULLDOGS FOR WINNING THE 2002–2003 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I NATIONAL COLLEGIATE WOMEN'S ICE HOCKEY CHAMPIONSHIP

Mr. DAYTON (for himself and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 104

Whereas on Sunday, March 23, 2003, the two-time defending NCAA National Collegiate Women's Ice Hockey Champions, the University of Minnesota Duluth Bulldogs, won the National Championship for the third straight year;

Whereas Minnesota Duluth defeated Harvard University in double overtime of the championship game by the score of 4–3, having defeated Dartmouth College 5–2 in the semifinal;

Whereas sophomore Nora Tallus scored the game-winning goal in the second overtime, assisted by Erika Holst and Joanne Eustace;

Whereas during the 2002–2003 season, the Bulldogs won an impressive 31 games, while losing only 3 and tying 2;

Whereas forwards Jenny Potter, Hanne Sikio, and Caroline Ouellette were selected to the 2003 All-Tournament team, and Caroline Ouellette was named the tournament's Most Valuable Player;

Whereas the Bulldogs were the only team in the country to earn a berth to the National Collegiate Women's Ice Hockey Championship Tournament in every year of its existence;

Whereas junior forward Jenny Potter was a top-three finalist for the Patty Kazmaier Memorial Award, given annually to the most outstanding player in women's collegiate varsity ice hockey, and was named to the Jofa Women's University Division Ice Hockey All-American first team;

Whereas senior forward Maria Rooth, for the fourth time, was a top-ten finalist for the Patty Kazmaier Memorial Award and was named to the Jofa Women's University Division Ice Hockey All-American second team;

Whereas seniors Jenny Hempel, Erika Holst, Joanne Eustace, Hanne Sikio, Navada Russell, Michelle McAteer, Patricia Sautter, and Maria Rooth made lasting contributions to the University of Minnesota Duluth Bulldogs women's ice hockey program;

Whereas Minnesota Duluth Head Coach Shannon Miller, after winning the National Championship in 3 consecutive years, has been named a finalist for the 2002–2003 Women's Ice Hockey University Division Coach of the Year Award; and

Whereas all of the team's players showed tremendous dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Duluth Women's Ice Hockey Team for winning the 2003 NCAA Division I National Collegiate Women's Ice Hockey Championship;

(2) recognizes the achievements of all of the team's players, coaches, and support staff, and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the achievements of the University of Minnesota Duluth Women's Ice Hockey Team, and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Secretary of the Senate to make available enrolled copies of this Resolution to the University of Minnesota Duluth for appropriate display, and to transmit an enrolled copy of this Resolution to every coach and member of the 2003 NCAA Division I National Collegiate Women's Ice Hockey Championship Team.

AMENDMENTS SUBMITTED & PROPOSED

SA 471. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table.

SA 472. Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. KENNEDY) proposed an amendment to the bill S. 762, supra.

SA 473. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 474. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Ms. MIKULSKI, and Mr. KENNEDY) proposed an amendment to the bill S. 762, supra.

SA 475. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 476. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 477. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 478. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 479. Mr. HOLLINGS (for himself and Mr. BYRD) proposed an amendment to the bill S. 762, supra.

SA 480. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 481. Mr. MCCAIN (for himself and Mr. KYL) proposed an amendment to the bill S. 762, supra.

SA 482. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 483. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 484. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 485. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 486. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 487. Mrs. CLINTON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 488. Mr. ENSIGN proposed an amendment to the bill S. 762, supra.

SA 489. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 490. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 491. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 492. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 493. Mr. LAUTENBERG submitted an amendment intended to be proposed by him

to the bill S. 762, supra; which was ordered to lie on the table.

SA 494. Mr. BREAUX (for himself, Mr. SCHUMER, Mrs. CLINTON, Ms. STABENOW, and Mr. KENNEDY) proposed an amendment to the bill S. 762, supra.

SA 495. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 496. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 497. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 498. Mrs. HUTCHISON (for herself, Mr. ALLEN, Mr. MILLER, Mrs. DOLE, Mr. COLEMAN, Mr. FITZGERALD, and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 499. Mr. TALENT (for himself, Mr. BOND, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, supra.

SA 500. Mr. BOND (for himself, Mr. TALENT, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, supra.

SA 501. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 502. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 503. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 504. Ms. LANDRIEU (for herself and Ms. MIKULSKI) proposed an amendment to the bill S. 762, supra.

SA 505. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 506. Mr. WYDEN (for himself, Ms. COLLINS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 507. Mr. KYL (for himself, Mr. MCCAIN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 508. Mr. BYRD (for himself and Mr. HOLLINGS) proposed an amendment to the bill S. 762, supra.

SA 509. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 510. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 511. Mr. STEVENS (for Mr. INOUYE) submitted an amendment intended to be proposed by Mr. Stevens to the bill S. 762, supra; which was ordered to lie on the table.

SA 512. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 513. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 514. Mr. SCHUMER (for himself, Mrs. CLINTON, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. KENNEDY, Ms. STABENOW, Mrs. BOXER, Mr. JOHNSON, Mr. BINGAMAN, Mr. NELSON of Nebraska, Mr. LEAHY, Mr. BAUCUS, Mr. AKAKA, Mr. SARBANES, and Mr. LAUTENBERG) proposed an amendment to the bill S. 762, supra.

SA 515. Mr. SPECTER proposed an amendment to the bill S. 762, supra.

SA 516. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 517. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 518. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 519. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 520. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

SA 521. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, supra; which was ordered to lie on the table.

SA 522. Mr. STEVENS proposed an amendment to the bill S. 762, supra.

SA 523. Mr. FRIST (for Mr. BINGAMAN) proposed an amendment to the bill S. 302, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

SA 524. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 471. Mr. ALLEN (for himself, Mr. HARKIN, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(h) CLAIMS FOR MONEY DAMAGES FOR DEATH OR PERSONAL INJURY.—(1) Any United States citizen who dies or suffers injury caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen, shall have a claim for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering).

''(2) A claim under paragraph (1) shall not be subject to any other provision of law or any international agreement in effect on or after November 1, 1979, that would otherwise bar, preclude, terminate, extinguish, or suspend a claim for damages described in such paragraph.''.

SA 472. Mrs. BOXER (for herself, Mr. SCHUMER, and Mr. KENNEDY) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

In chapter 6 of title I, add at the end the following:

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. Of the amounts appropriated by this chapter under the heading ''DEPARTMENTAL MANAGEMENT'' under the heading ''COUNTERTERRORISM FUND'', $30,000,000 shall be available for the Secretary of Homeland Security, in consultation with the Secretary of Defense and the Federal Aviation Administration, for research and development on, and for the initial deployment of, technology to protect commercial aircraft from the threat posed by man-portable air defense systems in order to reduce the costs of such technology and to provide for the adaptation of military countermeasure systems to commercial aircraft.

SA 473. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

At an appropriate place insert the following:

SEC. ____. (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany unless such person is a resident of or organized under the laws of the United States.

SA 474. Mr. BAYH (for himself, Mr. NELSON of Nebraska, Mr. SCHUMER, Ms. STABENOW, Mrs. CLINTON, Ms. MIKULSKI, and Mr. KENNEDY) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 38, after line 24 add the following:

SMALLPOX AND OTHER BIOTERRORISM INOCULATION ACTIVITIES

For additional expenses necessary to support grants to States for smallpox and other bioterrorism inoculation activities, $340,000,000, to remain available until September 30, 2004: *Provided*, That this amount is transferred to the Centers for Disease Control and Prevention.

SA 475. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page ____ between lines ____ and ____, insert the following:

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $16,000,000, to remain available until expended: *Provided*, That, of the amount provided under this heading, $6,000,000 shall be available for research and development related to the safety of threatened buildings within the Building and Fire Research Laboratory: *Provided further*, That, of the amount provided under this heading, $10,000,000 shall be available to the Computer Services Division at the National Institute of Standards and Technology to develop checklists and standards to test networked computer systems of Federal agencies for vulnerability to cybersecurity threats.

SA 476. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 20, strike ''$2,468,300,000'' and insert ''$2,763,300,000''.

On page 31, line 3, strike ''and (12)'' and insert ''(12) law enforcement, and (13)''.

SA 477. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 13, after ''funds'' insert '': *Provided further*, an additional amount under this heading of $295,000,000 of which $225,000,000 shall be for non-food humanitarian assistance to support relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including water and sanitation, health and nutrition assistance, shelter, education, de-mining, and emergency infrastructure repairs and $45,000,000 shall be for an international police force and judicial team to provide security during the post-war transition period and $25,000,000 shall be for increasing the Emergency Refugee and Migration Assistance Fund to cover unforeseen refugee and migration emergencies''.

SA 478. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 10 and 11, insert the following:

GENERAL PROVISIONS

SEC. ___. Section 329(a) of the Immigration and Nationality Act (8 U.S.C. 1440(a)) is amended by inserting ''as a member of the Ready Reserve of a reserve component of the Armed Forces or'' after ''has served honorably''.

SA 479. Mr. HOLLINGS (for himself and Mr. BYRD) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON PAYING THE COSTS OF THE WAR WITH IRAQ.

It is the sense of the Senate that—

(1) the President should submit a proposal to the Committee on Finance to raise sufficient revenues to offset the funds spent in this supplemental appropriations Act for the war in Iraq;

(2) the President should submit this proposal not later than 60 days after the date of enactment of this Act; and

(3) if the President does not submit such a proposal, the Committee on Finance should put forward its own proposal to offset the funds spent in this supplemental appropriations Act for the war in Iraq.

SA 480. Mr. MCCONNEL submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, line 5, after the colon, insert the following

Provided further, That up to $20,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading ''Andean Counterdrug Initiative'' for aircraft, training, and other assistance for the Colombian Armed Forces:

SA 481. Mr. MCCAIN (for himself and Mr. KYL) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of the bill, add the following:

LIMITATIONS ON OTHER PROVISIONS

Notwithstanding any other provision of this Act:

(1) Amounts made available under sections 310, 312, and 313 of title I shall not be made available for the purposes stated in those sections.

(2) Amounts made available for each of the following items elsewhere in this Act for fiscal year 2003 shall not be made available as provided in this Act:

(A) $500,000 for the Great Lakes Fishery Commission to be used for sea lamprey control in Lake Champlain within the Procurement, Acquisition and Construction Account of the National Oceanic and Atmospheric Administration of the Department of Commerce as provided for under chapter 2 of title II.

(B) $225,000 for the Mental Health Association of Tarrant County, Ft. Worth, Texas, to provide school-based mental health education to schools in Tarrant County; $200,000 for the AIDS Research Institute at the University of California, San Francisco, for Developing County Medical Program to facilitate clinician exchange between the United States and developing countries; and $1,000,000 for the Geisinger Health System, Harrisburg, Pennsylvania, to establish centers of excellence for the treatment of autism, as provided for under paragraph (5) under the amendments to Public Law 108–7 for matter under the heading ''Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services, under the Department of Labor as provided for under chapter 5 of title II.

(3) Amounts appropriated for each of the following items for fiscal year 2003 shall be zero instead of the following amounts appropriated elsewhere in this Act:

(A) $98,000,000 for Buildings and Facilities under the Agricultural Research Service of the Agricultural Department as provided for under chapter 1 of title 1.

(B) $50,000,000 for the cost of guaranteed loans under the Maritime Guaranteed Loan (title XI) Program Account of the Maritime Administration of the Department of Transportation as provided for under chapter 10 of title 1.

(C) $1,000,000 for the Jobs for America's Graduates (JAG) school-to-work program for at-risk young people for Training and Employment Services under the Employment and Training Administration of the Department of Labor as provided for under chapter 5 of title II.

SA 482. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 3 and 4, insert the following:

(e) REPORT ON BILL EMERSON HUMANITARIAN TRUST AND FUTURE OF UNITED STATES FOOD AID.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (in coordination with the Administrator of the Agency for International Development) shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Subcommittees on Agriculture, Rural Development, and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate, a report that describes—

(1) the policy of the Secretary with respect to the Bill Emerson Humanitarian Trust established under the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.), including whether that policy includes an intent to replenish the Trust; and

(2)(A) the means by which the Secretary proposes to ensure that the United States retains the long-term strategy and capability to respond to emergency international food shortages; and

(B) whether, and to what extent, other food aid programs conducted by the Secretary and the Administrator will be a part of that strategy.

SA 483. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other

purposes; which was ordered to lie on the table; as follows:

On page 38, after line 24, add the following:

SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

For an additional amount for ''Centers for Disease Control and Prevention, Disease Control, Research, and Training'', $16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS).

SA 484. Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BLUE RIDGE NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Blue Ridge National Heritage Area established by subsection (b).

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by subsection (d).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area approved under subsection (e).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of North Carolina.

(b) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(c) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(d) MANAGEMENT ENTITY.—

(1) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i)(1), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(2) BOARD OF DIRECTORS.—The management entity shall be governed by a board of directors composed of 9 members, of whom—

(A) 2 members shall be appointed by AdvantageWest;

(B) 2 members shall be appointed by Hand-Made In America, Inc.;

(C) 1 member shall be appointed by the Education and Research Consortium of Western North Carolina;

(D) 1 member shall be appointed by the Eastern Band of the Cherokee Indians; and

(E) 3 members shall—

(i) be appointed by the Governor of the State;

(ii) reside in geographically diverse regions of the Heritage Area;

(iii) be a representative of State or local governments or the private sector; and

(iv) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this Act.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i)(1) shall be used to implement any amendment proposed by the management entity under subparagraph (A)(ii) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i)(1) to—

(A) make loans and grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)(1)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i)(1) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this Act—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this Act—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under paragraph (1) shall be not less than 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SA 485. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. REPORTING REQUIREMENT.

(a) IN GENERAL.—Any Federal agency, including the Department of Defense and the Agency for International Development, which contracts with a private company for a reconstruction project in Iraq shall submit a report to Congress not later than 30 days after the execution of each such contract if—

(1) the amount of the contract is greater than $10,000,000; and

(2) the procurement process underlying the contract was not subject to standard competitive bidding procedures.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a brief description of the dollar amount and scope of work of the contract;

(2) the reasons the agency did not use standard competitive bidding procedures; and

(3) a description of how the agency identified and solicited companies to perform the functions required by the contract.

SA 486. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 16, after ''*Provided,*'' insert the following: ''That, notwithstanding any other provision of law, of the total amount appropriated under this section, not more than $4,000,000 may be made available to compensate College Park Airport in College Park, Maryland, Potomac Airpark in Ft. Washington, Maryland, and Washington Executive/Hyde Field in Clinton, Maryland, and the providers of general aviation services (such as aircraft rental, flight training, repair and other fixed base services) that are located at such airports for losses of incomes and revenues resulting from the airspace closures that occurred, or the flight restrictions that were imposed, following the September 11, 2001, terrorist attacks on the United States: *Provided further,* ''.

SA 487. Mrs. CLINTON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, after line 24, add the following:

SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

For an additional amount for ''Centers for Disease Control and Prevention, Disease Control, Research, and Training'', $16,000,000.

SA 488. Mr. ENSIGN proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At an appropriate place insert the following:

SEC . (a) No funds made available in this Act for purposes of reconstruction in Iraq may be provided, to a person who is a citizen of or is organized under the laws of France or Germany, unless such person is a resident of or organized under the laws of the United States.

SA 489. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Insert on page 69, after line 24, the following:

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

''Within 30 days of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each 'maximum annual fee payable' pursuant to 7 U.S.C. 136a–1(i)(5)(D) and (E) in a manner such that Maintenance Fee collections made to reach the level authorized in Division K of Public Law 108–7 shall be established in the same proportion as those Maintenance Fee collections authorized in Public Law 107–73.''.

SA 490. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for ''Operations and Maintenance, General'', $29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for ''Water and Related Resources'', $29,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for ''Science'' for expenses necessary to support safeguards and security of nuclear and other facilities and for other purposes, $11,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPOONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for expenses necessary to safeguard nuclear weapons and nuclear material, $61,000,000, to remain available until expended: *Provided,* That $25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further,* That $36,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

NUCLEAR NONPROLIFERATION

For an additional amount for ''Nuclear Nonproliferation'' for expenses necessary to safeguard fissile nuclear material, $150,000,000, to remain available until expended: *Provided,* That $84,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further,* That $17,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further,* That $17,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further,* That

$15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Seismic Network: *Provided further,* That $5,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq: *Provided further,* That $5,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further,* That $5,000,000 of the funds provided shall be available for international export control cooperation activities: *Provided further,* That $2,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for Defense Environmental Restoration and Waste Management'', for expenses necessary to support safeguards and security activities at nuclear and other facilities, $6,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'', $18,000,000, to remain available until expended, for increased safeguards and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided,* That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after a notification to the Congress of the proposed transfers.

SA 491. Mrs. CLINTON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. REPORTING REQUIREMENT.

(a) IN GENERAL.—Any Federal agency, including the Department of Defense and the United States Agency for International Development, which contracts with a private company for a reconstruction project in Iraq shall submit a report to Congress not later than 30 days after the execution of each such contract if—

(1) the amount of the contract is greater than $10,000,000; and

(2) the procurement process underlying the contract was not subject to full and open competition.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a brief description of the dollar amount and scope of work of the contract;

(2) the reasons the agency did not use full and open competition to solicit bids for the contract; and

(3) a description of how the agency identified and solicited companies to perform the functions required by the contract.

SA 492. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. In accordance with section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States border patrol agents and United States border patrol canines if such donations would further the mission of protecting our Nation's border and ports of entry as determined by the Under Secretary for Border and Transportation Security.

SA 493. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 6 of title I, add the following:

GENERAL PROVISIONS, THIS CHAPTER

SEC. 601. (a) GRANTS RELATING TO MOBILIZED FIRST RESPONDERS.—The Secretary of Homeland Security may make a grant of financial assistance to any State or local government or Indian tribe in order to reimburse the State or local government or tribe for costs incurred by the State or local government or tribe as a result of a call or order to active duty of one or more Reserves who are first responder personnel of the State or local government or tribe if the call or order to duty is issued under the authority of a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

(b) FIRST RESPONDER PERSONNEL.—For purposes of this section, the term ''first responder personnel''—

(1) means police, fire, rescue, emergency medical service, and emergency hazardous material disposal personnel; and

(2) includes such other personnel as the Secretary may specify in regulations prescribed under this section.

(c) COVERED COSTS.—(1) The costs that may be reimbursed by a grant under subsection (a) to a State or local government or Indian tribe in connection with a call or order of first responder personnel of the State or local government or tribe to active duty are any costs incurred by the State or local government or tribe as follows:

(A) Costs (including salary and benefits) of hiring first responder personnel to replace the first responder personnel called or ordered to active duty.

(B) Costs of overtime pay for other first responder personnel of the State or local government or tribe.

(C) Any other costs that the Secretary specifies in regulations prescribed under this section.

(2) Costs of a State or local government or tribe may be reimbursed by a grant under subsection (a) only if the State or local government or tribe would not have incurred such costs but for the absence of first responder personnel pursuant to a call or order to active duty described in that subsection.

(3) In seeking reimbursement for costs under subsection (a), a State or local government or tribe shall deduct from the costs for which reimbursement is sought the amounts, if any, saved by the State or local government or tribe by reason of the absence of first responder personnel for active duty pursuant to a call or order to active duty described in that subsection.

(d) PERIOD COVERED BY GRANT.—A grant under subsection (a) shall reimburse a State or local government or Indian tribe for costs incurred by the State or local government or tribe during 2002 and 2003.

(e) MINIMUM PERIOD OF DUTY FOR REIMBURSEMENT.—Costs may be reimbursed by a grant under subsection (a) with respect to a particular Reserve only if the Reserve serves six or more consecutive months on active duty pursuant to a call or order to active duty issued under the authority of a provision of law referred to in subsection (a) at any time during the period beginning on January 1, 2002, and ending on December 31, 2003.

(f) MINIMUM GRANT ALLOCATION.—If the total amount made available under subsection (j) for grants under subsection (a) is less than the amount of grants that could otherwise be made under subsection (a), the aggregate amount available for grants under subsection (a) for each State (including grants to such State and local governments and Indian tribes in such State) shall be not less than the amount equal to 0.75 percent of the amount made available under subsection (j) for grants under subsection (a), except that the aggregate amount available for grants under subsection (a) for each of the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be not less than the amount equal to 0.25 percent of the amount made available under subsection (j) for grants under subsection (a).

(g) APPLICATION.—(1) A State or local government or Indian tribe seeking a grant under subsection (a) shall submit to the Secretary an application therefor in such form, and containing such information, as the Secretary shall prescribe in the regulations under this section.

(2) An application for a grant under subsection (a) shall be submitted not later than December 31, 2003.

(h) REGULATIONS.—The Secretary shall prescribe regulations for purposes of the administration of this section.

(i) STATE DEFINED.—In this section, the term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(j) FUNDING.—(1) Of the amount appropriated by this chapter under the heading ''OFFICE FOR DOMESTIC PREPAREDNESS'', $200,000,000 shall be available for grants under this section.

(2) The amount available under paragraph (1) shall remain available until expended.

SA 494. Mr. BREAUX (for himself, Mr. SCHUMER, Mrs. CLINTON, Ms. STABENOW, and Mr. KENNEDY) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE III—FEDERAL HOMELAND SECURITY RESPONSIBILITIES

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $200,000,000, to remain available until December 31, 2003, for terrorism-related

prevention, preparedness, and response requirements associated with Operation Liberty Shield, including but not limited to operating expenses related to the increase in maritime operating tempo, the protection of critical infrastructure and enforcement of Security Zones, and the activation of Coast Guard Reservists.

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for ''Customs and Border Protection'', $366,000,000, to remain available until December 21, 2003, of which not less than $35,000,000 shall be for the Container Security Initiative, not less $200,000,000 shall be for radiation portal monitors and other forms of non-intrusive inspection equipment to be deployed at the Nation's ports-of-entry, and not less than $131,000,000 shall be for increased border and maritime protection operations, overtime pay, and other activities resulting from the movement to the ''Code Orange'' terrorist threat level and in support of activities related to Operation Liberty Shield.

IMMIGRATION AND CUSTOMS ENFORCEMENT

For an additional amount for ''Immigration and Customs Enforcement'', $131,000,000, to remain available until December 31, 2003, for increased operations, overtime pay, and other activities resulting from the movement to the ''Code Orange'' terrorist threat level and in support of activities related to Operation Liberty Shield.

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for necessary expenses of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $1,355,000,000, to remain available until December 31, 2003, of which not less than $235,000,000 shall be available for costs associated with the modification of airports to comply with the provisions of the Aviation and Transportation Security Act, not less than $300,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than $620,000,000 for shortfalls pursuant to Public Law 108–10, including the securing of airline cockpit doors, port security grants, and airport modifications, not less than $200,000,000 for railroad security grants including grants to the National Railroad Passenger Corporation for capital expenses associated with tunnel and dispatch facility security enhancements;

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $20,000,000, to remain available until December 31, 2003 for personnel, equipment and support for increased training requirements for Federal and State and local law enforcement personnel.

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for ''Emergency Management Planning and Assistance'', $150,000,000, to remain available until December 31, 2003, for grants to States and localities to improve communications within and among first responders including law enforcement, firefighters, emergency medical services personnel, and other emergency personnel.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for ''Operation of the National Park System'', $18,000,000, to remain available until December 31, 2003, for expenses related to enhanced security at nationally significant facilities.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $25,000,000, to remain available until December 31, 2003, for necessary expenses relating to courthouse security; *Provided*, That funds provided under this paragraph shall be available only after the Committees on Appropriations of the House of Representatives and Senate are notified in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $225,000,000, to remain available until December 31, 2003, for necessary expenses relating to response and security capabilities and field operations; *Provided*, That funds provided under this paragraph shall be available only after the Committees on Appropriations of the House of Representatives and Senate are notified in accordance with section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

OFFICE OF JUSTICE PROGRAMS

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for the Community Oriented Policing Services' Interoperable Communications Technology Program, for grants to States and localities to improve communications within and among law enforcement agencies, firefighters and emergency medical service personnel, $150,000,000, to remain available until December 31, 2003.

DISTRICT OF COLUMBIA FEDERAL FUNDS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For a Federal payment to the District of Columbia for critical infrastructure protection, $25,000,000, to remain available until December 31, 2003, for security upgrades and backup operations of transportation, emergency response, energy, and communications infrastructure in the District of Columbia; *Provided*, That the Mayor and the Chairman of the Council of the District of Columbia shall, in consultation with the governments in the National Capital region, submit a financial plan to the Committees on Appropriations of the House of Representatives and Senate for approval not later than 30 days after enactment of this act; *Provided further*, That the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the use of funds under this heading, beginning not later than June 2, 2003.

INDEPENDENT AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For an additional amount for ''Toxic Substances and Environmental Public Health,'' $10,000,000, to remain available until December 31, 2003, to enhance States' capacity to respond to chemical terrorism events.

Section . Notwithstanding any other provision of this Act, funding under the heading Department of Justice, General Administration, Counterterrorism Fund, shall be zero.

Section . Notwithstanding any other provision of this Act, funding under the heading Department of Homeland Security, Department Management, Counterterrorism Fund, shall be zero.

SA 495. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

Insert on page 69, after line 24 the following:

NATIONAL SCIENCE FOUNDATION RESEARCH AND RELATED ACTIVITIES

The first sentence under this heading in Public Law 108–7 is amended by striking ''$320,000,000'' and inserting in lieu thereof: ''$330,000,000''.

SA 496. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, line 6 after the period insert:

SEC. . It is the sense of the Senate that the President, while negotiating the terms and conditions of any loan guarantees to be extended to Egypt, should secure a firm commitment from the Government of Egypt to establish and implement political reforms that promote democracy, human rights and the rule of law in Egypt, and to safeguard the rights of nongovernment organizations to operate freely in Egypt.

SA 497. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. HOMELAND SECURITY GRANT PROGRAM.

(a) REALLOCATION OF FUNDS.—The Director of the Office for Domestic Preparedness, Department of Homeland Security, shall allow any State to request approval to reallocate funds received pursuant to appropriations for the State Homeland Security Grant Program under Public Law 105–277, 106–113, 106–553, 107–77, or 108–7, among the 4 categories of equipment, training, exercises, and planning.

(b) APPROVAL OF REALLOCATION REQUEST.—The Director shall approve reallocation requests under subsection (a) in accordance with the State plan and any other relevant factors that the Secretary of Homeland Security determines to be necessary.

(c) LIMITATION.—A waiver under this section shall not affect a State's obligation to pass through 80 percent of the amount appropriated for equipment to localities.

SA 498. Mrs. HUTCHISON (for herself, Mr. ALLEN, Mr. MILLER, Mrs. DOLE, Mr. COLEMAN, Mr. FITZGERALD, and Mr. CORNYN) submitted an amendment intended to be proposed by her to

the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TSA TO ISSUE LETTERS OF INTENT REGARDING INSTALLATION OF EDS AT AIRPORTS.

(a) IN GENERAL.—The Under Secretary of Homeland Security for Transportation and Border Security may issue letters of intent to airports to provide assistance for the installation of explosive detection systems by the date prescribed by section 449012(d)(2(i) of title 49, United States Code.

(b) REPORT.—Beginning 30 days after the date of enactment of this Act, and every 60 days thereafter in calendar year 2003, the Under Secretary shall transmit a classified report to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation describing each letter of intent issued by the Under Secretary under subsection (a).

SA 499. Mr. TALENT (for himself, Mr. BOND, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of title IV, insert the following:

SEC. ___. (a) This section may be cited as the ''Airline Workers Fairness Act''.

(b) The purpose of this section is to require covered air carriers that receive funds appropriated under this Act to accept procedures that ensure the fair and equitable resolution of labor integration issues, in order to prevent further disruption to transactions for the combination of air carriers, which would potentially aggravate the current disruptions in air travel associated with increased terror alerts and other factors in the United States.

(c) In order to receive funds appropriated under this Act, a covered air carrier shall agree to be subject to this section.

(d) In any covered transaction involving a covered air carrier that leads to the combination of crafts or classes that are subject to the Railway Labor Act—

(1) sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 CAB 45) shall apply to the covered employees of the covered air carrier; and

(2) subject to paragraph (1), in a case in which a collective bargaining agreement provides for the application of sections 3 and 13 of the labor protective provisions in the process of seniority integration for the covered employees, the terms of the collective bargaining agreement shall apply to the covered employees and shall not be abrogated.

(e) Any aggrieved person (including any labor organization that represents the person) may bring an action to enforce this section, or the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. The person may bring the action in an appropriate Federal district court, determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

(f) Nothing in this section shall be construed to affect any provision of law that provides greater employee rights than the rights established under this section.

(g) In this section:

(1) The term ''air carrier'' means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) The term ''covered air carrier'' means an air carrier that is involved in a covered transaction.

(3) The term ''covered employee'' means an employee who—

(A) is not a temporary employee;

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.); and

(C) was an employee of a covered air carrier on April 1, 2003.

(4) The term ''covered transaction'' means a transaction that—

(A) is a transaction for the combination of multiple air carriers into a single air carrier;

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier;

(C) was pending, or had been completed, during the period beginning on January 1, 2001 and ending on September 11, 2001; and

(D) did not result in the recognition of a single air carrier by the National Mediation Board by September 11, 2001.

SA 500. Mr. BOND (for himself, Mr. TALENT, Mrs. CLINTON, and Mr. SCHUMER) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of title IV, insert the following:

SEC. ___. It is the sense of the Senate that—

(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

(2) although the acquisition was a positive action, the combination of the 2 airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

(3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

(4) American Airlines should encourage its employee groups to integrate all employees in a a manner that is fair and equitable for all parties involved.

SA 501. Mr. SARBANES (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, between lines 13 and 14, insert the following:

SEC. 409. COMPENSATION FOR CERTAIN AIRPORTS AND RELATED BUSINESSES.

There are appropriated to the Secretary of Transportation for fiscal year 2003, not more than $4,000,000 to compensate College Park Airport in College Park, Maryland, Potomac Airpark in Ft. Washington, Maryland, and Washington Executive/Hyde Field in Clinton, Maryland, and the providers of general aviation services (such as aircraft rental, flight training, repair and other fixed base services) that are located at such airports for losses of incomes and revenues resulting from the airspace closures that occurred, or the flight restrictions that were imposed, following the September 11, 2001, terrorist attacks on the United States.

SA 502. Mr. REID (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in Title II, insert the following:

Sec. ___. The Secretary of the Army, acting through the Chief of Engineers, shall use $3,300,000 of funds available under the Construction, General appropriation, Corps of Engineers, Civil, to continue dam safety and seepage stability correction measures for the Waterbury Dam, VT project.

SA 503. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Chapter 3, insert the following:

SEC. ___. (a) None of the funds appropriated by this Act may be obligated or expended to reduce the number of American Registry of Pathology personnel used by the Armed Forces Institute of Pathology for programs, projects, and activities of the Institute during Fiscal year 2002 below the number of such personnel who are so used as of April 1, 2003.

(b) Of the total amount appropriated by chapter 3 of title I under the heading ''Defense Health Program'', $7,500,000 shall be available for the Armed Forces Institute of Pathology.

SA 504. Ms. LANDRIEU (for herself and Ms. MIKULSKI) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the end of chapter 2 of title I, add the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

SA 505. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, line 9 strike everything after ''expended'' through ''determine'' on line 16.

On page 13, line 12 after ''appropriation'' insert the following:

: *Provided further,* That of the funds made available under this heading, up to $500,000,000 shall be made available to support the military operations of foreign nations to combat international terrorism on such terms and conditions as the Secretary of Defense and the Secretary of State, following notification of the congressional defense committees, may determine and shall remain available until September 30, 2003: *Provided further,* That funds provided under the previous proviso shall be made available to carry out the provisions of chapters 5 and 9 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, and shall be subject to section 8080 of Public Law 107–248.

SA 506. Mr. WYDEN (for himself, Ms. COLLINS, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. (a) The head of a department or agency of the United States that obligates or expends funds appropriated under this Act for contracts that are not awarded using full and open competition for the repair, maintenance, rehabilitation or reconstruction of infrastructure in Iraq shall, before entering into the contract, publish in the Federal Register or Commerce Business Daily and otherwise make available to the public:

(1) a brief description of the dollar amount and scope of the contract;

(2) a description of how the agency identified and solicited companies to perform the functions required by the contract and the names of the companies solicited; and

(3) the justification and approval documents on which the determination to use such procedures are based, except that the head of a department or agency of the United States may withhold publication of a classified document or redact any part of a document that contains classified information.

(b) In the case of any contract described in subsection (a) that was entered into by the Administrator of the United States Agency for International Development or the Secretary of Defense during fiscal year 2003 but before the date of the enactment of this Act, the justification and approval documents described in such subsection shall be published in the Federal Register or Commerce Business Daily not later than 10 days after the date of the enactment of this Act and the documents shall be made available in accordance with section 303(f)(4) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(4)) or section 2304(f)(4) of title 10, United States Code, as applicable, except that the head of a department or agency of the United States may withhold publication of a classified document or redact any part of a document that contains classified information.

(c) Whenever a document or part of a document is withheld or redacted pursuant to subsection (a) or (b), an unredacted version of the document shall be made available to the Chairmen and Ranking Minority members of the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate authorizing and appropriations committees of the Senate and the House of Representatives.

SA 507. Mr. KYL (for himself, Mr. MCCAIN, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. (a) The Under Secretary of Arms Control and International Security Affairs at the Department of State shall provide to the appropriate congressional committees the following reports:

(1) Not later than 90 days after the date of the enactment of this Act, a report that provides a preliminary discussion of the items described in subsection (b).

(2) Not later than 120 days after the date of the enactment of this Act, a report that provides a detailed and comprehensive analysis of the items described in subsection (b).

(b) The reports required by subsection (a) shall include the following:

(1) A description of the chemical, biological, and nuclear weapons programs of the Iraqi regime.

(2) A description of the missile or other programs of the Iraqi regime that could be used to deliver chemical, biological, or nuclear weapons.

(3) A description of the conventional military programs of the Iraqi regime.

(4) A description of the sources of technology, materials, or equipment that the Iraqi regime has used in—

(A) chemical, biological, or nuclear programs;

(B) missile or other delivery programs; and

(C) conventional military programs.

(5) A description of any instances in which United States technology, materials or equipment have made measurable contributions to the programs referred to subparagraphs (A), (B), and (C) of paragraph (4).

(6) An assessment of whether a foreign government had knowledge of any transfers of technology, materials, or equipment by an entity located within such foreign country that has been used in the programs referred to subparagraphs (A), (B), and (C) of paragraph (4).

(7) An assessment of the effect, if any, of the United States export control regime, bilateral or multilateral exports control regimes, or the United Nations Oil-for-Food Program on Iraq's ability to acquire technology or equipment related to weapons of mass destruction or conventional military programs.

(8) An assessment of the efforts of the Iraqi regime to evade international weapons inspection programs.

(9) Any evidence that Iraq is exporting weapons, assets, materials, or scientific knowledge related to a weapons of mass destruction program and a listing of any country importing such weapons, assets, materials, or scientific knowledge.

(c) AUTHORITY TO OBTAIN INFORMATION.—In order to ensure that sufficient information is reviewed and utilized in the preparation of the reports required by subsection (a), the Under Secretary may convene an interagency review of Iraq's weapons of mass destruction programs to review and analyze intelligence and other information necessary to complete such reports.

(d) FORM OF REPORTS.—Each report required by subsection (a) shall be submitted in unclassified form and may contain a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committees on Foreign Relations, Armed Services, Appropriations, and Intelligence of the Senate and the Committees on International Relations, Armed Services, Appropriations, and Intelligence of the House of Representatives.

SA. 508. Mr. BYRD (for himself and Mr. HOLLINGS) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 36, Line 9, strike all through the ''.'' on page 36, line 25 and insert the following:

BORDER AND TRANSPORTATION SECURITY

CUSTOMS AND BORDER PROTECTION

For an additional amount for ''Customs and Border Protection'', $160,000,000, to remain available until December 31, 2003, of which not less than $35,000,000 shall be for the Container Security Initiative and not less than $125,000,000, shall be for radiation portal monitors and other forms of non-intrusive inspection equipment to be deployed at the Nation's ports-of-entry.

TRANSPORTATION SECURITY ADMINISTRATION

For additional amounts for necessary expends of the Transportation Security Administration related to transportation security services pursuant to Public Law 107–71 and Public Law 107–296 and for other purposes, $452,000,000, to remain available until December 31, 2003, of which not less than $50,000,000 shall be available for grants to public transit agencies in urbanized areas for enhancing the security of transit facilities against chemical, biological and other terrorist threats, not less than $147,000,000 shall be for shortfalls pursuant to Public Law 108–10, including port security grants, nuclear detection and monitoring equipment, and truck and intercity bus grants not less than $55,000,000 shall be for installation design, installation, and FAA certification of a system to defend commercial airliners against portable, infrared, heat-seeking missiles, not less than $100,000,000 shall be for port security grants for the purpose of implementing the provisions of the Maritime Transportation

Security Act, and not less than $100,000,000 shall be for railroad security grants including grants to the National Railroad Passenger Corporation for capital expenses associated with tunnel and dispatch facility security enhancements.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $5,000,000, to remain available until December 31, 2003 for personnel, equipment and support for increased training requirements for Federal and State and local law enforcement personnel.

OFFICE FOR DOMESTIC PREPAREDNESS

For additional amounts for ''Office for Domestic Preparedness,'' $300,000,000, to remain available until December 31, 2003, for which $100,000,000 shall be for ''Emergency Management Planning and Assistance'', to improve communications within and among first responders including law enforcement, firefighters, and emergency medical services personnel, and $200,000,000 shall be for grants to high threat urban areas, which should be identified by criteria that include credible threat, vulnerability, the presence of infrastructure of national important, population, and needs of pubic safety organizations.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'', $73,000,000, to remain available until December 31, 2003, of which not less than $42,000,000 shall be for Port Security Assessments and the Port Security Assessment Program, and not less than $7,000,000 shall be for the purchase of radiation detection equipment, and not less than $24,000,000 shall be for the establishment of Maritime Safety and Security Teams.

ACQUISITION, CONSTRUCTION AND IMPROVEMENTS

For an additional amount for ''Acquisition, Construction and Improvements'', $40,000,000, to remain available until December 31, 2003, to implement the Automated Identification System and other tracking systems designed to actively track and monitor vessels operating in United States waters.

DEPARTMENT MANAGEMENT

COUNTERTERRORISM FUND

For an additional amount for the ''Counterterrorism Fund,'' for necessary expenses as determined by the Secretary of Homeland Security, $105,000,000, to remain available until December 31, 2003, to reimburse any Department of Homeland Security organization for the costs of providing support to prevent, counter, investigate, respond to, or prosecute unexpected threats or acts of terrorism: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to the obligation of any amount of these funds: *Provided Further:* That of the total amount provided, $20,000,000, is provided under this heading which shall be transferred to, and merged with, funds in the ''Federal payment for emergency planning and security costs in the District of Columbia'' appropriations account within thirty days of enactment of this Act, for a Federal payment to the District of Columbia for critical infrastructure protection, for security upgrades and backup operations of transportation, emergency response, energy, and communications infrastructure in the District of Columbia, provided that the Mayor and the Chairman of the Council of the District of Columbia shall, in consultation with the governments in the National Capital region, submit a financial plan to the Committees on Appropriations of the House of Representatives and Senate for approval not later than 30 days after enactment of this act, and provided that the Chief Financial Officer of the District of Columbia shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the use of funds under this heading, beginning not later than June 2, 2003: *Provided Further:* That of the total amount provided, $10,000,000, is provided under this heading which shall be transferred to, and merged with, funds in the ''Operation of the National Park System'' appropriations account within the National Park Service in the Department of the Interior within thirty days of enactment of this Act, for expenses related to enhanced security at nationally significant facilities.

SA 509. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POSTAL PATRON POSTCARDS.

The matter under the subheading ''MISCELLANEOUS ITEMS'' under the heading ''CONTINGENT EXPENSES OF THE SENATE'' under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7) is amended by striking ''with a population of less than 250,000''.

SA 510. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, line 13, after ''State'' insert the following:, the Department of the Treasury,

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SA 511. Mr. STEVENS (for Mr. INOUYE) submitted an amendment intended to be proposed by Mr. STEVENS to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Chapter 3, insert the following new provision:

SEC. 314. Of the funds appropriated in the Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account and program in the specified amount:

''Research, Development, Test and Evaluation, Navy, 2003'', $3,400,000.

SA 512. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

''(b) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

''(2) CONSERVATION SECURITY PROGRAM.—Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)—

''(A) shall be available for the provision of technical assistance for the conservation security program; and

''(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on February 20, 2003.

SA 513. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, line 13, strike everything after ''only'' through ''peace'' on line 17 and insert in lieu thereof: ''if the President determines and notifies Congress in accordance with the regular notification procedures of the Committees on Appropriations, that it is in the national interest to provide such sums on an emergency basis, consistent with authorities in the Foreign Assistance Act of 1961, for the purpose of responding to such crises, including support for peacekeeping''.

On page 26, line 7, strike ''funds'' and everything thereafter through ''tions'' on line 10, and insert in lieu thereof: ''notifications required under this heading''.

On page 24, line 3, after ''(2)'' insert the following: ''not to exceed''.

SA 514. Mr. SCHUMER (for himself, Mrs. CLINTON, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. KENNEDY, Ms. STABENOW, Mrs. BOXER, Mr. JOHNSON, Mr. BINGAMAN, Mr. NELSON of Nebraska, Mr. LEAHY, Mr. BAUCUS, Mr. AKAKA, Mr. SARBANES, and Mr. LAUTENBERG) proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 37, strike lines 3 through 25 and insert the following:

For additional amounts for the ''Office for Domestic Preparedness'', as authorized by

the Homeland Security Act of 2002 (Public Law 107–296), the USA PATRIOT Act of 2001 (Public Law 107–56), and the National Defense Authorization Act of 1996 (Public Law 104–201), for grants to States and local governments, $3,000,000,000, to remain available until December 31, 2003: *Provided,* That of the total amount appropriated, $2,500,000,000 shall be made available for grants to States under section 1014 of the USA PATRIOT Act of 2001, subject to the minimum grant amount requirement of that section, and the requirement that remaining amounts be distributed on a per capita basis, for the purchase of needed equipment, including interoperable communications equipment, and to provide training, exercise, planning, and personnel funds to State and local first responders: *Provided further,* That the Office for Domestic Preparedness (referred to under this heading as the ''Office'') shall transfer funds for such grants to States not later than 30 days after the date of enactment of this Act, and not less than 80 percent of funds made available to each State under this proviso shall be made available to units of local government based on population within 30 days of receipt by the State: *Provided further,* That up to 20 percent of the amount made available under the first proviso shall be for costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses and reimbursement of States (in addition to personnel costs related to training), local governments, and Indian tribes for additional costs incurred to replace first responders who are called to active duty in the Reserves for periods of not less than 6 consecutive months: *Provided further,* That $500,000,000 shall be for personnel costs of States and units of local government, subject to the minimum grant amount requirement of section 1014 of the USA PATRIOT Act of 2001 and the requirement that remaining amounts be distributed on a per capita basis, for enhanced security around critical infrastructure (as that term is defined in section 1016 of the USA PATRIOT Act of 2001 (Public Law 107–56)), the Office shall transfer funds for such grants to States not later than 30 days after the date of enactment of this Act, and not less than 50 percent of such funds made available to each State shall be made available to units of local government within 30 days of receipt.

For additional amounts under the Acts referred to in the preceding paragraph for grants to high threat urban areas, which should be identified by criteria that include credible threat, vulnerability, the presence of infrastructure of national importance, population, and needs of public safety organizations, for the purchase of equipment, including interoperable communications equipment, and to provide training, planning, exercise, and personnel costs, $1,045,000,000, to remain available until December 31, 2003: *Provided,* That not less than 80 percent of funds made available under this proviso shall be made available to units of local governments: *Provided further,* That up to 20 percent of this amount shall be for costs of law enforcement, fire, emergency medical services, and other emergency personnel, including overtime expenses (in addition to personnel costs related to training).

For additional amounts for such office for programs as authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $155,000,000, to remain available until December 31, 2003.

For an additional amount, $130,000,000, which shall be transferred to, and merged with, funds in the ''Community Oriented Policing Services, Department of Justice'', appropriations account for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, for the hiring of law enforcement officers to prevent acts of terrorism and other violent and drug-related crimes, of which up to 30 percent shall be available for overtime expenses.

SA 515. Mr. SPECTER proposed an amendment to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

On page 37, line 10, strike ''$2,000,000,000'' and insert in lieu thereof ''2,200,000,000''.

On page 37, line 12, strike ''$1,420,000,000'' and insert in lieu thereof ''1,270,000,000''.

On page 37, line 17, strike ''$450,000,000'' and insert in lieu thereof ''300,000,000''.

On page 37, line 23, strike ''$100,000,000'' and insert in lieu thereof ''600,000,000''.

SA 516. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

(a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of the funding of the costs associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.

(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds authorized and appropriated for the project. The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures of amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.

(c) The authority provided in this section shall be effective upon the date of the enactment of this Act.

SA 517. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter three, insert the following:

SEC. . In the case of a member of the Armed Forces who is ill or injured as described in section 411h of title 37, United States Code, as a result of service on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the travel and transportation benefits under that section may be provided to members of the family of the ill or injured member without regard to whether there is a determination that the presence of the family member may contribute to the member's health and welfare.

SA 518. Mr. STEVENS (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter three, insert the following:

SEC. . (a) For a member of the Armed Forces medically evacuated for treatment in a medical facility, or for travel to a medical facility or the member's home station, by reason of an illness or injury incurred or aggravated by the member while on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the Secretary of the military department concerned may procure civilian attire suitable for wear by the member during the travel.

(b) The Secretary may not expend more than $250 for the procurement of civilian attire for any member under subsection (a).

SA 519. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 127b(b) of title 10, United States Code, is amended by striking ''$200,000'' and inserting ''$5,000,000''.

SA 520. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, between lines 12 and 13, insert the following:

(5) the provision specifying $600,000 for the University of Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology shall be deemed to read as follows: ''University of Southern Maine, School of Applied Science, Engineering & Technology for purchase of equipment and technology, $600,000'';

SA 521. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, between lines 3 and 4, insert the following:

(e) AGRICULTURAL MANAGEMENT ASSISTANCE.—Section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and by inserting after paragraph (1) the following:

''(2) GRANTS TO STATES.—For fiscal year 2003 and each subsequent fiscal year, the Secretary shall use the funds made available under this subsection to make grants, in equal shares, to each state described in paragraph (1) to provide assistance to producers in the State in accordance with this subsection. A grant made available under this paragraph shall remain available until expended.''

SA 522. Mr. STEVENS proposed an amendment to the bill S. 762. making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. For an additional amount for the law enforcement technology program under the heading ''Community Oriented Policing Services'' in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, $5,000,000 for the Louisville-Jefferson County, Kentucky Public Safety Communications System to implement a common interoperable voice and data communications system for public safety organizations in the metropolitan area.

Insert at the appropriate place in the bill:

SEC. ___. Section 624 of division B of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), is amended by inserting before the period at the end: ''and, effective as of October 1, 2002, by inserting 'and subject to the provisions of Public Law 108–8,' after 'until expended,' ''.

On page 46, line 13 strike ''$106,060,000'' and insert ''$117,060,000''.

On page 47, line 5, before the ''.'' insert the following '':

Provided further, That of the amount made available under this heading, $10,000,000 to remain available until September 30, 2004, shall only be available for the incorporation of additional technologies for disseminating terrorism warnings within the All Hazards Warning Network''.

At the appropriate place, insert the following:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities: for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and for furnishing recreational facilities, supplies, and equipment incident to the provision of hospital care, medical services, and nursing home care authorized by section 1710(e)(1)(D) of title 38, United States Code, $155,000,000: *Provided,* That such amount shall remain available until expended.

On page 46, between lines 3 and 4, insert the following:

(e) LIVESTOCK COMPENSATION PROGRAM.—Section 203(a) of the Agricultural Assistance Act of 2003 (title II of division N of Public Law 108–7) is amended by adding at the end the following:

''(3) GRANTS.—

''(A) IN GENERAL.—To provide assistance to eligible applicants under paragraph (2)(B), the Secretary shall provide grants to appropriate State departments of agriculture (or other appropriate State agencies) that agree to provide assistance to eligible applicants.

''(B) AMOUNT.—The total amount of grants provided under subparagraph (A) shall be equal to the total amount of assistance that the Secretary determines all eligible applicants are eligible to receive under paragraph (2)(B).''.

On page 18, line 8, strike all that follows through page 20, line 10 and insert the following:

CHAPTER 4

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATIONS AND MAINTENANCE, GENERAL

For an additional amount for homeland security expenses, for ''Operations and Maintenance, General'', $29,000,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for homeland security expenses, for ''Water and Related Resources'', $25,000,000, to remain available until expended.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

SCIENCE

For an additional amount for ''Science'' for expenses necessary to support safeguards and security of nuclear and other facilities and for other purposes; $11,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for ''Weapons Activities'' for expenses necessary to safeguard nuclear weapons and nuclear material, $61,000,000, to remain available until expended: *Provided,* That $25,000,000 of the funds provided shall be available for secure transportation asset activities: *Provided further,* That $36,000,000 of the funds provided shall be available to meet increased safeguards and security needs throughout the nuclear weapons complex.

NUCLEAR NONPROLIFERATION

For an additional amount for ''Nuclear Nonproliferation'' for expenses necessary to safeguard fissil nuclear material, $150,000,000, to remain available until expended: *Provided,* That $84,000,000 of the funds provided shall be available for the development and deployment of nuclear detectors at mega seaports, in coordination with the Department of Homeland Security Bureau of Customs and Border Protection: *Provided further,* That $17,000,000 of the funds provided shall be available for detection and deterrence of radiological dispersal devices: *Provided further,* That $17,000,000 of the funds provided shall be available for nonproliferation assistance to nations other than the Former Soviet Union: *Provided further,* That $15,000,000 of the funds provided shall be available for nuclear nonproliferation verification programs, including $2,500,000 for the Caucasus Seismic Network: *Provided further,* That $5,000,000 of the funds provided shall be available for the packaging and disposition of any nuclear material found in Iraq; *Provided further,* That $5,000,000 of the funds provided shall be available for nuclear material detection materials and devices: *Provided further,* That $5,000,000 of the funds provided shall be available for international export control cooperation activities: *Provided further,* That $2,000,000 of the funds provided shall be available for vulnerability assessments of spent nuclear fuel casks.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For an additional amount for ''Defense Environmental Restoration and Waste Management'', for expenses necessary to support safeguards and security activities at nuclear and other facilities, $6,000,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For an additional amount for ''Other Defense Activities'', $18,000,000, to remain available until expended, for increased safeguards and security of Department of Energy facilities and personnel, including intelligence and counterintelligence activities: *Provided,* That this amount shall be available for transfer to other accounts within the Department of Energy for other expenses necessary to support elevated security conditions 15 days after a notification to the Congress of the proposed transfers.

On page 38, after line 24, add the following:

SEVERE ACUTE RESPIRATORY SYNDROME (SARS)

For an additional amount for ''Centers for Disease Control and Prevention, Disease Control, Research, and Training'', $16,000,000 for costs associated with the prevention and control of Severe Acute Respiratory Syndrome (SARS).

Insert on page 69, after line 24 the following:

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The first sentence under this heading in Public Law 108–7 is amended by striking ''$320,000,000'' and inserting in lieu thereof: ''$330,000,000''.

At the appropriate place, insert the following:

SEC. ___. Extension of Energy Savings Performance Contracting Authority.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking ''October 1, 2003'' and inserting ''December 31, 2004.''

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(h) CLAIMS FOR MONEY DAMAGES FOR DEATH OR PERSONAL INJURY.—(1) Any United States citizen who dies or suffers injury caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen, shall have a claim for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering).

''(2) A claim under paragraph (1) shall not be subject to any other provision of law or any international agreement in effect on or after November 1, 1979, that would otherwise bar, preclude, terminate, extinguish, or suspend a claim for damages described in such paragraph.''.

SEC. ___. The Secretary of the Army, acting through the Chief of Engineers, shall use $3,300,000 of funds available under the Construction, General appropriation, Corps of Engineers, Civil, to continue dam safety and seepage stability correction measures for the Waterburg Dam, VT project.

At the appropriate place, insert the following:

SEC. ___. USE OF ORGANICALLY PRODUCED FEED FOR CERTIFICATION AS ORGANIC FARM.

Section 771 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003 (division A of Public Law 108–7) is repealed.

At the appropriate place in the bill insert the following general provision:

SEC. ___. WILD SEAFOOD. Section 2107 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and

(2) by inserting after section (b) the following:

''(c) WILD SEAFOOD—

''(1) IN GENERAL.—Notwithstanding the requirement of section 2107(a)(1)(A) requiring products be produced only on certified organic farms, the Secretary shall allow, through regulations promulgated after public notice and opportunity for comment, wild seafood to be certified or labeled as organic.

''(2) CONSULTATION AND ACCOMMODATION.—In carrying out paragraph (1), the Secretary shall—

''(A) consult with—

''(i) the Secretary of Commerce;

''(ii) the National Organic Standards Board established under section 2119;

''(iii) producers, processors, and sellers; and

''(iv) other interested members of the public; and

''(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild seafood.''

At the appropriate place, insert the following:

SEC. ___. POSTAL PATRON POSTCARDS.

The matter under the subheading ''MISCELLANEOUS ITEMS'' under the heading ''CONTINGENT EXPENSES OF THE SENATE'' under title I of the Legislative Branch Appropriations Act, 2003 (Public Law 108–7) is amended by striking ''with a population of less than 250,000''.

At the appropriate place in the bill insert the following general provision:

''SEC.___. None of the funds in this Act may be obligated or expended to pay for transportation described in section 41106 of title 49, United States Code, to be performed by any air carrier that is not effectively controlled by citizens of the United States.''

On page 12, line 9, after ''expended,'' insert the following:

''for ongoing military operations in Iraq, and those operations authorized by P.L. 107–040,''

At the end of chapter 3, insert the following:

''SEC.___. (a) None of the funds appropriated by this Act may be obligated or expended to reduce the number of American Registry of Pathology personnel used by the Armed Forces Institute of Pathology for programs, projects, and activities of the Institute during fiscal year 2000 below the number of such personnel who are so used as of April 1, 2003.

(b) Of the total amount appropriated by chapter 3 of title I under the heading ''Defense Health Program'', $7,500,000 shall be available for the Armed Forces Institute of Pathology.

At the end of chapter 3, insert the following new provision:

SEC. 314. Of the funds appropriated in the Department of Defense Appropriations Act, the following funds are hereby rescinded from the following account and program in the specified amount:

''Research, Development, Test and Evaluation, Navy, 2003'', $3,400,000.

Starting on page 2, line 11, strike all through line 6 on page 3, and insert in lieu thereof:

''DETENTION TRUSTEE

For an additional amount for ''Detention Trustee'' for the detention of Federal prisoners in the custody of the United States Marshals Service, $45,000,000, to remain available until September 30, 2003.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY LAW ENFORCEMENT SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to administer and support joint Federal, State, local, and foreign law enforcement activities, including the design, development, test, deployment, maintenance, upgrade, or retirement of systems; the purchase, lease, loan, or maintenance of equipment and vehicles; the design, construction, maintenance, upgrade, or demolition of facilities; and travel, overtime, and other support, $72,000,000, which shall remain available until December 31, 2003: *Provided*, That the funds provided under this heading shall be managed only by the Attorney General or the Deputy Attorney General to be transferred to, and merged with, any appropriations account under this title: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for ''Federal Bureau of Investigation'', $63,000,000, to remain available until December 31, 2003, of which $13,380,000 shall be for language translation needs, of which $20,270,000 shall be for the Federal Bureau of Investigation participation in the Terrorist Threat Integration Center, and of which $29,350,000 shall be for the incorporation of the Foreign Terrorist Tracking Task Force into the Terrorist Threat Integration Center: *Provided*, That the funds provided under this heading shall not be available for obligation or expending except in compliance with the procedures set forth in Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

FEDERAL BUREAU OF INVESTIGATION

CONSTRUCTION

For an additional amount for ''Federal Bureau of Investigation, Construction'', $10,000,000, to remain available until September 30, 2004, to accelerate construction and fit out of the new wing of the Engineering Research Facility.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for ''State and Local Law Enforcement Assistance'', $91,000,000, to remain available until December 31, 2003, for the terrorism prevention and response training for law enforcement and other responders for increased costs associated with heightened homeland security alerts and law enforcement needs related to the temporary replacement of veteran officers called to duty: *Provided*, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for ''Community Oriented Policing Services'', $109,500,000, to remain available until December 31, 2003, shall be for the Community Oriented Policing Services, Interoperable Communications Technology Programs, for grants to States and localities to improve communications within and among law enforcement agencies: *Provided*, That the funds provided under this heading shall not be available for obligation or expenditure except in compliance with the procedures set forth in Section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003.''.

At the appropriate place in Title I, Chapter 6, insert the following:

''FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201) et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 197, $109,500,000, to remain available until expended: *Provided*, That this amount shall be for grants to improve public safety communications and interoperability.''.

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 127b(b) of title 10, United States Code, is amended by striking ''$200,000'' and inserting ''$5,000,000''.

At the appropriate place, insert the following:

SEC. ___. Section 626 of title VI of division B of Public Law 108–7 is amended by striking ''previously''.

At the appropriate place in the bill add the following general provision:

''SEC. ___. Section 7304 of Public Law 107–110 is amended by striking ''such as'' and inserting in lieu thereof ''operated by''.''

On page 30, line 5, after the colon, insert the following:

Provided further, That up to $20,000,000 of the funds appropriated by this paragraph may be transferred to and merged with funds appropriated under the heading ''Andean Counterdrug Initiative'' for aircraft, training, and other assistance for the Colombian Armed Forces:

Insert on page 69, after line 24, the following:

ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

Within 30 days of enactment of this Act, the Administrator of the Environmental Protection Agency shall adjust each ''maximum annual fee payable'' pursuant to 7 U.S.C. 136a–1(i)(5)(D) and (E) in a manner such that Maintenance Fee collections made to reach the level authorized in Division K of Public Law 108–7 shall be established in the

same proportion as those Maintenance Fee collections authorized in Public Law 107–73.

At the appropriate place, add the following:

(a) The Secretary of the Army may accept funds from the State of Utah, and credit them to the appropriate Department of the Army accounts for the purpose of the funding of the costs associated with extending the runway at Michael Army Airfield, Dugway Proving Ground, Utah, as part of a previously authorized military construction project.

(b) The Secretary may use the funds accepted for the refurbishment, in addition to funds authorized and appropriated for the project. The authority to accept a contribution under this section does not authorize the Secretary of the Army to reduce expenditures of amounts appropriated for the refurbishment project. The funds accepted shall remain available until expended.

(c) The authority provided in this section shall be effective upon the date of the enactment of this Act.

Section 501(b) of title V of division N of the Consolidated Appropriations Resolution, 2003 is amended—

(1) by striking ''program authorized for the fishery in Sec. 211'' and inserting ''programs authorized for the fisheries in sections 211 and 212''; and

(2) by striking ''program in section 211'' and inserting ''programs in sections 211 and 212''.

On page 32, line 13 strike the period and add the following ': *Provided further*, That of the funds appropriated under this heading, $4,300,000 shall be made available to the United States Agency for International Development Office of Inspector General for the purpose of monitoring and auditing expenditures for reconstruction and related activities in Iraq: *Provided further*, That such sums are in addition to funds otherwise made available by this Act to such office.

At the end of chapter three, insert the following:

SEC. ___. In the case of a member of the Armed Forces who is ill or injured as described in section 411h of title 37, United States Code, as a result of service on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the travel and transportation benefits under that section may be provided to members of the family of the ill or injured member without regard to whether there is a determination that the presence of the family member may contribute to the member's health and welfare.

At the end of chapter three, insert the following:

SEC. ___ (a) For a member of the Armed Forces medically evacuated for treatment in a medical facility, or for travel to a medical facility or the member's home station, by reason of an illness or injury incurred or aggravated by the member while on active duty in support of Operation Noble Eagle, Operation Enduring Freedom or Operation Iraqi Freedom, the Secretary of the military department concerned may procure civilian attire suitable for wear by the member during the travel.

(b) The Secretary may not expend more than $250 for the procurement of civilian attire for any member under subsection (a).

At the appropriate place, insert the following:

SEC. ___. TSA TO ISSUE LETTERS OF INTENT REGARDING INSTALLATION OF EDS AT AIRPORTS.

(a) IN GENERAL.—The Under Secretary of Homeland Security for Transportation and Border Security may issue letters of intent to airports to provide assistance for the installation of explosive detection systems by the date prescribed by section 44901(d)(2)(i) of title 49, United States Code.

(b) REPORT.—Beginning 30 days after the date of enactment of this Act, and every 60 days thereafter in calendar year 2003, the Under Secretary shall transmit a classified report to the House of Representatives Committee on Appropriations, the Senate Committee on Appropriations, the House of Representatives Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation describing each letter of intent issued by the Under Secretary under subsection (a).

At the appropriate place, insert the following:

SEC.___. In accordance with section 873(b) of the Homeland Security Act of 2002 (6 U.S.C. 453(b)), the Bureau of Customs and Border Protection may accept donations of body armor for United States border patrol agents and United States border patrol canines if such donations would further the mission of protecting our Nation's border and ports of entry as determined by the Under Secretary for Border and Transportation Security.

On page 46, between lines 3 and 4, insert the following:

(e) REPORT ON BILL EMERSON HUMANITARIAN TRUST AND FUTURE OF UNITED STATES FOOD AID.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture (in coordination with the Administrator of the Agency for International Development) shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Subcommittees on Agriculture, Rural Development, and Related Agencies of the Committees on Appropriations of the House of Representatives and the Senate, a report that describes—

(1) the policy of the Secretary with respect to the Bill Emerson Humanitarian Trust established under the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.), including whether that policy includes an intent to replenish the Trust; and

(2)(A) the means by which the Secretary proposes to ensure that the United States retains the long-term strategy and capability to respond to emergency international food shortages; and

(B) whether, and to what extent, other food aid programs conducted by the Secretary and the Administrator will be a part of that strategy.

At the end of chapter 2 of title I, add the following:

SEC. 210. No provision of this Act may be construed as altering or amending the force or effect of any of the following provisions of law as currently applied:

(1) Sections 2631 and 2631a of title 10, United States Code.

(2) Sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b), 1241f).

(3) Public Resolution Numbered 17, Seventy-third Congress (48 Stat. 500).

(4) Any other similar provision of law requiring the use of privately owned United States flag commercial vessels for certain transportation purposes of the United States.

On page 89, between lines 4 and 5, insert the following:

TITLE V—GENERAL PROVISIONS, THIS ACT

SEC. 501. Section 1605 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(h) CLAIMS FOR MONEY DAMAGES FOR DEATH OR PERSONAL INJURY.—(1) Any United States citizen who dies or suffers injury caused by a foreign state's act of torture, extrajudicial killing, aircraft sabotage, or hostage taking committed on or after November 1, 1979, and any member of the immediate family of such citizen, shall have a claim for money damages against such foreign state, as authorized by subsection (a)(7), for death or personal injury (including economic damages, solatium, pain and suffering).

''(2) A claim under paragraph (1) shall not be barred or precluded by the Algiers Accords.''

At the appropriate place insert the following:

(b) INSPECTIONS.—The Bureau of Customs and Border Protection shall—

(1) inspect all commercial motor vehicles (as defined in section 31101(1) of title 49, United States Code) carrying municipal solid waste and seeking to enter the United States through the Blue Water Bridge port-of-entry in Port Huron, Michigan and the Ambassador Bridge port-of-entry in Detroit, Michigan and ensure that,

(c) by May 2003, the Blue Water Bridge in Port Huron, MI shall be:

(A) equipped with radiation detection equipment; and

(B) staffed by Bureau inspectors formally trained in the process of detecting radioactive materials in cargo and equipped with both portal monitor devices and hand-held isotope identifiers.

At the appropriate place insert the following:

SEC. ___. TECHNICAL ASSISTANCE FOR CONSERVATION PROGRAMS.

(a) IN GENERAL.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

''(b) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—Effective beginning on the date of enactment of the Agricultural Assistance Act of 2003, subject to paragraph (2), Commodity Credit Corporation funds made available under paragraphs (4) through (7) of subsection (a) shall be available for the provision of technical assistance (subject to section 1242) for the conservation programs specified in subsection (a).

''(2) CONSERVATION SECURITY PROGRAM.—Effective for fiscal year 2004 and subsequent fiscal years, Commodity Credit Corporation funds made available to carry out the conservation security program under subsection (a)(3)—

''(A) shall be available for the provision of technical assistance for the conservation security program; and

''(B) shall not be available for the provision of technical assistance for conservation programs specified in subsection (a) other than the conservation security program.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on February 20, 2003.

At the end of title IV, insert the following:

SEC. ___. It is the sense of the Senate that—

(1) the asset acquisition of Trans World Airlines by American Airlines was a positive action that should be commended;

(2) although the acquisition was a positive action, the combination of the 2 airlines has resulted in a difficult seniority integration for the majority of the employee groups involved;

(3) airline layoffs from American Airlines should be conducted in a manner that maintains the maximum level of fairness and equitable treatment for all parties involved; and

(4) American Airlines should encourage its employee groups to integrate all employees in a manner that is fair and equitable for all parties involved.

SA 523. Mr. FRIST (for Mr. BINGAMAN) proposed an amendment to the bill S. 302, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes; as follows:

On page 3, strike lines 19 through 25 and insert ''numbered NPS–80,079D and dated February 2003.''

SA 524. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, between lines 4 and 5, insert the following:

SEC. 410. DEPARTMENT OF HOMELAND SECURITY.

(a) DIRECTOR OF STATE AND LOCAL GOVERNMENT COORDINATION.—Section 801(a) of the Homeland Security Act of 2002 (Public Law 107–296) is amended to read as follows:

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office of the Secretary the Office for State and Local Government Coordination, to oversee and coordinate departmental programs for and relationships with State and local governments.

''(2) DIRECTOR.—The Office established under paragraph (1) shall be headed by the Director of State and Local Government Coordination, who shall be appointed by the President, by and with the advice and consent of the Senate.''.

(b) OFFICE FOR DOMESTIC PREPAREDNESS.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) by redesignating section 430 as section 802 and transferring that section to the end of subtitle A of title VIII;

(2) in section 802, as redesignated by paragraph (1)—

(A) in subsection (a), by striking ''the Directorate of Border and Transportation Security'' and inserting ''the Office for State and Local Government Coordination'';

(B) in subsection (b), by striking ''who shall be appointed by the President'' and all that follows and inserting ''who shall report directly to the Director of State and Local Government Coordination.''; and

(C) in subsection (c)(7)—

(i) by striking ''other'' and inserting ''the''; and

(ii) by striking ''consistent with the mission and functions of the Directorate''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to conduct a hearing during the session of the Senate on Thursday, April 3, 2003. The purpose of this hearing will be to review the reauthorization of child nutrition programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 10 a.m., to conduct an oversight hearing on ''The Federal Reserve Board Proposal on Check Truncation.''

The committee will also vote on the nominations of Mr. Alfred Plamann, of California, to be a member of the Board of Directors of the National Consumer Cooperative Bank; Mr. Thomas Waters Grant, of New York, to be a director of the Securities Investor Protection Corporation; Mr. Noe Hinojosa, Jr., of Texas, to be a director of the Securities Investor Protection Corporation; and Mr. William Robert Timken, Jr., of Ohio, to be a director of the Securities Investor Protection Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, April 3, 2003, at 9:15 a.m., to hear testimony on the Purchasing Health Care Services in a Competitive Environment.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 3, 2003 at 10 a.m. to hold a hearing on Western Hemisphere Nominations.

Nominees: Mr. Lino Gutierrez to be Ambassador to Argentina; Mr. James Foley to be Ambassador to Haiti; and Mr. Roland W. Bullen to be Ambassador to Guyana.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 2:30 p.m., to hold a hearing on NATO enlargement.

Witnesses: Latvia, Lithuania, and Estonia—Dr. F. Stephen Larrabee, Senior Staff Member, RAND, Arlington, VA; Bulgaria and Romania—Mr. Janusz Bugajski, Director, Eastern Europe Project, Center for Strategic and International Studies, Washington, DC; and Slovakia and Slovenia—Dr. Jeff Simon, Senior Fellow, National Defense University, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 3, 2003, at 9:30 a.m., in SD 226.

I. Nominations: Edward C. Prado to be U.S. Circuit Judge for the Fifth Circuit; Richard D. Bennett to be U.S. District Judge for the District of Maryland; Dee D. Drell to be U.S. District Judge for the Western District of Louisiana; J. Leon Holmes to be U.S. District 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; Raul David Bejarano to be U.S. Marshall for the Southern District of California; and Allen Garber to be U.S. Marshall for the District of Minnesota.

II. Bills: S. 274 Class Action Fairness Act of 2003 and S. 731 Secure Authentication Feature and Enhanced Identification Defense Act of 2003 (''SAFE ID Act'').

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 3, 2003, at 2:30 p.m., in open session to receive testimony on 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Jason Matthews of my staff be allowed on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that at 5 p.m., on Monday, April 7, the Senate proceed to executive session and an immediate vote on the confirmation of Calendar No. 78, Cormac Carney, to be U.S. District Judge for the Central District of California; I further ask consent that following that 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.

UNANIMOUS CONSENT AGREEMENT—S. 476

Mr. FRIST. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to Calendar

No. 22, S. 476, the CARE Act, and it be considered under the following limitation: there be 4 hours of general debate, equally divided in the usual form; provided that the only amendments in order be the following: a managers' amendment, which will be at the desk; a Nickles amendment, conservation; provided further, that there be 30 minutes of debate on the amendments, equally divided in the usual form. I further ask consent that following the disposition of the above amendments, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, as amended, with no intervening action or debate. I finally ask consent that no points of order be waived by virtue of this agreement, and that following passage of the bill, it be held at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Mr. President, reserving my right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. If the majority leader would respond, we had the opportunity to talk about this particular piece of legislation. Senator SANTORUM has taken out elements of the legislation that do not apply to the tax rules. And we discussed, and I think reached an understanding, that those charitable choice items that would pose significant issues with respect to church and state have been eliminated from the underlying bill.

The bill we will consider is from the Finance Committee with simple tax provisions. And I know that Senator SANTORUM has indicated he would use his efforts, and your efforts presumably, in the conference to prevent the addition of those elements to which we have objected.

And I would assume that despite your best efforts, if such elements were included within the bill when it came back in the form of a conference report, this Senate would not take up such a conference report. Is that a fair understanding?

Mr. FRIST. Mr. President, the Senator from Rhode Island is correct in the nature of the discussion between the Senator from Pennsylvania, myself, and the Senator from Rhode Island.

Mr. REED. Further reserving my right to object, I notice that in the managers' amendment there is language with respect to the Compassionate Capital Fund, which is not a tax-financed provision. It essentially is authorizing a program that was begun in the appropriations bill a few years ago.

Questions have been raised with the use of these funds, et cetera. I wonder, in order to expedite this, if that particular provision of the managers' amendment could be either deleted or it could be placed in a position where a possible amendment could be raised.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, what I would prefer to do is refer that question to the manager of the bill because I am not familiar with that aspect of it. That will be Mr. SANTORUM, the Senator from Pennsylvania.

Mr. REED. Mr. President, again, I am also operating on some knowledge, but not complete knowledge, of why this provision is in the managers' amendment. I am prepared to accept the underlying agreement; I just have this one question which I find, at this point, important with respect to this Compassionate Capital Fund.

But as far as your assertions, which I appreciate, and the underlying legislation, I have no problem with this consent; it is just that one point about the managers' amendment.

I don't know what you would like to do to try to resolve that, though.

Mr. FRIST. Mr. President, I am not in a position now to withdraw that amendment at this juncture. I am simply not familiar enough with it. I understand there was an agreement that it be there as part of it. I think we can continue the discussion on Monday when we are back in. But right now, I am not in a position to withdraw that.

Mr. REID. If the Senator would yield.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. If I could direct a question to the Senator from Rhode Island: Is this the understanding the Senator had with the Senator from Pennsylvania?

Mr. REED. The understanding I had with the Senator from Pennsylvania, to be fair and accurate, did not reach the contents of the managers' amendment. It was my impression that the managers' amendment would simply be tax amendments with respect to the Internal Revenue Code and the jurisdiction of the Finance Committee.

I am a bit surprised, frankly, coming this evening and seeing something that is not within the traditional scope of the Finance Committee. Perhaps I might be wrong. This is something I didn't expect, but I must be very fair and accurate that this was not an issue we even discussed.

My presumption was that all the amendments would be strictly related to tax provisions and not to this Compassionate Capital Fund. I must say, I understand that the funds have been appropriated under the context of this Compassionate Capital Fund. This is an attempt to provide legislative language. I have not had a chance to look at the language. It is included within a managers' amendment without any opportunity to amend the managers' amendment. I am in an awkward position.

Mr. REID. Mr. President, if I could make a suggestion: If we could modify the leader's request that there be a motion to strike in order if the Senator from Pennsylvania can't work this out with the Senator from Rhode Island, this one provision.

Mr. FRIST. Mr. President, we can check on that. It is my understanding that this has been available to the other side, that this had been agreed to. If not, at this juncture I am just not in a position to agree to a motion to strike.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. REED. Mr. President, once again, reserving my right to object, I think both the majority leader and the Senator from Pennsylvania have been operating completely in good faith, have made sincere efforts to respond to our concerns. At this juncture, I would hope we could work out, through an amendment to the consent, a provision at least to give us the opportunity to look at it. I, frankly, having just seen this, this evening, I don't know if this simply codifies what is already operating and is, in a sense, innocuous or something more. It is not my intention to try at this point to upset the agreement because I think it was reached after much effort on both sides. It is a good-faith agreement.

I wonder if there is some way we can maintain the opportunity to look at this, agree to the consent this evening, look at it, and if it is something highly objectionable, at least have the opportunity to strike.

I think the suggestion by the Senator from Nevada is a good one. Frankly, I must say I am not prepared at this moment to offer a conclusion as to whether this should be here or not. I am just surprised that a nontax item is included in the managers' amendment along with others that are relatively noncontroversial.

Mr. REID. I apologize to the leader. If I could make a suggestion, I know how deeply the Senator from Pennsylvania feels about this legislation. I am confident he wouldn't do anything that was untoward purposely. So I hope the Senator from Rhode Island will accept this agreement, and we will work with Senator SANTORUM to see if something can be done. I will personally work with Senator SANTORUM to see if he would allow us a motion to strike, but that is not part of this deal.

Mr. REED. If I may reclaim my time, again, both the leader and the Senator have been extremely cooperative and helpful in trying to reach this point. I understand that once this legislation is passed by the Senate, it will be placed on the desk, and there are procedural opportunities there, I believe, to try to address this at least to somehow get an opportunity to look at this measure. Also with the opportunity to look at this over the course of the next few days, my apprehensions might be misplaced and we can proceed forward. But I think, again, the intention and the understanding we had have been met. I am just surprised about the inclusion of this particular position in something like a technical managers' amendment. Given the commitment the majority leader has made, certainly, about the overall status of this legislation, should it return from the other body,

then I would not object to the consent at this time.

Hopefully, over the next few days we will learn a little bit more about this compassionate fund and perhaps even deal with it if it is a problem on Monday.

Mr. FRIST. Mr. President, my response is that we will work in good faith with the Senator from Rhode Island as well as the assistant Democratic leader. I hesitate at this juncture to speak on behalf of the Senator from Pennsylvania. Again, we are committed on both sides to working in good faith. We have been able to do that to date. So I would ask once again for the unanimous consent as propounded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECT ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives to accompany S. 151 to amend title 18, United States Code, with respect to the sexual exploitation of children.

There being no objection, the Presiding Officer (Mr. TALENT) laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the bill (S. 151) entitled ''An Act 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.

Ordered, That the following Members be the managers of the conference on the part of the House:

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.

For consideration of the Senate bill and House amendments, and modifications committed to conference: Mr. Frost.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate disagree with the House amendment and request a conference, and the Chair be authorized to appoint conferees, with the ratio of 4 to 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. TALENT) appointed Mr. HATCH, Mr. GRASSLEY, Mr. SESSIONS, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. KENNEDY, and Mr. BIDEN conferees on the part of the Senate.

KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2003

Mr. FRIST. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on the bill (S. 342) to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes.

The Presiding Officer laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 342) entitled ''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'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Keeping Children and Families Safe Act of 2003''.

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

Sec. 1. Short title; table of contents.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

Sec. 101. Findings.

Subtitle A—General Program

Sec. 111. National Clearinghouse for Information Relating to Child Abuse.
Sec. 112. Research and assistance activities and demonstrations.
Sec. 113. Grants to States and public or private agencies and organizations.
Sec. 114. Grants to States for child abuse and neglect prevention and treatment programs.
Sec. 115. Grants to States for programs relating to the investigation and prosecution of child abuse and neglect cases.
Sec. 116. Miscellaneous requirements relating to assistance.
Sec. 117. Authorization of appropriations.
Sec. 118. Reports.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

Sec. 121. Purpose and authority.
Sec. 122. Eligibility.
Sec. 123. Amount of grant.
Sec. 124. Existing grants.
Sec. 125. Application.
Sec. 126. Local program requirements.
Sec. 127. Performance measures.
Sec. 128. National network for community-based family resource programs.
Sec. 129. Definitions.
Sec. 130. Authorization of appropriations.

Subtitle C—Conforming Amendments

Sec. 141. Conforming amendments.

TITLE II—ADOPTION OPPORTUNITIES

Sec. 201. Congressional findings and declaration of purpose.
Sec. 202. Information and services.
Sec. 203. Study of adoption placements.
Sec. 204. Studies on successful adoptions.
Sec. 205. Authorization of appropriations.

TITLE III—ABANDONED INFANTS ASSISTANCE

Sec. 301. Findings.
Sec. 302. Establishment of local programs.
Sec. 303. Evaluations, study, and reports by Secretary.
Sec. 304. Authorization of appropriations.
Sec. 305. Definitions.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

Sec. 401. State demonstration grants.
Sec. 402. Secretarial responsibilities.
Sec. 403. Evaluation.
Sec. 404. Information and technical assistance centers.
Sec. 405. Authorization of appropriations.
Sec. 406. Grants for State domestic violence coalitions.
Sec. 407. Evaluation and monitoring.
Sec. 408. Family member abuse information and documentation project.
Sec. 409. Model State leadership grants.
Sec. 410. National domestic violence hotline grant.
Sec. 411. Youth education and domestic violence.
Sec. 412. Demonstration grants for community initiatives.
Sec. 413. Transitional housing assistance.
Sec. 414. Technical and conforming amendments.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking ''close to 1,000,000'' and inserting ''approximately 900,000'';

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) by inserting after paragraph (1) the following:

''(2)(A) more children suffer neglect than any other form of maltreatment; and

''(B) investigations have determined that approximately 63 percent of children who were victims of maltreatment in 2000 suffered neglect, 19 percent suffered physical abuse, 10 percent suffered sexual abuse, and 8 percent suffered emotional maltreatment;

''(3)(A) child abuse can result in the death of a child;

''(B) in 2000, an estimated 1,200 children were counted by child protection services to have died as a result of abuse or neglect; and

''(C) children younger than 1 year old comprised 44 percent of child abuse fatalities and 85 percent of child abuse fatalities were younger than 6 years of age;'';

(4) by striking paragraph (4) (as so redesignated), and inserting the following:

''(4)(A) many of these children and their families fail to receive adequate protection and treatment;

''(B) slightly less than half of these children (45 percent in 2000) and their families fail to receive adequate protection or treatment; and

''(C) in fact, approximately 80 percent of all children removed from their homes and placed in foster care in 2000, as a result of an investigation or assessment conducted by the child protective services agency, received no services;'';

(5) in paragraph (5) (as so redesignated)—

(A) in subparagraph (A), by striking ''organizations'' and inserting ''community-based organizations'';

(B) in subparagraph (D), by striking ''ensures'' and all that follows through ''knowledge,'' and inserting ''recognizes the need for properly trained staff with the qualifications needed''; and

(C) in subparagraph (E), by inserting before the semicolon the following: '', which may impact child rearing patterns, while at the same time, not allowing those differences to enable abuse'';

(6) in paragraph (7) (as so redesignated), by striking ''this national child and family emergency'' and inserting ''child abuse and neglect''; and

(7) in paragraph (9) (as so redesignated)—

(A) by striking ''intensive'' and inserting ''needed''; and

(B) by striking ''if removal has taken place'' and inserting ''where appropriate''.

Subtitle A—General Program

SEC. 111. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

(a) FUNCTIONS.—Section 103(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(b)) is amended—

(1) in paragraph (1), by striking ''all programs,'' and all that follows through ''neglect; and'' and inserting ''all effective programs, including private and community-based programs,

that show promise of success with respect to the prevention, assessment, identification, and treatment of child abuse and neglect and hold the potential for broad scale implementation and replication;'';

(2) in paragraph (2), by striking the period and inserting a semicolon;

(3) by redesignating paragraph (2) as paragraph (3);

(4) by inserting after paragraph (1) the following:

''(2) maintain information about the best practices used for achieving improvements in child protective systems;''; and

(5) by adding at the end the following:

''(4) provide technical assistance upon request that may include an evaluation or identification of—

''(A) various methods and procedures for the investigation, assessment, and prosecution of child physical and sexual abuse cases;

''(B) ways to mitigate psychological trauma to the child victim; and

''(C) effective programs carried out by the States under this Act; and

''(5) collect and disseminate information relating to various training resources available at the State and local level to—

''(A) individuals who are engaged, or who intend to engage, in the prevention, identification, and treatment of child abuse and neglect; and

''(B) appropriate State and local officials to assist in training law enforcement, legal, judicial, medical, mental health, education, and child welfare personnel.''.

(b) COORDINATION WITH AVAILABLE RESOURCES.—Section 103(c)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104(c)(1)) is amended—

(1) in subparagraph (E), by striking ''105(a); and'' and inserting ''104(a);'';

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following:

''(F) collect and disseminate information that describes best practices being used throughout the Nation for making appropriate referrals related to, and addressing, the physical, developmental, and mental health needs of abused and neglected children; and''.

SEC. 112. RESEARCH AND ASSISTANCE ACTIVITIES AND DEMONSTRATIONS.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting '', including longitudinal research,'' after ''interdisciplinary program of research''; and

(B) in subparagraph (B), by inserting before the semicolon the following: '', including the effects of abuse and neglect on a child's development and the identification of successful early intervention services or other services that are needed'';

(C) in subparagraph (C)—

(i) by striking ''judicial procedures'' and inserting ''judicial systems, including multidisciplinary, coordinated decisionmaking procedures''; and

(ii) by striking ''and'' at the end; and

(D) in subparagraph (D)—

(i) in clause (viii), by striking ''and'' at the end;

(ii) by redesignating clause (ix) as clause (x); and

(iii) by inserting after clause (viii), the following:

''(ix) the incidence and prevalence of child maltreatment by a wide array of demographic characteristics such as age, sex, race, family structure, household relationship (including the living arrangement of the resident parent and family size), school enrollment and education attainment, disability, grandparents as caregivers, labor force status, work status in previous year, and income in previous year; and'';

(E) by redesignating subparagraph (D) as subparagraph (I); and

(F) by inserting after subparagraph (C), the following:

''(D) the evaluation and dissemination of best practices consistent with the goals of achieving improvements in the child protective services systems of the States in accordance with paragraphs (1) through (12) of section 106(a);

''(E) effective approaches to interagency collaboration between the child protection system and the juvenile justice system that improve the delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems;

''(F) an evaluation of the redundancies and gaps in the services in the field of child abuse and neglect prevention in order to make better use of resources;

''(G) the nature, scope, and practice of voluntary relinquishment for foster care or State guardianship of low income children who need health services, including mental health services;

''(H) the information on the national incidence of child abuse and neglect specified in clauses (i) through (x) of subparagraph (I); and'';

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) Not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, and every 2 years thereafter, the Secretary shall provide an opportunity for public comment concerning the priorities proposed under subparagraph (A) and maintain an official record of such public comment.'';

(3) by redesignating paragraph (2) as paragraph (4);

(4) by inserting after paragraph (1) the following:

''(2) RESEARCH.—The Secretary shall conduct research on the national incidence of child abuse and neglect, including the information on the national incidence on child abuse and neglect specified in clauses (i) through (x) of paragraph (1)(I).

''(3) REPORT.—Not later than 4 years after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the results of the research conducted under paragraph (2).''.

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1)—

(A) by striking ''nonprofit private agencies and'' and inserting ''private agencies and community-based''; and

(B) by inserting '', including replicating successful program models,'' after ''programs and activities''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(D) effective approaches being utilized to link child protective service agencies with health care, mental health care, and developmental services to improve forensic diagnosis and health evaluations, and barriers and shortages to such linkages.''.

(c) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended by adding at the end the following:

''(e) DEMONSTRATION PROGRAMS AND PROJECTS.—The Secretary may award grants to, and enter into contracts with, States or public or private agencies or organizations (or combinations of such agencies or organizations) for time-limited, demonstration projects for the following:

''(1) PROMOTION OF SAFE, FAMILY-FRIENDLY PHYSICAL ENVIRONMENTS FOR VISITATION AND EXCHANGE.—The Secretary may award grants under this subsection to entities to assist such entities in establishing and operating safe, family-friendly physical environments—

''(A) for court-ordered, supervised visitation between children and abusing parents; and

''(B) to safely facilitate the exchange of children for visits with noncustodial parents in cases of domestic violence.

''(2) EDUCATION IDENTIFICATION, PREVENTION, AND TREATMENT.—The Secretary may award grants under this subsection to entities for projects that provide educational identification, prevention, and treatment services in cooperation with preschool and elementary and secondary schools.

''(3) RISK AND SAFETY ASSESSMENT TOOLS.—The Secretary may award grants under this subsection to entities for projects that provide for the development of research-based risk and safety assessment tools relating to child abuse and neglect.

''(4) TRAINING.—The Secretary may award grants under this subsection to entities for projects that involve research-based innovative training for mandated child abuse and neglect reporters.''.

SEC. 113. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

(a) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 105(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(a)) is amended—

(1) in the subsection heading, by striking ''DEMONSTRATION'' and inserting ''GRANTS FOR'';

(2) in the matter preceding paragraph (1)—

(A) by inserting ''States,'' after ''contracts with,'';

(B) by striking ''nonprofit''; and

(C) by striking ''time limited, demonstration'';

(3) in paragraph (1)—

(A) in subparagraph (A), by striking ''law, education, social work, and other relevant fields'' and inserting ''law enforcement, judiciary, social work and child protection, education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardian ad litem,'';

(B) in subparagraph (B), by striking ''nonprofit'' and all that follows through ''; and'' and inserting ''children, youth and family service organizations in order to prevent child abuse and neglect;'';

(C) in subparagraph (C), by striking the period and inserting a semicolon;

(D) by adding at the end the following:

''(D) for training to support the enhancement of linkages between child protective service agencies and health care agencies, including physical and mental health services, to improve forensic diagnosis and health evaluations and for innovative partnerships between child protective service agencies and health care agencies that offer creative approaches to using existing Federal, State, local, and private funding to meet the health evaluation needs of children who have been subjects of substantiated cases of child abuse or neglect;

''(E) for the training of personnel in best practices to promote collaboration with the families from the initial time of contact during the investigation through treatment;

''(F) for the training of personnel regarding the legal duties of such personnel and their responsibilities to protect the legal rights of children and families;

''(G) for improving the training of supervisory and nonsupervisory child welfare workers;

''(H) for enabling State child welfare agencies to coordinate the provision of services with State and local health care agencies, alcohol and drug

abuse prevention and treatment agencies, mental health agencies, and other public and private welfare agencies to promote child safety, permanence, and family stability;

''(I) for cross training for child protective service workers in research-based methods for recognizing situations of substance abuse, domestic violence, and neglect; and

''(J) for developing, implementing, or operating information and education programs or training programs designed to improve the provision of services to disabled infants with life-threatening conditions for—

''(i) professionals and paraprofessional personnel concerned with the welfare of disabled infants with life-threatening conditions, including personnel employed in child protective services programs and health care facilities; and

''(ii) the parents of such infants.'';

(4) by redesignating paragraph (2) and (3) as paragraphs (3) and (4), respectively;

(5) by inserting after paragraph (1), the following:

''(2) TRIAGE PROCEDURES.—The Secretary may award grants under this subsection to public and private agencies that demonstrate innovation in responding to reports of child abuse and neglect, including programs of collaborative partnerships between the State child protective services agency, community social service agencies and family support programs, law enforcement agencies, developmental disability agencies, substance abuse treatment entities, health care entities, domestic violence prevention entities, mental health service entities, schools, churches and synagogues, and other community agencies, to allow for the establishment of a triage system that—

''(A) accepts, screens, and assesses reports received to determine which such reports require an intensive intervention and which require voluntary referral to another agency, program, or project;

''(B) provides, either directly or through referral, a variety of community-linked services to assist families in preventing child abuse and neglect; and

''(C) provides further investigation and intensive intervention where the child's safety is in jeopardy.'';

(6) in paragraph (3) (as so redesignated), by striking ''(such as Parents Anonymous)'';

(7) in paragraph (4) (as so redesignated)—

(A) by striking the paragraph designation and heading;

(B) by striking subparagraphs (A) and (C); and

(C) in subparagraph (B)—

(i) by striking ''(B) KINSHIP CARE.—'' and inserting the following:

''(4) KINSHIP CARE.—''; and

(ii) by striking ''nonprofit''; and

(8) by adding at the end the following:

''(5) LINKAGES BETWEEN CHILD PROTECTIVE SERVICE AGENCIES AND PUBLIC HEALTH, MENTAL HEALTH, AND DEVELOPMENTAL DISABILITIES AGENCIES.—The Secretary may award grants to entities that provide linkages between State or local child protective service agencies and public health, mental health, and developmental disabilities agencies, for the purpose of establishing linkages that are designed to help assure that a greater number of substantiated victims of child maltreatment have their physical health, mental health, and developmental needs appropriately diagnosed and treated.''.

(b) DISCRETIONARY GRANTS.—Section 105(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(b)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) by inserting after paragraph (2) (as so redesignated), the following:

''(3) Programs based within children's hospitals or other pediatric and adolescent care facilities, that provide model approaches for improving medical diagnosis of child abuse and neglect and for health evaluations of children for whom a report of maltreatment has been substantiated.''; and

(4) in paragraph (4)(D), by striking ''nonprofit''.

(c) EVALUATION.—Section 105(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106(c)) is amended—

(1) in the first sentence, by striking ''demonstration'';

(2) in the second sentence, by inserting ''or contract'' after ''or as a separate grant''; and

(3) by adding at the end the following: ''In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.''.

(d) TECHNICAL AMENDMENT TO HEADING.—The section heading for section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

''SEC. 105. GRANTS TO STATES AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.''.

SEC. 114. GRANTS TO STATES FOR CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in paragraph (3)—

(A) by inserting '', including ongoing case monitoring,'' after ''case management''; and

(B) by inserting ''and treatment'' after ''and delivery of services'';

(2) in paragraph (4), by striking ''improving'' and all that follows through ''referral systems'' and inserting ''developing, improving, and implementing risk and safety assessment tools and protocols'';

(3) by striking paragraph (7);

(4) by redesignating paragraphs (5), (6), (8), and (9) as paragraphs (6), (8), (9), and (12), respectively;

(5) by inserting after paragraph (4), the following:

''(5) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow interstate and intrastate information exchange;'';

(6) in paragraph (6) (as so redesignated), by striking ''opportunities'' and all that follows through ''system'' and inserting ''including training regarding research-based practices to promote collaboration with the families and the legal duties of such individuals'';

(7) by inserting after paragraph (6) (as so redesignated) the following:

''(7) improving the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in the recruitment and retention of caseworkers;'';

(8) by striking paragraph (9) (as so redesignated), and inserting the following:

''(9) developing and facilitating research-based training protocols for individuals mandated to report child abuse or neglect;

''(10) developing, implementing, or operating programs to assist in obtaining or coordinating necessary services for families of disabled infants with life-threatening conditions, including—

''(A) existing social and health services;

''(B) financial assistance; and

''(C) services necessary to facilitate adoptive placement of any such infants who have been relinquished for adoption;

''(11) developing and delivering information to improve public education relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect;'';

(9) in paragraph (12) (as so redesignated), by striking the period and inserting a semicolon; and

(10) by adding at the end the following:

''(13) supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems; or

''(14) supporting and enhancing collaboration among public health agencies, the child protection system, and private community-based programs to provide child abuse and neglect prevention and treatment services (including linkages with education systems) and to address the health needs, including mental health needs, of children identified as abused or neglected, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports.''.

(b) ELIGIBILITY REQUIREMENTS.—

(1) IN GENERAL.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(A) in paragraph (1)(B)—

(i) by striking ''provide notice to the Secretary of any substantive changes'' and inserting the following: ''provide notice to the Secretary—

''(i) of any substantive changes'';

(ii) by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(ii) any significant changes to how funds provided under this section are used to support the activities which may differ from the activities as described in the current State application.'';

(B) in paragraph (2)(A)—

(i) by redesignating clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), and (xiii) as clauses (iii), (v), (vi), (vii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi), respectively;

(ii) by inserting after clause (i), the following:

''(ii) policies and procedures to address the needs of infants born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication or withdrawal syndrome, or neonatal physical or neurological harm resulting from prenatal drug exposure, including—

''(I) the requirement that health care providers involved in the delivery or care of such infants notify the child protective services system of the occurrence of such condition in such infants, except that such notification shall not be construed to create a definition under Federal law of what constitutes child abuse and such notification shall not be construed to require prosecution for any illegal action; and

''(II) the development of a safe plan of care for the infant under which consideration may be given to providing the mother with health services (including mental health services), social services, parenting services, and substance abuse prevention and treatment counseling and to providing the infant with referral to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need for services provided under part C of such Act;'';

(iii) in clause (iii) (as so redesignated), by inserting ''risk and'' before ''safety'';

(iv) by inserting after clause (iii) (as so redesignated), the following:

''(iv) triage procedures for the appropriate referral of a child not at risk of imminent harm to a community organization or voluntary preventive service;'';

(v) in clause (vii)(II) (as so redesignated), by striking '', having a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect'' and inserting '', as described in clause (viii)'';

(vi) by inserting after clause (vii) (as so redesignated), the following:

''(viii) provisions to require a State to disclose confidential information to any Federal, State,

or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect;'';

(vii) in clause (xii) (as so redesignated)—

(I) by inserting ''who has received training appropriate to the role, and'' after ''guardian ad litem,''; and

(II) by inserting ''who has received training appropriate to that role'' after ''advocate'';

(viii) in clause (xiv) (as so redesignated), by striking ''to be effective not later than 2 years after the date of the enactment of this section'';

(ix) in clause (xv) (as so redesignated)—

(I) by striking ''to be effective not later than 2 years after the date of the enactment of this section''; and

(II) by striking ''and'' at the end;

(x) in clause (xvi) (as so redesignated), by striking ''clause (xii)'' each place that such appears and inserting ''clause (xv)''; and

(xi) by adding at the end the following:

''(xvii) provisions and procedures to require that a representative of the child protective services agency shall, at the initial time of contact with the individual subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual, in a manner that is consistent with laws protecting the rights of the informant;

''(xviii) provisions addressing the training of representatives of the child protective services system regarding the legal duties of the representatives, which may consist of various methods of informing such representatives of such duties, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment;

''(xix) provisions and procedures for improving the training, retention, and supervision of caseworkers;

''(xx) provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to the statewide early intervention program funded under part C of the Individuals with Disabilities Education Act for an evaluation for the need of services provided under part C of such Act; and

''(xxi) not later than 2 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, provisions and procedures for requiring criminal background record checks for prospective foster and adoptive parents and other adult relatives and non-relatives residing in the household;''; and

(C) in paragraph (2), by adding at the end the following flush sentence:

''Nothing in subparagraph (A) shall be construed to limit the State's flexibility to determine State policies relating to public access to court proceedings to determine child abuse and neglect except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and family.''.

(2) LIMITATION.—Section 106(b)(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)(3)) is amended by striking ''With regard to clauses (v) and (vi) of paragraph (2)(A)'' and inserting ''With regard to clauses (vi) and (vii) of paragraph (2)(A)''.

(c) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking ''and procedures'' and inserting '', procedures, and practices''; and

(II) by striking ''the agencies'' and inserting ''State and local child protection system agencies''; and

(ii) in clause (iii)(I), by striking ''State'' and inserting ''State and local''; and

(B) by adding at the end the following:

''(C) PUBLIC OUTREACH.—Each panel shall provide for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community and in order to meet its obligations under subparagraph (A).''; and

(2) in paragraph (6)—

(A) by striking ''public'' and inserting ''State and the public''; and

(B) by inserting before the period the following: ''and recommendations to improve the child protection services system at the State and local levels. Not later than 6 months after the date on which a report is submitted by the panel to the State, the appropriate State agency shall submit a written response to the State and local child protection systems that describes whether or how the State will incorporate the recommendations of such panel (where appropriate) to make measurable progress in improving the State and local child protective system''.

(d) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended by adding at the end the following:

''(13) The annual report containing the summary of the activities of the citizen review panels of the State required by subsection (c)(6).

''(14) The number of children under the care of the State child protection system who are transferred into the custody of the State juvenile justice system.''.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to Congress a report that describes the extent to which States are implementing the policies and procedures required under section 106(b)(2)(B)(ii) of the Child Abuse Prevention and Treatment Act.

SEC. 115. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) the handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.''.

SEC. 116. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by adding at the end the following:

''(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private agencies or organizations that receive assistance under this title to ensure that children and families with limited English proficiency who participate in programs under this title are provided materials and services under such programs in an appropriate language other than English.''.

SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

''(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title $120,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.''.

(b) DEMONSTRATION PROJECTS.—Section 112(a)(2)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(2)(B)) is amended—

(1) by striking ''Secretary make'' and inserting ''Secretary shall make''; and

(2) by striking ''section 106'' and inserting ''section 104''.

SEC. 118. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by adding at the end the following:

''(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

''(1) STUDY.—The Secretary shall conduct a study by random sample of the effectiveness of the citizen review panels established under section 106(c).

''(2) REPORT.—Not later than 3 years after the date of enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains the results of the study conducted under paragraph (1).''.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse

SEC. 121. PURPOSE AND AUTHORITY.

(a) PURPOSE.—Section 201(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(a)(1)) is amended to read as follows:

''(1) to support community-based efforts to develop, operate, expand, enhance, and, where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect; and''.

(b) AUTHORITY.—Section 201(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116(b)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking ''Statewide'' and all that follows through the dash, and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate) that are accessible, effective, culturally appropriate, and build upon existing strengths that—'';

(B) in subparagraph (F), by striking ''and'' at the end; and

(C) by striking subparagraph (G) and inserting the following:

''(G) demonstrate a commitment to meaningful parent leadership, including among parents of children with disabilities, parents with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and

''(H) provide referrals to early health and developmental services;''; and

(2) in paragraph (4)—

(A) by inserting ''through leveraging of funds'' after ''maximizing funding'';

(B) by striking ''a Statewide network of community-based, prevention-focused'' and inserting ''community-based and prevention-focused''; and

(C) by striking ''family resource and support program'' and inserting ''programs and activities designed to prevent child abuse and neglect (through networks where appropriate)''.

(c) TECHNICAL AMENDMENT TO TITLE HEADING.—Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended by striking the heading for such title and inserting the following:

''TITLE II—COMMUNITY–BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT''.

SEC. 122. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''a Statewide network of community-based, prevention-focused'' and inserting ''community-based and prevention-focused''; and

(ii) by striking ''family resource and support programs'' and all that follows through the semicolon and inserting ''programs and activities designed to prevent child abuse and neglect (through networks where appropriate);''

(B) in subparagraph (B), by inserting ''that exists to strengthen and support families to prevent child abuse and neglect'' after ''written authority of the State)'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''a network of community-based family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect (through networks where appropriate)'';

(B) in subparagraph (B)—

(i) by striking ''to the network''; and

(ii) by inserting '', and parents with disabilities'' before the semicolon;

(C) in subparagraph (C), by striking ''to the network''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(B) in subparagraph (B), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(C) in subparagraph (C), by striking ''and training and technical assistance, to the Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''training, technical assistance, and evaluation assistance, to community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)''; and

(D) in subparagraph (D), by inserting '', parents with disabilities,'' after ''children with disabilities''.

SEC. 123. AMOUNT OF GRANT.

Section 203(b)(1)(B) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1)(B)) is amended—

(1) by striking ''as the amount leveraged by the State from private, State, or other non-Federal sources and directed through the'' and inserting ''as the amount of private, State or other non-Federal funds leveraged and directed through the currently designated''; and

(2) by striking ''the lead agency'' and inserting ''the current lead agency''.

SEC. 124. EXISTING GRANTS.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5115c) is repealed.

SEC. 125. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraph (1), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)'';

(2) in paragraph (2)—

(A) by striking ''network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect (through networks where appropriate)''; and

(B) by striking '', including those funded by programs consolidated under this Act,'';

(3) by striking paragraph (3), and inserting the following:

''(3) a description of the inventory of current unmet needs and current community-based and prevention-focused programs and activities to prevent child abuse and neglect, and other family resource services operating in the State;'';

(4) in paragraph (4), by striking ''State's network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(5) in paragraph (5), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''start up, maintenance, expansion, and redesign of community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(6) in paragraph (7), by striking ''individual community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(7) in paragraph (8), by striking ''community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(8) in paragraph (9), by striking ''community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(9) in paragraph (10), by inserting ''(where appropriate)'' after ''members'';

(10) in paragraph (11), by striking ''prevention-focused, family resource and support program'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''; and

(11) by redesignating paragraph (13) as paragraph (12).

SEC. 126. LOCAL PROGRAM REQUIREMENTS.

Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''prevention-focused, family resource and support programs'' and inserting ''and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''family resource and support services'' and inserting ''family support services for the prevention of child abuse and neglect'';

(ii) in clause (iii), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(v) respite care;

''(vi) home visiting; and

''(vii) family support services;''; and

(B) in subparagraph (B), by inserting ''voluntary home visiting and'' after ''including''; and

(3) by striking paragraph (6) and inserting the following:

''(6) participate with other community-based and prevention-focused programs and activities to prevent child abuse and neglect in the development, operation and expansion of networks where appropriate.''.

SEC. 127. PERFORMANCE MEASURES.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (1), by striking ''a Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities to prevent child abuse and neglect'';

(2) by striking paragraph (3), and inserting the following:

''(3) shall demonstrate that they will have addressed unmet needs identified by the inventory and description of current services required under section 205(3);'';

(3) in paragraph (4),

(A) by inserting ''and parents with disabilities,'' after ''children with disabilities,''; and

(B) by striking ''evaluation of'' the first place it appears and all that follows through ''under this title'' and inserting ''evaluation of community-based and prevention-focused programs and activities to prevent child abuse and neglect, and in the design, operation and evaluation of the networks of such community-based and prevention-focused programs'';

(4) in paragraph (5), by striking '', prevention-focused, family resource and support programs'' and inserting ''and prevention-focused programs and activities designed to prevent child abuse and neglect'';

(5) in paragraph (6), by striking ''Statewide network of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''; and

(6) in paragraph (8), by striking ''community based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''.

SEC. 128. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208(3) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g(3)) is amended by striking ''Statewide networks of community-based, prevention-focused, family resource and support programs'' and inserting ''community-based and prevention-focused programs and activities designed to prevent child abuse and neglect''.

SEC. 129. DEFINITIONS.

(a) CHILDREN WITH DISABILITIES.—Section 209(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(1)) is amended by striking ''given such term in section 602(a)(2)'' and inserting ''given the term 'child with a disability' in section 602(3) or 'infant or toddler with a disability' in section 632(5)''.

(b) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraphs (3) and (4);

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

''(3) COMMUNITY-BASED AND PREVENTION-FOCUSED PROGRAMS AND ACTIVITIES TO PREVENT CHILD ABUSE AND NEGLECT.—The term 'community-based and prevention-focused programs and activities to prevent child abuse and neglect' includes organizations such as family resource programs, family support programs, voluntary home visiting programs, respite care programs, parenting education, mutual support programs, and other community programs that provide activities that are designed to prevent or respond to child abuse and neglect.''; and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 130. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

''SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title $80,000,000 for fiscal year 2004 and such sums as may be necessary for each of the fiscal years 2005 through 2008.''.

Subtitle C—Conforming Amendments

SEC. 141. CONFORMING AMENDMENTS.

The table of contents of the Child Abuse Prevention and Treatment Act, as contained in section 1(b) of such Act (42 U.S.C. 5101 note), is amended as follows:

(1) By striking the item relating to section 105 and inserting the following:

''Sec. 105. Grants to States and public or private agencies and organizations.''.

(2) By striking the item relating to title II and inserting the following:

''TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT''.

(3) By striking the item relating to section 204.

TITLE II—ADOPTION OPPORTUNITIES

SEC. 201. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

''(1) the number of children in substitute care has increased by nearly 24 percent since 1994, as our Nation's foster care population included more than 565,000 as of September of 2001;

''(2) children entering foster care have complex problems that require intensive services, with many such children having special needs because they are born to mothers who did not receive prenatal care, are born with life threatening conditions or disabilities, are born addicted to alcohol or other drugs, or have been exposed to infection with the etiologic agent for the human immunodeficiency virus;

''(3) each year, thousands of children are in need of placement in permanent, adoptive homes;'';

(B) by striking paragraph (6);

(C) by striking paragraph (7)(A) and inserting the following:

''(7)(A) currently, there are 131,000 children waiting for adoption;''; and

(D) by redesignating paragraphs (5), (7), (8), (9), and (10) as paragraphs (4), (5), (6), (7), and (8) respectively; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting '', including geographic barriers,'' after ''barriers''; and

(B) in paragraph (2), by striking ''a national'' and inserting ''an Internet-based national''.

SEC. 202. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

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

''SEC. 203. INFORMATION AND SERVICES.'';

(2) by striking ''SEC. 203. (a) The Secretary'' and inserting the following:

''(a) IN GENERAL.—The Secretary'';

(3) in subsection (b)—

(A) by inserting ''REQUIRED ACTIVITIES.—'' after ''(b)'';

(B) in paragraph (1), by striking ''nonprofit'' each place that such appears;

(C) in paragraph (2), by striking ''nonprofit'';

(D) in paragraph (3), by striking ''nonprofit'';

(E) in paragraph (4), by striking ''nonprofit'';

(F) in paragraph (6), by striking ''study the nature, scope, and effects of'' and insert ''support'';

(G) in paragraph (7), by striking ''nonprofit'';

(H) in paragraph (9)—

(i) by striking ''nonprofit''; and

(ii) by striking ''and'' at the end;

(I) in paragraph (10)—

(i) by striking ''nonprofit''; each place that such appears; and

(ii) by striking the period at the end and inserting ''; and''; and

(J) by adding at the end the following:

''(11) provide (directly or by grant to or contract with States, local government entities, or public or private licensed child welfare or adoption agencies) for the implementation of programs that are intended to increase the number of older children (who are in foster care and with the goal of adoption) placed in adoptive families, with a special emphasis on child-specific recruitment strategies, including—

''(A) outreach, public education, or media campaigns to inform the public of the needs and numbers of older youth available for adoption;

''(B) training of personnel in the special needs of older youth and the successful strategies of child-focused, child-specific recruitment efforts; and

''(C) recruitment of prospective families for such children.'';

(4) in subsection (c)—

(A) by striking ''(c)(1) The Secretary'' and inserting the following:

''(c) SERVICES FOR FAMILIES ADOPTING SPECIAL NEEDS CHILDREN.—

''(1) IN GENERAL.—The Secretary'';

(B) by striking ''(2) Services'' and inserting the following:

''(2) SERVICES.—Services''; and

(C) in paragraph (2)—

(i) by realigning the margins of subparagraphs (A) through (G) accordingly;

(ii) in subparagraph (F), by striking ''and'' at the end;

(iii) in subparagraph (G), by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

''(H) day treatment; and

''(I) respite care.''; and

(D) by striking ''nonprofit''; each place that such appears;

(5) in subsection (d)—

(A) by striking ''(d)(1) The Secretary'' and inserting the following:

''(d) IMPROVING PLACEMENT RATE OF CHILDREN IN FOSTER CARE.—

''(1) IN GENERAL.—The Secretary'';

(B) by striking ''(2)(A) Each State'' and inserting the following:

''(2) APPLICATIONS; TECHNICAL AND OTHER ASSISTANCE.—

''(A) APPLICATIONS.—Each State'';

(C) by striking ''(B) The Secretary'' and inserting the following:

''(B) TECHNICAL AND OTHER ASSISTANCE.—The Secretary'';

(D) in paragraph (2)(B)—

(i) by realigning the margins of clauses (i) and (ii) accordingly; and

(ii) by striking ''nonprofit'';

(E) by striking ''(3)(A) Payments'' and inserting the following:

''(3) PAYMENTS.—

''(A) IN GENERAL.—Payments''; and

(F) by striking ''(B) Any payment'' and inserting the following:

''(B) REVERSION OF UNUSED FUNDS.—Any payment''; and

(6) by adding at the end the following:

''(e) ELIMINATION OF BARRIERS TO ADOPTIONS ACROSS JURISDICTIONAL BOUNDARIES.—

''(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, States, local government entities, public or private child welfare or adoption agencies, adoption exchanges, or adoption family groups to carry out initiatives to improve efforts to eliminate barriers to placing children for adoption across jurisdictional boundaries.

''(2) SERVICES TO SUPPLEMENT NOT SUPPLANT.—Services provided under grants made under this subsection shall supplement, not supplant, services provided using any other funds made available for the same general purposes including—

''(A) developing a uniform homestudy standard and protocol for acceptance of homestudies between States and jurisdictions;

''(B) developing models of financing cross-jurisdictional placements;

''(C) expanding the capacity of all adoption exchanges to serve increasing numbers of children;

''(D) developing training materials and training social workers on preparing and moving children across State lines; and

''(E) developing and supporting initiative models for networking among agencies, adoption exchanges, and parent support groups across jurisdictional boundaries.''.

SEC. 203. STUDY OF ADOPTION PLACEMENTS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended—

(1) by striking ''The'' and inserting ''(a) IN GENERAL.—The'';

(2) by striking ''of this Act'' and inserting ''of the Keeping Children and Families Safe Act of 2003'';

(3) by striking ''to determine the nature'' and inserting ''to determine—

''(1) the nature'';

(4) by striking ''which are not licensed'' and all that follows through ''entity''; and

(5) by adding at the end the following:

''(2) how interstate placements are being financed across State lines;

''(3) recommendations on best practice models for both interstate and intrastate adoptions; and

''(4) how State policies in defining special needs children differentiate or group similar categories of children.''.

SEC. 204. STUDIES ON SUCCESSFUL ADOPTIONS.

Section 204 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5114) is amended by adding at the end the following:

''(b) DYNAMICS OF SUCCESSFUL ADOPTION.—The Secretary shall conduct research (directly or by grant to, or contract with, public or private nonprofit research agencies or organizations) about adoption outcomes and the factors affecting those outcomes. The Secretary shall submit a report containing the results of such research to the appropriate committees of the Congress not later than the date that is 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003.

''(c) INTERJURISDICTIONAL ADOPTION.—Not later than 1 year after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall submit to the appropriate committees of the Congress a report that contains recommendations for an action plan to facilitate the interjurisdictional adoption of foster children.''.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

Section 205(a) of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115(a)) is amended to read as follows:

''(a) There are authorized to be appropriated $40,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008 to carry out programs and activities authorized under this subtitle.''.

TITLE III—ABANDONED INFANTS ASSISTANCE

SEC. 301. FINDINGS.

Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking paragraph (1);

(2) in paragraph (2)—

(A) by inserting ''studies indicate that a number of factors contribute to'' before ''the inability of'';

(B) by inserting ''some'' after ''inability of'';

(C) by striking ''who abuse drugs''; and

(D) by striking ''care for such infants'' and inserting ''care for their infants'';

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

''(5) appropriate training is needed for personnel working with infants and young children with life-threatening conditions and other special needs, including those who are infected with the human immunodeficiency virus (commonly known as 'HIV'), those who have acquired immune deficiency syndrome (commonly know as 'AIDS'), and those who have been exposed to dangerous drugs;'';

(4) by striking paragraphs (6) and (7);

(5) in paragraph (8), by inserting ''by parents abusing drugs,'' after ''deficiency syndrome,'';

(6) in paragraph (9), by striking ''comprehensive services'' and all that follows through the semicolon at the end and inserting ''comprehensive support services for such infants and young children and their families and services to prevent the abandonment of such infants and

young children, including foster care services, case management services, family support services, respite and crisis intervention services, counseling services, and group residential home services; and'';

(7) by striking paragraph (11);

(8) by redesignating paragraphs (2), (3), (4), (5), (8), (9), and (10) as paragraphs (1) through (7), respectively; and

(9) by adding at the end the following:

''(8) Private, Federal, State, and local resources should be coordinated to establish and maintain such services and to ensure the optimal use of all such resources.''.

SEC. 302. ESTABLISHMENT OF LOCAL PROGRAMS.

Section 101 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

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

''SEC. 101. ESTABLISHMENT OF LOCAL PROGRAMS.''; and

(2) by striking subsection (b) and inserting the following:

''(b) PRIORITY IN PROVISION OF SERVICES.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees to give priority to abandoned infants and young children who—

''(1) are infected with, or have been perinatally exposed to, the human immunodeficiency virus, or have a life-threatening illness or other special medical need; or

''(2) have been perinatally exposed to a dangerous drug.''.

SEC. 303. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

Section 102 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

''SEC. 102. EVALUATIONS, STUDY, AND REPORTS BY SECRETARY.

''(a) EVALUATIONS OF LOCAL PROGRAMS.—The Secretary shall, directly or through contracts with public and nonprofit private entities, provide for evaluations of projects carried out under section 101 and for the dissemination of information developed as a result of such projects.

''(b) STUDY AND REPORT ON NUMBER OF ABANDONED INFANTS AND YOUNG CHILDREN.—

''(1) IN GENERAL.—The Secretary shall conduct a study for the purpose of determining—

''(A) an estimate of the annual number of infants and young children relinquished, abandoned, or found deceased in the United States and the number of such infants and young children who are infants and young children described in section 223(b);

''(B) an estimate of the annual number of infants and young children who are victims of homicide;

''(C) characteristics and demographics of parents who have abandoned an infant within 1 year of the infant's birth; and

''(D) an estimate of the annual costs incurred by the Federal Government and by State and local governments in providing housing and care for abandoned infants and young children.

''(2) DEADLINE.—Not later than 36 months after the date of the enactment of the Keeping Children and Families Safe Act of 2003, the Secretary shall complete the study required under paragraph (1) and submit to the Congress a report describing the findings made as a result of the study.

''(c) EVALUATION.—The Secretary shall evaluate and report on effective methods of intervening before the abandonment of an infant or young child so as to prevent such abandonments, and effective methods for responding to the needs of abandoned infants and young children.''.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 104 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—For the purpose of carrying out this Act, there are authorized to be appropriated $45,000,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2008.

''(2) LIMITATION.—Not more than 5 percent of the amounts appropriated under paragraph (1) for any fiscal year may be obligated for carrying out section 224(a).'';

(2) by striking subsection (b);

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''AUTHORIZATION.—'' after ''(1)''; and

(B) in paragraph (2)—

(i) by inserting ''LIMITATION.—'' after ''(2)''; and

(ii) by striking ''fiscal year 1991.'' and inserting ''fiscal year 2003.''; and

(4) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 305. DEFINITIONS.

Section 103 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is amended to read as follows:

''SEC. 103. DEFINITIONS.

''For purposes of this Act:

''(1) The terms 'abandoned' and 'abandonment', with respect to infants and young children, mean that the infants and young children are medically cleared for discharge from acute-care hospital settings, but remain hospitalized because of a lack of appropriate out-of-hospital placement alternatives.

''(2) The term 'acquired immune deficiency syndrome' includes infection with the etiologic agent for such syndrome, any condition indicating that an individual is infected with such etiologic agent, and any condition arising from such etiologic agent.

''(3) The term 'dangerous drug' means a controlled substance, as defined in section 102 of the Controlled Substances Act.

''(4) The term 'natural family' shall be broadly interpreted to include natural parents, grandparents, family members, guardians, children residing in the household, and individuals residing in the household on a continuing basis who are in a care-giving situation with respect to infants and young children covered under this subtitle.

''(5) The term 'Secretary' means the Secretary of Health and Human Services.''.

TITLE IV—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 401. STATE DEMONSTRATION GRANTS.

(a) UNDERSERVED POPULATIONS.—Section 303(a)(2)(C) of the Family Violence Prevention and Services Act (42 U.S.C. 10402(a)(2)(C)) is amended by striking ''underserved populations,'' and all that follows and inserting the following: ''underserved populations, as defined in section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2);''.

(b) REPORT.—Section 303(a) of such Act (42 U.S.C. 10402(a)) is amended by adding at the end the following:

''(5) Upon completion of the activities funded by a grant under this title, the State grantee shall submit to the Secretary a report that contains a description of the activities carried out under paragraph (2)(B)(i).''.

SEC. 402. SECRETARIAL RESPONSIBILITIES.

Section 305(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10404(a)) is amended—

(1) by striking ''an employee'' and inserting ''1 or more employees'';

(2) by striking ''of this title.'' and inserting ''of this title, including carrying out evaluation and monitoring under this title.''; and

(3) by striking ''The individual'' and inserting ''Any individual''.

SEC. 403. EVALUATION.

Section 306 of the Family Violence Prevention and Services Act (42 U.S.C. 10405) is amended in the first sentence by striking ''Not later than two years after the date on which funds are obligated under section 303(a) for the first time after the date of the enactment of this title, and every two years thereafter,'' and inserting ''Every 2 years,''.

SEC. 404. INFORMATION AND TECHNICAL ASSISTANCE CENTERS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) is amended by striking subsection (g).

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

(a) GENERAL AUTHORIZATION.—Section 310(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10409(a)) is amended to read as follows:

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $175,000,000 for each of the fiscal years 2004 through 2008.''.

(b) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Section 311(g) of such Act (42 U.S.C. 10410(g)) is amended to read as follows:

''(g) FUNDING.—Of the amount appropriated pursuant to the authorization of appropriations under section 310(a) for a fiscal year, not less than 10 percent of such amount shall be made available to award grants under this section.''.

SEC. 406. GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10410) is amended by striking subsection (h).

SEC. 407. EVALUATION AND MONITORING.

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended by adding at the end the following:

''(c) Of the amount appropriated under section 310(a) for each fiscal year, not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.''.

SEC. 408. FAMILY MEMBER ABUSE INFORMATION AND DOCUMENTATION PROJECT.

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is repealed.

SEC. 409. MODEL STATE LEADERSHIP GRANTS.

Section 315 of the Family Violence Prevention and Services Act (42 U.S.C. 10415) is repealed.

SEC. 410. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

(a) DURATION.—Section 316(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10416(b)) is amended—

(1) by striking ''A grant'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), a grant''; and

(2) by adding at the end the following:

''(2) EXTENSION.—The Secretary may extend the duration of a grant under this section beyond the period described in paragraph (1) if, prior to such extension—

''(A) the entity prepares and submits to the Secretary a report that evaluates the effectiveness of the use of amounts received under the grant for the period described in paragraph (1) and contains any other information as the Secretary may prescribe; and

''(B) the report and other appropriate criteria indicate that the entity is successfully operating the hotline in accordance with subsection (a).''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 316(f) of such Act (42 U.S.C. 10416(f)) is amended in paragraph (1) by striking ''fiscal years 2001 through 2005'' and inserting ''fiscal years 2004 through 2008''.

SEC. 411. YOUTH EDUCATION AND DOMESTIC VIOLENCE.

Section 317 of the Family Violence Prevention and Services Act (42 U.S.C. 10417) is repealed.

SEC. 412. DEMONSTRATION GRANTS FOR COMMUNITY INITIATIVES.

(a) IN GENERAL.—Section 318(h) of the Family Violence Prevention and Services Act (42 U.S.C. 10418(h)) is amended to read as follows:

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 2004 through 2008.''.

(b) REGULATIONS.—Section 318 of such Act (42 U.S.C. 10418) is amended by striking subsection (i).

SEC. 413. TRANSITIONAL HOUSING ASSISTANCE.

Section 319(f) of the Family Violence Prevention and Services Act (42 U.S.C. 10419(f)) is amended by striking ''fiscal year 2001'' and inserting ''each of the fiscal years 2004 through 2008''.

SEC. 414. TECHNICAL AND CONFORMING AMENDMENTS.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended as follows:

(1) In section 302(1) by striking ''demonstrate the effectiveness of assisting'' and inserting ''assist''.

(2) In section 303(a)—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking ''State domestic violence coalitions knowledgeable individuals and interested organizations'' and inserting ''State domestic violence coalitions, knowledgeable individuals, and interested organizations''; and

(ii) in subparagraph (F), by adding ''and'' at the end; and

(B) by aligning the margins of paragraph (4) with the margins of paragraph (3).

(3) In section 305(b)(2)(A) by striking ''provide for research, and into'' and inserting ''provide for research into''.

(4) In section 311(a)—

(A) in paragraph (2)(K), by striking ''other criminal justice professionals,;'' and inserting ''other criminal justice professionals;'' and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''family law judges,,'' and inserting ''family law judges,'';

(ii) in subparagraph (D), by inserting '', criminal court judges,'' after ''family law judges''; and

(iii) in subparagraph (H), by striking ''supervised visitations that do not endanger victims and their children'' and inserting ''supervised visitations or denial of visitation to protect against danger to victims or their children''.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate disagree with the House amendment and request a conference, and that the Chair be authorized to appoint conferees, with the ratio of 3 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. TALENT) appointed Mr. GREGG, Mr. ALEXANDER, Mr. DEWINE, Mr. KENNEDY, and Mr. DODD conferees on the part of the Senate.

THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration, en bloc, of the following calendar items: No. 26, S. 273; No. 27, S. 302; No. 28, S. 426.

The PRESIDING OFFICER. The clerk will state the bills by title.

A bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

A bill (S. 302) to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

A bill (S. 426) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bills, en bloc.

Mr. FRIST. Mr. President, I ask unanimous consent that the technical amendment to Calendar No. 27, S. 203 at the desk be considered and agreed to, the bills, as amended, if amended, be read the third time and passed, and the motions to reconsider be laid upon the table en bloc, that any statements relating thereto be printed at the appropriate place in the RECORD, and that the consideration appear separately in the RECORD without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 302) to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, and for other purposes.

The amendment (No. 523) was agreed to, as follows:

(Purpose: To correct a map reference in the bill)

On page 3, strike lines 19 through 25 and insert ''numbered NPS–80,079D and dated February 2003.''

The bill, (S. 302) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 302

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 ''Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act''.

SEC. 2. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) BOUNDARY ADJUSTMENT.—Section 2(a) of Public Law 92–589 (16 U.S.C. 460bb–1(a)) is amended—

(1) by striking ''The recreation area shall comprise'' and inserting the following:

''(1) INITIAL LANDS.—The recreation area shall comprise''; and

(2) by striking ''The following additional lands are also'' and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

''(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

''(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119–040–05, 119–040–18, 166–202–03, 166–010–06, 166–010–07, 166–010–24, 166–010–25, 119–240–19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119–240–52, 119–240–54, 166–010–12, 166–010–13, and 119–235–10.

''(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG–80,000–A, and dated May 1980.

''(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb–1 note; Public Law 102–299).

''(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80–076, and dated July 2000/PWR–PLRPC.

''(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS–80,079D and dated February 2003.

''(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.''.

(b) EXTENSION OF TERM OF ADVISORY COMMISSION.—Effective as of October 26, 2002, section 5(g) of Public Law 92–589 (16 U.S.C. 460bb–4(g)) is amended by striking ''cease to exist thirty years after the enactment of this Act'' and inserting ''terminate at the end of the 10–year period beginning on the date of the enactment of the Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act''.

The bill (S. 273) to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 273

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 ''Grand Teton National Park Land Exchange Act''.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term ''Federal lands'' means public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(2) The term ''Governor'' means the Governor of the State of Wyoming.

(3) The term ''Secretary'' means the Secretary of the Interior.

(4) The term ''State lands'' means lands and interest in lands owned by the State of Wyoming within the boundaries of Grand Teton National Park as identified on a map titled ''Private, State & County Inholdings Grand Teton National Park'', dated March 2001, and numbered GTNP/0001.

SEC. 3. ACQUISITION OF STATE LANDS.

(a) The Secretary is authorized to acquire approximately 1,406 acres of State lands within the exterior boundaries of Grand Teton National Park, as generally depicted on the map referenced in section 2(4), by any one or a combination of the following—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange of Federal lands in the State of Wyoming that are identified for disposal under approved land use plans in effect on the date of enactment of this Act under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) that are of equal value to the State lands acquired in the exchange.

(b) In the event that the Secretary or the Governor determines that the Federal lands eligible for exchange under subsection (a)(3) are not sufficient or acceptable for the acquisition of all the State lands identified in section 2(4), the Secretary shall identify

other Federal lands or interests therein in the State of Wyoming for possible exchange and shall identify such lands or interests together with their estimated value in a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives. Such lands or interests shall not be available for exchange unless authorized by an Act of Congress enacted after the date of submission of the report.

SEC. 4. VALUATION OF STATE AND FEDERAL INTERESTS.

(a) AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the value of any Federal lands eligible for exchange under section 3(a)(3) or State lands, then the Secretary and the Governor may select a qualified appraiser to conduct an appraisal of those lands. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(b) NO AGREEMENT ON APPRAISER.—If the Secretary and the Governor are unable to agree on the selection of a qualified appraiser under subsection (a), then the Secretary and the Governor shall each designate a qualified appraiser. The two designated appraisers shall select a qualified third appraiser to conduct the appraisal with the advice and assistance of the two designated appraisers. The purchase or exchange under section 3(a) shall be conducted based on the values determined by the appraisal.

(c) APPRAISAL COSTS.—The Secretary and the State of Wyoming shall each pay one-half of the appraisal costs under subsections (a) and (b).

SEC. 5. ADMINISTRATION OF STATE LANDS ACQUIRED BY THE UNITED STATES.

The State lands conveyed to the United States under section 3(a) shall become part of Grand Teton National Park. The Secretary shall manage such lands under the Act of August 25, 1916 (commonly know as the ''National Park Service Organic Act''), and other laws, rules, and regulations applicable to Grand Teton National Park.

SEC. 6. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for the purposes of this Act.

The bill (S. 426) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 426

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 ''Blunt Reservoir and Pierre Canal Land Conveyance Act of 2003''.

SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term ''Blunt Reservoir feature'' means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term ''Commission'' means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term ''nonpreferential lease parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term ''Pierre Canal feature'' means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term ''preferential leaseholder'' means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term ''preferential lease parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term ''State'' means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term ''unleased parcel'' means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a condition of each conveyance under subsections (d)(5) and (e), respectively, the State shall agree to accept—

(A) in ''as is'' condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(1) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER $10,000.—If the value of the parcel is under $10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are necessary to reimburse the Commission for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under this Act.

Mr. REID. Mr. President, I wish to state how much I appreciate the cooperation of the ranking member and the chairman of the Energy and Natural Resources Committee. It took a few minutes to do this, but it has taken weeks to get to this point. I express my appreciation to all Senators involved. It was very hard to do.

COMMENDING THE UNIVERSITY OF MINNESOTA DULUTH BULLDOGS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 104, submitted earlier today by Senator DAYTON and Senator COLEMAN.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 104) commending the University of Minnesota Duluth Bulldogs for winning the 2002–2003 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DAYTON. Mr. President, I am proud to rise today with my colleague from Minnesota, Senator COLEMAN, to pay tribute to the University of Minnesota Duluth Women's Ice Hockey Team, who just won their third consecutive National Collegiate Athletic Association championship. The Bulldogs defeated an outstanding Harvard team, 4 to 3, in the second sudden-death overtime.

I was once a hockey goalie, back in the days when we used dinosaur bones for goalie sticks. So I have experienced firsthand the incredible intensity and pressure of overtime in hockey. It truly is ''sudden death.'' For the Bulldogs to win their third straight national championship under that pressure, in front of their families, friends, and many fans in Duluth, is an extraordinary achievement.

I congratulate all the players on the University of Minnesota Duluth team, their head coach, Shannon Miller, who has spearheaded this incredibly successful hockey program, and UMD Chancellor Kathryn Martin. They have accomplished more than anyone could have imagined just 3 years ago, and they have made all Minnesotans exceptionally proud of them.

Senator COLEMAN, Representative JIM OBERSTAR, and I have written to President Bush and asked him to invite the team to the White House. Two years ago, after the Bulldogs' won their first national championship, I read that the NCAA men's championship team had been invited to the White House. We asked the President then that the UMD women's team be so honored. The President graciously extended that invitation to the Bulldogs team and personally hosted them at the White House.

Last year, we had the additional thrill of attending a White House ceremony honoring both the men's and women's NCAA hockey champions: the University of Minnesota Duluth women's champions and the University of Minnesota men's champions. Since the Gophers men's team is now in the semifinals of their national tournament, I am hopeful that we will experience that same thrill again this year. Regardless of that outcome, the UMD women's team are again the National Champions. A ''Threepeat!'' Awesome! Congratulations, Bulldogs!

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc; that the motion to reconsider be laid upon the table, without intervening action or debate; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 104) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 104

Whereas on Sunday, March 23, 2003, the two-time defending NCAA National Collegiate Women's Ice Hockey Champions, the University of Minnesota Duluth Bulldogs, won the National Championship for the third straight year;

Whereas Minnesota Duluth defeated Harvard University in double overtime of the championship game by the score of 4–3, having defeated Dartmouth College 5–2 in the semifinal;

Whereas sophomore Nora Tallus scored the game-winning goal in the second overtime, assisted by Erika Holst and Joanne Eustace;

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 98, 99, 100, 101, 102, and 104. I further ask unanimous consent that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Joseph Robert Goeke, of Illinois, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Robert Allen Wheey, Jr., of Colorado, to be a Judge of the United States Tax Court for a term of fifteen years.

Harry A. Haines, of Montana, to be a Judge of the United States Tax Court for a term of fifteen years.

Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court for a term of fifteen years.

Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court for a term of fifteen years.

DEPARTMENT OF THE TREASURY

Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, APRIL 7, 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, April 7. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business until 5 p.m., with the time until 4 p.m. to be equally divided between Senator HUTCHISON and the minority leader or their designees, and the remaining time until 5 p.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, for the information of all Senators, the Senate will return for business on Monday. On Monday there will be a period for morning business to allow Members to continue to make statements in support of our troops. At 5 p.m. under a previous order, the Senate will proceed to a vote on the confirmation of a district court judge.

Next week, as I announced earlier this evening, the Senate will consider nominations, including judicial nominees, the CARE Act, the FISA bill, and, hopefully, under a unanimous consent agreement, the POW resolution, and conference reports as they are available.

Next week is the last week prior to the Easter recess. I expect a busy week as we attempt to finish the mentioned items and any other legislative or executive items that can be cleared.

ADJOURNMENT UNTIL 3 P.M., MONDAY, APRIL 7, 2003

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:33 p.m., adjourned until Monday, April 7, 2003, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 3, 2003:

THE JUDICIARY

JOSEPH ROBERT GOEKE, OF ILLINOIS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE.

ROBERT ALLEN WHERRY, JR., OF COLORADO, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

HARRY A. HAINES, OF MONTANA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DIANE L. KROUPA, OF MINNESOTA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

MARK VAN DYKE HOLMES, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

DEPARTMENT OF THE TREASURY

RAYMOND T. WAGNER, JR., OF MISSOURI, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 14, 2004.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

Daily Digest

HIGHLIGHTS

Senate passed Wartime Supplemental Appropriations Bill.

The House passed H.R. 1559, Emergency Wartime Supplemental Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S4733–S4882

Measures Introduced: Eighteen bills and one resolution were introduced, as follows: S. 774–791, and S. Res. 104. **Pages S4823–24**

Measures Passed:

Wartime Supplemental Appropriations: By a unanimous vote of 93 yeas (Vote No. 125), Senate passed S. 762, making supplemental appropriations to support Department of Defense operations in Iraq, Department of Homeland Security, and Related Efforts for the fiscal year ending September 30, 2003, after taking action on the following amendments proposed thereto: **Pages S4838–42, S4789–4811**

Adopted:

Bayh Modified Amendment No. 474, to provide funding for grants to States for smallpox and other bioterrorism inoculation activities.

Pages S4742–47, S4752

By 65 yeas to 32 nays (Vote No. 122), Specter Amendment No. 515, to increase funds for protection and preparedness of high threat urban areas under the Office for Domestic Preparedness.

Pages S4786–87, S4800

By 67 yeas to 26 nays (Vote No. 124), Stevens (for Kohl) Amendment No. 455, to provide humanitarian food assistance in connection with U.S. activities in Iraq. **Pages S4803–06**

Stevens Amendment No. 522, to make certain improvements to the bill. **Pages S4806–08**

Rejected:

Boxer/Schumer Amendment No. 472, to set aside $30,000,000 for the Department of Homeland Security for research and development and deployment of technology to protect commercial aircraft from the threat posed by man-portable air defense systems. (By 50 yeas to 47 nays (Vote No. 117), Senate tabled the amendment.) **Pages S4761–62**

By 38 yeas to 61 nays (Vote No. 118), McCain/Kyl Amendment No. 481, to remove unauthorized and earmarked appropriations. **Pages S4755–59, S4760–61, S4762–64**

Breaux Amendment No. 494, to allocate additional funds for certain federal homeland security programs. (By 52 yeas to 46 nays (Vote No. 119), Senate tabled the amendment.)

Pages S4764–69, S4776–77

Byrd/Hollings Amendment No. 508, to protect the prerogatives of the Congress in the allocation of homeland security funding. (By 51 yeas to 46 nays (Vote No. 120), Senate tabled the amendment.)

Pages S4777, S4785

Hollings Amendment No. 479, to express the sense of the Senate on paying the costs of the war with Iraq. (By 79 yeas to 18 nays (Vote No. 121), Senate tabled the amendment.) **Pages S4891, S4785–86**

Schumer Amendment No. 514, to increase the appropriation for the Office for Domestic Preparedness, Department of Homeland Security, by $2,330,000,000. (By 51 yeas to 46 nays (Vote No. 123), Senate tabled the amendment.)

Pages S4786, S4800–03

Withdrawn:

Graham (FL) Amendment No. 459, to appropriate an additional $375,000,000 for the Department of Veterans Affairs for Medical Care for costs of medical care for certain veterans of the current conflict in Iraq. **Pages S4747–52, S4762**

Ensign Amendment No. 488, to prohibit the use of funds in a manner that benefits citizens or businesses of France and Germany unless physically located in the United States. **Pages S4752–55, S4759–60, S4762**

Talent Amendment No. 499, to require certain air carriers that receive funds appropriated under this

Act to accept procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers.

Pages S4769–71

Reid Amendment No. 440, to provide critical funding to safeguard nuclear weapons and nuclear material in the United States and around the world.

Pages S4737, S4805–06

Landrieu/Mikulski Modified Amendment No. 504, to make applicable provisions of law requiring the use of privately owned United States flag commercial vessels for the transportation of U.S. Aid and other materials. **Pages S4775–76, S4777–81, S4805–06**

Bond Amendment No. 500, to state the sense of the Senate regarding procedures that ensure the fair and equitable resolution of labor integration issues in transactions for the combination of air carriers.

Pages S4771–75, S4805–06

Stevens Amendment No. 435, to increase the National Debt Ceiling of the United States.

Pages S4737, S4808–11

A unanimous-consent agreement was reached providing that it be in order for the Chairman and Ranking Member of the Committee on Appropriations, with the concurrence of both Leaders, be permitted to make technical, conforming, and clarifying changes as necessary to the supplemental appropriations bill. **Page S4811**

A unanimous-consent agreement was reached providing that when the Senate receives H.R. 1559, House companion measure, the Senate proceed to its consideration, all after the enacting clause be stricken, the text of S. 762, as amended, be inserted in lieu thereof; provided further that the bill then be read a third time and passed, the motion to reconsider be laid upon the table, the Senate then insist on its amendment, request a conference with the House, and the Chair be authorized to appoint the following Members as conferees on the part of the Senate: Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Burns, Shelby, Gregg, Bennett, Campbell, Craig, Hutchison, DeWine, Brownback, Byrd, Inouye, Hollings, Leahy, Harkin, Mikulski, Reid, Kohl, Murray, Dorgan, Feinstein, Durbin, Johnson, and Landrieu; and that the passage of S. 762 be vitiated and the bill be placed back on the calendar. **Page S4811**

Grand Teton National Park Land Exchange Act: Senate passed S. 273, to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park. **Pages S4879–80**

Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act: Senate passed S. 302, to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to restore and extend the term of the advisory commission for the recreation area, after agreeing to the following amendment proposed thereto:

Page S4879

Frist (for Bingaman) Amendment No. 523, to correct a map reference in the bill. **Pages S4879–81**

Blunt Reservoir and Pierre Canal Land Conveyance Act: Senate passed S. 426, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission. **Pages S4880–81**

Commending University of Minnesota Ice Hockey Team: Senate agreed to S. Res. 104, commending the University of Minnesota Duluth Bulldogs for winning the 2002–2003 National Collegiate Athletic Association Division I National Collegiate Women's Ice Hockey Championship. **Page S4881**

Nomination—Agreement: A unanimous-consent agreement was reached providing for consideration of the nomination of Cormac J. Carney, to be United States District Judge for the Central District of California, at 5 p.m., on Monday, April 7, 2003, with a vote to occur thereon. **Page S4870**

Care Act Agreement: A unanimous-consent agreement was reached providing that at a time to be determined by the Majority Leader, after consultation with the Democratic Leader, Senate proceed to consideration of S. 476, to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and it be considered under the following limitations: that there be 4 hours of debate equally divided, that the only amendments be a manager's amendment and a Nickles amendment; provided further that there be 30 minutes of debate on the amendments equally divided; that following the disposition of the previously-mentioned amendments, the bill be read a third time and the Senate vote on passage of the bill, as amended, with no intervening action or debate; that no points of order be waived by this agreement and that following passage of the bill that it be held at the desk. **Pages S4870–72**

Protect Act: Senate disagreed to the amendments of the House to S. 151, to prevent child abduction and

the sexual exploitation of children, and agreed to House request for a conference, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Hatch, Grassley, Sessions, Graham (SC), Leahy, Kennedy, and Biden.

Page S4872

Keep Children and Families Safe Act: Senate disagreed to the amendment of the House, to S. 342, to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, requested a conference with the House, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Gregg, Alexander, DeWine, Kennedy, and Dodd. **Pages S4872–79**

Nominations Confirmed: Senate confirmed the following nominations:

Raymond T. Wagner, Jr., of Missouri, to be a Member of the Internal Revenue Service Oversight Board for the remainder of the term expiring September 14, 2004.

Joseph Robert Goeke, of Illinois, to be a Judge of the United States Tax Court for a term of fifteen years after he takes office.

Robert Allen Wherry, Jr., of Colorado, to be a Judge of the United States Tax Court for a term of fifteen years.

Harry A. Haines, of Montana, to be a Judge of the United States Tax Court for a term of fifteen years.

Diane L. Kroupa, of Minnesota, to be a Judge of the United States Tax Court for a term of fifteen years.

Mark Van Dyke Holmes, of New York, to be a Judge of the United States Tax Court for a term of fifteen years. **Pages S4881–82**

Messages From the House: **Page S4882**

Measures Referred: **Page S4822**

Petitions and Memorials: **Pages S4822–23**

Executive Reports of Committees: **Page S4823**

Additional Cosponsors: **Pages S4824–26**

Statements on Introduced Bills/Resolutions: **Pages S4826–56**

Additional Statements: **Page S4822**

Amendments Submitted: **Pages S4856–70**

Authority for Committees to Meet: **Page S4870**

Privilege of the Floor: **Page S4870**

Record Votes: Nine record votes were taken today. (Total—125) **Page S4762, S4763, S4776, S4785–86, S4800, S4805–06, S4811**

Adjournment: Senate met at 9:30 a.m., and adjourned at 10:33 p.m., until 3 p.m., on Monday, April 7, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S4882.)

Committee Meetings

(Committees not listed did not meet)

CHILD NUTRITION PROGRAMS AUTHORIZATION

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings to examine proposed legislation authorizing funds for child nutrition programs, including the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), focusing on ensuring program access, fighting hunger and obesity, after receiving testimony from Eric M. Bost, Under Secretary of Agriculture for Food, Nutrition and Consumer Services; James D. Weill, Food Research and Action Center; Douglas J. Besharov, American Enterprise Institute for Public Policy Research, and Anne Curry, Food Marketing Institute, all of Washington, D.C.; Jill Leppert, North Dakota State WIC Program, Bismarck, on behalf of the National WIC Association; Karen Caplan, Frieda's Inc., Los Alamitos, California, on behalf of United Fresh Fruit and Vegetable Association; Rod Hofstedt, Adult and Children's Alliance, St. Paul, Minnesota, on behalf of National Child and Adult Care Food Program Forum; and Don Wambles, Alabama State Farmers Marketing Authority Montgomery, on behalf of the National Association of Farmers' Market Nutrition Programs.

APPROPRIATIONS: SCIENCE

Committee on Appropriations: Subcommittee on Veterans' Affairs, Housing and Urban Development, and Independent Agencies concluded hearings to examine proposed budget estimates for fiscal year 2004 for the National Science Foundation and the Office of Science and Technology Policy, after receiving testimony from John H. Marburger III, Director, Office of Science and Technology Policy; Rita R. Colwell, Director, and Christine Boesz, Inspector General, both of the National Science Foundation; and Warren M. Washington, National Center for Atmospheric Research, Boulder, Colorado, on behalf of the National Science Board.

DEFENSE AUTHORIZATION: AIR-LAUNCHED WEAPONS PROGRAMS

Committee on Armed Services: Subcommittee on Airland concluded hearings on proposed legislation authorizing funds for fiscal year 2004 for Department of

Defense and the Future Years Defense Program, focusing on Navy, Marine Corps, and Air Force aviation and air-launched weapons programs, after receiving testimony from John J. Young, Jr., Assistant Secretary of the Navy for Research, Development, and Acquisition; Marvin R. Sambur, Assistant Secretary of the Air Force for Acquisition; Vice Admiral John B. Nathman, USN, Deputy Chief of Naval Operations for Warfare Requirements and Programs; Lieutenant General Michael A. Hough, USMC, Deputy Commandant for Aviation; and Lieutenant General Ronald E. Keys, USAF, Deputy Chief of Staff for Air and Space Operations.

CHECK TRUNCATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded oversight hearings to examine the Federal Reserve Board proposal to facilitate check truncation by creating a new negotiable instrument called a ''substitute check,'' which would permit banks to truncate the original checks, to process the check information electronically, and to print and deliver substitute checks to banks and bank customers that want to continue receiving paper checks, after receiving testimony from Roger W. Ferguson, Jr., Vice Chairman, Board of Governors of the Federal Reserve System; Lindsay A. Alexander, National Institutes of Health Federal Credit Union, Washington, D.C., on behalf of Credit Union National Association, Inc.; Janell Mayo Duncan, Consumers Union, Washington, D.C.; and Danne Buchanan, Zions Bancorporation, Salt Lake City, Utah.

NOMINATIONS

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Thomas Waters Grant, of New York, Noe Hinojosa, Jr., of Texas, 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.

HEALTH CARE

Committee on Finance: Committee held hearings to examine the issue of purchasing health care services in a competitive environment, focusing on the impact on administrative costs, profits, risk load, remote area providers, and senior citizens, receiving testimony from Abby L. Block, Senior Advisor for Employee and Family Policy, Office of Personnel Management; Tom Carrato, Deputy Assistant Secretary of Defense for Health Plan Administration; Bruce E. Bradley, General Motors, Washington, D.C.; and Lois E. Quam, UnitedHealth Group Company, Minnetonka, Minnesota.

Hearings recessed subject to call.

NOMINATIONS

Committee on Foreign Relations: Committee resumed hearings to examine the nominations of Lino Gutierrez, of Florida, to be Ambassador to Argentina, James B. Foley, of New York, to be Ambassador to the Republic of Haiti, and Roland W. Bullen, of Virginia, to be Ambassador to the Co-operative Republic of Guyana, after each nominee testified and answered questions in their own behalf.

NATO ENLARGEMENT

Committee on Foreign Relations: Committee held hearings to examine North Atlantic Treaty Organization (NATO) enlargement, focusing on qualifications and contributions, Latvia, Lithuania, Estonia, Bulgaria, Romania, Slovakia, and Slovenia and NATO membership, receiving testimony from F. Stephen Larrabee, RAND, Arlington, Virginia; and Janusz Bugajski, Center for Strategic and International Studies, and Jeffrey Simon, National Defense University, both of Washington, D.C.

Hearings will continue on Tuesday, April 8.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Edward C. Prado, of Texas, to be United States Circuit Judge for the Fifth Circuit, 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, and Allen Garber, to be United States Marshal for the District of Minnesota, and Raul David Bejarano, to be United States Marshal for the Southern District of California, both of the Department of Justice.

House of Representatives

Chamber Action

Measures Introduced: 64 public bills, H.R. 1580–1643; and 8 resolutions, H. Con. Res. 136–137, and H. Res. 173–178 were introduced.

Pages H2819–22

Additional Cosponsors: **Pages H2822–23**

Reports Filed: Reports were filed today as follows:

H.R. 760, to prohibit the procedure commonly known as partial-birth abortion (H. Rept. 108–58).

Page H2818

Emergency Wartime Supplemental Appropriations: The House passed H.R. 1559, making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003 by yea-and-nay vote of 414 yeas to 12 nays, Roll No. 108.

Pages H2718–57, H2759–H2809

Agreed To:

Millender-McDonald amendment that makes available $8 million of surface transportation security initiatives funding for transit security programs;

Page H2774

Jackson-Lee amendment that provides up to $10 million of Immigration and Customs Enforcement funding for the Student and Exchange Visitor Information System; and **Pages H2777–78**

Kennedy of Minnesota that prohibits funding for reconstruction efforts in Iraq to be used to procure goods or services from any entity than includes information on a response to a Request for Proposal that indicates that the entity is organized under the laws of France, Germany, Russian Federation, or Syria. **Pages H2799–H2806**

Rejected:

Cunningham amendment that sought to strike $1 billion funding for grants to Turkey (rejected by recorded vote of 110 ayes to 315 noes, Roll No. 105);

Pages H2747–57, H2759–60

DeFazio amendment that sought to prohibit any funding to be used to initiate or launch military actions except as authorized by Article I, section 8 of the constitution; **Pages H2785–87**

Hoekstra amendment that sought to delete the $64 million provided to the National Service Trust of the Corporation for National and Community Service to liquidate obligations that were previously incurred;. **Pages H2788–92**

McGovern amendment no. 2 printed in the Congressional Record of April 2 that sought to decrease Interdiction and Counter-Drug Activities funding and Andean Counter-Drug Initiative funding for Colombia by $61 million and increase funding for the Office for Domestic Preparedness by $34 million (rejected by recorded vote of 209 ayes to 216 noes, Roll No. 106); and; **Pages H2764–69, H2807–08**

DeFazio amendment that sought to reduce funding for the Economic Support Fund and the allocation within that amount for Turkey by $207 million and apply that funding to establish National Guard Weapons of Mass Destruction Civil Support Teams (rejected by recorded vote of 113 ayes to 312 noes, Roll No. 107). **Pages H2787–88, H2808**

Point of Order Sustained Against:

Obey amendment that sought to increase funding for homeland security programs by $2.5 billion (agreed to sustain the ruling of the Chair as a judgment of the Committee that the amendment constituted legislation in an appropriation bill in violation of clause 2 of rule XXI by recorded vote of 217 ayes to 195 noes, Roll No. 104); **Pages H2741–42**

Nadler amendment that sought to increase funding for port security by $15 billion (the Chair stated that the amendment was in violation of clause 2 of rule XXI); **Pages H2774–75**

Wu amendment that sought to provide funding for an airline ticket voucher program (the Chair stated that the amendment was in violation of clause 2a of rule XXI); **Pages H2775–76**

DeFazio amendment that sought to establish an unemployment assistance program for displaced air transportation employees (the Chair stated that the amendment was in violation of clause 2 of rule XXI); **Pages H2784–85**

Waters amendment no. 7 printed in the Congressional Record of April 2 that sought to direct the United States Executive Director of the Inter-American Development Bank to use the influence of the United States to urge the bank to resume lending to Haiti (the Chair stated that the amendment was in violation of clause 2 of rule XXI); **Pages H2793–94**

Waters amendment no. 9 printed in the Congressional Record of April 2 that sought to make available funding for urban and rural development and renewal projects (the Chair stated that the amendment was in violation of clause 2 of rule XXI); and

Pages H2794–95

Waters amendment no. 8 printed in the Congressional Record of April 2 that sought to prohibit senior government officials from participating in contract negotiations or procurement of good or services from companies where they had served as a member of the board of directors or senior management official in the preceding four year period (the Chair stated that the amendment was in violation of clause 2 of rule XXI). **Pages H2795–96**

Withdrawn:

Kucinich en bloc amendment was offered but subsequently withdrawn that sought to reduce funding for the Operation Iraqi Freedom Response Fund;

Pages H2744–47

Hoeffel amendment was offered but subsequently withdrawn that sought to increase funding for peacekeeping; **Pages H2763–64**

Tauscher amendment was offered but subsequently withdrawn that sought to expand the use of cooperative threat reduction funds; **Pages H2770–71**

Flake amendment was offered but subsequently withdrawn that sought to reduce funding for expenses related to aviation security; **Pages H2776–77**

Jackson-Lee en bloc amendment was offered but subsequently withdrawn that sought to provide additional funding for substance abuse programs, domestic preparedness, and hazardous materials response teams; **Pages H2778–80**

Crowley amendment was offered but subsequently withdrawn that sought to limit Foreign Military Financial Aid to Pakistan; **Pages H2782–83**

Rothman amendment was offered but subsequently withdrawn that sought to establish flight restrictions to prohibit general aviation aircraft with a 15 mile radius of the City of New York, New York. **Page H2788**

Allen amendment was offered but subsequently withdrawn that sought to increase funding for the Individuals with Disabilities Education Act and the No Child Left Behind Act; **Page H2793**

Nethercutt amendment no. 11 printed in the Congressional Record of April 2 was offered but subsequently withdrawn that sought to limit funding for reconstruction efforts in Iraq by a corporation organized under the laws of France, Germany, Russian Federation, People's Republic of China or Syria; **Pages H2798–99**

Kucinich amendment was offered but subsequently withdrawn that sought to prohibit funding for the procurement of goods or services without the use of competitive procedures in accordance with the Federal Acquisition Regulation and the Agency for International Development Acquisition Regulation; and **Page H2799**

Edwards amendment was offered but subsequently withdrawn that sought to prohibit funding to an air carrier if the carrier discontinues service to the Killeen, Texas Municipal Airport between April 4, 2003 and April 4, 2004. **Pages H2806–07**

Agreed to H. Res. 172, the rule that provided for consideration of the bill by voice vote. Earlier, agreed to order the previous question by a yea-and-nay vote of 221 yeas and to 200 nays, Roll No. 103. **Pages H2709–18**

Legislative Program: The Majority Leader announced the Legislative Program for the week of April 7. **Pages H2809–10**

Meeting Hour—Monday, April 7: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, April 7. **Page H2810**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, April 9. **Page H2810**

National Council on the Arts: Read a letter from the Minority Leader wherein she announced her appointment of Representative McCollum to the National Council on the Arts for the 108th Congress. **Page H2811**

Page Board: Read a letter from the Minority Leader wherein she announced her appointment of Representative Kildee to the House of Representatives Page Board for the 108th Congress. **Page H2811**

Board of Trustees of Gallaudet University: The Chair announced the Speaker's appointment of Representative Woolsey to the Board of Trustees of Gallaudet University. **Page H2811**

Senate Messages: Message received from the Senate today appears on page H2707.

Quorum Calls—Votes: Four yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H2717–18, H2741–42, H2760, H2707–08, H2808, and H2809. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:58 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 State Department Management. Testimony was heard from the following officials of the Department of State: Richard L. Armitage, Deputy Secretary; and Grant S. Green, Under Secretary, Management.

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 Center for Medicare and Medicaid Services and on Agency for Healthcare Research Quality. Testimony was heard from the following officials of the Department of Health and Human Services: Tom Scully, Administrator, Center for Medicare and Medicaid Services; and Carolyn Clancy, M.D., Director, Agency for Healthcare Research Quality.

TRANSPORTATION AND TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation and Treasury, and Independent Agencies held a hearing on Transportation Safety. Testimony was heard from the following officials of the Department of Transportation: Annette Sandberg, Acting Administrator, Federal Motor Carrier Safety Administration; and Jeffrey Runge, Administrator, National Highway Traffic Safety Administration; and Ellen

Engleman, Administrator, National Transportation Safety Board.

VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies continued appropriation hearings. Testimony was heard from Members of Congress.

NAVAL TRANSFORMATION AND FUTURE NAVAL CAPABILITIES

Committee on Armed Services: Subcommittee on Projection Forces held a hearing on the Department of the Navy fiscal year 2004 research and development program in support of naval transformation and future naval capabilities. 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 Rear Adm. Jay M. Cohen, USN, Chief of Naval Research.

BUDGET REQUEST—DOD INFORMATION TECHNOLOGY PROGRAMS

Committee on Armed Services: Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on the fiscal year 2004 national defense authorization budget request for Department of Defense Information Technology Programs. Testimony was heard from the following officials of the Department of Defense: John P. Stenbit, Assistant Secretary, Command, Control, Communications and Intelligence; Rear Adm. Nancy E. Brown, USN, Deputy Director, Command, Control, Communications and Computer Systems (J6) Joint Staff; Lt. Gen. Harry D. Raduege, Jr., USAF, Director, Defense Information Systems Agency; Lt. Gen. Peter Cuviello, USA, Chief Information Officer, Department of the Army; John Gilligan, Chief Information Officer, Department of the Air Force; David M. Wennergren, USN, Chief Information Officer, and Brig. Gen. John R. Thomas, USMC, Director, Command, Control, Communications and Computers (C4). Chief Information Officer, Marine Corps, both with the Department of the Navy.

VIEWS FROM THE FIELD—MOBILIZED RESERVISTS PERSPECTIVES

Committee on Armed Services: Subcommittee on Total Force held a hearing on Views from the Field Perspectives of Mobilized Reservists. Testimony was heard from Sgt. First Class Steven Davis, U.S. Army Reserve; Master Sgt. Gary L. Beaver, Virginia Army National Guard; Petty Officer Robert Lehman, Naval Reserve; Master Sgt. Kevin R. Smith, U.S. Air Force Reserve; Master Sgt. Paul Needham, Arkansas Air National Guard; Staff Sgt. Johnathan Stallings, North Carolina Air National Guard; and Gunnery Sgt. Nancy Jean Koehler, U.S. Marine Corps Reserve.

FAMILY TIME FLEXIBILITY ACT

Committee on Education and the Workforce: Subcommittee on Workforce Protections approved for full Committee action H.R. 1119, Family Time Flexibility Act.

ENERGY POLICY ACT

Committee on Energy and Commerce: Ordered reported the Energy Policy Act of 2003.

FIGHTING FRAUD: IMPROVING INFORMATION SECURITY

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit and the Subcommittee on Oversight and Investigations held a joint hearing entitled ''Fighting Fraud: Improving Information Security.'' Testimony was heard from Tim Caddigan, Special Agent in Charge, Financial Crimes Division; U.S. Secret Service, Department of Homeland Security; James Farnan, Deputy Assistant Director, Cyber Division, FBI, Department of Justice; J. Howard Beales III, Director, Bureau of Consumer Protection, FTC; and public witnesses.

RESTORING EXECUTIVE REORGANIZATION AUTHORITY

Committee on Government Reform: Held a hearing entitled ''Toward a Logical Governing Structure: Restoring Executive Reorganization Authority.'' Testimony was heard from Representative DeLay; David M. Walker, Comptroller General, GAO; Nancy Dorn, Deputy Director, OMB; and public witnesses.

PRESCRIPTION DRUG PARITY

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing entitled ''International Prescription Drug Parity: Are Americans Being Protected or Gouged?'' Testimony was heard from William K. Hubbard, Senior Associate Commissioner, FDA, Department of Health and Human Services; and public witnesses.

DEMOCRATIC REPUBLIC OF CONGO

Committee on International Relations: Subcommittee on Africa held a hearing on Democratic Republic of Congo: Key to the Crisis in the Great Lakes Region. Testimony was heard from Charles R. Snyder, Deputy Assistant Secretary, Bureau of African Affairs, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Europe approved for full Committee action the following measures: H. Res. 165, amended, expressing support for a renewed effort to find a peaceful, just, and lasting settlement to the Cyprus problem; H.R. 854, amended, Belarus Democracy Act of 2003; H. Res. 154, amended, commending the Prime Minister of Great Britain for his stalwart leadership and unwavering support of the United States in the effort to disarm Saddam Hussein of weapons of mass destruction and free the Iraqi people of the scourge of

brutal dictatorship; and H. Con. Res 129, expressing appreciation for the longstanding support and friendship of the people and Government of the United Kingdom.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Committee on the Judiciary: Ordered reported, as amended, H.R. 1036, Protection of Lawful Commerce in Arms Act.

U.S. PATENT AND TRADEMARK FEE MODERNIZATION ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 1561, United States Patent and Trademark Fee Modernization Act of 2003. Testimony was heard from James Rogan, Under Secretary, Intellectual Property and Director, U.S. Patent and Trademark Office, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 901, to authorize the Secretary of the Interior to construct a bridge on Federal land west of an 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; H.R. 135, Twenty-First Century Water Commission Act of 2003; and H.R. 495, Zuni Indian Tribe Water Rights Settlement Act of 2003.

SMALL BUSINESS EXPENSING

Committee on Small Business: Subcommittee on Tax, Finance, and Exports held a hearing on Small Business Expensing: Increasing Incentives for Small Companies to Grow and Invest in their Businesses. Testimony was heard from Gregg Jenner, Deputy Assistant Secretary and Senior Advisor for Tax Policy, Department of the Treasury; and public witnesses.

FEDERAL HIGHWAY AND TRANSIT PROGRAMS AUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit, and Pipelines concluded hearings on Member Policy Initiatives and Project Requests for Reauthorization of Federal Highway and Transit Programs. Testimony was heard from Representatives Lucas of Kentucky, Stenholm, Bordallo, Case, Rodriguez, Linda T. Sánchez of California, Bradley of New Hampshire, Bono, Baca, Lampson, Carson of Indiana, Gonzalez, Goodlatte, Rush, Davis of Illinois, DeGette, Weller, LaHood, Johnson of Illinois, Kirk, Franks of Arizona, Hayes, McCollum, Pitts, Capito, Loretta Sanchez of California. Herger, Burgess, Majette, Edwards, Boozman, John, McCrery, Ross, Vitter, Rogers of Michigan, Lewis of Kentucky, King of Iowa, Kind, Kanjorski, Schakowsky, Bell and Strickland.

SERVICEMEMBERS CIVIL RELIEF ACT; COLUMBIA ORBITER MEMORIAL ACT

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 100, amended, Servicemembers Civil Relief Act; and H.R. 1297, Columbia Orbiter Memorial Act.

ENERGY TAX POLICY ACT; TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT

Committee on Ways and Means: Ordered reported, as amended, the following bills: H.R. 1531, Energy Tax Policy Act of 2003; and H.R. 1528, Taxpayer Protection and IRS Accountability Act of 2003.

JOINT MILITARY INTELLIGENCE/TACTICAL INTELLIGENCE AND RELATED PROGRAMS

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Joint Military Intelligence Program/Tactical Intelligence and Related Programs. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, APRIL 4, 2003

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, hearing on Iraq's violations of the Law of Armed Conflict, 1 p.m., 2118 Rayburn.

Committee on Government Reform, hearing entitled "Project BioShield: Contracting for the Health and Security of the American Public," 9:30 a.m., 2154 Rayburn.

CONGRESSIONAL PROGRAM AHEAD

Week of April 7 through April 12, 2003

Senate Chamber

On *Monday,* At 3 p.m., Senate will be in a period of morning business until 5 p.m.; following which, Senate will consider and vote on the nomination of Cormac J. Carney, of California, to be United States District Judge for the Central District of California.

During the balance of the week, Senate may consider S. 476, CARE Act of 2003, S. 113, Foreign Intelligence Surveillance Act, and a POW Resolution, and any other cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: April 7, Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2004 for

the Department Energy's Office of Environmental Management and Office of Civilian Radioactive Waste Management, 1:30 p.m., SD–124.

April 8, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Securities and Exchange Commission, 10 a.m., S–146, Capitol.

April 8, Subcommittee on Homeland Security, to hold hearings to examine the fiscal year 2004 Emergency Preparedness and Response Budget Overview, 2 p.m., SD–124.

April 9, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Department of Labor, 9:30 a.m., SD–138.

April 9, Subcommittee on Transportation, Treasury and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Internal Revenue Service, 2 p.m., SD–124.

April 10, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Federal Bureau of Investigation, 10 a.m., S–146, Capitol.

April 10, Subcommittee on VA, HUD, and Independent Agencies, to hold hearings to examine proposed budget estimate for fiscal year 2004 for Corporation for National and Community Service and Community Development Financial Institutions Fund, 10 a.m., SD–138.

April 10, Subcommittee on Interior, to hold hearings to examine proposed budget estimate for fiscal year 2004 for the Department of the Interior, 10 a.m., SD–124.

April 10, Subcommittee on Legislative Branch, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the Library of Congress and the Open World Leadership Center, 1:30 p.m., SD–116.

April 10, Subcommittee on Homeland Security, to hold hearings to examine proposed budget estimates for fiscal year 2004 for science and technology, 2 p.m., SD–192.

Committee on Armed Services: April 8, to hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense and the Future Years Defense Program, 10:15 a.m., SR–325.

April 8, Subcommittee on Strategic Forces, to hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on strategic forces and policy, to be followed by a closed session in SR–222, 2:30 p.m., SR–232A.

April 9, Subcommittee on Readiness and Management Support, to hold hearings to examine proposed legislation authorizing funds fiscal year 2004 for the Department of Defense, focusing on the readiness of the military services to conduct current operations and execute contingency plans, 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: April 8, to hold oversight hearings to examine the impact of proposed RESPA rule on small business and consumers, 10 a.m., SD–538.

April 10, Full Committee, to hold hearings to examine recent developments in Hedge Funds, 10 a.m., SD–538.

Committee on Energy and Natural Resources: April 8, business meeting to consider comprehensive energy legislation, 10 a.m., SD–366.

April 9, Full Committee, business meeting to consider comprehensive energy legislation, 10 a.m., SD–366.

April 10, Full Committee, business meeting to consider comprehensive energy legislation, 10 a.m., SD–366.

Committee on Environment and Public Works: April 8, Subcommittee on Clean Air, Climate Change, and Nuclear Safety, to hold hearings to examine S. 485, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program, 2 p.m., SD–406.

April 10, Subcommittee on Fisheries, Wildlife, and Water, to hold oversight hearings to examine the designation of critical habitat under the Endangered Species Act, 9:30 a.m., SD–406.

Committee on Finance: April 8, to hold hearings to examine Enron, focusing on the Joint Committee on Taxation Report on compensation-related issues, 10 a.m., SD–215.

April 9, Full Committee, to hold hearings to examine the annual report for 2003 of the Board of Trustees of the Federal Old Age and Survivors Insurance and Disability Insurance Trust Funds, 10 a.m., SD–215.

Committee on Foreign Relations: April 8, to resume hearings to examine NATO enlargement, 9:30 a.m., SH–216.

April 8, Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine global energy security issues, 2:30 p.m., SD–419.

April 9, Full Committee, business meeting to consider proposed legislation entitled ''Foreign Relations Authorization Act'', to authorize appropriations for the Department of State, and United States international broadcasting activities, 9:30 a.m., SD–419.

April 9, Full Committee, to hold hearings to examine the nominations of Joseph LeBaron, of Oregon, to be Ambassador to the Islamic Republic of Mauritania, Gregory W. Engle, of Colorado, to be Ambassador to the Togolese Republic, Wayne E. Neill, of Nevada, to be Ambassador to the Republic of Benin, and Helen R. Meagher La Lime, of Florida, to be Ambassador to the Republic of Mozambique, 3 p.m., SD–419.

April 9, Full Committee, to hold hearings to examine the nominations of Heather M. Hodges, of Ohio, to be Ambassador to the Republic of Moldova, Eric S. Edelman, of Virginia, to be Ambassador to the Republic of Turkey, Ralph Frank, of Washington, to be Ambassador to the Republic of Croatia, Reno L. Harnish, of California, to be Ambassador to the Republic of Azerbaijan, and Stephen D. Mull, of Virginia, to be Ambassador to the Republic of Lithuania, 4:30 p.m., SD–419.

Committee on Governmental Affairs: April 8, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold joint hearings with the House Subcommittee on Civil Service and Agency Organization to examine the federal government's strategic human capital management and consider pending legislation on the federal workforce, 9:30 a.m., SD–342.

April 9, Full Committee, to hold hearings to examine Homeland Security, 9:30 a.m., SD–342.

April 10, Full Committee, to hold hearings to examine the nomination of Peter Eide, of Maryland, to be General Counsel of the Federal Labor Relations Authority, 9:30 a.m., SD–342.

April 10, Full Committee, to hold hearings to examine prosecuting Iraqi war crimes, 12 noon, SD–342.

Committee on Health, Education, Labor, and Pensions: April 8, to hold hearings to examine proposed legislation authorizing funds for programs of the Mammography Quality Standards Act, focusing on patient access to quality health care, 10 a.m., SD–430.

April 9, Full Committee, business meeting to consider proposed legislation entitled ''The Improved Vaccine Affordability and Availability Act'' and pending nominations, 10 a.m., SD–430.

April 9, Full Committee, to hold hearings to examine the Severe Acute Respiratory Syndrome Threat, 1:30 p.m., SD–430.

April 10, Full Committee, to hold hearings to examine the teaching of American history and civics in the classroom, 9 a.m., SD–430.

Committee on the Judiciary: April 8, to hold hearings to examine S.J.Res.1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, 10 a.m., SD–226.

Committee on Rules and Administration: April 8, to hold oversight hearings to examine the operations of the Sergeant at Arms, the Library of Congress and the Congressional Research Service, 9:30 a.m., SR–301.

House Chamber

To be announced.

House Committees

Committee on Agriculture, April 10, Subcommittee on General Farm Commodities and Risk Management, hearing on implementation of the 2002 Farm bill and 2003 Agriculture Assistance, 10 a.m., 1300 Longworth.

Committee on Appropriations, April 8, Subcommittee on Homeland Security, on Special Security Events, 2 p.m., 2359 Rayburn.

April 8, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, to continue on NIH, 2 p.m., 2358 Rayburn.

April 8, Subcommittee on Transportation and Treasury, and Independent Agencies, on Secretary of Transportation, 10 a.m., 2358 Rayburn.

April 8, Subcommittee on VA, HUD and Independent Agencies, on NASA, 9:30 a.m., 2359 Rayburn.

April 9, Subcommittee on Commerce, Justice, State and the Judiciary, and Related Agencies, on Supreme Court 10 a.m., and on FTC, 2 p.m., H–309 Capitol.

April 9, Subcommittee on District of Columbia, on Court Services and Offender Supervision Agency, 10 a.m., 2362A Rayburn.

April 9, Subcommittee on Foreign Operations, Export Financing and Related Programs, on AID, 2 p.m., 2359 Rayburn.

April 9, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Bioterrorism, 10:15 a.m., 2358 Rayburn.

April 9, Subcommittee on Legislative, on House of Representative, 2 p.m., on GAO, 3 p.m., on CBO, 4 p.m., on GPO, 4:30 p.m., and on Library of Congress, 5:30 p.m., H–144 Capitol.

April 9, Subcommittee on Transportation and Treasury, and Independent Agencies, on National Youth Anti-Drug Media Campaign, 10 a.m., and on FAA Personnel Costs and Management, 2 p.m., 2358 Rayburn.

April 9, Subcommittee on VA, HUD, and Independent Agencies, on public witnesses, 9:30 a.m., and 1:30 p.m., H–143 Capitol.

April 10, Subcommittee on Commerce, Justice, State and the Judiciary and Related Agencies, on Members of Congress, 10 a.m., H–309 Capitol.

April 10, Subcommittee on Homeland Security, on Science and Technology, 10 a.m., and on U.S. Coast Guard, 2 p.m., 2359 Rayburn.

April 10, Subcommittee on Labor, Health and Human Services and Related Agencies, on Secretary of Labor, 10:15 a.m., 2358 Rayburn.

April 10, Subcommittee on Transportation and Treasury and Independent Agencies, on Passenger Rail (Panel), 10 a.m., 2358 Rayburn.

April 10, Subcommittee on VA, HUD and Independent Agencies, on NSF, 10 a.m., H–143 Capitol.

Committee on Education and the Workforce, April 8, Subcommittee on Employer-Employee Relations, to mark up H.R. 660, Small Business Health Fairness Act of 2003, 11 a.m., 2175 Rayburn.

April 9, full Committee, to mark up H.R. 1350, Improving Education Results for Children With Disabilities Act of 2003, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, April 8, Subcommittee on Health, hearing entitled ''Designing a Twenty-First Medicare Prescription Drug Benefit,'' 10 a.m., 2123 Rayburn.

April 9, Subcommittee on Health, hearing entitled ''Strengthening and Improving Medicare,'' 10 a.m., 2322 Rayburn.

April 9, Subcommittee on Telecommunications and the Internet, to mark up H.R. 1320, Commercial Spectrum Enhancement Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, April 8. Subcommittee on Financial Institutions and Consumer Credit, hearing on H.R. 1474, Check Clearing for the 21st Century Act, 10 a.m., 2128 Rayburn.

April 8, Subcommittee on Housing and Community Opportunity, hearing entitled ''Promoting the American Dream of Homeownership through Down Payment Assistance,'' 2 p.m., 2128 Rayburn.

Committee on Government Reform, April 7, Subcommittee on National Security, Emerging Threats, and International Relations, hearing on ''The President's Management Agenda: Rightsizing the U.S. Presence Abroad,'' 1 p.m., 2154 Rayburn.

April 8, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing entitled ''ONDCP Reauthorization: The High-Intensity Drug Trafficking Areas Program and CTAC,'' 10 a.m., 2154 Rayburn.

April 8, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing on ''California's Electricity Market: Refunds and Reform,'' 2 p.m., 2154 Rayburn.

April 8, Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled ''The Consolidated Financial Statements of the Federal Government for Fiscal Year 2002,'' 10:30 a.m., 2203 Rayburn.

April 8, Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census, hearing entitled ''Cyber Security: The Challenges Facing Our Nation In Critical Infrastructure Protection,'' 9:30 a.m., 2247 Rayburn.

April 9, full Committee, to consider immunity for William Bulger and Francis Salemme; followed by a hearing on ''The SARS Threat: Is the Nation's Public Health Network Prepared for a Possible Epidemic,'' 10 a.m., 2154 Rayburn.

April 10, hearing entitled ''Are We Ready for Prime Time? Assessing the State of Emergency Readiness in the Nation's Capital,'' 10 a.m., 2154 Rayburn.

Committee on International Relations, April 10, Subcommittee on Europe, hearing on The Balkans: Assessing the Progress and Looking to the Future, 1:30 p.m., 2172 Rayburn.

Committee on Resources, April 8, Subcommittee on National Parks, Recreation and Public Lands, hearing on the following bills: H.R. 272, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; H.R. 437, Coltsville Study Act of 2003; and H.R. 1113, to authorize an exchange of land at Fort Frederica National Monument, 2 p.m., 1334 Longworth.

April 10, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 1497, Sikes Act Reauthorization Act of 2003, 10 a.m., 1324 Longworth.

April 10, Subcommittee on Water and Power, oversight hearing on CALFED's Cross-cut Budget, 10 a.m., 1334 Longworth.

Committee on Science, April 9, hearing on The Societal Implications of Nanotechnology, 10 a.m., 2318 Rayburn.

April 10, Subcommittee on Environment, Technology, and Standards, hearing on Transportation Research and Development: Investing in the Future, 10 a.m., 2318 Rayburn.

Committee on Small Business, April 8, Subcommittee on Rural Enterprise, Agriculture and Technology, hearing on Litigating the Americans with Disability Act, focusing on H.R. 728, ADA Notification Act, 2 p.m., 2360 Rayburn.

April 9, full Committee, hearing entitled ''Will We Have An Economic Recovery Without a Strong U.S. Manufacturing Base?'' 2 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, April 8, Subcommittee on Water Resources and Environment, hearing on EPA Grants Management: Persistent Problems and Proposed Solutions, 2 p.m., 2167 Rayburn.

April 9, Subcommittee on Aviation, hearing on Reauthorization of the Federal Aviation Administration and The Aviation Programs: General Aviation, 2 p.m., 2167 Rayburn.

April 9, Subcommittee on Economic Development, Public Buildings and Emergency Management, hearing on Regional economic development authority issues relating to reauthorization of the Economic Development Administration, 2 p.m., 2253 Rayburn.

April 10, Subcommittee on Coast Guard and Maritime Transportation, hearing on the Coast Guard's Consolidation of District Offices, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, April 9, Subcommittee on Benefits and the Subcommittee on 21st Century Competitiveness of the Committee on Education and the Workforce, joint hearing on the Troops to Teachers Program, 2 p.m., 334 Cannon.

April 10, Subcommittee on Benefits, hearing on the following bills: H.R. 241, Veterans Beneficiary Fairness Act of 2003; H.R. 533, Agent Orange Veterans' Disabled Children's Benefits Act of 2003; H.R. 761, Disabled Servicemembers Adapted Housing Assistance Act of 2003; H.R. 850, Former Prisoners of War Special Compensation Act of 2003; H.R. 966, Disabled Veterans' Return-to-Work Act of 2003; and H.R. 1048, Disabled Veterans Adaptive Benefits Improvement Act of 2003; 9:30 a.m., 334 Cannon.

April 10, Subcommittee on Health, oversight hearing on medical and prosthetic research programs in the Department of Veterans Affairs, 1 p.m., 334 Cannon.

April 10, Subcommittee on Oversight and Investigations, hearing on VA's progress in the development of the medical education program mandated by Section 3 of the Department of Veterans Affairs Emergency Preparedness Act of 2002, 10 a.m., 340 Cannon.

Committee on Ways and Means, April 8, Subcommittee on Human Resources, hearing to examine implementation of the Adoption and Safe Families Act of 1997, 3 p.m., B–318 Rayburn.

April 8, Subcommittee on Oversight, hearing on the 2003 tax return filing season and IRS budget for fiscal year 2004, 9 a.m., 1100 Longworth.

April 9, full Committee, hearing on modernizing Medicare and integrating prescription drugs into the program, 10:30 a.m., 1100 Longworth.

April 10, Subcommittee on Human Resources, hearing on the Nation's Unemployment program and the effect of benefits on recipients' returns to work, 10 a.m., B–318 Rayburn.

Joint Meetings

Joint Meetings: April 8, Senate Committee on Governmental Affairs, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold joint hearings with the House Subcommittee on Civil Service and Agency Organization to examine the federal government's strategic human capital management and consider pending legislation on the federal workforce, 9:30 a.m., SD–342.

Joint Economic Committee: April 10, to hold hearings to examine Medicare's financial crisis, focusing on the long-term financial viability of the program, proposals to add a prescription drug benefit and other reforms, 10 a.m., SD–562.

Next Meeting of the SENATE

3 p.m., Monday, April 7

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 5 p.m.), Senate will consider and vote on the nominations of Cormac J. Carney, to be United States District Judge for the Central District of California.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, April 7

House Chamber

Program for Monday: Consideration of Suspensions.

Extensions of Remarks, as inserted in this issue.

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