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PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

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House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. SIMMONS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 8, 2003.

I hereby appoint the Honorable ROB SIMMONS to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 397. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

H.R. 672. An act to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William ''Willie'' McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.

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

S. 164. An act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of César Estrada Chávez and the farm labor movement.

S. 212. An act to authorize the Secretary of the Interior to cooperate with the High Plains Aquifer States in conducting a Hydrogeologic Characterization, Mapping, and Modeling Program for the High Plains Aquifer, and for other purposes.

S. 220. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

S. 328. An act to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreational Area'', and for other purposes.

S. 347. An act to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint resource study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes.

The message also announced that pursuant to Public Law 101–509, the Chair announces, on behalf of the Secretary of Senate, the appointment of Paul Gherman, of Tennessee, to the Advisory Committee on the Records of Congress.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY) for 5 minutes.

HOUSE ACHIEVEMENTS SPEAK FOR THEMSELVES

Mr. DELAY. Mr. Speaker, the Members of the 108th House of Representatives have served the American people well during the longest legislative stretch we will have this year. We have passed, or will pass, legislation that has upheld American values, protected American families, affirmed fiscal discipline, and provided tax relief for millions. The record is clear.

We passed a permanent ban on human cloning.

We passed a resolution affirming Americans' identity as ''one Nation, under God, indivisible'' in the Pledge of Allegiance.

We passed the Social Security Protection Act to crack down on waste, fraud and abuse against the program's most vulnerable intended beneficiaries.

We passed a budget that sets the United States on a path to balance and provides tax relief necessary to stimulate an economy that can meet all our needs.

We passed a compassionate and effective welfare reform package.

We passed sweeping reforms to the Nation's bankruptcy system.

We passed medical liability reform.

We passed legislation providing $835 million in tax relief for America's military servicemen and their families.

We passed legislation to create a national AMBER Alert system.

We passed tougher penalties against criminals who prey on children and funding to assist battered-women shelters and victims of family violence.

Not a bad start. Yet before we recess, the House will also complete a final budget resolution with the Senate to provide tax relief and fiscal accountability. We will pass a comprehensive energy package to better secure the United States by reducing our dependence on foreign oil. We will pass the supplemental appropriation to fund the liberation of Iraq, the ongoing war on terror, and meet emerging homeland security needs. The House of Representatives has acted on behalf of our troops on the other side of the world and we have acted to secure their proud and grateful countrymen here at home.

Mr. Speaker, our actions speak for themselves, so I will stop interrupting.

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OREGON CITIZEN MIKE HAWASH ADVERSELY AFFECTED BY MATERIAL WITNESS LAW

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, I am reflecting on the words of the majority leader, actions speak for themselves, and I think we are going to have a series of discussions here on the floor of this Chamber dealing with the actions of the Republican majority and the mismatch between what the American public wants and needs. The notion that we are going to cut veterans benefits when we are sending our veterans-to-be into battle in the Middle East, the fact that we are providing even the tax treatment for the veterans that he referenced was achieved only after the Republican majority was embarrassed with their original proposal. They had to withdraw it because it confused assistance for our veterans with aid for people who gamble from overseas and manufacture tackle boxes. Mr. Speaker, I would like instead today to reflect on a moment of what times of stress especially in war serve as a mirror for who we are. There have been times in our history like World War II where it has reflected in a very positive sense on our character, it has brought out the best in the American public, but also during that same period of time, there was also reflected some of the things that we are least proud of. For example, our treatment of legal Japanese residents and Japanese citizens in this country, herding them up and putting them in concentration camps.

One of the problems I have with the current situation is that it is fraught with danger, and if we are not careful, we will have a risk of losing track of who we are. I was struck last fall when I read an article in the Washington Post that talks about how the material witness law in this country casts dozens of citizens, of Americans, into limbo, where there were 44 people who were jailed as material witnesses and kept in maximum security conditions for a few days, in some cases for several months or longer. Seven of them were American citizens. I was troubled when I read that account, Mr. Speaker, but I must say that I was shaken when I saw it occur in my community, where 3 weeks ago Maher Hawash, Mike to his friends, a 38-year-old software engineer, although born in the West Bank and who grew up in Kuwait, has been an American citizen for over a dozen years, he lives with his wife Lisa, raising three children here in our community of Portland, Oregon, was arrested in the Intel parking lot at 6:30 in the morning. At the same time almost a dozen armed agents swept into his home. I heard from his former boss, Steve McGeady, a friend of mine, in Portland, who was stunned by the accusation but more by the treatment of this American citizen, kept in solitary confinement for 3 weeks under this material witness warrant, attorney and family subject to a gag order. This is a person with strong ties to the community and does not appear to represent any risk of flight.

Citizens who know Mike have organized their own Web site, freemikehawash.org, that says it all. Mr. Speaker, he had a hearing yesterday but he is bound over again under these conditions. We do not know what is going on. He is going to be kept in detention, it looks like, for at least another 2 to 3 weeks. Mr. Speaker, this is deeply troubling treatment for an American citizen. Put him before the grand jury now. If they think he has committed some sort of crime, charge him. If not, for heaven sakes, release him. We should not have a shroud of secrecy. We should not have indefinite detention in solitary confinement for American citizens. We should not be punishing them, their family and friends.

As I said, Mr. Speaker, at times difficult situations provide a mirror. I would hope that the mirror that we hold up to ourselves at this time should show America at its best, not at its worst.

IRAQI LIBERATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, today I rise to support the actions of the world's greatest fighting force, the United States Armed Forces, which is currently about 360,000 men and women deployed overseas defending our freedom. Though the terrains may differ greatly, their overall objectives remain the same, Mr. Speaker. From the sweltering jungles of Colombia and South Korea to the barren moonscapes of Iraq and Afghanistan, U.S. forces put life and limb in harm's way to maintain the security of our great country. War is a concept not easily understood, never black and white, its ramifications always permanent and, of course, severe. The fighting men and women of the United States know the consequences of war, yet continue to place upon their shoulders this great mantle of responsibility. Though victory in war always comes at a price, our efforts in the Iraqi theater have yielded great success. Our Armed Forces have liberated thousands of Iraqis and have begun the delivery of much needed humanitarian support. Saddam's regime seems to be on its knees, ready to collapse. In what has been a historic campaign, U.S. Marines, a sea-based service, have marched inland to Baghdad in what has been the deepest land penetration ever by its air-ground team of planes, helicopters, troops and tanks. American troops have Baghdad surrounded. We have demonstrated an ability to insert troops deep into the city and the 1st Brigade of the United States Army recently renamed Saddam International Airport to Baghdad International. The evil and torturous regime of Saddam Hussein and his Baath party cronies seems to be at its end, all due to the valiant efforts of coalition forces. Though support for this operation has been great and widespread, we as a body have been forced to face the politics of war. We have been faced with a task of funding this war and making sure that our troops are supplied with the best equipment in the world. This week we must pass the wartime supplemental conference report as soon as possible in order to keep our military machine safe and, of course, efficient. We must also continue to show the world that what we are doing is right and for the benefit of our global safety. We must uproot Saddam and show the world the atrocities that he has committed. So far, the terrorist links have been established, Mr. Speaker. Al Qaeda terrorists fought against coalition troops in southern Iraq. Foreign nationals—Egyptians, Jordanians, Saudis, Syrians, Yemenis—were captured Sunday and led U.S. soldiers to their training grounds at Salman Pak. And, most convincing, raids of the Ansar al-Islam camps in northern Iraq revealed extensive al Qaeda ties for this group believed to have extensive, high-ranking connections with the Iraqi regime. As initial reports concerning chemical weapons become more clear, we will learn the truth behind Saddam Hussein's lies. All we can do is pray that the maniacal leader will think of the people, the 4.5 million Iraqi citizens, before he considers unleashing all this chemical arsenal.

Mr. Speaker, after Baghdad is secured and the Republican Guard is completely destroyed, we will be faced with the task of reconstructing Iraq. But as eyes turn toward the U.N., many will turn to the rich oil fields of Iraq and the many ways in which their countries think they can profit from our military's work. Countries that denounced our actions will look for ways to get their hands on some of this Iraqi oil. France and its allies claim the United Nations is the only body with the international legitimacy to administer Iraq. But, Mr. Speaker, is it? The United Nations failed miserably in its supervision of Kosovo, Bosnia and Somalia. Until Bush stepped in last year, it had completely dropped any attempt to get Iraq to disarm. The United Nations has never successfully fostered a democracy. This is not surprising since many if not most of its members are nondemocratic countries and a police state like Libya heads the U.N. human rights commission.

There is at least one group of people among whom the United Nations has no legitimacy. That is the 24 million Iraqis who have suffered under more than two decades of Saddam Hussein's rule. Iraqis have seen U.N. inspectors

come and go. They have seen U.N. officials rush to Baghdad to confer with Saddam with no easing of repression as a result. They have watched as U.N. resolutions, including those obligating Saddam to respect human rights, go not just unenforced but are not even cited in passing by the United Nations.

Again my congratulations to our Armed Forces and to our President. God bless them both.

NOTHING TO WORRY ABOUT?

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Hawaii (Mr. CASE) is recognized during morning hour debates for 5 minutes.

Mr. CASE. Mr. Speaker, I want to thank my colleague from Texas, our respected majority leader, for his remarks this morning. I think I and all of us owe him a happy birthday wherever he may be and we wish him a happy birthday on, I believe it is his 56th birthday. Unfortunately, there my commendations have to end for the morning because as the war in Iraq comes to its inevitable close and our focus turns back to our domestic issues, our domestic challenges and as they turn back to the number one challenge that we face domestically, which is our Federal budget and fixing our economy, which is an area that the majority leader did not cover, I must say to my colleagues and my constituents back home and my fellow citizens that when it comes to the Federal budget that has been proposed by our President and embraced by our Republican colleagues and as it comes to that budget that we will see later on the floor this week, I must say I am tempted to feel relieved, and I am tempted to feel relieved, because for too long I have been worrying about the little things like our economy and jobs and money and debt and education and health care.

At my State legislature like many of us in the State legislatures, I just spent a decade worrying about whether we had enough jobs, whether our taxes were fair, whether we were borrowing too much or whether we were spending too much, whether our kids were getting a good head start, whether our seniors had the basics, what my Hawaii would be like not next year but in 10, 20 years and what I could do to hand it off well. And at home, of course, because government is no different than a household in principle, my wife and I, we have long worried about our jobs and whether we could keep up with expenses, whether our debts were too high, whether our kids would grow up healthy, whether we could get a good, affordable education, whether our parents could live with decency. I am tempted to feel relieved because after all those years of worry both in my State legislature and at home, my Republican colleagues in the White House and here in the Congress have given me and are about to again give me a budget to vote on that says basically, do not worry, your fears are for naught. You can have your cake and eat it, too. You can do whatever you want. It will all work out. Do not worry, be happy.

For example, let us take debt. My wife and I, we have been worrying about how much we owe. We do not like debt and when we have to incur debt we do not like it to get too high. We worry about retiring in debt. We worry about whether our kids are going to have to bail us out. We do not think that that is good for us and it is certainly not good for them. In the State legislature back in Hawaii, I worried for a long time about how much my State was borrowing, about whether our hard-earned dollars were going just to pay off debt, whether we were handing off Hawaii in better shape to our children than the Hawaii that we had been responsible for administering. But now I am tempted to feel relieved, because I am told my Federal Government is somehow different, I am told debt is good, do not worry about it, that the largest debt run-up since President Reagan's era is no problem. And Alan Greenspan, somebody that says debt is not bad, chronic debt is bad. Chronic debt does not work. It leads to a worsening economy. It leads to interest rate increases. I am told about Mr. Greenspan, he is all wet, do not worry about him.

Let us take taxes. In my State House, I embraced some tax relief in the 1990s, but I worried about whether that tax relief was going to those most in need, whether that tax relief was going to result in economic revitalization. I worried about the connection between lower taxes and an increased economy. Would cuts fix our economy? But here I am told, do not worry. We cannot give you any evidence of a connection between the tax cuts that we recommend and economic revitalization. And we do not have to worry about the Congressional Budget Office saying there is no connection. Do not worry, it will all work out.

Let us take expenses, especially unknown or uncertain expenses. My wife and I worry about expenses that we know about and those that we do not yet know about. We worry about college. We worry about setting money aside. We worry about a little bit of a rainy day fund to worry about things that do not come along. But now I am told from this budget, do not worry, we do not need a little rainy day fund. We already have one. It is called Social Security. We can bail it out if we need to and we do not even have to include known expenses, expenses that we may not know how much they will be exactly but we sure know that they are coming.

We all know, for example, that $75 billion is just the first installment of our obligations overseas for the war with Iraq. Yet that is not factored into this budget. Why not? I do not know. I guess I am being told, do not worry about it, it will come later. And do not worry about that. Do not worry about the long-term. We can get through the next couple of years. We can get through the things that are coming at us down the road. Do not worry about the projections of an increasing deficit, a deficit projected to increase by some estimates from 300 to $400 billion up to close to a trillion dollars, given the full impact of this tax cut. Do not worry about that.

So I am a happy camper today. I do not have to worry. And if I were not so worried, I would be awfully scared.

MEDICAL SAVINGS ACCOUNTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized during morning hour debates for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, today I rise to talk about an issue that everyone should be aware of and I think more and more Americans are becoming concerned about and that is the rising cost of health care here in the United States. Some of the estimates this year, and we are talking to small businesspeople in my district, they are looking at increases in the cost of their health care of anywhere from 10 percent to 40 percent and some even more than that. One of the ideas that has been around for a number of years in terms of controlling the costs of health care in the United States is the concept of medical savings accounts. This is a plan that really goes back a long ways. As a matter of fact, in my district where we have an awful lot of farm families, they in effect have had medical savings accounts for a very long time. What they do is they essentially use their checking account as the medical savings account, but the principle is relatively simple and that is where people can put money away, either through their employer or individually, into a medical savings account to pay those ongoing medical bills. At the same time, they buy a catastrophic insurance policy that will pay those catastrophic expenses if they should come down with cancer, if they should need a major surgery, something like that. Catastrophic insurance is relatively inexpensive. And so in the last several years we have allowed more and more of the employers to do these medical savings accounts, to set up these programs on a pretax basis so that they get the advantages of the Tax Code. But there was one major, glaring error and omission from the legislation we passed in the past here in the Congress and that is that public employees could not participate in these. And so I have been talking to my public employees back in Minnesota. They would very much like to participate in medical savings accounts for a whole variety of reasons, one of which is it is a way that they can begin to save money for long-term care, because we are now beginning to

realize we are all getting older. I happen to be 52 years old. I was born in 1951. There were more babies born in 1951 than any other year, we are the peak of the baby boomers, and we are looking at this thing and saying, are there ways we can begin to put money away for long-term care. One of the ways you can do that is with medical savings accounts. But it is a glaring omission and it is terribly unfair to say that private employees in the private markets can go ahead and have access to these medical savings accounts but public employees cannot.

And so today I am introducing along with my colleagues the gentleman from Minnesota (Mr. SABO), the gentleman from Minnesota (Mr. PETERSON), the gentleman from Minnesota (Mr. RAMSTAD), the gentleman from Minnesota (Mr. KENNEDY), the gentlewoman from Minnesota (Ms. MCCOLLUM) and the gentleman from Minnesota (Mr. KLINE) the Minnesota MSA Empowerment Act of 2003. Essentially what this bill will do is allow public employees on a pilot program basis to have access to the same kind of programs that private employees have access to. It is a very good bill. It is a way for us to actually find out just how well these MSAs will work, especially with public employees. I am confident that they will work if they are given a chance. This is a pilot program just for Minnesota to demonstrate that MSAs will work for the consumer, they will work to help reduce the cost of health care and ultimately make it possible so people can begin to set aside dollars long-term for long-term care.

This is a good piece of legislation. I hope the people of the appropriate policy committees will give it a fairing hearing and if they will I am confident that ultimately this will become law. Mr. Speaker, I hope my colleagues will join me in support of this important legislation.

CONCERNING THE CONFERENCE REPORT ON THE BUDGET RESOLUTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise on the floor to call attention to the fiscal year 2004 budget resolution conference report and to express my opposition to the inclusion of any Medicaid or Medicare cuts as part of the final budget resolution.

Mr. Speaker, although the House-passed budget reconciliation contains an instruction to cut the Medicaid program by $93 billion over 10 years, neither the Senate budget resolution nor the administration budget includes such devastating cuts to the Medicaid program. As Members know, the Medicaid program provides essential health coverage to 47 million low-income children, working families, seniors and people with disabilities. Moreover, this critical safety net program under Medicare also contributes significantly to State economies by stimulating employment and business activity which we cannot afford to undermine.

States, Mr. Speaker, are currently facing the most severe budget crisis since World War II and nearly every State has proposed or enacted cuts in its Medicaid program. Any reduction in Federal Medicaid funding would place millions of vulnerable Americans now receiving Medicaid in jeopardy of losing their health insurance. Federal funding reductions would force States to implement even deeper cuts by restricting eligibility, eliminating or reducing critical health benefits and severely cutting or freezing provider reimbursement rates. As a result, Medicaid funding cuts would add millions more to the ranks of the 41 million Americans that are already uninsured.

In addition, Mr. Speaker, I oppose inclusion in the budget of sweeping mandatory cuts of potentially $75 billion over 10 years to the Medicare program. Although the Republican budget on the surface level appears to take a softer line on Medicare cuts as compared to Medicaid, in fact the budget requires billions of dollars of mandatory program cuts to the Medicare program. I will show my colleagues how. The budget provides $400 billion in a reserve fund for Medicare reform. However, the budget also instructs the Committee on Energy and Commerce to come up with $107 billion that have to be in cuts to either Medicare, Medicaid or S–CHIP, the kids' health insurance program, over 10 years and also requires the Committee on Ways and Means to require $62 billion in cuts, some or all of which could fall on Medicare. So although there is not an absolute requirement that it comes from Medicare, because those two committees will not have many choices, we are going to see Medicare cuts as well, as well as the mandatory Medicaid cuts.

Mr. Speaker, while the budget resolution does not direct Medicare cuts, I am very concerned because it does not preclude them and these committees will be allowed to cut Medicare if that is what is required to fulfill the reconciliation instructions. As a member of the Committee on Energy and Commerce, I would do my best to prevent such cuts from taking place because the effects would be devastating to the structure and function of the Medicare program and, more importantly, to the health of our seniors and disabled.

Again, Mr. Speaker, I have to express my strong opposition to the inclusion of any Medicaid or Medicare cuts in the final budget resolution. They will only mean that more people will be uninsured, less health care services will be provided to a whole range of individuals, and all this is being done basically so that the Republicans can make more cuts for wealthy people, more tax cuts for the wealthy, more tax cuts for corporate interests. It should not be done at the expense of Medicare or Medicaid.

IN MEMORY OF SERGEANT DONALD WALTERS, OREGON SERVICEMAN WHO MADE THE ULTIMATE SACRIFICE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2003, the gentlewoman from Oregon (Ms. HOOLEY) is recognized during morning hour debates for 5 minutes.

Ms. HOOLEY of Oregon. Mr. Speaker, today I rise to pay my respect to a fallen soldier, a hero from my district who made the ultimate sacrifice for our country.

Sergeant Donald Walters grew up in Colorado, Springs, Colorado. His family moved to Salem, Oregon, when he was in middle school. As a teenager, Donald worked at a Salem grocery store. He liked to fish, camp and had a long-standing interest in the military. He wanted to make a difference. A year after graduating from North Salem High School, he joined the Army.

Donald was an aspiring writer of children's books. Donald served in the first Persian Gulf war, then left the military about 2 years ago. As a testament to his undying love of our country, he reenlisted in the Army after September 11. For the weeks that Sergeant Walters was missing in action, his community in Oregon showed their support. Nearly every house on the block was adorned with an American flag, a yellow ribbon, or both. Sergeant Walters leaves behind his wife Stacie, three loving daughters, his parents Arlene and Norman, and his sister Kimberly. To all those who he left behind, my heart and prayers are with you as well as the hearts and prayers of a grateful Nation. We will not forget you, Sergeant Donald Walters.

RECESS

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

Accordingly (at 11 a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at noon.

PRAYER

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

Lord God, because Your prophet Jeremiah is so highly personal, agonizing for his people and constantly interacting with the members of his community, he becomes a model for the Members of the 108th Congress.

His hopes and visions, doubts and hesitations, anger and resentments, as

well as arguments and pleading and bonding with others, all these emotions and the troublesome times tear apart Jeremiah's fragile temperament and fling themselves upon the pages of his prophecy.

Jeremiah is realistic and bold as he declares sin inevitably brings its own sorrow. People who go after empty idols become empty themselves. We are all transformed for good or bad by that which we desire.

Lord, because this prophet will not evade the honest emotional reaction of what is going on around him, You make him a guide for Your people now caught up in war. Although Jeremiah is never far removed from the agony of people, hope for him is always stirring just beneath the surface of the barren Earth.

The word of the Lord endures forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS TO UNITED STATES CAPITOL PRESERVATION COMMISSION

The SPEAKER pro tempore. Pursuant to 40 U.S.C. 188a, and the order of the House of January 8, 2003, the Chair announces the Speaker's appointment of the following Members of the House to the United States Capitol Preservation Commission:

Mr. YOUNG, Florida.

Mr. LATOURETTE, Ohio.

CONGRATULATING OUR LADY OF LOURDES ACADEMY

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

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to congratulate Our Lady of Lourdes Academy in my congressional district for winning first place at the ''Florida We the People: The Citizen and the Constitution'' competition. This civics competition ensures that students understand the history and the philosophy of our U.S. Constitution and our Bill of Rights. It is an important program that aids students in understanding their rights and responsibilities as American citizens.

Lourdes Academy, the reigning national champions, will be coming to Washington this month to compete for the national title. Please join me in congratulating the students of Lourdes Academy and especially their teacher, Rosie Heffernan, on their outstanding achievement and wishing them much success in the national competition.

SUPPLEMENTAL LEAVES CRITICAL AREAS UNDERFUNDED

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

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to speak against the supplemental bill proposed by the Bush administration.

While Democrats strongly support the immediate passing of whatever is necessary to support our troops, the administration's war supplemental appears to leave critical areas severely underfunded.

Under the bill, there would be no money, no money, to provide communication equipment for first responders, leaving many local police, firefighters, and emergency workers unable to communicate with each other during an emergency.

There would be no money, no money, for homeland security grants, despite the Coast Guard's latest report that they are short almost $1 billion to meet port security needs in this year alone.

This bill also leaves nuclear security needs amounts unmet, providing only 7 percent of the $380 million which his own Secretary of Energy identified as an urgent homeland security requirement.

This bill is bad for the economy, and it is bad for our Nation's first responders. Underfunding critical programs and operations puts our homeland at risk.

AMERICAN DREAM DOWN PAYMENT ACT

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

Ms. HARRIS. Madam Speaker, this afternoon the Subcommittee on Housing and Community Opportunity of the Committee on Financial Services will begin hearings on President Bush's visionary plan to extend the dream of homeownership to tens of thousands of low-income families and individuals across our Nation.

As I have consulted with housing advocates throughout my district, I have repeatedly heard that a great number of low-income Americans could meet a monthly mortgage payment were it not for that initial obstacle of the closing costs and down payment associated with the traditional residential loan.

H.R. 1276, the American Dream Down Payment Act, removes that barrier for an estimated 40,000 low-income families and individuals every year.

Madam Speaker, the extension of affordable quality housing opportunities to every American is a moral imperative for a decent, compassionate society. H.R. 1276 represents a powerful step toward this goal, providing thousands of men, women and children across our Nation with the dignity, stability and economic empowerment of homeownership.

REPUBLICAN BUDGET SHORTCHANGES AMERICA

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

Ms. WATSON. Madam Speaker, the budget shortchanges the security of cities and towns across America. The next terrorist we catch might be caught by the FBI, but it is more likely that they will be found by local law enforcement, like the routine traffic stop in April of 2001, where a police officer pulled over none other than the 9–11 ring leader Mohammed Atta.

It is not clear that the 9–11 attacks could have been prevented by a traffic stop, but what should be clear is that even if our government has information on would-be terrorists, local law enforcement is still out of the loop.

The President and the Republican leaders in Congress both ignore this issue in their budgets. While we spend billions to tear down and rebuild Iraq, the Republican budget shortchanges the local police officers, firefighters, and other first responders who are America's first defense against terror.

In my own district, the community of Culver City, California, is right next to the Los Angeles International Airport. They need our support with first responders.

KEEP NETHERCUTT-KENNEDY AMENDMENT ON SUPPLEMENTAL

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

Mr. KINGSTON. Madam Speaker, this week we will be voting on our supplemental appropriations bill to help partially fund the war in Iraq. An important amendment, which was unanimously agreed to by the House that is on that bill, was called the Nethercutt-Kennedy amendment, and it has to do with the fact that the Congress has voted not to allow Germany, France, Syria and Russia to share in American taxpayer-funded reconstruction efforts in Iraq.

The idea behind this is that Russia, France, Syria and Germany have not been on our side and, in many ways, helped accelerate the war in Iraq by seeming to side with Saddam Hussein. We believe that if the U.N. Security Council and these members were unified against the weapons of mass destruction and the regime of Saddam

Hussein, perhaps we would be at peace today in trying to find diplomatic solutions; but now, it seems these very countries who are against U.S. action, who have made a 4-month national pastime of bashing the U.S., now they want to get U.S. tax dollars and help rebuild Iraq.

The Nethercutt amendment speaks to this, and I hope that the conference committee will keep that in the legislation.

OFFICE OF PEACE

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

Mr. KUCINICH. Madam Speaker, in a moment I will introduce legislation with 46 cosponsors to create a Department-level office of peace and the Department of Peace is introduced at this moment when it seems that war is inevitable, when our troops are in the streets of Baghdad, when members of the administration talk about the possibility of invasion of Iran and the possibility of invasion of Syria.

This is the moment when we need to ask whether war is inevitable or not. This is the moment when a Department of Peace can take steps to making nonviolence an organizing principle in our society and when we can create a structure in our government where we can strive to make war itself archaic.

Forty-seven Members of Congress have put their names on this legislation because we are at a moment in the history of our Nation and in the world where we need to be asking questions. Is war inevitable? Forty-seven Members of Congress say no. Is peace inevitable? The answer must be yes.

HOUSING ACTION RESOURCE TRUST

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GARY G. MILLER of California. Madam Speaker, one of the main barriers of homeownership today is the down payment requirement from individuals that do not have the money. Do down payment assistance programs work? They do.

One example is in Rancho Cucamonga, California. The Housing Action Resource Trust, called HART, was formed in 1995; and in 1998, they started giving homeowners down payment assistance, and it is all private funds. Not a dollar of it is government funds.

What they have done is help 40,000 families actually achieve homeownership, and it is significant. Like I said, not a dime of it is government funds.

The HART gift funds can be used for down payment, closing costs, prepaid payments that can be used to remit buy-downs; and the main obstacle we have for moving people from apartments and rental units to housing is basically they do not have the money.

There are programs that do work. The government needs to look at participating in this.

EXTENDED UNEMPLOYMENT RELIEF

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

Mr. DEFAZIO. Madam Speaker, 18 months ago, the Republican leadership during the debate on the first $15 billion bailout for the airline industry promised that soon, promptly, we would consider employee relief, including financial assistance, health insurance and training for new careers. It is 18 months later, and those 150,000 airline employees are still waiting, 18 months of waiting.

The airlines project they will lay off another 70,000 because of the war with Iraq. Boeing has cut 30,000 workers. They are all still waiting for that financial assistance and extended unemployment package.

Finally, today, here on the United States House of Representatives floor for the first time, 18 months too late, we are going to take a vote on that issue; and we will see where people really stand, whether they are with the workers or they just want to bail out the corporations.

REGULATORY TURMOIL

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

Mr. BACHUS. We should be particularly concerned about the negative effects which needless regulatory uncertainty and policy turmoil are having on this country's telecommunications industry.

□ 1215

The United States' economy is very dependent on an efficient and effective telecommunication industry and the links they provide. Maintaining these important systems and building new advanced networks we are going to need requires a climate of regulatory stability. No one is going to invest heavily if they do not know what the fundamental rules of the game are.

The 1996 Telecommunications Act envisions the FCC coming up with a workable, judicially sustainable, competitive framework in short order. Seven years have passed since the act was signed into law, and according to most authorities, the FCC's latest decision is almost certain to be reversed and remanded once more.

In closing, Congress has a responsibility to the shareholders of these companies, to the hundreds of thousands of employees, and, most of all, to millions of consumers to end this turmoil. It is not good for anyone.

NATIONAL ASSOCIATION OF LETTER CARRIERS FOOD DRIVE

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

Mr. INSLEE. Madam Speaker, I rise today to mention a very important charitable project by our National Association of Letter Carriers, who have been engaged in this for several years. On the second Saturday in May, which will be May 10 this year, letter carriers in over 10,000 cities and towns will be delivering much more than mail on their routes. They will be collecting food donations left for them by their caring patrons on the 11th annual letter carriers national food drive.

I want to take this opportunity to commend the letter carriers for this incredible charitable endeavor. This effort by the letter carriers is the largest 1-day food drive in the Nation, and it has resulted in the last 10 years in over half a billion pounds of food donations to our local communities. I hope everyone listening will participate on May 10 by leaving a box of nonperishable food next to their mailbox before their mail arrives. It will help the estimated 30 million people who go hungry every day in America, including 12 million children.

Congratulations to our letter carriers for a job well done.

GENERAL LEAVE

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to go to conference on H.R. 1559, making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1559, recede to the Senate on section 409 of the Senate amendment, providing 26 weeks of additional temporary extended unemployment compensation for displaced airline related workers.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) will be recognized for 30 minutes, and the gentleman from Florida (Mr. YOUNG) will be recognized for 30 minutes.

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

Mr. OBEY. Madam Speaker, I yield myself 8 minutes.

Madam Speaker, American citizens often hear Members of Congress talk in terms that they do not understand. They hear us talking about Blue Dogs, Blue Dog Democrats, they hear us talking about Yellow Dog Democrats. Sometimes they see us acting like lap dogs, and today I am afraid that the House may wind up genuflecting to Top Dogs, because that has been the general pattern on the issue that I am raising this afternoon.

After 9/11, the Congress passed a $15 billion airline assistance package, $5 billion in direct cash payments and $10 billion in direct loans and loan guarantees. The Congress was asked at the same time, and a number of us have tried to get it done, but Congress had asked at the same time that we were bailing out the airline industry to also recognize workers within that same industry who were also losing their jobs and should have some help from the government. The Congress responded by saying, no, thank you.

Now, the bill that the House passed last week contained $3.2 billion in cash payments for the airline industry on this go-round and the Senate bill contained a figure of slightly over $2 billion. We are here today again to ask that if we are going to be bailing out the airline industry that we also provide some $275 million in assistance to the workers in that same industry by providing an additional 26 weeks of temporary extended unemployment benefits for displaced airline-related workers.

Now, the administration has let it be known what their position is, and essentially they are opposed to this proposal. And what they are telling Congress is that, instead, we should work with the administration to make sure that any aid package is appropriately scaled and ''appropriately based on free market principles.'' Well, I guess I am kind of new around here and naive around here, and I am not quite sure what those ''free market'' principles are when it comes to the airline industry.

To me, I think that the airline industry is a let's pretend industry, run by let's pretend capitalists who are on the public dole, and I do not mean Bob. They are out here once again asking the taxpayers to help finance their survival. Now, we have had some of those airlines go bankrupt not once, not twice, but three times. I asked on the House floor last week how many times Continental Airlines had to go bankrupt before they were bankrupt. I still have not received an answer.

Now, I will fully grant that given the serious nature of the war, given the impact of 9/11, and given the fact that the airlines are a crucial part of our economy and our transportation system, I would fully grant that some kind of cooperative relationship between us and the airlines will be necessary in order to keep this economy healthy. But it seems to me that we ought to have some systematic way to assure that when we are bailing out the airline industry and its executives, that at least some of those taxpayers' dollars wind up trickling down to the workers who keep those airlines moving in the first place.

So that is the purpose of this amendment.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. OBEY. I assume that does not come out of my time, Madam Speaker.

The SPEAKER pro tempore. It does not.

Mr. OBEY. So, as I was saying, lest anyone think that it is not needed, the airline industry itself estimates that we have had a 15 percent increase in unemployment in that industry since 9/11, and since January 1, we have seen another 15,000 layoffs.

So I would ask the Members of this House today to, for a change, let us not institutionally genuflect to the top dogs in this society. Let us keep in mind the needs of the underdogs and provide at least some modicum of assistance to the workers I am talking about.

Let me also explain that there will be a rollcall on this vote. I know that it may be possible that this motion could be adopted on a voice vote. But frankly, if we were to simply have a voice vote, it would not mean anything to anybody. It would be very easy to jettison this language in conference.

So I think to assure that this vote is a meaningful vote, let the chips fall where they may in terms of passage. To assure that it is a meaningful vote and not just a sleight of hand so Members can say, ''Well, do not worry, airline worker, I voted with you. Of course, it was not a rollcall vote, and of course the leadership made us turn around in conference so that there would not be any.'' But I would urge Members to vote for the motion.

Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

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

Mr. HOYER. Madam Speaker, I rise in support of the motion to instruct.

Madam Speaker, I urge all of my colleagues to support this Democratic motion to instruct House conferees on the supplemental appropriations bill.

It's just. It's fair. And it enjoys bipartisan support in both the House and the Senate, even if the Bush administration has labeled it ''objectionable.''

In short, this motion would instruct House conferees to recede to the Senate provision providing 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.

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

Last 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 $900 million federal loan guarantee.

Last week, I also had the opportunity to meet with representatives of the industry and airline workers.

And they know that their fate is inextricably linked; that one cannot survive without the other.

Today, through this motion, we recognize that and say: What's fair for the industry is fair for workers.

In fact, members on both sides of the aisle want to help.

This motion would instruct conferees to agree to a provision that is very similar to bipartisan legislation introduced last week by our colleagues, Mr. ENGLISH of Pennsylvania and Mr. OBERSTAR of Minnesota [H.R. 1553, the ''Air Transportation Employees Assistance Act''].

The Senate has already passed a 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.

That's precisely what this motion to instruct seeks.

I urge my colleagues to support it.

Mr. OBEY. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

The SPEAKER pro tempore. If we may go first to the gentleman from Florida (Mr. YOUNG).

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

I am sorry. Did the gentlewoman wish to go? I will always yield to the gentlewoman from California.

Ms. PELOSI. I am pleased to yield to the gentleman from Florida.

Mr. OBEY. Madam Speaker, if the gentlewoman would yield to me briefly, let me explain that I thought we

had an understanding that I would explain the motion, that the gentlewoman would make her comments, and then the gentleman would close and we could yield back the balance of our time.

Mr. YOUNG of Florida. Madam Speaker, I apologize to the gentleman. I guess I did not understand exactly. But that is fine with me. No problem whatsoever.

Mr. OBEY. Fine. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me this time, and if that is not pleasing to the distinguished chairman of the committee, I am pleased to yield to him first. If it is okay, then I will proceed.

Madam Speaker, once again I wish to thank the gentleman from Wisconsin (Mr. OBEY) for his leadership on this important issue, important to America's workers. Today, we have an opportunity to do the right thing for America's aviation workers.

Both the House and Senate versions of the supplemental appropriations bill include financial assistance for the airlines, as they should. Aviation is an essential cornerstone of the U.S. economy. Both the House and Senate bills focus primarily on mitigating for the cost of security provisions required by the Federal Government, as those bills should have that funding. But we cannot ignore the workers who form the backbone of the aviation industry.

Madam Speaker, at least 150,000 workers in the aviation industry have lost their jobs since 9/11, including those who work for the airlines and related industries. Many of these workers have exhausted their unemployment benefits, and that was months ago. But with the industry still contracting, new jobs are impossible to find. Thousands more airline workers have lost their jobs since the Iraq war began and layoffs in the industry could reach 70,000 more. Concern about the exposure to the deadly SARS disease in Asia is now reducing air travel from the U.S. to Asia even further.

The Senate has included $225 million for extended unemployment compensation for aviation workers. The House should recede to the Senate position.

□ 1230

Madam Speaker, it is the least that we can do. I urge Members to vote for relief for aviation workers. To support the Obey motion to instruct conferees, vote for the motion to instruct.

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

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

Madam Speaker, I am not really opposed to what the gentleman is suggesting here. The Committee on Appropriations did add $3.2 billion to the wartime supplemental to deal with airline issues and to be helpful to the airline industry. So there is plenty of money to handle this issue, but I am going to vote against it because of the problems it could cause as we go to conference.

We have a tight schedule. The committees on both sides of the aisle have worked extremely well. Just a few days after receiving the President's request, the Committee on Appropriations reported the bill to the House. As Members know, last Thursday we passed this bill with an overwhelming vote in the House.

However, there are some significant differences between our bill and the bill presented by the other body. I just have the feeling this is going to be a fairly difficult conference because, while the House kept the bill very clean and close to what the President requested, to fight the war and provide for homeland security and to support those of our coalition who are helping us in this war effort, the other body, frankly, added quite a few things that were extraneous to the wartime issue; and that is going to make the conference a little difficult.

I want to get this conference completed. Leadership has advised me, as well as most of the Members, that we are not going to take our Easter district work period recess until this bill has left the Congress and has gone to the President since it is important to what the President is doing in Iraq. I will vote against this motion. I want to again emphasize we need to move this bill quickly. If the conference gets tied up for more than 2 days, we will not get this bill to the floor in time for the House to take its usual Easter recess. In addition, I am opposed to motions to instruct in general. I have no objection to what the gentleman wants to do, but it is just procedural for me. I think it could complicate the conference on this very important wartime supplemental.

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

The SPEAKER pro tempore (Mrs. BIGGERT). Without objection, the previous question is ordered.

There was no objection.

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

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

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

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that she will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

NUTRIA ERADICATION AND CONTROL ACT OF 2003

Mr. GILCHREST. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 273) to provide for the eradication and control of nutria in Maryland and Louisiana.

The Clerk read as follows:

H.R. 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 ''Nutria Eradication and Control Act of 2003''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Wetlands and tidal marshes of the Chesapeake Bay and in Louisiana provide significant cultural, economic, and ecological benefits to the Nation.

(2) The South American nutria (Myocastor coypus) is directly contributing to substantial marsh loss in Maryland and Louisiana on Federal, State, and private land.

(3) Traditional harvest methods to control or eradicate nutria have failed in Maryland and have had limited success in the eradication of nutria in Louisiana. Consequently, marsh loss is accelerating.

(4) The nutria eradication and control pilot program authorized by Public Law 105–322 is to develop new and effective methods for eradication of nutria.

(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

SEC. 3. NUTRIA ERADICATION PROGRAM.

(a) GRANT AUTHORITY.—The Secretary of the Interior (in this Act referred to as the ''Secretary''), subject to the availability of appropriations, may provide financial assistance to the State of Maryland and the State of Louisiana for a program to implement measures to eradicate or control nutria and restore marshland damaged by nutria.

(b) GOALS.—The goals of the program shall be to—

(1) eradicate nutria in Maryland;

(2) eradicate or control nutria in Louisiana and other States; and

(3) restore marshland damaged by nutria.

(c) ACTIVITIES.—In the State of Maryland, the Secretary shall require that the program consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled ''Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds'', dated March 2002.

(d) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the program may not exceed 75 percent of the total costs of the program.

(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of the program may be provided in the form of in-kind contributions of materials or services.

(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 5 percent of financial assistance provided by the Secretary under this section may be used for administrative expenses.

(f) AUTHORIZATION OF APPROPRIATIONS.—For financial assistance under this section, there is authorized to be appropriated to the Secretary $4,000,000 for the State of Maryland program and $2,000,000 for the State of Louisiana program for each of fiscal years 2004, 2005, 2006, 2007, and 2008.

SEC. 4. REPORT.

No later than 6 months after the date of the enactment of this Act, the Secretary and the National Invasive Species Council shall—

(1) give consideration to the 2002 report for the Louisiana Department of Wildlife and Fisheries titled ''Nutria in Louisiana'', and the 2002 document entitled ''Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds''; and

(2) develop, in cooperation with the State of Louisiana Department of Wildlife and Fisheries and the State of Maryland Department of Natural Resources, a long-term nutria control or eradication program, as appropriate, with the objective to significantly reduce and restore the damage nutria cause to coastal wetlands in the States of Louisiana and Maryland.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

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

Madam Speaker, I am pleased to offer this measure along with the gentleman from Louisiana (Mr. TAUZIN). The fundamental goal of this legislation is to effectively address the growing problem of nutria that are destroying thousands of acres of essential wetland habitat. It also reauthorizes a 1998 law that created a pilot nutria program in Maryland at Blackwater National Wildlife Refuge, Fishing Bay Wildlife Management Area, and Tudor farms.

Since that time, Federal, State and local partners have worked together in Maryland to develop a nutria eradication strategy and to test restoration methods on the damaged marsh. Louisiana is working on a nutria control strategy and monitoring marsh recovery. These are both carefully crafted proposals which will systematically address nutria population control and marsh damage. They represent the culmination of scientific understanding about nutria population, dynamics and marsh impacts.

Because of the nutria's incredible ability to proliferate, partnerships in both States must act aggressively to avoid population increases that could nullify previous effort and investment of public and private resources. Both Maryland and Louisiana are serious about nutria control and have contributed several million in non-Federal funds, and both are committed to providing models for the control of nutria in the 14 other States in which they are found. Full commitment from both Federal and State partners is needed to complete these models over the next 5 years.

This semi-aquatic, nonnative rodent has no natural predators in Maryland, and they have consumed nearly half of the marsh lands on Blackwater National Wildlife Refuge. These marshes are vital to the survival of millions of migratory waterfowl, bold and golden eagles, and neotropical songbirds. The remaining acreage of Blackwater is in serious peril. Unless nutria are stopped, they will continue to destroy wetlands in Blackwater and other refuges on the Delmarva peninsula, and marshlands along the Atlantic coast and the Gulf of Mexico.

H.R. 273 will authorize Public Law 105–322, and it will implement the next step in the process, which is the eradication of nutria in Maryland as well as the restoration of damaged wetlands. In their testimony, the U.S. Fish and Wildlife Service stated: ''We recognize the need to continue cooperative efforts to eradicate nutria in the Chesapeake Bay region and will continue as a key Federal member of the nutria eradication partnership.''

In addition, H.R. 273 authorizes money to alleviate the tremendous problems that nutria have caused in Louisiana. According to the Louisiana Department of Wildlife and Fisheries, these pesky rodents have damaged or destroyed over 100,000 acres of wetlands in their State.

Under the terms of the bill, the Secretary of the Interior will undertake steps to control or eradicate nutria in the two states and together with the National Invasive Species Council develop a long-term nutria control and eradication program.

Madam Speaker, H.R. 273 will help to solve serious problems facing Maryland's Eastern Shore and Louisiana's marshlands. It will serve as a model for other States that may face the prospect of fighting against an invading population of nutria. I urge Members to vote for H.R. 273.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. CHRISTENSEN. Madam Speaker, as stated by the gentleman from Maryland (Mr. GILCHREST), the overall purpose of this legislation is to better coordinate and provide financial assistance to the States of Maryland and Louisiana in their efforts to eradicate and/or control nutria, a large member of the rodent family that has decimated wetland areas in both States.

Madam Speaker, no one denies the fact that nutria have become far too abundant in some regions of both States. In addition, it is the consensus of wildlife biologists that greater effort should be undertaken now to control this invasive pest before it ruins more valuable fish and wildlife habitat. This legislation is noncontroversial and should also help conserve coastal wetlands, something which is very important to my district. I support H.R. 273 and urge Members to do likewise.

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

Mr. GILCHREST. Madam Speaker, I yield myself such time as I may consume to close.

Madam Speaker, I thank the leadership on the other side of the aisle for moving this legislation. We appreciate the cooperation we have had from the Democrats, as well as staff on both sides. I urge Members to vote for this very important piece of legislation.

Mr. TAUZIN. Madam Speaker, Nutria is a rodent native to South America. They weigh approximately 18 pounds and resemble a beaver. In the 1930's, they were introduced into Louisiana. Studies indicate that female nutria are capable of producing up to 15 young per year. By 1943, they were well established in our state. The population of nutria in Louisiana reached levels of 20 million—many times higher than any other state in the country.

The preferred habitat of this rodent is wetland areas. They often dig intricate tunnel and burrow systems in their home range. Nutria have been known to eat rice, sugarcane, fruit and nut trees and seedlings of bald cypress, but prefer wetlands plants. Studies suggest that they waste 90 percent of plant material while feeding on the base and root system. This root system ''holds'' our fragile wetlands areas together. When the root systems are destroyed, so are the wetlands.

Researchers in Louisiana have fenced off areas of wetland plants in known nutria breeding areas. The protected area have had wetlands plants exceed six feet in height, while the unprotected areas have literally turned into mud, and eventually, open water. Between 2000 and 2001, the area of marsh converted to open water increased by over 4500 acres as a results of nutria damage. These rodents have damaged or destroyed over 100,000 acres in Louisiana.

The State of Louisiana has spent millions of dollars responding to this crisis. Nutria have been used as a source of fur, their meat has been placed on numerous restaurant menus and marketed by Louisiana's top chefs, they have been used as a food source for alligators in farming operations and the Audubon Zoo in New Orleans used them in their animal feed. In 2001 dollars, pelts sold at levels as high as $31 each in 1931, $23 each in 1977, and today, $2.18 per pelt. In the late 1970's, trappers removed up to 1.9 million nutria per year. More recently, despite the best efforts of the state, only 987 trapping licenses were sold and less than 30,000 nutria were taken.

The American alligator is the most significant natural predator of nutria. In Louisiana, where alligator are most abundant, nutria comprise up to 60 percent of alligator diet. However, efforts to control the growing nutria population with alligator have proven insufficient. In fact, efforts to increase the alligator population to control nutria only resulted in a decrease of nutria in the alligator's diet and an increase in nutria trappers in alligator's diets.

I am happy to join my friend from Maryland, Congressman GILCHREST, in this effort to protect our fragile wetland areas from future destruction by passage of H.R. 273. As you

know, more endangered species depend upon the habitat provided by wetlands than any other environment for survival. In coastal areas, each mile of vegetated wetland also reduces storm surge by one foot—protecting these areas will save FEMA money in future natural disasters.

This bill recognizes the wetland destruction caused by nutria in Louisiana and authorizes the Department of Interior to become a partner in our state's ongoing efforts to prevent further damage to inland and coastal wetland areas as a result of nutria.

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

□ 1245

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 273.

The question was taken.

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

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

The yeas and nays were ordered.

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

REQUIRING SECRETARY OF AGRICULTURE TO PAY COSTS OF ENVIRONMENTAL REVIEWS WITH RESPECT TO CONVEYANCES UNDER EDUCATION LAND GRANT ACT

Mr. HAYWORTH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 108) to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act.

The Clerk read as follows:

H.R. 108

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

SECTION 1. COSTS OF REVIEWS FOR CONVEYANCES UNDER EDUCATION LAND GRANT ACT.

Section 202 of the Education Land Grant Act (16 U.S.C. 479a) is amended by adding at the end the following:

''(f) COSTS OF REVIEW.—The Secretary shall pay the costs of all action required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to any conveyance under this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

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

Madam Speaker, H.R. 108, which amends the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews, is an important piece of legislation for many schools, many school districts, but most of all for many students across the United States of America.

Currently the new Education Land Grant Act enacted in the 106th Congress allows the Forest Service to convey up to 80 acres of its land to school districts to renovate, expand, or construct school facilities. The act requires that land conveyed is identified for disposal in the particular forest's plan and that the conveyance cost of the survey is borne by the applicant. The Forest Service has determined this cost to be $10 per acre.

However, both conveyance of land under this act and the forest plan amendment require an environmental analysis under the National Environmental Policy Act known as NEPA. Presently the Education Land Grant Act and the interim Forest Service manual fail to indicate who bears the cost of the environmental analysis.

Madam Speaker, this is the crucial point today. In implementing this law, the Forest Service staff has administratively determined that schools that apply for a conveyance under this act would need to pay for various administrative costs, analyses, and environmental compliance assessment. In fact, Madam Speaker, the interim directive that has now finally been distributed states various costs to be borne by school districts, and, I quote now, ''Nominal costs includes the nominal fee of $10 per acre conveyed, plus all costs directly associated with the project that the Forest Service may incur to evaluate and process a school district's request to acquire National Forest Service lands under ELGA, such as, costs associated with National Environmental Policy Act compliance, document preparation, surveys, posting of property monuments, markers, or posts, and recordation.''

In fact, another memo mentioned that even staff time, that even staff time used to process requests will need to be paid by school districts.

Madam Speaker, my colleagues, what we have here is a disconnection. In the 106th Congress this body passed the new Education Land Grant Act unanimously. The other body did likewise. It was signed into law by President Clinton in his final days of office. Here we have a textbook example of elected officials, constitutional officers, doing their job. As the author of the new Education Land Grant Act, it was never my intent for a governmental bureaucracy to determine administratively that they were going to charge the rural school districts of America for their staff time. Indeed, Madam Speaker, if I am not mistaken, anyone in the employment of the United States Government serves the people, and here we have an administrative directive saying we are going to charge school district X staff time for Federal workers to work on this. This is a disconnection between the intent of Congress, the assent of the executive branch, and the execution by a bureaucracy.

Madam Speaker, the costs associated with the conveyance under ELGA are truly minimal to the Forest Service, a drop in the bucket for that agency. Here is the problem: Those same costs can prove absolutely prohibitive to school districts seeking to expand their facility. Indeed, Madam Speaker, the intent of the legislation was to offer this land at minimal costs to school districts, and our studies have borne out that in 44 of our 50 States this will have a positive impact primarily for rural districts, but the entire intent of the legislation was to allow those rural districts to focus their financial resources where they are best used, helping teachers teach and helping children learn, not to be caught up in a bureaucratic morass that would prove to be prohibitive to those districts.

So this particular piece of legislation, Madam Speaker, H.R. 108, will require the Forest Service to accept the full cost of the environmental analysis required by NEPA for these small land conveyances. This would free local school districts from burdensome administrative costs, allow them to spend funds again on what is most important, what goes on in the classroom for their students.

The Education Land Grant Act was initially passed by this Congress for the purpose of aiding local school districts. This legislation will simply direct the Forest Service to pay for any environmental analysis costs, allowing the Act to achieve its original intent of improving communities and benefiting school children across the United States.

Madam Speaker, I would ask my colleagues to join me in support of this legislation.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. CHRISTENSEN. Madam Speaker, H.R. 108 would require the Secretary of Agriculture to pay the costs of environmental reviews conducted pursuant to the Educational Land Grant Act. The majority and my colleague have already clearly and very passionately explained the bill, and we have no objection. So we support H.R. 108.

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

Mr. HAYWORTH. Madam Speaker, I thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her favorable comments.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 108.

The question was taken.

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

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

The yeas and nays were ordered.

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

McLOUGHLIN HOUSE NATIONAL HISTORIC SITE ACT

Mr. GILCHREST. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 733) to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.

The Clerk read as follows:

H.R. 733

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

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''McLoughlin House National Historic Site Act''.

(b) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) ASSOCIATION.—The term ''Association'' means the McLoughlin Memorial Association, an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(2) CITY.—The term ''City'' means Oregon City, Oregon.

(3) HISTORIC SITE.—The term ''Historic Site'' means the McLoughlin House National Historic Site which is described in the Acting Assistant Secretary of the Interior's Order of June 27, 1941, and generally depicted on the map entitled ''McLoughlin House National Historic Site'', numbered 007/80,000, and dated 12/01/01, and includes the McLoughlin House, the Barclay House, and other associated real property, improvements, and personal property.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2. FINDINGS.

Congress finds the following:

(1) On June 27, 1941, Acting Assistant Secretary of the Interior W.C. Mendenhall, by means of the authority granted the Secretary under section 2 of the Historic Sites Act of August 21, 1935, established the McLoughlin Home National Historic Site, located in the City.

(2) Since January 16, 1945, the site has been known as McLoughlin House National Historic Site.

(3) The Historic Site includes the McLoughlin House and Barclay House, which are owned and managed by the Association.

(4) The Historic Site is located in a Charter Park on Oregon City Block 40, which is owned by the City.

(5) A cooperative agreement was made in 1941 among the Association, the City, and the United States, providing for the preservation and use of the McLoughlin House as a national historic site.

(6) The Association has had an exemplary and longstanding role in the stewardship of the Historic Site but is unable to continue that role.

(7) The Historic Site has been an affiliated area of the National Park System and is worthy of recognition as part of the National Park System.

SEC. 3. MCLOUGHLIN HOUSE NATIONAL HISTORIC SITE.

(a) ACQUISITION.—The Secretary is authorized to acquire the Historic Site, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests in lands owned by the City may be acquired by donation only.

(b) BOUNDARIES; ADMINISTRATION.—Upon acquisition of the Historic Site, the acquired property shall be included within the boundaries of, and be administered as part of, the Fort Vancouver National Historic Site in accordance with all applicable laws and regulations of the National Park System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

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

Madam Speaker, H.R. 733, introduced by the gentlewoman from Oregon (Ms. HOOLEY) authorizes the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer it as part of the existing Fort Vancouver National Historic Site, which has already been established as a unit of the National Park System.

I would like to say after reading some of the information before us here this morning that I want to thank the gentlewoman from Oregon (Ms. HOOLEY) for bringing this to the floor's attention and that the ''father of Oregon,'' as it is stated here, Dr. John McLoughlin from the Hudson Bay Company, provided many weary travelers with the goods and the resources and the comfort that they needed as they traversed this great continent.

H.R. 733, introduced by Congresswoman DARLENE HOOLEY, authorizes the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer it as part of the existing Fort Vancouver National Historic Site, which has already been established as a Unit of the National Park System. The McLoughlin House, an Affiliated Area of the National Park System, has long been the beneficiary of a close working relationship between the managing entity, the McLoughlin Memorial Association, and its partner, the National Park Service. The McLoughlin Memorial Association is no longer in a position to be able to support and manage the National Historic Site. Consequently, this bill will enable the National Park Service to essentially exchange roles with the association to preserve this important historical treasure, while continuing to use the association as a resource. At the same time, the bill does not create a new park unit, but rather allows the House to be administered as part of an existing unit.

The McLoughlin House National Historic Site is named for Dr. John McLoughlin, the ''Father of Oregon'' who established the famous British Hudson Bay Company in Vancouver, Washington in 1825. Dr. McLoughlin supplied American pioneers with the goods they needed to settle and survive at their new home in Oregon.

The House passed the same language in this bill during the 107th Congress as part of a larger package. The bill still enjoys the same broad support that it did last Congress and I urge my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself such time as I may consume.

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

Mrs. CHRISTENSEN. Madam Speaker, the McLoughlin House National Historic Site in Oregon honors the achievements of John McLoughlin, commonly referred to as the ''Father of Oregon.'' The site has been preserved and managed by the McLoughlin Memorial Association since its designation as a national historic site in 1941. Unfortunately, the association is no longer in a position to be the primary management entity for this nationally very significant site and is therefore seeking Federal acquisition of the site. Once acquired, the site will be managed as part of the nearby Fort Vancouver National Historic Site.

The gentlewoman from Oregon (Ms. HOOLEY) has worked tirelessly on behalf of this legislation and is to be commended for her diligence and perseverance. The McLoughlin House site might have well begun to suffer serious deterioration had she not stepped in to preserve this important historic resource.

Madam Speaker, I yield such time as she may consume to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Madam Speaker, I thank my colleague for yielding me this time.

I thank my colleague from Maryland for his kind words.

I rise today in appreciation of my colleagues who made bringing this bill to the floor possible.

Standing 6 foot 4 inches tall, Dr. John McLoughlin cast a giant of a shadow on the early development of the Oregon frontier. For 21 years his powerful voice was the only influence of law and order over an empire 2½ times the size of Texas. He had absolute control, and he maintained it peacefully and profitably with a balance of justice. With an overwhelming sense of compassion and generosity beyond reproach, it is little wonder that he was regarded by native Americans as a ''Great White Eagle.'' John McLoughlin did indeed walk tall and cast the greatest shadow that ever fell so humbly on the changing face of Oregon.

Born in 1784 near Quebec, Canada, McLoughlin began his medical apprenticeship at age 14. In 1803 at the ripe old age of 19, he was granted his license to practice surgery and pharmacy. Soon after, Dr. McLoughlin was appointed medical officer for the North West Company, fierce competitor of Hudson's Bay Company in the fur trade. He continued there until 1821, until his acquisition by Hudson, for whom he continued working.

In 1824 Dr. McLoughlin was sent to Fort George, now Astoria, Oregon, near the mouth of the Columbia River. Charged with establishing administrative headquarters and supply depot for the expanding fur company, he was also tasked with creating a mercantile arm of the British Government with the goal of monopolizing the fur trade and maintaining peace among the numerous Indian tribes.

Upon arrival, he found the existing facility to be run down, the farmland to be poor, and the location that was in general unsuitable for his responsibilities. To remedy these deficiencies, he moved the site northwest and built a new settlement in Belle Vue Point, in what is now Washington State, and named it Fort Vancouver. The new fort was an imposing presence. It contained all the necessities for settlement with a school library, pharmacy, chapel, warehouses, smithy, and the largest manufacturing facility west of the Rockies. To the rear of the fort were fields of grain, vegetables, and an orchard for fresh fruits.

Dr. McLoughlin maintained friendly relationship with the local Indians, and in 1829 when a visiting ship brought a terrible fever that spread like wildfire, he spent countless hours tending the ill, trying to ease their suffering as much as he could. Despite his best efforts, the fever devastated the tribes and killed more than 30,000 people over the next 4 years.

Meanwhile, though, Fort Vancouver flourished under the guidance of Dr. McLoughlin. Even though he had no military forces, he was able to maintain peace and order through his personality and hard work. He was a figure larger than life.

□ 1300

His good relationship with the local Indians kept the peace on that front, and it was not until his departure that any unrest developed from that quarter.

As a reward for his enlightened stewardship, he was knighted by Buckingham Palace by Queen Victoria in 1841. During the 1840s, the British came to the realization that preventing American settlers from homesteading in Oregon was all but impossible, but they tried their best to discourage settlers from beginning the trip. Tall tales of fierce Indians, unproductive land, and terrible weather conditions were spread far and wide.

Though it violated Hudson's Bay company policy, McLoughlin sympathized with the overwhelmed and often unprepared settlers. He extended credit so they could purchase supplies, clothing and seed for planting, offered food to those who were hungry, cared for those who took ill. This personal decision by Dr. McLoughlin and the compassion he showed to these settlers proved critical to establishing American settlers and solidified U.S. claims to the territory.

By 1845, Dr. McLoughlin's disgust for Hudson's policy toward American settlers was so great he was unable to stay with the company. After his resignation, he purchased the company's land claim at Willamette Falls in Oregon City and built a residence for his family, the McLoughlin House, and took up residence in 1846.

McLoughlin remained a public figure through his retirement and became a U.S. citizen in 1849. He donated land for the jail, for a female seminary, and in 1851 was elected mayor of Oregon City. He died in his home 6 years later.

In 1941, the McLoughlin House was designated a national historic site, the first one in the West; and in 1957 Dr. John McLoughlin was named Father of Oregon by the State legislature.

Clearly, Fort Vancouver and the McLoughlin House have a long and storied history together. The intent of my legislation is to see that this history is continued by expanding the boundaries of Fort Vancouver National Historic Site to include the McLoughlin House National Historic Site.

Currently, the McLoughlin House is maintained and managed by a nonprofit group. For nearly 100 years, the association has done admirable work to preserve and maintain this historic treasure. However, over the past several years, the association has been unable to raise the funds required to provide the needed maintenance and upkeep of the property that is now in jeopardy of falling into disrepair.

The McLoughlin House National Historic Act would do what should have been done 60 years ago, include these properties as part of the National Park System, rather than creating a new unit of the National Park System. This legislation simply adds this historic treasure to the existing Fort Vancouver National Historic Site, which is already administered by the park system.

I believe this addition will preserve in perpetuity the cultural, educational, and historical benefits of this historic site for future generations. I am proud of the wide-ranging support for this legislation, from the city, county, the citizens, the congressional delegation. The citizens in Oregon City approved a ballot measure by 80 percent to allow this to go into the National Park System.

Again, I would like to thank everyone who has contributed to making this legislation possible, and I feel certain this legislation will move swiftly through the Senate and to President Bush's desk.

Again, I thank all my colleagues for their time and effort.

Mrs. CHRISTENSEN. Madam Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Madam Speaker, I thank the distinguished ranking member for yielding me time, and my dear friend, the gentlewoman from Oregon (Ms. HOOLEY).

As the proud Representative of America's Vancouver, as our Mayor Royce Pollard likes to describe it, I am privileged to represent Fort Vancouver itself.

As the gentlewoman from Oregon (Ms. HOOLEY) explained, the chief factor of Fort Vancouver in its early years was none other than John McLoughlin. He distinguished himself in numerable ways. His help to the American settlers of this region was invaluable, and many, many people described his hospitality.

Narcissa Whitman, the wife of frontier evangelist Marcus Whitman, whose statue resides in this very building, described Vancouver at the time as the ''New York of the Pacific Ocean.'' Now, mind you, it was a pretty small New York. It was a stockade-type fort. But for those who had traveled that long journey across the Oregon Trail, it was a beacon of friendship, of health care, of food and of protection. Without John McLoughlin, that would not have been possible.

I am proud to represent Vancouver, I am proud to represent Fort Vancouver, as we call it, ''Vancouver, not B.C.; Washington, not D.C.''

Madam Speaker, I commend the gentlewoman from Oregon (Ms. HOOLEY) for her initiative, and our ranking member and the Chair of the committee for their initiative in preserving this valued historical site. I urge its passage, and I urge people to come visit the birthplace of American history in the Pacific Northwest, Fort Vancouver, Washington.

Mrs. CHRISTENSEN. Madam Speaker, I yield back the balance of my time.

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

Madam Speaker, I urge my colleagues to vote for H.R. 733. I thank my friend, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), on the other side and the staff on both sides of the aisle, and certainly the two Members that spoke here this morning.

I urge passage of this important piece of legislation.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 733.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, and the Chair's prior announcement, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

Motion to instruct conferees on H.R. 1559, de novo;

Motions to suspend the rules and pass:

H.R. 273, by the yeas and nays; and

H.R. 108, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

MOTION TO INSTRUCT CONFEREES ON H.R. 1559, EMERGENCY WARTIME SUPPLEMENTAL ACT, 2003

The SPEAKER pro tempore. The pending business is the question de novo on the motion to instruct conferees on H.R. 1559 offered by the gentleman from Wisconsin (Mr. OBEY).

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the motion.

The Clerk designated the motion.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 265, nays 150, not voting 19, as follows:

[Roll No. 112]

YEAS—265

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bartlett (MD)
Barton (TX)
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Burgess
Burr
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gillmor
Gonzalez
Gordon
Granger
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hayworth
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Napolitano
Neal (MA)
Nethercutt
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Renzi
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NAYS—150

Bachus
Baker
Ballenger
Barrett (SC)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Doolittle
Dreier
Duncan
Ehlers
Feeney
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gingrey
Goode
Goodlatte
Goss
Graves
Greenwood
Gutknecht
Harris
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Isakson
Issa
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Latham
Linder
McCotter
McCrery
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Sherwood
Simmons
Simpson
Smith (MI)
Souder
Stearns
Sullivan
Tancredo
Terry
Thomas
Thornberry
Tiberi
Toomey
Turner (OH)
Vitter
Wamp
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—19

Brown, Corrine
Brown-Waite, Ginny
Combest
Davis (TN)
Davis, Tom
Gephardt
Gerlach
Hulshof
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
McCarthy (MO)
Moran (VA)
Nadler
Payne
Smith (TX)
Stupak
Taylor (NC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote.) Members are reminded there are 2 minutes remaining in this vote.

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Messrs. SAM JOHNSON of Texas, POMBO, GALLEGLY, SIMPSON and BRADLEY of New Hampshire changed their vote from ''yea'' to ''nay.''

Messrs. GREEN of Wisconsin, WALSH, LaTOURETTE, WHITFIELD, SWEENEY, FOLEY, FRELINGHUYSEN, GUTIERREZ, RENZI, FOSSELLA, LEWIS of Kentucky, WALDEN of Oregon, AKIN, LINCOLN DIAZ-BALART of Florida, MARIO DIAZ-BALART of Florida, PETERSON of Pennsylvania, BARTLETT of Maryland, EVERETT, Mrs. EMERSON, and Ms. ROS-LEHTINEN changed their vote from ''nay'' to ''yea.''

So the motion to instruct conferees was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Tennessee. Madam Speaker, on rollcall No. 112, had I been present, I would have voted ''yea.''

Stated against:

Mr. PORTMAN. Mr. Speaker, on rollcall No. 112 I inadvertently pressed the ''yea'' button. I meant to vote ''nay.''

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, REGULA, LEWIS of California, ROGERS of Kentucky, WOLF, KOLBE, WALSH, TAYLOR of North Carolina, HOBSON, ISTOOK, BONILLA, KNOLLENBERG, KINGSTON, FRELINGHUYSEN, OBEY, MURTHA, DICKS, SABO, MOLLOHAN, Ms. KAPTUR, Mr. VISCLOSKY, Mrs. LOWEY, and Messrs. SERRANO, MORAN of Virginia, and EDWARDS.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of votes in this series will be conducted as 5-minute votes.

NUTRIA ERADICATION AND CONTROL ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 273.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 273, on which the yeas and nays are ordered.

This will be a 5-minute-vote.

The vote was taken by electronic device, and there were—yeas 385, nays 30, not voting 19, as follows:

[Roll No. 113]

YEAS—385

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
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
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
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 (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
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)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—30

Barrett (SC)
Burgess
Burton (IN)
Coble
Collins
Culberson
Deal (GA)
Duncan
Everett
Feeney
Flake
Franks (AZ)
Goode
Graves
Hensarling
Hostettler
King (IA)
Miller (FL)
Norwood
Otter
Paul
Pearce
Pence
Rohrabacher
Sensenbrenner
Shadegg
Smith (MI)
Stearns
Toomey
Wamp

NOT VOTING—19

Brown, Corrine
Brown-Waite, Ginny
Combest
Davis (TN)
Davis, Tom
Gephardt
Gerlach
Hulshof
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
McCarthy (MO)
Moran (VA)
Nadler
Payne
Stupak
Taylor (NC)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). The Chair will remind Members that less than 1 minute remains in this vote.

□ 1340

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Tennessee. Madam Speaker, on rollcall No. 113, had I been present, I would have voted ''yea.''

REQUIRING SECRETARY OF AGRICULTURE TO PAY COSTS OF ENVIRONMENTAL REVIEWS WITH RESPECT TO CONVEYANCES UNDER THE EDUCATION LAND GRANT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 108.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 108, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 8, not voting 20, as follows:

[Roll No. 114]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
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
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson

John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—8

Flake
Franks (AZ)
Rohrabacher
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Stearns

NOT VOTING—20

Brown, Corrine
Brown-Waite, Ginny
Combest
Davis, Tom
Gephardt
Gerlach
Honda
Hulshof
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
Matsui
McCarthy (MO)
Moran (VA)
Nadler
Payne
Stupak
Taylor (NC)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that there are less than 2 minutes remaining in this vote.

□ 1347

Mr. MILLER of Florida changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1119

Mr. SIMMONS. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1119.

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

There was no objection.

NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE ACT OF 2003

Mr. MANZULLO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 205) to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes

The Clerk read as follows:

H.R. 205

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 ''National Small Business Regulatory Assistance Act of 2003''.

SEC. 2. PURPOSE.

The purpose of this Act is to establish a program to—

(1) provide confidential assistance to small business concerns;

(2) provide small business concerns with the information necessary to improve their rate of compliance with Federal and State regulations;

(3) create a partnership among Federal agencies to increase outreach efforts to small business concerns with respect to regulatory compliance;

(4) provide a mechanism for unbiased feedback to Federal agencies on the regulatory environment for small business concerns; and

(5) utilize the service delivery network of Small Business Development Centers to improve access of small business concerns to programs to assist them with regulatory compliance.

SEC. 3. DEFINITIONS.

In this Act, the definitions set forth in section 36(a) of the Small Business Act (as added by section 4 of this Act) shall apply.

SEC. 4. SMALL BUSINESS REGULATORY ASSISTANCE PROGRAM.

The Small Business Act (15 U.S.C. 637 et seq.) is amended—

(1) by redesignating section 36 as section 37; and

(2) by inserting after section 35 the following new section:

''SEC. 36. SMALL BUSINESS REGULATORY ASSISTANCE PROGRAM.

''(a) DEFINITIONS.—In this section, the following definitions apply:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers.

''(2) ASSOCIATION.—The term 'Association' means the association recognized by the Administrator of the Small Business Administration under section 21(a)(3)(A).

''(3) PARTICIPATING SMALL BUSINESS DEVELOPMENT CENTER.—The term 'participating Small Business Development Center' means a Small Business Development Center participating in the program.

''(4) PROGRAM.—The term 'program' means the regulatory assistance program established under this section.

''(5) REGULATORY COMPLIANCE ASSISTANCE.—The term 'regulatory compliance assistance' means assistance provided by a Small Business Development Center to a small business concern to enable the concern to comply with Federal regulatory requirements.

''(6) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'Small Business Development Center' means a Small Business Development Center described in section 21.

''(7) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

''(b) AUTHORITY.—In accordance with this section, the Administrator shall establish a program to provide regulatory compliance assistance to small business concerns through participating Small Business Development Centers, the Association, and Federal compliance partnership programs.

''(c) SMALL BUSINESS DEVELOPMENT CENTERS.—

''(1) IN GENERAL.—In carrying out the program, the Administrator shall enter into arrangements with participating Small Business Development Centers under which such centers will provide—

''(A) access to information and resources, including current Federal and State nonpunitive compliance and technical assistance programs similar to those established under section 507 of the Clean Air Act Amendments of 1990;

''(B) training and educational activities;

''(C) confidential, free-of-charge, one-on-one, in-depth counseling to the owners and operators of small business concerns regarding compliance with Federal and State regulations, provided that such counseling is not considered to be the practice of law in a State in which a Small Business Development Center is located or in which such counseling is conducted;

''(D) technical assistance; and

''(E) referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator.

''(2) REPORTS.—

''(A) IN GENERAL.—Each participating Small Business Development Center shall transmit to the Administrator a quarterly report that includes—

''(i) a summary of the regulatory compliance assistance provided by the center under the program; and

''(ii) any data and information obtained by the center from a Federal agency regarding regulatory compliance that the agency intends to be disseminated to small business concerns.

''(B) ELECTRONIC FORM.—Each report referred to in subparagraph (A) shall be transmitted in electronic form.

''(C) INTERIM REPORTS.—A participating Small Business Development Center may transmit to the Administrator such interim reports as the center considers appropriate.

''(D) LIMITATION ON DISCLOSURE REQUIREMENTS.—The Administrator may not require a Small Business Development Center to disclose the name or address of any small business concern that received or is receiving assistance under the program, except that the Administrator shall require such a disclosure if ordered to do so by a court in any civil or criminal action.

''(d) DATA REPOSITORY AND CLEARINGHOUSE.—

''(1) IN GENERAL.—In carrying out the program, the Administrator shall—

''(A) act as the repository of and clearinghouse for data and information submitted by Small Business Development Centers; and

''(B) transmit to the President, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives an annual report that includes—

''(i) a description of the types of assistance provided by participating Small Business Development Centers under the program;

''(ii) data regarding the number of small business concerns that contacted participating Small Business Development Centers regarding assistance under the program;

''(iii) data regarding the number of small business concerns assisted by participating Small Business Development Centers under the program;

''(iv) data and information regarding outreach activities conducted by participating Small Business Development Centers under the program, including any activities conducted in partnership with Federal agencies;

''(v) data and information regarding each case known to the Administrator in which one or more Small Business Development Centers offered conflicting advice or information regarding compliance with a Federal or State regulation to one or more small business concerns;

''(vi) any recommendations for improvements in the regulation of small business concerns; and

''(vii) a list of regulations identified by the Administrator, after consultation with the Small Business and Agriculture Regulatory Enforcement Ombudsman, as being most burdensome to small business concerns, and recommendations to reduce or eliminate the burdens of such regulations.

''(e) ELIGIBILITY.—

''(1) IN GENERAL.—A Small Business Development Center shall be eligible to receive assistance under the program only if the center is certified under section 21(k)(2).

''(2) WAIVER.—With respect to a Small Business Development Center seeking assistance under the program, the administrator may waive the certification requirement set forth in paragraph (1) if the Administrator determines that the center is making a good faith effort to obtain such certification.

''(3) EFFECTIVE DATE.—The restriction described in paragraph (1) shall not apply to any Small Business Development Center before October 1, 2003.

''(f) SELECTION OF PARTICIPATING STATE PROGRAMS.—

''(1) ESTABLISHMENT OF PROGRAM.—In consultation with the Association and giving substantial weight to the Association's recommendations, the Administrator shall select the Small Business Development Center programs of 2 States from each of the following groups of States to participate in the program:

''(A) Group 1: Maine, Massachusetts, New Hampshire, Connecticut, Vermont, and Rhode Island.

''(B) Group 2: New York, New Jersey, Puerto Rico, and the Virgin Islands.

''(C) Group 3: Pennsylvania, Maryland, West Virginia, Virginia, the District of Columbia, and Delaware.

''(D) Group 4: Georgia, Alabama, North Carolina, South Carolina, Mississippi, Florida, Kentucky, and Tennessee.

''(E) Group 5: Illinois, Ohio, Michigan, Indiana, Wisconsin, and Minnesota.

''(F) Group 6: Texas, New Mexico, Arkansas, Oklahoma, and Louisiana.

''(G) Group 7: Missouri, Iowa, Nebraska, and Kansas.

''(H) Group 8: Colorado, Wyoming, North Dakota, South Dakota, Montana, and Utah.

''(I) Group 9: California, Guam, Hawaii, Nevada, and Arizona.

''(J) Group 10: Washington, Alaska, Idaho, and Oregon.

''(2) DEADLINE FOR INITIAL SELECTIONS.—The Administrator shall make selections under paragraph (1) not later than 60 days after promulgation of regulations under section 5 of the National Small Business Regulatory Assistance Act of 2003.

''(3) ADDITIONAL SELECTIONS.—Not earlier than the date 3 years after the date of the enactment of this paragraph, the Administrator may select Small Business Development Center programs of States in addition to those selected under paragraph (1). The Administrator shall consider the effect on the programs selected under paragraph (1) before selecting additional programs under this paragraph.

''(4) COORDINATION TO AVOID DUPLICATION WITH OTHER PROGRAMS.—In selecting programs under this subsection, the Administrator shall give a preference to Small Business Development Center programs that have a plan for consulting with Federal and State agencies to ensure that any assistance provided under this section is not duplicated by an existing Federal or State program.

''(g) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4) shall not apply to assistance made available under the program.

''(h) DISTRIBUTION OF GRANTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), each State program selected to receive a grant under subsection (f) in a fiscal year shall be eligible to receive a grant in an amount not to exceed the product obtained by multiplying—

''(A) the amount made available for grants under this section for the fiscal year; and

''(B) the ratio that—

''(i) the population of the State; bears to

''(ii) the population of all the States with programs selected to receive grants under subsection (f) for the fiscal year.

''(2) MINIMUM AMOUNT.—The minimum amount that a State program selected to receive a grant under subsection (f) shall be eligible to receive under this section for any fiscal year shall be $200,000. The Administrator shall reduce the amount described in paragraph (1) as appropriate to carry out the purposes of this paragraph and subsection (j)(2).

''(i) EVALUATION AND REPORT.—Not later than 3 years after the establishment of the program, the Comptroller General of the United States shall conduct an evaluation of the program and shall transmit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report containing the results of the evaluation along with any recommendations as to whether the program, with or without modification, should be extended to include the participation of all Small Business Development Centers.

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2003 and each fiscal year thereafter.

''(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the program only with amounts appropriated in advance specifically to carry out this section.''.

SEC. 5. PROMULGATION OF REGULATIONS.

After providing notice and an opportunity for comment and after consulting with the Association (but not later than 180 days after the date of the enactment of this Act), the Administrator shall promulgate final regulations to carry out this Act, including regulations that establish—

(1) priorities for the types of assistance to be provided under the program;

(2) standards relating to educational, technical, and support services to be provided by participating Small Business Development Centers;

(3) standards relating to any national service delivery and support function to be provided by the Association under the program;

(4) standards relating to any work plan that the Administrator may require a participating Small Business Development Center to develop; and

(5) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the program.

SEC. 6. PRIVACY REQUIREMENTS APPLICABLE TO SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c) of the Small Business Act (15 U.S.C. 648(c)) is amended by adding at the end the following:

''(9) PRIVACY REQUIREMENTS.—

''(A) IN GENERAL.—No Small Business Development Center, consortium of Small Business Development Centers, or contractor or agent of a Small Business Development Center shall disclose the name or address of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, except that—

''(i) the Administrator shall require such disclosure if ordered to do so by a court in any civil or criminal action; and

''(ii) if the Administrator considers it necessary while undertaking a financial audit of a Small Business Development Center, the Administrator shall require such disclosure for the sole purpose of undertaking such audit.

''(B) REGULATIONS.— The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under subparagraph (a)(ii).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

GENERAL LEAVE

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

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

There was no objection.

Mr. MANZULLO. Madam Speaker, H.R. 205 is identical to legislation this House passed unanimously on October 2, 2001. Unfortunately, this bill did not pass the Senate last year. We are here today to try again.

H.R. 205 was so strongly supported by the Committee on Small Business that

both the ranking member and I decided to skip the markup process and bring this bill straight to the House floor. It contains all the compromises within our committee and with the Senate. For those interested in the legislative history of the bill, I would encourage them to examine the committee's report from the 107th Congress on H.R. 205.

This bill is designed to help small businesses cope with the maze of Federal, State and local regulations that have created such a heavy burden on Main Street America. Every day we all receive complaints from our constituents about their inability to understand regulations that are written in legalese rather than in plain English and about arbitrary actions taken by some regulatory agencies.

Instead of creating a new program, H.R. 205 uses the existing Small Business Development Center network to provide regulatory compliance assistance to small businesses. The SBDC network has a good track record with small businesses. Because many small business owners fear going to regulatory agencies for compliance advice, SBDCs can serve as a buffer so that small business can receive the hands-on assistance it needs without retribution.

Already this fiscal year, the Small Business Administration received an additional $1 million appropriation for SBDCs to provide regulatory compliance assistance to small businesses. H.R. 205 simply builds upon this initial first step. In addition, the legislation includes enhanced privacy protections for small business clients of SBDCs.

I urge my colleagues to support H.R. 205.

Madam Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Speaker, I yield myself as much time as I may consume.

Today, I rise in strong support of H.R. 205, the National Small Business Regulatory Assistance Act of 2003, which would establish a regulatory compliance assistance program to this Nation's small businesses. I thank the gentleman from New York (Mr. SWEENEY) for his hard work on this issue and congratulate him for bringing this bill to the floor.

With the American economy still struggling, it is now more important than ever to make it easier for small businesses, this Nation's economic backbone, to expand. In today's business environment, one of the greatest obstacles standing in the way of growth for many of this Nation's small businesses is regulatory compliance. Small businesses regularly find themselves lost in the maze of Federal regulations that are designed to create safer and healthier workplaces.

In fact, regulatory burdens are typically ranked as a top concern for small businesses, and the Small Business Administration estimates those burdens cost almost $7,000 per employee per year. That is 60 percent higher than costs for businesses with more than 500 employees.

Small firms are less equipped to deal with regulations than large corporations. Business owners want to comply with regulations because they know that a safe and healthy workplace makes them more productive, but often they do not know how to comply or where to start.

With the adoption of this legislation, we take a big step in helping our Nation's small businesses to navigate the regulatory process with passage of the National Small Business Regulatory Assistance Act. This legislation establishes a 3-year pilot program to provide confidential and nonpunitive advice to small businesses that are trying to weather a blizzard of complex Federal regulations.

Business owners sometimes fear approaching agencies for compliance assistance because these are the very agencies charged with enforcement. They worry, Can I talk about OSHA requirements with the labor Department? Can I discuss environmental regulations with the EPA?

By creating a compliance program through the Small Business Development Centers national network, we will provide a neutral, non-threatening environment small business owners use to get important information and advice without fear of retaliation.

The SBDCs, which have a solid reputation for aiding local enterprise, already provide counseling, training and education. This legislation creates a one-stop shop for regulatory compliance that will help small business owners who want to do the right thing to do the right thing.

In addition, this legislation would establish a database clearinghouse for information gathered by the SBDCs based on their interaction with local businesses. This data will be useful in further identifying the compliance needs of small business and tailoring assistance to them.

While SBDCs provide more compliance assistance and gather more information, we must ensure that the sensitive information brought forward by small business is kept absolutely confidential. This legislation guarantees privacy for those who receive compliance assistance and extends these protections to all small businesses that seek any assistance from their local SBDC.

This legislation bars the sharing of information that any SBDC collects on a business with any third body or agency. This will guarantee that small businesses receive the assistance they need in complete confidence and privacy.

Madam Speaker, we want all our small businesses to comply with the regulations that preserve the health, environment, and well-being of our workers and our communities; but oftentimes, small businesses do not have access to the resources they need if they want to comply with regulations in good faith. With the adoption of this legislation, we are giving small businesses the support they need to navigate the often complex realm of Federal regulations.

In closing, let me thank the gentleman from New York (Mr. SWEENEY) for this bill. I strongly urge the adoption of this legislation.

Madam Speaker, I reserve the balance of my time.

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

Sometime ago, the gentleman from New York (Mr. SWEENEY) came to me and said, Chairman, I have got a very interesting piece of legislation; and I took a look at it, and this is the type of legislation that really helps out small business people.

The gentleman from New York (Mr. SWEENEY) is the former labor commissioner for the State of New York, undoubtedly proud of Syracuse, and even though I am a graduate of Marquette, I am still here supporting the bill.

He explained how difficult it is, and I agree with him, for small business people to understand the web of regulations. He has experience in the private/public sector.

Madam Speaker, I yield as much time as he may consume to the gentleman from the Empire State (Mr. SWEENEY), whose idea fostered this legislation.

Mr. SWEENEY. Madam Speaker, I thank the gentleman for recognizing me; but more particularly, I would like to thank the chairman for his persistence in pursuing this matter.

As he mentioned, several years ago, I introduced the original of H.R. 205, the National Small Business Regulatory Assistance Act, passed it through the Committee on Small Business, passed it through the floor here; and unfortunately, we were not able to get the bill passed through the Senate and get our work completed.

The Chairman has stayed with us on this issue, and through his diligence we have been able to get it back on the floor, and I want to thank my friend and ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), because I know she, too, has been very committed and very persistent in pursuing this matter; and I am very, very thankful.

Madam Speaker, we strive in this era, in this time to find different ways to help the American economy as we travel down the road to recovery. We try to find ways that we can instill public confidence in our economy; and I think it is imperative that we in Congress, despite all of the other activity going on around us, continue to work in small ways and large ways and in any way we can to help the American economy.

□ 1400

And I think this bill really is an effort on the part of this House to make a concerted effort to aid the cornerstone of the American economy, and

that is the small business. The spirit of entrepreneurship is really a characteristic specifically unique to America. Recognized in that spirit is really the heroism and the important role that small business entrepreneurs and proprietors provide for the American economy in terms of jobs, opportunity, and even technology.

As Members of Congress, we receive the Federal Register daily in our offices. Though these documents are filed for safekeeping and reference, they are rarely poured over for specific details. However, for the average small business owner to understand his or her legal obligations as entrepreneurs trying to create these jobs, they have to be carefully analyzed, the Federal Registry, that is, to understand the ever-changing regulations to which the businesses are subjected.

I believe additional measures need to be taken to better assist small business owners in their compliance with Federal guidelines and statutes. H.R. 205 relieves the burden shouldered by the average small business owner throughout America.

In the 106th Congress, Mr. Speaker, this body passed the National Small Business Regulatory Assistance Act as a pilot program. In the 107th Congress, both the House and the Senate adopted versions of this bill, though they are nonconforming, and as I said before, no final action was taken before Congress adjourned. I was encouraged by the bipartisan enthusiasm for this program and have conferred with our colleagues in the Senate to work out technical disagreements with prior language, so it is my hope that H.R. 205 will receive the approval of both the House and the Senate in the near future so as to move forward in our efforts to increase the lifespan of American small businesses.

In the 108th Congress, the National Small Business Regulatory Assistance Act will function as a permanent project, not a pilot program. This legislation will establish small business compliance centers in 20 American States and territories. These facilities will provide assistance to small business owners, allowing them to better comply with regulatory guidelines and ease the burden of critical yet overworked small business development centers. It is important to note that H.R. 205 will not replace current regulatory compliance programs but complement them.

Mr. Speaker, the Small Business Administration does an exceptional job promoting the development of enterprise in our country. However, the current structure can only do so much. We need to better serve the small business community once they are given a leg to stand on. The Federal Government has invested a great deal in America's courageous entrepreneurs. By providing small business owners the necessary assistance to comply with ever-changing regulations, Congress will solidify the very foundation of the American economy.

Mr. Speaker, with that, I urge all my colleagues to support and pass H.R. 205, this bill, and I want to once again recognize the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ) for their great work and their persistence in staying with this bill and this idea.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I want to join in the remarks of my colleague from New York in thanking both my ranking minority member and my chair on the Committee on Small Business, a committee that I am very proud and happy to serve on, for their great bipartisan efforts. I also again thank the gentleman from New York (Mr. SWEENEY) for allowing me to cosponsor what I think is a very important bill for small businesses in our country.

I do not think we have to recite at any great length that small business is in fact the engine of our economy. This is especially true in Hawaii where small businesses represent 97 percent of all businesses. And it is not just small business as a category carried by the Federal Government, we are talking about the grassroots of small business in Hawaii. We are talking about businesses where 34 percent have annual sales, gross revenues of under $250,000, where well over 85 percent of all businesses have 10 or fewer full-time employees, and 69 percent 5 or fewer full-time employees.

When we ask those small businesses what are the challenges they face, no different from anywhere else in our country, they will say that their challenges are taxes and regulations. Now, we can deal with taxes some other place in some other debate, but today we are dealing with regulations. And for a small business, and those of us that have been in small business know this, government regulation means time and it means attorneys. And time and attorneys means money. And money for a small business on a thin margin means the difference between survival and failure. And to take it a step further, that in turn means the difference between government revenues coming about or not. So it is in all of our interests to deal with the regulatory situation, and this bill does that.

Let me give my colleagues a hard core example from my own home State. My big island, my home island, the big Island of Hawaii. There is a region of the Island of Hawaii known as Hamakua. And there is a town in Hamakua known as Honokaa. And Hamakua, as I was growing up on that island, was a sugar community. And Honokaa was a sugar town. And in the last 10 or 15 years, sugar has faded away. As I walk down the streets of Honokaa today, there is a revival; but it is a revival of small business, not of a large scale industry. As I walk down that street, that street is full of small businesses trying to survive and prosper. They are bringing about a revival of a rural economy in an area that needs to retain its employment.

Now, what concerns them? Taxes and regulation. They do not have great access to explanations of what is and is not the proper Federal Government regulation. They hardly have access to the Federal Register. They do not have too many attorneys in town, even if they could afford to pay them. But they do have a small business development center a few miles away in the town of Hilo. If they can go to that small business development center for free confidential advice on what Federal regulations are, that will make a world of difference to those small businesses, and that town will survive and that region will survive and prosper, and my island will survive and prosper, as will my State and country.

So we can easily see the benefit of this legislation as we go forward. And the benefit of this legislation, again, is to state that basically where our Federal Government does implement and impose regulation on the small businesses of our country, I believe and this legislation says that we also inherit a duty on the part of the Federal Government to ensure that the people that are subject to those regulations understand them and are able to comply with them. These are small businesses that want to comply, but the challenge is to comply fully and with the minimum expenditure of money so that that money can be put into investing in that company and producing tax revenues for all of us.

So this is a good bill. This is a bipartisan bill. This is an example of what we can do together. And again I commend the chair and the ranking minority member of the committee that I am proud to serve on, as well as the gentleman from New York (Mr. SWEENEY), and pledge my support to this and urge that it go forward.

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

Ms. VELÁZQUEZ. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, let me commend the chairman, the gentleman from Illinois (Mr. MANZULLO) and the ranking member, the gentlewoman from New York (Ms. VELÁZQUEZ), for bringing this legislation to the floor.

Mr. Speaker, small businesses are the economic engine that drive America because they create three-fourths of all new jobs, employ half our workers, account for half of our gross domestic product, and contribute more than 55 percent of innovations. Small businesses have and will continue to pull the U.S. economy out of recession. They anchor our neighborhoods, employ and train our workers, and take care of our families. They are the reason that the U.S. economy is the strongest in the world.

Despite all their contributions, small businesses face many obstacles. One of

these obstacles is the expanding volumes of regulations where small businesses are mandated to learn and comply with government guidelines. The number of Federal regulations has nearly doubled over the past 20 years. The Federal Register, the resource book of Federal regulatory initiatives and changes, has increased to nearly 80,000 pages. With these kinds of rules and regulations, small businesses are finding themselves confused and often lost in piles of regulatory paperwork. It is difficult in this economy for small businesses to grow and prosper. The excess Federal Government paperwork requirements cost the economy about $100 billion a year. Much of this cost is paid by small business owners.

Mr. Speaker, this is the reason why I support the passage of H.R. 205, the National Small Business Regulatory Act of 2003. This bill requires the Small Business Administration to enter into an agreement with participating small business development centers to provide small businesses with the information necessary to improve their rate of compliance with Federal and State regulations. Businesses would receive confidential, free, one-on-one, in-depth counseling regarding compliance with Federal and State regulations and would indeed receive referrals to experts and other providers of compliance assistance.

Again, Mr. Speaker, I commend the chairman (Mr. MANZULLO) and the ranking member. I think that this is probably one of the most bipartisan committees in the House. It is a committee that does indeed work well together and it is indeed a committee that turns out legislation like this bill that I am pleased to support.

Mr. MANZULLO. Mr. Speaker, I continue to reserve the balance of my time.

Ms. CHRISTENSEN. Mr. Speaker, I rise today in support of H.R. 205, The National Small Business Regulatory Assistance Act of 2003. This bill amends the Small Business Act to direct the establishment of a program which would provide regulatory compliance assistance to small businesses through participating Small Business Development Centers (SBDCs), the Association for SBDCs, and Federal compliance partnership programs.

Mr. Speaker, my colleagues and I on the Small Business Committee have dedicated much time and energy to addressing the issue small business' burden of complying with federal regulations. One of the greatest challenges facing small business owners is understanding and affording their regulatory requirements. Often, small businesses are so heavily penalized for non-compliance with regulatory requirements, that they are forced out of business. Imagine being a small business, in the current state of our economy, and being faced with paying a $73,000.00 penalty for not submitting enough ''supporting documentation.'' Mr. Speaker, this is not hypothetical—it is reality.

The House Small Business Committee has held many hearings to examine the myriad of regulations that small businesses are subjected to. For example, it is estimated that the Medicaid/Medicare program, alone, has over 100,000 pages of laws and regulations. The Center for Medicare and Medicaid Services has over 200 forms that generate 1.7 million annual responses from health care providers. These forms consume over 100 million hours every year that health care providers could have been using to treat patients.

Committee and Member staff often serve as an intermediary between small businesses and the federal government in resolving federal regulatory compliance issues. What we are doing in this bill is expanding the scope of the SBDC network to educate small business owners to ensure greater compliance of federal regulations. There are more than 1,000 SBDC service locations in the United States, Puerto Rico, US Virgin Islands, Guam and American Samoa. By using the SBDC network to conduct this pilot program, H.R. 205 ensures that American entrepreneurs receive regulatory information in a proven vessel.

Last Congress, this legislation passed the House but did not get signed into law. I continued support until we are finally able to adopt this into law. I would also like to commend Representative SWEENEY for continuing to move this bill forward.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 205.

I support H.R. 205 because the National Small Business Regulatory Assistance Act of 2003 establishes valuable programs that help America's small businesses and entrepreneurs.

H.R. 205 helps small businesses by establishing a program that provides confidential assistance to small business concerns, and provides small businesses with the information needed to improve their compliance with Federal and State regulatory agencies.

H.R. 205 also enhances the role of federal and state regulatory agencies by creating a partnership among various Federal agencies to increase outreach efforts to small businesses, and utilizes the service delivery network of Small Business Development Centers to assist small businesses with access to programs and assistance with regulatory compliance.

The positive impact of Small Business Development Centers on small businesses and local economies can be seen by looking at the Small Business Development Center (SBDC) at the University of Houston in my home District.

The University of Houston SBDC provides many services including business management, government procurement, and international trade assistance. It also provides training and consulting services. The Houston SBDC has helped many small businesses excel in Houston's business market. Each year the SBDC gives awards to Houston's Top 100 growing businesses. In 2002, in part because of the efforts of the SBDC, a small business Houston floral products distribution business, Arko Associates, Inc., experienced 191% growth. Another small business Smart Kids Software, an education software firm, experienced 199% growth. Each of these businesses made the Houston Top 100.

These small businesses enhance the quality of life in our local communities.

H.R. 205 provides the services and regulatory compliance assistance to help many small businesses and entrepreneurs stay in business.

I support H.R. 205.

Ms. VELÁZQUEZ. Mr. Speaker, I urge the adoption of this bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 205.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECOGNIZING THE 40TH ANNIVERSARY OF THE SINKING OF THE U.S.S. ''THRESHER''

Mr. BRADLEY of New Hampshire. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 170) recognizing the 40th anniversary of the sinking of the U.S.S. *Thresher*.

The Clerk read as follows:

H. RES. 170

Whereas the U.S.S. Thresher was first launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas, with a crew of 16 officers, 96 sailors, and 17 civilians, the U.S.S. Thresher departed Portsmouth Naval Shipyard for her final voyage on April 9, 1963;

Whereas the military and civilian mix of the U.S.S. Thresher crew reflects the unity of the naval submarine service in the protection of the United States;

Whereas at approximately 7:47 a.m. on April 10, 1963, while in communication with the surface ship U.S.S. Skylark, and approximately 300 miles off the coast of New England, the U.S.S. Thresher began her final descent;

Whereas, on April 10, 1963, the U.S.S. Thresher was declared lost with all hands;

Whereas the loss of the U.S.S. Thresher gave rise to the SUBSAFE program, which has kept United States' submariners safe at sea as the strongest and safest submarine force in history;

Whereas the loss of the U.S.S. Thresher gave rise to an ocean engineering curricula in institutions of higher education that has enabled and sustained the United States' preeminence in submarine warfare; and

Whereas the crew of the U.S.S. Thresher demonstrated the ''last full measure of devotion'' in service to the United States, and this devotion characterizes the sacrifices of all submariners, past and present: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 40th anniversary of the sinking of the U.S.S. Thresher;

(2) remembers with profound sorrow the loss on April 10, 1963, of the U.S.S. Thresher and her gallant crew of sailors and civilians;

(3) expresses its deepest gratitude to all submariners on ''eternal patrol'', who are

forever bound together by their dedicated and honorable service to the United States; and

(4) requests the Clerk of the House of Representatives to transmit a copy of this resolution to the Chief of Naval Operations and to the Commanding Officer of the Portsmouth Naval Shipyard to be accepted on behalf of the families and shipmates of the crew of the U.S.S. Thresher.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BRADLEY) and the gentleman from Arkansas (Mr. SNYDER) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BRADLEY).

GENERAL LEAVE

Mr. BRADLEY of New Hampshire. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 170, the resolution under consideration.

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

There was no objection.

Mr. BRADLEY of New Hampshire. Mr. Speaker, I yield myself such time as I may consume, and I rise today to honor the memory of the crew of the U.S.S. *Thresher,* an American nuclear submarine which was lost with all hands during sea trials off the coast of Cape Cod 40 years ago.

The *Thresher* was the first of a new class of nuclear submarines that would prove to be instrumental in ending the Cold War. I speak today to commend the bravery and heroism of 129 men who lost their lives in this terrible accident, and to honor all of our men and women in the armed services who have given their lives to protect our freedoms.

The nuclear attack submarine, U.S.S. *Thresher,* was commissioned on August 3, 1961 under the command of Commander Dean Axene. This was the second ship to carry the name *Thresher,* and was built at the Portsmouth Naval Shipyard. The Portsmouth Naval Shipyard has a long and distinguished history of building and maintaining the Navy's submarine fleet. During World War II, Portsmouth established a record for building the largest number of submarines during a single calendar year, 31 in 1944.

On October 18 of that year, the *Thresher* sailed south to Puerto Rico, where she conducted sea trials of her weapon systems and diving mechanisms. Upon completion of these extensive tests, the *Thresher* returned to her home port of Portsmouth for an overhaul before commencing active duty. After finishing the overhaul, she was escorted by the U.S.S. *Skylark* to an area 300 miles off the coast of Cape Cod, Massachusetts.

□ 1415

There she conducted a series of deep-diving tests. During one of these tests, the *Skylark* received a number of garbled transmissions from the *Thresher,* followed by what sounded like rushing water. After an extended loss of communications with the submarine, a search and rescue team was deployed. In April 1963, it was determined that she had gone down taking all 129 lives of her crew.

The brave men who served on this submarine died while in service of their country, but their sacrifice was not in vain because from this tragic accident came the creation of the United States Navy SUBSAFE program. This program increased the standards of all United States Naval submarines' reserve buoyancy, allowing submarines to rise to the surface more quickly and easily, even when damaged or flooding. Because of the success of this program, the United States Navy has the safest submarine force in history.

It is important not to forget the role that the United States submarine fleet played in winning the Cold War. It was the power and strength of the United States submarines that provided an invaluable deterrence which enabled the United States to win the Cold War and end the threat of Soviet aggression.

The submarine crews who gave their lives while protecting the United States made the ultimate sacrifice for their country and should be honored as they stand on eternal patrol. During this time of conflict and unrest, I believe we must pay tribute to the crew of the *Thresher* and all submarine crews who have given their lives to protect the freedoms and liberties that we enjoy as American citizens. I urge strong support for this resolution.

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

Mr. SNYDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in strong support of H. Res. 170, a resolution to commemorate the 40th anniversary of the tragedy of the USS *Thresher,* and I thank the gentleman from New Hampshire (Mr. BRADLEY) for bringing this resolution forward. The gentleman from New Hampshire and I jointly represent almost all of the workforce at Portsmouth Naval Shipyard where the *Thresher* was built in 1961 and which continues to serve a vital function for the Navy in submarine repair and overhaul.

Mr. Speaker, 40 years ago 129 sailors, officers and civilians lost their lives when the USS *Thresher* went down off the coast of Cape Cod. It was one of the worst peacetime submarine disasters in history. The *Thresher* was the lead ship of a new class of nuclear-powered submarines. Following commissioning in August 1961, the *Thresher* spent the next year and a half in sea trials to test its technological enhancements. It returned to Portsmouth Naval Shipyard for overhaul.

On April 9, 1963, the *Thresher* departed for deep-sea training. The next morning as the boat was near its maximum depth, something went wrong. The *Thresher's* crew notified its companion ship on the surface, the USS *Skylark,* that it was experiencing minor difficulties. The *Skylark* then received ominous but less clear signals, and soon realized that the *Thresher* had sunk to the depths with all souls on board.

Despite a depth of 8,400 feet, the Navy located the wreckage. It was able to investigate and discovered the likely cause of the catastrophe. A leak in the engine room seawater system had caused a reactor shutdown, and left the sub insufficient power to resurface. The loss of the *Thresher* and its crew left an important legacy for future generations of submariners.

The Navy subsequently implemented new procedures such as the SUBSAFE program to ensure that no submarine would ever again enter the water without a full safety certification and rigorous test program. These changes have benefited the Navy and saved lives over the last 4 decades.

This week, memorials are being conducted at the Portsmouth Naval Shipyard to mark the 40th anniversary of the tragedy. This resolution pays tribute to the crew of the USS *Thresher,* who continue to be remembered throughout New England for their bravery and sacrifice. Today we offer our remembrance and our gratitude to them and express our sorrow to the families they left behind.

Again, I appreciate the gentleman from New Hampshire (Mr. BRADLEY) in bringing forth this resolution and ask the whole House to join us in honoring the lost crew of the *Thresher.*

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

Mr. Speaker, I appreciate this resolution being brought to the House floor today. April 10, 1963, marks the 40th anniversary for the loss of the *Thresher* and brings home once again the dangers inherent in military service, particularly with regard to new technology.

Our edge militarily in America has been and will continue to be our technology, but with new technology comes unexpected risks; and that is what was seen with the *Thresher.*

A word about nuclear-powered submarines, and that is that not only did these men demonstrate courage, but also the very nature of their work demonstrates intelligence, high levels of education, long-term commitments to the submarine service and to the nuclear force. We also have to recognize the dedication and perseverance of their family members who have to share with them their commitment to nuclear submarines.

So today we pay tribute to the 129 men, including 17 civilians, who were lost 40 years ago and now rest at 8,400 feet in the ocean. I thank the gentleman from New Hampshire (Mr. BRADLEY) for bringing this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my deepest sympathies to the crew and families that perished with the

USS *Thresher.* On board was a crew of 16 officers, 96 sailors and 17 civilians, and on April 10, 1963, the submarine was declared lost with all hands.

I am in support of the House Resolution 170, in recognizing the 40th anniversary of the sinking of the USS *Thresher*. I hope we all can take a moment to remember with profound sorrow the loss of those brave and gallant people aboard, both sailors and civilians.

I also want to take this time to express my deepest gratitude to all submariners on ''eternal patrol.'' These men and women are forever bound together by their dedicated and honorable service to the United States, and we thank you for taking such pride in this honor.

The loss of the USS *Thresher* gave rise to the SUBSAFE program. This has kept United States Submariners safe at sea, and we have the safest and strongest submarine fleet in history. Its loss also gave rise to furthering oceanic studies, so we can continue to protect the men and women who serve our nation so well.

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

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New Hampshire (Mr. BRADLEY) that the House suspend the rules and agree to the resolution, H. Res. 170.

The question was taken.

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

Mr. BRADLEY of New Hampshire. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

EXPRESSING CONDOLENCES OF HOUSE OF REPRESENTATIVES TO ASSASSINATION OF PRIME MINISTER ZORAN DJINDJIC OF SERBIA

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 149) expressing the condolences of the House of Representatives in response to the assassination of Prime Minister Zoran Djindjic of Serbia, and for other purposes.

The Clerk read as follows:

H. RES. 149

Whereas Prime Minister Zoran Djindjic symbolized the hopes of a new generation of Serbs exhausted by decades of war and turmoil until he was felled by 2 sniper bullets in front of his office in the center of Belgrade on Wednesday, March 12, 2003;

Whereas Djindjic's killing was a heinous attack on democracy;

Whereas Zoran Djindjic was born on August 1, 1952, in Bosnia and became politically active during his student years at the University of Belgrade;

Whereas after spending several months in jail for attempting to create an autonomous noncommunist student organization with fellow students from Croatia and Slovenia, Zoran Djindjic moved to Germany, where he earned a doctorate in philosophy under Jürgen Habermas in 1979, and returned to Yugoslavia in 1989 to teach philosophy at Novi Sad University;

Whereas in 1989, Djindjic joined a group of Serb dissident writers and intellectuals to found the Democratic Party;

Whereas one year later, Djindjic was voted the Chairman of the Democratic Party Executive Board and in January 1994, he was elected the party's president;

Whereas Djindjic became a member of the Serbian Parliament in 1990, serving as the party's parliamentary group whip and a member of the Republic's Council at the Federal Parliament 3 years later;

Whereas following 88 days of mass protests over electoral manipulation during local elections in 1996, Zoran Djindjic was elected Belgrade's first noncommunist mayor since World War II;

Whereas Djindjic is widely believed to be the chief strategist and main organizer behind the Yugoslav presidential elections of September 24, 2000, and the uprising of October 5, 2000, that resulted in the overthrow and delivery of former Yugoslav President Slobodan Milosevic to the International Criminal Tribunal for the former Yugoslavia (ICTY), that was investigating atrocities committed during the tragic and violent breakup of Yugoslavia;

Whereas subsequent cooperation with the ICTY has been judged to be less than optimal, but in recent months Prime Minister Djindjic moved forcefully to fight the organized criminal structures that Serbia inherited from the Milosevic era and to arrest war criminals who have remained at large;

Whereas Djindjic is also credited with masterminding the Serbian elections of December 2000, in which the Democratic Opposition of Serbia (DOS), a coalition of 18 parties spanning a broad range of the political spectrum, won 65 percent of the popular vote;

Whereas the DOS elected Djindjic to be Prime Minister of Serbia on January 25, 2001;

Whereas during his 2-year tenure as Prime Minister, Zoran Djindjic sought to advance democracy, human rights, free market reforms, and the rule of law;

Whereas Djindjic's leadership raised desperately low living standards and advanced the integration of Serbia into Europe; and

Whereas Prime Minister Djindjic managed to maintain a disparate 17-party coalition government with a narrow majority in order to achieve these urgently needed reforms: Now, therefore, be it

Resolved, That—

(1) the House of Representatives offers its condolences and deepest sympathy to the people of Serbia and the family of Zoran Djindjic following the assassination of Prime Minister Djindjic;

(2) the House of Representatives understands that organized criminal groups within Serbian society continue to threaten the free and democratic government of Serbia and Montenegro;

(3) the House of Representatives recognizes that while implementing necessary reforms and cooperating with the International Criminal Tribunal for the former Yugoslavia may carry significant risks for the leadership of Serbia and Montenegro, these reforms and this cooperation are necessary and must continue; and

(4) it is the sense of the House of Representatives that the United States should support continued democratic reforms initiated by Zoran Djindjic, should urge his successors to dedicate themselves to continue to support his road to reform, and should pledge to assist Serbia and its new leadership in accomplishing these necessary reforms, including efforts to fight organized crime and corruption.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, this Member rises today in strong support of H. Res. 149, a resolution expressing the condolences of the House of Representatives in response to the assassination of Prime Minister Zoran Djindjic of Serbia. It is with sadness that this Member brings this resolution to the floor of the House of Representatives today. Prime Minister Djindjic was assassinated on March 12. This tragic event was a shock to the people of Serbia, to the people of the Balkans, and to people around the world.

If anyone represented the present state of the Balkans, all of the changes that occurred in recent years, the hope for a free, democratic and prosperous future, it was Prime Minister Djindjic. He was the decisive leader who played a critical role in bringing democracy to Serbia. He was probably the most visible and important proponent of helping the Serbian people come to terms with the past, the destruction and the injustices of the tragic events which have been happening in the Balkans over the past decade. He was the leader most determined to integrate his country into Europe and the community of Western democracies, to provide a future of security, prosperity, and hope to the Serbian people.

However, only 2½ years after the overthrow of Slobodan Milosevic, let us not forget how fragile freedom and democracy in the region really is. During this crucial period, Prime Minister Djindjic was the leader who represented the best hope for the changes and reforms necessary to lead the former Yugoslavia to a new and different direction; but in the context of a country and a region of so much violence, hatred and corruption over the past decade, anyone who would have made these necessary forums would certainly make enemies and endanger both himself and the path of reform in his country.

Prime Minister Djindjic sought to change the political system in Serbia, sought to fight organized crime and official corruption, and sought to bring suspected war criminals to justice. He

attempted to develop better political institutions, to establish an independent judiciary, and to reform the police and the military. Although not exempt from what may have been legitimate criticism, perhaps even appearing to turn a blind or jaded eye to some of the forces that are so prevalent in Serbian society, he was seen to be making remarkable progress. He was the leader of a coalition and the leader of a younger generation who were bringing their efforts to bear to transform Serbian society. However, in the process, the forces of the past proved remarkably entrenched and widely based.

Mr. Speaker, let us recognize how significant the tragic event of March 12, 2003, is for Serbia and the Balkans. Let us recognize that the path of reform and fighting the forces of the past is not easy. Reformist leaders in Serbia and throughout the Balkans are vulnerable, and reformist and newly-democratic governments are fragile.

President Bush said Prime Minister Djindjic will be remembered for his role in bringing democracy to Serbia and for his role in bringing Slobodan Milosevic to justice.

Mr. Speaker, let us also remember Prime Minister Djindjic for his courage and bravery in fighting some of the most corrosive and virulent forces of the past in Serbia and the former Yugoslavia. This resolution shows that the House of Representatives supports the reforms that Prime Minister Djindjic spoke about most energetically and upon which he sought action. Reflecting upon the forces that brought his death must cause our country and the international community to redouble our efforts to assist the country of Serbia and Montenegro as it seeks a new and different future.

We offer our strongest encouragement to the new leaders of Serbia and Montenegro so that they may redouble their efforts in pursuit of crucial reforms. They must have the courage, the resources, and the support first of their citizenry and their country, but also the international community to aggressively fight the forces of the past, the forces of hatred and violence, the forces of organized crime and the history of official corruption in their country.

Mr. Speaker, in offering this resolution and statement, this Member offers his deepest sympathies and heartfelt condolences to the family of Prime Minister Djindjic and the people of Serbia and Montenegro.

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

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

Mr. Speaker, I rise in strong support of this resolution. First, I would like to commend the gentleman from Illinois (Chairman HYDE); the chairman of the Subcommittee on Europe, the gentleman from Nebraska (Mr. BEREUTER); and the gentleman from Illinois (Mr. EMANUEL) for their leadership on this important resolution.

Mr. Speaker, the tragic assassination of Prime Minister Djindjic happened just a few weeks ago, but the repercussions of this barbaric act will be felt throughout the Balkans for years to come.

Prime Minister Djindjic was a courageous and bold political leader, an anti-communist and a democratic activist. He was one of the leaders of the ouster of dictator Slobodan Milosevic in the fall of 2000. Djindjic was a Serbian patriot who clearly understood that Serbia's future lay in Europe, not in the isolation nationalism that plagued the Balkans at the sunset of the 20th century.

Prime Minister Djindjic will go into history books as the man who made the brave decision to extradite former dictator Slobodan Milosevic to The Hague for trial on war crimes. It is widely believed that the renewed attempts by Mr. Djindjic and his government to go after entrenched organized crime in Serbia and war criminals in that country led to his assassination.

□ 1430

Prime Minister Djindjic was also a pragmatic politician. While pushing the Serbian nation towards Europe, Mr. Djindjic also tried to appease nationalistic elements of Serbian society. His government's cooperation with the International War Crimes Tribunal was uneven, but on balance Mr. Djindjic was leading Serbia in a positive direction, progress that will be set back as Serbia deals with the ramifications of this horrendous assassination.

Mr. Speaker, today we mourn, together with the Serbian people and with Mr. Djindjic's colleagues and loved ones. We know that the job of leading Serbia is risky and difficult, and we pledge to offer support to the continued democratic reforms initiated by Mr. Djindjic. That is why today, Mr. Speaker, I want to call on my colleagues in Congress and in our government to remain engaged in the Balkans and to offer continued support to the reformers there. Our national interest will suffer if this region backslides towards lawlessness and conflict.

The United States has unfinished business in the Balkans. The establishment of a genuine rule of law and a system of justice that benefits the citizens of these countries, the restructuring of local economies, the establishment of a vigorous civil society, the creation of independent media, and the resettlement of refugees are just a few of the tasks that remain.

Mr. Speaker, with continued U.S. leadership and engagement in the Balkans, these tasks can all be achieved. I urge all of my colleagues to support the passage of this important resolution.

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

Mr. BEREUTER. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. EMANUEL), one of the original movers of this important resolution.

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

Mr. EMANUEL. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

Mr. Speaker, I rise as an original cosponsor and in strong support of House Resolution 149, expressing the sorrow of the House of Representatives in response to the assassination of Serbian Prime Minister Zoran Djindjic earlier this month.

On behalf of more than 1,000 of my constituents of Serbian descent, I commend the gentleman from Illinois (Chairman HYDE); the gentleman from California (Mr. LANTOS) ranking member; as well as the gentleman from Nebraska (Mr. BEREUTER), the Europe Subcommittee chairman; and the gentleman from Florida (Mr. WEXLER), ranking member, for their leadership in recognizing a truly remarkable reformer and a champion of democracy in the Balkans.

The world has lost a great friend and a true democrat in the Prime Minister. While our brave troops engage in another war-torn region, we identify with the war-weary citizens of Serbia and Montenegro who lived under Milosevic's cruelty.

Serbia has courageously demonstrated that it is willing to defeat a brutal tyrant and will not allow its democratic progress to unravel. As we mourn the Prime Minister's death, this resolution says loud and clear that America will work with Serbia to ensure that its path to democracy will never be deterred.

To all the young democracies of tomorrow, who, like Serbia, have also thrown off the yoke of dictatorship and totalitarianism and embraced the values of liberty and freedom, this resolution says to them that the United States, the House of Representatives, the people's House will stand with them no matter how many tomorrows it takes to achieve democracy.

The Serbian people are our fellow countrymen and allies because they embrace the values of democracy and freedom. Our nations share a mutual admiration for democracy, which is never a guarantee or a foregone conclusion. It is accomplished only through perseverance and courage. Democracy requires the force of vision and determination endowed upon great leaders like the late Prime Minister. His death at only 50 is a great loss for his family and friends, and it is also a tremendous loss for the democratic progress in the Balkans. The New York Times editorialized on the day after his murder: ''In countries that lack institutions, individuals matter greatly.''

After Yugoslavia fell apart following Marshal Tito's death, a common line that the nation had been held together by the force of his personality, Milosevic dragged Yugoslavia back to a darker time by igniting human genocide not seen in Europe since Hitler.

But the brilliance, the charisma, the force of vision of Zoran Djindjic steered Serbia away from an era of ethnic cleansing and towards liberty and equality. The Prime Minister was a reformer who envisioned a free and modern Europe. In less than 2 years he liberalized markets, elections, the press, and parliamentary debate. He showed that the human spirit and desire for freedom can never be extinguished.

Through calm persuasion he brokered a compromise with Montenegro, helped prevent further bloodshed in Kosovo, restored human rights and economic realization, the rule of law to a nation torn apart by four wars and two rebellions started by his predecessor, Milosevic.

After extraditing Milosevic and other war criminals, the world contributed more than $1 billion in economic aid which proved a tremendous boost to a people whose standard of living had long been the worst in Europe. He taught his countrymen to appreciate the rewards of integrating into the Europe of tomorrow, the Europe of the 21st century, and his steadfast pursuit of reforms gave democracy a foothold in Serbia and the people of Serbia a hope of tomorrow.

In these difficult times, Mr. Speaker, we stand with our friends in the Balkans as they mourn a fallen hero and search for a new leader dedicated to fulfilling the democratic vision of modern Serbia who will always be remembered in history for his honor, his greatness, and his selfless commitment to the public good.

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

I want to thank the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) for expediting the consideration of this resolution. I want to particularly note the contributions of the gentleman from Illinois (Mr. EMANUEL) who had the major role in drafting the legislation. I am grateful to have his assistance and his cosponsorship along with a substantial number of other Members who believe this is an important way for the House to recognize the contributions of the Prime Minister.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my deepest condolences to the nation of Serbia, the friends, family, admirers and supporters or Zoran Djindjic. The Serbian prime minister, who was tragically assassinated, was a leading proponent of democracy, human rights, and progress for the country of Serbia.

The assassination of Prime Minister Djindjic was more than the killing of an admirable leader; it was a heinous attack on democracy. Mr. Djindjic was elected Belgrade's first noncommunist mayor since World War II. He believed in the ideal and principles of maintaining a democratic state, and dedicated himself to pursuing that cause.

We can thank Zoran Djindjic for being a chief organizer of the Yugoslav presidential elections in September 2000. We also owe him tribute as being a principal strategist for the October 2000 uprising, which led to the delivery of Slobodan Milosevic to the International Criminal Tribunal. Mr. Djindjic understood that horrific war crimes were being committed, and was there to support his people to see their persecutor punished.

Zoran Djindjic was elected Prime Minister of Serbia on January 25, 2001. In his two year tenure, he sought to advance democracy, human rights and free market reforms. The United States values its democratic cohorts, and we can appreciate even more the people who seek to bring democracy to a region that has not had the privilege of maintaining it. Mr. Djindjic was an effective democratic leader; he raised the low living standard and opened the Serbian markets to precipitate trade throughout Europe. He was a stable Prime Minister who effectively dealt with the task of keeping a 17 party coalition government.

Zoran Djindjic understood the value of human rights, and worked tirelessly to maintain equal opportunities in a country that had been vacated of such leadership for half a century. He was an advocate of civil liberties and individual freedoms. We should feel so lucky to have had an ally of our American principles over in Eastern Europe.

The death of Prime Minister Zoran Djindjic is a travesty on so many levels. We have lost one of our democratic allies, someone who wanted the best for his country. The Serbian people have lost one of their greatest leaders. I stand firmly in support of this resolution, so the United States Congress can show its sympathy in a time of great mourning.

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

Mr. LANTOS. Mr. Speaker, we have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 149.

The question was taken.

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

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

The yeas and nays were ordered.

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

SENSE OF HOUSE REGARDING SYSTEMATIC HUMAN RIGHTS VIOLATIONS IN CUBA COMMITTED BY CASTRO REGIME

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 179) expressing the sense of the House of Representatives regarding the systematic human rights violations in Cuba committed by the Castro regime, calling for the immediate release of all political prisoners, and supporting respect for basic human rights and free elections in Cuba.

The Clerk read as follows:

H. RES. 179

Whereas the Cuban Government continues to repress all peaceful attempts by the Cuban people to bring democratic change to the island by denying universally recognized liberties, including freedom of speech, assembly, association, movement and of the press;

Whereas on March 9, 2003, many of Cuba's prominent dissidents issued a statement titled ''Joint Statement'' to the European Union, wherein they reaffirmed their view of the Cuban Government's ''total vocation to immobility and its refusal to respect internationally recognized human rights or accept the existence of legitimate political opposition'' and further stated that ''in recent times the Cuban Government has intensified its political and social repression'';

Whereas commencing on March 17, 2003, the Cuban Government carried out a massive, island wide crackdown on members of Cuba's pro-democracy movement, which included the arrest of over 80 dissidents, among them many who signed the ''Joint Statement'', activists of the Assembly to Promote Civil Society, promoters of the Varela Project, independent journalists, and numerous members of Cuba's nascent independent civil society;

Whereas the Cuban Government arbitrarily searched the homes and confiscated personal items belonging to pro-democracy activists;

Whereas independent journalists were among those incarcerated in this massive crackdown, including Raul Rivero, known as the dean of the dissident independent journalists in Cuba;

Whereas independent librarians, who make their homes available so that the Cuban population may have access to publications otherwise censored by the Cuban Government, also became victims of repression, as many were arrested, their homes ransacked and searched, and publications and other belongings confiscated;

Whereas Marta Beatriz Roque, and other leaders of the ''Assembly to Promote Civil Society'', an islandwide movement seeking to coordinate the various sectors of Cuba's nascent independent civil society who work for a democratic transition, were incarcerated and face lengthy sentences, including life sentences;

Whereas activists who have collected or signed petitions for the Varela Project were also incarcerated in this crackdown and may also face life sentences;

Whereas more than 80 pro-democracy leaders who work for a peaceful transition to democracy in Cuba have been incarcerated and sentenced under ''Law 88'' and ''Law 91'', two draconian totalitarian laws that call for long sentences of 10, 15, or 20 years, or life imprisonment, or even death for pro-democracy activity;

Whereas there is concern for the well-being and safety for all of Cuba's political prisoners, particularly Juan Carlos Gonzalez Leyva, who is a blind human rights activist incarcerated since March of 2002 without being formally charged, and Leonardo Bruzon Avila, who has been denied medical attention according to Amnesty International, despite the effects of a prolonged hunger strike while in prison.;

Whereas a plea for solidarity was made from within the notoriously harsh prison in Cuba known as ''Combinado del Este'' and signed by 21 political prisoners, among them Dr. Oscar Elias Biscet, Francisco Chaviano, Rafael Ibarra, and Jorge Luis Garcia Perez ''Antunez'' to the member states of the 59th Session of the United Nations Human Rights Commission;

Whereas the Cuban Government has carried out ''summary trials'' to expeditiously sentence pro-democracy leaders to try to intimidate and silence other pro-democracy activists on the island, while world attention is primarily focused on Iraq;

Whereas the Castro regime has engaged in mass arrests of dissidents while the United Nations Commission on Human Rights, of which Cuba is a member, is meeting in Geneva;

Whereas certain member countries of the Latin American and Caribbean group (GRULAC) at the United Nations Commission on Human Rights are currently drafting a resolution on the violations of human rights by the Cuban Government;

Whereas the Cuban Government has repeatedly violated the rights enshrined in the Universal Declaration of Human Rights, the Inter-American Convention on Human Rights, and other international and regional human rights agreements, and has violated the mandates issued by the United Nations Commission on Human Rights;

Whereas foreign diplomats and members of the international press have been barred by the Cuban Government from being present at the ''summary trials''; and

Whereas pro-democracy leaders on the island have come together to call for the immediate release of all Cuban political prisoners, and are requesting international solidarity with the internal opposition, as reflected in a March 31, 2003, statement signed by some of the most prominent dissidents on the island: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the brutal crackdown of the Cuban Government on the island's peaceful pro-democracy movement;

(2) calls for the immediate release of all Cuban political prisoners;

(3) supports the right of the Cuban people to exercise fundamental political and civil liberties, including freedom of expression, assembly, association, movement, press, and the right to multiparty elections;

(4) calls on the United States Permanent Representative to the United Nations and other International Organizations in Geneva, Switzerland, to work with the member countries of the United Nations Commission on Human Rights to ensure a resolution that includes the strongest possible condemnation of the current crackdown of dissidents and of the gross human rights violations committed by the Cuban Government; and

(5) calls on the Latin American and Caribbean group (GRULAC) at the United Nations Commission on Human Rights to exclude Cuba from its slate of candidates for the United Nations Commission on Human Rights and urges all member nations to oppose renewing Cuba's membership on the United Nations Commission on Human Rights until the Government of Cuba adheres to international human rights standards, such as those delineated in the Universal Declaration of Human Rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Nobel peace laureate Eli Wiesel has said: ''. . . to remain silent and indifferent is the greatest sin of all . . .''

Indifference breeds evil. Indifference is the enemy of freedom. Indifference helps cloak the deplorable actions of tyrants.

Cuba's ruthless dictator counts on this indifference. Taking advantage of global attention being focused on Iraq and noting the worldwide tendency to ignore or minimize the deplorable human rights condition in Cuba, the Castro regime has launched a full-scale assault on those who are struggling to bring freedom and democracy to this enslaved nation. Courageous men and women such as Marta Beatriz Roque, an independent economist and leading pro-democracy advocate, are being sentenced to harsh prison terms of 20 years. Marta Beatriz had previously spent nearly 3 years in prison for publishing, along with three other colleagues, a paper calling for democratic reforms. Independent journalists such as Raul Rivero, who is highlighted in the resolution before us, as the dean of the independent dissident Cuban journalists, was sentenced to 20 years. Fellow journalists such as Ricardo Gonzalez Alfonso and Hector Maseda Gutierrez also received 20-year sentences.

Other victims of this wave of repression include Jose Daniel Ferrer, a member of the Christian Liberation Movement, whose penalty was increased to death per a special request by the puppet whom the regime has as the presiding judge. There is also independent union labor leader Oscar Espinosa Chepe, and Manuel Vazquez Portal, Nelson Molinet Espino and Nelson Alberto Aguiar.

I enter into the RECORD their names and their sentences.

PINAR DEL RIÓ

Víctor Rolando Arroyo Carmona, Periodista Independiente—Life in prison.

Horacio Julio Piña Borrego, Periodista Independiente—12 years.

Eduardo Diáz Fleitas, opositor—15 years.

Fidel Suárez Cruz, opositor—12 years.

CIUDAD HABANA

Raúl Rivero Castañeda, Periodista Independiente—Life in prison.

Jorge Olivera Castillo, Periodista Independiente—Life in prison.

Ricardo Gonzáles Alfonso, Periodista Independiente—Life in prison.

Héctor Maceda Gutiérrez, Periodista Independiente—Life in prison.

Manuel Vázquez Portal, Periodista Independiente—16 years.

Osvaldo Alfonso Valdez, opositor—Life in prison.

Pedro Pablo Álvarez Ramos, opositor—Life in prison.

Héctor Palacio Ruiz, opositor—Life in prison.

LA HABANA

Miguel Galvań Gutiérrez, Periodista Independiente—Life in prison.

José Ubaldo Izquierdo Hernández, Periodista Independiente—20 years.

Héctor Raúl Valle Hernández, opositor—15 years.

VILLA CLARA

Librado Linares García, Periodista Independiente—20 years.

Lester González Pentón, Periodista Independiente—20 years.

Omar Ruiz Hernández, Periodista Independiente—18 years.

Margarito Broche Espinosa, opositor—25 years.

Omar Pernet Hernández, opositor—25 years.

ISLA DE PINO

Favio Prieto Llorente, Periodista Independiente—20 years.

The list seems endless as the daunting reality of what the dictatorship has done sinks into our consciousness. Since March 18, Mr. Speaker, Castro's security agents have been storming into the homes of dissidents and other opposition leaders across the island, confiscating typewriters, books, papers, and other professional and personal belongings. And what have been their so-called crimes? Engaging in such ''threatening'' activities such as possessing and lending books by authors such as Vaclac Havel, Ghandi and Martin Luther King. Hector Palacios Ruiz, for example, was engaged in such ''treasonous'' behavior, to quote the regime, as helping to draft the document in December of last year which called for ''free hiring of employees.'' He was also found in possession of books such as ''Castro's Final Hours'' and ''A Manual for Education in Human Rights'' as well as children's games.

Every day more and more opposition leaders are sentenced to languish in squalid jail cells and subjected to the most inhumane and degrading treatment. We cannot and must not be silent. We cannot and must not be indifferent to the anguish and misery endured by the Cuban people just 90 miles off our shores at the hands of the depraved and cruel dictator and his agents of terror.

The European Union has issued statements condemning the arrests 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 Watch called on the United Nations Commission on Human Rights to condemn these abuses and do so strongly and unequivocally. Human Rights International, the American Society of Newspaper Editors, and the Inter-American Press Association have all denounced this incredible Stalinist crackdown. Newspapers such as the Houston Chronicle, the San Diego Union Tribune, the Pittsburgh Post-Gazette have run editorials with headlines underscoring that: ''Saddam and Fidel are Birds of a Feather''; ''Crackdown in Cuba: A Reminder that Castro is Still a Tyrant''; and ''Castro's Regime as Repressive as Ever.''

The Los Angeles Times led its editorials by saying: ''After years of calling for liberalized relations with Cuba, this editorial page must now urge American policymakers to hit the brakes.''

Just today the Washington Post ran an editorial by Richard Cohen which said: ''I would like to hear some moral outrage about Castro . . . Fidel Castro is a thug and a fool.''

But it is our turn now to speak. It is our time for the U.S. Congress to stand behind the Cuban people, side by side, as it has done for so many times before and is so doing with the Iraqi people.

This resolution is a strong first step. House Resolution 179 details the sequence of events which have transpired in recent weeks and places particular emphasis on the plight of these political prisoners such as Juan Carlos Gonzalez Leyva, a blind human rights dissident imprisoned for over a year who is gravely ill and has yet to receive medical attention.

□ 1445

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume and rise in strong support of this resolution.

Mr. Speaker, first I would like to thank my friend, the gentleman from Illinois (Chairman HYDE), for expediting consideration of this resolution; and I want to congratulate my good friend, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for her powerful and eloquent statement and for her leadership on this resolution, as well as my colleagues, the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. Speaker, after several years of masquerading as a liberalizing regime, the brutal and deplorable nature of Fidel Castro's sickening communist state has manifested itself once again.

In the last couple of weeks, Castro's thugs have arrested and detained approximately 80 Cubans. Their crime? They sought to express their disagreement with their government, provide an independent media voice, stock their shelves with banned literature that reports the interests of independent labor, and otherwise improve the lot of their fellow citizens.

Among those arrested, Mr. Speaker, were prominent political dissidents, such as Marta Beatriz Roque; independent journalists, such as Raul Rivero and Ricardo Gonzalez; independent labor advocates, like Pedro Pablo Alvarez; and civil society activists, such as Antonio Diaz Sanchez of the Varela Project.

The Castro regime intends to place these and other individuals on trial in what have been called kangaroo courts for allegedly collaborating with the United States to harm Cuba and its economy.

Just yesterday, a sham court sentenced Marta Beatriz Roque, Antonio Diaz Sanchez and Ricardo Gonzalez Alfonso, among others, to 20 years in prison for ''acts of conspiracy.'' Neither representatives of the diplomatic corps nor the international press were permitted to witness the summary trials, which does not surprise those of us who have experienced the tactics of the Gestapo in Hitler's time and the KGB under Stalin. Fidel Castro is a worthy follower of both of these outrageous dictators.

Not only are the trumped-up charges against these political dissidents indefensible; Castro and his henchmen are convicting individuals for practicing their profession and exercising their fundamental political and civil liberties.

Accordingly, Mr. Speaker, our resolution calls upon the international community to recognize these outrageous violations of human rights and to exclude Cuba from the United Nations Commission on Human Rights after its term expires at the end of this year.

Mr. Speaker, while Castro and his henchmen seem intent to break the backs of many political dissidents and their growing organizations in a manner not seen since the 1960s, the regime has concentrated much of its fury against the Varela Project. Founded and led by Oswaldo Paya, the Varela Project asks Cubans to sign a petition calling for a referendum on open elections, freedom of speech, freedom for political prisoners, and free enterprise. Despite gigantic risks, over 30,000 courageous Cubans have penned their names to the petition in the hope for change.

Mr. Speaker, we have had many contentious disagreements, both in committee and on this floor, on how best to bring about change in Cuba; but today this body stands united in solidarity with those who endure torture, incarceration, and deprivation of all types because they dare to strive for freedom.

We stand together in strong condemnation of these cowardly arrests and the outrageous prosecution and persecution of those 80 individuals, and we demand their immediate release and the release of all political prisoners in Castro's jails. We stand together in our conviction that, despite the Castro regime, democracy will prevail in Cuba.

Mr. Speaker, I strongly urge all of my colleagues to support this resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the author of this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I wish to also thank the gentleman from Illinois (Chairman HYDE) and the gentleman from North Carolina (Chairman BALLENGER), as well as the ranking members, the gentleman from California (Mr. LANTOS) and the gentleman from New Jersey (Mr. MENENDEZ), for expediting this important resolution. It is important it be considered today because the dictatorship is in the midst of a brutal crackdown on the peaceful pro-democracy movement in Cuba.

Since the world's attention has been focused on Iraq for some weeks, the Cuban tyrant decided to crack down on the peaceful pro-democracy movement, including independent librarians, independent journalists, independent physicians, and many others; rounded them up and has thrown them in dungeons.

Some of the so-called summary trials have already taken place. Perhaps the best known independent journalist in Cuba, Raul Rivero, was already sentenced in one of those sham Roman circus trials, sentenced for having a typewriter, for having some articles published. For having articles published in Spain and in the United States and for other such ''crimes,'' Raul Rivero has been sentenced to 20 years.

Marta Beatriz Roque, mentioned by the distinguished gentleman from California, perhaps one of the best known of the political prisoners rounded up in this totalitarian crackdown, was sentenced to 20 years. Her indictment makes interesting reading, if it can be called an indictment.

The dictatorship charged her with having created a Web page, with having a computer in her home, with utilizing a server in the United States for her Web page, for having spoken on Radio Marti, for having published articles in an independent publication known as ''Encuentro,'' for having in her possession in her home a fax machine of the mark Panasonic, and for having a copy machine, a Canon copy machine.

That is in the so-called indictment in the year 2003, in this hemisphere, by the Cuban tyrant, the indictment prepared by the Cuban tyrant of Marta Beatriz Roque, who has been sentenced to 20 years.

I think that much of the responsibility for what is going on in Cuba today, unfortunately, lies with the fact that the international media does not report sufficiently with regard to what happens in Cuba.

A distinguished new colleague of ours recently actually told me she had witnessed a Special Order that we did precisely on this crackdown, a number of us last week, the distinguished new gentlewoman from Michigan (Mrs. MILLER of Michigan). She asked me, ''Where can we read about what is going on? Why don't we read in our major newspapers about the details of this totalitarian brutal crackdown in a country 90 miles away?'' I think she has a very legitimate point. I think the media has a responsibility to report about such things in a neighboring country 90 miles away.

So today is the day, Mr. Speaker, when we need to as a Congress of the United States set our differences aside and concentrate on the brutal totalitarian crackdown that is taking place in Cuba and speak with one voice that this Congress, as it has so many times in the past, stands for human rights and demands human rights, starting

with the cessation of the brutal crackdown being perpetrated on the Cuban people. And as the resolution continues to state, we call for the respect of all elemental human rights, including the right of self-determination, which can be manifested only through free and fair multiparty elections.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 5 minutes to my good friend, the gentleman from New Jersey (Mr. MENENDEZ), the ranking member on the Subcommittee on the Western Hemisphere, the chairman of the Democratic Caucus and an indefatigable fighter for freedom in Cuba.

Mr. MENENDEZ. Mr. Speaker, I thank the distinguished gentleman for yielding me time and for his statement before as well.

Mr. Speaker, where is the outrage? Where is the outrage regarding the latest barbarity from the dictatorship of Fidel Castro?

Where is the outrage that a blind dissident, Juan Carlos Gonzalez Leiva, is detained in the harshest of political prisons and that the Castro regime denies him his needed medication; that Leonardo Bruzon, an Amnesty International prisoner of conscience who suffers from the ill-effects of a hunger strike, is denied needed medical attention?

Where is the outrage, that three of the four brave authors of the pro-democracy essay, ''La Patria Es De Todos,'' the nation belongs to everyone, Marta Beatriz Roque, Rene Gomez Manzano and Felix Bonne, have been mercilessly thrown in jail and face sentences raging from 20 years to life?

Ms. Roque, who had the audacity to call herself an independent economist and criticized Cuba's economy, has already been sentenced to 20 years. The fourth author, the Afro-Cuban leader, Dr. Oscar Elias Biscet, who already served 3 years for displaying national flags upside down in an act of civil disobedience, will also be sentenced. His three colleagues having the audacity to fast peacefully to protest his detention.

Where is the outrage, that the independent journalists movement in Cuba, led by journalist and poet Raul Rivero, have been rounded up, had their houses ransacked by state security thugs, and their professional personal belongings taken from them?

We learned this morning that Raul Rivero was sentenced to 20 years. Among the dangerous materials that Rivero possessed was a collection of Martin Luther King's speeches autographed by former President Jimmy Carter on his recent trip to the island.

□ 1500

It was taken as evidence of subversive thought.

Where is the outrage, that those who gathered the signatures of 30,000 brave men and women who, much like our Founding Fathers, with the stroke of a pen, had the courage to peacefully demand a referendum calling for democratic changes, were unceremoniously rounded up and are being sentenced in show trials reminiscent of Hitler and Stalin?

Where is the outrage that independent union activists have been rounded up, that this crackdown occurs when the U.N. Human Rights Commission meets in its annual session in Geneva? The Castro dictatorship's membership of that commission is itself a mockery and a travesty.

The show trials have begun, with the same coerced confessions and the same betrayal of dissident organizations by Castro's security agents who infiltrated these groups.

And what are the verdicts? Guilty. Guilty of criminal association. Guilty of enemy propaganda. Guilty of dangerousness. Guilty of contempt for authority, of resisting authority. Guilty of seeking democracy and a respect for human rights. That is Castro's socialism.

So far, 47 peaceful dissidents have been sentenced to between 12 and 27 years in prison in what the State Department calls ''Kangaroo courts'' that began proceedings last Thursday.

Let me just mention a few of those sentenced.

Omar Rodriguez Saludes, an independent journalist known to ride his bicycle to news conferences with a camera dangling by a strap from his neck: 27 years, the hardest sentence so far. Hector Palacios, one of the key figures promoting the Varela Project: 25 years. Oscar Espinosa Chepe, who wrote critical articles about the Cuban economy for the Internet: 25 years. Ricardo Gonzalez Alfonso, Raul Rivero's editor at ''De Cuba'' magazine: 20 years.

And it goes on and on.

So to all who go sip wine with Castro, smoke his cigars and are regaled by his soliloquies, where is the outrage?

Mr. Speaker, the expression of international outrage has begun from European governments to Jimmy Carter to the AFL-CIO. May we all raise our voices to join the growing chorus of outrage and condemnation of this dictatorship heard around the world, heard everywhere, except for these hallowed halls. May this Congress not sit silent now as the show trials proceed. May this Congress stand in solidarity with those dissidents and human rights activists who heeded Pope John Paul's words during his visit to Cuba: ''Do not be afraid.'' ''Do not be afraid.''

Let us in this bastion of democracy also not be afraid to vote for this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 1 minute to explain what this bill actually does. I have had some Members ask.

House Resolution 179 establishes the nexus which exists between the current wave of repression and the 59th session of the United Nations Commission on Human Rights which is currently being held in Geneva. And in doing so, it takes into account the dictatorship's systematic and gross human rights violations and its repeated demonstrations of contempt for the mandates issued by the U.N. Commission on Human Rights.

Further, it calls for a resolution to be offered and passed at the Human Rights Commission, which accurately reflects this grim reality. It seizes the opportunity which presents itself in May of this year when Cuba's membership on the commission expires. It does so by calling on the Nation of Latin America and the Caribbean group to oppose and deny the regime a seat on this human rights body. More importantly, this resolution calls for the immediate release of all Cuban prisoners of conscience. It sends a strong, definitive message that the United States Congress stands with the dissidents, the independent journalists, and all pro-democracy activists, and not with their oppressor.

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

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Committee on Ways and Means, and an indefatigable fighter for human rights across the globe.

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

Mr. RANGEL. Mr. Speaker, I rise in support of this legislation without any hesitation.

Most all Americans, and certainly those in this House, are strong advocates for democracy all over the world, and we had hoped that the seeds of democracy would have grown in Cuba. Many of us have taken different approaches how we would want to do this, but one thing is abundantly clear: It has taken too long for Castro to recognize the importance of open elections and, certainly, no Americans can find any justification of the wanton and massive arrests of people, many of whom who were advocates of normalization, all of whom were advocates of democracy, to have been arrested with closed and secret trials and without any evidence that their conduct was a threat to the security of the people in Cuba.

While we also are reminded that some of us are old enough to have supported the July 26 resolution against Batista and recognize that we do not want those days ever to return, still we are not satisfied with the progress that has been made in terms of moving toward democracy, and it is hard for us to believe that the Cuban Government wants us to believe that these people were arrested because they were involved in a conspiracy with the United States of America to overthrow their government. If they truly believe that the United States intended to overthrow their government, they should have exercised their right to have kicked out the chief of the U.S. Interests Section there, and then not to hold their people hostage and subject

to the painful sentences that have been imposed upon them.

I join in urging the Cuban Government to release these people, to open up these courthouses, and to whatever complaints they have about the conduct of any Americans that are in Cuba, to let the whole world see it. But I am glad to stand with my colleagues and ask for an immediate response to the call of this House, and that is to release the prisoners forthwith.

Mr. Speaker, I rise in support of the resolution introduced by my colleague, Congressman LINCOLN DIAZ-BALART condemning the actions of the government of Cuba in violation of the rights of its citizens. It is not the resolution that I would have drafted, but it comes close enough in reflecting my objections to these actions.

Representatives of the Cuban government want us to believe that their actions in arresting and prosecuting Cuban citizens were based on evidence of their involvement in a conspiracy with the United States to overthrow their government. The Cuban citizens being prosecuted—many of them journalists and advocates of open elections and supporters of normalization of relations with the United States—allegedly consorted with the Chief of the U.S. Interests Section in Havana in this conspiracy at private meetings, including visits to each others' homes.

The so-called evidence is that the United States government provided the Cuban activists with millions of dollars with which to carry out the conspiracy and that these Cuban citizens, therefore, were in violation of Cuban law.

It is hard to believe that the Cuban government feels so insecure that these mass arrests had to be carried out, that the trials had to be held in secret, without any evidence exposed to the Cuban people or to the international community, or that the God-given right of Cuban citizens would be so violated. It is even harder to believe that if this conspiracy theory held water, the person who was at the center of the conspiracy—the Chief of the U.S. Interests Section in Havana—would be allowed to remain in Cuba.

Hardly anyone could disagree that Castro-led revolution of 1959 had improved the lives of the great majority of Cuban citizens. But we've waited too long for the revolution to take the next step in offering true democracy to all Cubans. Some Americans believe that the best way to bring democracy to Cuba is a policy of embargo, cutting off all food, medicines, travel, trade and social and family contacts.

Some of us believe that—as with other communist countries, such as China and North Vietnam—a better way is to tear down barriers and allow the Cuban people to see the benefits of democracy. In my view, such a policy of engagement is far better than the use of propaganda and the distribution of radios and pamphlets. U.S. citizens are the most effective ambassadors of democracy.

Despite the ability of supporters the embargo to sustain that failed policy for over 40 years, there has been a great deal of progress in the movement toward normalization of relations between our countries. Just as in February 1996, when the Cuban government shot down two unarmed private aircraft piloted by Cuban-Americans based in Miami, this time there was no threat to the security of the Cuban government. Just as the shooting incident set back the development of our relationship for several years, that unwarranted violation of the rights of ordinary Cubans, in my humble opinion, has further set back the efforts of the Cuban and American people to move toward democracy and free trade.

For 30 years, I have been part of a sometimes unpopular effort to improve relations between our countries. I would be less than honest if I did not say now that the response of the Cuban government to concerns raised from many quarters has been less than adequate. I will continue to support any effort by our two countries to improve that relationship, but I cannot support this action taken by the Cuban government. Indeed, I am forced to condemn it.

I know that this view is shared by many of my colleagues, and I hope that the Cuban government will seek ways to undo this unfortunate setback to relations between our countries.

I hope that they will reconsider this action against people who were seeking to demonstrate their political differences with their government. I hope that the government will take the most drastic action for any government to take, to reverse itself and release the prisoners.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from New York for his statement of support.

Mr. Speaker, I yield 1½ minutes to my good friend, the gentleman from Arizona (Mr. FLAKE), a member of our Committee on International Relations

Mr. FLAKE. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank the gentlewoman and the gentleman from Florida for authoring this important resolution. It is important to all of us.

For those of us who have followed the situation in Cuba, we have been saddened and sickened by the events that have happened over the last month, although I do not believe any of us have been surprised. This latest crackdown typifies the last 43 years now that Fidel Castro has been in power. It is all too typical.

Let us look at what is going on here. I had the opportunity to be in Cuba just less than a month ago and we met with several of the dissidents at that time. Hector Palacios, director of the Independent Center for Social Studies and the key organizer of the Varela Project, was just sentenced to 25 years. Oswaldo Alfonsa, also an organizer for the Varela Project, 18 years. Oscar Espinosa Chepe, an economist, former diplomat and independent journalist, 20 years.

As the gentleman from New York noted, I do not think anybody, anybody, believes that these people are guilty of the crimes that they have been charged with. They are simply guilty of voicing ideas and ideas that this regime is too afraid of.

This resolution is important because it allows us to let people across the country and across the world, and particularly those who sit on boards and commissions of the United Nations, to understand that a regime like this does not deserve to sit in judgment of others on human rights after what is going on right now, and after a record like this.

Mr. Speaker, I urge support of the resolution.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 6 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), one of the leaders on the House Committee on International Relations, and our acknowledged expert on Latin America.

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

As others have stated, this for me, too, is a day of disappointment and sadness, profound sadness, of human rights violated, and of diplomatic opportunities squandered. As a sovereign nation, only Cuba can decide how to attend to its own national security. But over the last 3 weeks, decisions have been made in Havana that seriously undermine efforts to normalize relationships with the United States.

I come to the floor today as part of a group, the so-called Cuba Working Group. It is bipartisan in nature, 25 Republicans, 25 Democrats. We have spent considerable time and effort to tear the wall down that has divided our people for some 40 years. This has put us at odds with the White House. It has put us at odds with many of our colleagues that are sitting here today. But we are not at odds today.

At this moment, we stand together. In the past I have called on President Bush to lift the U.S. restrictions on travel by Americans to Cuba, to let our people go. Well, today, I call on President Fidel Castro to let his people go.

For me, this issue is more than political, it is personal, because some of those who have been arrested are my friends. I want to speak about 2 of them. My colleagues have heard their names here. Hector Palacios, a Varela Project organizer, and Oscar Dhepe, an independent journalist. Their arrests and convictions pain me more than anyone in this Chamber can comprehend. They are men of exceptional character and integrity who seek peaceful change. They are not agents of violence or insurrection. Far from it. They acknowledge Cuba's advances in health and education brought about by the revolution, and they want to accelerate that progress in other areas, so they work through modest, small, yet courageous acts within the Cuban Constitution. They create and have made every effort to create political space.

Hector's apartment houses one of the first so-called independent libraries in Cuba, a few shelves devoted to old medical encyclopedias and geography texts, some children's books donated by members of my office. But when Hector was arrested, these books were taken away. Doctor Seuss is not a threat to the Cuban revolution.

During our visits, we talk about how to hasten a climate of mutual respect between the people of our 2 countries, between our governments. Ironically,

they argued persuasively for an end to the embargo and travel restrictions on Americans to Cuba. Let me quote from Oscar Chepe, who presently is incarcerated for 20 years in a Cuban jail. This is his quote. These are his words: ''Experience demonstrates that isolation breathes life into totalitarianism. On the other hand, contact between peoples free individuals from falsehoods and from the lives without dignity that they are forced to lead.''

As the gentleman from New York (Mr. RANGEL) indicated, we are told that these arrests had nothing to do with the content of their words. Rather, they are intended to send a message to the United States in response to a perceived pattern of illegal provocations from our own State Department.

Well, I submit that the message we have received is very different and deeply disturbing. It is that diversity of thought is not welcome in Cuba, even at the expense of jeopardizing progress toward normalization. How else can we explain 20- and 25-year sentences for Hector and Oscar and dozens of others after only cursory consultations with their lawyers and quick trials, closed to the public, foreign diplomats, and the international media.

It is inconceivable, if one knows these men, that they were conspiring with the United States. Like dozens of other detainees, they were working in behalf of the Cuban people. Nobody else. They posed no threat to the Cuban Government.

As I said, I disagree with some of my colleagues in Cuba. For example, I have chosen to travel there, to visit with people like Hector Palacios and Oscar Chepe. And unlike my friends from Florida, some of my friends, I oppose U.S. policies which prevent ordinary Americans from offering the same solidarity to those seeking change in our relationship with Cuba, a relationship that has been stated so eloquently by another prominent Cuban dissident who was recently released from serving 5 years in a Cuban jail. His name is Vladimiro Roca, and he said that the relationship ought to be characterized by dialogue, negotiation, and reconciliation. Again, those are his words.

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But that is a debate for another day. I might have written this resolution somewhat differently, but I commend my colleagues for bringing it to the floor of the House; and I urge my colleagues all of my colleagues to support it; and I ask the Cuban Government to release these people.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I am glad to rise in support of this resolution and in opposition to the deplorable behavior we see in Cuba today as evidenced by these so-called desires. That people whose only desire is freedom would be swooped up in these kinds of numbers and brought to trial at a time when it is clear in the mind of the dictator that we are looking at other things, shows just how wrong he is.

Once again this regime is showing its true colors. These actions continue to be proof of Castro's horrific record of repression, that no matter how much we argue and no matter which side we are on in other debates, people agree on this floor today, it continues to be the kind of commitment that Castro makes to his people, a commitment to repress them.

The Castro regime has chosen this particular time because they thought we were looking elsewhere. We show on the House floor today that we are not looking elsewhere, that we continue to look at Cuba, we continue to hope for the liberation of Cuba, we continue to hope for the greater freedom for the Cuban people. The civilized world cannot stand quietly by and tolerate these terrible abuses of individual rights. As we try to bring freedom to another country, we have to continue to stand for freedom in this hemisphere. And today we join the President of the United States, the European Union, and many others, including the Catholic Church, who have condemned these actions.

I urge the huge vote on this resolution as we send an important message to Castro.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that each side may have an additional 10 minutes so all of our colleagues may be heard.

Mr. MURTHA. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. TERRY). An objection is heard.

Mr. LANTOS. Mr. Speaker, I would like to request my colleague to reconsider his objection. This is a matter of great principle. Several colleagues would like to speak on this subject, and I think it is singularly unfair to deny them the opportunity to do so.

Mr. MURTHA. I object, Mr. Speaker.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that each side be granted an additional 5 minutes.

Mr. LANTOS. Mr. Speaker, would my friend agree to 5 minutes on each side?

Mr. MURTHA. Mr. Speaker, I withdraw my objection. I will agree to 5 minutes each side.

The SPEAKER pro tempore. There is a unanimous consent for 5 additional minutes for each side.

Hearing no objection, each side is granted an additional 5 minutes.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. LANTOS) now has 6 minutes remaining.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

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

Mr. Speaker, I rise in support of this resolution. All voices must condemn the recent crackdown by the Government of Cuba against political dissent. Those arrested include two dozen independent journalists, leaders of independent trade unions and opposition political parties, and pro-democracy activists involved in the countrywide reform effort known as the Varela project.

It makes no difference whether you are for or against change in U.S. policy towards Cuba. On this matter we speak with one voice. These arrests are unacceptable. The summary trials and harsh sentences merit universal condemnation.

Mr. Speaker, I have had the privilege of traveling to Cuba many times and have met directly with Cuban independent journalists and members of the dissident community. Many of these individuals were arrested in the latest crackdown. They are receiving harsh sentences for actions we take for granted here in the United States: the right to hold meetings, have discussions, and express opinions different from those held by our government.

The Cuban Government has said that these arrests are in response to actions by U.S. Ambassador Cason and the U.S. Interests Section that are perceived as deliberate attempts to foment subversion in Cuba.

Mr. Speaker, those grievances should be raised and resolved between the two governments, but no action of the United States Interests Section justifies in any way these recent arrests. The right of diplomats to meet with people who represent a range of views, including people who peaceably dissent from the policies and priorities of their own governments, should not be impeded. In fact, Mr. Speaker, I believe the restrictions on U.S. diplomats in Cuba and Cuban diplomats in the United States are just plain wrong.

Mr. Speaker, I am seriously concerned about the increased tensions and hardening of positions in U.S. Cuban relations. They do little to advance human rights or open political space in Cuba; in fact, quite the opposite. I fear that without a concerted effort to change our policies towards one another for the better, it will only lead to greater restrictions in both countries and fewer opportunities for moderate voices in both countries to engage directly with one another. I will conclude by urging the Cuban Government to release immediately all these prisoners and all prisoners of conscience.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 30 seconds to the gentleman from Michigan (Mr. MCCOTTER), a member of our Committee on International Relations.

Mr. MCCOTTER. Mr. Speaker, I rise in support of the resolution.

We in America inhabit the bosom of freedom. Yet, scant miles, though a lifetime away from our shores, suffering and dying under an antiquated Communist tyrant, the Cuban people yearn to breathe free. By passing this resolution, we in the citadel of freedom

say to the Cuban people, we hear you and we will help you. For if we do not, we will betray our own cherished democratic principles and our refusal will constitute a mute chorus of deafening silence in the face of human suffering. I urge adoption of the resolution.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise today in support of H.R. 179 that condemns the brutal crackdown of the Cuban Government on the island's peaceful pro-democracy movement and calls for the immediate release of all Cuban political prisoners.

Mr. Speaker, I have addressed this House on several occasions regarding Castro's continued assault on and disregard for human rights and democracy. I and several of my colleagues have spoken recently of Castro's decision to arrest and try 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 peaceful opposition on the island.

Inside of a month Castro has arrested, arraigned, tried, and sentenced many of the dissidents, some receiving prison terms as long as 27 years.

Mr. Speaker, there is an article in today's New York Times that I would like to enter into the record, and it mentions James Cason, the U.S. diplomat that has been spoken of, and it says that the reason this is happening is because they have become such effective advocates that the government attacks them.

The reason this is happening is these dissidents are having an impact. People believe in them in Cuba. They are having an impact on basically changing and reforming the government ultimately. They have become voices of change. That is why it is so important that we here in the United States basically condemn what Castro is doing, because otherwise people like them will not continue.

Mr. Speaker, I strongly urge my colleagues to support this resolution. 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. Congress must send a strong message to Castro that despite his hopes that the world would be looking the other way, that his actions have not gone unnoticed and will not be allowed to continue.

[From the New York Times, April 8, 2003]

CUBAN DISSIDENTS GET PRISON TERMS AS LONG AS 27 YEARS

(By David Gonzalez)

MIAMI, Apr. 7.—Cuban courts today began handing out prison terms of up to 27 years to dozens of dissidents, including journalists and librarians, who had been advocating democratic reforms, according to human rights groups and news reports from Havana.

The harsh sentences capped five days of trials in which state security agents who had infiltrated dissident groups testified against their supposed colleagues on charges of subversion and collaborating with American diplomats. Almost 80 people were arrested in an islandwide sweep that started last month and that has been condemned by numerous human rights advocates, the European Union and foreign leaders.

Héctor Palacios, a key organizer of the Varela Project, which seeks democratic reforms, was sentenced to 25 years. Marta Beatriz Roque, an independent economist who angered authorities when she invited the chief American diplomat in Cuba to her home in February, received a 20-year sentence.

Omar Rodríguez Saludes, an independent journalist who covered the news scooting around Havana on a battered bicycle, was handed the longest sentence: 27 years.

Cuban authorities said the dissidents had conspired with James Cason, the United States diplomat, and they brought charges against them under a law that makes illegal any support of measures like the American trade embargo that would harm the island's economy or sovereignty. During an appearance at the University of Miami today, Mr. Cason had a one-word reply when asked if he thought—as the Cuban government had suggested—that he provoked the crackdown by his repeated meetings with dissidents.

''Lies,'' he said.

He defended his contacts with the dissidents as a normal part of his work, saying that the American mission in Havana provided people with books, Internet access and newspaper clippings, among other services. They did not, he said, pay the groups or give them their marching orders, but supported their call for a quick and peaceful transition to democracy.

''We should be clear, the opposition is not a shadow government waiting to move into power,'' Mr. Cason said in his speech. ''They are simply among the few who openly say what so many others believe, that it is time for change. Because they have become effective advocates, the government attacks them, labeling them subversive traitors.''

International groups condemned the sentences, saying those arrested were exercising fundamental freedoms protected by the Universal Declaration on Human Rights, of which Cuba is a signer. Several Latin nations have introduced a proposal to censure Cuba at the current session of the United Nations Commission on Human Rights in Geneva.

''It's perverse that there's a massive crackdown in Cuba just at the moment that the United Nations is examining Cuba's human rights record,'' said José Miguel Vivanco, the Americas director of Human Rights Watch. ''The commission must condemn these abuses, and do so strongly and unequivocally.''

Relatives of some dissidents denounced the lengthy prison terms as effective life sentences. Raul Rivero, a poet and the dean of the island's independent journalists, who was given a 20-year sentence, suffers from phlebitis and other illnesses.

''This is so arbitrary for a man whose only crime is to write what he thinks,'' said Mr. Rivero's wife, Blanca Reyes. ''What they found on him was a tape recorder, not a grenade.''

Mr. Cason said that the United States would offer moral support to those who would assume the work of those now in jail.

The Cuban government put limits on Mr. Cason's movements after he traveled some 6,000 miles around the island in his first six months. Some have speculated the government might decide to keep him out of the country, a possibility he accepted.

''They can shoot the messenger if they want,'' Mr. Cason said. ''There will be more messengers coming.''

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of our Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, since mid-March the Castro dictatorship has carried out a massive crackdown on human rights defenders, independent journalists, and trade unionists and other brave and noble pro-democracy activists throughout Cuba.

Not satisfied with the ongoing torture and mistreatment and incarceration of approximately 400 political prisoners, Castro has begun a new, ominous, and shameful attack on another 80 of the best and brightest and most courageous of Cuba. Now, as we meet here today, his people and his thugs are beating, victimizing, and sentencing to very long prison sentences those who are the cream of the crop in Cuba, who believe in freedom and democracy.

Castro, with all eyes diverted on Iraq and the war in Iraq, is trying to silence dissent with violence, ''show'' trials, and incarceration. This latest manifestation, Mr. Speaker, of cruelty by the Castro dictatorship is but another, but a highly significant other, reminder of the true character of this regime. It is cruel, brutal and an egregious violator of human rights.

Mr. Speaker, Castro's brutal actions hopefully will serve as a wake-up call to those in the United States, especially those in the United States Congress who argue that it is time to lift the travel ban and sanctions against Cuba. I especially want to focus, Mr. Speaker, on those in the European Union who have been trading with the island country of Cuba for so many years without any linkage whatsoever to human rights. Trade, trade, trade, while this barbaric dictatorship gets worse and worse and worse.

In previous Congresses, Mr. Speaker, I have offered an amendment to lift the travel ban, if and only if political prisoners are freed and felons who have committed acts of violence in the United States against U.S. police, including a trooper from the State of New Jersey, are brought to the U.S. in order to be held accountable. That amendment, sadly, lost.

Now, today on the floor we are united in rhetoric and sentiment for those who are being incarcerated and mistreated. But we also need linkage, Mr. Speaker. We need to recognize that actions, and particularly those that are linked to trade and travel bans, can be very efficacious—actions always speak louder than our words. I call upon the European Union, Mr. Speaker, to engage the human rights abuses of Castro with something more than rhetoric. Members of the EU have been trading, as has Canada, for so many years. What have they gotten for it? Maybe they made a few bucks or a few Euros or a few Canadian dollars, but they have,

however unwittingly, aided and abetted this brutal tyrant in horrific repression against his people.

I urge strong support for the gentlewoman from Florida's (Ms. ROS-LEHTINEN) resolution, and I hope this is a wake-up call about what this regime is all about.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I want to thank all of the sponsors of this resolution, especially my friends from Florida.

Mr. Speaker, there is an old saying that people do not miss fresh air until they live without it. My friends from south Florida understand what it is like to live without freedom and without fresh air.

While American men and women are halfway around the world fighting for freedom and democracy, we are finding out who our friends are. We are also finding out throughout the world who the really bad actors are. You can judge bad guys because while the cat is away, the rats are playing just 90 miles off the Florida border. And I will say that the roundup of these individual freedom fighters, who remind me of the original founders of our Republic, who pledged in the Declaration their lives, their fortunes, and their sacred honor to stand up for what is right, the most recent roundup by Castro and his evil regime is nothing but a modern-day Stalinist purge.

I will say as we are fighting to free the Iraqi people, so we should stay the course and fight to free the Cuban people. I urge a unanimous vote by this House of Representatives and, once again, I want to thank all of my colleagues who are sponsors of this resolution.

Mr. LANTOS. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself 1 minute. After speaking, I will yield to the gentleman from Florida (Mr. MARIO DIAZ-BALART) to close.

Mr. Speaker, I started my remarks quoting Eli Wiesel, and I would like to end the remarks that I have on this resolution by this same gentleman who has meant so much for freedom and human rights and free expression of ideas throughout the world.

Eli Wiesel said, ''Just as despair can come to one only from other human beings, hope too can be given to one only by other human beings.''

Let us be that beacon of hope for the Cuban people. Let us support this resolution. Let us support those freedom fighters, those valiant fighters for free thought who are actually given sentences for possession of typewriters, for possession of books, for possession of computers, for giving interviews to foreign journalists. Let us be that beacon of hope that Eli Wiesel spoke about.

□ 1530

Mr. Speaker, I yield the remaining time to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thank the gentlewoman for yielding the time to me, and I also want to thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for bringing this resolution to the floor.

We have heard about this horrible thing that is going on just 90 miles away from the United States coast, these people getting arrested. What are they getting arrested for? What have they gotten convicted for? Let me just mention Raul Ramon Rivero, an independent journalist and leader of the Cuba press newspapers service who, by the way, has been sentenced to 20 years, Mr. Speaker, 20 years in prison for the following reasons:

Because he created an independent press organization, 20 years for that. Because he is circulating materials published by human rights groups, 20 years for that, Mr. Speaker. Because he is a member of the Cuban Society of Independent Journalists, 20 years in prison for that, Mr. Speaker. Because, the audacity, he has a Sony tape recorder. Mr. Speaker, furthermore, he has the audacity of having a Samsung computer; and if that was not enough to deserve 20 years in prison, it is because he has had meetings in his home with other independent journalists.

That is the reason, Mr. Speaker, why he is serving 20 years, why the tyranny has sentenced him for 20 years in prison. It is not a joke. It is not a cruel joke. Those are the reasons, and like reasons for why these people are being sentenced to 20 years or life imprisonment just 90 miles away from our coast.

Mr. Speaker, some still do business with that tyrant, with Castro; and some want to do business with Castro, with the Castro regime. Doing business with the Castro regime, Mr. Speaker, which is Castro's will, that is what he wants, he says it every single day, doing business with that tyrant, Mr. Speaker, and let us make it very clear, is doing business with a criminal. It is doing business with an international terrorist. It is doing business with a thug, with a tyrant. Mr. Speaker, it is doing business with a murderer; and yes, just listen to him, what he says, it is doing business with a mortal enemy of the United States of America and the American people.

Let us remember what Marta Beatriz Roque, who now has been sentenced to prison for these same types of issues, what she has been saying time and time again. One of the reasons that she is going to prison is because she has said that we must keep the sanctions on the tyranny; we must keep the pressure on until finally there are free elections in Cuba.

That is the goal, Mr. Speaker. That is what we need to do. That is what we need to succeed in achieving for the Cuban people, and that is why it is important. That is a step to free elections. That is a step to freedom in Cuba.

We overwhelmingly support this resolution and want to make sure that the world sees that everybody understands that we will not tolerate, we will not tolerate this type of behavior; and we are not going to do business with that kind of anti-American thug, criminal, assassin and terrorist just 90 miles away from our shores.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this resolution.

The world has condemned Cuba's recent crackdown on human rights and democracy activists. What is most troubling is that this is nothing new. The recent crackdown is merely a continuation of the systematic human rights violations in Cuba committed by the Castro regime.

Today I was most discouraged to learn of the prison sentences that have been handed down to dozens of these dissidents, who have been charged with ''subversion'' and collaborating with American diplomats, among other charges. Hector Palacious is but one I'll mention. Along with Oswaldo Paya Sardinas, Mr. Palacios has been a key organizer of the Varela Project, an effort to win Cuban popular support for a referendum on open elections, freedom of speech, freedom for political prisoners, and free enterprise. Yesterday he was sentenced to 25 years in prison for advocating democratic reforms.

Today I join my colleagues in condemning Cuba's crackdown on democracy, in calling for the release of all Cuba's political prisoners, in supporting the right of the Cuban people to exercise their political and civil liberties, and in calling on the world to insist in the strongest terms that the Government of Cuba adhere to international human rights standards.

I enclose for the record a letter to me from former Secretary of State Madeleine Albright, now Chairman of the National Democratic Institute for International Affairs. NDI has worked with organizers of the Varela Project to promote the movement internationally, and last year NDI honored Oswaldo Paya Sardinas for his courageous efforts to promote democracy. Enclosed also is a statement from him calling for the immediate release of the activists. Mr. Paya calls this moment the ''Spring of Cuba'' because for the first time, a peaceful movement is flourishing there. We must do all we can to help it take root.

Mr. FARR. Mr. Speaker, I rise today to offer my strong support for H. Res. 179. The recent crackdown by the Cuban government on political dissidents is without reason or measure. The Cuban government must recognize that if it wants to become a full member of the family of democratic nations, and re-establish ties with the United States, it must abide by the fundamental rules of a democracy. At the very top of that list is freedom of expression.

I believe that the United States can assist Cuba in its move towards greater freedom and openness. The American Congress and the Administration can lead by example, by lifting the travel ban, and lifting the trade embargo. How can we advocate for greater freedom when we prevent American companies and consumers from benefiting from trade with Cuba? How can we call for greater openness when we do not let American citizens exercise

their constitutional right to travel freely, to Cuba if they so desire. America can also lead by example by avoiding needless antagonization of Cuba. Wherever they are, our diplomatic community must always act diplomatically.

Current U.S. policy towards Cuba has proved a failure. It makes no sense to continue down the path of isolation. The recent actions by the Cuban government, while reprehensible, do not change that central fact. U.S. policy should be based on U.S. national interests, not a system of rewards and punishments for good or bad behavior. In this instance, the Cuban government has behaved badly and they should be properly sanctioned for it, in America and in the world community. This resolution is an appropriate measure. I do not think, however, that it should affect policy. This should not lead to greater restrictions. To the contrary, the response should be greater exchange between the U.S. and Cuba. Greater freedom and openness will lead to a more free and open Cuban society. As we call on Cuba now to change its policy, we must also ask ourselves what we can do to have a more free and open policy. Lifting the travel and trade ban on Cuba would be a good start.

Mr. MEEK of Florida. Mr. Speaker, I rise today in strong support of this resolution. I also thank my South Florida colleagues, LINCOLN DIAZ-BALART, ILEANA ROS-LEHTINEN and MARIO DIAZ-BALART for bringing this resolution to the floor. I stand with them today to condemn the brutal and inhumane attacks by Fidel Castro on innocent human rights activists, trade union leaders, journalists and ordinary citizens in Cuba.

Fidel Castro has taken advantage of the power he has in his country and over his citizens for years. Today, he is taking advantage of the world's focus on the war in Iraq to once again suppress Cuban dissidents who are trying to exercise basic rights of freedom of expression, seeking a peaceful evolution towards a democracy he so obviously deplores.

Mr. Speaker, here in the United States, protesters are using their First Amendment rights to speak their minds on the war in Iraq. Whether they support the Bush administration or not and whether we agree with them or not, people in this country rally to voice their concerns over the war, and other issues, without the fear of being brutally attacked and imprisoned for the rest of their lives.

In Cuba however, the freedom to express your mind is nonexistent. The imprisoned dissidents in Cuba are part of a growing movement who are continuously followed, harassed, phone-tapped and detained.

For merely stating their opinions, signing petitions and writing articles advocating the end of the dictatorship in Cuba, these activists are charged as criminals. They are threatened for gathering in each other's private homes to talk about the resurrection of a better life in Cuba for themselves and for future generations to come.

Mr. Speaker, these callous and repressive acts by Castro's regime are nothing new. They have been occurring long before my colleagues and I came to Congress. Many of the prisoners will probably face years of imprisonment, joining several hundred political prisoners who have been previously sentenced for similar harmless acts. For decades now, Castro has repeatedly used the repression of his citizens as a means of retaining authority and control over his country and over his people.

It is for these reasons I stand in strong support of this resolution and ask my fellow colleagues to join me to condemn the arrests of these individuals and insist the immediate release of all political prisoners in Cuba.

Mr. DELAY. Mr. Speaker, on March 17th of this year, Fidel Castro initiated his most draconian crack-down on political dissidents in recent years.

He has ordered the arrest of more than 80 pro-democracy activists. He has tried them in proceedings the State Department called a ''kangaroo court.'' And he has sentenced them to decades in prison on illegitimate charges.

Castro was wrong to think he could tighten his choke-hold on the human rights of his people under the radar of the civilized world.

The United States may be engaged in armed conflict on the other side of the world, but no fog of war can conceal Castro's barbarism.

And no freedom-loving nation can reward such behavior with trade policies that, however well-intentioned, would enrich a terrorist regime 90 miles off our shores.

If Castro cared about the Cuban people, he would stop brutalizing members of the pro-democracy movement. He would release all his political prisoners, and restore individual liberties to his people.

He would recognize the human rights of all Cubans, especially those with the courage to speak the truth about his goon squad of a government.

This resolution calls on the Cuban dictator to do all of these things, and it puts the House of Representatives once again on the side of our oppressed neighbors and against their oppressor.

I urge all Members to support it.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 179.

The question was taken.

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

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

CLEAN DIAMOND TRADE ACT

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1584) to implement effective measures to stop trade in conflict diamonds, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1584

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Diamond Trade Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels and state actors to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights and humanitarian advocates, the diamond trade as represented by the World Diamond Council, and the United States Government have been working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. The United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the ''Kimberley Process'', toward devising a solution to this problem. As the consumer of a majority of the world's supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(8) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

(9) The Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002, states that Participants will ensure that measures taken to implement the Kimberley Process Certification Scheme for Rough Diamonds

will be consistent with international trade rules.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Ways and Means and the Committee on International Relations of the House of Representatives, and the Committee on Finance and the Committee on Foreign Relations of the Senate.

(2) CONTROLLED THROUGH THE KIMBERLEY PROCESS CERTIFICATION SCHEME.—An importation or exportation of rough diamonds is ''controlled through the Kimberley Process Certification Scheme'' if it is an importation from the territory of a Participant or exportation to the territory of a Participant of rough diamonds that is—

(A) carried out in accordance with the Kimberley Process Certification Scheme, as set forth in regulations promulgated by the President; or

(B) controlled under a system determined by the President to meet substantially the standards, practices, and procedures of the Kimberley Process Certification Scheme.

(3) EXPORTING AUTHORITY.—The term ''exporting authority'' means 1 or more entities designated by a Participant from whose territory a shipment of rough diamonds is being exported as having the authority to validate the Kimberley Process Certificate.

(4) IMPORTING AUTHORITY.—The term ''importing authority'' means 1 or more entities designated by a Participant into whose territory a shipment of rough diamonds is imported as having the authority to enforce the laws and regulations of the Participant regulating imports, including the verification of the Kimberley Process Certificate accompanying the shipment.

(5) KIMBERLEY PROCESS CERTIFICATE.—The term ''Kimberley Process Certificate'' means a forgery resistant document of a Participant that demonstrates that an importation or exportation of rough diamonds has been controlled through the Kimberley Process Certification Scheme and contains the minimum elements set forth in Annex I to the Kimberley Process Certification Scheme.

(6) KIMBERLEY PROCESS CERTIFICATION SCHEME.—The term ''Kimberley Process Certification Scheme' means those standards, practices, and procedures of the international certification scheme for rough diamonds presented in the document entitled ''Kimberley Process Certification Scheme'' referred to in the Interlaken Declaration on the Kimberley Process Certification Scheme for Rough Diamonds of November 5, 2002.

(7) PARTICIPANT.—The term ''Participant'' means a state, customs territory, or regional economic integration organization identified by the Secretary of State.

(8) PERSON.—The term ''person'' means an individual or entity.

(9) ROUGH DIAMOND.—The term ''rough diamond'' means any diamond that is unworked or simply sawn, cleaved, or bruted and classifiable under subheading 7102.10, 7102.21, or 7102.31 of the Harmonized Tariff Schedule of the United States.

(10) UNITED STATES.—The term ''United States'', when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(11) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any United States citizen or any alien admitted for permanent residence into the United States;

(B) any entity organized under the laws of the United States or any jurisdiction within the United States (including its foreign branches); and

(C) any person in the United States.—

SEC. 4. MEASURES FOR THE IMPORTATION AND EXPORTATION OF ROUGH DIAMONDS.

(a) PROHIBITION.—The President shall prohibit the importation into, or exportation from, the United States of any rough diamond, from whatever source, that has not been controlled through the Kimberley Process Certification Scheme.

(b) WAIVER.—The President may waive the requirements set forth in subsection (a) with respect to a particular country for periods of not more than 1 year each, if, with respect to each such waiver—

(1) the President determines and reports to the appropriate congressional committees that such country is taking effective steps to implement the Kimberley Process Certification Scheme; or

(2) the President determines that the waiver is in the national interests of the United States, and reports such determination to the appropriate congressional committees, together with the reasons therefor.

SEC. 5. REGULATORY AND OTHER AUTHORITY.

(a) IN GENERAL.—The President is authorized to and shall as necessary issue such proclamations, regulations, licenses, and orders, and conduct such investigations, as may be necessary to carry out this Act.

(b) RECORDKEEPING.—Any United States person seeking to export from or import into the United States any rough diamonds shall keep a full record of, in the form of reports or otherwise, complete information relating to any act or transaction to which any prohibition imposed under section 4(a) applies. The President may require such person to furnish such information under oath, including the production of books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(c) OVERSIGHT.—The President shall require the appropriate Government agency to conduct annual reviews of the standards, practices, and procedures of any entity in the United States that issues Kimberley Process Certificates for the exportation from the United States of rough diamonds to determine whether such standards, practices, and procedures are in accordance with the Kimberley Process Certification Scheme. The President shall transmit to the appropriate congressional committees a report on each annual review under this subsection.

SEC. 6. IMPORTING AND EXPORTING AUTHORITIES.

(a) IN THE UNITED STATES.—For purposes of this Act—

(1) the importing authority shall be the United States Bureau of Customs and Border Protection or, in the case of a territory or possession of the United States with its own customs administration, analogous officials; and

(2) the exporting authority shall be the Bureau of the Census.

(b) OF OTHER COUNTRIES.—The President shall publish in the Federal Register a list of all Participants, and all exporting authorities and importing authorities of Participants. The Secretary shall update the list as necessary.

SEC. 7. STATEMENT OF POLICY.

The Congress supports the policy that the President shall take appropriate steps to promote and facilitate the adoption by the international community of the Kimberley Process Certification Scheme implemented under this Act.

SEC. 8. ENFORCEMENT.

(a) IN GENERAL.—In addition to the enforcement provisions set forth in subsection (b)—

(1) a civil penalty of not to exceed $10,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this Act; and

(2) whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this Act shall, upon conviction, be fined not more than $50,000, or, if a natural person, may be imprisoned for not more than 10 years, or both; and any officer, director, or agent of any corporation who willfully participates in such violation may be punished by a like fine, imprisonment, or both.

(b) IMPORT VIOLATIONS.—Those customs laws of the United States, both civil and criminal, including those laws relating to seizure and forfeiture, that apply to articles imported in violation of such laws shall apply with respect to rough diamonds imported in violation of this Act.

(c) AUTHORITY TO ENFORCE.—The United States Bureau of Customs and Border Protection and the United States Bureau of Immigration and Customs Enforcement are authorized, as appropriate, to enforce the provisions of subsection (a) and to enforce the laws and regulations governing exports of rough diamonds, including with respect to the validation of the Kimberley Process Certificate by the exporting authority.

SEC. 9. TECHNICAL ASSISTANCE.

The President may direct the appropriate agencies of the United States Government to make available technical assistance to countries seeking to implement the Kimberley Process Certification Scheme.

SEC. 10. SENSE OF CONGRESS.

(a) ONGOING PROCESS.—It is the sense of the Congress that the Kimberley Process Certification Scheme, officially launched on January 1, 2003, is an ongoing process. The President should work with Participants to strengthen the Kimberley Process Certification Scheme through the adoption of measures for the sharing of statistics on the production of and trade in rough diamonds, and for monitoring the effectiveness of the Kimberley Process Certification Scheme in stemming trade in diamonds the importation or exportation of which is not controlled through the Kimberley Process Certification Scheme.

(b) STATISTICS AND REPORTING.—It is the sense of the Congress that under Annex III to the Kimberley Process Certification Scheme, Participants recognized that reliable and comparable data on the international trade in rough diamonds are an essential tool for the effective implementation of the Kimberley Process Certification Scheme. Therefore, the executive branch should continue to—

(1) keep and publish statistics on imports and exports of rough diamonds under subheadings 7102.10.00, 7102.21, and 7102.31.00 of the Harmonized Tariff Schedule of the United States;

(2) make these statistics available for analysis by interested parties and by Participants; and

(3) take a leadership role in negotiating a standardized methodology among Participants for reporting statistics on imports and exports of rough diamonds.

SEC. 11. KIMBERLEY PROCESS IMPLEMENTATION COORDINATING COMMITTEE.

The President shall establish a Kimberley Process Implementation Coordinating Committee to coordinate the implementation of this Act. The Committee should be composed of the following individuals or their designees:

(1) The Secretary of the Treasury and the Secretary of State, to serve as co-chairpersons.

(2) The Secretary of Commerce.

(3) The United States Trade Representative.

(4) The Secretary of Homeland Security.

(5) A representative of any other agency the President deems appropriate.

SEC. 12. REPORTS.

(a) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act and every 12 months thereafter for such period as this Act is in effect, the President shall transmit to the Congress a report—

(1) describing actions taken by countries that have exported rough diamonds to the United States during the preceding 12-month period to control the exportation of the diamonds through the Kimberley Process Certification Scheme;

(2) describing whether there is statistical information or other evidence that would indicate efforts to circumvent the Kimberley Process Certification Scheme, including cutting rough diamonds for the purpose of circumventing the Kimberley Process Certification Scheme;

(3) identifying each country that, during the preceding 12-month period, exported rough diamonds to the United States and was exporting rough diamonds not controlled through the Kimberley Process Certification Scheme, if the failure to do so has significantly increased the likelihood that those diamonds not so controlled are being imported into the United States; and

(4) identifying any problems or obstacles encountered in the implementation of this Act or the Kimberly Process Certification Scheme.

(b) SEMIANNUAL REPORTS.—For each country identified in subsection (a)(3), the President, during such period as this Act is in effect, shall, every 6 months after the initial report in which the country was identified, transmit to the Congress a report that explains what actions have been taken by the United States or such country since the previous report to ensure that diamonds the exportation of which was not controlled through the Kimberley Process Certification Scheme are not being imported from that country into the United States. The requirement to issue a semiannual report with respect to a country under this subsection shall remain in effect until such time as the country is controlling the importation and exportation of rough diamonds through the Kimberley Process Certification Scheme.

SEC. 13. GAO REPORT.

Not later than 24 months after the effective date of this Act, the Comptroller General of the United States shall transmit a report to the Congress on the effectiveness of the provisions of this Act in preventing the importation or exportation of rough diamonds that is prohibited under section 4. The Comptroller General shall include in the report any recommendations on any modifications to this Act that may be necessary.

SEC. 14. DELEGATION OF AUTHORITIES.

The President may delegate the duties and authorities under this Act to such officers, officials, departments, or agencies of the United States Government as the President deems appropriate.

SEC. 15. EFFECTIVE DATE.

This Act shall take effect on the date on which the President certifies to the Congress that—

(1) an applicable waiver that has been granted by the World Trade Organization is in effect; or

(2) an applicable decision in a resolution adopted by the United Nations Security Council pursuant to Chapter VII of the Charter of the United Nations is in effect.

This Act shall thereafter remain in effect during those periods in which, as certified by the President to the Congress, an applicable waiver or decision referred to in paragraph (1) or (2) is in effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I would like to begin by commending the gentleman from New York (Mr. HOUGHTON), the vice-chairman of the Subcommittee on Africa, for working long and hard on this legislation.

For several years now, the House has been focused on the problem of conflict diamonds around the world. Three years ago, the Subcommittee on Africa that I chair held a hearing on these conflict diamonds; and we have had several hearings on Sierra Leone where, again, these diamonds have fueled a conflict, frankly, a conflict that has brutalized many children in that country, a conflict that has led to the forced amputations of the arms and legs of little girls and little boys in Sierra Leone.

Concerted international action, including a U.N. curb on the diamond trade in Sierra Leone and neighboring Liberia, has helped give Sierra Leone a chance for peace. The legislation that we are considering today builds on that success.

We should note that the problem of natural resources fueling conflicts in Africa is not limited to diamonds. Over the last several years, an estimated 2.5 million people have died in the eastern Congo due to a conflict being fueled by an illegal natural resource rush. The U.N. has documented what it calls ''elite networks,'' government officials from Rwanda, Uganda, Zimbabwe, and the Congo acting in collaboration with international criminals and war lords. What are they doing? They are gorging on diamonds, but also other minerals and on farm produce and land and tax revenue, and these characters thrive in an environment of conflict. They thrive on death, and we need to combat all of this exploitation.

Today, though, we are focused on a significant part of the problem, and that is diamonds; and this legislation is an important tool to fight this chaos that is going on in eastern Congo and elsewhere. Ending the trade in conflict diamonds is all the more important given reports of terrorists using rough diamonds to hide their funds and to transfer their funds.

Again, I would like to commend the gentleman from New York and the other Members; and to name a few, I would like to commend the gentleman from Virginia (Mr. WOLF); our former Member, the gentleman from Ohio (Mr. Hall); the gentleman from New York (Mr. RANGEL); and others who have worked on this legislation, which has been several years in the making. It promises to curb the trade in conflict diamonds while not harming the legitimate diamond trade that so many Africans depend on for their livelihood.

This is an important step forward and deserves strong support.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume, and I ask unanimous consent to yield the balance of the time, after I am done, to the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, and also that he be allowed to allocate that time as he desires.

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

There was no objection.

Mr. LEVIN. Mr. Speaker, I rise in support of this legislation. H.R. 1584, the Clean Diamond Trade Act, implements our obligations, the U.S. obligations under the Kimberley Process Certification Scheme, an international system designed to ensure that rough diamonds entering the U.S. are legally mined and traded.

Once in place, this system will be instrumental in ensuring that conflict diamonds, gems that have fueled decades-long wars and atrocities in Africa, are not imported into the United States.

This legislation represents the culmination of a 3-year effort led in substantial part by the gentleman from Virginia (Mr. WOLF) and former Member, the gentleman from Ohio (Mr. Hall), and the gentleman from New York (Mr. HOUGHTON), who is here today, and I salute his efforts, and the gentleman from New York (Mr. RANGEL).

Each of these Members has helped to keep the spotlight focused on the terrible toll trade in conflict diamonds has had on the people of sub-Saharan Africa. They have worked diligently and responsibly to address the concerns of the administration and of the gentleman from California (Mr. THOMAS). They have also worked to address concerns about the impact of rough diamond regulations on legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

Let me just say briefly a word about the circumstances under which this bill is being considered. There is an urgent time factor. As a result, this legislation was not considered in the Committee on Ways and Means or the Committee on International Relations; but this was not basically an effort to bypass the committee process which, in my view, is essential to the development of sound legislation. Rather, we agreed, on a bipartisan basis, because of time constraints, to proceed in this manner, in part in large measure because of the implications of continued nonaction by the U.S.

Specifically, as I understand it, the entire international certification system was not going to go into effect because we here had not implemented our obligations. So I am glad we were able to work across the aisle, across committees and with the NGO community,

the diamond industry and the diamond mining country representatives to put this bill together.

I believe it is a beneficial work product, one which I urge my colleagues to pass; and also I think it is an example of how to proceed on a bipartisan basis. It makes sense here, and it makes sense on other important issues.

Specific provisions I am pleased to see included are inclusion of record-keeping requirements for importers and exporters of rough diamonds, mandatory executive branch oversight of any entity that issues Kimberley process certificates and provisions to coordinate activities of the various agencies and departments that will implement this bill and U.S. Kimberley process obligations. With these additions, this bill sends an important signal to the international community that we here are engaged; that we here take this issue seriously; and that we here expect other nations to take the necessary steps to help eradicate this plight.

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman from Illinois (Mr. CRANE), the gentleman from Michigan (Mr. LEVIN), the gentleman from California (Mr. ROYCE), the gentleman from New York (Mr. RANGEL). I want to thank particularly the gentleman from Virginia (Mr. WOLF) here who has been a leading light in this whole proposition and also Tony Hall, who is the ambassador to the Food and Agricultural Organization in Rome whose spirit just pervades this whole Chamber on this issue.

A lot of this has already been talked about. I will not go over it in detail, but let me just say a few things. This really is a follow-up to last year's bill. I will not give my colleagues the number, they know it, but this 1584 creates a system to monitor the blood diamonds coming from Africa. It is a very, very important bill for a variety of reasons, not the least of which the humanitarian aspect; and what it does, it attacks the problem of the trade in African diamonds by having the President implement the so-called Kimberley process. My colleagues know what that is. It is important. It is a vehicle for making this bill possible.

What the bill mechanically does is three things. First of all, it bans noncompliant rough diamonds. It severely punishes the violators of this ban, and it also helps other countries to set up similar systems.

Also, this bill will require various reports by the administration and a 24-month study by the GAO to report on the effectiveness of the system. It urges the President to continue negotiations to strengthen the system and protects the legitimate diamond trade and also remains consistent with our international trade obligations.

Like so many other things we do around here, all great ideas ultimately degenerate into work; and the people who did the great work, David Kavanaugh, Mike Walsh, Viji Rangaswami of the Subcommittee on Trade, Frank Record of the Committee on International Relations, Jay Bruns of the State Department, and many friends of the Campaign to Eliminate Conflict Diamonds, world vision, Amnesty International, Oxfam, and Catholic Relief Services. All have added their weight here to this very important piece of legislation.

I urge my associates and my colleagues to pass it.

□ 1545

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution. First, Mr. Speaker, I would like to commend my good friend and colleague, the gentleman from New York (Mr. HOUGHTON), who has done so much to promote human rights and human dignity and fairness and justice in Africa, and indeed throughout the globe. I also want to thank all of my colleagues on both sides of the aisle for making a contribution to this legislation.

Mr. Speaker, our legislation requires the United States to participate in the Kimberly Process certification scheme. This process is designed to prevent international trade in conflict diamonds while protecting legitimate trade.

One cannot speak of conflict diamonds, Mr. Speaker, without recalling in vivid detail the young children from Sierra Leone who came before this Congress as tiny witnesses to the horror of so-called resource wars in Africa. Little boys and little girls with arms and legs missing sat quietly before the Committee on International Relations as we listened to the gruesome details of the civil war in Sierra Leone.

The civil war was not a just war. This was a war of shameless greed and shameless corruption, an uncivilized war that knew no mercy, that knew no limit to cruelty. This war, and the wars in Angola and the so-called Democratic Republic of Congo, were fueled in large part by the illicit trade in so-called conflict diamonds. While some call these diamonds a curse on these countries, it is the evil men who would slaughter parents and maim children who are the ultimate curse on these countries and on humanity as a whole.

Mr. Speaker, the wars in Sierra Leone and Angola have ended, and in Sierra Leone many of the wrongdoers are being brought to justice. Sanctions against conflict diamonds played a significant part in helping to stop these wars. While the immediate crisis has passed, the effects will linger far into the future. I trust we will be willing to step up to the plate when we are called upon to help.

Mr. Speaker, H.R. 1584 will make sure that the United States and our jewelry industry are not complicit in any further exploitation of diamonds to fuel civil conflicts. Our legislation prohibits the importation to or exportation from the United States of any rough diamonds, from whatever source, that are not controlled through the Kimberly Process. I urge all of my colleagues to support H.R. 1584.

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

Mr. CRANE. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to say thanks to the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), the chairman of the Subcommittee on Trade, the gentleman from Illinois (Mr. CRANE), and their staff, Angela Ellard and Dave Kavanaugh, with the help of Viji Rangaswami from the minority staff for their efforts on the bill. In addition, I want to thank the gentleman from New York (Mr. HOUGHTON) and his staff, Bob Van Wicklin for pulling this bill together and staying very faithful during this difficult time; also, Frank Record and Joan Condon from the Committee on International Relations for their important contributions.

The passage of this bill is really a tribute to a former Congressman, Tony Hall, who brought this issue to the body and asked me to go with him several years ago to Sierra Leone. So, Tony, this is really because of your work. And who says one person cannot make a difference?

Mr. Speaker, millions of people have died in Africa because of the bloodshed surrounding conflict diamonds. The bill we consider today may finally bring hope and justice to the millions of Africans who have suffered. In addition, major media organizations, the Washington Post and the BBC, have reported direct connections between blood diamonds and the al Qaeda terrorist network. Addressing the issue of conflict diamonds is not only essential for the millions dying and suffering in Africa but also for America's national security.

This version of the bill before the House is a good one, and I am confident the President has the tools to ban trade of rough diamonds that fund terrorists and other groups that commit despicable actions against innocent people. The al Qaeda, Hezbollah, and many other groups have been funded through this diamond trade.

This bill is an important improvement over other drafts we have seen this year. For example, the bill language has established the Kimberly Process Coordination Committee. The committee would coordinate the implementation of the act. Both the Secretaries of State and Treasury would be chairs of the committee. With the assistance of the Secretaries of Commerce, Homeland Security, and the U.S. Trade Rep, there would be greater pressure to be sure the process is implemented as the Congress intends.

Further, a former Ambassador to Sierra Leone, Ambassador Melrose, has told us that the ability to maintain statistical information is vital to make a determination as to whether or not the Kimberly Process is being successful or circumvented. This will take care of that.

The bill prevents illicit conflict diamonds from entering the United States. This is a tribute not only to former Congressman Hall, but also as a sign that we care deeply about the young men and women and children who had their arms cut off and all those activities that took place. And I just want to thank all the Members and the staff that have been involved in bringing this bill here.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from California (Ms. LEE), my good friend and neighbor, who has fought so hard for human rights in Africa and elsewhere.

Ms. LEE. Mr. Speaker, I want to thank the gentleman for his leadership in advocating human rights throughout the world and also for making sure that this is a bipartisan bill.

I rise today in support of the Clean Diamonds Trade Act. Finally, Congress, the international community, and the various grassroots organizations' efforts to sever the link between diamonds and war has come to the floor for a vote. So I want to thank the gentleman from New York (Mr. HOUGHTON), the gentleman from Illinois (Mr. HYDE), and again our ranking member, the gentleman from California (Mr. LANTOS), as well as the chair of the Subcommittee on Africa, the gentleman from California (Mr. ROYCE) and our ranking member, the gentleman from New Jersey (Mr. PAYNE) for their continued commitment to this issue. I encourage all Members to support this bill.

Some have argued that regulating the global diamond industry should not be Congress' responsibility, but I argue that promoting peace over conflict, supporting our international communities' efforts to clean up the global diamond system, and introducing ways to support the people in Africa, who have not been able to benefit from their own resources, should be our goal. This legislation transforms diamonds into a commodity from which all communities can benefit, not just a chosen few.

H.R. 1584, the Clean Diamonds Trade Act, provides a long list of overdue regulation on conflict diamonds. The bill requires United States compliance with the Kimberly Process certification. It imposes costly, very costly, civil penalties and jail time, which is very important, jail time for those who willfully violate the act, and incorporates oversight from our Customs Service and other key agencies which oversee international trade.

I believe each component is essential to ending the sale of conflict diamonds. And, further, I hope that we will find a way to incorporate more Africans into the diamond industry itself to promote more entrepreneurship and sustainable development.

In closing, I would like to thank several organizations, including Amnesty International, World Vision, Physicians for Human Rights, Oxfam America, and World Relief for their continued support of conflict diamond reforms. Over 65 percent of these conflict diamonds, Mr. Speaker, were sold to people in our own country. So I want to thank our constituents for pushing for reform instead of accepting this unjust trade.

I urge all our colleagues to support this bipartisan bill and the passage of H.R. 1584, and I want to thank once again the gentleman from California (Mr. LANTOS) again and the gentleman from New York (Mr. HOUGHTON).

Mr. CRANE. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished chairman for yielding me this time and for his great work on behalf of this legislation, and to the gentleman from New York (Mr. HOUGHTON) for his superb leadership in crafting this bill.

I rise in strong support, Mr. Speaker, of the Clean Diamond Trade Act, a long overdue measure that will restore the U.S. in a leadership position in the fight against the trade in conflict diamonds. For too long, the international community has looked the other way as rebel groups have trafficked in the sale of lethal military weapons using the profits from the sale of these diamonds to finance efforts to overthrow legitimate governments.

This bill will put in place the required laws and regulations designed to monitor and control the import and export of the trade in conflict diamonds so they can no longer be used to support instability and armed conflict throughout much of Africa and other parts of the world.

By all accounts, they are aptly named conflict diamonds. During the past decade, more than 6 million people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control for diamond mining areas.

I have met on several occasions, Mr. Speaker, with David Crane, the Sierra Leone Special War Crimes Prosecutor, who told me about ghastly war crimes committed in the name of diamond profits. Not only has the illegitimate trade of diamonds led to systematic and gross human rights violations and civil unrest, so too it has hurt the trade in legitimate diamonds, which makes a critical contribution to the economies of many developing countries.

Numerous resolutions, Mr. Speaker, of the United Nations Security Council under Chapter VII of the U.N. Charter, including resolutions 1173, 1295, 1306, and 1343, as well as a United Nations General Assembly resolution in 2000 have laid the groundwork for devising an international regime to stop the flow of these conflict diamonds.

The first meeting, as I think Members know, to discuss this took place in Kimberly, South Africa, in May of 2000 at the initiative of the African producing countries. Many technical and working group meetings took place subsequent to that throughout Africa and Europe, culminating in the November 2002 meeting in Interlaken, Switzerland, finalizing the so-called Kimberly Process.

This historic meeting committed all 48 participants, including the United States, to the rapid implementation of its diamond certification scheme for rough diamonds consistent with international trade rules. Fully consistent with the work of the diamond industry, including the World Diamond Council, numerous civil society representatives and key NGOs, the voluntary self-regulating initiatives from many producing importing countries have now been melded through the Kimberly Process into a global system of mutually recognized certificates for legitimate diamonds.

Our own Nation's extensive participation in this effort, under the auspices of the State Department's special negotiator for conflict diamonds, is reflected in the measure before us today. The bill implements our obligations to prohibit the import or export of rough diamonds not controlled by the Kimberly Process.

The bill specifies that the exporting authority under the bill will be the Bureau of the Census, and their role will be to issue the required regulations and guidelines to ensure that any proposed exports of rough diamonds be made through the automated export system. Any efforts to fully evaluate and enforce this system validating Kimberly Process Certificates would be undertaken by the United States Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement.

I would also point out to my colleagues that the legislation gives the State Department a lead role, together with the Treasury, in implementing the legislation. In this regard, the existing special negotiator for conflict diamonds in the Bureau for Economic and Business Affairs should continue to play a key role in this effort.

□ 1600

Mr. Speaker, it is the expectation of the Committee on International Relations that it will be fully consulted by the Department to the extent it decides to take any action to modify this position in any way. It has been brought to my attention that a number of nongovernmental organizations who are taking an active role in monitoring the implementation of the Kimberly Process have expressed concerns that several countries, including the Republic of the Congo, the Democratic Republic of the Congo, Zimbabwe and the

Central African Republic, have been admitted as participants in the certification scheme despite evidence of continued illegal trade in rough diamonds.

I would ask the Department to examine this evidence and take any and all appropriate actions necessary to mitigate and stop this illegal activity. I urge support for the bill.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

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

Mr. RANGEL. Mr. Speaker, I thank the ranking member of the Committee on International Relations, and all of the Members of the House that worked on this legislation, including the gentleman from New York (Mr. HOUGHTON) and our past Member, Tony Hall, for the interest and support that he has given. I would like to thank the nongovernment organizations for the work that they have done to make the Kimberly Process available to us, and the certificates, so we can move forward with better trade with those who produce raw diamonds.

Like other Members, I was motivated to get involved in this issue after seeing the horrific evidence of violence wrought by rebel groups financing their civil war activities and human rights abuses through the illegal diamond trade. Addressing this issue, it seemed to me, was part and parcel of our responsibility to assist the nations of sub-Saharan African countries by bringing peace to the continent.

In addition, I understood if we did not curtail trade in illegal diamonds, our failure to act would have a chilling effect on the legitimate diamond trade for countries such as Botswana where legitimately mined diamonds provide a significant source of her income. The stain of conflict diamonds threatens to have a tremendous adverse impact on her.

I would like to say a few words about the process by which this legislation is being considered. Normally, I have been a strong advocate that all legislation go through the committee process and be fully debated; but this particular bill did not go through the Committee on Ways and Means or the Committee on International Relations, but I do believe in view of the time pressure to pass this very important legislation that this should be an exception to the rule and there should not be any controversy. I am pleased to be working with the gentleman from California and on the other side of the aisle with the gentleman from Illinois (Mr. CRANE) to give this support in connection with the urgency that it deserves. I ask all of my colleagues to support this bill.

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

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, I thank the ranking member, the gentleman from California (Mr. LANTOS), and the gentleman from Illinois (Chairman HYDE), and of course from the Committee on Ways and Means, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL).

As a member of the Subcommittee on Africa, we spend a great amount of time on exploring and understanding conflicts in Africa and how devastating the symptoms of the civil war and low-intensity conflicts can be in terms of loss of life and loss of development opportunities.

However, we often do not spend sufficient time on the underlying causes of conflicts of the wars, including wars started and perpetuated over trying to control who gets to benefit from the free trade of Africa's vast natural resources like diamonds. Today's bill makes a positive step in the right direction to bring an end to those who would profit from conflict and war and violence at the expense of socioeconomic development. It makes a step in the right direction to wage a war on the international trade nexus of money, diamonds and weapons which help fuel conflicts in Africa.

I want to thank Members on both sides of the aisle for supporting this initiative. It represents a compromise between doing more to help stop the trade of illegal conflict diamonds while also protecting the trade of diamonds from countries which produce and sell diamonds in ways which support economic development.

Mr. Speaker, H.R. 1584 is a measure we can all support. We must not lose sight of the fact that for centuries Africa's vast resources have been used in legal and illegal ways and provide little benefits to African societies.

If we want to change these realities, if we want the trade of Africa's diamonds, oil, and gold to support economic growth and development, we must devote as equal a level of attention and financial resources as we spend on trade liberalization and privatization efforts to assist African societies in building the necessary economic, regulatory, supervisory, and enforcement institutions and laws that every society must have to have a transparent, competitive and free market economy, an economy where both the rights and obligations of the private sector and consumers are protected, an economy which provides opportunities and freedom for all. This Congress can start today with H.R. 1584.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SYNDER).

Mr. SNYDER. Mr. Speaker, almost 20 years ago I lived and worked in Sierra Leone for 6 months. I was a doctor at a Catholic mission hospital. At that time, Sierra Leone was poor and unhealthy with a life expectancy of 42 years. It was inefficient with a low level of corruption, but it was not dangerous. And then along came these conflict diamonds, blood diamonds, which stimulated greed and provided purchasing power for the weapons and drugs that were used in this very, very brutal war.

As the international community responded to the war in Sierra Leone, a lot of Americans may ask themselves, What does that have to do with me? What is wrong with having a cheaper supply of diamonds? Sierra Leone is so far away.

Mr. Speaker, drying up the cash that supports terrorism is a very important part of the war on terrorism; but we can freeze all of the bank accounts we want and stop the cash transfers, but somebody can take a sock full of illegal diamonds, put it in their pocket, walk onto a plane, and they have an ability to move wealth all over the world, to bribe and buy weaponry and buy explosives. This bill is an important part of our national security, not just in Africa.

Rats have a way of finding a hole in the house, and one of the things that I like about this bill today is that it has the vigilance that legislation needs. It has reporting requirements so we can monitor the success and failures in this bill, and I hope that we will respond in a rapid manner should we see we have some gaps. I encourage a strong vote of support for the Clean Diamond Trade Act.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATSON), a former distinguished ambassador, and a distinguished member of the Committee on Ways and Means.

Ms. WATSON. Mr. Speaker, I rise in strong support of H.R. 1584, the Clean Diamond Trade Act. Over the past decade, many brutal civil wars throughout Africa have been financed with the sale of diamonds. These so-called conflict diamonds have been especially useful to the brutal Sierra Leone rebel organization, the Revolutionary United Front, which has been trading these diamonds to fund its war against the government of Sierra Leone.

This bill implements the Kimberly Process Certification Scheme, which prohibits importing rough diamonds into the United States unless they have been certified as not originating from areas where the diamond trade finances or generates violent conflict. In essence, this bill prohibits the importation of any rough diamond that has not been controlled through the Kimberly Process.

Mr. Speaker, I plan to introduce a bill in the next few days that also supports and endorses the Kimberly Process, but also encourages the global diamond industry, as represented by the World Diamond Council, to step up to the plate and establish a fund to support a variety of programs that will aid in the reconstruction and rehabilitation of African nations traumatized by civil wars financed through the diamond trade.

I believe the diamond industry, which has reaped the financial rewards

of trade with nations engulfed in civil war, must also take responsibility in assisting these nations to heal the wounds of war and creating a just and lasting peace in those countries. While there have been a number of groups within the gemstone industry that have been responsive, others have not yet chosen to acknowledge the humanitarian emergency that the trade in conflict diamonds has produced.

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

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

Mr. Speaker, before I speak on the bill, I want to congratulate Members on both sides of the aisle, especially the gentleman from New York (Mr. HOUGHTON) for the gentleman's work on behalf of getting this bill introduced. I also thank the gentleman from Virginia (Mr. WOLF) and the gentleman from California (Mr. LANTOS) and the gentleman from New York (Mr. RANGEL) on the other side of the aisle.

This is a very important bill that has nothing to do with partisan politics whatsoever. When it was introduced in 2001, it passed this body by a vote of 408 to six. I think the six Members that voted against it at the time are probably reconsidering it because there is no basis for anyone to find any objections to it.

I hope that the bill we have before us this evening, based on H.R. 2722 from the 107th Congress, which passed by that 408 to six vote, and since that time the administration has worked with the international community to finalize the structure of the Kimberly Process Certification Scheme which controls the trade in rough diamonds, that it is to all countries, and it prevents trade in conflict diamonds and the bill reflects the new structure. I thank the administration for its hard work and dedication to the effort on this important issue, too.

The funds derived from the sale of rough diamonds have been used by rebels and state actors to finance military activities and to overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed citizens.

During the past decade, more than 6.5 million people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. The United Nations Security Council has issued resolutions urging nations to take actions against conflict diamonds. In response, the United States has issued various Presidential executive orders to ban direct imports from nations subject to the United Nations resolution. The United States has also led international negotiations to reach an agreement that set standards for diamond extracting and trading nations to meet.

These international negotiations, the Kimberly Process it is called, came after the name of the city in which they were initiated. It creates a system of checks and balances for rough diamonds throughout the world. This system tracks through governmentally verifiable certificates that trade in diamonds between countries and individuals. Since its January 1 implementation date, over 40 countries are participating in this system. The United States requires this system to ensure that its leadership position in this critical matter continues. Finally, this bill is consistent with our WTO obligations.

Mr. Speaker, I strongly urge my colleagues to support this bipartisan bill and to pass this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 1584—To implement effective measures to stop trade in conflict diamonds, and for other purposes. The Clean Diamonds Act prohibits the import of diamonds into the United States unless the exporting country is implementing a system of controls on the export or import of rough diamonds that meets specified requirements, consistent with United Nations General Assembly Resolution 55/56 adopted on December 1, 2000, or a future international agreement which implements such controls and to which the United States is a signatory. Additionally, this legislation sets forth both civil and criminal penalties for violations of the bill's requirements. It prohibits the Overseas Private Investment Corporation and the Export-Import Bank from engaging in certain transactions in connection with projects or exports to countries violating the requirements of this Act. If further expresses the sense of Congress that the President should take steps to negotiate an international agreement to eliminate the trade in diamonds used to support conflict in the country or regions in which such diamonds are mined.

Mr. Speaker, to many people, diamonds symbolize love, happiness, or wealth. But for others, they mean conflict, misery and poverty. In African countries such as Angola, Democratic Republic of Congo, and Sierra Leone, the profits from unregulated diamond trade allows rebel forces to obtain weapons and fund armed conflicts. Also, this practice spills over into neighboring countries that can be used as trading and transit grounds for illicit diamonds, and once the diamonds are brought to market, their origin is difficult to trace and once polished, they can no longer be identified. As a result of the complex nature of this process, tens of thousands of civilians have been killed, raped, mutilated or abducted.

In an amputee camp in the capital of Freetown, one will find a three-year-old girl whose right arm was chopped off with a machete. One might also not be shocked to find her or himself opposite a 14-year-old girl, pregnant by rape, who will never be able to hold her child because the rebels who raped her also hacked off both of her arms. Other amputees describe the horror of being forced to select at random a piece of paper out of a bag, and losing the body part written on the scrap—arm, leg, ear, or nose.

The enactment of this legislation will not only eliminate the degree to which human lives are negatively impacted by the brutal practices of these rebel forces, but also it would do much to increase consumer confidence with respect to the purchase of diamonds by allowing American jewelers and jewelry store to tell their consumers the diamonds in their store are clean diamonds. Currently, no jeweler knows where their diamonds come from, and they cannot assure their customers their diamond purchases are not unwittingly subsidizing a cruel and abusive rebel force in one of these nations. Nonetheless, once the ''Clean Diamonds Act'' is passed, jewelers will at last have a ''clean stream'' of diamonds to sell. They can be confident the United States government is evaluating every diamond supplying country and excluding those that fail to conform to internal standards.

In a statement by Ambassador Juan Larrain, Chairman of the Monitoring Mechanism on sanctions against UNITA, he stated ''It has been said that war is the price of peace. . . [These nations] have already paid too much. Let them live a better life.''

Mr. Speaker, I urge my colleagues to join in this momentous effort to end the devastation that is occurring as a result of these conflicts. Now is the time to act on behalf of the many lives being sacrificed and those that are calling for our help and our immediate attention to their pain and suffering. for this reason, we must remain vigilant and not allow ourselves to ignore the blood of the blameless.

However, it is imperative that we not penalize African countries like Ghana, that have been diligent in certifying their diamonds and standing up against the rebel, terrorist, and violent use of such diamonds. This is an important economic resource of such countries and the legislature must acknowledge that.

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 1584, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1615

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of H.R. 1584, the bill just passed.

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

There was no objection.

POSTAL CIVIL SERVICE RETIREMENT SYSTEM FUNDING REFORM ACT OF 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, pursuant to the order of the

House of April 7, 2003, I call up the Senate bill (S. 380) to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the order of the House of April 7, 2003, the bill is considered read for amendment.

The text of S. 380 is as follows:

S. 380

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 ''Postal Civil Service Retirement System Funding Reform Act of 2003''.

SEC. 2. CIVIL SERVICE RETIREMENT SYSTEM.

(a) DEFINITIONS.—Section 8331 of title 5, United States Code, is amended—

(1) in paragraph (17)—

(A) by striking '''normal cost''' and inserting '''normal-cost percentage'''; and

(B) by inserting ''and standards (using dynamic assumptions)'' after ''practice'';

(2) by amending paragraph (18) to read as follows:

''(18) 'Fund balance' means the current net assets of the Fund available for payment of benefits, as determined by the Office in accordance with appropriate accounting standards, but does not include any amount attributable to—

''(A) the Federal Employees' Retirement System; or

''(B) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;''; and

(3) by striking ''and'' at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting ''; and'', and by adding at the end the following:

''(29) 'dynamic assumptions' means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

''(A) investment yields;

''(B) increases in rates of basic pay; and

''(C) rates of price inflation.''.

(b) DEDUCTIONS AND CONTRIBUTIONS.—

(1) IN GENERAL.—Section 8334(a)(1) of title 5, United States Code, is amended—

(A) by striking ''(a)(1)'' and inserting ''(a)(1)(A)'';

(B) by designating the matter following the first sentence as subparagraph (B)(i) and aligning the text accordingly;

(C) in subparagraph (B)(i) (as so designated by subparagraph (B)), by striking ''An equal'' and inserting ''Except as provided in clause (ii), an equal''; and

(D) by adding at the end the following:

''(ii) In the case of an employee of the United States Postal Service, the amount to be contributed under this subparagraph shall (instead of the amount described in clause (i)) be equal to the product derived by multiplying the employee's basic pay by the percentage equal to—

''(I) the normal-cost percentage for the applicable employee category listed in subparagraph (A), minus

''(II) the percentage deduction rate that applies with respect to such employee under subparagraph (A).''.

(2) CONFORMING AMENDMENTS.—Section 8334(k) of title 5, United States Code, is amended—

(A) in paragraph (1)(A), by striking ''the first sentence of subsection (a)(1) of this section'' and inserting ''subsection (a)(1)(A)'';

(B) in paragraph (1)(B)—

(i) by striking ''the second sentence of subsection (a)(1) of this section'' and inserting ''subparagraph (B) of subsection (a)(1)''; and

(ii) by striking ''such sentence'' and inserting ''such subparagraph''; and

(C) in paragraph (2)(C)(iii), by striking ''the first sentence of subsection (a)(1)'' and inserting ''subsection (a)(1)(A)''.

(c) POSTAL SUPPLEMENTAL LIABILITY.—Subsection (h) of section 8348 of title 5, United States Code, is amended to read as follows:

''(h)(1)(A) For purposes of this subsection, 'Postal supplemental liability' means the estimated excess, as determined by the Office, of—

''(i) the actuarial present value of all future benefits payable from the Fund under this subchapter attributable to the service of current or former employees of the United States Postal Service, over

''(ii) the sum of—

''(I) the actuarial present value of deductions to be withheld from the future basic pay of employees of the United States Postal Service currently subject to this subchapter pursuant to section 8334;

''(II) the actuarial present value of the future contributions to be made pursuant to section 8334 with respect to employees of the United States Postal Service currently subject to this subchapter;

''(III) that portion of the Fund balance, as of the date the Postal supplemental liability is determined, attributable to payments to the Fund by the United States Postal Service and its employees, including earnings on those payments; and

''(IV) any other appropriate amount, as determined by the Office in accordance with generally accepted actuarial practices and principles.

''(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

''(ii) Military service so included shall not be included in the computation of any amount under subsection (g)(2).

''(2)(A) Not later than June 30, 2004, the Office shall determine the Postal supplemental liability as of September 30, 2003. The Office shall establish an amortization schedule, including a series of equal annual installments commencing September 30, 2004, which provides for the liquidation of such liability by September 30, 2043.

''(B) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year, for each fiscal year beginning after September 30, 2003, through the fiscal year ending September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability by September 30, 2043.

''(C) The Office shall redetermine the Postal supplemental liability as of the close of the fiscal year for each fiscal year beginning after September 30, 2038, and shall establish a new amortization schedule, including a series of equal annual installments commencing on September 30 of the subsequent fiscal year, which provides for the liquidation of such liability over 5 years.

''(D) Amortization schedules established under this paragraph shall be set in accordance with generally accepted actuarial practices and principles, with interest computed at the rate used in the most recent dynamic actuarial valuation of the Civil Service Retirement System.

''(E) The United States Postal Service shall pay the amounts so determined to the Office, with payments due not later than the date scheduled by the Office.

''(F) An amortization schedule established under subparagraph (B) or (C) shall supersede any amortization schedule previously established under this paragraph.

''(3) Notwithstanding any other provision of law, in computing the amount of any payment under any other subsection of this section that is based upon the amount of the unfunded liability, such payment shall be computed disregarding that portion of the unfunded liability that the Office determines will be liquidated by payments under this subsection.

''(4) Notwithstanding any other provision of this subsection, any determination or redetermination made by the Office under this subsection shall, upon request of the Postal Service, be subject to reconsideration and review (including adjustment by the Board of Actuaries of the Civil Service Retirement System) to the same extent and in the same manner as provided under section 8423(c).''.

(d) REPEALS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Subsection (m) of section 8348 of title 5, United States Code.

(B) Subsection (c) of section 7101 of the Omnibus Budget Reconciliation Act of 1990 (5 U.S.C. 8348 note).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to affect any payments made before the date of the enactment of this Act under either of the provisions of law repealed by paragraph (1).

(e) MILITARY SERVICE PROPOSALS.—

(1) PROPOSALS.—The United States Postal Service, the Department of the Treasury, and the Office of Personnel Management shall, by September 30, 2003, each prepare and submit to the President, the Congress, and the General Accounting Office proposals detailing whether and to what extent the Department of the Treasury or the Postal Service should be responsible for the funding of benefits attributable to the military service of current and former employees of the Postal Service that, prior to the date of the enactment of this Act, were provided for under section 8348(g)(2) of title 5, United States Code.

(2) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service, the Department of the Treasury, and the Office of Personnel Management have submitted their proposals under paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of each such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

SEC. 3. DISPOSITION OF SAVINGS ACCRUING TO THE UNITED STATES POSTAL SERVICE.

(a) IN GENERAL.—Savings accruing to the United States Postal Service as a result of the enactment of this Act—

(1) shall, to the extent that such savings are attributable to fiscal year 2003 or 2004, be used to reduce the postal debt (in consultation with the Secretary of the Treasury), and the Postal Service shall not incur additional debt to offset the use of the savings to reduce the postal debt in fiscal years 2003 and 2004;

(2) shall, to the extent that such savings are attributable to fiscal year 2005, be used

to continue holding postage rates unchanged and to reduce the postal debt, to such extent and in such manner as the Postal Service shall specify (in consultation with the Secretary of the Treasury); and

(3) to the extent that such savings are attributable to any fiscal year after fiscal year 2005, shall be considered to be operating expenses of the Postal Service and, until otherwise provided for by law, shall be held in escrow and may not be obligated or expended.

(b) AMOUNTS SAVED.—

(1) IN GENERAL.—The amounts representing any savings accruing to the Postal Service in any fiscal year as a result of the enactment of this Act shall be computed by the Office of Personnel Management for each such fiscal year in accordance with paragraph (2).

(2) METHODOLOGY.—Not later than July 31, 2003, the Office of Personnel Management shall—

(A) formulate a plan specifically enumerating the actuarial methods and assumptions by which the Office shall make its computations under paragraph (1); and

(B) submit such plan to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(3) REQUIREMENTS.—The plan shall be formulated in consultation with the Postal Service and shall include the opportunity for the Postal Service to request reconsideration of computations under this subsection, and for the Board of Actuaries of the Civil Service Retirement System to review and make adjustments to such computations, to the same extent and in the same manner as provided under section 8423(c) of title 5, United States Code.

(c) REPORTING REQUIREMENT.—The Postal Service shall include in each report rendered under section 2402 of title 39, United States Code, the amount applied toward reducing the postal debt, and the size of the postal debt before and after the application of subsection (a), during the period covered by such report.

(d) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act will be sufficient to allow the Postal Service to fulfill its commitment to hold postage rates unchanged until at least 2006;

(2) because the Postal Service still faces substantial obligations related to postretirement health benefits for its current and former employees, some portion of the savings referred to in paragraph (1) should be used to address those unfunded obligations; and

(3) none of the savings referred to in paragraph (1) should be used in the computation of any bonuses for Postal Service executives.

(e) POSTAL SERVICE PROPOSAL.—

(1) IN GENERAL.—The United States Postal Service shall, by September 30, 2003, prepare and submit to the President, the Congress, and the General Accounting Office its proposal detailing how any savings accruing to the Postal Service as a result of the enactment of this Act, which are attributable to any fiscal year after fiscal year 2005, should be expended.

(2) MATTERS TO CONSIDER.—In preparing its proposal under this subsection, the Postal Service shall consider—

(A) whether, and to what extent, those future savings should be used to address—

(i) debt repayment;

(ii) prefunding of postretirement healthcare benefits for current and former postal employees;

(iii) productivity and cost saving capital investments;

(iv) delaying or moderating increases in postal rates; and

(v) any other matter; and

(B) the work of the President's Commission on the United States Postal Service under section 5 of Executive Order 13278 (67 Fed. Reg. 76672).

(3) GAO REVIEW AND REPORT.—Not later than 60 days after the Postal Service submits its proposal pursuant to paragraph (1), the General Accounting Office shall prepare and submit a written evaluation of such proposal to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(4) LEGISLATIVE ACTION.—Not later than 180 days after it has received both the proposal of the Postal Service and the evaluation of such proposal by the General Accounting Office under this subsection, Congress shall revisit the question of how the savings accruing to the Postal Service as a result of the enactment of this Act should be used.

(f) DETERMINATION AND DISPOSITION OF SURPLUS.—

(1) IN GENERAL.—If, as of the date under paragraph (2), the Office of Personnel Management determines (after consultation with the Postmaster General) that the computation under section 8348(h)(1)(A) of title 5, United States Code, yields a negative amount (hereinafter referred to as a ''surplus'')—

(A) the Office shall inform the Postmaster General of its determination, including the size of the surplus so determined; and

(B) the Postmaster General shall submit to the Congress a report describing how the Postal Service proposes that such surplus be used, including a draft of any legislation that might be necessary.

(2) DETERMINATION DATE.—The date to be used for purposes of paragraph (1) shall be September 30, 2025, or such earlier date as, in the judgment of the Office, is the date by which all postal employees under the Civil Service Retirement System will have retired.

(g) DEFINITIONS.—For purposes of this section—

(1) the savings accruing to the Postal Service as a result of the enactment of this Act shall, for any fiscal year, be equal to the amount (if any) by which—

(A) the contributions that the Postal Service would otherwise have been required to make to the Civil Service Retirement and Disability Fund for such fiscal year if this Act had not been enacted, exceed

(B) the contributions made by the Postal Service to such Fund for such fiscal year; and

(2) the term ''postal debt'' means the outstanding obligations of the Postal Service, as determined under chapter 20 of title 39, United States Code.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective on the date of the enactment of this Act, except that the amendments made by section 2(b) shall apply with respect to pay periods beginning on or after such date.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD, if offered by the gentleman from California (Mr. WAXMAN), or his designee, which shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or to a demand for a division of the question.

The gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill under consideration.

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

There was no objection.

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

Mr. Speaker, S. 380, the Postal Civil Service Retirement System Funding Reform Act of 2003, is a bipartisan bill in the Senate. Its House counterpart is sponsored by the gentleman from New York (Mr. MCHUGH), the gentleman from California (Mr. WAXMAN), the gentleman from Illinois (Mr. DAVIS), myself and others. It reforms the way the Postal Service funds its obligations to the Civil Service Retirement System. It prevents the Postal Service from overfunding its obligations to CSRS and postpones a rate increase for the American people and postal ratepayers.

Last year the Office of Personnel Management, at the request of GAO, reviewed the status of the Postal Service's funding of its CSRS benefits. OPM found that based on payments currently required by law, the Postal Service would overfund its CSRS benefits by more than $70 billion. OPM proposed a legislative solution modeling the Postal Service's payments to CSRS after its payments to the current Federal Employee Retirement System. This would result in a reduction in the Postal Service's annual obligation to CSRS, allowing the Postal Service to delay its next rate increase beyond 2004 to at least fiscal year 2006.

The bill we are considering today, S. 380, differs from OPM's proposal in that it places tight restrictions on how the Postal Service uses the savings. The bill requires the Postal Service to work with the Department of the Treasury to apply the funds saved to pay down its debt to Treasury in fiscal years 2003 and 2004 and directs the Postal Service to use the savings in 2005 to delay an anticipated rate increase. Subsequently, the Postal Service and OPM are to calculate the difference between the cost to fund CSRS under the bill and under the current law.

The Postal Service will develop a proposal for the use of the funds. Without congressional action on the Postal Service proposal, the funds would be placed in escrow.

This legislation will also require the Postal Service to fund the portion of retirement benefits attributable to the prior military service of postal employees which, again, models the Postal Service's payments to CSRS after the current Federal Employee Retirement System, or FERS.

I think this is an issue that demands further study because no other agency in the Federal Government that I am aware of funds its CSRS military obligations within the department. It may ultimately be unfair to make postal customers and ratepayers fund military retirement benefits.

Working with the gentleman from California (Mr. WAXMAN), my ranking member, I prepared an amendment to the House version of the bill, H.R. 735, requiring the Department of the Treasury, the Office of Personnel Management, and the Postal Service to develop proposals on this issue. So this is an issue that will be revisited.

The Committee on Government Reform and the Senate Committee on Government Affairs will look at those proposals and revisit the issue. This amendment was incorporated in S. 380, so we do not need to offer it today. I also understand the gentleman from California (Mr. WAXMAN) will be offering and withdrawing an amendment on this subject in a few moments in order to further highlight its importance, and I thank and congratulate him for his leadership in highlighting this issue and pledge to him that we will continue to work on this; and this is, in my judgment, not the end of the matter.

Many people do not know this, but the Postal industry, including ancillary businesses, represents approximately 9 percent of the gross domestic product, the GDP. The industry has been hit hard in the last several years, first by the economic slowdown and then by events of September 11, 2001 and subsequent anthrax attacks. During this same period, postal rates increased three times within 18 months. The Postal industry needs relief.

The Postal Service will be able to hold off on a rate increase if this legislation passes. This gives money back to the Postal customer and allows us all to hold on to our 37-cent stamps for 2 more years. It also stabilizes the Postal Service financially, securing the jobs of nearly 9 million people in the postal industry.

Postal consumers have implored us to address this problem before it is too late. The United States Postal Service, all four postal unions, the postal management associations, and a very broad coalition of postal customers support this bill. I hope that we can pass it expeditiously and put off the next rate increase until at least 2006.

Mr. Speaker I urge adoption of S. 380.

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

Mr. WAXMAN. Mr. Speaker, I yield myself such time that I may consume.

I rise in support of the legislation before us. As the ranking member of the Committee on Government Reform, I support this bill, S. 380, and before I begin my remarks on the bill, I would like to commend my colleagues, the gentleman from Virginia (Chairman TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) and the gentleman from New York (Mr. MCHUGH) for the time and effort they have spent in refining this proposal. The bill in S. 380, is identical to the version of the bill we reported out of committee with the exception of a provision requiring a new study on military pensions that I worked out with the gentleman from Virginia (Chairman TOM DAVIS). This is a very positive bipartisan start for our committee.

I would also like to commend our Senate colleagues, Senators SUSAN COLLINS and JOSEPH LIEBERMAN, for their work on this issue.

The bill we are considering today corrects the calculation of the Postal Service's contributions to its pension fund and provides immediate and needed financial relief to the Postal Service. The legislation would credit the Postal Service for the real value of Civil Service Retirement System contributions it made in the past and change how contributions will be computed in the future. Under S. 380, the Postal Service will save $9 billion over the next 3 years and $36 billion over the next 10 years. S. 380 divides the money saved by the Postal Service into two parts. For the savings received in fiscal years 2003, 2004, and 2005, the bill provides that the Postal Service will use the money to pay down the debt and hold postage rates stable. This will allow the Postmaster General to keep his commitment to hold off on any rate increases through the year 2006.

For fiscal years beyond 2005, the bill requires the Postal Service to submit to Congress a plan for using the savings. This plan must then be reviewed by the General Accounting Office and approved or modified by Congress. The planning provisions contained in the bill provide an opportunity for Congress to review how the Postal Service will use the savings to address a number of long-term challenges facing the service such as its debt load, underfunded capital projects, and unfunded liabilities for post-retirement health care.

This legislation is being acted upon quickly because without it, the Postal Service faces an increasing financial crises. In fact, the Postmaster General and the Postal Board of Governors have indicated that in the absence of such a change, the Postal Service will be forced to apply for a rate increase later this year.

S. 380 has broad support among the postal community and it deserves our passage today.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. MCHUGH) who has been the former chairman of the Subcommittee on the Postal Service and one of the real experts on this issue to address this issue and put his stamp of approval.

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

The puns notwithstanding, I deeply appreciate his very kind comments, and, Mr. Speaker, I certainly welcome this chance in the next 5 minutes to add my words of great appreciation and approval to I think a very important piece of legislation and certainly one that I hope bodes well for the future, because we have before us here today a bipartisan agreement, as the ranking member so correctly stated, one that sets and bodes very well a brighter future for this full committee, and, I am hopeful, as someone who has had the honor and opportunity to delve into postal issues over the past several years, a fine start to continued bipartisan cooperation in terms of our continuing efforts to modernize the Postal Service in even broader measures. And I, too, deeply appreciate the great leadership, the very hard work of the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the standing committee; the gentleman from California (Mr. WAXMAN), the ranking member; and my long partner in these postal issues, the gentleman from Illinois (Mr. DAVIS) for their very concerted effort to bring this very necessary and, as the ranking member and the chairman both said, very timely piece of legislation to the floor at this moment.

Both the chairman and the ranking member, I think, have struck on the major points of importance her, very eloquently and very appropriately. But let me just highlight for a moment the very critical nature of what we are doing. Certainly to the Postal Service's future viability, its ability, as the gentleman from California (Mr. WAXMAN) said, to dedicate these savings that will accrue from what I hope the House is about to do here today toward all of those issues to ensure even better mail delivery service, to ensure their continued viability, to say to those some 800,000 dedicated Postal employees that we understand the great challenges that they face, that where the opportunities present themselves we are not just willing, but here through this bill apparently able to assist in that very worthy effort.

But this is an important piece of economic development legislation as well, Mr. Speaker. Just as way of illustration, the Postal Service, the entire postal delivery sector today represents some $635 billion annually in direct economic activity in the production of mail and delivery services. Mail advertising alone generates some $725 billion in economic activity each and every year. And the parcels handled by the Postal industry, including all postal and parcel carriers, have a value exceeding $850 billion.

A lot of us spend a lot of time, understandably and rightfully so, delving into the issue of what we can do to stimulate this economy, and this bill today in supporting those significant segments of our economic activity and our economic sector certainly would go a long way towards boosting the economic activities of this Nation as a

whole into the future, and they certainly speak of the absolutely essential nature of this bill, S. 380. And my compliments to Ms. COLLINS and to Mr. LIEBERMAN, our colleagues in the Senate, for their leadership and their great work.

The gentleman from California (Mr. WAXMAN) said it, and he is absolutely right. Time is of the essence. Without this initiative it is likely, in fact absolutely certain, the Postal Service would be forced to impose a potential rate increase in postage rates within a matter of weeks, and through this action we can forestall that, as has been said here repeatedly on the floor, until at least the fiscal year 2006 to help the Postal Service expand its declining mail volumes, to help it become even more viable into the future.

And as the gentleman from California (Mr. WAXMAN) and others have said, rarely do we have a chance on this floor to support a piece of legislation so uniformly supported by all the affected parties. The Postal Service, the administration, the postal unions, the very vital mail industry throughout this Nation all see this as the proper thing to do.

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I want to just say for the record, I understand and in large measure support what both the ranking member and the chairman have said with respect to the treatment of military pay. I think we do have to take a look at that.

I commend the gentleman from California (Mr. WAXMAN) for not clouding the issue at this particular moment, but there are others who have differing opinions, and I think we need to have a full discussion on that. So I urge the full support of the House on this bill.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS), the ranking Democrat on the Postal Task Force of the Committee on Government Reform.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from California for yielding me time.

Mr. Speaker, as the ranking minority member of the Committee on Government Reform's Special Panel on Postal Reform and Oversight, I rise in support of S. 380, the Postal Civil Service Retirement System Funding Reform Act of 2003. As an original cosponsor of the House version, H.R. 735, I am pleased to join my colleagues in the consideration of S. 380, legislation which will correct the way payments are made to the Civil Service Retirement System.

At this time, Mr. Speaker, I want to thank especially the chairman of this committee, the gentleman from Virginia (Mr. TOM DAVIS), and the ranking member, the gentleman from California (Mr. WAXMAN), for their ability to come together in a unified, bipartisan way, to reach agreement and bring to the floor this legislation in a very timely manner.

I also want to thank the gentleman from New York (Mr. MCHUGH), who has provided leadership on postal issues for a number of years, and all of their staffs, as well as my staff, for the enormous time and effort spent in crafting H.R. 735.

I am particularly proud of the fact that we have worked together in a productive, constructive, and bipartisan manner. We have begun the 108th Congress on a very positive note, and we look forward to the continuation of that in our committee.

I would also like to thank the Senate for striking their language and substituting the language from our bill, H.R. 735, and including the military study language of the gentleman from Virginia (Mr. TOM DAVIS).

Since the introduction of the House postal pension bill and throughout the committee's markup process, I received hundreds of letters from members of the business mailing community expressing support of the legislation and urging quick action. I was pleased to have been contacted by so many businesses in the Chicago area and within the State of Illinois.

In the face of a depressing economy and a swift and steady decline in mail volume, businesses and consumers are in no mood for postage rate increases. To that end, I am pleased that the bill before us not only corrects the calculation of the postal service's contributions to the CSRS fund, it will also allow the postal service to hold off on rate increases for at least 2 years, while allowing the postal service to reduce its $11.9 billion debt.

Mr. Speaker, I appreciate the opportunity to express my support for this important legislation. Although this is a good bill, it is not a perfect bill. At the appropriate time, I certainly expect to express support for the military amendment of the gentleman from California (Mr. WAXMAN), an amendment which would retain current law with respect to Treasury paying the costs related to the military service of employees in the Civil Service Retirement System.

Practically all of the postal service's stakeholders are in support of this legislation: printers, mailers, the unions, and the consuming public. It is a good bill. I urge its passage.

Again, I commend the chairman and ranking member for their leadership.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON), the former chairman of the full committee and a leader in postal reform.

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

I agree with what my colleague with the great voice, the gentleman from Illinois (Mr. DAVIS), just said; and I rise in support of the Postal Civil Service Retirement System Funding Reform Act of 2003. I commend the gentleman from Virginia (Chairman TOM DAVIS) on our side of the aisle for guiding this bill through this legislative body at this time.

It is very important that we have a strong and viable postal service, and that is why during the last Congress I was disappointed when we did not pass the Postal Accountability and Enhancement Act. The gentleman from New York (Mr. MCHUGH) and others worked very hard on that legislation, and it would have helped a great deal.

As the gentleman from Virginia (Mr. TOM DAVIS) just said a few minutes ago, there are a lot of problems with the postal service that need to be addressed, but this is a very important one; and that is why I am happy to see this bill before us today.

Why is immediate action needed? Because, if we do not do anything, that simply is not an option. If Congress does not correct the retirement benefit formula in current law, postal rates will probably increase in the not-too-distant future, and everybody who deals with the postal service and has businesses understands how important that is. Such an increase in postal rates in the current economic environment threatens the postal service, its employees and the entire country, as well as the mailing industry.

Congress has a duty to ensure that the U.S. Postal Service is on a sound fiscal footing and to protect the American postal customers from unstable rates. Changing the way the U.S. Postal Service retirement payments are made is going to go a long way toward accomplishing that goal. Without this change, businesses throughout the country will continue to be unfairly taxed by having postal rate increases.

This bill is very, very needed and will ensure stable postal rates into the foreseeable future, and I think will help facilitate an economic recovery in many sectors of the economy.

Once again I want to thank the gentleman from Virginia (Chairman TOM DAVIS) for his hard work on this. He is doing a great job as a new chairman, and I appreciate that.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), a very important member of our committee.

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

Mr. Speaker, I would like to recognize the gentleman from Virginia (Mr. TOM DAVIS) and certainly the gentleman from California (Mr. WAXMAN), the gentleman from New York (Mr. MCHUGH) and the gentleman from Illinois (Mr. DAVIS) for their fine work on this bill.

The gentleman from New York (Mr. MCHUGH) has worked tirelessly on postal issues for several years. S. 380 contains the same language as H.R. 735. As such, I am pleased to support S. 380, a bill that goes a long way to ensure the viability of the postal service.

This bill provides financial relief to the postal service by reducing the

amount that the postal service has to pay into the Civil Service Retirement System. The postal service will save $9.1 billion over the next 3 years and $35.6 billion over the next 10 years.

I am also pleased that S. 380 contains language that calls on the postal service and other Federal agencies to study the military pensions and report back to the Congress. Currently, the postal service is paying billions of dollars more into CSRS each year than is needed to fully fund its pension obligations. The Office of Personnel and Management determined that by changing the funding formula the postal service could reduce the amount of money needed to pay into the fund. The funding formula would be more like the one used in the Federal Employees Retirement System.

This bill requires the postal service to work with the Treasury Department, applying the saved funding to pay down its debt in the first 2 years. In fiscal year 2005, the bill allows for the money saved to be used to keep postal rates stable through 2006.

Mr. Speaker, this bill enjoys broad support from the postal service, postal labor unions, mailing industry representatives, and postal consumers. Passage of this legislation will ensure that the postal service pays down its debts and will forestall the need for another postage rate increase until 2006. This legislation strengthens the postal service, lowers the postal service's debts, and protects postal consumers. I urge all of my friends in the Congress to vote in favor of S. 380.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. PUTNAM), a member on the Committee on Government Reform.

Mr. PUTNAM. Mr. Speaker, I rise today in strong support of S. 380, which contains the same language as H.R. 735. This legislation, as has been said earlier, is critically important to our Nation's economy, especially in these uncertain times.

S. 380 is good for the American consumers because it means that we will be able to hold the line on postal rate increases for at least 2 more years. It also relieves pressure on those who rely heavily on the postal service to deliver their products, allowing them to reinvest that savings into their local communities and provide more jobs. Most importantly, by freezing rates for 2 years, the postal service and its customers are afforded great stability in their mailing and long-term planning budgets.

As has been said earlier, this involved the support of all of the postal service customers, the unions, the administration; and it involved a great deal of compromise for those folks to come on board, setting the tone for long-term structural reform of the postal service.

The bill buys everyone valuable time to develop a comprehensive long-term solution to the post office's solvency, while avoiding the temptation to micromanage post offices.

Mr. Speaker, I would like to thank my good friend, the gentleman from New York (Mr. MCHUGH), a congressional leader on postal issues, and my chairman, the gentleman from Virginia (Mr. TOM DAVIS), for his hard work bringing the bill so swiftly to the floor. The gentleman from Virginia (Chairman TOM DAVIS) has demonstrated his leadership in legislative capabilities as chairman of the Committee on Government Reform in a very short period of time, and I appreciate his work on this issue.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me time, and I thank him for his leadership on this issue and so many others, and, of course, thank the gentleman from Virginia (Mr. TOM DAVIS) and subcommittee minority member, the gentleman from Illinois (Mr. DAVIS), for their work on this important bill.

I rise in strong support of S. 380, the Postal Civil Service Retirement System Funding Program. As a member of the Committee on Government Reform's Special Panel on Postal Reform and Oversight and a cosponsor of H.R. 735, the House companion, I am very pleased that the House is taking up this very important legislation today that is important to the postal service and important to the American consumer.

With the postal service facing $11 billion in debt over the next few years and the General Accounting Office listing the postal service on their high-risk list, S. 380 and its stabilizing effects on the postal service is very good news for our country.

S. 380 corrects the formula used to determine the amount of annual lump-sum payments the postal service makes to the Civil Service Retirement System. If current law remains unchanged, the postal service-required share of this Federal Government retirement fund will result in a very significant long-term overpayment of more than $70 billion.

S. 380 will credit the postal service for its past payments, which is only fair, to seed SRS, and change how contributions will be made in the future. The bottom line is that the postal service will get some very needed fiscal relief, a cash inflow of money, and the American people get a promise of stable postal rates until 2006. The American public and all postal customers will enjoy a 3-year rate freeze on the cost of postage because of this fix.

I would like to thank my colleague, the gentleman from New York (Mr. MCHUGH), along with others, the gentleman from Illinois (Mr. DAVIS) and, of course, the chairman and ranking member, as well as the postal service and the very diverse coalition of postal, labor unions, management groups, business and industry and other postal consumers, all of whom support this legislation.

The mailing industry is tremendously important to the economy of our Nation. The United States Postal Service is the second largest civilian employer in the Nation, employing over 770,000 talented and dedicated workers, workers who lately have had to do their job under tremendous pressure with the threat of anthrax attacks and terrorist attacks.

□ 1645

The mail industry is 8 percent of our GNP, a $900 billion industry that includes not only the Postal Service, but also 9 million Americans in the private sector who work in this industry. I represent many businesses that rely greatly on the Postal Service, and this bill will not only benefit the Postal Service directly, but because this will stabilize the rates, and this is very important, because it will help struggling and ailing businesses like the magazine industry, which happens to be headquartered in the district that I represent. And they have seen many longtime popular magazines fail, like Mademoiselle, Mode, and Brill's Content shut down operations because of the tough economy and also because of the escalating postal rates. All USPS customers need the best service possible from the Postal Service, and certainly a healthy Postal Service is vital to a healthy economy.

Mr. Speaker, I am very pleased that the House is taking action today to help strengthen the Postal Service.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I am happy to yield 4 minutes to the gentlewoman from Macomb County, Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I certainly thank the gentleman for yielding me this time.

The Postal Civil Service Retirement System Funding Reform Act of 2003 is a very, very long name, but appropriately so, because it addresses reform that is certainly very long overdue. The Postal Service, in fact, has not seen any real reform since 1971 when the Congress passed the Postal Reorganization Act. Since then, of course, the Postal Service has dramatically expanded.

Consider some rather startling numbers. Today, the mailing industry accounts for 9 million jobs, $900 billion in commerce, and 9 percent of the United States gross domestic product. S. 380, as approved by the Senate, is really nearly identical to H.R. 735 which was passed by the Committee on Government Reform under the extraordinary leadership of our great chairman, the gentleman from Virginia (Mr. DAVIS).

The purpose of this legislation is to change the manner in which the Postal Service pays into the Civil Service Retirement System.

This legislation is so very necessary because under current law, the Postal

Service will overpay its obligations to the Civil Service Retirement System by more than $70 billion. In effect, the Postal Service would be forced to subsidize the retirement obligations of other Federal agencies.

The net result is that the Postal Service has to continually implement rate increases which would otherwise be unnecessary.

S. 380 does not affect the payment of retiree benefits. It has no negative impact on retirees. It simply addresses how those benefits are funded.

The anticipated savings from this bill would be utilized in two ways: first of all, to pay down the total debt that the Postal Service currently has with the Department of the Treasury; and secondly, to delay any rate increases on consumer and commercial mailings until fiscal year 2006.

Certainly, for most of us if one has a postal rate increase, it might just be a nuisance, just 1 cent or 2 cents. That kind of an increase might not mean too much if you send only a few letters per month. However, if you are a business who is sending literally millions of pieces of mail, this is a tremendous increase in your costs, and we can just think about the impact that a postal rate increase has on the mail order catalog businesses or on magazine businesses or so many businesses that rely on the United States Postal Service to conduct their business.

If the 108th Congress does not act on this legislation, it will necessitate a postal rate increase, and we will, in effect, be levying an unfair tax increase on the American consumer.

Passage of this bill would be very much the first stage of substantial postal reform that will bring the service into the 21st century. I think it is important that this Congress demonstrate to the citizens of our Nation that it will be committed to improving the cost-effectiveness and the efficiency certainly of government, and this legislation is an excellent first step in that direction.

No other governmental entity serves its customers more directly than the Postal Service. Almost every citizen of our Nation is impacted at varying degrees by the Postal Service. Customer service should not be a novel concept within the Federal Government. It should be an operative phrase for us.

S. 380 will allow post offices to better serve their customers and, by voting in favor of this legislation, Congress will be voting to fix a wrong that has hampered the Postal Service for years. I certainly urge my colleagues to vote in favor of S. 380.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. JANKLOW), former Governor.

Mr. JANKLOW. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from California (Mr. WAXMAN) and clearly the gentleman from New York (Mr. MCHUGH) for taking the leadership to move forward on this.

Mr. Speaker, it is an unusual day in America when people can look to the Congress and understand that we may really solve a problem. If we can agree on something being a problem, it should not be hard to fix it. The debate ought to be around what does it take to bring about a solution, but we have to agree there is a problem.

There is no question but that when one charges more for a monopoly like the Postal Service, when one charges more money for something than one is supposed to, then that is an unfair tax on the people, just as if the Congress had passed the tax. Two, it has a stifling effect on the economy and all of those businesses, but just as importantly, all of those individual human beings that use the Postal Service for everything from mailing their monthly bills to mailing out anniversary and Christmas cards. Three, they have not been able to figure out in the past how to take care of funding the Civil Service Retirement System adequately.

It is a red letter day when the Republicans and Democrats can come together on a bill that they agree solves a problem.

Mr. Speaker, that is what we have here today. We have had anthrax in the Postal Service, we have had the situation of rate increases in the Postal Service, we have had the situation in the Postal Service where we are dealing with a down economy, but this is a real shot in the arm for this organization. One, we are going to be able to use the excess monies to go into funding the operational aspects for fiscal years 03, 04 and 05. The second thing we are going to be able to do is to fix the Civil Service Retirement System. And the third thing we are going to be able to do is to move the Postal Service more towards a sound financial setting.

I have heard from the mail carriers, I have heard from the postmasters, I have heard from the newspaper organizations and the magazine organizations. The one group that I have not heard from are the consumers of America, the individual people, because they have not been aware that this problem has been going forward.

So, Mr. Speaker, it is really an exciting day, truly an exciting day when people can come together in this Congress, in this House, and solve problems.

Now, having said that, I think we all have to recognize that this gives the Postal Service a couple additional years of opportunity to look at their organization, to look at the things they have to do, to make this a more efficient, more effective service. It is the largest single business in this country. There is no business bigger. We always talk about the Fortune 500 or the top 100 or whatever. There is no business in this Nation that is as large as the U.S. Postal Service in terms of its economic impact, its economic might, and its economic power. It can also be an economic drag, because this Nation cannot run without that service.

So to the extent that we are able to find billions of dollars and move them into the operational side, move them into the side to reduce the capital expenditure demands for increased funding, there is no question but what that does is give us the ability to be able to more effectively deal with the economy of this country.

This is a couple billion dollars a year, but the cumulative effect would have been $70 billion, 7 followed by 0, 0, 0, 0, 0, 0, 0, 0, 0. As Senator Dirksen once said, If you take a billion here and a billion there, pretty soon it adds up to real money.

So what we are doing today is taking the first giant step towards solving a real money problem for the American people. What we are doing today is starting the long-range fix of the problem in the Postal Service to the benefit of the employees, to the benefit of the consumers, to the benefit of the users, and to the benefit of the economy of America.

I say to the gentleman from Virginia (Mr. DAVIS), I sincerely applaud you as the chairman of the committee that has drafted this in the first couple of months in the Congress. The gentleman from California (Mr. WAXMAN) has done the same thing. They have come together in a committee that had historically a lot of contention. They have come together to move forward on something that is for the good of all of the people of this great country, and so I thank the gentleman from New York (Mr. MCHUGH) for having planted the seed and kept the tree nurtured until the others could seize upon it.

This is a red letter day for the people of America, and I urge my colleagues to support it unanimously.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for his comments. I thank everybody involved with this legislation for their efforts. I think this is a bill that we can all look at with pride.

Mr. Speaker, we have no further requests for time on our side, so I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I have no other requests at this time. I would urge adoption of this measure.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of S. 380, the Postal Civil Service Retirement System Funding Reform Act of 2003. This legislation provides financial relief to the Postal Service in a time of great need. By enacting this legislation, we will help the Postal Service carry out its stated mission of providing universal service—the idea that mail service in our rural areas should be as speedy, efficient, and inexpensive as mail service in our largest cities. In my district in New Mexico where there are numerous rural communities, this mission is especially important. Additionally, by providing relief for the Postal Service, we can keep postal rates stable until 2006.

Mr. Speaker, I am pleased with the steps this Congress has taken toward helping the

Postal Service to carry out their vital services. I thank my colleagues for showing their support not only for the Postal Service and its many employees, but for all communities throughout the country.

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

The SPEAKER pro tempore (Mr. LINDER). All time having been yielded, it is now in order to consider Amendment No. 1 printed in the CONGRESSIONAL RECORD by the gentleman from California (Mr. WAXMAN).

AMENDMENT NO. 1 OFFERED BY MR. WAXMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. WAXMAN:

In section 8348(h)(1)(B)(i) of title 5, United States Code (as proposed to be amended by section 2(c) of the bill), strike ''include'' and insert ''exclude''.

In section 8348(h)(1)(B)(ii) of title 5, United States Code (as proposed to be amended by section 2(c) of the bill), strike ''included shall not'' and insert ''excluded shall''.

The SPEAKER pro tempore. Pursuant to the order of the House of April 7, 2003, the gentleman from California (Mr. WAXMAN) and a Member opposed each will control 5 minutes.

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

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

Mr. Speaker, I support S. 380. The bill strengthens the Postal Service, lowers their debt, and protects postal consumers. The legislation, however, is not perfect. In particular, I do not believe that requiring the Postal Service to pay the pension costs associated with the military service, the previous military service of their employees, is a good idea.

Under current law, the Department of the Treasury pays the costs of retirement benefits related to military service for employees who are part of the Civil Service Retirement System. My amendment would maintain the status quo, keeping the responsibility for paying these costs with the Federal Treasury where they have always been, and where they belong.

In contrast, S. 380 shifts the burden of paying these costs from Treasury to the Postal Service. The legislation even has the effect of requiring the Postal Service to reimburse the Treasury for payments that have already been made. This shift will require the Postal Service to pay billions more than it otherwise would have to pay.

I believe it is wrong and unfair to require the Postal Service to shoulder this burden.

Many believe that the Postal Service should run more like a private business, yet no private business, including the Postal Service's competitors, is required to pay benefits for military service. S. 380 would also make the Postal Service the only entity in the Civil Service Retirement System that has to pay for military benefits.

I will not seek a vote on this amendment because, for reasons that I do not understand, the White House has signaled that it would oppose this legislation if my amendment were included. Thus, the result of adopting the amendment would be to bring down a bill that has many other worthwhile components.

Instead of pursuing this amendment, S. 380 contains language that we worked out with the gentleman from Virginia (Chairman DAVIS) that calls for a study of whether the Department of the Treasury or the Postal Service should be responsible for pension costs associated with military service with reports to the Congress. I do not believe this study language is as good as my amendment, yet at least it preserves this issue for further consideration.

Under the language of the study provision, the submission and evaluation of the proposals regarding military pension are timed to coincide with our review of the Postal Service's proposed use of the savings resulting from this legislation. I hope that at that point in time, we will reconsider our approach toward military costs.

□ 1700

At the appropriate time, Mr. Speaker, I will seek to withdraw this amendment.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in opposition to the amendment.

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

Mr. Speaker, as I stated before, I agree in principle with the concept behind the gentleman's amendment. This bill, which adopts the administration's approach on the treatment of military funding, would make the postal service the only agency responsible for the military costs of the CSRS retirees. I do not think it is right. I do not think it is fair to postal rate payers. Unlike other agencies in government, this is an enterprise fund that is paid for by the rate payers who should not have to bear this burden. I think it puts strains on the post office that should not be there.

The postal service's mandate is to charge rate payers for its operating and overhead expenses and to break even over time. While the postal service does pay for military benefits for its FERS employees, it has never been required to for its CSRS employees, and neither is any other agency in government.

However, the administration is categorically opposed to any treatment of military funding other than the FERS model that they propose. The bill's principle sponsor, the gentleman from New York (Mr. MCHUGH), is going to speak on this more fully in just a moment. But with so much at stake in this legislation, I think we have to move forward on what we can agree on and follow the administration's approach at this time.

We will carefully consider the results of the studies that we have mandated in this bill. But still, I want to thank my colleague from California (Mr. WAXMAN) for highlighting this important issue.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH).

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

Let me express my appreciation, as well, to the ranking member, the gentleman from California (Mr. WAXMAN), for raising this issue. I think it is a very appropriate question, and it needs full and total debate, and also for having the diplomatic position of withdrawing it because of the problems.

And I am certainly one who would support any measure that brings an added $18 billion or even more to the postal service and all the good that that could accrue. But I think it is important for the House to know as we set the stage here for future debate that, as the chairman said, the administration has serious concerns about this. And their argument is simply that if we are going to use the FERS model, which is indeed what applies here and accrues the nearly over-$70 billion in savings, that the FERS modeling should indeed be applied across the board, which under FERS does require military retirement to be paid by the agency instead of by the Federal Treasury.

I should note as well, whether or not we agree with them, the OPM has, in meetings that all of us sat in on, our staffs, that if this provision were to be included, they would strongly recommend a veto which I think underscores again the gentleman from California's (Mr. WAXMAN) willingness to deal with this particular issue of the funding question and then get on to the equally important debate with respect to the military obligation.

Mr. Speaker, I want to thank again the chairman and the ranking member for working this out. And certainly I am hopeful we can work with the administration to try to bring about an agreement that accrues to the most possible good for the postal service and its customers.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I simply rise in support of the Waxman amendment. But I also rise in support of the agreement that the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN) have been able to arrive at.

I think once again this is an indication of the manner in which the chairman and ranking member of the Committee on Government Reform have been able to provide leadership that moves us from the discussion point to

the position of being able to actually do something. And so I commend both of the gentlemen for their diplomacy, for their leadership, and for their legislative skill.

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

Mr. Speaker, I think we have made our point on this amendment. We will have this issue out there for further consideration at another time; but in the interest of moving this legislation forward and getting a good bill enacted into law, I will withdraw my amendment.

Mr. Speaker, I withdraw my amendment.

The SPEAKER pro tempore (Mr. LINDER). The amendment is withdrawn.

Pursuant to the order of the House of April 7, 2003, the previous question is ordered on the Senate bill.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time and was read the third time.

The SPEAKER pro tempore. The question on the passage of the Senate bill.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Chair announces that further proceedings on motions to suspend the rules and agree to House Resolution 170 and House Resolution 149, postponed earlier today, will resume tomorrow.

The SPEAKER pro tempore. The Chair announces that this vote will be followed by three 5-minute votes on the motion to suspend the rules related to H.R. 205, House Resolution 179, and H.R. 1584, as amended.

This is a 15-minute vote on passage of S. 380.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 10, as follows:

[Roll No. 115]

YEAS—424

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

NOT VOTING—10

Combest
Gephardt
Gordon
Hyde
Jenkins
Lucas (OK)
McCarthy (MO)
Payne
Smith (MI)
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the vote). There are 2 minutes left in this vote.

□ 1724

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the order of the House of April 7, H.R. 735 is laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

H.R. 205, by the yeas and nays;

H. Res. 179, by the yeas and nays;

H.R. 1584, as amended, by the yeas and nays.

NATIONAL SMALL BUSINESS REGULATORY ASSISTANCE ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 205.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and pass the bill, H.R. 205, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 4, not voting 13, as follows:

[Roll No. 116]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)

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

NAYS—4

Culberson
Flake
Hostettler
Paul

NOT VOTING—13

Combest
Gordon
Hart
Hyde
Jenkins
Johnson (CT)
Lucas (OK)
Majette
McCarthy (MO)
Musgrave
Payne
Radanovich
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER) (during the reading). There are 2 minutes remaining in this vote.

□ 1732

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HART. Mr. Speaker, on rollcall No. 116 I was unavoidably detained. Had I been present, I would have voted "yea."

Ms. MAJETTE. Mr. Speaker, on rollcall No. 116 I was unavoidably detained. Had I been present, I would have voted "yea."

SENSE OF HOUSE REGARDING SYSTEMATIC HUMAN RIGHTS VIOLATIONS IN CUBA COMMITTED BY CASTRO REGIME

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 179.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 179, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, answered ''present'' 11, not voting 9, as follows:

[Roll No. 117]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gephardt
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Janklow
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter

Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—11

Ballance
Conyers
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick
Lee
Paul
Rush
Waters
Wynn

NOT VOTING—9

Combest
Gordon
Hyde
Jenkins
Lucas (OK)
McCarthy (MO)
Payne
Rothman
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1740

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

Mr. JACKSON of Illinois and Mr. RUSH changed their vote from ''yea'' to ''present.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CLEAN DIAMOND TRADE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1584, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 1584, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 2, answered ''present'' 1, not voting 12, as follows:

[Roll No. 118]

YEAS—419

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

NAYS—2

Flake
Paul

ANSWERED ''PRESENT''—1

Waters

NOT VOTING—12

Brown-Waite, Ginny
Combest
DeLay
Gordon
Hyde
Jenkins
Lewis (CA)
Lucas (OK)
McCarthy (MO)
Meehan
Payne
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN) (during the vote). Members have 2 minutes to cast their votes.

□ 1749

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REAPPOINTMENT AS MEMBER TO COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The SPEAKER pro tempore (Mr. QUINN). Pursuant to section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), and the order of the House of January 8, 2003, the Chair announces the Speaker's reappointment of the following member on the part of the House to the

Coordinating Council on Juvenile Justice and Delinquency Prevention for a 3-year term:

Mr. Michael J. Mahoney of Chicago, Illinois.

HAITIAN TELEVISION NETWORK DEBUTS

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

Mr. MEEK of Florida. Mr. Speaker, I rise today to bring attention to Members and to our Nation of an important point in television history that took place on Friday, March 28, 2003. The Haitian Television Network of America went on the air in Miami, Florida. The Haitian Television Network is the first Creole and French language 24-hour-a-day station in the Nation. We were very proud, based on the fact that it is in Miami.

After years of programming on public access stations on cable, the president of the station, Claude Mancuso, has succeeded in his vision of reaching a broader audience. Mr. Mancuso has also worked within the Haitian community in providing Haitian programming. This is very important to our Haitian-Americans, that their Haitian culture, religion and history is daily programmed throughout south Florida and throughout the Nation. News, sports, movies, sitcoms and documentary programs for children are going to be able to help our Nation grow and understand one another. The Haitian-American population is estimated nationally at over 2 million, with over 700,000 Haitian-Americans residing in the State of Florida, with 500,000 in south Florida. I commend the Haitian Television Network for achieving its goal of being able to be a 24-hour station and look forward to many years of programming.

SPECIAL ORDERS

The SPEAKER pro tempore. 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.

COMMENDING ARMY RESERVE'S 319TH TRANSPORTATION COMPANY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, our Nation is at war. Thousands of the fighting men and women of our Armed Forces are serving on the battlefields of Iraq, defending freedom, liberating the Iraqi people, and making our world a safer place to live. Today I rise to recognize and commend all of these courageous service personnel, but wish to pay particular tribute to the brave soldiers serving in the 319th Transportation Company. The 319th, part of the larger 375th Transportation Group out of Mobile, Alabama, is an Army Reserve unit based in my hometown of Augusta, Georgia.

The 319th has a proud history. During the Vietnam War, the 319th Transportation Company logged over a million miles, delivered over 92,000 tons to the battlefield, and was ambushed by the enemy on seven separate occasions.

Today, for the Reservists serving in the 319th, the voyage from Wrightsboro Road Reserve Center in Augusta to the war zone of Iraq began this past January with a short trip to nearby Ft. Stewart for specialized training. Then in mid-February, the 319th Transportation Company, along with the unit commander, Captain Mohandas Martin, deployed to northern Kuwait where they received their assignment, to support the more than 50,000 Marines in the 1st Marine Expeditionary Force.

When Saddam Hussein thumbed his nose for the last time and the war began in Iraq roughly 3 weeks ago now, the 319th began the next phase of their voyage, going into the deserts of Iraq, delivering by truck the critically important fuel to the Marines advancing to Baghdad and Saddam Hussein's final day of reckoning.

Their mission is an unheralded one; but as we have all realized on the round-the-clock cable news broadcasts, it is the success of the supply units traveling the roads of Iraq, like the 319th, that have been vital in the early success of our coalition forces and will ensure our ultimate victory.

As I said, Mr. Speaker, theirs is an unheralded mission, but also one that puts the members of the 319th at great risk and peril. In their first week operating in Iraq, the 319th headed out from their base of Camp Viper in Iraq for a multiday mission to deliver fuel near the front lines. According to the reports, while on their journey, vehicles of the company came under heavy enemy fire more than once in their ambush attempts. Thanks in large part to the efforts of the Marines, the 319th continues to supply, the attacks were thwarted, and all members of the 319th Transportation Company returned safely to regroup and prepare for the next mission and the next journey to the front lines of war.

Mr. Speaker, to the people of the Ninth Congressional District of Georgia, my constituents, the soldiers of the 319th Transportation Company represent different things: a good neighbor who lives down the street, a close relative or spouse that is sorely missed at home, or even a mother or father to a child that misses a parent and needs them back. It is true the soldiers of the 319th Transportation Company are all different, but they are all the same in one simple and very important way, they are all heroes.

Because of them, these same Marines moved closer to finally ending Saddam Hussein's horrific reign of terror and ability to aid and assist terrorists around the globe. Because of them and others serving in the war today, loyalty, duty, honor, and personal courage are not words relegated to the history books, but instead living and shining examples for all of us on the battlefields of Iraq.

Lastly, Mr. Speaker, it is because of them that the battle cry in our Nation's war against terrorism is particularly meaningful today in the deserts of Iraq. So finally I say to the 319th, keep up the good work and ''Let's roll.''

□ 1800

NATIONAL RAIL INFRASTRUCTURE PROGRAM

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, freight transportation is a vital and growing industry in the United States. Rail is the most prudent way of expanding the capacity to accommodate growth in freight traffic, allowing for congestion relief on our roadways, cost benefits to shippers, and improving our air quality. However, our Nation's aging and congested infrastructure does not adequately support the rail needs of today. Across the country from Los Angeles to Chicago to New York City, the movement of freight is being stalled and delayed by a variety of bottlenecks. For example, every day 37,500 freight cars travel through Chicago at a snail's pace of 7 to 12 miles per hour. Added on top of that, 700 commuter and Amtrak trains. Today it takes 2 days to move rail shipments through Chicago.

It is clear that capacity constraints and congestion thrive within our rail system and the situation is quickly worsening. The Chicago Area Transportation Study predicts that freight car traffic through the Chicagoland area will increase nearly 79 percent in less than two decades. But this is not just the Chicago problem. A recent report from the American Association of State Highway and Transportation Officials states that growth in domestic and international freight tonnage is expected to grow 67 percent by the year 2020. The result will mean a shift of 900 million tons of freight onto our interstate system, adding a $21 billion need to highway costs in the next 17 years.

In an economy where just-in-time delivery demands are the norm, slow cross-country freight movement results in economic losses that are felt throughout the United States of America. Our communities also suffer. Traffic tie-ups and idling trains affect the quality of life of many of our constituents.

The status quo must not continue. As Daniel Burnham, the famous Chicago-based architect and city planner, encouraged us to ''make no small plans,''

we need to make big plans to address these tremendous capital needs. In order to sufficiently fund our country's freight rail infrastructure needs, the Federal Government should create a new significant and dedicated stream of funds for rail projects. Just as we have a Highway Trust Fund and an Aviation Trust Fund, the legislation I introduced last week, H.R. 1617, would create a National Rail Infrastructure Program.

As in all things here in Washington, the big question on everyone's mind is where can we get the funds to support these needs? H.R. 1617 would fund these improvements through various funding streams including a reallocation of the 4.3 cents per gallon diesel-fuel tax that railroads currently pay into the general revenue fund. I believe that putting these funds into a rail infrastructure program that would benefit the public is the only logical thing to do. The total revenue stream in my legislation would amount to about $3 billion per year.

There are some who may disagree with such a proposal; however, it would be a serious mistake to ignore our country's growing rail infrastructure needs and the gridlock that will result if we fail to expand our freight rail capacity. So let us heed Daniel Burnham's remarks. Let us think big and make some big plans to address the growing national problem facing our rail system. I hope my colleagues will join the 25 bipartisan co-sponsors and me and support H.R. 1617, the National Rail Infrastructure Program.

Remember, this Nation is great because we dare to dream great dreams. Please support this bill because this bill can do what we need to be done for freight movement in this Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FINANCIAL ASSISTANCE TO AIRLINE WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today, finally, 18 months after it was promised, the United States House of Representatives voted overwhelmingly, almost 2 to 1 when finally forced, to provide some financial assistance to the 150,000 airline workers who have lost their jobs as a result of 9/11 and the horrendous recession in the United States. It is expected that as many as another 70,000 will lose their jobs because of the slowdown in travel due to the war in Iraq and even more probably with the threat of SARS and other problems.

It is time that we recognize the service of these people to our country and the fact that they need a little bit of help in their time of need. The Congress rushed through a $15 billion airline bailout shortly after 9/11 to try to help keep the industry in the air when people were afraid to fly. And that bailout provided more funds in one day than the entire deregulated industry has made in its entire history. Its entire 26-year history was eclipsed, their profits, by that one bill.

But the bill glaringly omitted any assistance directly to workers and it meaninglessly pretended to limit the salaries of CEOs. I have seen the results of the meaningless limits adopted by that legislation 2 years ago, or 18 months ago, in bailing out the airlines with the huge compensation packages and salaries and specially protected retirement that is being made available to the executives. It is defended. They said how could we get execs to work here if we did not pay them these outrageous salaries and if we did not totally protect their retirement? Guess what? All of the line workers, all the flight attendants, all the pilots, all the mechanics, all the gate agents, all the ticket agents, none of those people have specially protected pensions, and yet there has not been support from the industry or from this administration or from the majority in this House of Representatives to help those distressed workers.

And finally today, in one of those opportunities that rarely comes, a week ago when we were taking up the supplemental bill I tried to offer an amendment to help the workers; in fact, a Republican Member had gone earlier to a press conference with me and others to announce the legislation, and I asked him if he would go to the Committee on Rules and ask to have it made in order during the bill, and he said absolutely. Guess what? He did not show up. He did not show up because he was intimidated by the Republican leadership.

I came to the floor and offered that amendment, but the Republicans struck it down on a procedural technicality. They said we cannot take up a bill here to help the workers. We will get to it soon. Just like the 18 months we had promised previously, soon. Soon when?

Today, because we had one opportunity, which was a motion to instruct, usually a technical sort of thing in the House of Representative, we focused in on assistance to workers that has been long overdue; and when forced to vote, we find that nearly two-thirds of the United States House of Representatives supports that, but their leadership and the White House leadership has been preventing us from taking that step.

Congratulations to the House for that vote today and shame on the leadership and shame on the leadership downtown that did not allow that vote, and shame on them if they find some way to try to kill this in the conference committee because the White House is objecting that there is too much money in the bill to help the airlines now that we have added a little bit of money to directly help the workers. We will all be watching to see what comes in that final conference report, and we will know who killed the assistance to workers if it is stripped out of the bill.

After this overwhelming vote here and the overwhelming vote in the Senate, let the majority work its will and let us help these workers and their families.

AUTISM AND VACCINATIONS

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. Mr. Speaker, on a regular basis I come down here and talk about children who are autistic and the reasons for it. We have been receiving letters from across the country from literally hundreds and probably thousands of parents who have autistic children, and they do not know what to do about it, and all of them believe their children were damaged by the mercury that is in vaccines. It has been in children's vaccines for a long, long time.

Children get between 25 and 30 vaccinations before they go to school, and up until just recently almost all of them contained thimerosal which was 50 percent mercury. We all know mercury is toxic to the brain, and yet they had it as a preservative in vaccines. And our children, in my opinion, and scientists and doctors from across the globe and here in the States believe that mercury in the vaccines was one of the major causes.

Here on this easel I have pictures of probably 50 or 60 or 70 kids who were damaged by the mercury in the vaccines, and I have letters that I read every night. We have a system here called the Vaccine Injury Compensation Fund that is supposed to take care of these children if they are damaged by vaccines. It has $1.8 billion in it. It is supposed to protect the pharmaceutical companies from lawsuits, and yet these parents of these kids have had a very difficult time getting satisfaction and restitution from that fund, and many of them, because there was a 3-year statute of limitations, could not even get in the fund.

The reason I bring this up right now is because we are in the process of working on legislation that would deal with this problem, that would help these kids who missed the opportunity by getting in that 3-year window of opportunity to be put in the program so that their case could be reviewed on a case-by-case basis by the special master. These families are spending hundreds of thousands of dollars, they are going bankrupt, selling their homes, borrowing money, doing everything to help their children, and there is nowhere for them to turn. We need to

make sure that they have access to this fund for which it was created and not have to go to courts to have class action lawsuits. And that is what we are working on with the other body and the majority leader in the other body to get done.

I want to read just a couple of letters that come from these people who have no place to turn. Here is a letter that came from a Marcy Kelly from Mullica Hill, New Jersey, and she writes:

''My son turned 4 in October, 2002, and was diagnosed with autism after a long history of medical problems that began at 2 months, within 1 week of his first series of thimerosal-containing vaccines. His immune system, weakened to where he couldn't handle viruses (resulting in recurring ear infections and RSV), he had reflux, terrible allergies and eczema, and a reaction to his MMR shot that is documented to have caused vomiting nightly for 6 months post vaccination and 2 years of diarrhea. Medical tests show toxic levels of metals, reduced glutathione, malabsorption, maldigestion, severe allergies, and liver problems, all common in those poisoned by mercury. He regressed into autism between 18 and 24 months.'' As a father and grandfather, you understand the heartbreak that I felt.

This is a picture of him.

''We have spent well over $100,000 in the last 2 years, mostly on medical visits, tests, and therapies. Our insurance company, Aetna US Healthcare, stopped paying for these funds.'' So they have noplace to go.

And she ends up by saying, ''I understand that you intend to take our stories before Congress, not individually but as a group. If you could take a single child (or family with more than one child on the spectrum) and pile up all of the medical and therapy bills, ADA drill books and materials, and supplements used to help them heal from the effects of vaccines, it would be quite mountainous and tell a story as well. God be with you and with other politicians as they vote on matters relating to autism. In the quiet of night, if politicians would ask themselves the question 'what is right?' the answer in their hearts would be to help their children and their families.''

We have the ability to do that, and we must do something and we must do it very soon, because these families are suffering; and we have to be very diligent to make sure the other body does not put some language in the bill that would be like what was in the homeland security bill which protected pharmaceutical companies but not the children.

I yield to the gentlewoman from California.

Ms. WATERS. Mr. Speaker, I thank the gentleman so very much. I caught his presentation on the screen as I was going through the cloakroom, and I cannot tell him how proud I am of him for dealing with this issue of autism and children. I commend him for his interest. I commend him for the work that he is doing on it.

I came in close contact with children who were autistic when I started in the Head Start program.

□ 1815

Prior to the Head Start program, we had children who were autistic and had other kinds of deficiencies that never got discovered, and that is one reason I love the Head Start program so very, very much. But the most interesting and the most challenging and the most undertold story was the story of children with autism.

I join the gentleman in his efforts and will do everything that I can to bring attention and resources to help these families of children who have autism.

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, we will contact the gentlewoman on that legislation. We will be down here every night that is available to talk about this issue. I thank the gentlewoman.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. BURGESS) laid before the House the following communication from NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
April 8, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to (40 U.S.C. 188a), I hereby appoint Rep. Chaka Fattah as a member of the United States Capitol Preservation Commission for the 108th Congress.

Best Regards,

NANCY PELOSI.

WILL WE WIN THE PEACE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HOEFFEL) is recognized for 5 minutes.

Mr. HOEFFEL. Mr. Speaker, due to the bravery and the magnificent performance of American troops, our Armed Forces will soon win a resounding victory over Saddam Hussein, disarming him and eliminating the threat of his regime. Now that we are on the verge of winning the war, we must now turn our attention to winning the peace.

The morning after our military victory over Saddam, we will wake up to four challenges in Iraq: peacekeeping, humanitarian relief, reconstruction, and governance. How we face those challenges will determine whether we win the peace, win the battle for the hearts and minds of the people of Iraq, enhance our status in the Muslim world, and maintain our credibility as the leader of free and democratic nations.

I fear we could fail to meet those challenges if we pursue an aggressive, antagonistic diplomacy that makes demands of our allies, but does not listen to them. We could fail if we embrace unilateralism and abandon our traditional reliance on multinational action. We could fail if we allow the reality or even the appearance of an American military colonial government in Iraq.

To meet these challenges and best serve American national interests, as well as the best interests of the citizens of Iraq, I suggest eight steps:

First, the State Department, not the Defense Department, must be in charge of American policy after the military victory.

Second, whenever and wherever possible, we must internationalize the stabilization and reconstruction operations and not try to do it all ourselves.

Third, American troops in the field will be needed to keep the peace, but we should move quickly to spread the burden of peacekeeping by giving NATO the task. NATO is a robust military alliance that defeated one tyrant in Kosovo and surely could keep order in a post-Saddam Iraq.

Fourth, emergency relief authority must begin with the State Department and USAID, but there is no better chief administrator for the humanitarian challenges than the United Nations. Its vast resources, experience and expertise are unparalleled.

Fifth, we must engage expert multilateral organizations like the United Nations, the International Monetary Fund, and the World Bank in the reconstruction of Iraq's infrastructure. A debt restructuring is needed to deal with Iraq's financial burden of $383 billion including foreign debt, compensation claims, and pending contracts.

Sixth, we should convene a donor's conference soon after the military victory. Funds will be needed right away for quick start reconstruction projects. This could provide a funding opportunity for the Arab League.

Seven, Iraqis must establish corruption-free control over their own oil. We should advocate for a transparent and reformed industry that accounts for oil revenues and devotes profits to rebuilding the country.

Eight, we should urge the United Nations to sponsor a conference on the formation and direction of a transitional Iraqi-based government. Iraqi provisional leaders, internal Saddam opponents, exiles and the international community should be brought together to establish a stable representative government of Iraqis.

We must seize this opportunity to stabilize and unify Iraq and demonstrate to the entire world our commitment to democratic values, personal liberties, and social justice. That is how we win the peace in Iraq.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

(Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

REDUCING THE COST OF PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, a couple of weeks ago I came to the well of the House, and I said that the FDA had declared war on American consumers. Now the battle is joined.

Mr. Speaker, I want to share a brochure, a little brochure that my staff and I have put together. On the cover it says, ''If we want to allow Americans to keep and spend over $600 billion during the next 10 years, here is a good place to start.'' Then at the bottom you have a picture of some pharmaceutical capsules.

Then if you open the brochure, the second page says, ''That is right. According to the CBO,'' that is congressional language for the Congressional Budget Office, they are our official bean counters, ''According to the CBO, American seniors will spend over $1.8 trillion.'' By ''seniors'' they mean only those people who are 65 years of age or older. So over the next 10 years, the CBO tells us that seniors alone will spend over $1.8 trillion on prescription drugs.

Now, a conservative estimate, not done by me, but by experts who are a whole lot smarter than I am, a conservative estimate would be that we can save 35 percent by allowing free markets to work. Again, I am not particularly good at math, but 35 percent times $1.8 trillion works out to $630 billion.

Here we have a chart. This is the latest chart. I have actually had in the last 4 years four different charts. I do not use my own numbers, although we have actually done our own research to confirm that these are very accurate in terms of the average prices that Americans pay, and these are some of the most commonly prescribed drugs in the United States.

Let us start right at the top, a drug called Augmentin. Here in the United States, according to the Life Extension Foundation that has been doing research on this for more than a decade, the average price for a 30-day supply in the United States is $55.50. That same drug sells in Canada for about $12, and it sells in Europe for an average price of only $8.75. There are differences in the value of currency, but the net effect is that Americans pay that much more for the same drug.

Look at another drug, a drug made by a German company called Bayer. We usually call it Bayer, Bayer Aspirin. Cipro became real popular last year when we had anthrax here in these buildings, because it is one of the most effective drugs for things like anthrax. But Cipro in the United States sells for an average of $87.99 for a month's supply. In Canada it sells for $55.53 cents, and in Europe, in Germany, where they make it, they sell it for $40.75.

The list goes on. Let me talk about a drug called Coumadin. My 85-year-old father takes Coumadin. Fortunately, because he worked for a union all of his life, worked as a union worker all of his life, under his contract he has prescription drug coverage, so it does not cost him $64.88, which is what it costs the average American consumer in the United States if they do not have prescription drug coverage; $64.88 in the United States, $24.94 in Canada, and only $15.80 in Europe.

The list goes on. This is reflective, and it goes on and on and on.

Down here, I put a famous quote by one of my favorite Presidents, President Ronald Reagan. He said, ''Markets are more powerful than armies.'' At the end of the day, you cannot hold markets back; but unfortunately, that is what is happening in the United States.

Now, I have no qualms with the big pharmaceutical industry in the sense that they ought to be able to sell their drugs for what they want to sell them for. But they should not be allowed to hide behind the FDA to do it. So I do not say shame on them as much as I say shame on us. It is we the Congress, we the policymakers here in the United States that have allowed these disparities to happen.

Finally, we are having a big debate right now about tax cuts, how much should we give in tax cuts. Is it going to be $625 billion or $535 billion or $375 billion?

Tax cuts are great, particularly at a time when the economy is soft. But if we really want to help seniors, if we want to lower prescription drug prices and allow Americans to keep and spend $630 billion of their money over the next 10 years, let us open markets now.

Finally, it just says simply Americans deserve world-class drugs at world-class prices. All we are asking for is open markets. All we want is what German pharmacists have the right to do, and that is buy drugs where they can get them the cheapest.

Mr. Speaker, I would like to yield to one of my heroes. The gentleman from Indiana (Mr. BURTON) held a hearing last week, and it was one of the best hearings I have ever participated in.

Mr. BURTON of Indiana. Mr. Speaker, I think the gentleman covered the issue very well.

I just wanted to make one comment, and that is that some of the pharmaceutical companies, like SmithKline of England, are going into Canada and saying if you sell pharmaceutical drugs in the United States for the price that you are paying in Canada, which is about one-fourth or one-half of what they are here, we are going to cut you off. They are doing that in a bullying way.

I do not think pharmaceutical companies should say to a country, you cannot sell those drugs in the United States because it is the same product that in America we are paying two or three times for it. It makes no sense to me.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time, the gentleman is absolutely right. What is being done by some of the big pharmaceutical companies is nothing short of shameful. I also say shame on us.

I said the other day that Teddy Roosevelt must be rolling in his grave, the Republican President who believed in breaking up the trusts, in enforcing competition, because he understood, as President Reagan understood, that markets are more powerful than armies.

Mr. Speaker, it is time for this Congress to live up to its responsibilities. It is time for Congress to allow Americans to have access to world-class drugs at world-market prices.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1036

Mr. FLAKE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1036.

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

There was no objection.

WINNING THE ECONOMIC WAR AT HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, there are two major stories in the news. There is one that we see daily, and that is the story of the war in Iraq. The other story we hear little about, and that is the economic war right here at home.

Last month the Pentagon announced we will be sending another 100,000 troops to Iraq, and our hearts are with them. They are putting their lives at risk for us. They deserve our support. But last week the Associated Press reported that an even greater number of people, 108,000, lost their jobs, as U.S. companies dealt with the battered economy right here at home. These Americans also work every day to support the ideals of our Nation and the work ethic. They deserve our support.

It is also ironic to note that prior to the Pentagon's recent deployment, there were already 300,000 troops in the vicinity of Iraq. In February, according to the Associated Press, businesses here at home shed almost as many

jobs, 357,000 more than previously reported; and yet this morning, President Bush announced his opposition to the unemployment extension that we attempted to get here today in the budget resolution, calling it ''objectionable'' in the statement of administration policy.

We are hearing lots of plans about aid to flow to the Iraqi people, including food and medicine. This is aid that must be provided. But while the United States Army also takes on the role of humanitarian assistance in a military zone, the Salvation Army here at home is facing a swelling need for services and a downturn in donations that have led to an unprecedented lack of food for people in our own economic war zone.

The Salvation Army in my own hometown has seen a 42 percent increase in requests for assistance just this year. At the start of the fiscal year last October, our Women, Infants and Children food program reported the highest level of participants ever; and nationally we have the highest number of participants in the last 5 years.

Just since January 2001, America has lost nearly 2 million more jobs. In Toledo, my hometown, military spouses are showing up at the Women, Infants and Children feeding offices because their husbands have been called up for active duty, cutting the income of families by drastic amounts.

□ 1830

The Cleveland Plain Dealer last month told us, at a pantry in Columbus's west side, a 67-year-old retiree gets groceries to help feed a daughter and a granddaughter who moved in with him last year. He remembers relatives telling of bread lines during the Great Depression. He never imagined he would see himself in one, let alone wait in one.

There is no doubt that the United States is the freest and most bountiful Nation on earth. That is why people want to come here. But do we not owe as much to hardworking Americans as we do to war-torn Iraqis? Do we not need to build our economic might here at home as much as our military might abroad? Do we not need to plan as much for our economic-torn economy as much as we do the Iraqi war-torn economy? Do we not need a coalition of allies with labor and management for job creation and economic improvement as much as we need a coalition of military forces in the Gulf? If we can provide money to airlines who are claiming they are being hurt by the war, should we not also provide an additional 26 weeks of unemployment benefits to airline workers who are the real victims of the slowdown?

Military war, of necessity, is receiving most of our attention of late, but how about the enemy within? The economic war here at home? It seems to me that the weapons of war may be more visible when they are used, but the damage of an economic war is just as real for individuals and families and communities that are suffering here at home. Our State is over $4 billion in debt. Our mayor, he is broke. It just seems to me that our news ought to talk a little bit about what is happening here at home.

Mr. Speaker, it is time the second war that we are in on our home soil gets equal attention in the media.

FEDERAL GOVERNMENT IS FAILING IN ITS DUTIES TO LOCAL COMMUNITIES TO PROVIDE FUNDING FOR HOMELAND SECURITY

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, the United States Government is still not doing its job on homeland security. It is failing in a very, very elementary manner. The way it is failing is that it is failing to give the tools that our local communities need to prepare an adequate homeland security plan and procedures in our towns and in our cities.

It is very sad to say that where the rubber meets the road on homeland security, and that is in our cities and towns, this administration and the majority party in this Congress are not giving our cities and towns the tools they need to do the job. The sad fact is, the Federal Government is not cutting the mustard when it comes to helping our cities and towns prepare their police departments for terrorism, prepare their fire departments for terrorism, prepare their emergency response plans for terrorism. The job is simply not getting done.

Now, we had a little bit of good news today out in the State of Washington. The city of Seattle will be receiving about $11 million to help with some of their plans. But unfortunately, all of the cities and towns around Seattle are not getting help from the Federal Government, and they need it.

I will give an example. The town of Bothell, Washington has and will spend over $200,000 this year on their homeland security plans to deal with terrorism, from buying gas masks to training for their personnel. Over $200,000, Mr. Speaker, and no help from the Federal Government. The city of Monroe will spend over $45,000. The city of Monroe is not the largest city in the whole country. They are not getting help from the Federal Government. Mountlake Terrace, a small town in my district, they are spending $2,400 on gas masks, just one little tiny element for their expenditures, together with overtime for their officers, no help from the Federal Government. The city of Edmonds is spending $145,000 for homeland security, a significant figure for overtime, for training of their personnel, and over $30,000 of training of their fire department for hazardous materials training, no help from the Federal Government.

Mr. Speaker, where is the help of the Federal Government for Edmonds to deal with terrorism training, for Bothell to deal with gas masks, for Mountlake Terrace to deal with overtime, for Edmonds for their HAZMAT training? Where is the help for our cities that the Federal Government should be giving to these local communities? It is not getting done. The reason it is not getting done is that this Chamber and the other Chamber are not passing the appropriations that should be passed to help these local communities.

Now, on this floor last week, we in the minority party made an effort to increase the appropriation and supplemental budget to get help to Edmonds, to Mountlake Terrace, to Bothell so that they can prepare an adequate homeland security response. And we wanted to boost, by $2.5 billion, help for our first responders, for our police and fire departments. But unfortunately, the majority party stymied that and would not support these increases in our plans to deal with homeland security.

I think it is important to point out the reason for that. The reason that this bill did not pass to help these local communities is that the majority party thought it was more important to give the folks at Enron tax breaks in their multibillion-dollar tax package than it was to give the city of Edmonds help for gas masks, the city of Bothell help for overtime for their police departments.

We believe in the Democratic Party it is more important to help these local communities deal with the threat of terrorism as a first job before giving these tax cuts, a predominant amount of which goes to the wealthiest Americans in the country. We believe that, because the city of Edmonds has a job to do for the people they represent, and that is to do an adequate job to get ready for potential terrorism. The city of Bothell has that responsibility. The city of Mountlake Terrace has that responsibility. We are going to continue working on this until we get this job done, because Americans are entitled to know their local communities have responded with as much vigor as we are seeing in Iraq from our very, very proud, honest, and effective military personnel today serving in Iraq.

Mr. Speaker, I hope that folks will join us in this effort, because our local communities need the help of the Federal Government.

IMPORTANT TOPICS FOR DISCUSSION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

HONORING OFFICER CHARLES CLARK, A DEDICATED PUBLIC SERVANT

Ms. JACKSON-LEE of Texas. Mr. Speaker, many times we come, sadly,

to the floor of the House to acknowledge a valiant citizen of our community. All of us have been giving our praise and our commitment to the valiant troops who are now representing us, and we wish them well, we wish them a safe return, we wish for them the resources that they need to finish the job and to return to their families. But in our own communities we have valiant individuals who offer their lives so that we might be safe.

Today in Houston, Texas we laid to rest Charles Clark, Officer Charles Clark, an individual who was selfless in his commitment to our community, a member of the Houston Police Department who lost his life tragically in a brutal robbery that also saw the loss of Alfredia Jones, the mother of two children.

Officer Clark was born and raised in the community which he served: South Park, Texas. Married for 24 years, with a lovely wife by the name of Hilda, and he was almost about to see 20 years of service with the Houston Police department. He was known as the consummate police officer. He loved his job. We are told that he wanted to serve in the South Park community, where he did not live, because he had been born and raised there. The tragedy of his death is that he was rushing to the scene to help this young mother, a young mother who was working to support her children at a cash-checking place, when three or more brutal individuals who could find nothing in their life to do but to kill two innocent human beings on that day.

Mr. Speaker, we ask the question: Can we do better as Americans?

I believe this valiant soul should be laid to rest with our respect and admiration, Mr. Speaker. So I come to the floor today to pay tribute to Officer Charles Clark, to tell him that may he rest in peace and may he be considered forever and ever in the annals of the history of the Houston Police Department, our dear friend. I thank him for his service. May he rest with the angels.

HELPING FELLOW AMERICANS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to turn to another subject, and that is a cry that has been amongst us for a long time, and that is helping fellow Americans. Just recently we provided a bailout for our airlines. I am gratified that today we enthusiastically, although I wish it had been unanimous, voted to instruct the conferees to assist the airline employees. These are our neighbors, hard-working neighbors who have been laid off because of the tragedy of 9/11 and the war. I hope that the conferees will not ignore helping fellow Americans by providing them with the 26 weeks of extended pay. These are mothers and fathers, sisters and brothers, some of them single parents who are supporting their children, some of them going to school and, frankly, they are suffering. We can bail out the airlines, we can cause them to pay off some of their debt, but that does not deal with the human failure or the human need, and that is those who are not working because of where we find ourselves.

So to the appropriators who may be listening to the sound of our voices: We have been trying to do this since 9/11, and it has gotten worse. Let us do something that is gratifying in helping our fellow Americans.

THE AFTERMATH OF WAR

Ms. JACKSON-LEE of Texas. Let me simply close by saying that as we wish well for our troops, we have something to deal with: the aftermath of war, Mr. Speaker. I intend to engage in a vigorous discussion so that we as Americans can pull together, so that the aftermath of this war can be one of reconciliation, working with our world allies.

I will be dropping legislation that deals with the putting back together of this Nation, but also putting back together the world feelings, relationships. I hope that we will work with NATO and the United Nations in a working group, if you will, scenario where we work together with the United States involved and all of those who are with us or against us, because, Mr. Speaker, that is the right thing to do. We must ensure that we reignite the war against terrorism where all of us were working together. We must reinsure that we work on the Mideast peace process, giving humanitarian aid, rebuilding families, helping schools and hospitals being built, as well as recognizing the needs in this Nation. We cannot do it unless we do it together.

I will be looking forward to dropping that legislation and having my colleagues go forward and not go backwards.

Mr. Speaker, also, we will be looking to give a briefing or to present a briefing with several of the caucuses in this Congress to deal with the aftermath of war, the plight of the children. We have not looked to the damage and the danger of children, not only of those in Iraq, but the children of our soldiers. What has been the damage? What can we do to assist or to help their lives be better?

So I hope this Congress will join together in a bipartisan manner, Mr. Speaker, to address the questions of the aftermath of war. Peace still is a possibility, that we may live in peace in this world.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1036, PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–64) on the resolution (H. Res. 181) providing for consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, which was referred to the House Calendar and ordered to be printed.

HONORING STUDENT DEMONSTRATORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, democracy is the cornerstone of our government. True democracy allows room for dissent, discussion, and demonstration.

□ 1845

Last week, students from around the country arrived in our Nation's capital to demonstrate in support of affirmative action in higher education. They actively participated in a peaceful way in our democracy. And I am sure that the founders of this Nation must have been as proud of them as I am of the students who participated.

Students marched, sang songs, prayed, and urged the Supreme Court to allow schools like the University of Michigan to continue the practice of allowing diversity in higher education. The students realize that in spite of the progress made over the last 40 years, minorities, women and people with disabilities, still face major barriers in education, business, and employment. They also realize that the prerequisite for change is struggle, and that without struggle there is indeed no progress.

Many people dismiss students because they are generally perceived as not actively engaged in the political process. In addition, others suggest that they are unwilling to sacrifice and do the things necessary for group liberation. The enlightened students I encountered at the Supreme Court represented America at its best. They represented America and its great diversity.

Their message was clear, strong, and compelling. It was a message that affirmative action is a powerful, proven, and effective tool for removing the remnants of prejudice and bias. It was a message that affirmative action capitalizes on the strength of our diversity and opens the doors for opportunities. I am proud of the students who sacrificed their sleep, their classroom work, to brave the cold weather and proclaim that affirmative action is relevant and needed in higher education. They realized that education is the great equalizer. It is the ladder to success.

The thousands of students who demonstrated came by train, car, bus and many on foot. The impressive gathering of college and high school students was reminiscent of some of the activities done to achieve fairness and equalities throughout the 1960's. Of course, the challenge for all of us now is to keep the momentum and the pressure on.

Again, I commend the students for standing for something as important as equal opportunity to higher education. I commend them for their efforts and remind them that the struggle must continue.

STRENGTHENING AMERICAN BORDERS AGAINST ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. PORTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I come to the floor tonight to discuss the issue of immigration and immigration reform. It is a topic that I often take this floor in order to advance, and I have over the last several weeks chosen to separate the topic up into various component parts. And we talked about immigration reform and how much it was needed because of the dangerous situations that exist on our borders. That was the first week.

We talked about, the next week, I tried to address the issue of immigration and open borders and what that meant to the importation of drugs into the country and the impact that that is having on our land.

Today I am going to talk about another aspect of this subject that is seldom discussed. It is one that a lot of people do not want to really focus on because they are not sure how to deal with it. I think specifically of the people in, say, the Sierra Club, Friends of the Earth, and a variety of other environmental organizations that are out there and that focus in on matters that harm the environment; and they have constantly come to us, come to this body in the form of lobbying activity to tell us that we have to do more to protect the land and the environment, the water, the air, because of what man is doing to it. And yet there is almost a deafening silence, if you will, from the same people, the same organizations, when it comes to the degradation of the land that is as a result of the massive numbers of people coming across our borders illegally, the millions of people that are crossing these borders.

There is a great quote from a gentleman who is the program manager of something called the National Parks Conservation Association. His name is Randall Rasmussen. Mr. Rasmussen said, ''Organ Pipe National Monument is becoming Organ Pipe National Catastrophe.'' I call it the Organ Pipe Cactus National Dump.

I have been down there several times in Arizona. Of course, that part of the country is beautiful. Arizona has a 372-mile border with Mexico and it ranges from very sandy deserts and lava flows in the West, where you get about 3 or 4 inches of rainfall in a wet year, to oak-dotted grasslands and mountaintop forests in the East, where snowfall may be measured in feet. Really, few areas of the North American continent boast such natural beauty and such a great amount of diversity. Yet, cutting across that landscape is one huge problem.

The entire region is getting hammered by wave after wave after wave of illegal border crossers, by horse, by foot, by bicycle, motorcycle, all-terrain vehicles, cars, trucks, even utralight gliders. They stream across the border every day and every night. They dump tons of trash and human feces in places that are set aside for their scenic beauty. They blaze hundreds of new roads and trails through fragile desert soils. They ruin habitats for endangered species and they start forest fires that consume hundreds of thousands of acres of forest and brush.

When I was visiting the Coronado National Forest not too long ago, I left there on a Sunday morning and a fire started by an illegal alien campsite had been left unattended after starting a warming fire in the evening, and then they walk on, and they leave the fire often times burning, it caught the rest of the brush on fire, and before I got back to Denver on the plane, before I got back to Denver, it had consumed 35,000 acres in the Coronado National Forest. We did not hear much about that. Even if we did, we probably only heard about the fire, but no one wanted to talk about how it started because this is a delicate subject. This is because people get very antsy, even here in this body, when we start talking about immigration and the impact of illegal immigration especially on the Nation.

The reason why I have divided this subject up into various component parts is because it is an enormous subject. It has enormous, massive implications, immigration, that is, for our Nation. I have often said that it will determine not just what kind of a Nation we will be in the future, that is divided and balkanized, it will determine whether or not we will be a Nation at all. And there are, as I say, implications of massive immigration into this country which are absolutely incredible and need to be talked about, need to be debated, even if it makes people uncomfortable. And certainly this is one part of it. This is just one part. That is the environment.

Mr. Speaker, I have been down to the border several times. I have been both to the northern and southern borders of the country. And the sites that I see are sites I wish many of my colleagues here on the floor would also see. Sites like this on Department of Interior wildland where new trails, abandoned vehicles, trash, and human waste are strewn. These are trails that you see all over that particular part of country. Trails like this. When you look on a trail map, by the way, there is no trail there on the map, because these are not official trails. These are all made by people walking through by the hundreds, by the thousands; in fact, by the millions. Once they start these trails, they will use them for a couple of weeks, and then they think that we put sensors on them, and sometimes we do, the Border Patrol puts a sensor on there, so therefore what will happen is they will move over a little bit.

When you fly over this area, you look down and it looks like cobwebs that spread out from a particular area coming across the border, but it is really just the number of people that have come across by foot, by horse, even, as I say, bicycles sometimes, and often times by cars. Vehicles will be driving along a highway that is adjacent to a national park or some sort of protected site, we will say a national forest, and at some point in time they just decide this is it, and they will peel right off of the highway and start right through the forest. And so as you drive along that road, it may be a blacktop road, as you drive along you can see on both sides where people have simply driven off the road into the desert and, of course, are trying to take people into this country and drugs into this country illegally, and they have caused enormous damage to that environment.

They leave cars. Again, once they abandon the vehicle, once they take the drugs that they were carrying in or the people that they are carrying in and move them to a driven form of transportation, they usually abandon the vehicle. So if you fly over this area you will see literally hundreds and hundreds of abandoned vehicles in the desert rotting away. They leave clothes. They leave trash, water bottles like this in areas sometimes that encompass 50 or 60 acres and are knee-deep in trash. These are called pick-up sites. These sites are areas where people will come to on foot. They will come across the border on foot into the United States, and then they have been told where they should gather. And it is often on private land. It is often, however, in the middle of a national park or a national forest area. They gather and they wait to be picked up to be taken into the interior of the United States.

Sometimes these groups will be as large as several hundred. And over the course of about a month, many thousands will have gathered in one place, waiting for their transportation into the United States. And they are told by the people who bring them here, and often times we refer to these people as ''coyotes,'' these are people paid by Mexican immigrants, primarily Mexicans, but certainly not entirely by Mexicans, paid by the immigrant coming into the country, the illegal, sometimes $1,500, sometimes if the case is more difficult it gets more expensive, where in fact we have cases today where we are looking very carefully at people coming into the country from places like Iraq and Iran and all over the Middle East. These folks have to pay upwards of $30,000 to have to be smuggled into the United States. So it has become a very big business.

Once they get them into these pick-up sites they tell them you have to discard everything you have got, everything you have been carrying, all the water bottles, all the trash, the food, the clothes, discard everything because we have to pack you into, well, they do not tell them why, they just tell them that they have to discard everything. Then they pack them so tight into the backs of cars and trucks and trailers and vans that many suffocate on the way up. But what they do, of course, is to make room for more people. That is why they tell them everything has to be abandoned here.

When you walk through these pick-up sites you will see literally tons and tons and tons of trash. You will be overcome sometimes by the smell because, of course, this is also a place where people deposit their own human waste. And so the feces by thousands of people in this area, this is certainly not a pleasant topic, I assure you, but it also is not just unpleasant from an olfactory sense, it does not just smell bad; when it does get a little bit of rain into this area, that is washed into some of the water supplies. We have had ranches down there where farm animals and ranch animals have stopped drinking in the wells. They have essentially been ruined by this kind of activity. It does seep, of course, into the ground, then, after it has been washed down into this arroyos. This is not the kind of area, this is not the kind of land where that kind of waste can be disposed of easily.

The rest of this stays in place. The Border Patrol is not going to pick it up. The ranchers try to pick it up because it becomes very dangerous, but they can spend their entire day, week, month, year, picking up trash on their land. Their cattle eat this trash, especially that black plastic that most of us have seen and we certainly use ourselves. It is strewn all over the desert and the cattle will eat that and die. We have had thousands of head of cattle here that eat this trash and that die as a result of it. These are just, as I say, some of the environmental problems that you have when you have got literally hundreds of thousands, in fact, millions of people coming across this land.

We have had archeological areas, areas of great archeological value destroyed. In Pinacate, which is also a national park, the Mexican soldiers destroyed some of the archeological areas, including one with a 100,000-year-old drawing on the wall. This was according to the Pinacate Park Director, Carlos Castillo.

In addition, the Mexican Army has dug deep trenches to destroy 19 clandestine airstrips which mar hundreds of acres of volcanic desert that took 4 million years to form.

□ 1900

These soldiers' markings could last for another 100 years.

Few parks really have taken a greater toll than the U.N.-designated biosphere reserve El Pinacate and Arizona's adjoining Organ Pipe Cactus National Monument.

Last year, officials caught 200,000 migrants coming through Organ Pipe. Remember, we get one in five. That is a conservative estimate. I think it is closer to one in 10 we actually will try to interdict; 200,000 were caught in Organ Pipe last year; 700,000 pounds of drugs were confiscated in Organ Pipe last year.

The drug runners use every imaginable form of transportation: cars, trucks, ATVs. When they are chased, they throw these spikes out behind them, so that the border patrol, whoever may be chasing them, have their own tires blown out. This is something, of course, that our border police and law enforcement agencies use themselves, the spikes to stop people who are chasing. In this case, the trespassers, the people carrying either individuals or drugs, throw out these spikes to stop the people from chasing them.

Again, cars that are abandoned all over the forest, these kinds of roads that have been cut into the forest. Ruts that have been created by so many cars coming across this area; this will not go away for hundreds of years.

They cut down some of the cactus that actually grows in this area, I mean, actually Organ Pipe Cactus National Monument, that is why they call it that, that is why the park is there because it does not grow anywhere else. This is a unique form of cactus. They are cut down and saguaro cactus are cut down and laid across the roads as obstacles so people when they will be driving along the road they stop, their cars are carjacked. They are taken and used to transport drugs and/or illegals and then abandoned all over the area.

Meth labs, this is another interesting one. This is mostly on the northern border, but not exclusive to the northern border.

In Canada, there is a group in Calgary, about 25,000 actually; about 25,000 Muslims reside in the Calgary, Canada area. Strange as that may sound to some, that is the case. There are really several hundred thousand Muslims in Canada. They have been immigrating to Canada for the last several years. This one group in Calgary, according to the folks I talked to that work security for the national parks and the national forests, are telling me that this group is the one that is primarily responsible for the importation into the United States of millions and millions and millions of tabs that are the component parts for methamphetamine. They are shipped from Calgary into the United States. They are cooked at these meth labs that are out there in the national parks and then the proceeds from the sale of these methamphetamine go back up to the organization in Canada, the Muslim group in Canada; and they use that money to support the terrorist activities all over the world.

This particular site, this is a meth lab that is being cleaned up in a national park. People have to come in there with hazmat suits. It is a very, very dangerous area; and for every pound of methamphetamine, there are 6 or 7 pounds of this material that is left, and it is a very dangerous substance. It has to be treated like this, as I say, hazmat suits and very, very carefully.

The drug smugglers will use natural caverns and/or tunnels, caves to deposit this stuff. So we have got kids, we have got hikers, bikers, we have got people coming in walking through the national parks, legitimately walking through, legitimately trying to enjoy the scenery and will go down into these caverns and into these various caves and come in contact with this material and become quite ill.

The fact is that the animal life in most of our national parks have been damaged by so many people coming through. This is a pristine environment with a lot of people coming across the deserts. We find that some of the migration patterns for some of these animals are disrupted. They are kept oftentimes away from water because that is where these pick-up sites are. So some, like the Sonoran pronged horn, which is an endangered species, is becoming even more endangered as a result of this kind of activity in their environment. Take this cactus. As I said earlier, these are unique in the world, this kind of cactus, organ pipes. We can see here the graffiti that they have carved into it.

This goes on and on, and yet nothing is really said about this. Nothing is done about this part of it. It is fascinating to me, we actually send billions of dollars around the world to Third World countries, Mr. Speaker. We hear the discussion on the floor of the House. I hear it in the Committee on Resources.

We spend billions of taxpayers dollars in Third World countries because we say in these countries we have to do something to help them create an economic environment where they will stop degrading their own environment, where they will stop destroying the forests, where they will stop cutting down old-growth forests, where they will stop polluting because they are doing it because they are a Third World country, they are very poor; and so we have to come in there and try to help them.

We go to Africa. We spend billions of dollars in Africa and in Latin America trying to get them to change their economy, trying to do something to get them to stop doing what they are doing to their land, and we do this with great relish, and we do it in this way that makes us think and feel good that we have taken care of our land. We know how to deal with our problems. We know how to deal with the environment in the United States. We have passed law after law after law. We have slapped people into chains and sent

them off to jail. We have fined companies billions of dollars. We will pick a person up in certain States and arrest them for littering. I mean, we have got signs along the highway that says no littering. We do a lot of stuff in the United States, but we completely ignore these particular phenomena in our own country.

We have National Geographic specials, we see them all the time on television. They are documentaries talking about how we need to do things in countries around the world to address the problem of the degradation of our environment on a worldwide basis, but no one will talk about this.

No one will talk about the smugglers that have left 95 percent of their garbage and junk vehicles in our borders. At Cabeza Prieta National Wildlife Refuge, smugglers have made a 26-mile road into the Growler Valley that slices into protected wilderness. I saw that road. I have been down to Cabeza Prieta. Along the refuges is famed Camino del Diablo where crosses mark places where 19th century travelers paid for their ignorance of the area with their lives.

The dirt is now a dirt road. It features big pits of nearly impassable moon dust. Smugglers just drive around these areas, widening these pits a quarter mile into the wilderness. It is estimated to fix the dirt road up to $30 million. That is if we can get down there to fix it, but they are probably not going to get appropriations for that purpose because why? Because that particular part of our environment, that particular problem was caused by illegal immigration, and we do not want to talk about that so we are going to ignore it.

As I mentioned earlier, there are cars all over. Officials estimate smugglers drove 5,000 cars through protected wilderness last year alone. Once that road is there, it will be there for 60 to 70 years, says Vergial Harper, the refuge's outdoor recreation planner. Seventeen abandoned vehicles now sit in the Growler Valley area. They probably have to be removed by helicopters to minimize further damage to the soil that serves as the skin of the desert, as they put it.

Do my colleagues know how much it costs to try and get one vehicle out of there by helicopter? It is a very expensive undertaking. There are thousands of vehicles all over the desert.

On a recent afternoon in Organ Pipe, discarded water bottles, backpacks, hot sauce containers, and Spanish-language comic books littered the ground around a sprawling ironwood tree estimated to be 1,000 years old.

Another endangered species' affected growth in Tucson, the Pima pineapple cactus, is also in the way of crossborder traffic. Just northeast of Nogales, fences meant to protect a patch of these cacti from being knocked down and allowing cattle to enter and possibly trample them, well, anyway, the fence is being destroyed. The crossers, the horses and their vehicles, have also gone right through that same plot.

The tiny cacti ''don't have any legs. They can't get up and move,'' Coronado national forest spokesman Gail Aschenbrenner said. At Leslie Canyon Wildlife Refuge near Douglas, areas thick with a particular kind of water umbel, an endangered plant, had been trampled to death by illegal immigrants waiting to be picked up, according to a congressional study. The plant has adapted to flood, draught and water fluctuation, said refuge manager Bill Radke, but not adapted to people squashing it.

So much of this has been documented by the kind of information that even the Congress has had at its disposal by hearings, by the CRS, the Congressional Research Service, and again, nothing, absolutely nothing, done.

Let us talk about fires for a moment. Illegal border crossers are suspected of causing eight major wild fires in southern Arizona in 2002 sticking taxpayers with $5.1 million in fire fighting costs. These eight fires that charred 68,000 acres are nearly 108 square miles near the border according to the Arizona Daily Star. Only the fires bigger than 100 acres were included in that analysis, but officials say border crossers cause many smaller blazes that were quickly controlled. Food containers, juice cans, water bottles from Mexico were found at many of the fires' starting points.

The Ryan fire, a 38,000 acre fire that raced across grasslands toward Fort Huachuca in late April and early May. The Oversight fire burned 2,189 acres in the Huachuca Mountains. The Walker Community fire burned 17,000 acres west of Nogales in June. These were all started by illegal aliens.

When we were down there, it was fascinating to talk to the people, the forest service. They will tell you, they now have changed the way that they actually try to fight the fires because it has gotten so dangerous to go in there. There are so many people coming through those forests with guns protecting drug trafficking activities that they do not go into the forests at night even to fight the fire. So the fires are allowed to burn because we are afraid to send people in there. We are also afraid to dump the retardant on there because we are dumping it on a lot of people who are out there. These are illegal aliens, but there are so many in the forests that we cannot fight fires appropriately.

The whole area is susceptible to this kind of thing, and yet again, where are the environmental groups? I hear from them. I am sure every Member of this body hears from people in the Sierra Club and everybody else that are demanding that we do more to protect the environment. Where are the groups demanding that we do something to stop illegal immigration and the degradation to the land that occurs as a result of this policy of open borders?

Just considering the environmental damage alone, we can wonder why those dedicated to the protection of the land and its resources have never intervened forcefully in any way. For example, the County of Santa Barbara, California, where lawyers representing environmental groups are ever ready to go to court on behalf of possible damage to oaks, endangered species, habitat or wetlands, if they are disturbed in any way by the action of California ranchers or farmers on their own property. If there are similar organizations in Arizona, the vast environmental damage being done by hundreds of thousands of illegal immigrants does not seem to disturb them.

Evidently, political correctness demands that one first consider who is destroying the environment, not the extent of the destruction itself or whether it should be stopped. With environmental groups these days, social justice is in the form of immigrant rights; and it trumps concerns about overpopulation, damage to plants, land and wildlife; and those are the quality of life issues in the United States.

These priorities mirror those of the Ford and associated major charitable foundations from both the National Council of La Raza and the Sierra Club where they give their financial support.

□ 1915

Interestingly, the Sierra Club does have one part of its organization, maybe 30 or 40 percent of their membership, that have decided to start sort of a splinter group, I guess I would say, in the Sierra Club. And they in fact have actually done a pretty good job of trying to bring to the attention of the rest of the members of the Sierra Club the problems that are endemic with our national grasslands, our national parks, and our national forests as a result of our completely and totally abandoned borders.

This is from a report to the House of Representatives Committee on Appropriations on impacts caused by undocumented aliens crossing Federal lands in southeastern Arizona. It was a joint project by the Immigration and Naturalization Service, the Department of the Interior and the Environmental Protection Agency. It was completed on April 29, 2002. It has only recently been released. It constitutes an extensive and official documentation of the harm that migrant smuggling has done to the fragile ecosystems and natural resources in southeastern Arizona, and, one might reasonably conclude, other frequently traveled areas along the southern border.

Sometimes our environmentally based arguments fall on deaf ears because environmental effects are indirect or long term. I am reading from a report that was issued by FAIR, an organization devoted to immigration reform. Here are some of the quotes from the report to the House of Representatives Committee on Appropriations on

impacts caused by undocumented aliens. Here are some of the quotes.

Page 2: Undocumented aliens crossing Federal lands in southeast Arizona not only cause damage to natural and cultural resources, they impact Federal land visitors, public services, Federal employees working in the area, and residents and businesses located on Federal and reservation lands.

Impact visitors: Let me tell my colleagues what happens. Here is mom and dad out there in their Winnebago, camped out in any one of these different types of campgrounds in our national parks, and all of a sudden, and this has happened, all of a sudden they look out the window of the camper and there, coming across the camping ground, is a group being led by a guy with an M–16, a bunch of people carrying 60-pound backpacks carrying drugs, and a guy following them with another M–16. And I am sure they thought to themselves, this is a national park? This is a campground? Am I in the right place?

Well, yes, they are in the right place. They have been confronted, their vehicles have been vandalized and stolen by these people, and they have been threatened by folks smuggling drugs across that border and through our national parks. Yet nobody really seems to care.

Another quote: Certain Federal lands in southeast Arizona can no longer be used safely by the public. These are our public lands. This is where we want to go when we want to take the kids out hiking, camping, and fishing. Certainly Federal lands in southeast Arizona can no longer be used safely by the public or Federal employees due to the significance of smuggling of undocumented aliens and controlled substances into the United States. The mere number of undocumented aliens traveling in the border area intimidates legitimate visitors and creates a reluctance by some in the public to use the public lands.

I guarantee that is true. There are people who are afraid to actually go into our own public lands.

Another quote: Ranchers, farmers, miners, and other legitimate users of Federal lands are heavily impacted financially by smuggling operations that cut fences, break down or leave gates open, damage water supplies, steal or damage equipment, and disrupt grazing and irrigation schedules.

Every week I come on the floor with a picture of another person we are inducting into the Homeland Heroes Hall of Fame. These are primarily ranchers down along the Arizona border that are having their entire lives turned upside down. Their ranches are being destroyed, and their government does not seem to care one iota. They are not coming to help them, but they are facing the brunt of the invasion. And it is just that. It is an invasion. That is the appropriate word. Michelle Malkin, author, uses that word to describe her book. In fact, it is title of her book, and it is about this phenomena. And it is absolutely accurate. It is an invasion, but we do not intend to address it.

We are fearful of actually trying to stop it for fear that there will be a political backlash here; for fear that some of the business interests that support our side of the aisle will say we need the cheap labor; for fear some of the immigrant and lawyer groups that support the other side of the aisle will say, look, these are all going to be voters sometime and they comprise a big chunk of our voter base, so let us not talk about illegal immigration. These are the reasons why we do not face the issue of invasion.

Going back to the report: Breaking and entering and burglaries along the border are common and include historic and government structures, employees, and private residences and businesses.

Another quote: Federal law enforcement officers assigned to land management agencies and tribal police often face situations where they are at personal risk and must deal with overwhelming odds.

In Arizona, on the reservation land that we refer to as the Tohono O'odham Indian Reservation, they have about 1,500 people a day coming in to their land, 1,500 a day coming in to that tribe's lands, coming across it and destroying the land and the life-style of the people who live there. Go down and talk to the Tohono O'odham Indians yourself. Talk to the people who try their best to maintain some degree of order on that reservation and they will tell you it is a madhouse. Life there is a nightmare for them. I have seen little children, 5 years old, walking around stoned. The drug smugglers have turned several small villages there into their encampments essentially, because they have been able to, both with drugs and money, entice people into participating in this activity.

Going back to the report: The character of congressionally designated wilderness areas have been reduced by the creation of unwanted trails and roads, damage to existing trails, and large amounts of trash. Encounters with large groups of undocumented aliens reduces the quality of the wilderness experience for many visitors.

I assure my colleagues that that is true. When someone comes across a bunch of people carrying drugs in and guns on their backs, it does have a tendency to, as they put it here, to decrease the quality of the wilderness experience.

Gates are rammed, security locks are cut, signs are driven over and heavy damage or destruction of water developments and other improvements by undocumented aliens traveling through the Federal lands and seeking drinking water in remote locations occur regularly. Some ranchers actually put out cups for these folks and say, look, do not destroy the well, do not break the pipeline, here is a cup, here is water. But they have disregarded it. There is some animosity there. They break the pipeline, they pollute the well, and move on.

Recreational, cultural, and administrative sites are repeatedly vandalized and damaged, 1,000-year-old carvings destroyed.

Would that not have made the front page in most papers around the country if that had happened by a bunch of vandals destroying some pristine area, some prehistoric site, for instance, like that? That certainly would have made the news somewhere. But you did not see a word here. Why? Because it was done by illegals. In one case it was done by the Mexican Army coming across the border. Why were they in the United States? They were protecting a drug load; protecting drug traffickers coming into the United States.

Believe me, the Mexican Army, which is on the border to a large extent, is not there to protect the border. They are there essentially to provide cover for illegal drug activity on that border.

Going back to the report: Tons of trash and concentrations of human waste are left behind by undocumented aliens. This impacts wildlife, vegetation, and water quality in the uplands, in washes and along the rivers and streams. It also detracts from scenic qualities and can affect human and animal health from the spread of bacteria and disease.

We have not even gotten into the issue of disease tonight. We will talk about that more at a later time.

State, county, and local governments and private property owners experience most of the same problems caused by undocumented aliens crossing their lands as mentioned herein. Additionally, there is a significant increased workload on Federal and local court systems and increased costs to medical providers caring for the sick and injured. Health care providers especially are heavily impacted. Twenty-six percent of all the people in Federal prisons are illegal aliens, 26 percent in Federal prisons. We do not know how much it is in State and local prisons all over the Nation. Hospitals, especially their neonatal care units, are closing up all over. Douglas Hospital is going through bankruptcy. If it goes under, it is going under because of the care they provide to illegal immigrants, without of course reimbursement. If it goes under, there will not be a hospital around for 100 miles.

Back to the report: Literally hundreds, if not a thousand or more, of new trails have been created on Federal lands in southeastern Arizona by undocumented alien crossings. And more and more trails are being created by the hundreds of thousands that cross Federal lands in southeastern Arizona each year. This proliferation of trails damages and destroys cactus and other sensitive vegetation, disrupts and prohibits revegetation, disturbs wildlife and their cover and travel

routes, causes soil compaction and erosion, impacts stream bank stability, and oftentimes confuses legitimate uses of trails on Federal lands.

There are so many trails on lands that people that are out there legitimately are looking for a way to get around the land, and they take these trails that the drug users have created and, of course, go off into never-never land.

The impacts of such fragmentation are perhaps most severe to breeding birds, many of which nest directly on the ground in short shrubs and trees on or adjacent to the network of undocumented alien routes. The continual disturbance to nesting birds during day and night typically leads to direct nest failure or abandonment of breeding birds. That leads to increased predation on active nests and keeps birds from maintaining egg temperatures and adequately feeding any young that do hatch.

Again, let me suggest that if this were happening anywhere else in the world, especially anywhere else in our country, there would be an outcry on this floor. There would be an outcry heard by every news outlet in the Nation. They would interrupt the report about the war to talk about the fact that some bird has been removed from its nest, or its nesting area has been destroyed by some sort of action taken by man. In this case, however, because it is an illegal immigrant, we will not hear a word about it.

There are high concentrations of human fecal material in heavily used undocumented alien pickup points in and adjacent to washes, rivers, and streams and in other heavily traveled routes. This also impacts wildlife, vegetation, and water quality in the uplands, in washes, and along rivers and streams. The human waste presents a health risk to all people.

Now, this is in a report that is provided to this body and to the United States of America, to the people in this Nation. We provide this particular information. And what happens as a result of it? I wonder if any of my colleagues have ever read it. I wonder if any of the news media that so quickly uses this kind of thing to pick up on when they say a report delivered today to Congress talks about environmental damage, talks about global warming, talks about how the world is changing as a result of man's interference with nature. Usually, that just gets snapped up like that if there is one sentence in any Federal report, scientifically supported, that draws attention to some problem with the environment, especially some problem that we can attribute to mankind. Well, we certainly cannot attribute this to anything else.

There is no way to say that what I have talked about here tonight is not a problem created by human beings. What we can say, however, is that this problem is not being solved. It is not being solved because there is not some technical solution, or maybe we just do not have the right kind of pollution control device and/or we have not come up with the correct mix for gasoline to remove some of the pollutants.

□ 1930

We cannot say that is why this pollution is occurring in our national forests. We can say it is occurring because we do not have the will to stop it. We are destroying this land. It will be gone. Our children will never be able to enjoy it. Certainly their grandchildren will not be able to, and how will we explain this to them.

Will we say it was because we just did not have the technology, but there was an argument about whether or not it was really caused by man's interference or whether it is natural. No, that is not an argument that we can use in this situation. We know what has created this. It is millions and millions and millions of feet across this land every year. It is hundreds of thousands of vehicles coming across this land every year. And for what purpose? To enter this country, to do so illegally, to bring human beings or drugs into the Nation. That is the purpose. Because we find that so sensitive, so off the charts when we are talking about issues, we refuse to deal with it. It is amazing. We cannot get an argument about what the cause is. Not a single soul will stand up and argue about the cause here for this pollution. We know exactly what creates it; but we categorically refuse to deal with it because the subject is difficult to deal with because it is not politically correct to talk about it as a result of human traffic, illegal traffic into this country.

There are huge, huge economic benefits that accrue to certain groups, to certain businesses, to certain individuals to have lots and lots of cheap labor. There are political advantages that accrue to others to have lots and lots of immigration into the country. These two things, the political advantage, the economic benefit of cheap labor and illegal immigration, stop this from being addressed. It is a shame at least. It needs to be addressed. It needs at least to be debated.

Maybe I am wrong, maybe I am 100 percent wrong about what is happening. Maybe this report is just fabricated, just a bunch of lies that somebody wrote down because they have it in for immigrants. Go there yourself if you think I am exaggerating this problem. I encourage Members to go there themselves and observe it, observe the Organ Pipe National dump and see whether Mr. Eggle, Mr. Robert Eggle whose son was killed at Organ Pipe a year ago August, his son was killed there by two people who had come through after killing four other people in Mexico, part of a drug deal. They came into the United States and they came up against Kris Eggle. He was a park ranger, and he was not trained and he did not have the equipment to deal with terrorists. That is who they were. And they cut him down with an AK–47. We went to where he was killed, and Bob said the following: ''If they do not get the crime situation under control, they are not going to have any resources left to protect.'' That was quoted in Outside Magazine February 2003. His son lies dead. The environment is being destroyed. Hundreds of illegals are dead in the desert, all because we do not have the guts in this body to take this issue on.

Americans do, I assure Members of that. Poll after poll after poll will tell us that Americans believe we have to do something to control our borders, something to reduce immigration to a manageable level. I have a bill that would reduce immigration, annual legal immigration into the United States to 300,000 a year. That is far more than came into the United States during the heyday of immigration of the early 1900s. I am accused of trying to build a Berlin Wall.

And how can we create a bill for guest workers to come into this country legally, how can we say we have some sort of legal immigration number by say 300,000 or 3 million, how can we say that if the borders are porous? It does not matter how many the government says we will allow in or how many workers we will take in as a temporary basis. As long as the borders are porous, they will come at their will, not according to what our needs are. And they will pollute.

The only way to defend this Nation against the danger that exists as a result of terrorist activity, the only way to defend this Nation in terms of the drugs that are imported across this border every single day, the only way to defend the environment in this Nation is to put the military on the border to augment our border patrol and our Forest Service personnel and stop this degradation of the land and stop the invasion. That is the only solution to the problem. The only one. Nothing else will work.

We must use the military to defend our borders against the invasion until the Department of Homeland Security can effectively control this problem. Until then, the invasion goes on. Our homes are threatened, our lives are threatened, our environment is being destroyed. Let us not shy away from that on the House floor. It is our duty, it is our sworn duty to take on these kinds of issues, and I urge Members to do just that.

CONCENTRATED ASSAULT ON ENVIRONMENTAL PROTECTIONS

The SPEAKER pro tempore (Mr. PORTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, I come to the floor this evening while there is a battle raging in Iraq, one

that is well known to the American public, and I want to spend a few minutes this evening dealing with another battle that is taking place, a battle that is raging in this country that has potential risks that are every bit as great as that of international terror for the safety, health, and well-being of our citizens and, indeed, the citizens of the planet.

I am talking about a concentrated assault on environmental protections in this country. I am deeply troubled by the gap between what we have seen growing in terms of the political process with some of my Republican Members and people in the administration in terms of what environmental protection means, where we are, and where we should go.

Now, I come from the perspective as somebody who was part of an Oregon tradition of politics that was decidedly nonpartisan or, in fact, aggressively bipartisan when it came to environmental protection. My first assignment as a college student from a government official was from the legendary Republican Governor of Oregon, Tom McCall, who appointed me to his Livable Oregon committee. Throughout the years that I worked in Oregon politics on the State and local level, I was pleased to work hand in glove with a wide variety of people who put environmental protection first, and partisanship and special interests came later.

On the floor this evening, I must, I guess, acknowledge my dismay about the growing gap between the parties when it comes to environmental protection. I think this was crystallized for me when I received a copy of a widely circulated memorandum from the famous Republican pollster and political consultant, Frank Luntz, that was distributed to Republicans in Congress earlier this year. It was ironically entitled ''Straight Talk.''

Frankly, Mr. Speaker, I do not think this memorandum has been given enough attention, and I hope to do a little bit of that this evening because I think it is very important to understand the differences between the two parties as they relate to environmental protection; and this memorandum is revealing strategy where some of my Republican friends, people in the administration and Congress, are advised do not use your ingenuity to develop more environmental protection, do not use your creativity and political muscle to put the money behind enforcing our environmental laws to try to extend the boundaries. Instead, the approach of this memorandum is to put the time and the energy into how you describe what you are doing, try and feather the impact, try and obscure the real record. I think there is no place it is going to be more telling for the American public this week than to look at the energy bill that is on its way to the floor.

There we see instance after instance where the bill that has been passed by the Republican majority is going to put off our energy problems into the future for the next generation or maybe even the generation that follows them to deal with. There is a refusal to deal with global climate change.

In committee, I am sorry that the Republicans rejected both the bipartisan language that had been passed unanimously in the Senate as well as even the President's woefully inadequate voluntary climate change initiative. We will not find these in the energy bill.

We will find that the critical area of transportation, which consumes 70 percent of the United States oil consumption, indeed just to provide fuel for our automobiles, takes for the United States just our cars, and we represent less than 5 percent of the world's population, that consumes 10 percent of the world's oil production. But amazingly, the bill that is coming before us does not act on efficiency standards. Indeed, they are giving additional tax breaks, and it seems that my Republican friends in committee have yet to find a problem in this country that is so great that it cannot be solved by another tax break, tax deduction, or tax benefit.

But these tax breaks do not go to the 99 percent of the American public that arguably if we can afford tax reductions, and this will be the first time in war that we are proposing not sacrifice but tax deductions for those that need it the least, these tax breaks and royalty relief are to the interest of oil, gas, coal, and nuclear energy. Indeed, some of the provisions incredibly at this time would take away the payments that are due to the American public, royalties for energy sources that are extracted from public lands at a time of skyrocketing energy prices. Well, the proposal there is to reduce the royalties that would otherwise be paid to the American taxpayers.

When we speak of the environment, one of the strategies that is being suggested by Mr. Luntz is to hug a tree, to support open space and parks. Well, by reducing the money that otherwise would go to the Federal Treasury to provide support for our public priorities, one of the most important sources of the revenue that comes from the royalties would go to the Land and Water Conservation Fund, which has been eviscerated under the President's budget.

Also in this legislation, there are proposals to again open the pristine lands in the Arctic Wildlife Refuge, a land that was set aside for all time by Republican pro-business President Teddy Roosevelt. Instead, it is proposed that we open up this area even though, and here I will show a little bit of hometown favoritism, I quote from the Portland Oregonian from earlier this month which I think says it as well as anybody: ''The oil beneath the refuge would not lead America to energy independence.

□ 1945

It would not allow the country to recede from Mideast policies. It will have no impact on current gas prices or any shortage that is caused by the war in Iraq, and it will take 7 to 10 years even to get the first drop of oil from the refuge.''

And I could not agree with my hometown newspaper more. The irony is that having visited the wildlife refuge, Mr. Speaker, having looked at that fragile Arctic environment and weighing the costs and consequences, it is clear to me that this ought to be the last place in America that we drill for oil, not the first. And I note that the American public in survey after survey has sided unequivocally with the protection of the wildlife refuge.

It is important, Mr. Speaker, that we spend a little time focusing on that energy bill, because I am afraid as it comes rushing to the floor it is unlikely that we are going to have adequate time and energy to devote to it.

But I would reference one other in these times of very difficult problems that are radiating out from our military action in Iraq. When people are looking at the tremendous stresses on our military, they are thinking about ways that we ought to protect the ability of our military to be able to maintain its position as the mightiest fighting force in the world. We are seeing that there has been under the guise of military exigency an attempt by the administration to exempt the Department of Defense from protection of the environment, using the rhetoric of defense to cover up environmentally destructive actions, to exempt the Department of Defense from some of the most environmental protections. These exemptions seek to address theoretical encroachments to military readiness. There is no evidence, no sound science, showing that our environmental laws have hampered our troops' ability to prepare for war. Instead, these laws actually protect the health of families living on or near military bases and actually support readiness by sustaining and extending the life of training ranges.

I would hope, Mr. Speaker, at a time when the Members of Congress are spending more time thinking about the condition of our military and how to maintain its effectiveness, that instead of attempting to eliminate these fundamental environmental protections that put our soldiers, their families, and surrounding communities at risk, we would think about being aggressive in terms of protecting the environment so that we actually coax more out of these resources.

I will be speaking more about that, Mr. Speaker, in the course of this hour. But I wanted, if I could, to take a moment to acknowledge that I have been joined by the gentlewoman from southern California (Ms. SOLIS), a woman I have known during her tenure in Congress to care passionately about the

environment, to work with her community at home dealing with issues of environmental integrity and environmental justice, working to try to make sure that the big picture is made. And, Mr. Speaker, I yield to my colleague to speak to these issues with me this evening.

Ms. SOLIS. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for the opportunity to be here tonight to join him in helping the public better understand the decoding of the environmental rhetoric that we keep hearing from the other side. And for some time we suspected that the Republicans were speaking from the same talking points as we have on environmental policy issues. Now we have confirmation. The Republicans have been trained to use so-called straight talk; false language, distract people with personal stories, and muddy the issues with claims that the environment and the economy cannot coexist without measures that will cause dirtier water, fewer parks and polluted air.

In a memo that I saw recently circulated by the Luntz Research Companies, Republicans are told that the environment is one of the most important issues that they are in fact very vulnerable on, and we know that. Some of us here in the House know that, and out there in our communities, and in order to combat this vulnerability, the Luntz memo, to use buzz words in their arguments, words like, for example, ''safer,'' ''cleaner,'' and ''healthier.'' They are told to avoid the economic arguments first so that personal stories can be shared. The Luntz memo notes that Republicans should stay away from big words and provide examples about how Federal agencies are not protecting our natural resources. And we can see this rhetoric being used every day in policies that the GOP is offering.

In fact, I brought a copy of the memo that was outlined. It was circulated by the Luntz Research Group, and if I start reading from it, my colleagues would be amazed by what they would see.

And if I could maybe share of some of that, on page 132, Overview: The environment is probably the single issue on which Republicans in general and President Bush in particular are most vulnerable.

Secondly, indeed it can be helpful to think of the environment and other issues in terms of a story, a compelling story, even if factually inaccurate, and I underscore that, factually inaccurate, can be more emotionally compelling than a dry recitation of the truth. So here we are talking about falsehoods.

Let me go on, Mr. Speaker. This week we are going to be debating the energy bill, and this is a good example of how using rhetoric can be made publicly available to folks, but it is a bad policy for people and consumers and especially those that I represent in the State of California. The Republicans claim that the bill is a fair balance between the environment and the economy, but the bill encourages our continued dependence on fossil fuels; drilling in the Arctic, the National Wildlife Refuge, and other ecologically sensitive areas; and it fails to create a comprehensive plan for renewable alternatives. My goodness.

And last year, as my colleagues know, California faced blackouts and price gouging. My constituents faced energy bills that rose upwards of 300 percent in a short 4-year span.

This bill that is being proposed will provide very little relief for the constituents that I represent, and I do not think it is a fair and balanced approach, and I believe that the Republicans claim that they are supporting development and advancement of technology. At least that is what they are representing. Yet the bill is loaded, loaded, with subsidies to the oil and gas industry, subsidies that do not necessarily require research and development, subsidies that reward pollution instead of innovation and technology and efficiency. These industries that the Republicans are subsidizing often put their plants in the center of districts like mine, in low-income, economically underprivileged communities. And I know that, because they believe that our community is not paying attention and that they can get away with planning and siting projects that are harmful to our water, to our air, to the environment, and to the people that we represent.

This is the case in the San Gabriel Valley, and I say that because many of these folks come into our district promising jobs, redevelopment, cleaning up the blight, giving jobs to poor people, and then they leave us with a blank check, nothing there, no jobs, pollution, and, in my district, four Superfund sites and little enforcement by EPA at this point to really do a better job of cleaning up the environment.

So I have a lot of questions about the message that the other side is using to say that they are now on the side of the consumer and the population about cleaning up the environment.

One last item I would like to talk about also is on the budget. Another example of effective messaging and lax policy is the Bush budget. The President and his supporters claim that the budget will create a ''safer'' and ''cleaner'' and ''healthier'' Nation. However, the budget uses creative accounting to raid the Land and Water Conservation Fund, a fund that has impacted hundreds of communities as they try to protect their natural resources through restoration and cleanup projects, projects that are directly linked to the health of our families, because we are talking about the very water that they drink.

And President Bush claims that he ''preserves and protects'' the environment; however, his budget request for the environment is slated for a $1.6 billion reduction compared to fiscal year 2002, falling from $29.6 billion to $28 billion.

Projects on the chopping block, for example, are dealing with environmental education like lead-poisoning prevention, a serious concern in our district where many young children are affected by this particular additive that is very harmful to the development and puts many children, millions of children younger than 6 years of age, at risk for intelligence, behavior, and physical disparities that they will be affected by if they are exposed to lead. And we all know that but we are not doing enough to help address this. We are actually cutting back in that area.

And I say that it is time to do a better job. It is time to look at why water quality investments are also falling short. For example, in this budget, $2.7 billion in FY 2002 to only $1.8 billion in 2004, a loss of $861 million, or more than a 32 percent cut. What in the world are the Republicans really saying? We want to protect the environment, we want to protect families and consumers, but at the same time they keep chopping, chopping, chopping.

So that is what the message, I think, tonight has to be, Mr. Speaker; that we clarify what our agenda is and whom we are standing up for. And I am very proud to represent the district that I come from, the San Gabriel Valley, where now people are having hardships. We have unemployment rates upwards of 11 percent, and this has gone on for more than 2 years.

People want clean drinking water. They do not want to be notified in the mail that their drinking wells have to be closed because they found rocket fuel in their water. We need to have more tools to do the cleanup. We need to go after the responsible parties, and we cannot afford to let people off the hook who are the polluters. That is what the Superfund law was all about, and that is what we should be here to enforce tonight and every single day that we are here fighting for our communities.

I would just say, lastly, that it is a privilege to be here as a Member of the House advocating for environmental issues, in particular environmental justice activities that affect not just my area but many corners of our country. And people need to better understand that environmental justice issues are issues of better health care, better education, and an opportunity to begin to clean up their communities and enhance economic development in a positive way so that everybody can grow and prosper, and children, whether they are rich or poor, can live in a clean environment.

I thank the gentleman from Oregon (Mr. BLUMENAUER) for the opportunity to speak tonight on this very important message regarding the truth about the environment and who is sticking up for environmental justice.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentlewoman from California (Ms. SOLIS). I appreciate her zeroing in on the notion of how to interpret, read between the lines. We have joked a little bit about having a decoder ring so that people can understand what is being offered, and her points about the disconnect between the budget, which really is a tangible expression of priorities; that is, a budget submission that is antienvironmental and has actually been made worse by the Republican budget resolution; the simple notion accepted by the American public to aid environmental cleanup by having the polluter pay that has been suspended, and abandoning the Superfund, making it very difficult to be able to continue the notion of environmental justice where we have put such a burden on people who often have no alternatives, who are unaware of what is happening, and how the administration is suggesting that we not initiate new activities but, in fact, we pull back from what we are doing now that is, in fact, inadequate. I appreciate her forthright expression of that.

I think it is important that we work together to have that decoder ring to understand. I hope that we are able to deal with the advice that Mr. Luntz has given to the Republicans. I think it is important that he points out that scientific consensus is against them, that the public is suspicious, but we hope that instead of trying to deal with semantics, rhetorical cover-up, that we can encourage people to go back to what we started with in terms of the Clean Water Act, which was actually from the Nixon Administration, to have an opportunity where people are embracing environmental values.

□ 2000

We have been joined this evening by the distinguished gentleman from New Mexico (Mr. UDALL). I have been pleased to work with the gentleman on the floor of this House. I have been very impressed in my visits to his district, as the gentleman reflects the strong environmental values of the people of New Mexico, and we are honored the gentleman will join us this evening to join in this discussion.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman very much and thank the gentleman from Oregon for that very kind introduction.

Let me also say about our colleague, the gentlewoman from California (Ms. SOLIS), who has been a real champion on environmental issues in California, she served in the California legislature and I think has been at one point written up as a Profile in Courage on environmental issues because she took on an environmental racism issue in her community and fought it for a number of years and passed a significant piece of environmental legislation. So what the gentlewoman says about these issues, I think she has lived and walked the walk.

The gentleman from Oregon (Mr. BLUMENAUER) has also been a key environmental leader on many, many issues here in the Congress, including energy, which we are talking about tonight. The gentleman has pushed for livable communities. The gentleman has tried to make sure that the Federal Government does everything it can to be a good partner in communities.

One of the things we see is the Federal Government owns a lot of the landscape; and because of one of the gentleman's pieces of legislation, we are trying to make sure that the Federal Government in fact is a good neighbor, and when they locate buildings or relocate buildings, that they visit with the locals in addition to going through the normal planning processes.

The gentleman has been to my community. I know many of the people very much appreciate the gentleman's efforts in terms of transportation and trying to make sure that we develop sensible transportation alternatives in our communities: allow people to bike to work, have mass transit, have alternatives that make sense from the perspective of energy, which is one of our big topics tonight.

I know that the gentleman mentioned earlier the Arctic National Wildlife Refuge. Rather than go directly into my comments, I wanted to say a few things about what the gentleman was talking about, because the gentleman said he has been there.

I have also been there. I just wanted to talk a little bit about how that is a very special place, and I think anybody that is going to vote in this body on this issue ought to take the opportunity to try to go up and visit it. When I say go up and visit it, I do not mean go to Kaktovik, the little village up on the very upper end, which is a community that has a lot of problems but does not represent at all the environment in the Arctic National Wildlife Refuge.

What I did was I spent a week in this whole area, floating on a river by the name of the Hula Hula River, named after the whalers that came in the area hunting down whales, Hawaiian whalers; and they called the river the Hula Hula. In the course of floating out of this river, it floats out of the Brooks Range. It is probably one of the clearest, most pristine streams you have ever seen. We took the opportunity to stop and fish in the Hula Hula River for Arctic char. We saw a variety of wildlife. We saw grizzly bears, musk oxen, herds of caribou.

Coming back from that trip, and after experiencing that and camping in this area, I cannot think of any area that is more deserving of being a wilderness area than the Arctic National Wildlife Refuge.

The argument is that we need to raid the oil that is there. In fact, what the situation is on the whole coastal area in Alaska is that 97 percent, 97 percent of that coast is open to exploration, is open to oil production, and just a little part of it we are trying to preserve as a wildlife refuge.

It has been a wildlife refuge, it was put in many years ago under a Republican President, and we do not see that bipartisanship today on the environment, by the way. So I think the gentleman's remarks are right on point when it comes to the Arctic National Wildlife Refuge.

I also would like to say a few words about the energy bill that we are going to start debating this week, the Energy Policy Act of 2003. During the last Congress, the House spent countless hours debating a similar bill.

Unfortunately, one of the major provisions in the last energy bill on which Members could not agree was renewable energy. As my colleague, the gentleman from Oregon, has said earlier, the Republicans are putting off dealing with our Nation's energy dependence problem and leaving it to legislators of a future generation. Their theme seems to be, ''Why do today what we can leave for the next generation to deal with in the future?''

Last month I introduced legislation that establishes a Federal renewable energy portfolio and establishes standards in that area for certain retail electric utilities. There are some who say that a long-term sustainable energy plan is impossible, or that renewable energy and energy efficiency are just dreams and that the U.S. will never be able to break its reliance on traditional energy sources, like oil and coal.

I disagree, and I know the gentleman from Oregon disagrees; and now, in the post-September 11 world, as we are in the midst of a war with Iraq, the renewed conflict in the Middle East shows us that we cannot continue to rely on imported oil from that region.

When my father, Stewart Udall, was Secretary of the Interior, and this shows the dramatic change in our society, what happened in the last generation, the U.S. imported when he was Secretary of the Interior in the 60s 20 percent of its oil. My father argued that we should not import more than 20 percent because this was a national security issue if we were relying too much on one area of the world.

Our people may not know it, but today we import 53 percent of our oil, 47 percent which comes from the OPEC countries; and by 2020, the United States will import 62 percent of its oil unless we change the way we are doing business here in the United States.

Even more concerning, world oil production is expected to peak sometime in the next few decades, even some say as early as 2007. That means as energy demand increases more and more rapidly, the world's oil supply will be proportionately diminished.

Energy production has brought tremendous prosperity and allowed us to grow our economy at unprecedented rates. However, nonrenewable forms of energy are responsible for many of the greatest environmental threats to America's well-being.

For these reasons, I am particularly interested in a renewable portfolio standard. I believe that an RPS paves the road for development and investment in clean energy technologies and local economic development. RPS, in my mind, clearly serves as a model for tomorrow's small and medium businesses to draw a profit from their own environmental responsibility.

As a Nation of what I call ''petroholics,'' we claim only 2 percent of our electricity is generated by nontraditional sources of power, such as wind, solar and geothermal energy. Instead of pushing for the exploration of oil development and contributing to this country's addiction to oil, we should be pushing for the exploration of renewable energy development. I believe this bill goes a long way to develop a strategy for putting renewable energy into place.

With that, let me just say to the gentleman from Oregon that I think we need to focus as a country on renewable energy. We obviously need a strong domestic industry, the production of oil. But as many of us know, that peaked in the 1970s; and we are headed down. The rest of the country and the rest of the world, in particular the rest of the world, are going to be going after more and more limited supplies of oil. So the further we can get ahead of that curve, the better off we are going to be.

Mr. Speaker, I thank the gentleman from Oregon for providing leadership on this, for being on the floor and fighting for these issues; and I hope that on some of these battles we can be victorious in the coming weeks.

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for his comments. I am pleased to be a cosponsor of the gentleman's, I think, really far-seeing bill on renewable energy; and I am hopeful that the leadership in this Congress will have the foresight to allow it to come to the floor and to allow a spirited debate. I am convinced that if we put it to the Congress and to the American public that that legislation will pass.

As I was listening to the gentleman describe the experience we both have shared in the Arctic wilderness, I had in the back of my mind, I think I said Teddy Roosevelt designated it. It was another Republican President, President Eisenhower, who made the designation.

If I said Roosevelt, I was there dealing with the pristine jewel, Yellowstone, which was the creation of then-President Teddy Roosevelt, which we are now seeing under assault, where the administration is proposing that the place in America with the worst air, not L.A., not Houston, it is in Yellowstone Park, where we see park rangers forced to wear gas masks because of the pollution, and we see the rule on restricting the use of snowmobiles being rescinded. I guess I got a little ahead of myself. I apologize if I said that.

I appreciate the gentleman focusing on the opportunity to truly make us energy independent, dealing with renewable energy sources, particularly the nontraditional: the fuel cells, wind, geothermal. As we look at how these will be treated in the energy bill that will find its way to the floor, we will find that there is but a tiny fraction of the attention, the resources, to be able to accelerate those developments. Again, it is a disconnect between the ''green'' rhetoric that is being couched by the Republican pollsters and pundits and what could have been actual accomplishment.

The bill will fall terribly short, as the gentleman mentions, in terms of environmental stewardship. It will fall short in terms of our meeting our international obligations and opportunities, and it will be a fiscal disaster. It is interesting, the Taxpayers for Common Sense and others in the Green Scissors Coalition are going to come forward to point out how this is a lost opportunity that is going to cost the American taxpayers billions and billions of dollars.

It is sad that a country with less than 3 percent of the recoverable supply of the world's oil, and as we have talked about, much of it in ecologically important areas, we are going to be focusing on trying to extract every last drop and avoiding things that will put us in a positive position.

I would like to acknowledge that we have one of our other colleagues who is with us here this evening. Time is winding down, but we could not not acknowledge the leadership and advocacy of our colleague, the gentleman from the Puget Sound area of Washington (Mr. INSLEE), from the Seattle area, a gentleman with whom I was pleased to take a tour of the Arctic, as we saw what was on the line.

I say to the gentleman, welcome. I would yield to the gentleman for some comments about this critical area that I know the gentleman has spent so much time and effort to provide better alternatives for the people on this floor.

Mr. INSLEE. Mr. Speaker, I appreciate the opportunity to briefly talk about the Arctic, because we were on the banks of the Ivishak a couple summers ago. I have been to Yellowstone, I have been to Glacier, I have been to the Grand Canyon; and this area is the most biologically dynamic place I have ever been, one of the most beautiful places I have ever been in my life, and certainly it will not solve our energy needs.

People sort of feel about the Arctic the way they feel about the Mona Lisa. They may not get to see the Mona Lisa. The advocates of drilling are saying it is going to be a small footprint, just a relatively small oil production facility. I think that is a little bit like putting a small mustache on the Mona Lisa.

□ 2015

It is small, but it is still disfiguring, and Americans do not want it.

I hope that we will have an opportunity to offer a new approach to energy in this year's debate that is akin to a new Apollo energy project for America that will be as bold as the Apollo project that John F. Kennedy stood in this Chamber in 1961 and challenged America to go to the Moon in 10 years. We think the U.S. Congress ought to be challenging America to go to a future of self-reliance in energy to break our addiction on Middle Eastern oil, to adopt and embrace a goal of reducing our global warming gas emissions and, in fact, grow jobs in America.

That is what we need, a visionary, bold, creative energy policy; not one that relies just on the technologies of the past, but one that will, in fact, engage the American talent and that can-do spirit.

We know that Americans have the most creative talent in the world. We have created most of the technologies of the last century. Now it is time for us to create the energy technologies of the next century. We know the world will beat a path to the door of the country that does this. We do not think we should give these markets of wind turbines to Denmark, or the market for fuel-efficient vehicles to Japan, or the market of solar power to Germany. We believe those jobs should be right here in the United States.

So we hope to offer, and in fact, we will be going to the Committee on Rules tomorrow, to offer America a new Apollo energy project which will, in fact, attempt to use all of our sectors in a creative way; to do research on coal to see if we can find a way to sequester the climate-changing gases of coal emissions; to help both consumers in the auto industry to get more fuel-efficient cars; to help our local domestic auto manufacturers with tax breaks for the retooling expenses they are going to need to make fuel-efficient vehicles; to help improve some of the productivity of some of our oil wells in our domestic facilities now. Because we believe that America ought to adopt the can-do spirit of a new vision of energy, rather than simply relying on the old, the old types of technologies that we have used.

So I appreciate the opportunity to talk with the gentleman. In fact, we may be back tonight or tomorrow to talk some more about that.

Mr. BLUMENAUER. Mr. Speaker, I hope we are able to. I appreciate the gentleman focusing on the fact that we have had a tremendous technological series of advances in this country, and it is time, first of all, to make sure that we do not lose control of some of those, and that we blaze a trail for the future. It is stunning to me that we have an opportunity to give a little nudge to some of the promising technologies, some of the fledgling enterprises, all across the country. And I know the gentleman has been visited by people from our own Pacific Northwest who are on the cutting edge of

being able to give a little bit of a push, a little bit of incentive, to have the government step up and lead by example.

Our Department of Defense, for instance. I had been talking earlier about my personal dismay that this administration is bent on somehow exempting the Department of Defense, the largest manager of infrastructure in the world, and, sadly, the source of some of the most serious pollution. Rather than encouraging, rather than giving the resources to clean up after themselves, they are talking about exempting from the Clean Air Act, the Clean Water Act. I know the gentleman from Washington has given thought to the notion of what will happen if we gave a little bit of the money we are giving now to the Department of Defense, almost $1 million a minute, if a little of that were devoted to making sure that we had the most energy-efficient military in the world.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield for a minute, I am glad he brought this point up, because we out in Washington State think the administration's effort to essentially gut, and it really is gutting, five major environmental bills for the Department of Defense activities is seriously misguided. The reason I say that is out in Washington, we have a whole host of military establishments. We have the Akamai Firing Center in eastern Washington. In my district we have the Bangor Nuclear Submarine Facility. We have the Puget Sound Naval Shipyard. And at every single one of those sites, we have had the Department of Defense work with our local communities and we have solved some of the environmental challenges without any great failure of training or security.

The Department of Defense has worked with these local communities to solve a problem with the sage grouse at the Akamai, to solve the problem of water quality in the Puget Sound Naval Shipyard, to solve a salmon habitat issue at the Bangor facility. And this proposal to gut these environmental protections is really a solution looking for a problem, because the Department of Defense in the State of Washington, one of the most heavily defense-oriented places in the country, has not experienced any particular qualm or difficulty in solving this problem.

Mr. BLUMENAUER. Mr. Speaker, I think that is telling. There is already, as the gentleman well knows but unfortunately the public is not aware, there are opportunities in the case of national defense exigency for the suspension of this legislation. But the gentlemen raises a point that mirrors my experience time and time again. The characteristics, the leadership, the training, the commitment, that makes our men and women in the Armed Forces the finest fighting force in the world also makes them uniquely qualified to solve problems. And when they are given an opportunity, whether it is building a green building, whether it is solving an environmentally difficult problem, if we give them the order, the resources, the clearance, I am stunned at the progress that can be made.

I am likewise troubled, and the gentleman comes from the State that probably more than any in the country bears the scars of past shortcuts environmentally. We could talk about an area the gentleman is well aware of in terms of the Hanford Nuclear Reservation where we were in a rush to develop nuclear weapons before the Nazis, but now we are spending billions of dollars a year to clean it up.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, that is true. And the Hanford site, this is going to be a 50-year recovery effort.

But some of the problems in the State of Washington, perhaps less known, but every bit as concerning, are water quality issues now, of some of the toxic chemicals that have been, by necessity, associated with the Department of Defense sites. And I can say without hesitation that the people of Tacoma and Federal Way and Paulsville, Washington do not believe it is necessary to allow a degradation of their drinking water standards in their kids' drinking water in order to have the most secure Nation we have. And the reason they are confident of that is they have seen the dedicated men and women of the Army and Navy work with these communities to solve these problems.

So they cannot understand why this administration would come in for what appears to be simply idealogical reasons and gut the protections that have assured citizens that their Federal Government is not going to let tetrachloride or some of these other heavy metals get into their drinking water. It just does not make any sense to them when we have been able to solve these problems because of the flexibility that the gentleman alluded to.

So we hope that this effort will be beaten back and that the common sense that has been used, both by the Department of Defense and our local towns around this country, will prevail.

Mr. BLUMENAUER. Mr. Speaker, the gentleman raises very important points from his own experience.

I had been working on areas of military toxins and unexploded ordnance, and have been frankly amazed at the breadth of the problem, in every State in the Union, coast to coast, areas right here in the District of Columbia. Eighty-five years after the conclusion of World War I, there are still cleanup operations taking place on the American University campus, which was the site of American chemical weapons production and testing during World War I. We have yet to clean that up, not because the men and women in the military do not know how to do it, but it has been a failure of commitment on behalf of several administrations, including this one. Congress has been missing in action. At the rate we are going right now, it is going to take potentially 500 to 1,000 years or more to clean up from the problems of the past.

We have some signature areas. The Massachusetts Military Reservation, there is water pollution that threatens all of the water for the Martha's Vineyard area, but it is almost every district, every single State. Right now, we do not even know how many million acres are polluted, for instance, with unexploded ordnance.

I think the gentleman's point is well taken. I am hopeful that we do not suspend these five critical environmental laws. Not only will it put the health of the American public at risk, but it also threatens the men and women in the military who are around these areas.

And, last but not least, we face a situation now where there are some problems of military readiness. There are fewer and fewer areas that the military can train by going in, treating them right, cleaning them up, solving environmental problems. It is going to save the military problems in the long run, and it is going to extend the life of these scarce areas where important training takes place that is critical to military readiness.

Mr. INSLEE. Mr. Speaker, if the gentleman will yield, he just prompted a thought.

One of the problems on this sort of assault on environmental protection by this administration is that it is not just one front, it is a multifront assault on environmental protection. One that the gentleman just alerted me to is the attempt to weaken our ability to successfully prosecute Superfund toxic waste dump cleanups, and the gentleman may have talked about this this evening, I do not know. But in my district, I live right across the harbor from a site called the Waco Creosote Plant. It was an old creosote plant, where a lot of the lumber they brought in, in fact some I think may have gone to the Panama Canal construction project, was created there. Creosote is really effective at killing little bugs that might get into your pilings, but it is very, very toxic. It has some very, very nasty chemicals in it.

That stuff is on a point at a harbor right across the bay from where I live on a little island just west of Seattle. That Superfund site now, to clean it up, is costing tens of millions of dollars to successfully clean up that creosote, because it is leaking into Puget Sound now, and that stuff is a carcinogen and we believe it has caused some pretty awful things to happen to the fish that a lot of people like to eat. In fact, the shell beds, the shell beds are closed around this area. You cannot eat the clams and oysters and the like.

But the administration, despite the ongoing demand to clean up not this one, but thousands of toxic waste dumps around the country, has decided not to fund those by canceling the tax that would pay for this cleanup. That are now paid by the polluters. Before

we have had a policy that the polluters will pay to clean up this pollution, rather than John Q. Citizen. This administration wants to take the cost of the cleanup of this creosote toxic waste dump, and there are thousands arose the country, and take it off of the polluters who put the creosote in the ground, who should be morally, ethically, and legally responsible for that, and put it over on the taxpayers, so the taxpayers have to pay for this cleanup.

Well, I can tell the gentleman that my neighbors do not think it should be their job to clean up the creosote that these companies put in the ground, because they were not following the law for decades. And we believe the administration is flat wrong in trying to take care of these special interests by putting that enormous cost of these cleanup efforts on to people who are playing by the rules, earning a paycheck, paying their house payment, and they are now having to pay their taxes for that Superfund cleanup.

Mr. Speaker, it is one manifestation of how special interests here in this Chamber have got their way when they should not get their way. These cleanups ought to be borne by the polluters. Not only is it an equity issue, but the clear fact of the matter is that because of the costs associated, these are billions and billions of dollars, one little cleanup on my little island, it is about 16 acres, is going to cost something like $20 million or $30 million, and we need to repeat that across the country to keep this stuff out of our water. If we do not keep that polluter-pays concept, these jobs are not going to get done.

So this is related to the issue, and I just want to point out that it is not the only assault that we suffer.

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Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's comments. I appreciate his leadership and look forward to working with him on energy, on defense, and on the areas generally of making sure that we are strengthening, not weakening, our environmental protections.

In conclusion, Mr. Speaker, I know the time is about up, I know you will be disappointed, but I want to summarize because it is important for us to be working with friends like the gentleman from Washington (Mr. INSLEE) and others to focus on actions, not just rhetoric.

And one of the things that I have found most disconcerting as I have watched what this administration has done is taking Mr. Luntz's advice to not be rolling back regulations but, as they call it, updating Washington's rules on the environment. Now, he has been encouraging Republicans not to attack the principles behind environmental protections, but to try and shift things around in terms of the regulatory configuration. Well, the Bush administration has made significant and far-reaching changes to environmental protections since the President assumed office. But not through outright legislation, not putting it before the American public and having a discussion about what our values are, what we are trying to protect and how best to encourage more environmental protection.

We have been having a series of late Friday afternoon rule changes and clarifications at a time when asthma and cancer rates are on the rise. When people in Alaska are seeing tropical insects, when we are having roadways buckle, permafrost is disappearing, the public knows that we should be strengthening, not weakening, environmental laws. We are not just seeing a broad depth and breadth of changes, but we are seeing them done under the radar screen. For example, we have seen a series of rollbacks occurring on Friday afternoons, during the holiday season, when Congress is not in session and when the public's attention is diverted. For example, the EPA announced its biggest rollback of the Clean Air Act since its inception on the afternoon before Thanksgiving and another on New Year's Eve calculated to try and shield the action from the public.

Three of the most egregious rollbacks occurred first earlier this year when we had proposed changes to the Clear Water Act that will have sweeping impacts on 20 million acres of wetlands across the country. Now, these rules changes were in response to a Supreme Court decision that very narrowly interpreted the Clean Water Act and brought attention to what bodies of water the act should apply to.

Now, instead of advancing clarifying legislation that would make clear we want to protect these precious wetlands, half of which are gone already, some communities have lost 90 percent of their wetlands, deteriorating the quality of water, increasing threats to flood, instead they have proposed leaving out lots of, these appear to be de minimis efforts, they want to talk about creeks, small streams, natural ponds, types of wetlands like bogs, marshes, prairie potholes. These will all be waterways no longer protected by the Clean Water Act. They sound de minimis, but they are part of the critical green infrastructure that has protected our communication for generations. Now they will all be vulnerable to dredging, filling, and waste dumping.

I mentioned earlier the confusion surrounding the snowmobiles in some of our country's most beautiful national parks. During his Presidential campaign, candidate Bush spoke of protecting national parks as an ongoing responsibility and a shared commitment of the American people and their government. The budgets, I will mention, cut funding to this ongoing responsibility. And even though the public has spoken out again and again in favor of banning snowmobiles from areas like Yellowstone, the administration announced last November a proposal to increase the number of snowmobiles in both Yellowstone and Grand Teton National parks by 35 percent.

Now, against the wishes of the American public, the EPA, the National Park Service, the administration has decided to jeopardize the health of the park's ecosystem and employees in areas that President Bush in the campaign referred to as ''silent places unworn by man.''

Finally, I want to mention, Mr. Speaker, the environmental rollback that will have a significant impact in my community in the Pacific Northwest, the national roadless policy. Near the end of his term, President Clinton restricted logging and road building in almost 60 million acres of national forest. This was after the most extensive public input process in the history of our national park system. There were over a million and a half public comments. Over 600 public hearings. Well, a district judge in Idaho placed an injunction on the rule. The Bush administration did not choose to contest it. Luckily, in one of the few victories that those of us who care about the environment have had recently, the 9th Circuit Court has upheld the roadless rule, which will effectively protect it for the time being. But this reckless degradation of our Nation's air, water, forest, and soil protection will have a severe and long-term impact on the planet, leave a far greater legacy of environmental problems that our children, not us, our children will be left to manage.

And I hope that the American public will focus on what Republican consultants like Frank Luntz are suggesting, understand the significant impacts of environmental rollbacks proposed, and understand that there are significant opportunities, not just for the American public and the environmental community, but significant environmental opportunities like I mentioned this evening in terms of environmental clean up with the Department of Defense that will save tax dollars, that will protect the environment for generations to come, that will improve military readiness, and not be at the expense of the health of our communities or our men and women in the fighting forces.

I hope that instead of greenwash, instead of rhetorical flourishes, instead of dodging the issues and obscuring the record, I hope that the administration will join with people on both sides of the aisle who care about the environment and give the American public what they request in terms of livable communities, protected open space, clean air, and clean water. It is within our grasp. It is within our budget. I hope that it is within our will before we adjourn.

WHY WE NEED AFFIRMATIVE ACTION

The SPEAKER pro tempore (Mr. KLINE). Under the Speaker's announced

policy of January 7, 2003, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

GENERAL LEAVE

Mr. MEEK of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the Special Order today.

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

There was no objection.

Mr. MEEK of Florida. Mr. Speaker, every week the Congressional Black Caucus comes together here for an hour on the floor to not only speak of events that took place in the Congress but also in our Nation. And this week we are coming together as a caucus and to be able to share with Americans and those that came to Washington, DC, on April 1 of this month to march in front of the Supreme Court on the march on Washington.

We rise today to commend the courage of these college students and young adults that participated in the march, held forums and also held workshops on affirmative action and the positive benefits of it.

While the marchers were assembled in front of the Supreme Court, men and women of every color, every nationality stood together in front of the Supreme Court, whether it be in front of the bench as proponents or opponents of affirmative action or behind the bench with the responsibility to uphold the Constitution.

Students came from far and wide, from as far as California, as close as here, right here in Washington, DC, to be able to speak on behalf of those who did not have the opportunity to speak for themselves on that day. 250 colleges, universities, high schools, middle schools, and other community organizations mobilized themselves for this national march on Washington with thousands attending.

Today we commend them, today we commend them for fighting for our children. I commend them personally for standing for my 5-year-old and 8-year-old son and daughter. These students participated for equal justice. They marched for equal opportunities. They stood for equal protections side by side, men and women alike. So they have come without any reservations. Some stayed out overnight in front of the Supreme Court just to hear, just for a moment or two the arguments that were argued on that day.

Some did not get an opportunity to go in. Some traveled all night. Some students missed class and had to go back and make those classes up or exams. Some had to ask their loved ones to take other loved ones to the doctor, to feed their children, to be able to do things that they would ordinarily be doing if they did not have to come to Washington. But that is all part of our democracy that we cherish and that we love.

Tonight you will be hearing from members of the Congressional Black Caucus commending these students and other Americans for participating in this democracy, standing on behalf of equal opportunity, standing on behalf of fair play for all that makes America great.

We want to make sure that organizers and those individuals that came to march here on Washington know that not only are Members of the Congress but members of the military are supporting them 110 percent for standing for what they believe in. And tonight, Mr. Speaker, I would like to recognize some Members to be able to speak before us and share some comments as we go to not only commend but also talk a little bit about the importance of affirmative action.

Our chairman, the distinguished Member from Maryland (Mr. CUMMINGS), Mr. Speaker, I would like to recognize at this points.

Mr. CUMMINGS. Mr. Speaker, I thank the distinguished gentleman for yielding, and I also will take a moment to thank him for organizing this Special Order on behalf of the Congressional Black Caucus.

Mr. Speaker, I rise to applaud the young Americans of our time who by the tens of thousands are standing up for what Dr. King dreamed about. They stood on the streets of our Nation's capital as my colleague, the gentleman from Florida (Mr. MEEK) said, many of them sleeping in the cold of night, trying simply to make a difference.

Last week, lawyers argued in the Supreme Court debating the merits of the University of Michigan admissions case. As the justices pondered the constitutionality of policies of inclusion in America's great public universities, young Americans of every racial background marched for justice on the streets of Washington, D.C. These young people filled my heart with hope and pride, Mr. Speaker. They fully understand, as Dr. King often declared, that to change America for the better we must be prepared to exercise the full measure of our citizenship. And they also understand that their acts of citizenship are inextricably intertwined with universal educational opportunities.

I should also note, Mr. Speaker, that last week America marked the anniversary of that tragic moment in 1968 when Dr. King was killed while standing up for what is simply right. A growing number of young Americans are honoring that sacrifice in our time. They are determined, as members of the Congressional Black Caucus are, to realize Dr. King's dream for America now, not in some distant time. They understand that a dream deferred is indeed a dream denied. They care about somebody other than themselves. But more than caring, they were willing to share their time, their convenience, and their efforts to speak out.

It has often been said that so many people measure their responses to a crisis by the level of their inconvenience. In other words, if they are going to be inconvenienced, they do not do anything. And it is so pleasing to see these young people know that they were going to be inconvenienced but still stand up.

Mr. Speaker, those who cite Dr. King's dream to support their assertion that this Nation must be color blind to the racial exclusion that continues to plague America should take the time to read what Dr. King actually had to say. I recall for you and for this House that Dr. King once wrote a book entitled ''Why We Can't Wait.''

Anyone who reads his words will understand that the unwaivering focus of Dr. King's life was his unrelenting struggle for universal justice and inclusion in every important area of American life.

Mr. Speaker, the peaceful demonstrators out there on the Capital's streets last week were advancing a simple, eloquent, and peaceful demand for more justice and opportunities in their lives and, yes, for generations yet unborn. They were marching in the footsteps of heroes like our good friend and colleague, the gentleman from Georgia (Mr. LEWIS), and the recently departed Reverend Josiah Williams.

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JOHN LEWIS' contribution to America reminds us that the men and women who led that 1965 ''Bloody Sunday'' march for voting rights across Selma, Alabama's Edmund Pettus Bridge were also young and brave.

So I rise today, Mr. Speaker, to declare that the young Americans of today are determined to change our future for the better. They have the seed of greatness within them. They believe that they too can change the course of history and change the course of destiny. They are justified in this faith. Principled acts of citizenship convinced Virginia Tech's Board of Regents just last week to restore that university's policy of inclusion.

Mr. Speaker, from their college dormitories and homes throughout the United States, the young people of America are watching what we say and do in this great chamber of democracy tonight. They have sent us a powerful message and they are waiting to see how we respond. Their message is the same challenge Dr. King delivered in the years of my youth when he said, ''Now is the time for all of us to move forward, not retreat, on the road toward a more just society.'' Dr. King declared, ''Now is our time. We cannot wait.''

Today, our young people are reminding us that their lives are moving forward in time. They are telling us that they deserve justice and opportunity now. And we who hold national positions of trust should be listening to what these young Americans are saying, Mr. Speaker. We must listen and we must act accordingly and we must synchronize our conscience with our conduct.

As I bring these brief remarks to a close, permit me to recall for you what Dr. King declared during a freedom rally in St. Louis back in 1957. He said, ''The destiny of our Nation is involved. We can't afford to slow up. The motor is now cranked up,'' Dr. King went on to say, ''we are moving up the highway of freedom toward the city of equality. We can't afford to slow up because our Nation has a date with destiny.''

I was a small child when Dr. King spoke in St. Louis about our national date with destiny, Mr. Speaker. Now our own children's shared destiny is at stake, whatever the color of their skin may be. And we are the ones to whom they are looking for a renewed America of universal opportunity.

We must do what is required, Mr. Speaker. America's young people cannot wait, and we thank them for being impatient.

Mr. MEEK of Florida. Mr. Speaker, I just want to, number one, commend the gentleman from Maryland as not only chairman of the Congressional Black Caucus, but being a part of this, how should I say, coalition of not only Members of Congress, not only black Members of Congress or women of Congress, but Members of Congress that commend the organizers for bringing forth a march to be in support of affirmative action. Even though it was being argued in the courts, as we know, and as I mentioned that the retired military generals filed a brief in this case, I am looking forward to talking a little more about this tonight and also about the U.S. corporations as it relates to the diversity of what Dr. King talked about so long ago which has made America what it is.

But I just want to congratulate the gentleman on behalf of myself, this Member from the 17th Congressional District in Florida, with regard to what the Congressional Black Caucus is doing in relation to sticking with this issue in the halls of Congress and also encouraging those to do what they are doing now.

Mr. CUMMINGS. Well, I thank the gentleman for his comments, Mr. Speaker. As we engage in this dialogue this evening, I cannot help but think about the mayor of Detroit. I shall never forget when he won, a young man who had been prepared for that. He had had an opportunity to get the kind of education that he needed to run a city, and a major city. It is just amazing to me that so often our young people are at the point of taking and grabbing ahold of opportunity, but they have to be equipped to do it.

So this is what this is all about. These young people were not out there partying, they were out there trying to cut a path and say, look, we are going to make sure in our time and in our space we make a difference for those future mayors of Detroit, so that people so often overlooked will have opportunities to lead and inspire others.

So I think this is one of the greatest things that our caucus could do to lift up our young people and salute them for all that they are.

Mr. MEEK of Florida. Mr. Speaker, I am going to yield now to a distinguished gentlewoman who is a member of the Committee on Appropriations, the gentlewoman from the 13th Congressional District of Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, to our fine colleague, the former State Senator and now Congressman from Florida, for coming in and taking the mantle of leadership by the hand and helping to move our country forward, I want him to know he is to be admired. He is certainly a fine symbol for young people all over this world to know that when we speak up and have a conscience about what we believe, our families are better, our people are better, and our countries are better. So I thank the gentleman for coming here. He really had big shoes to fill, but I want Mrs. Carrie Meek to know that he is doing a wonderful job and we are very proud of him.

I am honored and privileged to be here with my colleagues tonight for what I consider to be one of the most important issues we will ever consider during my stay here in this United States Congress. The young people of America and the citizens across this country by the tens of thousands came to Washington, D.C. last Tuesday, April 1, to speak out and to demonstrate, to assemble, as our Constitution allows, to say to the world that we do not want our country to go back. We want to go forward. We are the sons and daughters of this civilization, and we believe that if we can go to war, we can also go to the universities, and that the doors of the American universities funded by public dollars must stay open.

It was wonderful to see all the people there. And I want to particularly talk about the young people, the young faces that were there last week. I am a graduate of the University of Michigan, Ann Arbor, Michigan. I was born and raised in Michigan all my life. I think it is not coincidental that this case being heard is from the University of Michigan. This university of over 35,000 students for many years has produced leaders for this country, and has produced fine scientists and teachers and engineers and other kinds of people, like so many other universities around this country.

This is not the time to wipe out opportunity. It is a time to expand opportunity so that all God's children can have a higher education experience. I believe that education is the key to a person's life. The more of it that one gets, the more interaction one has with people like oneself, but also people who are different than we are, who come from different backgrounds, this prepares us to be the kind of citizen who can lead anything, who can make this country move forward, and can even, yes, serve in this United States Congress.

So the young people who came, my colleagues, and I know we all saw them from all walks of life, from universities all over this country, they came to say to this Supreme Court, please do not shut the door of opportunity now. We are ready. We have been raised, we have excelled, and we need you to keep the doors of our public universities open.

Now, this case at the University of Michigan not only affects that university, as my colleagues know, but educational institutions all over America. Over 100 businesses have filed amicus briefs with the court. General Motors, headquartered in my district; Microsoft, and many other corporations in this country have filed briefs to say that a diverse workforce not only strengthens our companies and helps to increase the bottom line, but allows our workers to have the mix and experiences of not only their own ethnicity but those of others. So this is not the time, the corporations are saying, to turn the clocks back.

As my colleague mentioned earlier, General Schwarzkopf and others, the highest elements in our military commands, have supported the university's admission policy. They are saying do not go back. The beauty of our Armed Forces, yes, as we fight today in two foreign lands, in Afghanistan and also in Iraq, keep the doors of opportunity open. These are generals, former generals in our armed services, who know that a diverse military is what best serves our country and they are supporting the University of Michigan's policy.

We all need to be aware, too, that not only the young people who were here from all over the country, but the young students at the University of Michigan raised $50,000 themselves, sent 12 buses of their children, young people, to this Capitol of our United States. After the march, at noon, they had another rally where thousands of young people came and said, Congresswoman, we are here because we want the court to hear us. We want the court to know that we will do whatever is necessary to be the best that we can be, and we want the court to keep the opportunity for doors to be open so that we can raise our children to have the best opportunities in life, so they can be the best citizens they can be, and we believe an education is the key to that.

As was mentioned, I am a graduate of the University of Michigan. The two cases before the Supreme Court, one for the undergraduate school, talks about a point system. There is a base of 150 points that can be had. A student needs 100 points to be considered for admission. At least 80 of those points they get from scholastic ability, from middle school right through high school, with the SAT scores. So 80 points of that 150 can come from the academic achievements from middle school right through the high school experience. Then there are about 15

other categories, my colleagues, where other points can be had. For instance, if someone had a father or a grandfather go to the university, they get what is called legacy points. If a student is from Michigan and they live in the upper peninsula, they get a certain number of points. If they are from a socioeconomic background that is low and they need help, they get points. If they are an athlete, they can also get points to add to that. If they are from a minority class, African American, Asian American, Latino American, or Native American, they can get points.

It is amazing to me, with those few that I mentioned and at least 10 others, why are we singling out the ethnicity of that category? Why not the legacy points? Why not if a student lives in an underrepresented county, like the upper peninsula? This is not the time now to put the race card in American society. We have our hands full just keeping the doors of opportunity open for all our institutions of higher learning. This is not a time to confuse our young people by telling them, yes, you can go fight on the front line, but, no, you cannot go to the university. Something is inherently wrong with that.

And what those beautiful students and young people said last Tuesday was, no, America, no, Supreme Court, do not take our country back. Let us move forward in the greatness that this country is.

I had an opportunity to sit in the Court last Tuesday. It was a wonderful experience. The young people were also there in the Court, those who could get in, and we heard the arguments on both sides. We know now that the Supreme Court will be deliberating, some say June, some say right through the end of this session, which will be later on in October-November when the Court is finished before we get our decision. What we need people to do now, who believe that America should be open for its citizens, for all citizens, that the public universities of this country should not be closed, that the military opportunities should not be shut down, that corporate America continues to grow and expand and create work environments that all people from all backgrounds can participate in, if they believe in a just and open America, we need them to fax, to e-mail, to write and to call the nine justices of the Supreme Court.

Those nine justices will be determining in the next several months whether the admissions policy should be upheld or if it should not be. So those who are listening tonight, and we are happy that we are able as the Congressional Black Caucus to bring the information to them, they should let their voices be heard. They need to speak out through fax, e-mail, writing or calling and let the justices know. This is the greatest country in the world. We want to maintain that. Education is the key to that.

Young people have stood up to say that we are here on the steps of the Supreme Court to ask our Court, our justices, to keep justice in America. Keep the doors open. I am very proud of the young people. I want them to know that many years ago, during the 1960s civil rights movement, I was one of those students.

□ 2100

Speak out against injustice. Our Constitution allows us to demonstrate and to assemble when we think something is wrong. Some countries do not have that opportunity. The University of Michigan is a fine university, as are universities all over the country. What happens with this decision in the Supreme Court will determine what kind of country we live in in the next 10, 20, 30 years of this country. Stand up America. I thank the young people, and continue the struggle because it is young people who must keep America strong, and it is you who must have the opportunity to raise, defend, and build your families. God bless you. We are so proud of you.

Mr. Speaker, it is indeed an honor and privilege to address the floor this evening and acknowledge the efforts of the young people from throughout our Nation who mobilized to travel to Washington, DC to demonstrate in support of the ideals associated with affirmative action and the historic cases being considered by the Supreme Court regarding the University of Michigan admission policies for the law school and the undergraduate program.

I am especially pleased to commend the efforts of the students who traveled from Michigan to demonstrate their support for, and commitment to the University's affirmative action policies. The efforts of U of M were particularly gratifying to me. I am an alumnus of the University. I am a witness to the virtues of affirmative action policies enacted by U of M.

On April 1, on the steps of the Supreme Court, I was also a witness to the assemblage of people from around the country, but especially from the great State of Michigan who braved the elements and other obstacles to form a coalition believers and supports of affirmative action.

I am personally aware of the sacrifices the students made to come to Washington, DC. The students were responsible for raising over $50,000 and bringing 12 buses of students. The shining faces and fervent voices of the students were a sight to behold. Their efforts were a testament to the importance of preserving affirmative action, and a message to the Supreme Court Justices to do the right thing. I salute the students and pledge to them I will continue to fight on behalf of affirmative action. Finally, I offer my heartfelt thanks to each and everyone of them for joining the coalition of black, brown, yellow, red and white supporters of affirmative action.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman for assisting in the organizing and assisting young people coming to Washington, and also the pride and energy that I hear in her voice of this generation and generations after this particular generation to be stimulated and motivated to continue to struggle in the fight for equal opportunity. We appreciate the entire State of Michigan, the Motor City for what they did, and the corporations for standing for what is right in this country.

Ms. KILPATRICK. Mr. Speaker, let me add that the mayor of the city of Detroit was here representing the young people. He is 32 years old and attended a historically black college; he is now a lawyer. It just demonstrates we can be anything that we want to be if we just rise up and speak out and be the very best that God asked us to be.

Mr. MEEK of Florida. Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON), who has appeared before the Supreme Court as a lawyer many times.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his leadership this evening. I want to say to the gentleman that his leadership is especially appropriate because this Special Order is devoted to actions inspired by young people, many of the age or close to the age of the gentleman who leads this Special Order. He well may be the youngest member of the Congressional Black Caucus, one of the youngest Members of Congress; and what we are here to talk about tonight has everything to do with young people and what they themselves initiated on April 1, first by some of them staying up all night in order to prepare for the rally and to get into the Court, others coming to go to a town meeting at Howard University convened by the Chair of the Congressional Black Caucus at a wind-up rally.

Now April 1 is April Fool's Day. That is not why we are going to remember it this year. We are not even going to remember it first and foremost because the University of Michigan case was argued on that day. The University of Michigan case is largely to be remembered by the date it is decided, not the date it is argued. That is how we remember Supreme Court cases; but even that is not how we are going to remember April 1, 2003.

I think we are going to remember April 1, 2003, as the day that gave birth to a new American civil rights movement, a second American civil rights movement. This is not my characterization. This is how these young people title themselves, and if I may say what their long title is, Coalition to Defend Affirmative Action, Integration and Fight for Equality by Any Means Necessary, which they have boiled down to the acronym BAMN. They came from everywhere. They came from every college and university in the District of Columbia, and they came from as far west and as far north as we can go. It is amazing that these students poured in from all over the country. Why were the students here?

There is the stereotype the courts read the newspapers, and the courts read the election returns. We all know that courts are independent and that even rallies cannot and must not decide how courts rule. Black people know that most of all because if rallies

or public opinion could have decided how courts rule, we would never have gotten Brown v. Board of Education in 1954 when the majority of American people in the South were not for integration of public schools. Courts are independent branches of government which must rule by the rule of law.

So why were the students here? The students are very sophisticated. That is why they did not call themselves the students to influence the University of Michigan case before the Supreme Court of the United States. They have called themselves the second civil rights movement. They knew they were bigger than this case, and they knew that the Court when it raises its hand must rule on the law as they see the law. I think this Court has been real wrong on the law, but they knew that they were not going to essentially affect this Court, even those who argued the Court are trying to affect one justice in a closely divided Court where frankly we have lost most of these cases 5–4, not won them. They knew by what they called themselves, which did not even have ''Supreme Court'' in the title that what they were doing on April 1 was much bigger and more important than any single case in 25 years since the Bakke case was decided. They knew that they could be in worse shape than their parents were because many of their parents were like the Member, the gentlewoman from Michigan (Ms. KILPATRICK), who went to the University of Michigan, and here she is with grandchildren who may not be able to enter the University of Michigan on that same basis.

It took 100 years after the Civil War to get to the enforcement of the Civil War amendment, so the notion of getting as far as we have gotten, which is not even halfway home, is not what this generation is about. This generation has been touched finally by this issue, affirmative action, as they have not been touched by any other issue.

I am not critical that they have not been touched by any other issue because these are the beneficiaries of the civil rights movement. They mean to see that they continue to be beneficiaries of the civil rights movement and that they are not the generation that lost the benefit of the civil rights movement.

My generation, and I see the gentleman from Georgia (Mr. LEWIS), who I know from the Nonviolent Coordinating Committee, and back then the entire spectrum of discrimination and segregation was here. I went to segregated schools in the District of Columbia. Black people in the South could not vote, equal opportunity and employment was not available north, south, east or west, and housing discrimination was the order of the day. Inside of 15 years, a combination of court suits and Federal laws changed that, at least as a matter of law. As we know today, not entirely as a matter of practice, but as a matter of law.

Brown v. Board of Education began it all, and then there was the 1964 Civil Rights Act, and it was my great privilege to enforce title 7 and a number of other statutes under that act. Then there was the 1965 Voting Rights Act, the 1968 Fair Housing Act. Here is the work of one generation, the so-called civil rights generation. Over. Done. Even we were not naive enough to believe that, but we did think that we would continue to move forward and would not be pushed back. But the only way not to be pushed back is to produce a new generation of freedom fighters, to produce what these young people tell us they are, a new civil rights movement; and that is who came to Washington on April 1.

These folks came to Washington. They did not go to where the gentleman from Georgia (Mr. LEWIS) went to Alabama or Selma, or to where I went, to the delta in Mississippi. They came to Washington. We went South because that is where we saw the threat to be. They came to Washington because they know that it is here that the threat is now. They know it because they see a President of the United States who has filed on the wrong side of a civil rights case, and that has not happened in a very long time. That has not happened in my lifetime. That President has placed himself on the wrong side of history, and they saw it and saw what kind of act it was.

They saw the threat at the Supreme Court which has already taken down affirmative action as far as it could go. Interestingly, and I want to praise and thank my colleagues, my colleagues have not passed a single bill that has taken down affirmative action. All of the problems have come from the Supreme Court, the 5–4 Supreme Court with us on the 4 end and they on the 5 end, and a lot of it has been in areas like contracting with implications for affirmative action and every other area as well.

These students from every college and university in the metropolitan region and in the country saw that the threat could well be in this Congress if the Congressional Black Caucus and its allies on both sides of the aisle did not continue to stand fast and say look, do not even go there. My colleagues know that we have had to say that. In the 1990s, we had to say do not even go to the floor with an amendment to take back affirmative action. We are going to close down this House if that is what you are going to do.

I will not say that is the reason that it did not happen; there were Members on the other side of the aisle who believed that was the wrong thing to do. I want to go on record right now paying tribute to my colleagues on the other side of the aisle that have kept that from happening.

Nevertheless, the threat is here. It is not where it was for the last civil rights generation. The threat is here that can carry us back to Brown v. Board of Education. Yes, they say that because that is the effect and could carry us back to where most higher education in the United States of America was for whites only, and that is what it was for when I went to college.

Mr. Speaker, these students from colleges and universities around the United States simply put America on notice. They say, Court, do what you will and we hope you do the right thing; but whether you do or not, America be on notice there is a new civil rights movement in this country, and we are determined to finish the job that the gentleman from Georgia (Mr. LEWIS) and his colleagues in the civil rights movement began. We are determined to finish the work begun with the march on Washington, and we are determined to finish the work still unfinished. And as long as we need affirmative action and affirmative action is a remedy, it is temporary, it goes away when the job is done, the numbers are built in the system, they are there so long as it takes to get and keep a critical mass of the excluded coming in.

They say we are there as long as we see other indications of inroads into the work of the last generation, such as the judges that this President has continuously put forward. As long as he puts forward a Priscilla Owens, this generation says we will be there. Or as long as he puts forward a Charles Pickering, we will be there because the courts are the last great hope of any excluded people, or of any people treated unjustly.

They say, look, we see a whole new species of intentional segregation with racial profiling which largely affects the younger generation, young black people on the streets subject to being stopped because of their race, color, or ethnicity. As long as that is there, this generation has stepped up and said I do not know where my parents are, but I have not gone away. We are still here.

We come to simply thank these young people tonight and to encourage them to continue to take up the mantle and to say that we are going to do whatever we can to be with them and behind them. We have asked only one thing of this generation. We noted that they are underregistered, and we know if you are underregistered and if you do not vote, the powers that be will walk all over you because people pay attention to people who vote. We have asked them to make sure that their movement begins by getting every young person at their university registered to vote and out to the polls.

□ 2115

We recognize that the incentives that their parents had to vote, the New Deal generation, the World War II generation, the civil rights generation, the Vietnam War generation, are not there for this generation, but they have found their incentive in the University of Michigan's case. We applaud them for using that case as the catalyst to move forward with a new civil rights movement. We applaud them for making April 1 a memorable and historic

date for the people of the United States of America.

I thank the gentleman for yielding to me.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for her outstanding comments, and I want to thank those institutions of higher learning in the D.C. area that took just such a vital part in playing host to so many of these marchers.

Mr. Speaker, I yield to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for his kindness for yielding, and I likewise, Mr. Speaker, want to thank you for your leadership because you are presiding over, I believe, one of the more instructive hours that we have engaged in in terms of speaking to our colleagues and providing a history for this House, a history that has been painful, but I would admit a history that has seen bipartisan collaboration and recognition that this Nation is a much better place for correcting its ills.

Mr. Speaker, I serve on the House Committee on the Judiciary, and the experience has been both good and bad. I view it as one of the nobler committees in this House because it is a committee that cherishes the Constitution. But we have had our moments, and we have even had a moment when discussions of eliminating the desegregation orders to remove orders from districts that were engaged in busing was discussed prematurely. We even had amendments proposed to eliminate affirmative action. It was the wisdom of this House and the other body that saw fit to join with those of us to recognize that the time was not yet that we then were able to turn those amendments back.

Mr. Speaker, I think it is important to chronicle the history of African Americans in this Nation. Obviously slavery is well known, but out of slavery came emancipation. Those of us in Texas heard of it 2 years later, reconstruction that was short-lived in this Nation, and then the ugly head of Jim Crowism raised its head in the early 1900s. In fact, Mr. Speaker, George White stood in the well of the House after he was drawn out of this august body by segregationist legislators who drew out the last African American and said that the Negro would rise like the phoenix. I can see him right now, with a little suitcase and rope tied around it, in his eloquent voice suggesting that it may not be now but that the Negro would rise as a phoenix.

We went through the 1900s experiencing the tragedies of the deep South, the hanging trees as known to many of us. We saw our young men go off to both World War I and World War II but come back to a segregated America. Members of my family fought in World War II but, Mr. Speaker, came back to a segregated America. Korean War. Vietnam War. We began to see changes when Thurgood Marshall argued before the Supreme Court. Then we moved with Rosa Parks who refused to stand up on a crowded bus in Montgomery, Alabama, and a young man named Martin Luther King took her cause. We came through that era, Mr. Speaker, and we had the Voting Rights Act of 1965 and the Civil Rights Act of 1964. We might be able to call that the second reconstruction. And it continued, Mr. Speaker, to the executive signing by Richard Nixon, bipartisan, a Republican, of affirmative action.

As we moved through the second reconstruction, many of us, the doors being opened, going into white institutions, thought for a moment that we would be able to lay our burdens down, that we would be able to find a resting place in this Nation where all of us could be treated equally. The Declaration of Independence says with certain inalienable rights of life and liberty and the pursuit of happiness.

But lo and behold, Mr. Speaker, we come to the 21st century, the age of technology, the age of promoting young people for all that they can be, and find ourselves in the Supreme Court. And might I just say today that all might hear, Mr. Speaker, I want all or nothing. I do not want a bifurcated hybrid decision. I will not accept it. I will not recognize it. My pronouncement will be, whatever the Supreme Court says in a hybrid decision, that this United States of America has denied me and the young people of America their civil rights. Frankly, Mr. Speaker, I believe that we have a unique chance in the world to show that America is better than that.

So let me thank the wonderful thousands of bright stars, by any means necessary, who I had the pleasure of speaking before them at the Lincoln monument. What an enormously powerful scene. I did not organize it. School presidents did not organize it. Congress people, Senators did not organize it. They organized it. And I want to thank them, and they will go down in history.

I would like to acknowledge, likewise from Houston, Texas, the Shrine of the Black Madonna and Reverend Fana; the NAACP, local chapter, the regional chapter; the Houston Area Urban League. I would like to acknowledge Reverend James Dixon, Community of Faith Church, as well as Carmen Watkins with Sunday Morning Live. All of this in Houston, by the way; 95.7 Power Radio and the Box 97.9, Ada Edwards. All of these were local people who were promoting the idea that we are Americans, too. Texas Southern University, holding a very unique Sunday town hall meeting, very difficult to do that, Mr. Speaker.

But what I would say is that our work is not done. For if the Supreme Court rules that affirmative action is unconstitutional, Mr. Speaker, all of what we built up in openness of contracting, in openness of creating opportunities to small and minority businesses and women-owned businesses and opportunities for education will be null and void, and we will be back in the history of the beginning of the 20th century when the ugly head of Jim Crowism raised its head. What a tragedy to be here in the 21st century when the ugly head of Jim Crowism will raise its head again.

Allow me to close, Mr. Speaker, with a slight bit of history. Right now the State of Texas is making noises about redrawing these voter rights districts. Here I go again. I believe I have run about six or eight times in the course of being elected to this Congress, because someone believes that the opportunity for many of us to select the person of our choosing is discriminatory, protected by the Voter Rights Act of 1965. It was in our State that the Solicitor General first came, not as a Solicitor General, to argue the Hopwood case and slashed the coattails of equal opportunity in the State of Texas. For the last 5 years or so, we have seen droves of our young people leave the State because of the inability to get into State institutions that they have paid taxes for.

The tragedy is, to the distinguished gentleman from Florida, who I join in his courageous effort to turn back the Jim Crowism in the State of Florida when 25,000 people marched against eliminating affirmative action, and we can claim victory in their presence, but the Solicitor General was the lawyer who argued Hopwood. Gratefully, that case went only to the Fifth Circuit, but it destroyed the institutions of higher learning in Texas for a number of years when they sent Hispanics and African Americans fleeing from the State. The tragedy is that this same gentleman became the Solicitor General, and rather than recusing himself because of the potential of bias, engaged in the discussion at the White House, creating, I think, a bias to go and have the United States of America, my tax dollars, the young men and women of years past, who served in wars past, who never reached their full promise because they came back to a segregated America, never reaching their dream, this United States of America went into the courthouse, Supreme Court on April 1, 2003, and argued against our interests. The first time, I think, in the last 50 years of civil rights litigation that the United States did that.

So, Mr. Speaker, as I close let me say, because I see such warriors on the floor like the gentleman from Georgia (Mr. LEWIS) and the gentleman from Louisiana (Mr. JEFFERSON), my good friend who was with me in Texas, many of us had the pleasure of being in some way affiliated with these civil rights movements, obviously some more at the forefront, but our histories are intertwined with the visions of these outstanding individuals and their leadership and their power. I simply say that I stand here broken-hearted but

not without strength, broken-hearted because my Nation failed me on April 1.

And so that is why, Mr. Speaker, in saying to these young people and encouraging them for providing this kind of leadership, applauding them and joining with them and suggesting that we will never go back, never turn the clock back, it is my pronouncement today that I will accept nothing but a full vindication of affirmative action in this Nation to the Supreme Court. Whatever hybrid they decide to give would be unacceptable and we will march on to victory and we shall overcome.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE), and I want to commend her not only on behalf of Americans but also on behalf of myself and members of the Congressional Black Caucus for the workshop that she had in her district dealing with affirmative action prior to the Supreme Court hearing and commitment of those universities and individuals that she mentioned and those that went yet unmentioned, their contributions. So we thank her.

Mr. Speaker, at this time I can say that this is one of these moments that I am glad that God allowed me to live long enough for this moment to be able to have such a soldier on behalf of fair opportunity, equal treatment for all, someone that had marks on his body on behalf of this country, with many other patriots that are here and that have gone on.

I yield to the gentleman from Georgia (Mr. LEWIS), Member from the Fifth District, distinguished member of the Committee on the Budget and the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Florida (Mr. MEEK), my friend and colleague, for holding this Special Order, and I want to thank all of the members of the Congressional Black Caucus for participating in this order tonight.

I want to be very brief. I had gone home and I turn on C-SPAN, and supper was happening, and I was deeply moved to come to the House floor and to say something. So I want to thank him again for doing what he is doing because I think it is important that we take time to salute and pay tribute to the young people who came here on April 1. By coming here and standing at the steps of the Supreme Court, they were standing up for what is right, for what is fair, for what is just. They were standing up for the very best in America.

I remember when I first came to Washington many, many years ago in 1961, I was 21 years old, had all of my hair, and I was a few pounds lighter, to go on something called the Freedom Ride during those days in Washington, but throughout the American South, segregation was the order of the day. We saw those signs that said white waiting, colored waiting, white men, colored men, white women, colored women. There was so much violence, so much fear, so much hate, and it was the students following in the tradition of Martin Luther King, Jr., in the tradition of Gandhi. So sitting in, going on the Freedom Ride, marching all over the country, and by marching, by sitting in or sitting down, really they have created the climate, the environment, to get the Civil Rights Act of 1964, the Voting Rights Act of 1965.

□ 2130

Nothing but nothing, I tell you, nothing moved me more in the last 50 years, or maybe in the last 40 years, than to see these hundreds and thousands of students really marching, protesting, exercising their constitutional right. In America we have a right to protest, as Dr. King would say, protest for what is right. This type of protest helped move our country to the point to get people to say yes, when they may have a desire to say no.

These young people believe in the Constitution. They believe in America. They, like many of us, believe in affirmative action. It is the affirmed inclusion, the participation of people, where they are left out and left behind. I like to think these young people were touched by the spirit of history. Sometimes there comes a time when you have to be moved by the spirit of history.

In 1960, 1961, 1962, and 1963 we did not have a fax machine, we did not have a Web site, we did not have a cellular telephone. We had the Constitution. We had our bodies. And that is what these young people had. They had ideas; they had the Constitution.

I think when historians pick up their pens and write about this period, Mr. Speaker, they will have to say that these young people that came to Washington on April 1, not just college students, high school students, elementary school students, by the hundreds and thousands, they started, as the gentlewoman from the District of Columbia (Ms. NORTON) said, a new civil rights movement.

I say to them tonight, and to young people and students all over our country, we will not go back, we will not stand still. We will go forward. We will create a truly interracial democracy in America. We will create a beloved community in America. For we are one people, we are one Nation. I say to all of these young people, keep the faith; do not give up, do not give in, do not give out, keep your eyes on the prize.

Mr. MEEK of Florida. Mr. Speaker, I thank the distinguished gentleman from Georgia for his contributions, not only in the past but in the present. We commend you.

Mr. Speaker, I yield to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are witnessing today the best of the leadership of the civil rights movement, that of the past and the present, and that of the present and the future, in JOHN LEWIS and in KENDRICK MEEK, a young Congressman who envisioned this hour for America.

Mr. Speaker, I rise to honor the many students that traveled all over the country to rally in support of affirmative action. Particularly I would like to acknowledge the many students from my own State, Louisiana, who made the journey. Students from Xavier, Southern, Grambling, Dillard, and throughout Louisiana, let me say I am very proud of you.

Martin Luther King, Jr., said, ''Everyone can be great because everyone can serve.'' It is in this spirit that I have dedicated much of my life to public service, and I found it very encouraging that on April 1, 3 days before the anniversary of Dr. King's death, thousands of students honored him and all that he fought for by actively getting involved and actively serving as well.

Mr. Speaker, it is shocking to observe that 141 years ago, virtually every African American in this country would be somebody else's property. Just think about that: unable to earn, unable to learn, unable to hold wealth. It is this legacy of subjugation, of discrimination, of denial, over 400 years of segregation, that justifies affirmative action today.

If the government, and it did, took race into account to create this legacy of disabilities, then it is the government's responsibility today to take race into account to obliterate them. So it is particularly disappointing that 40 years later, after Dr. King's historic march to Washington, that we as a democratic Nation are still struggling to realize his dream; and 140 years after the emancipation of slavery, there still exists two Americas, separate and unequal, one black and one white. As one student's sign read: ''Surely 400 years of slavery is worth 20 points.''

Without affirmative action, these disparities will likely widen, not only in education, but also in employment and property ownership and income levels. Yet, as Dr. King noted, ''Whenever the issue of compensatory treatment for the Negro is raised, some of our friends recoil in horror, because while they agree that the Negro,'' as he said, ''should be granted equality, they believe that he should ask for nothing more.''

I cannot tell you how proud I am of all our young men and women who have worked tirelessly in participating in efforts to demonstrate supports of the University of Michigan. Students of all races around the country have worked in some capacity to protest this attack on equal opportunity, realizing that any successful attempt would be a major setback for our society as a whole.

Numerous other students took action and demonstrated and spoke out on their respective college campuses, such as my daughter Akilah and other young people at her college who did not travel to Washington.

I was especially pleased to join the Black Law Students Association from my alma mater, Harvard Law School, as one of several counsel on an amicus brief. This brief was submitted on behalf of the Harvard Black Law Students Association, as well as those from Yale and Stanford.

As I stated then, I believe that we live in a country that affords us great liberties. However, for some Americans, the pursuit of these freedoms is hindered by tremendous barriers. Opportunities for some are limited because of America's sins of the past. Therefore, it is incumbent upon us to make conscious attempts to right these wrongs. Hence, initiatives like affirmative action.

Affirmative action in education programs, such as the one at the University of Michigan, looks beyond students' limitations and sees their potential, potential that may be realized if presented the opportunity. More importantly, affirmative actions, like the one at the University of Michigan, benefits not just African American students, but all students.

Mr. Speaker, it promotes a diverse student body, which provides an education that equips our future leaders, both black and white, with the capabilities to successfully function in a diverse society.

Mr. Speaker, it was our hope during the civil rights movement many years ago that we were fighting this battle now so that our sons and daughters would not have to fight it later. And though I am dismayed that still this fight goes on, even today, I am heartened by the tremendous number of fresh soldiers for civil rights, eager, active and capable of engaging in the battle and winning the struggle. I commend them all.

I thank the gentleman from Florida (Mr. MEEK) for yielding to me.

Mr. MEEK of Florida. Mr. Speaker, I thank the gentleman. His comments were very appropriate for the moment and the time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to commend all those who participated in last week's protest of the University of Michigan's admission's policies.

Many students from institutions across this great nation traveled to the nation's capitol to have their voices heard on this issue. Thousands of students from Howard University to Harvard University, walked from the Supreme Court to the Lincoln Memorial chanting, ''Saving Affirmative Action.''

Affirmative action ensures that all people have all equal rights. Affirmative action is one of the most effective solutions to diversifying a historically unfair society.

Mr. Speaker, I would like to take a moment to say ''thank you'' to the countless students, volunteers, and workers who believe in this historically significant effort. It is vital that America's higher education system continue the critical role in preparing our students to be leaders in business, law, medicine, education, and other pursuits that affect public interest.

Societal discrimination has adversely affected institutions of higher education since the founding of this country. Affirmative action programs have helped to desegregate America. Racial and societal discrimination is not just limited to higher education. It also exists in voting, housing, employment, and many other sectors of modern day society.

Equal rights in higher education must start somewhere. I agree that the University of Michigan's policy is clearly and rightfully designed to attempt to make up for discrepancies that do not afford minorities and the economically deprived access to quality education.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in extending my appreciation to all the students who participated in last week's demonstration in support of equality and justice at America's institutions of higher learning.

Ms. CARSON of Indiana. Mr. Speaker, I rise to pay tribute to the thousands of Americans who voiced their support for affirmative action admissions policies at colleges and universities on April 1, here in Washington, DC.

For twenty five years the affirmative action policies at our nation's colleges and universities have produced a stronger and better educated America. We must not turn the clock back now when so much is at stake for the future of America.

Mr. Speaker, I am proud that 25 Indiana University School of Law-Indianapolis students journeyed to Washington last week to say that affirmative action policies strengthen not weaken this nation.

Vanessa Villegas-Densford was one of those law students. Vanessa, the daughter of Puerto Rican immigrants, arrived in this country when she was 8 years old. She didn't speak English and was placed in classes for learning-disabled students. She worked hard to overcome so many obstacles and her dream is to practice law and serve the Hispanic American community. Her dreams, determination and drive to serve, balanced an average law school test score and won her acceptance at 9 of the 12 law schools to which she applied. She attends Indiana University School of Law-Indianapolis.

Without affirmative action, the Hispanic community, Indiana and America may well have missed the bright promise that Vanessa offers in spite of her average law school test score.

Gerald Bepko, interim President of Indiana University School of Law-Indianapolis is quoted in a recent Indianapolis Star article saying, ''You cannot rely on numbers (test scores and grades) alone. You need to know the person.''

I'm proud that Indiana University supports an affirmative action admissions program.

It's sad, Mr. Speaker, when our young people can see this nation embroiled in conflict in the highest court of the land, not about the athletic factor or the alumni factor or the legacy factor in college admissions, but race.

The case against affirmative action is weak, resting, as it does so heavily, on myth and misunderstanding.

One myth, ''The only way to create a color-blind society is to adopt color-blind policies.'' The facts show that a so-called color-blind system tends to favor White students because of their earlier educational advantages. Unless preexisting inequities are corrected or otherwise taken into account, color-blind policies do not correct racial injustice—they reinforce it.

Another myth is ''Affirmative action may have been necessary 30 years ago, but the playing field is fairly level today.'' Not true, despite the progress that has been made, the playing field is far from level.

Women continue to earn 76 cents for every male dollar. African Americans continue to have twice the unemployment rate, twice the rate of infant mortality, and make up just over half the population of people who attend four years or more of college. In fact, without affirmative action the percentage of African American and Hispanic students at many selective schools would drop to minuscule percentages of the student body.

That decline would effectively choke off African American and Hispanic access to top universities and severely restrict progress toward racial equality.

Mr. Speaker, this is America and we can do better than that. So I commend the advocacy and passion of those who marched last week. I have no doubt that they understand what could be lost if this precious opportunity is eliminated.

IN SUPPORT OF AFFIRMATIVE ACTION

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman very much. I will not take all the time. I would like to be able to yield to the gentleman and to a number of our colleagues on the floor, but I note that we are blessed by the presence of some of the warriors that were engaged in the heroic and historic day on April 1, 2003.

What I wanted to encourage with the chairman of our august body here is to restate I believe the willingness of members of this caucus and Members of this House to be able to be on the campuses of these outstanding students who have taken up the challenge, the bloodstained banner, if you will, to be able to be on their campuses, pronouncing our commitment that we will never go back, and to restate what has been stated by all of you, that affirmative action is not a handout, it is a hand up, and to clearly indicate that what we have occurring to us, meaning opportunities, is not to deny others.

So I hope that we will be able to, if you will, make it very clear tonight that this is not the last time that we will be engaged in this discussion, debate, but that we will be out at the campuses surrounded by or hand in hand with these outstanding new civil rights activists of the 21st century.

I want to thank the distinguished gentleman and thank the distinguished gentleman from Georgia and would be happy to yield to the distinguished gentleman or yield to the gentleman from Florida to comment.

Mr. LEWIS of Georgia. Mr. Speaker, reclaiming my time, I thank the gentlewoman for her comments.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for yielding.

Mr. Speaker, let me just say in regards to what the gentlewoman from Texas (Ms. JACKSON-LEE) just said, just this evening, Mr. Speaker, we held a conference, a teleconference, with student leaders from all over the country. And it was such an exciting event. We have already come to an agreement that we are going to take all of that energy that they had back here on April 1 and we are going forward.

As our first Vice Chair has said, we will be traveling from campus to campus and organizing here in Washington and across the country, because we realize that all of our young people, that one day it should not end there, but it must go forward. So we will be doing that.

Mr. LEWIS of Georgia. Mr. Speaker, reclaiming my time, I would say to the gentleman from Maryland (Mr. CUMMINGS), Mr. Chairman, I want to thank you for what you are suggesting, your recommendation and your plan of action. It reminds me of another period in our history when we just got out there and did what we had to do.

Mr. CUMMINGS. Mr. Speaker, if the gentleman will allow me, there is a saying I love. It says, ''In our time, in our space, we will make a difference, with God's grace.''

Mr. LEWIS of Georgia. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield to the gentleman from Florida (Mr. MEEK).

Mr. MEEK of Florida. Mr. Speaker, I just wanted to say that not only all of the Members here, but the Members who could not be here that did place information in the RECORD, it is such an honor to be here, coming from Florida. So many of you were involved in that effort there to save and work towards a better affirmative action in Florida and this country.

Words are inadequate to even describe the kind of work that is going to have to be done for the understanding of this country of how important affirmative action is. I tell every American, if you have a daughter and a mother, and obviously we all do, you are for affirmative action.

I commend those individuals that came before us, and the NAACP and other organizations that organized to get them here. I look forward to working with the gentleman and the members of the Congressional Black Caucus as we continue to work with these young people and younger people that have done so well for us.

Mr. LEWIS of Georgia. Mr. Speaker, reclaiming my time, we will work together and pull together and push together to make it all happen.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVERETT (at the request of Mr. DELAY) for April 7 on account of attending to district business.

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. HOEFFEL) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HOEFFEL, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. NORWOOD) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, April 9.

Mr. JONES of North Carolina, for 5 minutes, April 9.

The following Members (at their own request) to revise and extend their remarks and include extraneous material:

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 164. An act to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of César Estrada Chávez and the farm labor movement; to the Committee on Resources.

S. 212. An act to authorize the Secretary of the Interior to cooperate with the High Plans Aquifer States in conducting a Hydrogeologic Characterization, Mapping, and Modeling Program for the High Plans Aquifer, and for other purposes; to the Committee on Resources.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes; to the Committee on Resources.

S. 328. An act to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area'', and for other purposes; to the Committee on Resources.

S. 347. An act to direct the Secretary of the Interior and the Secretary of Agriculture to conduct a joint resource study to evaluate the suitability and feasibility of establishing the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area, and for other purposes; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 397. An act to reinstate and extend the deadline for commencement of construction of a hydroelectric project in the State of Illinois

H.R. 672. An act to rename the Guam South Elementary/Middle School of the Department of Defense Domestic Dependents Elementary and Secondary Schools System in honor of Navy Commander William ''Willie'' McCool, who was the pilot of the Space Shuttle Columbia when it was tragically lost on February 1, 2003.

ADJOURNMENT

Mr. LEWIS of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 9, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1702. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Lactic acid, ethyl ester and Lactic acid, n-butyl ester; Exemptions from the Requirement of a Tolerance; Technical Correction [OPP-2002-0-217; FRL-7298-4] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1703. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Modified Acrylic Polymers; Revision of Tolerance Exemption [OPP-2003-0079; FRL-7297-8] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1704. A letter from the Under Secretary, Department of Defense, transmitting the Department's report for purchases from foreign entities for Fiscal Year 2002, pursuant to Public Law 104—201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

1705. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report regarding assured access to space for the United States; to the Committee on Armed Services.

1706. A letter from the Under Secretary, Department of Defense, transmitting a report entitled, ''Development of Research, Development, Test, and Evaluation Programs and Activities Beginning in FY 2004''; to the Committee on Armed Services.

1707. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Education [DFARS Case 2002-D038] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1708. A letter from the Secretary, Department of Defense, transmitting notification that the President approved changes to the 2002 Unified Command Plan; to the Committee on Armed Services.

1709. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Foreign Acquisition [DFARS Case 2002-D009] received April 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1710. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; One-hour Ozone Attainment Demonstration for the Rhode Island Ozone Nonattainment Area [A-1-FRL-7476-7] received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1711. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Stationary Gas Turbines [OAR-2002-0053, FRL-7476-5] (RIN: 2060-AK35) received April 1, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1712. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period October 1, 2002 to March 31, 2003, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

1713. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Jordan [Transmittal No. DTC 005-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1714. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Germany [Transmittal No. DTC 011-03], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

1715. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 301 of the United States Macau Policy Act, covering the period from April 2, 2001, to April 1, 2002; to the Committee on International Relations.

1716. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report required by Section 301 of the United States-Hong Kong Policy Act of 1992, pursuant to 22 U.S.C. 5731; to the Committee on International Relations.

1717. A letter from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting the Department's inventory of functions pursuant to the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

1718. 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.

1719. 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.

1720. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status and Designation of Critical Habitat for Polygonum hickmanii (Scotts Valley polygonum) (RIN: 1018-AH76) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1721. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Departmernt of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Kauai Cave Wolf Spider and Kauai Cave Amphipod (RIN: 1018-AH01) received April 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1722. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2000, pursuant to Public Law 105—89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

1723. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Fellowships [FRL-7476-2] (RIN: 2030-AA77) received April 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Education and the Workforce, Transportation and Infrastructure, and Agriculture.

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. THOMAS: Committee on Ways and Means. H.R. 1528. A bill to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service; with an amendment (Rept. 108–61). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 1297. A bill to require the construction at Arlington National Cemetery of a memorial to the crew of the Columbia Orbiter (Rept. 108–62 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. H.R. 658. A bill to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission; with an amendment (Rept. 108–63 Pt. 1). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 181. Resolution providing for consideration of the bill (H.R. 1036) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others (Rept. 108–64). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Science discharged from further consideration. H.R. 1297 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 1644. A bill to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with an amendment; Rept. 108–65, Part I; referred to the Committee on Judiciary for a period ending not later than April 9, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 658. Referral to the Committee on Government Reform extended for a period ending not later than June 2, 2003.

H.R. 1297. Referral to the Committee on Science extended for a period ending not later than April 8, 2003.

H.R. 1644. Referral to the Committees on Science, Resources, Education and the Workforce, and Transportation and Infrastructure for a period ending not later than April 9, 2003.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NUNES:

H.R. 1659. A bill to ensure regulatory equity between and among all dairy farmers and handlers, including producers also acting as handlers, for sales of packaged fluid milk into certain non-federally regulated milk marketing areas from federally regulated areas; to the Committee on Agriculture.

By Mr. WICKER (for himself, Mr. HINOJOSA, and Mr. MCKEON):

H.R. 1660. A bill to amend the National Apprenticeship Act to provide that applications relating to apprenticeship programs are processed in a fair and timely manner, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. STARK, Mr. MATSUI, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. JEFFERSON, Mr. BECERRA, Mr. DOGGETT, Mr. SANDLIN, and Mrs. JONES of Ohio):

H.R. 1661. A bill to provide balanced taxpayer protections in tax administrations, including elimination of abusive tax strategies, simplification of the earned income tax credit, and taxpayer protections; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon (for himself, Mr. HUNTER, Mr. GIBBONS, Mr. HERGER, Mr. SIMPSON, Mr. HASTINGS of Washington, Mr. OTTER, Mr. PEARCE, Mr. PAUL, Mr. CANNON, Mr. MCINNIS, Mrs. CUBIN, Mr. STENHOLM, Mr. NETHERCUTT, Mr. REHBERG, Mr. DOOLITTLE, Mr. RENZI, and Mr. BRADY of Texas):

H.R. 1662. A bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior to give greater weight to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes; to the Committee on Resources.

By Mrs. JONES of Ohio (for herself, Ms. NORTON, Mr. CUMMINGS, Mr. CLAY, Mr. PAYNE, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. FATTAH, Mr. CLYBURN, Ms. LEE, Ms. KILPATRICK, Mr. GUTIERREZ, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. SANDERS, Ms. BERKLEY, Mr. RYAN of Ohio, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mr. CONYERS, and Ms. JACKSON-LEE of Texas):

H.R. 1663. A bill to protect home buyers from predatory lending practices; to the Committee on Financial Services.

By Mr. THOMAS:

H.R. 1664. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for

members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; to the Committee on Ways and Means.

By Mr. BOYD:

H.R. 1665. A bill to modify certain water resources projects for the Apalachicola, Chattahoochee, and Flint Rivers, Georgia, Florida, and Alabama; to the Committee on Transportation and Infrastructure.

By Mr. BOYD:

H.R. 1666. A bill to amend title 38, United States Code, to provide that discontinuance of veterans' disability compensation upon the death of a veteran shall be effective as of the date of death of the veteran rather than the last day of the month preceding the veteran's death; to the Committee on Veterans' Affairs.

By Mr. BURNS:

H.R. 1667. A bill to provide an additional opportunity for administrative or judicial relief for socially disadvantaged farmers and ranchers who were discriminated against by the Department of Agriculture in farm credit and benefit programs; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Oklahoma:

H.R. 1668. A bill to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the ''Ed Edmondson United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. CRANE (for himself, Mr. RAMSTAD, Ms. DUNN, and Mr. SOUDER):

H.R. 1669. A bill to amend the Internal Revenue Code of 1986 to provide tax treatment for foreign investment through a United States regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Ways and Means.

By Mr. GUTKNECHT (for himself, Mr. SABO, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mr. KENNEDY of Minnesota, Ms. MCCOLLUM, and Mr. KLINE):

H.R. 1670. A bill to amend the Internal Revenue Code of 1986 to establish a pilot program to encourage the use of medical savings accounts by public employees of the State of Minnesota and political jurisdictions thereof; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. POMEROY, Mr. ENGLISH, Mr. GRAVES, Mr. HULSHOF, Mr. RAMSTAD, and Mr. MCCRERY):

H.R. 1671. A bill to amend the Internal Revenue Code of 1986 to permit cooperatives to pay dividends on preferred stock without reducing patronage dividends; to the Committee on Ways and Means.

By Mr. KOLBE (for himself and Mr. KNOLLENBERG):

H.R. 1672. A bill to amend the Internal Revenue Code of 1986 to provide a credit for charitable contributions to fight poverty; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Ms. WOOLSEY, Mr. CONYERS, Mr. OBERSTAR, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BROWN of Ohio, Ms. CARSON of Indiana, Mr. CLAY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HONDA, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. LEE, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. RAHALL, Mr. RANGEL, Mr. RYAN of Ohio, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SOLIS, Mr. STARK, Mr. TOWNS, Mr. UDALL of Colorado, Ms. WATERS, and Ms. WATSON):

H.R. 1673. A bill to establish a Department of Peace; to the Committee on Government Reform, and in addition to the Committees on International Relations, the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 1674. A bill to amend the Internal Revenue Code of 1986 to provide that the vaccine excise tax shall apply to any vaccine against hepatitis A; to the Committee on Ways and Means.

By Mr. MORAN of Kansas (for himself, Mr. POMEROY, Mr. WALDEN of Oregon, Mr. STENHOLM, Mr. PETERSON of Pennsylvania, Mr. BERRY, Mr. KIND, Mr. MCHUGH, Mr. SANDLIN, Mr. EVANS, Mr. DAVIS of Alabama, and Mr. CASE):

H.R. 1675. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mrs. JO ANN DAVIS of Virginia, and Mrs. EMERSON):

H.R. 1676. A bill to amend chapter 55 of title 5, United States Code, to exclude availability pay for Federal criminal investigators from the limitation on premium pay; to modify levels of special pay adjustments for Federal law enforcement officers in certain areas, and for other purposes; to the Committee on Government Reform.

By Mr. SANDERS (for himself, Mr. GEORGE MILLER of California, Mr. VISCLOSKY, Mr. EMANUEL, Mr. SERRANO, Mr. ENGEL, Mr. GRIJALVA, Mr. ORTIZ, Mr. BROWN of Ohio, Mr. PETRI, Mr. OBERSTAR, Mr. TAYLOR of Mississippi, Mr. HINCHEY, Mr. TOWNS, Mr. ROSS, Mr. DELAHUNT, Mr. OLVER, Mr. PAYNE, Mr. ANDREWS, Mr. WYNN, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. GUTIERREZ, Ms. NORTON, Ms. SOLIS, Mr. WEXLER, Mr. SCHIFF, Ms. SLAUGHTER, Mr. MEEHAN, Mr. NADLER, Mr. RAHALL, Mr. GOODE, Mr. BACA, Mr. KUCINICH, Mr. COSTELLO, Mr. MARKEY, Ms. KILPATRICK, Ms. LEE, Mr. OBEY, Mr. GREEN of Texas, Mr. DEUTSCH, Mr. MICHAUD, Mrs. JONES of Ohio, Mr. UDALL of New Mexico, Mr. WEINER, Mr. DEFAZIO, Mr. PALLONE, Mr. MCGOVERN, Mrs. NAPOLITANO, Mr. THOMPSON of Mississippi, Mr. JEFFERSON, Mr. REYES, Mr. CUMMINGS, Mr. OWENS, Ms. HOOLEY of Oregon, Ms. MILLENDER-MCDONALD, Mr. DOGGETT, Ms. WOOLSEY, Mr. PASCRELL, Ms. BALDWIN, Ms. BORDALLO, Mr. RYAN of Ohio, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Ms. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. FILNER, Mr. HOEFFEL, Mr. LANGEVIN, Mr. LYNCH, Mr. HASTINGS of Florida, Mr. SCOTT of Georgia, Mr. CAPUANO, Mr. BISHOP of New York, Mr. DINGELL, Ms. MCCOLLUM, Mr. TIERNEY, Mr. KENNEDY of Rhode Island, Mr. RUSH, Mr. SPRATT, Mr. KILDEE, Mr. BERRY, Mr. LAMPSON, Mr. SCOTT of Virginia, Ms. KAPTUR, Mr. CROWLEY, Ms. ESHOO, Mrs. MALONEY, Mr. UDALL of Colorado, Mrs. MCCARTHY of New York, Mr. INSLEE, Mr. CONYERS, Mr. LANTOS, Mr. MCINTYRE, Mr. HOLT, Mr. BLUMENAUER, Mr. MEEK of Florida, Mr. BOEHLERT, Mr. FARR, Mr. HOLDEN, Mr. ACKERMAN, Ms. LINDA T. SANCHEZ of California, Mrs. CHRISTENSEN, Mr. ROTHMAN, Mr. MURTHA, Ms. MCCARTHY of Missouri, Mrs. DAVIS of California, Ms. VELAZQUEZ, Mrs. CAPPS, Mr. DOYLE, Mr. MENENDEZ, Mr. CASE, Mr. ALLEN, and Mr. BERMAN):

H.R. 1677. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. SCHIFF, Mr. BRADY of Texas, Mr. GREEN of Wisconsin, Mr. KELLER, Mr. OXLEY, Mr. WOLF, and Mr. FERGUSON):

H.R. 1678. A bill to amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes; to the Committee on the Judiciary.

By Mr. TANCREDO:

H.R. 1679. A bill to repeal the so-called Forest Service Appeals Reform Act and to authorize the Secretary of Agriculture to develop an administrative appeals process for the Forest Service in the same manner as other Federal land management agencies; to the Committee on Agriculture.

By Ms. WATSON (for herself and Mr. BURTON of Indiana):

H.R. 1680. A bill to prohibit after 2007 the introduction into interstate commerce of mercury intended for use in a dental filling, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KINGSTON:

H. Con. Res. 141. Concurrent resolution expressing the sense of the Congress that the Internal Revenue Code of 1986 should be fundamentally reformed to be fairer, simpler, and less costly and to encourage economic growth, individual liberty, and investment in American jobs; to the Committee on Ways and Means.

By Mr. WALSH (for himself, Mr. QUINN, Mr. BOEHLERT, Mr. MCHUGH, and Mr. HINCHEY):

H. Con. Res. 142. Concurrent resolution congratulating the Syracuse University men's basketball team for winning the 2003 NCAA Division I men's basketball national championship; to the Committee on Education and the Workforce.

By Mrs. CAPITO:

H. Res. 182. A resolution commending Private First Class Jessica Lynch, United States Army, the special operations forces

who on April 1, 2003, rescued her from captivity by Iraqi forces, and all United States and coalition forces in Iraq; to the Committee on Armed Services, 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. FLAKE:

H. Res. 183. A resolution commending Mohammed, an Iraqi lawyer, for his fearless and courageous actions in helping to save the life of an American solider; to the Committee on International Relations.

By Mr. WYNN:

H. Res. 184. A resolution expressing the sense of the House of Representatives that a postage stamp should be issued in commemoration of Diwali, a festival celebrated by people of Indian origin; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

10. The SPEAKER presented a memorial of the Senate of the State of Wisconsin, relative to Senate Resolution No. 4 memorializing the United States Congress to urge the President and the Wisconsin congressional delegation to support the reauthorization of the existing Community Services Block Grant and its funding to community action agencies; to the Committee on Education and the Workforce.

11. Also,a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 10 memorializing the United States Congress to enact legislation to give states the authority to ban importation of out-of-state solid waste; to the Committee on Energy and Commerce.

12. Also,a memorial of the House of Representatives of the State of New Hampshire, relative to House Concurrent Resolution No. 16 memorializing the United States Congress to urge increased diplomacy to achieve a just, peaceful, and rapid resolution of the conflict between India and Pakistan relative to the state of Jammu and Kashmir; to the Committee on International Relations.

13. Also,a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 5 memorializing the United States Congress to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government; to the Committee on Transportation and Infrastructure.

14. Also,a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 9 memorializing the United States Congress to enact legislation to provide that all states receive a minimum of 95 percent of transportation funds sent to the federal government; to the Committee on Transportation and Infrastructure.

15. Also,a memorial of the Senate of the State of Michigan, relative to Senate Concurrent Resolution No. 1 memorializing the United States Congress to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; to the Committee on Transportation and Infrastructure.

16. Also,a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 21 memorializing the United States Congress 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 programs; to the Committee on Transportation and Infrastructure.

17. Also,a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 6 memorializing the United States Congress to establish a minimum rate of return of 95 percent of Michigan's federal transportation funding for highway and transit programs; to the Committee on Transportation and Infrastructure.

18. Also,a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 71 memorializing the United States Congress to direct FAA to include noise reduction as major goal of redesign of aircraft traffic patterns over New Jersey; to the Committee on Transportation and Infrastructure.

19. Also,a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6005 memorializing the United States Congress to enact financially sustainable, voluntary, universal and privately administered out-patient prescription drug coverage as part of the federal Medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to the public bills and resolutions as follows:

H.R. 20: Mrs. LOWEY, Mr. ALLEN, Mr. KUCINICH, Mr. FERGUSON, Mr. LARSON of Connecticut, Mr. DICKS, and Mr. UDALL of Colorado.

H.R. 25: Mr. KINGSTON.

H.R. 44: Mr. BLUNT.

H.R. 49: Mr. BURNS.

H.R. 83: Ms. LINDA T. SANCHEZ of California.

H.R. 84: Ms. LINDA T. SANCHEZ of Califorinia.,

H.R. 85: Ms. LINDA T. SANDHEZ of California.

H.R. 100: Ms. HEFLEY, Ms. CARSON of Indiana, and Mr. KILDEE.

H.R. 111: Mr. BARRETT of South Carolina, Mr. TIERNEY, Mr. HOEFFEL, Mr. THOMPSON of Mississippi, and Mr. PAYNE.

H.R. 205: Mr. MANZULLO.

H.R. 218: Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, and Mr. DEAL of Georgia.

H.R. 240: Ms. CORRINE BROWN of Florida.

H.R. 245: Mr. SCOTT of Georgia.

H.R. 273: Mr. VITTER.

H.R. 284: Mr. ENGEL, Mr. WEINER, Ms. LEE, Mr. SOUDER, and Mr. BURR.

H.R. 292: Mr. SIMMONS.

H.R. 307: Mr. PLATTS.

H.R. 315: Ms. GRANGER.

H.R. 340: Ms. HART.

H.R. 344: Mr. TAYLOR of Mississippi.

H.R. 359: Mr. HINOJOSA.

H.R. 384: Mr. MILLER of Florida and Mr. PAUL.

H.R. 401: Mr. ROTHMAN and Mr. ENGEL.

H.R. 419: Mr. GONZALEZ.

H.R. 440: Mr. BACA.

H.R. 463: Mr. ACEVEDO-VILA, Mr. UDALL of Colorado, Mr. BISHOP of New York, Mrs. JONES of Ohio, Mr. PRICE of North Carolina, Mr. OWENS, Mr. LEVIN, and Mr. GORDON.

H.R. 466: Mr. MILLER of North Carolina, Mr. HALL, and Mr. ORTIZ.

H.R. 490: Mr. FRANKS of Arizona.

H.R. 501: Ms. SLAUGHTER.

H.R. 502: Mr. SULLIVAN.

H.R. 527: Mr. MCHUGH.

H.R. 528: Mrs. MALONEY.

H.R. 571: Mr. UPTON, Mr. RYAN of Wisconsin, Mr. WICKER, Mr. FRANKS of Arizona, and Mr. STEARNS.

H.R. 584: Mr. OWENS.

H.R. 594: Mr. ALEXANDER, Mr. BARTLETT of Maryland, Mr. NEY, Mr. DICKS, Mr. FOLEY, Mr. CASE and Mr. BURNS.

H.R. 660: Mr. BURNS.

H.R. 687: Mr. WILSON of South Carolina and Mrs. JO ANN DAVIS of Virginia.

H.R. 715: Ms. MCCOLLUM.

H.R. 727: Mr. KUCINICH.

H.R. 728: Mr. SOUDER and Mr. STEARNS.

H.R. 734: Mr. FRANK of Massachusetts.

H.R. 756: Mr. MILLER of Florida.

H.R. 776: Mr. ABERCROMBIE

H.R. 784: Mr. NEAL of Massachusetts.

H.R. 785: Mr. GRIJALVA.

H.R. 806: Mr. LEACH.

H.R. 813: Mr. STRICKLAND.

H.R. 818: Mr. KUCINICH and Ms. HART.

H.R. 833: Mr. BROWN of South Carolina and Mr. WELLER.

H.R. 847: Mr. GUTKNECHT.

H.R. 850: Mr. GILLMOR.

H.R. 854: Mr. HOLT

H.R. 876: Mr. SOUDER, Ms. HART, and Mr. WALDEN of Oregon.

H.R. 879: Mr. SMITH of Michigan, Mr. MCINTYRE, and Mr. ROSS.

H.R. 898: Mr. HINOJOSA.

H.R. 930: Mr. MCINTYRE.

H.R. 934: Mr. GARRETT of New Jersey.

H.R. 935: Ms. JACKSON-LEE of Texas, Mr. KUCINICH, and Mr. ACKERMAN.

H.R. 953: Mr. HASTINGS of Florida.

H.R. 955: Mr. LAMPSON, Mr. HOLT, Mr. GREENWOOD, Mr. LAHOOD, Mr. DAVIS of Tennessee, Mr. PETERSON of Minnesota, Mr. SHAYS, Mr. LEACH, Mr. BURGESS, Mr. DINGELL, Mr. PASCRELL, Mr. SERRANO, Mr. GARRETT of New Jersey, Mr. ISRAEL, Mr. BLUMENAUER, and Mr. SNYDER.

H.R. 973: Mr. RAMSTAD, Mr. QUINN, and Mr. HOEKSTRA.

H.R. 977: Mr. MEEK of Florida, Mr. RADANOVICH, and Mr. GILCHREST.

H.R. 983: Mr. ACKERMAN, Mr. BOEHLERT, Mr. ENGEL, and Ms. ROYBAL-ALLARD.

H.R. 1008: Mr. PLATTS.

H.R. 1033: Mr. YOUNG of Alaska.

H.R. 1043: Mr. THOMPSON of California.

H.R. 1056: Mr. MICHAUD, Mr. BISHOP of New York, and Mr. PUTNAM.

H.R. 1068: Mr. RUSH, Mr. MORAN of Virginia, Mr. PORTER, Mr. COLE, Mr. CANTOR, Mr. FROST, and Mr. KLINE.

H.R. 1070: Mr. ACKERMAN.

H.R. 1075: Mr. TIBERI.

H.R. 1077: Mr. KUCINICH.

H.R. 1093: Mr. BOEHLERT.

H.R. 1098: Ms. HART.

H.R. 1102: Mrs. TAUSCHER.

H.R. 1105: Mr. ENGEL and Mr. LEWIS of Georgia.

H.R. 1114: Mr. BEAUPREZ.

H.R. 1146: Mr. MILLER of Florida.

H.R. 1154: Mr. CALVERT.

H.R. 1163: Mr. BARTLETT of Maryland.

H.R. 1169: Mr. RAMSTAD.

H.R. 1170: Mr. PAUL.

H.R. 1179: Mr. MCHUGH and Mr. MILLER of Florida.

H.R. 1191: Mr. MOORE and Mr. ALLEN.

H.R. 1214: Mr. KING of New York, Mr. OSBORNE, Mr. INSLEE, and Mr. WATT.

H.R. 1222: Mr. CANTOR and Mr. DUNCAN.

H.R. 1235: Mr. TANCREDO, Mr. HAYWORTH, Mr. CALVERT, and Mr. SOUDER.

H.R. 1244: Mr. BLUMENAUER, Mr. MARKEY, Ms. MILLENDER-MCDONALD, and Ms. NORTON.

H.R. 1245: Ms. LEE, Mrs. LOWEY, and Ms. LOFGREN.

H.R. 1252: Mr. MILLER of Florida.

H.R. 1272: Ms. WATSON.

H.R. 1294: Mrs. LOWEY, Mr. SABO, Ms. WATSON, and Mr. FILNER.

H.R. 1297: Mr. BOOZMAN, Mrs. DAVIS of California, and Mr. SNYDER.

H.R. 1301: Mr. LUCAS of Kentucky, Mr. HAYWORTH, and Mr. SOUDER.

H.R. 1309: Mr. KILDEE.
H.R. 1342: Mr. FROST.
H.R. 1345: Mr. OWENS.
H.R. 1349: Mr. WEXLER and Mr. LIPINSKI.
H.R. 1350: Mr. EHLERS, Mr. LATOURETTE, Mr. PUTNAM, Mr. KENNEDY of Minnesota, Mr. GILLMOR, and Mr. BURGESS.
H.R. 1355: Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mr. ALLEN, and Mr. LEVIN.
H.R. 1359: Mr. ALLEN.
H.R. 1372: Mr. HERGER, Mr. MOORE, Mr. KIND, and Mr. SIMPSON.
H.R. 1374: Mr. MILLER of Florida.
H.R. 1377: Mr. GREEN of Wisconsin, Mr. CUMMINGS, Mr. DOYLE, Mr. PALLONE, Mr. HOEFFEL, Mr. KILDEE, Mr. OWENS, and Mr. MCHUGH.
H.R. 1388: Mr. ENGLISH, Mr. MCNULTY, and Mr. HOEFFEL.
H.R. 1392: Mr. OWENS.
H.R. 1408: Mr. BURR.
H.R. 1415: Mr. SOUDER and Mr. SMITH of New Jersey.
H.R. 1421: Mr. REHBERG.
H.R. 1422: Mr. BISHOP of New York, Mr. BRADLEY of New Hampshire, Mr. CAPUANO, Mr. CUMMINGS, Mr. JENKINS, Ms. CARSON of Indiana, Mr. DAVIS of Tennessee, Mr. ACKERMAN, Mr. LANGEVIN, Mr. FORD, Mr. DUNCAN, Mr. LEACH, and Mr. POMEROY.
H.R. 1442: Mr. HOLDEN, Mr. RANGEL, Mr. JOHN, Mr. MCNULTY, Mr. RENZI, and Mr. PEARCE.
H.R. 1451: Mr. LEACH and Mr. COLE.
H.R. 1462: Mr. BISHOP of Georgia, Mr. GEORGE MILLER of California, Mr. WAXMAN, and Mr. KUCINICH.
H.R. 1470: Ms. SLAUGHTER, Mr. WAXMAN, Mr. CLAY, Mr. BISHOP of New York, and Ms. KAPTUR.
H.R. 1472: Mr. BERMAN, Mr. LEVIN, Mr. TIBERI, Ms. DELAURO, and Mr. GEORGE MILLER of California, Mr. INSLEE, Ms. LEE, Mr. DICKS, and Mr. BACA.
H.R. 1480: Mr. CASE and Mr. ALLEN.
H.R. 1483: Mr. FILNER and Mr. FARR.
H.R. 1508: Mr. KUCINICH.
H.R. 1510: Mr. KUCINICH.
H.R. 1511: Mr. MCNULTY, Mr. BARRETT of South Carolina, Mr. ENGLISH, Mr. SKELTON, and Mr. GILCHREST.
H.R. 1519: Mr. GARRETT of New Jersey.
H.R. 1534: Mr. ALLEN, Mr. OWENS, and Mr. KLECZKA.
H.R. 1536: Mr. ENGLISH and Mr. LEVIN.
H.R. 1565: Mr. KILDEE.
H.R. 1568: Mr. CROWLEY, Mr. DAVIS of Tennessee, Ms. KAPTUR, Mr. SCOTT of Georgia, Mr. SABO, and Mr. MURTHA.
H.R. 1576: Mr. KUCINICH.
H.R. 1584: Mr. SMITH of New Jersey.
H.R. 1605: Mr. SHAYS.
H.R. 1634: Mr. BLUNT, Mr. RENZI, and Mr. DOYLE.
H.J. Res. 44: Mr. SHAW and Mr. HAYWORTH.
H. Con. Res. 50: Mr. GRAVES.
H. Con. Res. 56: Mr. MILLER of Florida and Mr. FILNER.
H. Con. Res. 99: Mr. WEINER, Mr. OWENS, Mr. MEEKS of New York, Mr. LATOURETTE, Mr. ABERCROMBIE, Mr. FATTAH, Mr. WEXLER, Mr. KENNEDY of Rhode Island, Ms. BALDWIN, Mr. MCDERMOTT, Mr. WAXMAN, Mr. HOEFFEL, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, Mr. SCHIFF, Mr. DEFAZIO, Mr. PALLONE, Mr. LANGEVIN, Mr. NADLER, Mr. PAYNE, Mr. HINCHEY, Mr. ENGEL, Mr. BROWN of Ohio, and Ms. JACKSON-LEE of Texas.
H. Con. Res. 111: Mr. MCGOVERN, Mr. STARK, and Mr. KENNEDY of Rhode Island.
H. Con. Res. 130: Mr. CUMMINGS and Mr. ABERCROMBIE.
H. Con. Res. 136: Mr. HOEFFEL and Mr. BERMAN.
H. Res. 60: Mr. TURNER of Ohio, Mrs. JO ANN DAVIS of Virginia, Mr. ENGEL, Mr. RAMSTAD, Mr. JEFFERSON, Mr. HAYWORTH, Mr. JOHN, Mr. BOUCHER, Mr. DOGGETT, and Mr. MCCRERY.
H. Res. 140: Mr. DEUTSCH and Mr. SOUDER.
H. Res. 157: Mr. CAPUANO and Ms. LORETTA SANCHEZ of California.
H. Res. 173: Mr. KIND and Ms. DELAURO.
H. Res. 179: Mr. FEENEY, Ms. HARRIS, Mr. ANDREWS, Mr. FOLEY, and Mr. BLUNT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolution as follows:

H.R. 1036: Mr. FLAKE.
H.R. 1119: Mr. SIMMONS.

PETITIONS, ETC.

Under clause 3 of rule XII,

8. The SPEAKER presented a petition of the Council of the County of Maui, Hawaii, relative to Resolution No. 03–14 petitioning the United States Congress to designate the Paia Post Office Building in honor of the late United States Representative Patsy Takemoto Mink; which was referred to the Committee on Government Reform.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, TUESDAY, APRIL 8, 2003 No. 56

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Campbell Gillon, Pastor Emeritus of Georgetown Presbyterian Church, Washington, DC.

PRAYER

The guest Chaplain offered the following prayer:

Eternal God, we are creatures of a day, yet we thank Thee for touching our lives with eternity, endowing us with insight as well as sight, conscience as well as cleverness, spiritual responsiveness as well as physical reflexes. Forgive us whenever we deny the ''better angels'' of our nature, thus depriving ourselves of divine guidance and help.

We need Thy help now as a nation of nations, peerless in military power and economic potential, that we do not fall into the temptations of overweening superiority or self-centered isolationism. We know from this Republic's foundation, recognizing divine endowments received, that righteousness alone exalts a nation and where this vision is lacking, people cast off restraint and perish. Save us from such an end through corruption of the spirit. Teach us that we are alive for a purpose and that popularity in the world does not necessarily equate with divine approval. May we learn individually and collectively from the words of the old hymn:

Some will hate thee, some will love thee,
Some will flatter, some will slight;
Cease from man, and look above thee:
Trust in God and do the right.

Lord God, we need Thy help daily to discern the right. Knowing how mixed human motives can be, keep this Nation ever facing toward good ends of liberation from oppression, humanitarian help, others' self-determination and lasting peace. In this sinful world, grant wisdom to those creating necessary firebreaks of lesser evil to contain and extinguish the greater, since fervent wishing will not make it so.

Comfort and bless all whose suffering is part of the price of peace. Give grace to this Senate as they make decisions that will affect many, and grasp each opportunity for good afforded by the sacrifices made. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. CHAMBLISS). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, the Senate will be in a period of morning business today until 10:30 a.m. This is the time set aside for Senators to honor the men and women fighting in Iraq.

Following morning business, the Senate will resume debate on the nomination of Priscilla Owen to be a circuit court judge for the Fifth Circuit. A number of Senators have indicated they are prepared to speak on her nomination, and I hope they will do so during today's session.

As I mentioned yesterday, the Senate has only confirmed two circuit court nominees this year. We have a total of six circuit court nominations pending on the Executive Calendar awaiting Senate action. I will continue to work with the Democratic leader to try to schedule these judicial nominations for a vote at a time certain.

Having said that, it is my hope that later today we will be able to reach a consent agreement to vote on the pending Owen nomination. I hope Members will not object to that agreement once they are given an opportunity to speak during today's session.

The Senate will recess from 12:30 p.m. to 2:15 p.m. for the weekly party lunches.

It is my expectation that the Senate will take up the CARE Act this afternoon under the agreement reached last week. There is an understanding that although we will begin this bill this afternoon, we will not finish the CARE Act until Wednesday morning. In addition, there are a number of other remaining issues that may be addressed this week prior to the April recess, and therefore Senators should expect votes each day of the session.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, from 10:30 until 12:30, is there any need that we, in effect, guard the floor, and that there will be no call for the vote on the Owen nomination this morning?

Mr. FRIST. That would be fine. We do not expect to vote between 10:30 and 12:30.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with time to be equally divided between the Senator from Texas, Mrs. HUTCHISON, and the Democratic leader or his designee.

The Senator from Texas is recognized.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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HONORING OUR ARMED FORCES

Mrs. HUTCHISON. Mr. President, today I am going to continue what the Senate has been doing since our troops started the invasion of Iraq, and that is to take the first period before we go on to the business of the day to salute the troops who are in the field protecting our freedom.

Today, I want to salute the members of the 507th Maintenance Company. This is the company out of Fort Bliss in El Paso, TX, who really were the first to be captured, the first prisoners of war shown on Iraqi television. Some of them have now been recovered, but there are still five missing.

The rescue of PFC Jessica Lynch was a moment of triumph but also sadness, as the celebration was tempered by the recovery of the remains of fallen soldiers who were later identified as her comrades in arms. General Renuart at CENTCOM described the rescue this way: A special ops soldier called to Private Lynch saying:

> Jessica Lynch, we're United States soldiers and we're here to protect you and take you home. . . .

As he walked over to her bed, took his helmet off, she looked up to him and said:

> I'm an American soldier, too.

General Renuart also described the recovery of the remains of the soldiers who had been killed because they were told by the same sources that there were remains of other soldiers on the ground outside the hospital where Jessica lay. He said:

> At the same time, the team was led to a burial site, where, in fact, they did find a number of bodies that they believed could be Americans missing in action. They did not have shovels in order to dig those graves up, so they dug them up with their hands. And they wanted to do that very rapidly so they could race the sun and be off the site before the sun came up; a great testament to the will and desire of coalition forces to bring their own home.

That one line says all you will ever need to know about the character of the young men and women in the military today, who refuse to leave their fallen comrades behind: They dug them up with their hands, and raced the sun.

On Friday evening, the families of those whose remains were recovered were officially notified that their loved ones had been killed in action. We mourn their loss.

They were PFC Lori Ann Piestewa, the first American woman soldier killed in the Iraq war. This is a picture showing the two friends, PFC Jessica Lynch and PFC Lori Piestewa. They were at Fort Bliss the day of their deployment. They were roommates and friends.

Private First Class Piestewa was a Hopi Indian, one of the few American Indian women serving in the military. She was PFC Jessica Lynch's good friend and roommate.

''Our family is proud of her; she is our hero,'' her brother Wayland said Saturday. ''We are going to hold that in our hearts. She will not be forgotten. It gives us comfort to know that she is at peace right now.''

Behind me are the pictures of some who have died in action, and I am going to speak about each of them.

In Texas, there is a town called Comfort that lived up to its name by embracing and comforting the parents of SP James Kiehl. In Comfort, TX, the parents of SP James M. Kiehl are being comforted by their friends and neighbors. The 6-foot 8-inch soldier was a high school basketball player and a member of the band. The people of Comfort, moved by James' death, created an impromptu memorial where basketballs, flower arrangements, personal notes, and even baseball bats have been left as tributes to James. His father summed up the family's feelings this way:

> We just want everyone to know we support the President and the troops, and we believe in what James went over there for.

James Kiehl's wife, Jill, is staying with her parents in Des Moines, IA, and is expecting their first child next month.

In Mobile, AL, Rev. Howard Johnson, Sr., buried his son, Army PFC Howard Johnson, Jr., from the same pulpit of the Truevine Baptist Church where he had stood so many times offering words of comfort to his congregation. Reverend Johnson said of his son:

> Howard, you out ran me, but I'll see you in the morning.

SGT Donald Walters of Kansas City, MO, fought in Operation Desert Storm and had followed in his father's footsteps by joining the military. His father, Norman Walters, is an Air Force veteran and said this about his son:

> He was a patriotic guy. He felt it was his duty to serve his country.

Sergeant Walters leaves behind a wife and three daughters.

MSG Robert Dowdy and PVT Brandon Sloan were both from Cleveland, OH. Master Sergeant Dowdy's brother-in-law had this to say about the career soldier:

> He was ready to accept the challenge. That's the type of person he was. He knew going in what he was in store for and who he was and what he was about.

Private Sloan's father, the Rev. Tandy Sloan, proudly said his son ''was very committed to the cause of country.''

PVT Ruben Estrella-Soto was from El Paso, TX. This is his graduation picture. His father said his son

> had a lot of desire to do something with his life, and wanted to go into the military so he could get education.

CWO Johnny Villareal Mata was from Amarillo, TX. He played football on the Pecos High School Eagles football team and graduated in 1986. Soon thereafter he joined the Army. The family remembered him this way:

> Our hearts are saddened, and we share the pain with the other families. He will be deeply missed and will never be forgotten.

SP Jamaal Addison of Roswell, GA, is remembered by his step-grandmother as ''a mild-mannered, quiet child'' who attended Bible study every Wednesday night before joining the Army.

The 507th Maintenance Company still has five soldiers who are prisoners of war. They are SP Shoshana Johnson, SP Edgar Hernandez, SP Joseph Hudson, PFC Patrick Miller, and SGT James Riley. I have talked with Claude Johnson, Shoshana's father, several times. He and his wife Eunice are caring for Shoshana's 2-year-old daughter.

These five have not been seen publicly since several hours after they were taken prisoner March 23, and the International Committee of the Red Cross has not yet been able to visit them in captivity. We join all Americans in urging the Iraqi Government to treat those prisoners in accordance with the Geneva Convention, just as we have treated the thousands of Iraqi prisoners we hold.

We pray those prisoners of war from the 507th Maintenance Company will be returned safely to their families. We pay tribute to them today for the sacrifices they have made.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I come to the floor today to pay tribute to our men and women in uniform serving at home and abroad and honor their service to this Nation. Our service men and women have risen to the call in the fight against terrorism. They have risen to the call to ensure peace and stability in the world. And they have risen to the call to provide humanitarian aid to those in need.

One of the great aspects about America is our military. We have a history in our armed services, a rich and deep history of honor and integrity, and we see that firsthand in Operation Iraqi Freedom.

I wish to acknowledge the ultimate sacrifice of two of our servicemen who fell in the line of duty: Hospital Corpsman Michael Vann Johnson, Jr., a 25-year-old Navy medic serving in the 3rd Battalion of the 5th Marine Expeditionary Force. Michael was born in Little Rock where his mother still lives. I talked with her by phone the other day. She is a soldier in her own right.

LCpl Thomas Blair was a 24-year-old marine whose father, Al Blair, resides in Gravette, AR.

They died very bravely, both serving their country and both trying to make life better for mankind. I pray for their families, and I honor them as brave and selfless men who put their lives on the line to make the world safer for others.

I also pray for Iraq and the Iraqi people. I pray that after Saddam Hussein leaves power and that regime ends, the next government in Iraq will be peaceful; that it will not be oppressive of its own people; that it will not be aggressive toward its neighbors; that Iraq will become a solid rock in the Middle East and in that part of the world and a model of stability.

I also honor the service of LCpl James, or as we know him, ''Jason,''

Smedley of the U.S. Marine Corps. Jason was wounded in combat and, by the grace of God, he is returning to us now. When not fighting for his country, he serves in the office of my colleague from Arkansas, Senator BLANCHE LINCOLN, assisting Arkansans. We look forward to having Jason back, around and helping Arkansans in the many ways he does.

Military service is not a job; it is a calling. It takes a special person to pledge to serve their country, risking life and limb in doing so. It takes courage, commitment, and a true sense of self to be prepared to deploy and fight for America.

I have two young children, ages 7 and 9, and I think about the children of our military men and women. I think about the boys and girls whose fathers and mothers are far from home or working long hours in the United States. I want them to know we appreciate the sacrifices they are making, that we admire their valor in keeping their spirits up, and that their parents are doing a job that epitomizes the best in human character.

I pray to God for peace, for world peace, and for the safe return of our troops, and I thank God. I thank God for allowing me to serve the people of this Nation in this way. As a Senator and a member of the Armed Services Committee, I stand ready to work with my colleagues and the President to provide any and all support possible to ensure the success of our military forces conducting these operations.

Our Nation is one of diverse views, diverse ideologies, and diverse opinions. That is one of the aspects that make America great. We might not all agree on how we got to this point; nonetheless, we come together as one country to support the service men and women who are currently risking life and limb for this great Nation. They put themselves in harm's way not for personal aggrandizement or advancement but for immense love of country, liberty, and family.

If they can hear me today, I say be assured that the American people are behind you.

When appearing before the Senate Armed Services Committee a few weeks ago, GEN John Keane, Vice Chief of Staff of the U.S. Army, testified to the courage of our military personnel. He said, when asked what is their greatest challenge, his division commanders replied: Keeping our soldiers from being too brave. They are brave, but we want them to return home.

This is not just for our regular Armed Forces but also for our Reserves and our members of the National Guard. They all play a very key role in maintaining strong national defense. Just as we should thank our military overseas and at home, we should also thank our first responders who protect our hometowns. Firefighters, police, health care personnel, they risk their lives every day and sacrifice precious time with their families every day to keep us safe from those who would try to do us harm. Their commitment and contributions to national security and homeland security should not be forgotten. We all salute their spirit.

I urge all Americans to pray for our troops, their families and our President, as we defend our Nation and the world from those who seek to do us harm.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, as I stand on the floor of the Senate, it is crystal clear that the reign of the dictator of Iraq is quickly coming to an end. In fact, he may already have fallen as a result of yesterday's bombings. There is no question that his death grip around the throats of the Iraqi people is being lifted; his fingers pried by American, British, and other coalition forces at places such as Basra, Mosul, and Baghdad. But the freedom of Iraq has come at a loss, a loss of American, British, and Iraqi lives. I mourn the death of each and every one of our sons and daughters, folks who volunteered to stand in harm's way for freedom and liberties we wish for all people. They are sons and daughters of a great American revolution that never ends. The cause of freedom and liberty never ends.

We see pictures every day of uncommon valor, the soldiers who rescued a young Jessica Lynch from her captors, the young men and women who dashed hundreds of miles from Iraq to the borders of Baghdad to liberate the people of that oppressed nation, or the soldiers—and there was one scene I watched on the news of three soldiers with a reporter. They had enough juice in a cell phone to make one call. One of the soldier's wives was pregnant, but instead of calling their families, they chose to call the parents of a fallen comrade to see how his mom and dad were doing.

There are dozens of pictures of American soldiers comforting the people of Iraq, bringing them food and offering them compassion. These are America's sons and daughters. They are the pictures of America that the world sees today. They are the pictures of America that bring hope to oppressed people of the world. They are SPC Joshua Sams of St. Francis, MN, a paratrooper in the 173rd Airborne Brigade. Following in the boot steps of a military family, Joshua's father was in the Army during the Korean war. Two of his brothers are in the Army now and one is in the National Guard awaiting deployment. Joshua joined the National Guard at the age of 17. After 2 years, he wanted to do more for his country, and Joshua's mom said her son had trained hard for months and was anxious to go to Iraq, was ready to go to Iraq, ready to heed the call of duty. Two weeks ago today, Joshua was among the brave paratroopers who leapt into northern Iraq and remains there today guarding a vital airstrip. Thank you, Joshua, for your service, for your commitment and for your bravery.

I would also like to take a moment to pay tribute to David Bloom, a Minnesotan. Like millions of Americans, I watched the broadcasts of David Bloom of NBC from Iraq, a young man full of promise with a young vibrant family. This dedicated reporter left all of us much too soon. It is a long way from the shady streets of Edina, MN, David Bloom's hometown, to the outskirts of Baghdad. We are heartbroken at the death of David Bloom.

Like every other American, he was there as a volunteer. His job was not to fight but to help tell the world the truth about the courage and integrity of our country, even at war. He turned out to be an outstanding representative of these qualities himself.

Americans have always known that freedom and security come at a terribly high price. It humbles and inspires us all how many are willing to pay it for us. David Bloom made Minnesotans proud and he served his profession and his Nation with great valor. Our prayers and support will be with his spouse and his daughters.

I would like to use the words of some of his colleagues and friends to demonstrate the professionalism and humanism of this wonderful reporter. The following remarks were on MSNBC recently. Tom Brokaw said:

> David was the consummate reporter. He'd land in my office without knocking, slide the chair up to my desk and then begin to suck all the oxygen out of the room asking questions how to cover the story or who should he be contacting. And then, in a flash, he'd be gone.

Tim Russert, one of David's mentors, says:

> He had a sense of decency and civility. He didn't go for the cheap shot. You fuse that with professionalism, and he had something viewers wanted to watch, embrace.

Yes, the sacrifice of our troops and their families must never be forgotten. But we must also remember the outpouring of love back at home and the countless acts of kindness and support on behalf of our fighting men and women. I think of the small Catholic grade school in Hampton, MN, that has just 57 students in the entire school. The schoolchildren came up with a wonderful way to show their affection and appreciation for our troops on the battlefield.

They issued a ''penny challenge'' last week. Each class was given a pail and children were asked to drop pennies, do what they can, even on a small scale to show their support. Administrators were amazed at how much money they raised, more than $1,000 with the money going for care packages to U.S. troops in Iraq. Parents were very supportive as well, but the smallest children were the ones who collected the most money, the kindergartners.

Another show of support came from the magic of television. Believe it or

not, the first pitch of the Minnesota Twins's home opener this week was thrown out from the Middle East by a group of Minnesota soldiers. Josh Tverger, a U.S. Army specialist from Norwood Young America, MN, threw out the first pitch from the Kuwaiti desert. In the Metro Dome, Army SP Greta Lind of Le Sueur, MN, was on the receiving end. It was all accomplished through the spectacular technical satellite links similar to what our military has put to such stunning use on the battlefield, and now on the ballfield.

Yes, there is much love at home. There is also much sadness in many homes and villages of those who have given their lives. We thank them. Our thoughts and prayers are with those who are on the front line today. Our thoughts and prayers are with the families of those who have given the ultimate sacrifice. If we could hug every one of them, moms and dads and sisters and brothers, I would do it and I know the Senator from Georgia would do the same.

They have our love. They have our prayers. They have our thoughts. God bless them all.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Minnesota for a wonderful statement. Certainly, every single life that is lost over there is appreciated and will be appreciated forever in the hearts of Americans because those young men and women are protecting the freedom we enjoy.

David Bloom, a constituent of the Senator from Minnesota, was also protecting our way of life. He was protecting the freedom of the press. He was serving so well to do that. I knew David personally, as most Members did, because he was such a special person and he did his job, worked hard, and was here a lot. We very much miss him and we know so many of his colleagues miss him, as well.

Mr. President, I wish to talk about T.R. Fehrenbach, a constituent of mine, who wrote what many think is the definitive book on the Korean war called ''This Kind of War.'' It is appropriate today. We have been amazed at the technological capability of our military in the war in Iraq. They have launched missiles, dropped bombs, and delivered other ordnance on the battlefield with pinpoint accuracy. I came across a picture today reminiscent of our soldiers from an earlier era that reminds me of some basic truths that apply no matter how much technological capability we might acquire.

I have a picture of American troops from the Army's 101st Airborne Division marching into Bastogne during World War II. This was the counterattack against the Germans. We see the 101st Airborne Division. I have another picture taken last week of the 101st Airborne Division, nearly 60 years later—a column from the First Brigade march into Najaf, Iraq, on Wednesday, April 2, 2003, doing basically the same thing.

These photographs demonstrate an old axiom about military operations that was written by Ted Fehrenbach in ''This Kind of War,'' a book about the Korean war:

> Americans in 1950 rediscovered something that since Hiroshima they had forgotten: You may fly over a land forever; you may bomb it, atomize it, pulverize it and wipe it clean of life—but if you desire to defend it, protect it, and keep it for civilization, you must do this on the ground, the way the Roman legions did, by putting your young men into the mud.

I know Ted Fehrenbach and I know he would have said today, by putting your brave young soldiers and marines in the mud, because what he is saying essentially is the same today as it was in 1950. And that is, if you want to protect a land and keep it for civilization, you must have our young men and women willing to go in on the ground. The truth is still the same today.

I yield the floor.

MORNING BUSINESS CLOSED

The PRESIDING OFFICER (Mr. COLEMAN). Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar 86, which the clerk will report.

The assistant legislative clerk read the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mr. HATCH. I rise today to express my unqualified support for the confirmation of Justice Priscilla Owen to the Fifth Circuit Court of Appeals. Last evening I talked about the importance of this debate and this vote. I talked about this vote as an opportunity to remedy the mistreatment Justice Owen received last September when she was voted down in committee, along party lines, and blocked from receiving a Senate vote. We know she would have been confirmed in the Senate by both Democrat and Republican Members, but unfortunately she was never allowed to make it to that point. I talked about this vote as an opportunity for the Senate to show we can be fair to a well-qualified nominee and provide him or her a simple up-or-down vote.

Finally, I talked about this vote as an opportunity to place a great judge, Justice Owen, on the bench. I convened a hearing for Justice Owen last month because I wanted to provide all of my colleagues an opportunity to ask questions of her and to hear her answers. I want to clear up misstatements and misrepresentations of her record dating back to last year. I was confident Justice Owen would again demonstrate her intelligence and capacity for Federal judicial service. To put it mildly, she certainly did not disappoint. She handled questions with insightful and substantive answers. She was a superb witness, one of the best we have ever had before the Senate Judiciary Committee.

We heard valuable testimony from Senator CORNYN, a new Senator, but no newcomer to Justice Owen's record or the workings of the Judiciary. In fact, he served with Justice Owen on the Texas Supreme Court for a period of 3 years, serving side by side with her. He had been a Texas trial judge before that time. He also served as a Texas State attorney general for the last 3 years. Senator CORNYN answered a frequent criticism leveled at Justice Owen, a criticism that is false, that she is out of the mainstream on her own court. If anyone would know whether Justice Owen, in fact, fits this characterization, Senator CORNYN would know. He worked next to her, heard the very same oral arguments she did, examined and debated the same law and facts with her, and decided the very same cases she did.

There is no doubt, then, Justice Cornyn disagreed with Justice Owen at times. I can reel off a few case names as well as anyone. But the significant thing is that he supports her confirmation despite attempts by some to create division where none exists.

Former Texas Supreme Court Justices John L. Hill, Jack Hightower, and Raul Gonzalez, all Democrats, are united in concurring with Senator CORNYN's opinion calling Justice Owen unbiased and restrained in her decisionmaking and applauding her for her impeccable integrity, for her great character and great scholarship. The diverse and formidable group, made up of 15 former presidents of the Texas State bar, wrote in a letter of support: Although we prefer different party affiliations and span the spectrum of views of legal and policy issues, we stand united in affirming that Justice Owen is a true, unique, and outstanding candidate for the appointment to the Fifth Circuit.

There is no dissent from Hector De Leon, immediate past president of Legal Aid of Central Texas, who applauds Justice Owen's commitment to improving the quality of legal services for the poor, or from Mary Sean O'Reilly, lifelong member of the NAACP, pro-choice Democrat who worked with Justice Owen on gender and family law issues. They are joined in support by E. Thomas Bishop, president of the Texas Association of Defense Counsel, who writes: I cannot imagine a more qualified, ethical, and knowledgeable person to sit on the Fifth Circuit; and William B. Emmons, self-styled Texas trial attorney, Democrat, and ''no friend of Priscilla

Owen''—those are his words—who, nevertheless, said: Justice Owen will serve the Fifth Circuit of the United States exceptionally well.

Those who have been in support of Justice Owen are familiar with her record of service, but it deserves brief review in the Senate. Priscilla Owen is a native of Palacios, Texas, a town located on the southern coast of Texas, grew up in Waco, TX, and attended school there. Following graduation from high school, Justice Owen enrolled in Baylor University where she received a bachelor of arts degree cum laude. She attended Baylor University School of Law with a scholarship, again excelling in studies by achieving cum laude and serving as a member of the law review. She scored the highest score in the State on the Texas bar exam after finishing school, a terrific accomplishment in a State the size of Texas.

Justice Owen worked for the Houston firm Andrews & Kurth as a commercial litigator for 17 years, gaining seasoning in appearances before Texas State and Federal courts and courts elsewhere.

Besides extensive work in oil and gas litigation, she handled securities matters and did work on cases heard by the Texas Railroad Commission. She became a partner with the firm in the mid-1980s.

Priscilla Owen successfully ran for a seat on the Texas Supreme Court in 1994 and was reelected in the year 2000 for another 6-year term. Her reelection run in 2000 was supported by every major Texas newspaper. She won with 84 percent of the popular vote.

Based on this shining record of academic and professional achievement, the American Bar Association awarded Justice Owen a unanimous well-qualified rating. That is after sending representatives into the State, talking to people on all sides of various issues; talking to people on both sides of the political spectrum, both Democrats and Republicans; talking to fellow members of the bar, those who knew her the best. They came up with a unanimously well-qualified rating, the highest rating the American Bar Association can give.

This rating does mean that Justice Owen is at the top of the legal profession in her legal community; that she has outstanding legal ability, breadth of experience, and the highest reputation for integrity, and that she has demonstrated or exhibited the capacity for judicial temperament. Only a few people achieve that select highest rating.

Justice Owen is a member of the prestigious American Law Institute, the American Judicature Society and the American Bar Association, and a Fellow at the Houston and American Bar Associations. She has taken a genuine interest in improving access to justice for the poor while serving on the bench as a liaison to State committees on pro bono and legal services for the indigent. She worked with others to successfully petition the Texas State Legislature to provide better funding for organizations devoted to helping the poor with legal support services.

Earlier, I mentioned a letter of support for Justice Owen, which was sent by Hector De Leon, past President of Legal Aid of Central Texas. Let me just quote a small part of that letter, because it makes the point better than I can, regarding Justice Owen.

> Justice Owen has an understanding of and a commitment to the availability of legal services to those who are disadvantaged and unable to pay for such legal services. It is that type of insight and empathy that Justice Owen will bring to the Fifth Circuit.

Justice Owen is active in her church and respected in her community. She is a mentor to young women attorneys, having made it to the top of the legal profession during a period of time when relatively few women went to law school—fewer were hired by preeminent firms—and even fewer are advanced thereafter to partnership. Justice Owen did all three.

As a judge, Justice Owen is an advocate for breaking glass ceilings in the legal field. She has served on the Texas Supreme Court Gender Neutral Task Force, a working group seeking to promote equality for women in the Texas legal system, and addressing problems of gender bias in the profession. And, she served as one of the editors of the Gender Neutral Handbook, a guide made available to all Texas lawyers and judges, and intended to educate and create awareness about gender bias.

If you look at her record, it is hard for me to imagine why my colleagues on the other side of the floor, on the Judiciary Committee, voted against her in any way. I don't see how they could possibly vote against her with the record that she has. But they did. I suspect that politics had a little bit to do with it.

Justice Priscilla Owen is an excellent choice for the Fifth Circuit. There is no doubt that some will pull isolated bits and pieces out of Justice Owen's rich and textured background in an attempt to discredit and diminish her accomplishments and abilities and jurisprudence. There is no doubt some will avoid mentioning the positive aspects of Justice Owen's career, and despite this fact, it bears noting once more that those who know Priscilla Owen best know what a terrific judge she is now and will be on the Federal court.

I have come to know Justice Owen and her record and I agree she has been an excellent State judge, and she promises to be an excellent Federal judge. I ask my distinguished colleagues in the Senate to join me in voting for the confirmation of Justice Priscilla Owen to the Fifth Circuit Court of Appeals, and I certainly hope this great justice is not going to be filibustered, as Miguel Estrada has been.

Nevertheless, we are prepared for whatever happens here. She stands in a unique position as one of the finest women lawyers in the country, one of the finest women justices in the country, and one of the finest people who really has worked so hard for women and women's issues and gender issues who has ever served in any court in this country. It is very difficult for me to see how anybody could vote against her.

I hope we can have this vote, up or down, within a relatively short period of debate. I hope everybody will get to the floor and say what they have to say about Justice Owen, and we will be happy to enter into debate at any time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to say first how much I appreciate Senator HATCH, the chairman of the Judiciary Committee, who has done an incredible job under very trying circumstances on the nomination of Priscilla Owen.

Senator HATCH saw early on what an outstanding person we have in Priscilla Owen, and though on a straight party-line vote she was turned down by the committee last year, and was unable to get to the floor even for a vote this year, with Senator HATCH's leadership she has been able to come out of committee, again on a straight party-line vote. I am very hopeful she will get a fair chance for a floor vote because she is one of the most outstanding people I know.

She has waited 1 year and 11 months. That is when the President first nominated her for the Fifth Circuit Court of Appeals. Priscilla Owen was among the group of 11 judicial nominees announced by President Bush on May 9, 2001. She is the kind of judge the people of the Fifth Circuit need on the bench, an experienced jurist who follows the law and uses good common sense. She has been nominated to a vacancy that has been classified as a judicial emergency and that should be filled expeditiously.

Justice Owen is an 8-year veteran of the Texas Supreme Court. She is highly qualified. She graduated cum laude from Baylor Law School in 1977. Thereafter, she earned the highest score on the Texas bar exam. Before joining the Texas Supreme Court in 1994, she was a partner in a major Texas law firm where she was a commercial litigator for 17 years.

She has used her legal talents to help those in need. She has worked to improve access to legal services for the poor. She fought to increase funding for these programs.

She has also helped organize a group known as Family Law 2000, which seeks to educate parents about the effects of divorce on children, and to lessen the adversarial nature of legal proceedings when a marriage is dissolved.

Justice Owen enjoys broad support. The American Bar Association Standing Committee on the Federal Judiciary has voted her unanimously well

qualified. To merit this ranking, the ABA requires that the nominee must be at the top of the legal profession in his or her legal community, have outstanding legal ability, breadth of experience, the highest reputation for integrity, and either have demonstrated or exhibited the capacity for judicial temperament.

I would say her judicial temperament has been proven in the 1 year 11 months that she has waited for confirmation because the way she has conducted herself has been exemplary. She has been available to meet with any Senator. She has answered every question. She has gone back into records to make sure that she was answering exactly correctly. She has maintained complete silence about this process about which I am sure she has some strong opinions. But I think she has shown her judicial temperament by being very much on an even keel, basically saying: I would love to be on the Fifth Circuit, but I am very happy on the Texas Supreme Court.

Of course, she is well regarded by those who know her best. We do elect judges in Texas. In 2000, Justice Owen was reelected to the Supreme Court with 84 percent of the vote. She was endorsed by every major newspaper in Texas—every one.

The Dallas Morning News called her record one of ''accomplishment and integrity.'' The Houston Chronicle wrote she ''has the proper balance of judicial experience, solid legal scholarship, and real world know-how.''

Despite the fact that she is a well-respected judge who has received high praise, her nomination has been targeted by special interest groups that have mischaracterized her views.

Let me read the words of former elected attorney general and Texas Supreme Court Chief Justice John L. Hill, Jr., a lifelong Democrat, denouncing the false accusations about Priscilla Owen's record by special interest groups.

> Their attacks on Justice Owen in particular are breathtakingly dishonest, ignoring her long-held commitment to reform and grossly distorting her rulings. Tellingly, the groups made no effort to assess whether her decisions are legally sound. . . . I know Texas politics and can clearly say that these assaults on Justice Owen's records are false, misleading, and deliberate distortions.

That is a quote from former chief justice of the Texas Supreme Court, John Hill, elected as a Democrat.

Senator HATCH has taken the extraordinary step of holding a second hearing on Justice Owen in order to get the record straight and because Senator LEAHY, the ranking member, really insisted that she have another hearing. She did so well in those hearings. I watched them after I introduced her. Once again, her evenhandedness and her legal brilliance came through.

One issue that came up during the hearings involves Texas's parental notification statute. I believe Justice Owen has demonstrated that she is a judge who follows and upholds the law, and in this line of cases she has consistently applied Supreme Court precedent to help interpret uncertainty in the statute. The cases in question deal strictly with statutory interpretation of Texas law, not with constitutional rights.

These are not abortion cases. They are issues of parental involvement. They are notification—not consent—laws. Forty-three States have passed some form of parental involvement statute. During two lengthy committee hearings, Justice Owen defended her decisions as consistent with U.S. Supreme Court rulings.

In addition, almost all of the cases that came to the supreme court were cases in which she voted to affirm the district court and the circuit court of appeals rulings. So it would have been highly unusual for the supreme court to overturn the trier of fact and the first appellate court.

I hope my colleagues will see that her methods of statutory interpretation are sound and that she is an exemplary judge.

I urge my colleagues not to filibuster this well-qualified nominee but to give her an up-or-down vote. I hope we will confirm this outstanding supreme court judge from Texas who has waited almost 2 years now for the Fifth Circuit Court of Appeals appointment.

If there were anything in her record against integrity or competence or judicial demeanor, it would be a different case, but that is not the case about Priscilla Owen, whom I know well, whom I have been with on many occasions. I know the people who appear before her court. She is rated outstanding by all who know her, who are giving any kind of an objective view.

I hope this Senate will not do to Priscilla Owen what has happened to another well-qualified nominee, Miguel Estrada, who also has a sterling academic record, who also has a record of integrity and experience. I hope this Senate will not start requiring 60 votes, where the Constitution requires a simple majority for qualified nominees.

Let's have a vote up or down. We do not need a new standard. In fact, if we had a new standard, it should go through the constitutional process. We should have a constitutional amendment that says Supreme Court and circuit court and district court judge nominees will be required to have 60 votes. It would take a constitutional amendment to do that. But Miguel Estrada is being required to have 60 votes. I hope that is not the standard we put on Priscilla Owen.

Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, today the Senate has begun an extraordinary, actually unprecedented, debate to reconsider the nomination of Priscilla Owen to the United States Court of Appeals for the Fifth Circuit. In the history of the country, there has never been a time when a President has resubmitted a circuit court nominee already rejected by the U.S. Senate Judiciary Committee for the same vacancy. Until 4 weeks ago, never before had the Judiciary Committee rejected its own decision on such a nominee and granted a second hearing. We have a case where the Senate Judiciary Committee, having decided not to give even one hearing to President Clinton's nominees to the Fifth Circuit from Texas, Enrique Moreno and Jorge Rangel, in fact having decided not to give a satisfactory hearing to President Bush's nominees to the DC and Sixth Circuits, John Roberts and Deborah Cook, the committee nonetheless proceeded with another hearing for Justice Owen.

It is unprecedented both in its procedures but also in its political partisanship.

What did we learn in that second hearing? We learned that given some time, Justice Owen was able to enlist the help of the talented lawyers working at the White House and the Department of Justice in their political arm to come up with some new justification for her activism. We learned that given six months to reconsider the severe criticism directed at her by her Republican colleagues, she still admits no error. Mostly, I think we learned that the objections expressed last September were sincerely held then, they are sincerely held now. Nothing Justice Owen amplified about her record—indeed, nothing anyone else tried to explain about her record—actually changed her record.

In September, when we considered this nomination in the committee the first time, I said I was proud the Democrats and some Republicans had kept to the merits of the nomination and chose not to vilify or castigate or unfairly characterize and condemn without basis Senators working conscientiously to fulfill their constitutional responsibility.

After hearing some of the ugly things that were subsequently said at that business meeting, some of the accusations made against my colleagues and those interested citizens across the country who expressed opposition to Justice Owen's nomination, I was sorely disappointed that some in the Senate had not kept solely to the merits.

I continue to believe what Senator FEINSTEIN said that day is true. By doing its job on the nomination, by exercising due diligence, by examining records, by not just rubber stamping every nominee the President sent us, the Judiciary Committee showed itself to be alive and well.

We confirmed the overwhelming majority of the President's judicial nominees, 100 out of 103 considered while I was chairman—incidentally, setting an all-time speed record. We took the time to look at their records. We gave each person who was nominated to this lifetime seat on the Federal bench the scrutiny he or she deserved. We did not have the assembly line which seems to be in overdrive since this last Congress took over.

The rush to judgment on so many of the nominees before us does not change the fact that we fully and fairly considered the nomination of Priscilla Owen last year. The record was sufficient when we voted last year. It did not need any setting straight.

I voted ''no'' the last time this nomination was before us. In sharp contrast to the record of the district court nominee Cormac Carney who was just confirmed by the Senate—he came to us with strong bipartisan support—Justice Priscilla Owen is a nominee whose record is too extreme in the context of the very conservative Texas Supreme Court. Her nomination presents a number of areas of serious concern to me.

The first area is her extremism even among a conservative Supreme Court of Texas. The conservative Republican majority of the Texas Supreme Court has gone out of its way to criticize Justice Owen, the dissents she wrote and the dissents she joined in ways that are highly unusual, and highlight not a law-oriented activism but an ends-oriented activism.

A number of justices on the Texas Supreme Court have pointed out how far from the language of statutes she has strayed in her attempts to legislate from the bench, to go far beyond what the legislature intended.

One example is a majority opinion in a case called Weiner v. Wasson. In this case, Justice Owen wrote a dissent advocating a ruling against a medical malpractice plaintiff, a plaintiff who was injured while he was still a minor. The issue was the constitutionality of a Texas State law requiring minors to file medical malpractice actions before reaching the age of majority or risk being outside the statute of limitations. Of interest is the majority's discussion of the importance of abiding by a prior Texas Supreme Court decision, a decision that was now stare decisis, unanimously striking down a previous version of the statute.

In what reads as a lecture to the dissent, one of the very respected members of the Texas Supreme Court, then-Justice John Cornyn, explains on behalf of the majority:

> Generally, we adhere to our precedents for reasons of efficiency, fairness and legitimacy. First, if we did not follow our own decisions, no issue could ever be considered resolved. The potential volume of speculative relitigation under such circumstances alone ought to persuade us that stare decisis is a sound policy. Secondly, we should give due consideration to the settled expectations of litigants like Emmanuel Wasson, who have justifiably relied on the principles articulated in the previous case. . . . Finally, under our form of government, the legitimacy of the judiciary rests in large part upon a stable and predictable decision-making process that differs dramatically from that properly employed by the political branches of government.

That Justice Cornyn sure knows how to write. He did a great job on this one. Now, I may not agree with him on all other things, I may not even agree with him on the issue before us now, but I sure agree with his decision there.

Actually, I speak of it as being a conservative Supreme Court. In the 30 years I was practicing, we had a pretty conservative Supreme Court in Vermont, and I suspect they would have written the same thing. I suspect most supreme courts would have written the same lines about stare decisis. I do not think that is a case whether one is conservative or liberal on their supreme court. I suspect we could go through all 50 States, whether it is Wyoming, Vermont, Texas, or anywhere else, and find similar language.

The Republican majority on the Texas Supreme Court followed precedent. They followed stare decisis.

In Montgomery Independent School District v. Davis, Justice Owen wrote another dissent which drew fire from a conservative Republican majority, this time for her disregard for legislative language. In a challenge by a teacher who did not receive reappointment to her position, the majority found the school board had exceeded its authority when it disregarded the Texas Education Code and tried to overrule a hearing examiner's decision on the matter. Justice Owen's dissent advocated for an interpretation contrary to the language of the applicable statute.

The majority, which included Alberto Gonzales, now counsel at the White House, and two other appointees of then-Governor Bush, was quite explicit about the view that Justice Owen's position disregarded the law:

> The dissenting opinion misconceives the hearing examiner's role in the . . . process by stating that the hearing examiner ''refused'' to make findings on the evidence the Board relies on to support its additional findings. As we explained above, nothing in the statute requires the hearing examiner to make findings on matters of which he is unpersuaded.

The majority also noted the dissenting opinion's misconception, speaking of Justice Owen's opinion:

> The dissenting opinion's misconception of the hearing examiner's role stems from its disregard of the procedural elements the Legislature established in subchapter F to ensure that the hearing-examiner process is fair and efficient for both teachers and school boards. The Legislature maintained local control by giving school boards alone the option to choose the hearing-examiner process in nonrenewal proceedings. . . . By resolving conflicts in disputed evidence, ignoring credibility issues, and essentially stepping into the shoes of the factfinder to reach a specific result, the dissenting opinion not only disregards the procedural limitations in the statute but takes a position even more extreme than that argued for by the board. . . .

Then we have Collins v. Ison-Newsome, another case where a dissent, joined by Justice Owen, was roundly criticized by the Republican majority of the Texas Supreme Court. The court cogently stated a legal basis for its conclusion that they had no jurisdiction to decide the matter before it, and as in other opinions where Justice Owen was in dissent, took time to explicitly criticize the dissent's position contrary to the clear letter of the law.

At issue was whether the Supreme Court had the proper ''conflicts jurisdiction'' to hear the interlocutory appeal of school officials being sued for defamation. The majority explained that it did not because published lower court decisions do not create the necessary conflict between themselves. The arguments put forth by the dissent, in which Justice Owen joined, offended the majority, and they made their views known, writing:

> The dissenting opinion agrees that ''because this is an interlocutory appeal . . . this Court's jurisdiction is limited,'' but then argues for the exact opposite proposition. . . . This argument defies the Legislature's clear and express limits on our jurisdiction. . . . The author of the dissenting opinion has written previously that we should take a broader approach to the conflicts-jurisdiction standard. But a majority of the Court continues to abide by the Legislature's clear limits on our interlocutory-appeal jurisdiction.

Listen to what they said. Justice Owen says because this is an interlocutory, the appeals court's jurisdiction is limited, but as the majority point out, she then argued for the exact opposite proposition.

They go on to say, ''[W]e cannot simply ignore the legislative limits on our jurisdiction. . . .''

She was defiant of legislative intent, a total disregard of legislatively drawn limits.

I agree with what President Bush said during the campaign, he wanted people who would interpret the law on courts and not make the law. We have someone here who, time and again, substitutes her judgment for the legislature's judgment. In fact, she wants to be both the legislature and the judiciary.

You can be one or the other. You cannot be both, not in our system of government.

We are already saddled with an activist Supreme Court, the U.S. Supreme Court. We are creating more activist courts of appeals. This is someone who fits into the absolute motto of being an activist judge.

Frankly, I am opposed to the idea of having activists judges either on the liberal side or the conservative side. I want judges who interpret the law who do not make the law, justices who are fair and open to all litigants. I want litigants to be able to walk into a courtroom and look at the judge and say, it really does not make any difference whether I am plaintiff, defendant, rich, poor, liberal, conservative,

what political party I belong to, what color I am, what religion I practice, that judge will hear my case fairly. That judge will either rule with me or rule against me but it will be based on the facts and the law before the judge and not because of their particular ideology or their particular bent or their desire to substitute themselves and their opinion, either for the executive or for the legislative branch of Government.

Some of the most striking examples of criticism of Justice Owen's writings, or the dissents and concurrences she joins, come in a series of parental notification cases heard in 2000.

In the case of Jane Doe I, the majority included an extremely unusual section explaining the proper role of judges, admonishing the dissent joined by Justice Owen for going beyond its duty to interpret the law in an attempt to fashion policy. Giving a pointed critique of the dissenters, the majority explained that:

> In reaching the decision of granting Jane Doe's application, we put aside our personal viewpoints and endeavored to do our jobs as judges—that is, to interpret and apply the Legislature's will as has been expressed in the statute.

In a separate concurrence, Justice Alberto Gonzales wrote to construe the law as the dissent did ''would be an unconscionable act of judicial activism.''

I will speak further on this. I see the distinguished Senator from Texas, who I understand may have a differing view than I do on this nomination, and I do want to make sure he is given a chance. I will speak for a few more minutes and then yield.

I note one thing. Justice Owen has been nominated to fill a vacancy that has existed since January 1997. We are now in the year 2003. This vacancy has existed for 6 years. One might wonder why nobody was nominated during that time. Actually, they were. President Clinton first nominated Judge Jorge Rangel, a distinguished Hispanic attorney from Corpus Christi, to fill that vacancy. He had one of the highest ratings of the American Bar Association, a majority found him well qualified. He was strongly supported by so many across the political spectrum who wrote to me. It was not a question of being voted down; he was never even allowed to have a hearing.

Finally, after 15 months, out of frustration, he asked the President to withdraw his nomination. He said, if I am not going to be allowed to have a hearing, to say nothing about a vote, I am leaving.

Then September 16, 1999, 4 years ago, President Clinton nominated Enrique Moreno, another Hispanic attorney, to fill that same vacancy. This Harvard-educated lawyer also received a rating of well qualified from the ABA, and his was a unanimous well qualified.

Members may be wondering what the vote was on him. Well, there wasn't a vote. There was not even a hearing. He waited for a year and a half and never got a hearing. So both of these people were carefully rejected by not having a hearing.

For years, as I have spoken before, we needed 100 votes to get any nominee through. Unless every single Senator, every single Senator agreed, the nominee would not get a hearing. Time and time again, dozens upon dozens upon dozens of cases, every single Democratic Senator agreed they should at least have a hearing and a vote, and at least one Republican would disagree, and they would never be given a hearing. As Allen Snyder, DC Circuit, never given a vote. Elena Kagan, just named the dean of the Harvard Law School, never given a hearing or a vote; Robert Cindrich, Third Circuit, never given a hearing or a vote by the Republicans; Steven Orlofsky, Third Circuit, never given a hearing or a vote by Republicans; James Beatty in the Fourth Circuit, never given a hearing or a vote by Republicans because not all of them agreed. If one disagreed, if one objected, they were not given a hearing or a vote. Andre Davis, Fourth Circuit, never given a hearing or a vote because at least one Republican disagreed. They needed 100 votes to make it. Elizabeth Gibson, Fourth Circuit, never given a hearing or a vote because one Republican disagreed.

The Fifth Circuit, Alston Johnson, never given a hearing or a vote, because at least one Republican disagreed. Kent Markus, in the Sixth Circuit, Kathleen McCree Lewis, eminently well qualified, at least one Republican disagreed, never given hearings, never given votes. James Duffy in the Ninth Circuit, never given a hearing or a vote, because at least one Republican disagreed. And the same could be said about so many others. James Lyons in the Tenth Circuit. Interestingly enough, in the Tenth Circuit never given a hearing or a vote because one Republican disagreed, and Democrats had helped move forward somebody who many disagreed in that same circuit.

I might point out that of all these people, and so many others, there are dozens of others, but all of these had ratings of well qualified from the ABA. But at least one Republican disagreed, and if just one Republican disagreed, they were never allowed to have a hearing or a vote.

Interestingly enough, it wasn't until May of last year, in the hearing chaired by Senator SCHUMER, that this committee heard from any of President Clinton's three unsuccessful nominees for the Fifth Circuit. Last May, Mr. Moreno and Judge Rangel testified, along with other of President Clinton's nominees, about their treatment by the Republicans, when the Republicans were in charge of the Senate Judiciary Committee. These nominees were told by at least a couple of the members, senior members of the Republican Party, that if somebody in their caucus disagreed, that was too bad. It had nothing to do with their qualifications. They were not going to fill that vacancy.

This happened in a number of circuits, including the Fifth Circuit. In fact, when the committee held its hearing on the nomination of Judge Edith Clement to the Fifth Circuit in 2001, it was the first hearing on a Fifth Circuit nominee in 7 years. By contrast, Justice Owen was the third nomination to the Fifth Circuit on which the Judiciary Committee, under my chairmanship, held a hearing in less than 1 year. In spite of the treatment by the former Republican majority of so many moderate judicial nominees of the previous President, we proceeded last July with a hearing on Justice Owen.

So Justice Owen was the third nominee to this vacancy. She was the first to be afforded a hearing before the committee. Actually, I set that hearing. I even set the vote on a day that President Bush personally asked me to set the vote. After having set it on the day he asked me to, the political arm of the Justice Department immediately started calling all these editorial writers and others, saying: It is terrible she is being set for a vote on that day.

It was interesting. They then, as they had the right to do, put it off for several weeks, the vote. I almost wonder what the vote would have been had it been on the day the President asked to have the vote, and the day I agreed with the President to have the vote, and then was castigated by the White House for going along with what President Bush wanted. It is, with this administration, sort of: No good deed goes unpunished.

But then I think it is interesting what happened. Because after the Republicans put it off and we did not have the vote on the day the President asked, there was so much partisan politicking that went on on her behalf that I think it solidified at least a couple of votes against her on that committee. We will never know.

But, even though Republicans had blocked many of President Clinton's nominees for the Fifth Circuit, we moved forward in a hearing for Priscilla Owen. At her hearing a couple of weeks ago, her second hearing, her unprecedented hearing, the chairman was very dismissive of our concerns and our efforts to evaluate this nomination on the merits. But the irony is, she has been before this committee twice now and neither time did the explanations change the facts before us. The President has said, and I am sure all his pollsters will tell him, people agree with this, as they should, the standard for judging judicial nominees would be that they ''share a commitment to follow and apply the law, not make law from the bench.''

Everybody agrees with that. I agree with that. I don't know anybody who disagrees with that. But that is not Priscilla Owen's record. She is ready to make law and legislate from the bench.

She is not qualified for a lifetime appointment to the Federal bench. This

is something that affects all of us, these decisions. To put somebody in a lifetime appointment like that who has already shown she is an activist judge, I think is wrong. The President spoke of judicial activism without acknowledging that ends-oriented decision-making can come easily to ideologically motivated nominees. In the case of Priscilla Owen, we see a perfect example of such an approach to law. I do not support that. I will not.

I am perfectly willing to consent to the confirmation of consensus, mainstream judges. I have on hundreds of occasions. When I was chairman, I did not allow the past rule—the past practice of anonymous holds. We even had a number I did not support, but brought them to a vote. When they got through the committee they came on the floor.

Justice Owen was plucked from a law firm by political consultant Karl Rove. She ran as a conservative pro-business candidate for the Texas Supreme Court. She certainly got a lot of support from the business community. Then she fulfilled her promise; she became the most conservative judge on a conservative court. She stood out for ends-oriented, extremist decision-making.

Now she is being asked to be placed in a lifetime appointment one step below the Supreme Court. I do not support that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I want to take the next few minutes to respond to some of the comments the ranking member of the Judiciary Committee has made with regard to the process by which we confirm judicial nominees of the President, and to specifically respond to some of the areas of criticism that he and a handful of special interest groups have directed at the nomination of Priscilla Owen.

I believe, even though I am a new Member of the Senate—having been a Senator for all of about 4 months now—I have, at least in this area, some special knowledge I would like to share with my colleagues with regard to this particular nominee because for 7 years I served on the Texas Supreme Court and for 3 years concurrently with Justice Priscilla Owen.

So during that time I had the chance to work with her on a daily basis, learn her work habits and her frame of mind when it came to addressing her responsibilities as a judge on the highest court of my State. I believe in each instance the criticism the ranking member has lodged—really repeating that which special interest groups have lodged unfairly against Priscilla Owen since her nomination on May 9, 2001—can be refuted, or at least explained in a way that I think demonstrates she should be given the opportunity for an up-or-down vote in the Senate, where I am convinced that a bipartisan majority of this body stands ready to confirm her nomination.

Senator LEAHY has gone through some history of the Clinton administration and the nominees of that administration and the treatment—unfair treatment, in his eyes—of President Clinton's nominees. I think what we are supposed to conclude from that is that somehow this game of tit for tat, or what is sauce for the goose is sauce for the gander, somehow rises to the high level of performance that the American people have cause to expect of us whom they send to the Senate.

I contend that rather than serve the interests of the American people, the way in which the Senate Judiciary Committee proceedings have been conducted for some time now—particularly as evidenced now by the filibuster being imposed against the nomination of Miguel Estrada—have been a disservice to the American people.

I have supported—and Senator LEAHY has said he agrees with me—that we need to find some way to bring a conclusion to this downward spiral, in a way that serves the interests of the American people and does credit to this institution. I hope, in the days that lie ahead, we will find an opportunity to do that. I trust we will. I only hope the Senate does not grab defeat from the jaws of victory in terms of our opportunity to reform this broken system of judicial confirmation, one that does not reflect well on this institution.

Senator LEAHY talked about how unprecedented this nomination is, pointing out that last year, during Senate Judiciary Committee hearings, Justice Owen was voted down in a strict party-line vote, and that she would now be renominated by the President and then brought to the floor. I guess these are unprecedented times when it comes to judicial confirmation proceedings.

As I mentioned just a moment ago, we have an unprecedented filibuster by the Democratic minority of Miguel Estrada, someone who, I believe, would receive a majority vote from a bipartisan group of Senators on this floor should the Senate just be allowed to vote. Of course, we have been through, I think, four cloture motions, which have failed, which means that debate continues on that nomination. Here again, unprecedented in the annals of this institution: a circuit court judge being filibustered for no good reason, I would contend.

Senator LEAHY says Justice Owen is an activist, someone who would impose her own will or political judgment on the people regardless of what precedent had established earlier decisions by the highest court in the land or what the legislature says. But the way he explains what he means by ''activism'' I think equates with: I don't agree with the results of the decision.

If that is the definition of ''activism,'' then activism has no meaning, or certainly no commonly understood meaning, because, of course, any reasonable person might disagree with the outcome of any judicial decision and thereby label that judge who made the decision an activist. But that is certainly not the commonly understood meaning: just the fact that judges may, in fact, disagree with each other from time to time.

I think some have pointed out, as an example of Justice Owen's failings, that some judges at different times have had cause to disagree with her decision. But, in fact, that is what we expect of judges—certainly at the highest levels of our judiciary—that they will do their very best to research the law, to comb the record, to try to discern what precedents might apply, what statutes that have been passed by Congress might apply, and then to apply that law to the facts as decided by the fact finder in order to reach a decision.

At the highest levels of our judiciary we commit that decision to nine people, and frequently they disagree with each other. We do not point that out as a fault or a failing; we view that as a strength because in the debate, the dialog, the back and forth—the conversation really—these judges have, we believe the public purpose for which the judiciary was created is served. I believe that to say it represents a failing or represents a reason a judge should not be confirmed turns the whole purpose of that body on its head.

Senator LEAHY claimed that Justice Owen is simply too extreme to be confirmed—this notwithstanding the fact that in her last election to judicial office in the State of Texas, 84 percent of the voters voted in her favor.

She has been endorsed by a bipartisan group of the leadership of the bar in my State, Republicans and Democrats alike, former presidents of the Texas Bar Association. She has received the highest endorsement, the highest recommendation given by the American Bar Association. How, in any fair-minded person's view, could Justice Owen be characterized as too extreme in light of those simple facts?

As some evidence of his argument that Justice Owen is somehow an activist, somehow too extreme, Senator LEAHY has pointed to language in a number of opinions where she has been criticized for rewriting statutes. As somebody who has, for better or worse, served for 13 years as a judge before I came to this institution, I can tell you, that is simply the way judges talk to each other when they disagree about the outcome in any case. They do their very best to research the law, to try to ascertain what the legislative intent is in any particular case, and then they reach a conclusion. Someone who disagrees with that judge may say: Well, I disagree. I believe you are rewriting the statute. It is not as serious nor certainly as consequential a statement as Senator LEAHY might suggest. It is just another way of saying: I disagree.

Here again, judges disagree, particularly on the most difficult questions that confront our States or this Nation. We expect judges to speak their mind. We expect judges to enter into intelligent debate and discussion, and when they disagree, so much the better. But finally—finally—there has to be a decision. That is where the majority comes into play and makes a final decision.

So judges being accused of rewriting statutes does not have nearly the sinister connotation that some might suggest and, in fact, to me just represents judges trying to do their jobs to the best of their ability.

I just have to mention that Senator LEAHY pointed to one case where Justice Owen and I disagreed when I was on the Texas Supreme Court, the Weiner v. Wasson case, and it was one of a number of cases where she and I disagreed. But, here again, the fact that we disagreed does not make her incompetent to serve on the Fifth Circuit Court of Appeals or unqualified or somehow activist. It means simply that we had different opinions of how the law ought to be ascertained, what that law was, and how it should be applied to the facts.

The language Senator LEAHY read, with which he said he agreed, about the importance of stare decisis, adheres to the precedents set out by our highest court in terms of setting expectations of the litigants, achieving finality of a decision rather than relitigating the same legal questions over and over again. That was no lecture but merely an explanation to the one who was challenging the constitutionality of the statute in that case or the one who claimed the statute was constitutional; in fact, it was important that we adhere to an earlier decision where we had held a similar statute unconstitutional. It was certainly not a lecture.

It just goes to prove that when you read the written record in black and white, sometimes it fails to impart enough information to make an informed decision about what is going on. That is why we have juries, to listen to witnesses, confront witnesses face to face in court. That is why, as appellate judges, we defer to the facts found by juries and lower courts, because they are in the best position to determine the veracity of the testimony and the credibility of the witness. That is why a written record can sometimes simply mislead you into a wrong conclusion, which has happened in the case of Justice Owen.

I could not support the nomination of Justice Owen to the Fifth Circuit Court of Appeals more strongly. This court, of course, covers the States of Texas, Mississippi, and Louisiana and all Federal appeals that come from those States. I firmly believe Justice Owen deserves to be confirmed. She will be confirmed by a bipartisan majority of the Senate as long as the Senate applies a fair standard and as long as we continue to respect Senate traditions and the fundamental democratic principle of majority rule by permitting an up-or-down vote on her nomination.

The American people desperately need the Nation's finest legal minds to serve on our Federal courts, particularly vacancies such as those on the Fifth Circuit, which have been designated judicial emergencies by the U.S. Judicial Conference. We must ensure that all judicial nominees understand that judges must interpret the law as written and not as they personally would like to see them written.

Justice Owen satisfies both of these standards with flying colors. She is, quite simply and by any measure, an impressive attorney and jurist. She graduated at the top of her class at Baylor Law School and was an editor of the Law Review at a time when few women entered the legal profession. She received the highest score of her class on the bar examination, and she was extremely successful as a practicing attorney in Houston, TX, and across the State for 17 years before she began her service on the Texas Supreme Court, where she has served with distinction for 8 years.

I alluded to this a moment ago, but in her last election not only did she receive the overwhelming majority of the statewide vote, she was endorsed by virtually every Texas newspaper editorial board—hardly the record of an out-of-the-mainstream nominee. She has the support of prominent Democrats in Texas, including former members of the Texas Supreme Court such as former Chief Justice John Hill, former Justice Raul Gonzalez, and a bipartisan array of former presidents of the State bar association.

The American Bar Association has given her its unanimous and highest well-qualified rating, which some in this Chamber have called the gold standard.

I cannot understand nor fathom how any judicial nominee can receive all of these accolades from legal experts and public servants across the legal and political mainstream unless that nominee is both exceptionally talented as a lawyer and a judge who respects the law and steadfastly refuses to insert his or her own political beliefs into the decision of cases.

Based on this amazing record of achievement and success, it is no wonder that Justice Owen has long commanded the support of a bipartisan majority of the Senate while her nomination has lingered since May of 2001.

I would like to talk about my own personal perspective on this nominee, having worked with her for 3 years. During that time, I had the privilege of working closely with Justice Owen. I had the opportunity to observe on a daily basis precisely how she approaches her job as a jurist, what she thinks about the job of judging in literally hundreds, if not thousands, of cases. During those 3 years, I spoke with Justice Owen on countless occasions about how to read statutes faithfully and carefully and how to decide cases based on what the law says, not how we personally would like to see it read or to have come out.

I saw her take careful notes, pull the law books from the shelves and study them very closely. I saw how hard she works to faithfully interpret the law according to her oath and to apply the law as the Texas Legislature has written.

I can testify from my own personal experience, as a former colleague and as a former fellow justice, that Justice Owen is an exceptional judge, one who works hard to follow the law and enforce the will of the legislature, not her will.

Not once did I see her try to insert her own political or social agenda into her job as a judge. To the contrary, Justice Owen believes strongly, as do I, in the importance of judicial self-restraint, that judges are called upon not to act as legislators or as politicians but as judges, to faithfully read statutes and to interpret and apply them to the cases that come before the court.

It is because I have such a deep admiration for Justice Owen that I have taken such a personal interest in talking about her nomination and hoping, not beyond hope, that Senator LEAHY and others who, I am convinced, have profoundly misjudged this nominee will reconsider their views and perhaps will take what I have to say today in the overall context of the nominee and reconsider her nomination.

On the morning of Justice Owen's confirmation hearing in the Judiciary Committee last month, I published an op-ed in the Austin American-Statesman discussing Justice Owen's qualifications for the bench.

I ask unanimous consent to print that op-ed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Austin American-Statesman, Thursday, Mar. 13, 2003]

THE REAL PRISCILLA OWEN

(By John Cornyn, U.S. Senate)

After 22 months of obstruction, the record on Texas judicial nominee Priscilla Owen will finally be set straight this morning in a U.S. Senate Judiciary Committee hearing. For the second time, Owen comes before the committee and will prove, once again, that she deserves to be confirmed to the 5th U.S. Circuit Court of Appeals. The Circuit's jurisdiction encompasses Texas, Louisiana and Mississippi.

Owen is an impressive attorney and jurist. She graduated at the top of her class from Baylor Law School and edited the Law Review there, during a time when few women entered the legal profession. She received the highest score on the bar exam.

After practicing law in Texas for 17 years, Justice Owen won a seat on the Texas Supreme Court, and Texans re-elected her in 2000 with 84 percent of the statewide vote. Her nomination has received broad, bipartisan support, including former state Supreme Court justices and prominent Texas Democrats such as John Hill and Raul Gonzalez, 15 former presidents of the State Bar of Texas and many other leading Texans.

Owen's qualifications and record of accomplishment caused the American Bar Association to unanimously rate her ''well-qualified'' for the Federal bench—its highest rating—which some Democrats have called the ''gold standard.'' But even that was not enough for the 10 Democrats on the Senate Judiciary Committee last year who blocked a vote on Owen by the full Senate.

Democrats on the Judiciary Committee used Owen as a political football last year in an attempt to embarrass President Bush and ridicule Texas during key elections. They tried unfairly to brand the native Texan as an extremist.

Partisan opponents point out that other judges sometimes disagree with Owen. But there is nothing wrong with disagreement; no two judges agree all the time—which is precisely why the Texas Constitution establishes a Supreme Court of nine justices. When the law is unclear, a good judge like Justice Owen searches in good faith for the right answer.

As a former justice on the Texas Supreme Court, I often agreed with Owen. When we disagreed, I always found her professional and her rulings based on a fair reading of the law.

Abortion advocates criticize her rulings on Texas's parental notification law. Unlike more restrictive states, Texas generally requires minors only to notify one parent before an abortion. The criticism is misplaced: Owen did not write the law, the state Legislature did.

Her opponents claim, disingenuously, that her interpretations of that law are out of the mainstream. Yet the author of the parental notification law, Texas state Sen. Florence Shapiro, filed briefs supporting Owen's view and endorses her nomination to the Federal bench. And among the few parental notification cases heard by her court, Owen dissented less frequently than two other justices. Owen's record is hardly one of an extremist.

When we set the record straight, it will be obvious in Washington—as it has long been in Texas—that Priscilla Owen is an outstanding person and well-qualified judge who deserves confirmation to the Federal court of appeals. After 22 months, Texans and the 5th Circuit have already waited long enough.

Cornyn, a Republican, is a member of the Senate Judiciary Committee.

Mr. CORNYN. Senator HATCH, chairman of the committee, also gave me the opportunity to chair a portion of the hearing at which Justice Owen's nomination was voted out. I publicly thank him for that special opportunity to not only express my strong support but to demonstrate it at that hearing.

At the same time I have taken a deeply personal interest in this nomination, I also want to step back and carefully consider the arguments that have been presented by opponents of the nomination.

I have mentioned some of those at the outset, particularly in response to what Senator LEAHY had to say. I am forced to conclude Justice Owen's opponents have no real arguments—none that stand up under scrutiny; at least none that will withstand scrutiny under any reasonably fair standard.

It bears noting, by the way, that Justice Owen's opponents are the same folks who predicted Lewis Powell's confirmation to the Supreme Court of the United States would mean ''justice for women will be ignored.''

Her opponents, the special interest groups who oppose her nomination, are the same folks who argued Judge John Paul Stevens had demonstrated ''blatant insensitivity to discrimination against women'' and ''seems to bend over backward to limit'' rights for all women.

Amazing as it may seem, her opponents are the same folks who testified that confirming David Souter to the Supreme Court would mean ''ending freedom for women in this country.'' Then the same folks who said they ''tremble for this country, if you confirm David Souter,'' even described now-Justice Souter as ''almost neanderthal'' and warned ''women's lives are at stake'' if the Senate confirms Souter.

Well, the rhetoric and the histrionics and the lack of credibility of those outlandish verbal assaults on judicial nominees sound all too familiar because, of course, these are many of the same accusations being made against Justice Owen, which are equally unfounded.

This reminds me of the story of the little boy who cried wolf. After these repeated charges, accusations, and shrill attacks—and we have heard many of the same directed against Miguel Estrada, without foundation—it makes you wonder just how credible these special interest groups really are that oppose some of President Bush's highly qualified nominees. It also makes you wonder whether these special interest groups makes these claims not because they believe they are truthful, but because they have another agenda, some other reason for making these claims, for scaring people.

In the particular case of Justice Owen, the attacks are, I am sad to say, true to form and conform to past patterns and practice, for they are, like the attacks of the past on the judges whose names I have mentioned, unfair and without foundation in either fact or law.

I mentioned just a moment ago how I believe the critics—people like the distinguished Senator from Vermont—point out judges sometimes disagree about the interpretation of statutes. You may read one judge's criticism of another judge's interpretation as ''rewriting a statute.'' I hope you will consider those comments and take them into account, as I hope others will who currently oppose Justice Owen's nomination. But if that is the standard—and I don't think it should be—then such a standard would also disqualify numerous U.S. Supreme Court justices, whom Owen's opponents are known to adore.

For example, in a 1971 opinion, Justices Hugo Black and William O. Douglas sharply criticized Justices William Brennan, Harry Blackmun, and others, stating that the ''plurality's action in rewriting the statute represents a seizure of legislative power that we simply do not possess.''

In a 1985 decision, Justice John Paul Stevens accused Justices Lewis Powell, Sandra Day O'Connor, and Byron White of engaging in ''judicial activism.'' Of course, these are not the only examples that pervade the U.S. Reports.

Would Justice Owen's opponents apply the same standard and exclude from consideration or confirmation their own favorite justice from Federal judicial service? I imagine not. Fairness only dictates that Justice Owen not be made to suffer from this same absurd and unreasonable standard either.

This whole issue reminds me of the scene from the movie ''Jerry Maguire,'' when Cuba Gooding, Jr., tells Tom Cruise: ''See, man, that's the difference between us. You think we're fighting, I think we're finally talking.''

Well, simply put, this is the way judges talk in opinions, and it certainly does not disqualify Justice Owen from confirmation.

Those who emphasize critical quotes about Justice Owen from other justices on the Texas Supreme Court think they are fighting, but actually the justices are just talking. They are just judging and they are just doing the duty they were asked to do and took an oath to perform.

Mr. President, I note we have about 5 minutes remaining on the clock, so I will cut short the remainder of my remarks. I will be back on the floor as needed, depending upon how this debate continues. It is my hope we will see a unanimous consent agreement to achieve a limit on debate, an adequate time certainly, where everybody who wants to be heard can be heard on this highly qualified nominee. I hope during that debate the people listening—both colleagues in the Senate and those listening across this country—will take all of the debate into account, both the charges and the answers, some of which I have given today, and make their own assessment of the credibility of some of these charges—charges which I believe are unfair and unfounded and without any merit as regards Justice Owen.

Finally, let me just say I hope the Democratic minority in this body does not choose to make the same ill-considered decision to filibuster Justice Owen as they made in the case of Miguel Estrada. I believe debate is important. But, of course, sooner or later, we have to, and we should, do what the voters of our States have sent us here to do, what the Founders of this country, the Framers of our Constitution, expected us to do—that is, to vote. They expected the Senate to be a body where debate would be favored—and certainly it is that—where nothing happens precipitously—and certainly it is that—and where enough debate and time can be taken to cool tempers and emotions and passions and make the very best decisions we can possibly make on behalf of the American people.

But after everything has been said once, or twice, or five times, or 10 times, or a hundred times, you would

think the Senate should vote. I believe the Senate should vote. I believe that is what the Framers expected, and I believe they never considered a minority of this body could obstruct the will of a bipartisan majority when it comes to the nomination of a highly qualified judicial nominee.

I hope at the appropriate time there will be that unanimous consent agreement and we will continue to debate Justice Owen's nomination for a reasonable period of time—as long as anyone has anything new to say—but, in the end, that we will have an up-or-down vote, which is something currently being denied to Miguel Estrada. I certainly hope the precedent that has been set now in the case of Miguel Estrada—which I believe is a black mark on the record of this institution—will not be repeated in the case of Priscilla Owen.

I thank the Chair, and I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURNS).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Montana, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

CARE ACT OF 2003

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now return to legislative session and proceed to the consideration of S. 476, the CARE Act, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (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 for other purposes.

The Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I have a few remarks on the legislation. I am sure my good colleague, Senator BAUCUS, has remarks as the manager for the Democratic Members. We would also like to take quick action on a managers' amendment that is in order under a unanimous consent agreement. There are a few issues that have to be cleared on the amendment.

I rise to speak on the CARE Act of 2003. I will first talk generally about the charitable provisions in the bill and then talk about those provisions designed to combat corporate tax shelters.

The CARE Act seeks to support that great American tradition—helping a neighbor in need. Our Nation's tradition of caring and charitable support goes back to the founding. When faced with tragedy or hardship in our communities, we have always been a people who have rolled up our sleeves to pitch in, rather than leaning on a shovel waiting for the government to show up.

The charitable tradition in America has certainly been for the common good. Unfortunately, there are not many K Street lobbyists for charities and for the common good.

That is why this legislation is a direct testimony to the leadership of President Bush. There is no question that but for his efforts, this legislation for the common good would not have seen the light of the Senate floor.

Let me note that commentators have rushed to state that the President's efforts to strengthen America's charitable tradition has been watered down. Nothing could be further from the truth. This legislation goes far in meeting the President's ambitious goals for a greater role for charities in assisting those most in need.

And legislation is only part of the story. The President's speeches and visits have done even more to energize the charitable sector of this country. Hardly a week goes by when I am not stopped by someone who runs a charity, or is active in a charity, and they ask me how they can get involved in the President's proposal, how they can help. Clearly, President Bush's words have been heard by America's charities and they are eager to turn his words into deeds of compassion and aid.

In addition to this legislation being a tribute to President Bush's leadership, let me also note the tremendous efforts of Senators SANTORUM and LIEBERMAN to bring this bill to the Senate floor. I commend them for their energy in making the CARE Act a reality. Finally, I'm pleased to have worked with Senator BAUCUS, the ranking member of the Finance Committee. This legislation continues our bipartisan efforts as to tax legislation.

Mr. President, for the benefit of my colleagues let me now highlight some of the major tax provisions of the CARE Act that encourage charitable giving.

First, is the creation of a charitable deduction for nonitemizers. Given that over half of Americans do not itemize their tax return, this provision will encourage taxpayers to give to charities, regardless of income. The legislation allows for charitable deduction of up to $500 for a married couple giving over $500 per year. For an individual filing single, it is a deduction of up to $250 for a person who gives over $250 per year. For example, an individual who doesn't itemize and gives $400 to charity, could deduct $150 from their taxes. This provision was designed to encourage new giving and also limit possible abuses.

Next is a major provision that will provide for tax-free distribution from Individual Retirement Arrangements, IRAs, to charities. This is a provision that is important to many major charities, particularly universities. The Finance Committee heard testimony from the President of the University of Iowa about the importance of this provision in encouraging new giving. The legislation provides that direct distributions are excluded from income at the age of 70½ and distributions to a charitable trust can be excluded after the age of 59½.

We then have language that encourages donations of food inventory, book inventory and computer technology. I would note that my colleagues, Senator LUGAR, and Senator LINCOLN, a member of the Finance Committee, were strong advocates for the legislation involving food donation. I'm particularly pleased that this legislation will give farmers and ranchers a fairer deal when it comes to donation of food.

Conservation is also a part of this bill. Efforts to conserve our land and limit development benefit our Nation as well as farmers and ranchers who work on the land. The CARE Act contains language I have long supported that will encourage conservation of land through a 25-percent reduction in the capital gains tax of the sale of undeveloped land, or conservation easements. The sale must be to a charitable organization and the land must be dedicated for conservation purposes. I am pleased that President Bush also included this proposal in his budget.

The bill also encourages gifts of land for conservation purposes. This is an issue long advocated by Senator BAUCUS, which I am pleased to support.

These are the major tax provisions that encourage charitable giving contained in this bill. I would note that I am pleased that the legislation does contain provisions requiring greater sunshine and transparency in the work of charities. It is my belief that just as we are encouraging people to write more checks, we need to ensure that those checks are being cashed for a charitable purpose. In addition, the bill authorizes a serious increase in funding for the Exempt Organizations Office at the IRS to better police the few bad apples among the nonprofits.

My colleagues should also be aware that this legislation addresses the abuse of charities by terrorist organizations, making it easier to shutdown or suspend such organizations.

Let me note also that this bill contains $1.4 billion in new funding for Social Services block grants, SSBG. This is a very important provision that will greatly benefit the States and, more

importantly, those in need. I would note that this was a matter of great priority for me, and I am glad to see we have been able to include this funding. The provision also gives States greater flexibility in how to use the SSBG funds.

My colleagues will be pleased to know that this bill is fully paid for. I turn now to discuss those provisions regarding abusive corporate tax shelters that are of great importance.

We have known for many years that abusive tax shelters, which are structured to exploit unintended consequences of our complicated Federal income tax system, erode the Federal tax base and the public's confidence in the tax system. Such transactions are patently unfair to the vast majority of taxpayers who do their best to comply with the letter and spirit of the tax law.

As a result, the Finance Committee has worked exceedingly hard over the past several years to develop several legislative discussion drafts for public review and comment. Thoughtful and well-considered comments on these drafts have been greatly appreciated by the staff and members of the Finance Committee. The collaborative efforts of those involved in the discussion drafts combined with the recent request for legislative assistance from the Treasury Department and IRS formed the basis for our most recent approach to dealing with abusive tax avoidance transactions.

The antitax shelter provisions contained in the CARE Act encourages taxpayer disclosure of potentially abusive tax avoidance transactions. It is surprising and unfortunate that taxpayers, though required to disclose tax shelter transactions under present law, have refused to comply. The Treasury Department and IRS report that the 2001 tax filing season produced a mere 272 tax shelter return disclosures from only 99 corporate taxpayers, a fraction of transactions requiring such disclosure.

Today's bill will curb non-compliance by providing clearer and more objective rules for the reporting of potential tax shelters and by providing strong penalties for anyone who refuses to comply with the revised disclosure requirements.

The legislation has been carefully structured to reward those who are forthcoming with disclosure. I wholeheartedly agree with the remarks offered by a recent Treasury Assistant Secretary for Tax Policy, that ''if a taxpayer is comfortable entering into a transaction, a promoter is comfortable selling it, and an advisor is comfortable blessing it, they all should be comfortable disclosing it to the IRS.''

Transparency is essential to an evaluation by the IRS and ultimately by the Congress of the United States as to whether the tax benefits generated by complex business transactions are appropriate interpretations of existing tax law.

To the extent such interpretations were unintended, the bill allows Congress to amend or clarify existing tax law. To the extent such interpretations are appropriate, all taxpayers—from the largest U.S. multinational conglomerate to the smallest local feedstore owner in Iowa—will benefit when transactions are publicly sanctioned in the form of an ''angel list'' of good transactions. This legislation accomplishes both of these objectives.

This year's legislation contains a new provision that would clarify the economic substance doctrine. The economic substance doctrine was created by the courts as a flexible text to determine whether a transaction is a tax scam or valid business deal.

Last year, there were several court rulings that, in my view, misapplied this doctrine. These rulings now stand as legal precedent that can be used to justify abusive schemes in the future. Today's clarification is intended to overturn those rulings. If a court finds that a shelter violates our clarification, the shelter participant would be subject to a strict 40 percent penalty on any tax due. This is a very tough anti-shelter provision.

Mr. President, I appreciate my colleagues' patience as I have reviewed the key provisions of the CARE Act. I think it is legislation that provides needed encouragement for charities and charitable giving in this country. In addition, it takes real steps toward addressing corporate tax shelters. I strongly encourage my colleagues to support this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I thank the chairman of the Finance Committee, Senator GRASSLEY, for the great job he has done in putting this bill together. It is not easy. There are lots of different components and many Senators have legitimately different points of view. I commend him for his yeoman work. He is not here at the moment, but I want him to know, in the arena of the Senate, and publicly, he has done a great job. The folks in Iowa must be very proud of him.

The chairman and I together are considering a bill designed to help charitable organizations—that is the main goal here—and, therefore, to help our communities.

The bill is called the Charity Aid Recovery and Empowerment Act, otherwise known as CARE. Our President said it well:

> In order to fight evil we must do good. [And] it is the gathering momentum of millions of acts of kindness and compassion which define the true face of America.

I think that is very true. More than peoples in any other country, Americans are noted for their openness, their generosity, and their kindness. At a time when Americans are at war and our economy is sagging, this bill is more important than ever.

The economy is in worse shape than it has been in over a decade. Too many Americans go to bed hungry at night. Two million Americans have lost their jobs since 2001. Men, women, and children are increasingly relying on charities to meet their needs. The problem is made worse because our States are strapped with huge budget deficits. States are actually the No. 1 provider of social services, but presently they are experiencing the largest deficits they have had in 40 years.

This is where charities come in. Charities deliver food, water, clothing, and counseling to those in need. They are the first responders to these quiet tragedies. Let me give a few examples from my own home State of Montana.

Each year, the Montana Food Bank Network serves 1.5 million meals, including 200,000 meals to our State's children. Clearly our children can't learn if they go hungry.

There are roughly 30 adult literacy programs in Montana serving over 5,000 people.

Programs such as the Adult Literacy Center in Billings, MT, and the Literacy Volunteers of America in Butte provide free adult literacy classes to anyone who walks in the door, free to anyone who walks in. Groups like the Blackfoot Challenge provide local voluntary solutions to environmental problems like restoring stream habitat.

I copied the model of Senator BOB GRAHAM of Florida. He has what is called workday projects once a month and I do, too. One day I worked at Blackfoot Challenge and all of us together in the Blackfoot Valley—not all but a bunch of us, 15 people—volunteered our time and work to restore a stream habitat. Ranchers in the old days just plowed a straight channel through their places and eliminated the meandering nature of streams, which made it difficult for bull trout to come up and spawn. We decided to do this project together, in part because the higher-ups couldn't agree on anything. The Fish and Wildlife Service, State Fish and Wildlife, and Parks and all the government agencies couldn't get together, so locally we just said we are going to do it ourselves—and we did. It is such volunteer, charitable efforts that make a huge difference.

Our State's economy also benefits from tourism, and keeping our streams clean and teeming with fish is good for our economy. In fact, I might say, I was delayed coming to the floor because I was talking to a fellow who could hardly wait to get back to Montana because the right hatch is going on now. He is going to go fishing in the next couple of days. He couldn't wait to get back home.

The list goes on: Montanans, working in homeless shelters, churches, libraries, schools, boys and girls clubs, substance abuse centers, and jails.

Our State is not alone. This is true all across our country. In communities, millions of Americans depend upon the generosity of their neighbors and upon charitable organizations. The CARE Act is designed to help these organizations, helping them by creating incentives to encourage more contributions to charity—help them receive more contributions.

Let me describe some of the main provisions of the bill. The provision that has received the most attention is the above-the-line deduction for charitable contributions for people who do not itemize their deductions. Most Americans actually use the standard deduction—about 70 percent. This says: OK, all you folks who use the standard deduction—that is, you do not itemize your deductions—we will provide for an above-the-line charitable contribution for you as well, even though you do not itemize.

I must say, I have some concerns about this provision. Why? Because we tried this before. It didn't work very well. That is why we eliminated the deduction in 1986. More specifically, I am concerned that the deduction will not provide much of an incentive for charitable giving while making the Tax Code even more complicated. Nonetheless, the President has made this particular proposal a top priority and, in light of that, I am willing to give the proposal a chance. So we limited the proposal to 2 years to give us time to study it and see how it is working and gain from the experience.

While the nonitemizer deduction has received most of the attention, there are several other provisions of the bill that have strong bipartisan support. They could provide a significant boost to charitable giving. First, we provide enhanced deductions for contributions of food, of books, and computers. In response to growing economic hardship and hunger that has gone along with it, we have increased the deduction for contributions of surplus food. In most cases, the Tax Code provides the same tax deduction for food hauled to a landfill as it does for food donated to charities. That does not make a lot of sense.

Businesses that choose to contribute food instead of throwing it away are faced with the added costs of storing, packaging, and trucking the food to the charity.

So our new enhanced deduction will encourage business, farmers, and ranchers to contribute the food by offsetting these costs associated with the donations.

This makes it easier for the farmer in Montana to receive a fair deduction for giving food to a local food bank, for example.

We also make it easier for a publisher to donate extra books to a local library. Sometimes lots of books get stacked up and cannot be sold. I think it is a good idea to be able to donate them. And kids will be able to get much better access to computers and cutting edge technology.

Second, we expand the IRA rollover exception to allow individuals to donate their IRAs directly to charity without taking a tax hit.

Under current law, taxpayers, say, who are prospective donors would include their IRA income as taxable income and then take a corresponding charitable deduction, subject to limits, when they want to donate that IRA to a charity. The provision in the bill makes that easier, allowing direct giving; that is, streamlining the process and eliminating the limits that impede giving.

Third, in this bill we provide several important new incentives for voluntary conservation; for example, incentives to encourage contributions of conservation easements, which are so important, especially for my State of Montana and throughout the Nation. This means that cash poor/land rich farmers—which I must say, regrettably, is the rule, not the exception—can donate the conservation rights of their property and get a tax benefit and still keep the family farm in the family.

While the majority of the provisions in this bill encourage giving to charities, there are also provisions that help ensure that charities are responsible public citizens. As many have noticed, national newspapers have recently detailed the secretive use of charities by terrorist organizations. This is, obviously, a serious problem. The large majority of American charities are law abiding and serve an invaluable function. But there are a few exceptions.

So this legislation gives authority to the IRS to immediately revoke the tax-exempt status of charities that are suspected of giving aid to terrorist groups. When there is a crisis in confidence with respect to charities, it hurts honest groups. The charities that have worked hard to further their noble missions should not be jeopardized because of bad ''charities'' doing bad things.

The Finance Committee bill attempts to cure this by giving watchdogs and donors better tools to monitor the activities of charities. The CARE Act gives State attorneys general more authority to review the IRS filings of tax-exempt organizations.

In addition, the bill lets donors see more information about communications between charities and the IRS. These important steps will go a long way to help restore America's confidence in charities.

I have just provided some highlights of the bill, but there are a number of other important provisions. All told, this package includes many proposals that enjoy widespread support. It has bipartisan support. In fact, many provisions have been approved by the Senate.

With war costs on the horizon, and current budget deficits, it is essential we pay for this bill. I applaud Chairman GRASSLEY for insisting that these tax cuts be paid for. So let me turn to the provisions which cover the costs.

First, we have included a proposal that takes aim at the proliferation of abusive tax shelters. I, along with Senator GRASSLEY, introduced the Tax Shelter Transparency Act to encourage more timely and accurate disclosure of these abusive transactions. Under the proposal, we provide a disincentive to promoters, advisors, and taxpayers by subjecting them to stiff penalties for failing to acknowledge these transactions to the IRS.

The proposal also clarifies a definition of what is known as economic substance. That means it forces companies to engage in real business planning instead of tax-driven hoaxes. The Joint Committee on Taxation recently released its Enron report. The transactions it reviewed demonstrate the need for strong anti-avoidance rules to combat tax-motivated transactions. These deals might satisfy the technical requirements of the Tax Code, as well as administrative rules, but they serve little or no other purpose than to generate income tax or financial statement benefits; that is, there is no economic substance to the transactions. And the American taxpayers are cheated, frankly—those who do not have the ability to hire high-paid counsel and accountants to find these very complicated measures which, frankly, even the IRS cannot figure out in a lot of cases.

It is just not right when the majority of taxpayers—such as the hardware store owner, say, in Butte, MT—have to pay their fair share of taxes while these big corporations twist their way out of paying their own fair share. That is, I think, simply wrong. But it is the right thing to do to use this proposal to pay for tax incentives to benefit the charitable community. It is the right thing to do and the right time to do it.

I urge my colleagues to support this legislation.

I yield the floor.

Mr. DURBIN. Mr. President, I rise today to discuss the CARE Act and my concerns regarding the implementation of President Bush's faith-based initiative.

Like many of my colleagues, I am a person of faith. I support the good work that religious organizations undertake every day. I agree with President Bush and the sponsors of this legislation that there is an important role for the Federal Government to play in encouraging religious organizations to do more for the good of society.

In fact, I support many of the provisions of the CARE Act before us today. For example, I have been an original cosponsor of the Charitable IRA Rollover Act and a cosponsor of the Good Samaritan Hunger Relief Tax Incentive Act in the last two Congresses. I also

support the increased funding for the Social Services block grant.

However, when I read the specific details of how the President is implementing his faith-based initiative, I am concerned that the good intentions behind this proposal may be lead to troubling, unintended consequences.

It appears that what the President wants to achieve with this initiative is to fundamentally change the historic balance in the relationship between government and religion that our founding fathers struck over 200 years ago.

I believe and many of my colleagues agree: this Senate debate is historic. With our deliberations, we will test Constitutional principles regarding the place of religion in America in a way they have never been tested.

That is why many Senators joined me in insisting that the Senate take all deliberate time and attention to carefully review this bill and to add language to clarify and improve the bill.

Since the Senator from Pennsylvania has agreed not to add language that would raise concerns with respect to church and state, I have joined with Senator JACK REED of Rhode Island in agreeing not to offer our amendments at this time. However, I would like to take this opportunity to express my concerns regarding the President's implementation of his faith-based initiative which, if offered at a later time, I hope will be subject to a vigorous, important, and historic debate in the Senate.

We should begin this debate at the beginning. The opening words of our Bill of Rights state that:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

For over two centuries, those 16 words have served us well and have protected religious freedom in America.

We must continue to respect the diversity of belief in America and remember that freedom from government interference was one of the few principles that early Americans, with a variety of religious backgrounds, could agree on.

In fact, many of the settlers who colonized America fled from religious persecution by government officials in their native countries and they still do.

James Madison recognized that this history of religious persecution was based upon Government involvement in establishing official churches. He believed that Government support of certain religions could threaten the liberty of every citizen to hold his or her own religious convictions.

Madison suggested that the Government support of religion differs only in a matter of degree, and he vehemently opposed the payment of taxes in support of any religion.

Before the American Revolution, the State of Virginia rescinded a tax in support of the Anglican Church, which was their so-called established church, and instead granted its citizens religious liberty. However, in 1784, Patrick Henry became concerned with the moral decline of Virginians and he proposed a bill to restore the tax to support ''teachers of the Christian religion.''

Madison responded to this proposal with his ''Memorial and Remonstrance against Religious Assessments.'' This document—written 16 years before the Bill of Rights was adopted—reveals the earliest origins of the concepts behind the first amendment: Madison expressed his opposition to Government involvement in religion because he believed such involvement would interfere with citizens' right of free exercise. Madison also believed that the right of religious freedom was as important as freedom of the press, trial by jury, and the right to vote.

According to Madison, his Memorial was so widely accepted that Henry's proposal failed and Virginia instead enacted Thomas Jefferson's ''Bill for Establishing Religious Freedom in Virginia.''

In this bill, Jefferson expressed his belief that religious liberty is necessary to ensure that individuals are not forced to support religious opinions with which they disagree, to practice faiths they find abhorrent, or to voice allegiance to one faith over another, and:

> To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful.

During their Presidencies, Jefferson and Madison had the opportunity to illustrate their understanding of the first amendment to the Constitution.

In 1801, the Danbury Baptist Association wrote a letter to President Jefferson because it feared that the State of Connecticut would establish the Congregationalist Church as the official religion.

Jefferson responded to the Danbury Baptist Association with a letter on January 1, 1802, in which he reaffirmed his belief that each individual has the right to hold whatever opinion he or she may choose and that the Government should not interfere in religion. This reply contained his now-famous view that the purpose of the first amendment was to build a—in Jefferson's words—''wall of separation between church and state.''

President Madison, in his 8 years in office, vetoed only seven bills—two of which he believed violated the Establishment Clause of the first amendment.

In 1811, Congress passed a bill entitled ''An act incorporating the Protestant Episcopal Church in the town of Alexandria in the District of Columbia.'' This bill would have enacted the rules of the church as a matter of law, thereby giving legal force to the provisions of the church's constitution.

Madison believed that even supporting churches in their charitable functions would give religious organizations too much power in public and civic affairs. He wrote that the bill would be ''precedent for giving to religious societies as such a legal agency in carrying into effect a public and civic duty.'' Think of those words in the context of the proposal before us.

Madison also vetoed a bill ''An act for the relief of Richard Tervin, William Coleman, Edwin Lewis, Samuel Mims, Joseph Wilson, and the Baptist Church at Salem Meeting House, in the Mississippi Territory.'' This bill would have given a Baptist Church specific Federal Government property for the church's use.

Madison believed that:

> reserving a certain parcel of land of the United States for the use of said Baptist Church comprises a principle and precedent for the appropriation of funds of the United States for the use and support of religious societies, contrary to the article of the Constitution which declares that ''Congress shall make no law respecting a religious establishment.''

Thanks to Jefferson and Madison, first amendment protections have made America the most tolerant society in the world—a tolerance many of our critics around the world neither understand nor accept. They live in nations where government and religious belief are so closely entwined that diversity of creed is officially discouraged, if not prohibited.

Each of us, when we return home, can drive through our cities and see a Protestant church down the street from a Catholic church, next to a Jewish synagogue which is not too far from a Muslim mosque, and perhaps across the street from a Sikh Gur-dwala. Some churches even share their facilities with congregations from other religious and ethnic groups. To me, this is proof positive that the wisdom of the first amendment is alive and well in America today.

Although some may argue that the faith-based initiative does not ''establish a religion,'' the Supreme Court has ''long held that the First Amendment reaches more than classic, 18th century establishments.''

Indeed, the Supreme Court has examined the history of the first amendment and has come to the same conclusion that I have reached:

> For the men who wrote the Religion Clauses of the First Amendment the 'establishment' of a religion connoted sponsorship, financial support, and active involvement of the sovereign in religious activity.

That comes from the case of Walz v. Tax Commission in 1970.

This is one principle that President Bush seems to be willing to accept. I am heartened that the White House publication Guidance to Faith-Based and Community Organizations on Partnering with the Federal Government is clear that faith-based organizations cannot use any part of a direct Federal grant to fund religious worship, instruction, or proselytization. Such activities must be separate in time or location.

The President also agrees that faith-based organizations cannot discriminate against beneficiaries or potential beneficiaries of a social service on the basis of religion.

However, one area where we clearly diverge is the issue of employment discrimination on the basis of religion.

The Civil Rights Act of 1964 prohibits most public and private employers with 15 or more employees from discriminating in their employment practices on the basis of race, color, national origin, sex, and religion.

However, religious employers have an exemption with respect to religious discrimination, which was expanded in 1972.

I will read the current exemption:

> This subchapter shall not apply . . . to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

In 1987, the Supreme Court upheld this title VII religious exemption in the case of Corporation of Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos.

I support this right of religious organizations to use religious criteria in hiring people to carry out their religious work. I have no quarrel with the title VII religious exemption. It makes sense for people of common faith to work together to further their religion's mission.

At the same time, I recognize that discrimination ''on the basis of religion'' can often include discrimination based on other factors that are prohibited by civil rights laws, such as race, ethnicity, and sex.

Dr. Martin Luther King, Jr., observed that the hour of worship is one of the most segregated hours in American society. Sadly this is still true today, but many people of similar racial or ethnic backgrounds do prefer to worship together, and there are churches throughout this Nation that target only certain races or ethnic groups.

So, unfortunately, allowing religious organizations to hire only members of their own religion, in many cases, can also mean hiring only members of a certain race or ethnic background.

For example, if employment is limited to the co-religionists of the recipients, how many African Americans will be hired by Orthodox Jewish groups? How many white people will the Nation of Islam employ as security guards in public housing? And what of the many Protestant groups that are overwhelmingly White or overwhelmingly Black or overwhelmingly Hispanic?

The courts also have read the title VII exemption very broadly to allow discrimination on the basis of religion to include the religion's ''tenets and teachings.'' This broad reading has resulted in situations where people of faith who do not necessarily follow the accepted lifestyle or private behavior of that religion have lost their jobs.

Here are some examples of how this law discriminates against people's everyday behavior in addition to their religious beliefs:

In the case of EEOC v. Presbyterian Ministries, Inc., a Christian retirement home fired a Muslim receptionist after she insisted on wearing a head covering as required by her faith.

The Church of Jesus Christ of Latter-Day Saints fired several employees because they failed to qualify for a ''temple recommend,'' that is, a certificate that they were Mormons who abided by the church's standards in such matters as regular church attendance, tithing, and abstinence from coffee, tea, alcohol, and tobacco.

This exemption, unfortunately, has had a particularly harsh impact on women and people of different sexual orientation. Here are some examples of how courts have interpreted this exemption to allow employment discrimination against women and gays under the current title VII exemption:

Numerous Christian schools fired female teachers for having extramarital sex or committing adultery; upheld by the court. A Catholic school fired a teacher who remarried without seeking an annulment of her first marriage in accord with Catholic doctrine; upheld by the court. A Catholic school fired a teacher for marrying a divorced man; upheld by the court. A Catholic university refused to hire a female professor because her views on abortion were not in accord with Catholic teaching; upheld by the court. A Baptist nursing home fired a student services specialist after she was ordained a minister in a gay and lesbian church that advocated views on homosexuality ''which were inconsistent with the [school's] perception of its purpose and mission''; upheld by the court. A church terminated the employment of an organist on the grounds that his homosexuality conflicted with the church's belief; upheld by the court.

I regret that these may be unintended discriminatory consequences today under the title VII exemption where religious organizations hire people using money raised by the church from its own congregation. But what of the case we are discussing? We are not talking about a situation where churches are spending their own money for their own religious purposes and following their own employment codes and practices under the title VII exemption. We are talking about opening up a new world where tax dollars are taken from the treasury and given to these same churches. What if the money is not raised by the congregation or coreligionists, but the money is being raised from the taxpaying public? What standard should we use?

Most scholars agree it is an open legal question as to whether a religious organization can take taxpayer money and use it to discriminate in hiring employees on the basis of religion. It would seem to me that the obvious answer to this question is no. Any other response would result in taxpayer-funded discrimination. I will return to this question and the reasons for my answer after examining asking how this issue fits into the broader picture of the President's faith-based initiative.

The faith-based initiative has been marketed as a proposal to ''level the playing field'' for religious organizations that seek government funds to pay for social service programs. However, it appears that the supporters of the initiative do not want to level the playing field; they want to create a special set of rules for religious organizations which would result in special treatment that other nongovernmental organizations do not currently enjoy.

President Bush has demonstrated, through his Executive orders and agency regulations, that his faith-based initiative goes far beyond religious icons, religious names, religious language in chartering documents or religious criteria for membership on governing boards. I do not object to any of those stated goals which I have heard from the Senator from Pennsylvania and the Senator from Connecticut as well as the President. I have seen the enforcement of rules and standards which I think have gone way too far.

I can think of my own hometown of Springfield where there is a long-simmering controversy still brought up regularly about whether a teacher could come in and teach a driver training course at the Catholic high school if that teacher were paid for out of public school funds and that Catholic high school and its classroom had a crucifix on the wall. It rubbed a lot of people of my Catholic religion the wrong way, that people would argue that the mere presence of that crucifix was somehow offensive or violated the law. That argument goes to the extreme. I do not hold those views. I support the position stated time and again by the Senators from Pennsylvania and Connecticut that we ought to draw a more reasonable line. The House of Representatives, with mottos on the walls ''In God We Trust,'' with our currency reflecting that, with chaplains in the House and Senate, we can state a reasonable standard that does not violate the basic freedom of religion or establishment clause of our Constitution. But I do object to the administration bypassing Congress to write one set of rules for secular organizations and another for religious organizations.

For example, all recipients of government grants currently are required to abide by a host of regulatory requirements, including filing IRS documentation and complying with all State and local laws. Supporters of the faith-based initiative would like to exempt religious organizations from complying with these important regulations, such as those dealing with health and safety. Explain that for a moment.

If in the State of Illinois or my city of Springfield someone wants to run a daycare center and we have decided, for the safety of the children in the

daycare center, there should be perhaps a sprinkler system, a fire alarm, or a fire escape, certain doors so that kids can get out in case of emergency, why, if this becomes a faith-based childcare center, should we reduce or limit that same application of health and safety standards? It doesn't make sense. One of the amendments which needs to be offered as part of this conversation on faith-based initiatives will address that.

Take a look at the Teen Challenge substance abuse program which President Bush has mentioned many times. In 1995, the Texas Commission on Alcohol and Drug Abuse threatened to close Teen Challenge after issuing a 49-page list of violations of State health and safety codes. The list included unlicensed counselors, food preparation that created a health hazard, a broken smoke detector system, and exposed wires and electrical outlets. Then-Governor Bush responded by exempting faith-based drug treatment programs from all of the State health and safety regulations that were followed by their secular counterparts.

I don't know how you could reach that conclusion. It is one thing to be imbued with a religion; it is another thing to ignore the obvious. If there is a terrible accident or fire or some disaster, children in faith-based institutions deserve the same level of legal protection as those in institutions run as businesses.

This special treatment was not limited to drug treatment programs. Faith-based childcare centers and residential children's homes could use an alternative accreditation program that would exempt them from State licensing. The special treatment for these alternatively accredited facilities was that there were no unannounced inspections of the facilities as required by State law. As a result, the rate of confirmed abuse and neglect at alternatively accredited facilities was 25 times higher than that of State-licensed facilities. Whom are we doing a favor for by exempting the faith-based charity from standards of unannounced inspections to make certain that they are living up to the letter of the law?

The complaint rate at alternatively accredited facilities was 75 percent compared to 5.4 percent at State-licensed facilities. Due to these staggering outcomes, this accreditation program sunset in 2001 and has never been renewed.

The White House has also given indications it may provide special treatment to religious organizations by exempting them from State and local laws addressing employment discrimination. I have a great deal of respect for the Salvation Army. They do wonderful work, not only in the United States but around the world. But they had a rather embarrassing incident in July of 2001 when an internal report was discovered that stated their group had received a ''firm commitment'' from the Bush White House to protect religious charities from State and local laws regarding sexual orientation discrimination and domestic partner benefits. I hope that is not the goal of the Bush White House in pushing this faith-based initiative.

Over the past 2 years, President Bush and his faith-based initiative have repeatedly eroded 200 years of carefully protected separation between church and state. In what the Washington Post called ''faith-based by fiat,'' President Bush signed Executive Order 13279, in December of 2002, to overturn principles of nondiscrimination in Federal contracts that have stood for over 60 years.

The House of Representatives is currently considering the reauthorization of the Workforce Investment Act. The legislation has been marked up in the House, and it would repeal 20 years of civil rights protections against religious discrimination. The House also has held hearings regarding the reauthorization of the Corporation for National and Community Service, known as AmeriCorps. In its proposed legislation, the House would repeal a decade of civil rights protections against religious discrimination in employment that were signed into law by President Bush's father.

Finally, the Department of Housing and Urban Development has proposed rules to allow religious organizations to use Federal funds to build centers where religious worship is held as long as parts of the building are also used for social services.

Supporters of the faith-based initiative want to know why we are raising these issues now, when Congress included charitable choice provisions in legislation we passed as far back as 1996. The difference is this: Then-President Clinton made it clear, as part of the technical corrections package to the welfare reform bill, that nothing included therein would change the fundamental protections against religious discrimination which were currently in the law. President Clinton did that as well in the reauthorization of Community Services Block Grant Programs in 1998 and the reauthorization of the Substance Abuse Mental Health Services Act in 2000. Unfortunately, in this debate, that same assurance has not been given.

I want to go to a point which really gets to the heart of the issue. It is a difficult one. It is one for which I don't have an answer. When you talk about faith-based initiatives, you are talking about religion in America. The obvious and important question is: What is a religion? There are many that we readily will recognize as being established religions of all different denominations. But when it comes to the definition of religion, many people self-define their beliefs and activities as religion.

Jim Jones led people to a mass suicide in Guyana, and David Koresh and his Branch Davidians in Waco, TX, have become scarred in the American memory as tragic reminders of what happens when people are blindly led by fanatics who use the guise of religion for their own personal, violent agenda. I represent a State which is the home of the so-called World Church of the Creator, which has to be one of the most perverted extremist groups in America that I know of, which claims itself to be a religion. On its Web site, the so-called ''Reverend'' Matt Hale—who graduated from law school but was not allowed to be licensed under the rules and practices of the bar in Illinois—proudly welcomes visitors, saying:

> We are a religious, nonprofit organization, with our world headquarters in the State of Illinois. At the time of this writing, we have 24 regional and local branches of the church and members all over the world.

What are the tenets of his church and religion, of this World Church of the Creator? Here is what he says in his own words:

> After 6,000 years of recorded history, our people finally have a religion of, for, and by them. Creativity is that religion. It is established for the survival, expansion, and advancement of our white race exclusively. Indeed, we believe that what is good for the white race is the highest virtue, and what is bad for the white race is the ultimate sin.

I cannot think of any more hateful rhetoric spewed in the name of religion. That is exactly what is happening today. Recently someone challenged their dismissal of employment because they were members of this church. The court came back and said it is a religion and has to be treated as such for the purpose of the Civil Rights Act of 1964.

So here we come to a point where we are talking about giving Federal dollars to those who call themselves religions for the purpose of performing social services. What is the threshold question we should ask? Is this truly a religion or is this something else in the guise of a religion? What are we doing with taxpayer dollars? Would we want to spend $1 supporting the racist views of the World Church of the Creator because they tell the Federal Government they have a program to deal with drug abuse or to provide childcare services in central Illinois? I hope not. But once you have opened this door and start talking about Federal dollars given to religion for social services, you open up a can of worms, a set of questions and great challenges that we have not faced for many years, if ever.

I am worried as I look across the various religions of the world, not just those purporting to be Christian but some who are members of different religions that have taken what in fact are extreme views.

It was only a little more that a year ago that the people of Afghanistan were still suffering under the violent and oppressive regime of the Taliban, which suppressed and punished its people in the name of Islamic fundamentalist religious beliefs.

Thanks to the leadership of the United States and our military, we

have now liberated the Afghan people from the Taliban, which, like Al Qaeda, had distorted the peaceful religion of Islam for their own destructive purposes.

The leaders of the Taliban were trained in ''madrassas,'' which are characterized as religious schools. But those familiar with these institutions often call many of them ''jihad factories'' because of the extreme nature of their ''religious'' indoctrination and the militancy they train.

At madrassas, the Taliban preached that freedom afforded to women is the main reason for social degradation, and that the best place for women was inside the four walls of their homes—cut off from education and cut off from opportunity.

They also preached that television is the ''spark of hell'' responsible for moral degradation, and watching it or listening to music was un-Islamic and sinful. And when they came to power, the Taliban put all of these distorted lessons to practice against their own people.

The Taliban is perhaps the most recent example of extremism in the name of religion that we have witnessed.

But since the 1979 Islamic revolution in Iran, we have seen numerous radical Islamic fundamentalists utilize their religious ideology as the driving force behind the most active Middle Eastern terrorist groups and state sponsors.

For example, Hizballah of Lebanon calls itself the ''Party of God'' although there is nothing godly about its terrorist activities.

Hizballah was founded in 1982 as a faith-based organization by Lebanese Shiite clerics who were inspired by the Islamic ideology of Iran's Ayatollah Khomeini. Its original goal was to establish an Islamic republic in Lebanon. But many of the Shiite Muslims who rule Hizballah studied in Iran's theological seminaries while receiving terrorist training there as well.

The trainings paid off as this terrorist group became responsible for the detention of most, if not all, American and other Western hostages held in Lebanon during the 1980s and early 1990s. Eighteen Americans were held hostage during that period, three of whom were killed.

Hizballah is also suspected in the April 1983 suicide truck bombings of the U.S. Embassy in Beirut and the U.S. Marine barracks in October 1983 that killed 220 Marine, 18 Navy and 3 Army personnel.

And Hizballah is also suspected to have been behind the hijacking of TWA Flight 847 in 1985, and the killing of a Navy diver, Robert Stethem, who was on board.

Hamas, Al-Jihad, Abu Sayyaf, and Islamic Movement are some of the other better-known extremists that argue their organizations are based on Islamic religious beliefs.

There are radical Jewish groups as well, such as Kach and Kahane Chai. These two Jewish movements seek to expel all Arabs from Israel and expand Israel's boundaries to include the occupied territories and parts of Jordan. Founded by extremist Rabbi Meir Kahane, these groups also argue for strict implementation of Jewish law in Israel.

I do not mean to suggest here that the President's faith-based initiative will necessarily lead to such religious extremism.

At the same time, I want to make it clear that this is not an easy question. To dismiss it simply as a question about whether or not we are tolerant of religion is one thing, but the question of whether we are going to subsidize religious belief that reaches the extreme is really something else.

The important message we must send is that religious organizations that take taxpayers' money should not be able to use those funds to discriminate in hiring employees on the basis of religion. The American people have been asked their opinion on this issue. The response is interesting.

According to the Washington Post, in a 2001 survey conducted by the Pew Research Center:

> When people were asked whether ''religious groups that use Government funds [should] be allowed to hire only those who share their religious beliefs,'' 78 percent said ''no'' and 18 percent said ''yes''—a degree of objection that so surprised researchers that they repeated the question three different ways. . . .

They received the same answer time and time again. On the other hand, the Bush administration believes that Government-funded discrimination in hiring on the basis of religion is acceptable.

According to a U.S. Department of Justice Office of Legal Counsel memorandum on June 25, 2001:

> We conclude, for the reasons set forth more fully below, that a faith-based organization receiving direct Federal aid may make employment decisions on the basis of religion without running afoul of the Establishment Clause.

In the only case that directly addressed whether the Title VII exemption applies to a position funded by government funds, the Southern District Court of Mississippi ruled that it did not.

In the 1989 case Dodge v. Salvation Army, Jamie Dodge was employed by the Salvation Army in its Domestic Violence Shelter as the Victims Assistance Coordinator.

After the Director of the shelter saw Ms. Dodge using the Salvation Army's copy machine, Ms. Dodge admitted that she had made copies of manuals and information on Wiccan rituals.

Soon after making these admissions, Ms. Dodge was terminated.

She filed a complaint that because the shelter where she worked received substantial federal and state funds, the Title VII exemption could not be applied to her.

The District Court ruled that ''even though the religious exemption does permit the Salvation Army to terminate an employee based on religious grounds, the fact that the plaintiff's position as Victims' Assistance Coordinator was funded substantially, if not entirely, by federal, state, and local government, gives rise to constitutional considerations which effectively prohibit the application of the exemption to the facts in this case.''

Furthermore, the Court held that ''Based on the facts in the present case, the effect of the government substantially, if not exclusively, funding a position such as the Victims' Assistance Coordinator and then allowing the Salvation Army to choose the person to fill or maintain the position based on religious preference clearly has the effect of advancing religion and is unconstitutional.

Despite this ruling, the issue is considered an open legal question because the case was not considered beyond the District Court and there are several other cases which at least partially address this question.

However, this is not just a legal question or a hypothetical line we are drawing in the sand.

One of the cases I would like to point out is a case that really talks about discrimination firsthand. It is the case of Alan Yorker and his experience with United Methodist Children's Home in Decatur, GA. The children's home, which receives almost half of its money from Government sources, provides residential group foster care for 70 young people, many of whom are in State custody.

Mr. Yorker responded to an advertisement in the Atlanta Journal-Constitution for a position at the home. As a psychotherapist with over 20 years experience counseling young people and their families and over a decade of experience teaching in Emory University professional schools, the home determined that his credentials placed him among the top candidates for the position. He was rushed in for an interview, where he was required to disclose in an application form his religious affiliation, his church and minister. Mr. Yorker, a Jew, supplied the names of his synagogue and rabbi. During the interview, an administrator noted that Mr. Yorker was Jewish and told him that this children's home doesn't hire people who are Jewish. He was shown the door.

Let me tell you that this didn't happen decades ago; this is of recent vintage. The same administrator told another employee that it is the home's practice to throw the resumes of applicants with Jewish-sounding names in the trash. The Yorker name got past her.

Ironically, Yorker has not always been the family name. Alan Yorker's Jewish paternal grandfather, Harry Monjesky, spent many years as a conductor on the New York Central Railroad. When the railroad began to face tough times, Jewish and African-American workers were singled out for layoffs first, regardless of their seniority.

Mr. Monjesky was fired and left without a livelihood. Several years later, when Alan's father reached adulthood, he changed his name to Yorker. He wanted to make sure that his children would be judged by their merit and not by their surname or private religious beliefs.

That is how Alan Yorker's resume landed at the top of the pile instead of the home's trash bin. And nearly a century after his grandfather was turned away by the Railroad because of his religion, Alan Yorker faced the same discrimination when applying for a government-funded position.

I will conclude by saying that these are examples of what is being done in the name of religion. For it to be done by a religious organization to achieve a religious goal, with funds raised by co-religionists, is certainly allowed in title VII of the Civil Rights Act. To say, however, that we are going to open the Federal Treasury and provide millions of dollars to religions for social services, and then approve of their discriminatory activity in the name of religion, is branching out in a direction that our Founding Fathers could never have considered, let alone condoned.

In light of this complex constitutional issue, I think it is fair to ask why we even need a faith-based initiative. President Bush believes it is necessary because ''people should be allowed to access money without having to lose their mission or change their mission.'' However, current law already permits groups that are affiliated with religious entities to provide social services with Government funding.

Catholic Charities, Lutheran Social Services, Jewish Federations, and many other religious organizations have received—and continue to receive—taxpayer funds from the Government to provide much-needed services that our Government is often unable and unavailable to provide.

These organizations access Federal funds without changing their missions. For example, Catholic Charities has a publication entitled ''10 Ways Catholic Charities are Catholic.'' At the same time, Catholic Charities in Chicago, which I am proud to represent, also issues the following statement on its Web site:

> Catholic Charities employs more than 3,000 dedicated, compassionate and professional men and women, regardless of race, religion, or ethnic background.

Many Catholic Charities across the Nation have similar equal opportunity statements.

As thousands of Americans visit our Nation's Capital, many will stop at the Jefferson Memorial and read the following inscription, in the words of Thomas Jefferson:

> No man shall be compelled to frequent or support any religious worship ministry or shall otherwise suffer on account of his opinions in matters of religion.

These words, from Jefferson's ''Bill for Establishing Religious Freedom in Virginia,'' are as relevant now as they were in 1785. Although we don't debate the faith-based initiative proposal in its entirety today, I look forward to the opportunity to continue to protect our historic balance in the relationship between church and state.

I yield the floor.

Mr. KENNEDY. Mr. President, the CARE Act is a significant bipartisan effort to create improved opportunities for charitable giving. That is a goal I wholeheartedly support. Charitable giving is a continuing reaffirmation of the deeply held community spirit of the American people. It recognizes our responsibility to help the less fortunate, and the work of charitable organizations is essential in protecting the well-being of millions of our fellow citizens.

The key provision of the bill will at long last allow those who do not itemize their deductions to receive a tax deduction for their charitable contributions. This deduction will benefit millions of low and middle-income families who are already making significant charitable contributions each year, and it will encourage even more charitable contributions in future years.

The agreement to remove the controversial title 8 makes sense, so the bill can move quickly through Congress. All of us share the goal of enhancing community-based services for low-income people through public, private, and faith-based organizations. Our concern with title 8 was that it failed to see that faith-based organizations do not use these public funds to discriminate on the basis of religion.

Many of us continue to be concerned about a separate development on the discrimination issue. The President has issued an Executive order repealing more than 60 years of Federal protections against religious discrimination in publicly funded programs. Under the President's order, organizations can receive public funds and then refuse to hire persons because of their religion, their marital status, or their sexual orientation. As the Senate considers future legislation to support and fund community-based organizations that provide social services, including faith-based organizations, I look forward to working with my colleagues to see that civil rights protections are safeguarded.

I am pleased that the CARE Act restores funding for the social services block grant. Congress made a promise in 1996 to do so, and it is essential to keep that promise, so that vulnerable Americans can continue to rely on the funding in the years ahead.

For too long, Congress has ignored its responsibility to those most in need. Since 1995, annual funding for SSBG has been cut by more than $1 billion, from a high of $2.8 billion to the current level of $1.7 billion. This bill will restore the amount to $2.8 billion in the next fiscal year.

The social services block grant pays for critical services for 11 million children, families, seniors, and persons with disabilities each year. In 2000, $683 million in these funds was used to support child protective services, foster care, and adoption services alone. Twelve percent of the funds was used for disability services, and $181 million was used to provide services to the elderly. This program is the only Federal source of funding for Adult Protective Services, which provides assistance and protection for elderly and disabled adults who are victims of abuse.

Restoring these funds is especially important now, when most States are cutting and even eliminating the very services and programs that the social services block grant was enacted to support. The economic downturn, escalating State deficits, and reduced funding for social services, has left State program officials with the impossible task of deciding who to help and who to turn away.

We must do all we can in Congress to ensure that States have the resources they need to support their most vulnerable citizens. I commend my colleagues on the Finance Committee on the provision to restore SSBG in the CARE Act for the coming year. Our goal now is to see that we keep doing that in future years as well.

Today's action should not be just a temporary, 1-year fix. We owe a lasting commitment to the children, families, and seniors who need our help the most, and I look forward to working with my colleagues to achieve this goal.

Mr. JEFFORDS. I would like to briefly discuss one of the provisions in the CARE Act, an incentive that will encourage the conservation of environmentally sensitive land. This conservation incentive will allow landowners who own environmentally sensitive land to exclude part of the gain they realize if they sell their land to conservation organizations for the purpose of conservation.

We are losing our farms, ranches, and open spaces at an alarming rate. Many landowners would like to transfer their land to a conservation organization that would conserve it or preserve its original use. For many of them, however, donating land to a conservation organization is not an option. Their land is an important asset, the sale of which will yield an important source of income.

The CARE Act creates a new tax incentive for these ''land rich/cash poor'' taxpayers who cannot take advantage of the current law's charitable deduction. This new incentive is an exclusion from income for one-fourth of the gain that taxpayers realize upon a sale of land, when the land is sold for conservation purposes, to a conservation organization. The exclusion will also be available for a transfer of a partial interest, such as a conservation easement. With this provision, landowners would pay less tax when they transfer land for conservation purposes.

I first introduced a bill similar to the CARE Act provision in the 106th Congress. In 2000, both Presidential candidates endorsed this approach. This year, and in the previous 2 years, a provision like the conservation exclusion in the CARE Act has been included in the President's budget proposals. It has also been endorsed by a diverse range of interest groups, including the Farm Bureau, Ducks Unlimited, the Land Trust Alliance, the American Farmland Trust, and the Nature Conservancy.

My bill—and President Bush's budget proposals—called for a 50-percent exclusion. If, as I believe, this tax incentive proves to be an effective way to encourage conservation, I hope that we will someday be able to increase the exclusion. This new tax incentive will mean more conservation with no new appropriations, and no new restrictions on land use. It adopts a new, market-based approach to conservation, using funds that have either been privately raised or set aside by State and local governments.

Mr. LUGAR. Mr. President, I rise today in support of the Charity, Aid, Recovery, and Empowerment Act. I am proud to be an original cosponsor of this important legislation, which would encourage more citizens to contribute to non-profit programs and institutions. I want to commend my colleagues, Senators SANTORUM and LIEBERMAN, for introducing this important bipartisan legislation. The CARE Act is designed to promote charitable giving at a time when charities report increasing demands on their services along with a decline in contributions.

After the tragedy of September 11, charitable contributions were greatly deminished. Donations to charitable organizations dropped last year by 2.3 percent and they are lagging even further behind this year. At the same time, more people are turning to charities for help because of job lay-offs, health concerns, and the needs of our children. The tax incentives contained in the CARE Act to encourage charitable giving are needed now more than ever.

Included in this bill is language to encourage charitable giving by allowing a tax deduction for charitable giving for non-itemizers. Eighty-six million Americans do not presently itemize their deductions on their tax returns. This provision would allow for a tax deduction up to $250 for individuals and $500 for couples. Organizations such as the American Red Cross, the March of Dimes, and other charitable organizations that rely on low dollar donations believe that they will be able to generate more donations if everyone could take a deduction regardless of which form they file with the Internal Revenue Service.

The ability to roll over excess funds from Individual Retirement Accounts to a charitable organization or university is also a part of this legislation. Many organizations and universities benefit from planned gift revenues. The IRA rollover provision will allow charities to increase the number of planned gifts, while being able to diversify their planned gift portfolios.

I have been a supporter of Individual Development Accounts and was pleased that this initiative to expand these accounts is included in the bill before us. These accounts are made up of dollar-for-dollar matching contributions up to $500 from banks and community organizations to be used by lower-income working families to buy a home, start or expand a small business, or pay for college.

I believe that one of the most important provisions that has been included in this bill is the Hunger Relief Tax Incentive Act. This important provision allows for expanded charitable tax deductions for contributions of food inventory to our nation's food banks. Demand on food banks has been rising, and these tax deductions would be an important step in increasing private donations to the non-profit hunger relief charities playing a critical role in meeting America's nutrition needs.

As I have traveled around Indiana, I have visited many food banks in our state. They have confirmed the results of a study by the U.S. Conference of Mayors that showed demand for food at food banks has risen significantly. The success of welfare reform legislation has moved many recipients off welfare and into jobs. In many states, welfare roles have been reduced by more than half. But we need to recognize that these individuals and their families are living on modest wages. As the states' unemployment rates have risen, so has the demand placed on the food banks and soup kitchens.

According to the Conference of Mayors survey, during the last year, requests for emergency food assistance has increased one hundred percent. Forty-eight percent of the people requesting emergency food assistance are either children or their parents. The number of elderly persons requesting food assistance has increased by ninety-two percent.

Private food banks provide a key safety net against hunger. According to an August 2000 report by USDA, 31 million Americans are living on the edge of hunger.

USDA statistics show that up to 96 billion pounds of food go to waste each year in the United States. If a small percentage of this wasted food could be redirected to food banks, we could make important strides in our fight against hunger.

The food bank provisions under the CARE Act would allow farmers and small business owners to take a deduction when they donate food to their community food bank. Currently this deduction is available to large corporations but not to small businesses. This approach would stimulate private charitable giving to food banks at the community level.

Each citizen can make an important contribution to the fight against hunger at a local level. I have been especially impressed by the remarkable work of food banks in Indiana. In many cases, they are partnered with churches and faith-based organizations and are making a tremendous difference in our communities. We should support this private sector activity, which not only feeds people, but also strengthens community bonds and demonstrates the power of faith, charity, and civic involvement.

I would like to thank Senators SANTORUM, LIEBERMAN, GRASSLEY, and BAUCUS for their efforts in helping America's charities meet their funding goals, and to those individuals who take advantage of the services provided by these groups.

Mr. GRAHAM of Florida. Mr. President, I am pleased that the Senate is considering the CARE Act today. By enacting this legislation, Congress acknowledges the inherent good in millions of Americans.

The bill includes a number of changes to the tax rules that will make it easier for individuals to donate to the tens of thousands of worthwhile charities that operate across this nation. By making the charitable deduction available to those taxpayers who don't itemize their deductions, married couples can deduct as much as $500 of the contributions they make to charity.

Provisions in the legislation also make it easier for individuals to donate funds they have saved in an IRA. Rather than having to report this amount in income and then take a commensurate deduction for the contribution, the new rule allows the funds to be transferred directly to the charity.

The bill also eases the burden of gaining tax benefits for those individuals who wish to make donations of food, books, and scholarly compositions to charity.

While these charitable giving incentives are useful to many citizens and the charities they desire to help, this legislation may be even more important because it contains strong provisions that will help the Internal Revenue Service and the Nation's courts crack down on abusive tax shelters.

In his last report to the IRS Oversight Board, the IRS Commissioner Charles Rossotti identified abusive corporate tax shelters and promoters of tax schemes of all varieties as among the most serious compliance problem areas. In addition to the revenue lost by the Federal Government—funds that could be used for defending the homeland, education, and protecting the environment—the proliferation of these schemes represents in Commissioner Rossotti's words ''a failure of fairness to the millions of honest taxpayers whose commitment to paying their taxes is based on the principle that the IRS will act if they or their neighbors do not pay their fair share.''

This administration has been slow to embrace measures that crack down on those who manipulate the Tax Code to

avoid paying their taxes. Despite the previous administration having identified the proliferation of tax shelters as a large and growing problem as far back as 2000, President Bush's initial budget contained no legislative recommendations to stem the proliferation of tax shelters.

Only after it became clear that Congress was going to address this issue, did the Bush Administration take notice. Even then, their approach to combating this problem was, at best, timid. The Bush administration's solution was to continue to rely solely on the Service's ability to detect an abusive tax shelter from within the minutiae of a taxpayer's tax return. If the Service was fortunate to uncover a tax shelter, it could then initiate steps to shut it down. This is a difficult and time-consuming process for the IRS to undertake.

While disclosure of these schemes by taxpayers and promoters can be useful in combating the proliferation of tax shelters, the IRS also needs some additional tools. This is why the bill includes a statutory requirement that transactions utilized by taxpayers have an economic rationale beyond the creation of tax benefits, commonly referred to as the ''economic substance doctrine''. The bill backs up this new requirement with stiff penalties for taxpayers who engage in such transactions.

It is a simple requirement. You don't even need to be a tax attorney to understand it. Simply put, it would require that transactions conducted by taxpayers have a business purpose. What does that mean? The proposal requires that a taxpayer have a reason other than the creation of tax benefits for engaging in a transaction.

A cursory review of the recent Joint Committee on Taxation report on the tax returns of Enron Corporation highlights the dire need for this legislative change. The Joint Committee on Taxation found that Enron paid total federal income taxes for the period 1996 through 2001 of $63 million. During this same period Enron reported to investors that it had profits of nearly $6 billion. How was Enron able to paint such obviously contrasting pictures?

According to the Joint Committee on Taxation's report, Enron transformed its tax department from an administrative function to a profit center. Enron spent millions of dollars on tax attorneys and shelter promoters who helped it cook up transactions that had no purpose other than to artificially reduce its tax liability.

According to the JCT Report, these transactions:

> demonstrate the need for strong anti-avoidance rules to combat tax-motivated transactions that might satisfy the technical requirements of the tax statutes and administrative rules, but that serve little or no purpose other than to generate income tax or financial statement benefits.

This bill provides those strong anti-avoidance rules, and I hope they will become law sooner rather than later.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, first of all, I thank Senator BAUCUS for the compliments he gave me. More importantly, it emphasizes, as I have tried to indicate, the great cooperation I have had from him. Legislation such as this has some controversial provisions in it, and you don't get a piece of legislation such as this to the floor without the bipartisan cooperation that has been exhibited. I thank him for that.

AMENDMENT NO. 526

(Purpose: To provide a Managers' amendment)

Mr. President, I send an amendment to the desk and ask for its immediate consideration. This is what is referred to as the managers' amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. BAUCUS, proposes an amendment numbered 526.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. GRASSLEY. Mr. President, I ask unanimous consent that all time be yielded back on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I further ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 526) was agreed to.

Mr. GRASSLEY. Mr. President, I have already complimented Senator SANTORUM and Senator LIEBERMAN for their joint work on most of the provisions of this legislation. I am happy to have Senator SANTORUM, who is also a member of the Senate Finance Committee, manage a bill that he has been central to getting those provisions into law.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. 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. SANTORUM. Mr. President, I thank the Senator from Iowa, the chairman of the Finance Committee, for his kind words and his cooperation. I thank the ranking member of the committee for his cooperation.

There are some things in this legislation that he is not particularly enamored with, but he was most cooperative and helpful in moving the legislation forward. We are now at a point where we are within 24 hours of passing the legislation. Most of all, I thank my colleague from Connecticut, Senator LIEBERMAN, who has been a faithful partner—to use a play on words—a faithful partner in putting this initiative together.

We have worked together closely with the President, who has been truly the motivating force to try to provide some ammunition to the armies of compassion out there on the front lines every day, fighting for hope and opportunity for the millions of Americans who have yet to realize their dreams in dealing with the problems that confront them.

The President has, through his faith-based initiative, been very clear in the role of charitable organizations, particularly people of faith within those organizations, to heal many of the ills that confront society. We are a society that, while very prosperous by any measure, even at a time of economic downturn that we are experiencing right now, we are still the wealthiest country in the history of the world. With that great wealth comes responsibility. So many people have taken up that responsibility, trying to meet and serve those who in a society of great wealth have experienced a multitude of problems in trying to achieve, both from the economic perspective but again, as I said before, pursuing their dreams.

This piece of legislation, while it is not everything the President requested—it is not all of his faith-based initiative—certainly gets at one of the most important components which is the one funding organizations which do charitable purposes or have charitable purposes.

No. 2, there is a provision called the Compassionate Capital Fund which is grants to small organizations with less than six employees or less than $½ million in funding, to go out and be able to, for the first time, compete for Federal funds.

A lot of these small organizations, most of which are faith based in nature, have not been successful in applying for government grants principally because they don't have the resources or the expertise to do so. When you are running a food pantry with one or two people, most of whom are part-time employees and many volunteers, you don't have the expertise to apply for Federal grant dollars or any other kind of grant dollars. You try to do what you can to make ends meet. This provides the kind of technical assistance necessary for a lot of smaller, mostly inner-city organizations that right now do not take advantage of the money available through the Federal Government, again, whether they are faith based or not.

Most of these organizations are faith based in nature so there is a faith component to this. As I will show later, many of the provisions in the act will have a disproportionate benefit to

charitable organizations which are faith based.

It doesn't accomplish a couple of the things the President set out to do. The issue Senator DURBIN spoke of earlier having to do with equal treatment, even though it is not in this legislation, let me address it very briefly and then maybe in more detail later on.

The whole concept of equal treatment is to allow those who have some element of faith within their organization—and there is a whole range across the charitable organization horizon. There is a whole range of faith, how much faith is integrated into those organizations—some are, to use the term, ''saturated'' or completely faith based in nature and expressively faith based in their programs, to the whole range of the other side which are those that are exclusively secular and even to some degree hostile to faith. In between there are gradations.

What the President has tried to do is instead of, as we do right now, as we did prior to the 1996 welfare reform, which allowed for charitable choice, in other words, for some government programs to go, these dollars to go to faith organizations, we sort of eliminated all these people of faith and all these organizations that have faith as a component of their mission or their vision or their program and left it to a very rather narrow category.

We, in 1996, on the Senate floor, with President Clinton signing it, said we would stop that discrimination against people of faith who wanted to act based on their faith to help their fellow man, as long as they didn't do certain things such as use it for faith worship or proselytizing, things that are not delivery of service.

We expanded greatly the range of faith organizations and nonfaith organizations. We expanded greatly those who can participate in government funds. When you do that, you run into some problems, some questions.

We have seen tremendous success and very few cases where problems have arisen, but in the areas where they have, there have been questions as to what government statutes apply, what provisions or regulations apply to faith organizations as opposed to nonfaith organizations.

One of the principal questions has to do with people's religious liberties and their ability to practice their faith bumping up against other rights. The one that the House of Representatives dealt with and the Senator from Illinois referred to had to do with the issue of employment and whether religious organizations which are provided with government funds can say that someone cannot work for that organization or they can refuse to hire someone who works for that organization who doesn't share that organization's values with respect to tenets and teaching of the faith which is expressed through their program.

One of the things I believe is essential to a lot of faith organizations, one of the reasons that faith organizations should be and need to be included in providing social services, is that a lot of these faith-based organizations don't just treat the symptom. They don't just treat the hunger, if it is someone who comes in for food assistance, or they don't just treat the dependency on drugs or alcohol, if someone comes in for addiction treatment. It doesn't just treat the problem of a lack of a GED or education, if someone comes in for education and training. What they do, because of their mission, they treat the mind. They treat the spirit and they treat the emotional well-being of this person. They treat the whole person. That is one of the keys to success in trying to truly turn people's lives around in a way that brings them back into productive life in America.

The key to these faith organizations is having people who have this mission they share out there teaching and bringing people in based on a certain core value structure. My argument is, we should not discriminate against people who have programs that are value laden—those values may be based on Scripture, the Old or New Testament or some other book—as opposed to saying we are going to discriminate against you because the values you have are based upon a religious belief, as opposed to an organization that is secular and its values are not based on a religious belief. I don't understand the reason for the discrimination. I don't believe it should exist.

I have had this discussion in brief, and we can talk more about it. I am sure we will. But having said all that, none of that is in this bill. We decided not to have this issue before us today because the need of getting resources out to the charitable organizations meeting human service and educational and other needs is, frankly, too urgent.

While we will debate this—and I am sure others will want to debate this issue—the true debate will wait for another day. That will be when the welfare reauthorization comes up. That is where this whole conversation of charitable choice and allowing faith-based providers to participate in government grants came about, back in 1996. And it is where we should continue that debate. I pledge to you that whether we get that bill or have that amendment in committee, or whether we bring it to the floor, this will be a topic of discussion and one I encourage all Members to think about and participate in.

But the charitable crisis is real, and that is why I agreed—and my colleagues in the House have been more than cooperative in putting together, hopefully, a compromise we can quickly get to the President's desk. We understand the crisis is real. Adjusted for inflation, charitable giving 2 years ago, in 2001, was 2.3 percent lower than in 2000. You have to remember at the end of 2001, unfortunately, we had to deal with the aftermath of 9/11, where there was a tremendous outpouring of giving. Even with that outpouring of giving, because of the sluggish economy, charitable giving fell again last year. Corporate giving fell again between 2000 and 2001 by 14.5 percent.

Again, we don't have the final numbers for 2002, but it was supposed to be off again last year. We saw the American Red Cross—I'll give a couple of examples. Their contributions declined anywhere from 20 to 60 percent; Salvation Army, off 5 to 10 percent; United Way, off 4 to 5 percent. We can go on and on. Colleges and universities saw a decline in the amount of charitable giving to their organizations, too.

So what we are doing is trying to respond in a comprehensive way. When I say that, I mean if you look at this bill, it is carefully crafted to provide incentives for all different types of givers—corporate, foundations, and individuals who don't itemize on their tax forms. By the way, if those with IRA rollovers want to give money to charitable organizations, they can do so without having to pay taxes under this legislation. So whether it is the small giver to, hopefully, the retiree, or someone who has a large IRA, or corporations who may want to give more money—all the way down the line to food donations, which is another area where the Senator from Indiana, Senator LUGAR, has a provision in this legislation that I think is very important, we have a provision that will encourage literally billions of dollars of additional food donations over the next several years by providing a tax incentive for corporations; but for the first time, partnerships, individual proprietors, and S corporations will be able to take the fair market value of their donation as a deduction—it is up to twice the cost of the basis of that food item—as a deduction for giving to charitable purposes.

We have about a billion pounds of food donated right now to people in America to help feed the hungry in America. It feeds about 26 million people. There are 96 billion pounds of food wasted in America. That is just an enormous amount. It is almost incomprehensible that we are talking about that amount. When you consider the fact that roughly 1 billion pounds of food donated helps feed 26 million, can you imagine, if we just increase it by a very small percentage, the amount of donated food there could be and how many people we could feed in America?

Senator LUGAR's legislation is included. We believe it will make a dramatic impact on hunger in America. There are a lot of other provisions.

I see my colleague from Indiana, Mr. BAYH. I will be on the floor for a while. I want to give him the opportunity to share with us some of the things he has been active with. He has a provision in the legislation he has shepherded through the process. I will have him talk about that. He has also been a champion and strong supporter of this legislation and the entire package from day one. I thank him for his support,

and I appreciate him coming to the floor to talk about this issue.

I yield the floor.

Mr. SANTORUM. Mr. President, I see the Senator from Indiana. I yield to him as much time as he may consume.

Mr. BAYH. Mr. President, I thank my colleague from Montana for his leadership, his friendship, and his devotion to this issue. I have listened with interest to his comments about the importance of ensuring that the incentives in the bill actually increase the charitable giving, as intended, and that we not inadvertently run a risk of lack of compliance. I concur with those sentiments and the need for a study to make sure we accomplish what it is we intend to accomplish.

I also want to begin by thanking our colleague from the State of Pennsylvania. It is fair to say we would not be here today without Senator SANTORUM's leadership. He has been persistent and willing to strike principled compromises. It has not always been easy, but it is to his credit in choosing to make progress rather than just having an issue. I thank him. Thanks to him, we are on the cusp of a significant breakthrough with regard to doing some things that will, in fact, lead to better care for the American people.

To our other colleagues involved in the effort, including Senators LIEBERMAN, NELSON, GRASSLEY, and my colleague from Indiana, Senator LUGAR, I salute them. I observe that at a time and in our body that is too often driven by politics and partisanship, this has truly been a bipartisan undertaking.

As I have observed before, just as faith can move mountains, perhaps it can also bring together Members of the Senate and span the political divide that too often separates those of us on one side of the aisle from the other. That is a good thing that the debate has brought to the Chamber—a greater sense of comity and devotion to progress and bipartisanship.

I reflect today, as our military men and women are in harm's way in Iraq, on the fact that our country's greatest military strength lies not in our weapons systems, not in the planes, the tanks, and the missiles, as important as they are but, rather, in the character, the bravery, and the courage those men and women honor us by demonstrating in the defense of our national security interests—just so our greatest strength domestically is not the financial markets we enjoy, not the technology or the factories, as important as they are to our prosperity. Instead, it is the innate goodness and spirit of the American people. That is what we celebrate today, Mr. President. That is what we advance with this legislation, and that is why I am such a strong supporter of the CARE Act. Through its provisions, we will enlist literally tens of millions of our fellow citizens in the urgent cause of making this country an even better place.

As my colleague mentioned, about 70 percent of American taxpayers currently do not itemize. The provisions of this legislation that will allow their charitable contributions to be tax deductible will enlist literally tens of millions of our fellow citizens in philanthropy, charity, good civic works, community level to address the urgent needs of our time: Homelessness, hunger, medical needs, fighting drug and alcohol abuse and addiction, teen and juvenile violence—these sorts of things—helping to mend the social fabric that is in too great a risk these days.

Very often, as my colleagues know, we get consumed in this Chamber in debates not about whether these urgent tasks are being performed, but instead about who is performing them. Mr. President, my strong sense of where the American people stand today, and my strong sense of where the Senate needs to stand today, is on the side of those who are getting these works done, effectively addressing the needs of the American people.

When it comes to housing the homeless, feeding the hungry, caring for the sick and afflicted, it is more important these tasks are being accomplished in the most effective way rather than getting bogged down into who is accomplishing it and exactly how.

We will enlist thousands of additional organizations, empower them, and increase their efforts—church groups, civic groups, other groups dedicated to doing good deeds, who enlist our citizens in the cause of not only doing well but also accomplishing good, and that is vitally important for the future well-being of our great society.

There are two additional points I think should be remarked upon. Senator SANTORUM alluded to the first. It is the individual development account provisions of this legislation. It involves a bringing together of the best thinking on both the left and the right. This provision would empower those who are less fortunate in our society to get a stake in the American dream, a stake toward owning a first home, starting a small business, going to college—the kinds of activities that will lead to greater prosperity and progress for individuals who currently do not have much in the way of hope for either. It gives them a property interest and a stake in the marketplace in which traditionally those on the ideological right would have a greater interest, but it focuses the property interest and the competitiveness in the marketplace on those who are less fortunate, giving them all an opportunity to make the most of their God-given talents, something that those on the ideological left speak to with great fervor.

This is a provision that brings the best of thinking across the ideological spectrum, regardless of ideology, to do what is right for the American people. That is why it is a sensible and important step that is included in this legislation.

There is something else in this legislation that is near and dear to my heart. We have an outstanding example in my home State of Indiana. I know my colleague from Pennsylvania has spent a great deal of time thinking about how to break the cycle of poverty. He has worked extensively in the area of welfare reform. As a matter of fact, to set an example for his colleagues of actually reaching out to individuals who have been in the welfare system and not only moving them from welfare to work, but moving them into jobs in his own office. I salute him for that success. Again, it is an example we would all do well to emulate.

As the Senator from Pennsylvania knows well, we spend hundreds of billions of dollars in this country dealing with the manifestations of what really are deeper underlying causes. If one looks at the causes of welfare dependency, at the causes of juvenile violence, teen pregnancy, alcohol and drug abuse, educational and economic underperformance, all too often one will find the root causes of these manifestations and all the expense we go to in how we treat our children.

There is an important provision in this legislation in this regard. It deals with maternity homes. We have an outstanding example: Saint Elizabeth's in Jeffersonville, IN, in Clark County. It is an outstanding example of how this money can be leveraged not only in helping the teen mothers but in helping the children and, in so doing, helping taxpayers and the rest of society.

Their experience indicates that 90 percent of these young women who are expectant mothers who have the benefits of the services of Saint Elizabeth's go on to finish their high school education, to get a diploma, to accomplish that first educational step on the ladder toward a more successful life.

It is about the same percentage for their children. New babies are born healthy rather than with serious health problems. And about the same percentage of those new mothers do not go on to have additional children out of wedlock. So it is good for the mothers because they finish their education, it is good for the children because they are born healthy, and it is good for society because we deal with some of the root causes of poverty, homelessness, teen violence, drug and alcohol addiction, and education underperformance, and in so doing, help society as a whole and the taxpayers in addressing these problems at the root cause, rather than waiting to address the symptoms, the manifestations at a later stage.

I am pleased to join with my colleague. This legislation, frankly, has been too long in coming, but here we are on the cusp of a great step forward to make our Nation not only more prosperous, not only more secure, but more decent, more compassionate, more just. That, at the end of the day,

is the test of a great society and a great nation, measured not only by the strength of our arms as being demonstrated abroad as we speak, not only in the size of our gross domestic product, as important as that is, but in the opportunity and the decency we demonstrate to our fellow citizens in the course of their daily lives and in our own.

For all those reasons, Mr. President, I count myself a strong supporter of this legislation. I again thank the Senator from Pennsylvania. Without his efforts, we would not be here. I thank those on our side of the aisle who worked so hard on this legislation. I am hopeful that in short order we not only can pass this bill and send it to the President for signature, but, in so doing, help millions of our fellow citizens. I thank my colleagues for their time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Indiana for his overly kind words with respect to my participation in this legislation. The Senator from Indiana has been truly one of the people out front and has been very supportive. I cannot count the number of press conferences I have asked the Senator from Indiana to be at trying to keep this ball rolling, and at times with a very busy schedule. He has always found time to associate himself with this cause and to continue to make sure it was on track in a bipartisan way.

That is how we get things done around here. I am very happy to have him as one of the prime cosponsors of this legislation. I again appreciate very much his kind words, but even more so appreciate his tremendous effort on making this legislation a reality.

I see the Senator from Rhode Island. If he is on a time schedule, I will be happy to yield the floor to provide him an opportunity to speak.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I commend Senators GRASSLEY and BAUCUS for bringing this important legislation to the floor, but I particularly commend and thank Senators SANTORUM and LIEBERMAN for their principled and tireless efforts to bring this legislation to the floor and for recognizing that original versions of this legislation contained elements that were, to say the least, controversial.

Senator SANTORUM particularly recognized the need to provide additional resources to faith-based organizations and other charitable organizations through new incentives in the tax code to encourage people to contribute to charities. All of these issues compelled him to make a very difficult choice, a very important choice, and I think a very statesmanlike choice to send to the floor today a version of the bill that I assume will get the unanimous approval of this Senate.

It recognizes our shared belief that the more resources we can direct to organizations that are committed to helping people, the better off we will be. The increase in the social service block grant is a tremendous step forward and is something I know I am proud of, but certainly the Senator from Pennsylvania has to be very proud of because he is the principal architect of this effort, and the new tax advantages also are very important.

Indeed, Senator SANTORUM and Senator LIEBERMAN worked very hard to improve legislation that in the other body was submitted as the Community Solutions Act of 2001, known as H.R. 7 in the 107th Congress. That legislation contained a number of controversial and potentially unconstitutional provisions, but they worked very diligently, very carefully, very thoughtfully to eliminate those provisions from their bill and ultimately today to bring this legislation to the floor, which I think and believe will get, as I said, unanimous approval by this body. Certainly I approve of it.

The CARE Act is going to provide increased resources for needed social services, and it is going to do so without including at this juncture troubling provisions that were in the original House bill. I know the Senator from Pennsylvania reserves his right to engage again on this issue—in fact, I believe he will exercise his right in all forums, and that is the glory of this body, and we shall engage in more extended debate, I think, in the future. But this afternoon is an opportunity to commend him, thank him, and recognize his wise and statesmanlike conduct. I again thank Senator SANTORUM.

The debate about church and state in this land precedes, indeed, the Constitution of the United States. It has been ongoing since the early days of the American experience. Religion has been an important part of our national life throughout our history. Indeed, European immigration in large part was motivated by the search for an environment conducive to freedom of conscience and religious exercise unhampered by State involvement.

Today, in the year 2003, religion remains a vital force in our national life and religiously affiliated institutions play a critical role in the provision of social services. For example, in 1996, Federal, State, and local governments granted $1.3 billion to Catholic Charities USA, comprising 64 percent of its budget. In 1999, 53 percent of Catholic Charities' budget came from State and local governments, and an additional 9 percent came from the Federal Government.

In 2001, United Jewish Communities received a Federal grant of $59.8 million. If indirect payments were included—for example, Medicaid, Medicare, vouchers, or food stamps—the amount flowing through religious organizations would be significantly higher.

Both of these mission-driven, faith-based groups are independently or separately incorporated as nonprofits and both are able to distinguish their religious activities from their secular social services activities.

So an initial point we must recognize in the debate about faith-based initiatives is that it is not whether religious groups will or should play a role in the spiritual and temporal lives of Americans—they do, and they will continue to do so—nor is the question about whether the government discriminates against faith-based charitable groups. The question is how the important roles faith-based organizations play can continue to meet the constitutional requirement of separation between church and state, both as a matter of law and as wise public policy.

This constitutional standard has strengthened religion in America compared to other countries around the world. We can see on the nightly newscasts the effects of intolerance across the globe, of established religions battling other beliefs. In America, we have been spared much of that. I believe it is directly attributable to the wise condition included in the First Amendment.

My awareness and sensitivity to these issues might spring in large part from my roots growing up in Rhode Island. As a child, I learned the history of Roger Williams and the founding of the colony of Rhode Island and Providence Plantation. Upon leaving the enforced orthodoxy of the Massachusetts Bay Colony, Roger Williams started a settlement that ultimately became Rhode Island. This settlement was founded on his belief, in his words: ''that no man should be molested for his conscience.''

The spirit of Roger Williams was captured by his contemporary, John Clarke, in the petition for a new royal charter by the people of Rhode Island in 1663. In his words, the people of Narragansett Bay:

> have it much in their hearts, if they may be permitted, to hold forth a lively experiment, that a flourishing and civil state my stand, yea, and best be maintained. . . . with a full liberty in religious commitments.

As a result of this religious liberty, Rhode Island became a refuge for people persecuted for their religious beliefs elsewhere. And Anabaptists, Quakers, and Jews settled in Rhode Island because of its commitment to religious liberty and tolerance.

This lively experiment became a model for the Founding Fathers and helped lead to the drafting of the First Amendment: ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.''

In explaining what the First Amendment meant to the Danbury Baptist Association in 1802, Thomas Jefferson wrote that the combined effect of the establishment and free exercise clauses of the Constitution was a ''wall of separation between church and state.''

Jefferson's comments were not unique to him. Senator DURBIN has already made a reference to President

James Madison. President Madison what was meant by this separation of church and state extremely clear in several messages he delivered on Government funding of religious endeavors. In 1811, he vetoed a congressional bill granting the use of some Federal land to a church in the Mississippi territory. President Madison stated:

Because the bill in reserving a certain parcel of land in the United States for the use of said Baptist Church comprises a principle and precedent for the appropriation of funds to the United States for the use and support of religious societies, contrary to the article of the Constitution which declares that ''Congress shall make no law respecting a religious establishment''. . . Resolved. That the said bill does not pass.

Indeed, I find it interesting that conservatives would so cavalierly dismiss so much of the history of this country and disregard so many of the fundamental principles of the Founding Fathers. President Bush and his conservative followers want to transform the relationship between church and state by directly funding pervasively sectarian organizations. He has done this by regulation and by Executive order, since he has largely been unsuccessful in accomplishing these tasks through the legislative process.

Just consider some of the changes that he has advanced thus far. In a June 2001 Department of Justice memorandum, the Department of Justice took the legal position that faith-based organizations that are given Federal taxpayer dollars to run governmental programs should be able to engage in employment discrimination on the basis of religion. Subsequent to this memorandum, the President by Executive order overrode a rule first enunciated by President Franklin Roosevelt that the Federal Government should not give contracts to employers who engage in discrimination on the basis of religion. Thus, it is now the position of the White House that government contractors can discriminate.

The President believes the government should fund faith-based organizations who use proselytization and prayer to cure drug addiction and other social programs. In his State of the Union Address, President Bush cited one such program in Louisiana that expressly combats drug abuse with faith. The head of another often-cited religious program, Teen Challenge, boasted to Congress that he was not only able to get kids to stop using drugs, he converted Jews into Christians in the process.

In newly proposed HUD regulations, the Administration says that Federal funds can be used to construct a religious building used for religious activities if the building also can be used for a public purpose such as counseling or a food pantry. At least that is the proposal.

With these and other initiatives, the President is attempting to breach the wall the Founding Fathers set up between church and state. These initiatives are clearly designed to fund proselytization and to promote certain types of religion.

There are legal challenges being raised to many of these proposals. But the long and short of it is, we have an opportunity to debate and to decide these issues through the legislative process, and we have an obligation to do so. And when there is a more robust, more extensive attempt to legislatively condone or sanction these faith-based initiatives, I believe there are going to be three major areas we will need to address.

One area is effective restraints on proselytization with taxpayer funds. The second is compliance with local regulatory standards in the delivery of public programs. And the third is prohibiting the use of public funds in employment discrimination.

First, with respect to proselytization. If the separation of church and state means anything, then in my mind, it must mean that no American should be compelled to pass a sectarian test or participate in sectarian exercises to receive a public benefit. This principle should be included in legislation and not left to the more shifting sands of regulatory pronouncements.

Second, many advocates of faith-based initiatives argue that they simply want a level playing field. Let's take them at their word. If State licensing arrangements are appropriate and necessary to protect children in publicly funded programs, why should religious providers be exempt from such licensing requirements? If we consider this issue, we will need to look for the even application of local and state laws, particularly laws with respect to the protection of children and public health. This is what we will need to do in order to truly create an even playing field.

Finally, we must address the issue of employment discrimination. Title VII provides an exemption for religious groups in certain situations. In the Amos case, the Supreme Court held that a religious group using its own funds may claim the Title VII exemption. In the words of the Court, the purpose of the exemption was to alleviate ''significant governmental interference with the ability of religious organizations to define and carry out their religious missions.''

Today, with respect to the Administration's proposal, we must recognize that rather than seeking autonomy from governmental interference, religious groups are seeking taxpayer funds to carry out governmental responsibilities. Indeed, in the one unreported case that has ruled on the use of public funds in this way, the court, in this labor case, concluded that the title VII exception does not apply.

As James Madison said in 1785, in his ''Memorial and Remonstrance Against Religious Assessments,'' in opposition to a proposal by Patrick Henry that all Virginians be taxed to support teachers of the Christian religion:

If ''all men are by nature equally free and independent,'' . . . above all are they to be considered as retaining an ''equal title to the free exercise of Religion according to the dictates of conscience.'' Whilst we assert for ourselves a freedom to embrace, to profess and to observe the Religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offense against God, not against man: To God, therefore, not to man, must an account be rendered.

All of this leads me to my final point. In the words of the New England poet, Robert Frost, ''Good fences make good neighbors.'' What might be permissible under the law does not always guarantee the wisest policy.

We need to remember that as we debate the President's faith-based initiative, religion has thrived in America because few people confuse religion with government. Religion has been a citadel of conscience and a check on government because it draws its strength and its support from its adherents, not from bureaucratic patrons.

The religious communities of America that have been unequivocally supporting the President's attempts to allow discrimination with Federal dollars might be mindful of the old saying: Be careful of what you pray for.

As the House of Representatives has made clear, we are going to be discussing this issue in the upcoming months on welfare, SAMSHA, National Service, and other programs. It is my hope the Senate will undertake a more careful look at how the charitable choice provisions in these bills inhibit the free exercise of religion, rather than encourage it.

Again, I thank the sponsors and the chairman and ranking member of the Finance Committee for bringing this bill to the floor. This is something we will all support, and we will do so with the notion and the idea and the commitment to provide resources for people who want to help other people, and do so consistent with the spirit and the letter of the Constitution.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Rhode Island for his kind remarks with respect to the compromise that Senator LIEBERMAN and I have engaged in to move this legislation forward. I appreciate his support of this legislation, as I do that of all of my colleagues.

As he stated, and he is correct, I do take issue with his perspective on the issue of charitable choice and the funding—allowing of government funds to be used by organizations that have some element of faith within their structure, whether it has been the guiding principles of the organization or with the programs that they administer.

I do not believe it violates the ''separation of church and state.'' I do believe organizations of faith should not

be discriminated against. We should not be in the business of just funding a set of organizations that have no faith component in them at the expense of those that do—for a lot of reasons, not the least of which is there is a lot of evidence out there, most of which is anecdotal I understand, but a growing body of evidence that organizations of faith are much more effective in dealing with problems, particularly the more systemic problems that we have.

But I object to the underlying premise of this argument that somehow or another we are violating the Founding Fathers' understanding of the separation of church and state.

I talk at a lot of schools. I ask kids: What words are in the Constitution, ''the free exercise of religion'' or ''separation of church and state''? Usually about 75 to 80 percent of the kids say, ''separation of church and state'' is in the Constitution, which of course it is not.

The Senator from Rhode Island talked about the genesis of that in referring to one of the Founding Fathers, referring to the establishment clause as erecting a wall of separation between church and state. But what were they talking about? They were talking about certainly the country from which they came, which was England, which had an established church. The Government funded the church, as many European countries did historically, for long periods of time. Certainly prior to the Reformation, the Catholic Church was intertwined very much so with the state. After the Reformation, each reform church had its own country and was funded in many cases.

People came to this country for religious freedom. They did not want an established religion. But even at the time in America there were certain colonies that had affinities for different religions. Maryland, for example—neighboring Maryland was considered more of a Catholic colony. Pennsylvania was home to the Quakers—on down the line.

There was a concern that that could come over here to this country, so they put in this clause that we should not have an established religion.

The difference is between the constitutional provisions that allow for the free exercise of religion and the prohibition against the establishment of religion. But this is really about freedom of religion; in other words, to practice whatever religious tenets you want and for the government not to get in your way in doing so.

What some are really arguing is freedom from religion, which I can tell you is completely antithetical to what our Founding Fathers believed.

We will have this debate. I am looking forward to it because I think it is important for the Senate, arguably the greatest deliberative body in the world, to talk about these important issues.

The role of faith in our society is central. It is central to the success of America. One of the reasons we are a successful country is because we are a faith-filled country. One of the reasons we are a faith-filled country is because we have a tremendous marketplace of ideas, whether it is the street-corner preacher or the old church down the street that has been there for centuries.

We have a marketplace of ideas of faith and that is what makes us: People out preaching the Word, talking about the values that faith imparts and the messages that faith imparts and its relevance to people's lives.

Here is a statistic I just marvel over. There are more people who go to church in America over a weekend, church and synagogue and temple, than to all the sporting events throughout the entire year in America. On one weekend, more people go to their places of worship than to all the sporting events that are held in America over the course of a year. That is remarkable. It is a great thing about America. It is what makes us unique. It is because we have not established religion. But it is not because we are saying people need to be free from religion. I think that is one of the concerns I have with the tack that the Senator from Rhode Island was taking.

Let me mention a couple of issues. Again, this is the beginning of a debate that is not about this bill. I repeat, we have taken everything having to do with the concept of equal treatment out of this legislation. We will save that debate for another day. But there are some things in this legislation I would like to address very briefly.

I see the Senator from New Jersey. I will not keep him long.

One of the items I am most excited about in this legislation is a provision called individual development accounts. Senator LIEBERMAN and I and Senator FEINSTEIN and many others, who have been advocates of this legislation for quite some time, are very excited about it being part of this initiative. Individual development accounts are a matched savings account for low-income and low- to moderate-income individuals who will have an opportunity to put up to $500 a year into a savings account and have that matched, dollar for dollar, up to $500. So it will be $1,000 total.

It is an exciting opportunity for these individuals to be able to put money aside. For what? So they can put it aside for three reasons: to buy a home, to get education, higher education, or, in some cases, technical training, vocational training, as well as start a small business, start a business. So it is a way for people to save for events in their lives that can transform their future economically: better education; a home, a place where they can save, invest, and build equity.

As everybody knows in this Chamber, the place where most people have the bulk of their savings is in their home, in the equity they have in their home. So the opportunity for home ownership, and having that money for a downpayment, is so important. And IDAs create that opportunity.

And finally, for starting that small business, being that entrepreneur—that spirit really drives America and really is the ladder of success so many people in America have access to—we want to create a nest egg for people to be able to buy that first piece of equipment. If you want to start a landscaping service, you can buy that lawn mower, you can buy the other tools you need to do that job, or a variety of other interests people get engaged in as their first business.

So we, Senator LIEBERMAN and I, are very excited about this opportunity. We think it builds not just the opportunity for access to the home or to the education or to that small business, but it builds the virtue of deferred gratification. That is a virtue we sometimes do not practice very much in America, but it is a virtue of delaying the expenditure of that dollar, to put it aside, to save it for something that is more important than what you immediately have before you. And when I am talking about gratification, I am not talking about luxuries. I am talking about maybe simple things, maybe very minor things in the lives of people who are low to moderate income. But deferring that to something that may be transformational in their lives is really something we should create incentives to do because, again, it helps people move up that ladder of success in America.

I see a couple of my colleagues are in the Chamber. I am happy to yield the floor for their input.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank my colleague from Pennsylvania.

Mr. DORGAN. Will the Senator from New Jersey yield for a consent request?

I ask unanimous consent that I be recognized for 10 minutes, following the Senator from New Jersey, to speak on the bill.

Mr. SANTORUM. Reserving the right to object, I may have a Senator on the way down to the Chamber who is trying to fit in here. How long is the Senator from New Jersey going to speak?

Mr. LAUTENBERG. Less than 10 minutes.

Mr. SANTORUM. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

Mr. LAUTENBERG. Once again, I thank my colleague from Pennsylvania. And I assure my friend from North Dakota, although it is not my time to give, I am happy he is going to be recognized.

Mr. President, I want to take just a few minutes to talk about the legislation before us, the CARE Act, and note its timeliness, because I think fundamental to a lot of good ideas is the fact that it is time to encourage participation in the spirit of harmony and unity within our country.

I have been struck by the fact I have not heard a call for either participation or voluntary—call it sacrifice, if you will, although compared to what our young men and women are doing in Iraq, nothing we are going to do here looks like that much of a sacrifice—but it does show good intent. To me, that is important.

So I am pleased the sponsors of this bill, Senators LIEBERMAN and SANTORUM, have agreed to make this more palatable by removing controversial language that raised some constitutional and civil rights concerns.

The bill contains several very good provisions, including changes to the Tax Code we all hope will increase charitable giving and certainly encourage the spirit of charitable giving, as well as being an incentive.

In addition, the bill increases funding for the social services block grant by over $1 billion. That will restore some of the cuts that have been made in the program over the years. This increase in the social services block grant funding will benefit thousands of Americans who are suffering in this economy, who truly need help.

If the President's faith-based initiative means anything, then, obviously, this dedication of funding for charitable work by religious and secular charities confirms that is an appropriate thing to do; that is, to look to our charitable interests to firm up the fact we do feel some commitment to commemorate the sacrifice that is being made by so many.

If this funding disappears in conference, I think it would be tragic because it would say, OK, if it passes the Senate—and I certainly hope and believe it will—and then suddenly this mystery hole opens up between here and the House of Representatives—and these things often fall in it—then it is left to people who have a curiosity about what happened, as they say, on the way to the other forum, when things just disappear. But it is a convenient sleight of hand for those who really don't want to support it but don't want to be identified with withdrawing their support.

So even though this bill is silent on civil rights issues, the President's overall faith-based initiative contains some disturbing civil rights problems. The President has announced several policies that I think should trouble Americans who care deeply about civil justice and equality.

The President has issued an Executive order that authorizes organizations that receive Federal funding to discriminate in employment—it is based on religion—for Government-funded positions. That is not fair, it is not appropriate, and I certainly don't think it is appropriate for faith-based organizations.

A policy that says ''Catholics need not apply'' should never, ever be funded by the Federal Government. If a religious group wants to restrict employment with their own money, that is their business, but they should not be able to discriminate in staffing up Government programs paid for with public dollars, tax dollars.

The American people agree. A poll by the Pew Forum on Religion and Public Life found that 78 percent of Americans oppose allowing religious groups that receive Federal funding to discriminate in employment.

And it is not merely a hypothetical problem. It is a real-life problem.

In Georgia, a man named Alan Yorker sent his resume to a Government-funded faith-based program for troubled youths. The position he sought was paid for with taxpayer dollars. The faith-based group said they were impressed with his resume and called him in for an interview. When Mr. Yorker arrived, he was asked to fill out an application form. The form asked for the name of his church. He wrote in the name of his synagogue. It also asked for the name of his pastor, and he filled in his rabbi's name.

When he sat down for the interview, he was told, straight out, they don't hire Jews. A former employee of the organization later told Mr. Yorker they usually throw resumes with ''Jewish-sounding names'' in the trash, but they did not recognize his last name as Jewish.

This was a taxpayer-funded job to perform social service work pursuant to a Government program. And President Bush thinks maybe it is OK to deny someone employment because they are of a different persuasion.

The administration thinks it is fine for a Government-funded program to tell a Catholic or a Mormon they can't get a taxpayer-funded job simply because of their religion. Well, I disagree. I think it is wrong. And I am going to join my colleagues, Senators REED and DURBIN, in fighting it during this session of Congress.

Again, I commend the sponsors of this legislation. The Senator from Pennsylvania did a very good job, I believe, in developing this legislation, for removing the controversial provisions from the bill before us.

I hope the bill will further the good work that faith-based and secular charities do every day. While this bill moves in the right direction, the administration is on, I believe, the wrong track regarding civil rights. I hope the President will reverse that course.

Mr. President, our faith should bring us together, not divide us.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from North Dakota.

Mr. DORGAN. Madam President, this is a good piece of legislation. I am pleased to rise in support and pleased particularly that it is bipartisan legislation that advances very important interests.

A wise old fellow from my small hometown once asked me if I had ever seen a U-Haul hooked up to a hearse. I said: No. He said: Well, it goes to show you, you can't take it with you.

He is right. You can't take it with you. The question is, What do you do with the resources you develop over a lifetime? It seems to me you find ways to help other people.

There is an old saying that we make a living by what we get but we make a life by what we give. The issue of charitable giving and providing nourishment and incentives to the notion of charitable giving is a very important impulse. This legislation advances that in a significant way.

Two years ago I introduced S. 1375, and then, in this Congress, S. 283. I am pleased that these provisions were included in this legislation by the Senate Finance Committee. Let me describe what they are and why they are so important.

The provisions in the CARE Act that relate to the legislation I have introduced, with some of my colleagues, allow individuals to make tax-free outright gifts to charities from their IRAs at age 70½ and charitable life-income gifts at age 59½. The reason that is important—to be able to make tax-free gifts from IRAs to charities—is they won't face adverse tax consequences when they rollover that money from their IRAs. The detrimental tax consequences have persuaded some that they can't roll these assets over into a charity.

I heard from a good many charities, when I introduced this legislation 2 years ago, that people frequently ask them about being able to give to a charity by using their IRAs to make the donation itself. But many donors decide not to make a gift from their IRA after they are told about the potential tax consequences. Tax-free charitable IRA rollovers will eliminate this concern completely.

In his fiscal year 2004 budget, President Bush proposed allowing individuals to make tax-free outright charitable IRA rollover distributions after age 65. That proposal has a lot of merit. But the approach taken in the Public Good IRA Rollover Act, S. 283, and that's included in CARE Act, is superior because it will not only allow direct charitable IRA rollovers, but it will allow tax-free life-income gifts from the IRA at age 59½. That means the assets can be donated to the charities, but the donor retains an income stream from those assets. This approach would stimulate more charitable giving, while comporting with the federal government's policy of encouraging individuals to provide for and safeguard adequate resources after retirement. This is a very important provision that could put billions of dollars of additional dollars from a new source to work for the public good.

I'm told that a senior Salvation Army official once said that ''providing for IRA charitable rollovers would be the single most important piece of legislation in the history of public charitable support in this country.''

I don't think he necessarily understates the proposition. Charitable giving is critically important. The mechanisms by which we incentivize and nurture charitable giving are in this legislation and will advance the interests of charitable giving across the country.

Let me make another point. This legislation contains more than just that provision. I single that provision out simply because I have been working on it a couple of years.

I ask unanimous consent to print in the RECORD a list of principally North Dakota organizations, 18 of them, that have been working with me on this proposition.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH DAKOTA & FARGO-MOORHEAD CHARITIES THAT HAVE ENDORSED THE CHARITABLE IRA ROLLOVER

1. North Dakota State University Foundation, Fargo, ND; 2. University of North Dakota Foundation, Grand Forks, ND; 3. Bethany Homes, Inc., Foundation, Fargo, ND; 4. Red River Zoological Society, Fargo, ND; 5. Fargo Catholic Schools, Fargo, ND; 6. Oak Grove Lutheran School, Fargo, ND; 7. Meritcare Health System, Fargo, ND; 8. Evangelical Lutheran Church in America, Eastern North Dakota Synod, Fargo, ND; 9. Red River Human Services Foundation, Fargo, ND; 10. Eventide Homes, Moorhead, MN; 11. Fargo-Moorhead Community Theatre, Fargo, ND; 12. Plains Art Museum, Fargo, ND; 13. Fargo-Moorhead Symphony, Fargo, ND; 14. Village Family Service Center, Fargo, ND; 15. Fargo-Moorhead Area Foundation, Fargo, ND; 16. Foundation of Grand Forks, East Grand Forks & Region, Grand Forks, ND; 17. United Way of Fargo-Moorhead, Fargo, ND; and18. Prairie Public Broadcasting, Fargo, ND.

As of Monday, May 13, 2002.

Mr. DORGAN. The provision in the CARE that deals with charitable deductions for non-itemizers is also very important. All of this coming together is legislation I am proud to support. It is a significant step for good.

Let me say one additional point. In order to pay for these proposals—and these proposals are paid for with a revenue portion of the bill—there are additional curbs on tax shelters. I strongly support that as a matter of good tax policy. Last year, former IRS Commissioner Rossetti told Congress:

> Nothing undermines confidence in the tax system more than the impression that the average honest taxpayer has to pay his or her taxes while more wealthy or unscrupulous taxpayers are allowed to get away with not paying.

He is correct. What we have seen, with front-page stories in journals and technical publications, as well as major daily newspapers, is the growth of abusive tax shelters. Shutting those down makes a lot of sense. I don't believe that there is a provision in this bill that deals with the issue of moving corporate headquarters overseas and renouncing your U.S. citizenship in order to save on taxes. But that is another piece we ought to do as well.

I simply make the point that the other piece of this bill that is important is we pay for this, and we pay for it with good tax policy by curbing tax shelters.

There are a lot of things in this country that are done that make people feel good. One of those is the charitable giving that Americans do. Americans do a great deal of charitable giving. They do it because they know there is a need, and they know people who need help can count on others who will offer it. With respect to the provision I have been working on, there is an impediment that has prevented people from saying, I would like to roll over my IRA assets to a charity and provide that charity with resources it needs. To do that under present law significantly penalizes them through the Tax Code. This legislation responds to that.

Allen Huffman on my staff and others have worked together for a long while on this particular provision of the bill. There are other provisions that have merit as well.

I thank the manager of the bill and the ranking member of the committee who bring it to the floor. When we pass this—and we will—it will represent a significant positive step toward good public policy. I am pleased to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I congratulate Senators SANTORUM and LIEBERMAN and everybody else who has had a voice and hand in shaping and crafting the CARE legislation before us. It makes a significant contribution to the strength of volunteer organizations and charitable organizations. It is a very significant contribution to that wonderful cause and to this wonderful land of ours. I commend them.

I would like to take a moment here to highlight a provision in the managers' amendment to strengthen the ability of the Securities and Exchange Commission to detect, investigate, and punish violations of Federal securities law. This provision has been added to the CARE Act, because we have had the support and we have been able to utilize the efforts of the managers of this bill, Senators GRASSLEY and BAUCUS, and of the chairman and ranking member of the Banking Committee, Senators SHELBY and SARBANES. This is an effort that Senator BILL NELSON and I and others have been involved in for some time. Now it will come to fruition, at least in the Senate, tomorrow when we adopt this legislation, including the managers' amendment.

I also thank the Securities and Exchange Commission for its assistance in crafting this legislation and for the agency's support of our efforts to enact it into law. Senator BILL NELSON and I and others have been working on this addition to the SEC enforcement powers for a long time. We are very grateful to all those who have worked with us, including Senators CORZINE and BIDEN who cosponsored the SEC Civil Enforcement Act, S. 183, which we introduced earlier this year—in January—which is identical to the language which is in the managers' amendment.

The SEC Chairman, Bill Donaldson, is very supportive of our SEC enforcement legislation. I ask unanimous consent that a letter from the SEC Chairman supporting this provision and describing it as one that will ''significantly supplement and strengthen the Commission's ongoing enforcement efforts'' be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. SECURITIES
AND EXCHANGE COMMISSION,
Washington, DC, April 2, 2003.

Hon. CARL LEVIN,
Ranking Minority Member, Permanent Subcommittee on Investigations, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEVIN: I want to express my thanks for your recent introduction of S. 183, your proposal to enhance the Commission's authority to seek civil penalties for violations of the Federal securities laws, increase the penalties the Commission may seek, and eliminate a procedural requirement that may slow the Commission's efforts to trace and recover misappropriated investor funds.

I support this proposal, which was previously reflected in a bill you introduced in the 107th Congress, to significantly supplement and strengthen the Commission's ongoing enforcement efforts. I very much appreciate your steadfast dedication to supporting the work of the Commission in protecting investors.

Please do not hesitate to contact me or Stephen Cutler, Director of the Division of Enforcement, at (202) 942–4500 if we can be of any assistance in this regard.

Sincerely,

WILLIAM H. DONALDSON,
Chairman.

Mr. LEVIN. Madam President, here is a description of what the Levin-Nelson provision would do.

First, the provision will grant the SEC administrative authority to impose civil monetary fines on any person who violates Federal securities laws. Under current law, only broker-dealers, investment advisers, and certain other persons are now subject to administrative fines by the SEC. Our legislation will allow the SEC to impose administrative fines on anyone who violates Federal securities law, including, for example, corporate officers, directors, auditors, lawyers, or publicly traded companies, none of whom are now subject to being fined by the SEC in administrative proceedings. These fines, of course, would be subject to judicial review, as are all SEC administrative determinations.

Last year, the Permanent Subcommittee on Investigations, which I then chaired, conducted an extensive investigation into the collapse of Enron. As a result of that investigation, the Subcommittee determined that Enron's board of directors and officers and certain major financial institutions assisted Enron in carrying out deceptive accounting transactions and other abuses that misled investors and analysts about the company's finances.

The Subcommittee's last Enron hearing in December also highlighted the fact that the SEC is in need of additional tools to deal with the individuals and entities that participated in Enron's deceptive accounting or tax strategies. Our legislation would give to the SEC new authority to impose an administrative fine on anyone who violates the Federal security laws—not just broker-dealers or investment advisers, but also corporate directors or officers, employees, bankers, lawyers, auditors, law firms, accounting firms, corporations, financial institutions, partnerships, and trusts.

Second, the provision will significantly increase the maximum civil administrative fine that the SEC is able to impose on persons who violate Federal securities laws. The civil administrative fines that the SEC is currently authorized to impose have statutory maximums that, depending upon the nature of the securities law violation, range from a maximum of $6,500 to a maximum of $600,000 per violation. Again, the particular amount depends upon the nature of the violation. In a day and age when some CEOs make $100 million in a single year, and a company like Enron can report gross revenues of $100 billion in a single year, a civil fine with a maximum of $6,500 is laughable. Here is what one SEC staff stated about the current maximums in a document dated June 2002, and this explains why the agency is supporting our legislation:

> The current maximum penalty amounts may not have the desired deterrent effect on an individual or corporate violator. For example, an individual who commits a negligent act is subject to a maximum penalty of $6,500 per violation. This amount is so trivial it cannot possibly have a deterrent effect on the violator.

Our provision would increase the civil fine maximums from a range of a maximum of $6,500 to a maximum of $600,000 per violation, depending on the nature of the securities law violation, to a range that goes from a maximum of $100,000 to a maximum of $2 million per violation. At a time when we are seeing corporate restatements and misconduct involving billions of dollars, these larger fines are critical if the fines are to have an effective deterrent or punitive impact on wrongdoers.

Third, the Levin-Nelson provision would grant the SEC new administrative authority, when the SEC has opened an official SEC investigation, to subpoena financial records from a financial institution without having to notify the subject that such a records request has been made, thereby bringing the SEC's subpoena authority into alignment with the subpoena authority of Federal banking agencies like the Federal Reserve and the Office of the Comptroller of the Currency. This authority would allow the SEC to trace funds, evaluate financial transactions, and analyze financial relationships without having to alert the subject of an investigation to the SEC's inquiry. Under current law, the SEC either has to give the subject advance notice of the subpoena or spend precious time seeking to obtain a court order to delay notification.

Cases we are seeing today involve allegations of persons using offshore accounts to move millions of dollars or engage in complex transactions that materially affect the financial statements and tax returns of publicly traded companies in the United States. The SEC must be able to look at financial records quickly without giving the subject of the inquiry an opportunity to move funds, change accounts, or further muddy the investigative waters.

This authority is particularly important in light of the Patriot Act of 2001, which for the first time requires securities firms to detect and report possible money laundering through U.S. securities accounts. The SEC cannot be expected to effectively monitor these anti-money laundering efforts or act quickly to trace possible terrorist financing or other suspicious financial conduct if, as is the case now, the SEC must provide advance notice to investigative subjects or obtain court orders granting delayed notification. No Federal banking agency operates under these types of constraints in its anti-money laundering efforts, and there is no reason why the SEC should. Our provision would modernize the SEC's oversight authority and bring it into alignment with the Federal banking agencies.

Last year, the Sarbanes-Oxley law strengthened law enforcement and stiffened penalties for Federal securities crimes. By enacting the Levin-Nelson provision this year, Congress would help put some teeth into SEC enforcement on the civil side. We originally offered this legislation as an amendment to the Senate bill that resulted in the Sarbanes-Oxley Act, but were unable to obtain a vote before time ran out. That is why we are back.

Investor confidence in U.S. capital markets has not been fully restored, and Congress needs to provide strong leadership to assure U.S. investors that their interests are protected. A vigorous SEC that can act quickly to impose civil fines on those who violate Federal securities laws can help restore investor confidence in the effectiveness of U.S. securities laws and capital markets. In addition, since many securities violations warrant civil rather than criminal treatment, strengthening the SEC's civil enforcement authority would help streamline the available civil enforcement options and give the SEC better tools to fashion appropriate civil penalties.

Again, I thank my colleagues for supporting this provision.

Madam President, I ask unanimous consent that a letter from the former Chairman of the SEC, Harvey Pitt, dated August 30, 2002, also endorsing this legislation be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SECURITIES AND EXCHANGE COMMISSION,
Washington, DC, August 30, 2002.

Hon. CARL LEVIN,
Chairman, Permanent Subcommittee on Investigations, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEVIN: This letter responds to your letter of August 9th, seeking my views on your proposal to enhance the Commissions' authority to seek civil penalties for violations of the federal securities laws, increase the penalties the Commission may seek, and eliminate a procedural requirement that may slow the Commission's efforts to trace and recover misappropriated investor funds.

The three additional enforcement tools you contemplate reflect recommendations we have made previously in an effort to facilitate our goal of achieving ''real-time enforcement.'' Especially in light of recent events, I believe these proposals would enhance our efforts and the interest of investors. As you know, during this Congressional session, with the bipartisan support of Congress and the Administration, the Commission already has been given, and has begun to implement, greater authority to pursue and punish corporate wrongdoers and enhance corporate accountability. The additional authority about which you inquire would be a welcome addition to our enforcement arsenal, if the proposals achieve bipartisan support.

Again, thank you for your interest in strengthening penalties for securities fraud violations. Please do not hesitate to contact me or Stephen Cutler, Director of the Division of Enforcement, at (202) 942–4500 if we can be of further assistance.

Yours truly,

HARVEY L. PITT.

Mr. LEVIN. Madam President, I thank the managers and all the other persons who worked with us to get this legislation included in the managers' amendment and, hopefully, passed tomorrow.

Mr. SARBANES. Madam President, I rise in support of the Levin-Nelson provision included in the managers' amendment to the CARE Act of 2003. This provision, the SEC Civil Enforcement Act, will strengthen the Securities and Exchange Commission's authority to prosecute securities fraud violations and augment investor protection. Senator LEVIN is to be commended for his unwavering advocacy on behalf of investors and his role in ensuring that our capital markets retain their reputation as being the fairest, most efficient, and most transparent in the world.

The Levin-Nelson provision has the full support of the SEC Chairman, William Donaldson, and it has been supported by the full Commission and by former SEC Chairman, Harvey Pitt, who remarked that this provision would promote the SEC's goal of achieving ''real-time enforcement.'' The legislation has been sought by the SEC's Enforcement Division because it will eliminate inefficiency, provide the SEC with additional flexibility, and strengthen the Commission's ability to hold securities law violators accountable for their actions.

The SEC Civil Enforcement Act effectively complements the statutory framework created by the Public Company Accounting Reform and Investor Protection Act of 2002—the ''Sarbanes-Oxley Act.'' Against the backdrop of a series of corporate scandals and a severe drop in investor confidence last year, the Sarbanes-Oxley Act sought to take steps to ensure investors that corporate executives and financial reports are trustworthy, accountants and analysts independent, and that the SEC has adequate resources and enforcement authority to fulfill its mandate.

In its continuing, ''real-time'' investigation into accounting irregularities at HealthSouth Corp., the Commission has put these new powers to work. As The Wall Street Journal of April 4 noted, ''the HealthSouth inquiry has already netted eight criminal convictions, accomplishing in just weeks what might have stretched across months or even years in the past.''

The Levin-Nelson provision will significantly buttress the SEC's enforcement efforts in this area. I urge enactment of the provision to further protect securities investors and help assure the U.S. capital markets remain the envy of the world.

The PRESIDING OFFICER. Who yields time?

Mr. SANTORUM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FITZGERALD). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I wish to talk about the CARE Act. I rise to speak in favor of the Charity Aid Recovery and Empowerment Act, or the CARE Act.

As the Senate is considering this legislation, it is important to remember both Republicans and Democrats have cosponsored the CARE Act. This reflects the bipartisan spirit of this legislation which out of this legislative caldron was created by compromise, and we had last year as the goal of increasing charitable giving and helping the needy.

In light of the uncertain economy, charities across the Nation are serving the needs of more people with fewer resources. This particular legislation is an opportunity to encourage Americans to help their neighbors, community, and their country by giving. By extending the charitable contribution deduction for 86 million Americans who do not itemize their tax returns, and allowing people to make charitable contributions from their individual development accounts, IDAs, this legislation creates incentives for giving to charity.

This legislation also provides an enhanced charitable deduction for restaurants and businesses that make donations of food to charitable organizations. For some two decades, my wife Grace and I have been working with organizations to distribute food to the hungry. One such organization is back in our State of Florida. It is actually a part of our State Department of Agriculture. Its name is Farm Share. What it operates on is the original concept of gleaning, which was a biblical concept. In biblical times it was their social security system. When the farmers would go in and harvest the field, they would leave the rest of the crop so that then the poor people could come into the field and harvest the remaining crop, called gleaning; that was their way to support those least fortunate in the society of the day.

When you take that ancient concept and bring it forward to today, look at all the crops that are wasted. So this concept of Farm Share, a part of our State Department of Agriculture, although not going directly into the field, what we find is enormous amounts of edible food wasted in the distribution process—in the collection, in the actual harvesting, then at the packinghouse and the rest of the distribution process.

So what Farm Share does is go to the packinghouse where tomatoes, for example, a winter crop in south Florida, might have a blemish on them. They are completely edible, but they might not be marketable for that particular company buying those tomatoes. Or a company that uses a lot of tomatoes, such as McDonald's Corporation, wants a tomato of a certain size. So the tomatoes that are not that size are discarded. But it is good food that is going to waste. It is a form of gleaning, to save that, to have it packaged, and then ready for distribution.

When my wife and I announce a distribution and we reach out to all the soup kitchens and reach out to the churches that are so effective throughout the communities in distributing food to the poor, when we send word out that the next morning there is going to be a distribution of food, and you arrive the next morning, there is a lump in your throat to suddenly see the lines of hundreds of hungry people in America; that they are so grateful, so orderly, so polite, and so thankful for the food that is going to be distributed.

It is not unusual I would come as a cosponsor of this act and be very thankful that the Senate is considering it. It looks as if we have our differences worked out, and we are going to be able to pass it. This new legislation is more than just tax provisions. Individual development accounts are also expanded in this legislation. These IDAs are special savings accounts that offer matching contributions from participating banks or community organizations. This innovative program encourages low-income families to build assets and proposes reduced costs for banks and community organizations that offer the IDAs.

This legislation also increases the funding for the social services block grant. That supplies States with resources to support a variety of social services. These funds can be used to assist the elderly and disabled so they do not need to enter institutions. Those funds can also be used to prevent child and elder abuse and to prevent things that go on that we read about in the newspaper that we shudder at in regard to the care of our elderly. These funds can be used to provide child care, to promote and support adoption, and many other purposes.

By creating tax incentives for charitable contributions we can help support and give incentives to the natural instincts of the American people, which are to be generous, to give. When they do, faith-based and community organizations can pass on the gains to a community.

We know that faith-based groups are doing good work all over the country, and their work is already being funded by Federal dollars because they are running programs that work to better people's lives. These faith-based groups operate soup kitchens, they run homeless shelters, and they rehabilitate drug users. Our Nation already funds many of these programs. I have seen these programs all over Florida. I have seen them here in Washington, DC. Anyone would be amazed just a stone's throw from where we are in the U.S. Capitol at the kinds of programs going on in the inner city to feed the poor and minister to the least privileged in society.

Lives have been changed. I have seen cities, particularly the inner cities, being transformed from neglect to respect.

This legislation is all about grassroots change, change from the ground up, by people who are close to the problems and who care enough to take up the challenge.

I have cosponsored this legislation before. I am going to continue to work with our colleagues to try to find ways to help those who help others.

This is one way. As we have been considering this emergency funding bill that we just passed and that is now in the conference committee, I thank the Senate for increasing the food aid. Back earlier when we were considering legislation, the task fell to me to increase the appropriation with regard to food aid, particularly destined for Africa, where they are experiencing another enormous drought which has caused a great deal of famine and death. The United States is a generous country. So, too, from our generosity, when we see a problem such as that, we want to try to take care of it.

We passed a level of increased food aid here at $500 million. It was watered down in conference to $250 million. A lot of that money was squirreled away from Africa to meet the food needs there will be in Iraq. Because of that, a few nights ago on this floor we agreed to an amendment to the emergency

supplemental appropriations bill that would have an additional $600 million to go for emergency food assistance. That will then be able to get to Africa with all of its famine that is ravaging the land.

It is my hope, as the Appropriations Committees are meeting in conference right now on the emergency supplemental to determine the final outcome, that they will honor all those images they have seen on television of starving children and they will not reduce that $600 million very much.

It is with this spirit of thanks, of humility, and thanksgiving that I come to speak on behalf of this legislation and to thank the Senate and the many participants here who have worked out all the kinks in this legislation so we could pass it in a unanimous fashion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—NOMINATION OF PRISCILLA OWEN

Mr. BENNETT. Mr. President, as in executive session, I ask unanimous consent that there be an additional 6 hours for debate on the Owen nomination, provided further that the time be equally divided between the chairman and ranking member of the Judiciary Committee, or their designees, and that following the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Reserving the right to object, we on this side are perplexed. We have indicated to the majority leader that there are at least three circuit judges who, with just a little bit of work, could be approved this week. The average during the Clinton 8 years was eight circuit judges a year. If the three were approved, that would be five already by Easter.

One of those is Edward C. Prado of the Fifth Circuit. They could go to that tomorrow—tonight. So we believe there is more here than meets the eye. There are three circuit judges who are available with just a little bit of work. This has all been discussed with the majority leader.

So for these and many other reasons, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I modify the request to 10 additional hours.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Yes. Mr. President, reserving the right to object, we have approved, during the time President Bush has been President, 116 judges. Two have been turned down—116 to 2. One of those who was turned down is back. Owen is back. This would be the first time in the history of this country that a judge who has been turned down is back and would be approved.

The hours that have been suggested by my friend from Utah I appreciate very much, but there are productive things that could be done during those 10 hours, including the approval of more judges. There could be at the end of this week 120 judges instead of 116.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BENNETT. Mr. President, I ask if any number of hours would be sufficient for the Senator from Nevada.

Mr. REID. Speaking for the Senator from Nevada, there is not a number in the universe that would be sufficient.

MORNING BUSINESS

Mr. BENNETT. 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.

CUBAN OPPRESSION

Mr. NELSON of Florida. Mr. President, I wish to call the attention of the Senate to the important events happening right now in the island nation of Cuba. Over the past several weeks, Fidel Castro has been rounding up democracy activists, independent journalists, librarians, and signers of the Varela Project and throwing them in jail.

Fidel Castro has used the world's focus on the war in Iraq to divert attention in order for him to brutally crack down and further oppress Cubans who yearn for freedom. It has been difficult to get the exact number, but we think it is approximately 80 Cubans who have been arrested. Yesterday, a number of those activists who had been arrested were sentenced to terms of 15 to 25 years—if you can believe that—on charges of ''undermining the socialist state.'' It is reported that at least 11 of those could get life sentences, and at least one could get the death penalty.

I take the floor of the Senate to call to its attention that last night the Senate passed S. Res. 97, a resolution introduced by this Senator from Florida and cosponsored by the junior Senator from Virginia, Mr. ALLEN. The resolution passed the Senate unanimously. It condemns these actions, and it calls for the release of the prisoners of conscience in Cuba.

Why did the Senate want to take a stand, and why do we want to bring further attention to this other than has already been in the Nation's newspapers, pointing out that under the cloak of the world's attention being diverted to Iraq, Fidel Castro has started this crackdown and these arrests and these sentences, even possibly a death sentence? Well, it goes back to the fact that the Cuban Government does not like the world's attention that has been brought to the courageous 11,000 people who signed the petition under the Cuban law—the Cuban Constitution—which said that if at least 10,000 people sign a petition, the issues in that petition are then brought to the national assembly for action. Not only did 10,000 brave, courageous Cuban souls sign that petition, but over 11,000 did. It called for actions that you and I take for granted.

It called for freedom of speech, freedom of the press, release of political prisoners, and a free enterprise economy. It called for them to be brought before the Cuban National Assembly.

The Varela Project embodies the principles upon which all the world agrees: the right of the Cuban people to petition their government for civil and human rights, including free and fair elections.

The leader of this project, Oswaldo Paya, has continued to advance this important project at great risk to himself, his family, and his associates.

In May of 2002, Oswaldo Paya led a group of Cuban citizens who delivered exactly 11,020 verified signatures to the Cuban National Assembly supporting that referendum on civil liberties and all of the issues I have mentioned.

These are basic rights to which anyone is entitled. Recent reports indicate that the Varela network has been especially targeted in this crackdown by Fidel Castro. I take us back to last year, realizing the courageous effort by Senor Paya and the signers of that petition.

I sponsored and this Senate adopted the resolution 87 to 0, with the help of other supporters of the resolution, Senator DODD and Senator Helms. That resolution commended the Varela Project and Oswaldo Paya. It was an early step to providing international attention and support to Mr. Paya and those who signed on to the Varela Project.

The resolution that was adopted last year 87 to 0 was obviously bipartisan, and the resolution that was just adopted last night is similarly bipartisan and builds on that previous consensus and highlights that upon which we can all agree. What is that?

The resolution that was adopted last night condemns the recent arrest and other intimidation tactics against democracy activists by the Castro regime, and it calls on the Cuban Government to immediately release those imprisoned during the most recent crackdown for the acts that the Government of Cuba wrongly deems ''subversive, counter revolutionary, and provocative.''

The resolution adopted last night also reaffirms S. Res. 272, the Varela Project resolution, that the Senate unanimously agreed upon last year, which calls for, among other things, amnesty for all political prisoners. The resolution we adopted last night praises the bravery of those Cubans who, because they had simply practiced free speech and signed the Varela Project petition, have now been targeted in this most recent government crackdown.

The resolution we adopted last night urges the President to demand the immediate release of all the prisoners and to take all appropriate steps to secure their immediate release.

I wish to say this to those with whom we have contact from time to time representing the Cuban Government: We in the Senate are watching. We are not going to let Fidel Castro get away with these kinds of actions. And we are going to keep the glare of the public spotlight and the glare of world view in the international community on this kind of thuggery. We are going to call him to account in the name of human dignity and freedom because even in Cuba people are endowed by their Creator with certain unalienable rights, among these life, liberty, and the pursuit of happiness.

I specifically thank our Foreign Relations Committee which absolutely whizzed this resolution through the committee, our committee chairman, Senator LUGAR, and our ranking member, Senator BIDEN. I thank the subcommittee chairman, Senator COLEMAN. I thank my cosponsor, Senator ALLEN. I thank our ranking member of the Western Hemisphere Subcommittee, Senator DODD. All of them gave the green light and speeded this process.

I am going to continue to seek common ground with my colleagues as we seek to support the Cuban people in their struggle for freedom. I hope with this resolution having just been adopted that the administration will pursue a similar resolution of condemnation in the United Nations, and that the administration will seek immediate international support to secure the release of these and all freedom-loving Cubans who have been wrongly jailed because it is only through the constant and sustained recognition of this issue that our chances will be improved of creating forces of change on that long-suffering island.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while the distinguished Senator from Florida is still in the Chamber, I wish to thank him for his impassioned comments. I am going to be speaking later this week on this same subject. I am one who, for a number of reasons—geopolitically, strategically, and economically—have not supported the current embargo on Cuba. I am, however—and I feel proud—as Vermonters say, I bow to nobody on the question of human rights on this floor.

I met with Mr. Castro in Havana a couple years ago at a time when there was another crackdown of dissidents. I told him specifically what I felt about that in very strong words. He obviously disagreed with me, but I felt as an American in Cuba, it would be wrong for me not to express such a view.

I will follow with a speech later this week on Cuba, but I hope my good friend from Florida, who has been such an extraordinary leader in this area over the years, when he was in State government in Florida, when he was in the House of Representatives, and as a Senator—he has been such an extraordinary leader. I hope he knows, no matter how one might feel about our overall relations with Cuba, no American should find justifiable the silence of those who simply wish to speak to basic human freedoms, basic human rights—the right of speech, the right of religion. These are issues that, from the time of Thomas Jefferson, Benjamin Franklin, John Adams, and George Washington, we have enunciated in this country, but I do not know any country that can claim any form of democracy and freedom that would feel that way. I commend my friend. I hope others will listen to him. I hope 90 miles from his home State that it will be heard as strongly as it was heard on the floor of the Senate. I commend him.

Mr. NELSON of Florida. Will the Senator yield?

Mr. LEAHY. Of course.

Mr. NELSON of Florida. Mr. President, I wish to say how much I appreciate the comments of the Senator. Here is a great example of two Senators representing two different parts of the country, at the end of the day, we have the same conclusion—what we want is freedom for that island. That island is the jewel of the Caribbean. Once freedom comes to that island, it will economically blossom and prosper. That island has so much rich history and such a beautiful culture.

The Senator has pointed out that although we might have a difference of opinion about topics such as an economic embargo, at the end of the day what we earnestly want is change. We want the winds of change to blow, and blow very hard and rapidly so that freedom can come to Cuba.

I thank the Senator for yielding.

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 16, in New York, NY. An Arab-American man was attacked in the bathroom of a supermarket by one of the store's employees. The teenage attacker called the man an ''Arab terrorist'' before slamming his head into the steel door of the men's room. The victim was knocked unconscious for a brief time and, when he left the lavatory, his assailant and several other employees laughed at him and refused him any aid.

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.

WORLD HEALTH DAY

Mr. SARBANES. Mr. President, since 1948 the nations of the world have celebrated April 7 as World Health Day. Yesterday marked this day, which serves two important and related purposes. It focuses world attention on a specific international health issue that in the judgment of the World Health Organization, WHO, poses immediate and urgent problems. Further, it is a platform for marshaling resources to address this issue, through programs that will continue long after the day ends.

In years past World Health Day has focused on such crucial matters as the global eradication of polio and emerging infectious diseases. This year's theme is broad: ''Healthy Environments for Children,'' and it has never been more timely. While we have made great progress in the treatment of infant diarrhea, typhoid, typhus, cholera, yellow fever, malaria, dengue fever, and other environment-based diseases, access to treatment is limited or nonexistent in many parts of the world. As a result, every year more than 5 million children—the most vulnerable members of society—die before reaching the age of 14. When war or civil conflict disrupts life, the danger of infection rises, as it does among those living in refugee camps. But there is no escaping the risk anywhere that water is contaminated, food unsafe, air polluted, and sanitation systems unreliable. Children fall ill in the very places where they live.

From our experience in treating infant diarrhea we know that treatment can be effective and efficient. Every year, 1.3 million children die of diarrhea often resulting from lack of access to safe drinking water or consuming dirty food. These deaths are preventable. If a child has diarrhea, a simple and effective sugar-and-salt solution called oral rehydration can treat severe loss of fluids in the body. The cost is minimal: just under 30 cents per child—this low-technology solution can save these children's lives. This year's World Health Day is a call to redouble our efforts not only to treat environment-based diseases where they occur, but especially to eliminate the conditions where they are bred. It can be done.

As the grave respiratory infection known as severe acute respiratory syndrome, or SARS, appears to be spreading rapidly, World Health Day is also an appropriate time to consider the vital role that the World Health Organization plays in our interconnected world, where mobility literally gives wings to life-threatening diseases. Today's New York Times documents the

spread of SARS, under a headline reading ''Fear Reigns as Dangerous Mystery Illness Spreads.'' SARS apparently first appeared in China last November. In February, when the Chinese Government began reporting cases to WHO, the organization undertook a major international tracking effort, and on March 15 WHO took what the New York Times describes as ''the highly unusual step of issuing the global health alert.'' Just last week the Chinese Government permitted a WHO team to begin work on location, in the southern Chinese city of Guanzhou, where the infection rate is very high. WHO has also created a network of infections-disease laboratories in countries around the globe, and the truly extraordinary work undertaken in these laboratories has led to the tentative identification of the infectious agent. This marks a tremendous step in dealing with the intensifying threat to world health that SARS poses. According to the New York Times, SARS ''has become an international epidemic,'' and WHO is instrumental in organizing the international response.

It is not just that WHO provides the administrative framework for a coordinated response to health issues; its personnel are on the front lines in every effort to keep diseases from spreading and in treating the victims. For the most part we do not know their names, but we do know that they have dedicated their skill and even their lives to WHO's mission.

A WHO physician—Dr. Carlo Urbani, Director of Infectious Diseases in the Western Pacific Region for WHO—was the first to recognize SARS as a new and deadly disease. He threw himself into the fight to control the disease when he saw his first case, in Vietnam, persuading the government to adopt infection-control and isolation procedures. He is credited, said the New York Times, with ''shutting down Vietnam's first outbreak,'' and he was the first to alert the international medical community to the danger. Within weeks of his first intervention with a patient, however, he was infected. His heroic efforts cost him his life.

Dr. Urbani's medical specialty was worms—nematodes, trematodes, hookworms and other parasites, which are, in the words of his WHO colleague, Dr. Kevin Palmer, ''a really basic problem for every child in the tropics.'' He knew how much damage these parasites do, and also how relatively little it would take to eliminate this scourge: a 3-cent pill given twice yearly to schoolchildren. His own efforts fell squarely within the broader campaign to create ''healthy environments for children.'' At the time of his death he was working to secure the cooperation of school systems throughout southeastern Asia.

An eloquent account of Dr. Urbani's career in medicine and his tragic, too-early death appears in the today's edition of the New York Times. I ask unanimous consent to have the entire story, ''Disease's Pioneer Is Mourned as a Victim,'' printed in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. SARS is only the most recent of the many international health emergencies that WHO has faced. In the complex effort to reduce the spread of HIV/AIDS, WHO also plays an important part. It is estimated that of the roughly 750,000 new HIV cases in children each year, more than 400,000 could be prevented by treating the most common route of infection, mother-to-child transmission, (MTCT). As in the case of infant diarrhea, we know that simple, cheap and effective interventions are available. The drug nevirapine, for example, reduces the likelihood of transmission of HIV from a mother to her newborn by up to 47 percent. It is administered in a single dose to the mother at the onset of labor and in a single dose to the baby in its first 3 days after delivery. The intervention costs less than $4, and the drug is now available at minimal or no cost in most countries where poverty levels are high and resources scarce. The use of nevirapine to address MTCT is based on the work and recommendations from WHO.

There is hardly any country, no matter how well guarded its borders, which can be confident of remaining immune from the urgent health problems that beset the world. In fact, for more than half a century the World Health Organization has served us well. Most recently, as SARS has spread WHO has stepped into the breach, collecting and disseminating information and facilitating an international response. In oral rehydration and MTCT projects, we have seen how effectively WHO can intervene. We must respond vigorously, therefore, as WHO calls on us on World Health Day 2003 to confront and vanquish the environmental causes that bring unnecessary illness and death to millions of the world's children every year. WHO is working to turn this year's initiative into an effective global alliance, to bring to local communities the resources necessary to raise the health standards of children most at risk, and thereby transform their lives. The benefits from these efforts will surely ripple outwards: to families, to communities, and indirectly to us all. By supporting WHO we can, and we should, make a difference.

[From The New York Times, April 8, 2003.]

DISEASE'S PIONEER IS MOURNED AS A VICTIM

(By Donald G. McNeil, Jr.)

When the microbe that causes severe acute respiratory syndrome is finally isolated, some people will know what to call it. They want a Latin variation on Carlo Urbani's name.

If SARS was an infectious cloud blowing out of southern China, Dr. Urbani was the canary in its path. Working in a hospital in Hanoi, Vietnam, as a mysterious pneumonia felled one nurse after another, he sang out the first warning of the danger, saw the world awaken to his call—and then died.

If not for the intuition of Dr. Urbani, director of infectious diseases for the Western Pacific Region of the World Health Organization, the disease would have spread farther and faster than it has, public health officials around the world say.

It was a tricky call. There is nothing as telltale about the disease as the bleeding of a hemorrhagic fever or the bumps of a pox, and its symptoms mimic other respiratory conditions.

Dr. Urbani, 46, died on March 29, a month after seeing his first case and 18 days after realizing he was coming down with the symptoms himself.

''Carlo's death was the most coherent and eloquent epilogue his life could produce,'' said Nicoletta Dentico, a friend from the Italian chapter of Médecins Sans Frontières, or Doctors Without Borders, which Dr. Urbani once headed. ''His death was as a giver of new life.''

And it was in keeping with his medical philosophy. When Dr. Urbani spoke in 1999 at the ceremony in which Doctors Without Borders accepted the Nobel Peace Prize, he described doctors' duty ''to stay close to the victims.'' ''It's possible to study an epidemic with a computer or to go to patients and see how it is in them,'' said Dr. William Claus, the group's emergency coordinator for Asia. ''Carlo was in the second category.''

In Italy, he had pushed the organization into working with the poorest of the poor, with Gypsies in Rome and with African and Albanian boat people who were landing in Sicily and Calabria.

Even as a student, said Fabio Badiali, a childhood friend who is now mayor of Castelplanio, their hometown on the Adriatic Coast, he had been a volunteer, organizing groups to take the handicapped on countryside picnics. As a family doctor, he had taken vacations in Africa, traveling with a backpack full of medicine.

He had accepted the W.H.O. post, friends said, because he wanted to be back in the third world and working with patients. It was that instinct that took him to the bedside of Johnny Chen, an American businessman who entered Vietnam-France Hospital in Hanoi on Feb. 26 with flulike symptoms.

Dr. Urbani might not have been an obvious choice as a consultant in Mr. Chen's case. In his heart, friends said, he was ''a worm guy,'' a specialist in parasites.

''Other people didn't think worms were sexy,'' said Dr. Kevin L. Palmer, W.H.O.'s regional specialist in parasitic diseases and a friend. ''but it's a really basic problem for every child in the tropics.''

Dr. Urbani was an expert in Schistosoma mekongi in Vietnam, in the food-borne nematodes and trematodes of Laos and Cambodia and the hookworms of the Maldives.

Dr. Lorenzo Savioli, who worked with Dr. Urbani in the Maldives, said they worked from sunup to sundown, ignoring the famous beaches and reefs, tracking hookworm epidemiology and training workers at a malaria control laboratory, who were used to working with blood, in testing for worms. Over rice and fish in the evenings, Dr. Savioli said, they had joked, ''Nobody at headquarters was going to believe we were spending our days in the Maldives over fecal samples.''

Dr. Urbani was a worm zealot, Dr. Palmer said, because they did so much damage but could be so easily treated. For example, he said, a 3-cent pill administered to schoolchildren twice a year could rid them of most intestinal worms. Dr. Urbani was working to have school systems in southeastern Asia cooperate.

He also attacked a worm that lived on fish farms. He could not get Cambodians and Laotians to give up eating undercooked fish,

Dr. Palmer said, but he hoped to solve the problem by teaching fish farmers to divert sewage from their ponds.

He was also testing the use of a veterinary drug to kill worm larvae that can reach human brains and cause seizures.

And, said Daniel Berman, a director of the Doctors Without Borders campaign for cheaper lifesaving drugs, Dr. Urbani was pushing Vietnamese farmers to grow more sweet wormwood, a plant that can produce artemisinin, a new malaria cure.

Still, when a troublesome case turned up in Hanoi, Dr. Palmer said, the W.H.O. staff usually said, ''Call Carlo,'' because he was also known as an expert clinical diagnostician.

Mr. Chen was such a case, suffering with pneumonia and fever, as well as a dry cough. The hospital suspected that he had the Asian ''bird flu'' that killed six people in 1997 and was stopped by rigid quarantines and the slaughter of millions of chickens and ducks.

Rumors of a mysterious pneumonia had been coming out of the Guangdong region of southern China, but the Chinese authorities had been close lipped, even instructing local reporters to ignore it.

Although no one then realized the significance, Mr. Chen, 48, had also stayed in the Metropole Hotel in Hong Kong. He may have picked up the disease from a 64-year-old Guangdong doctor in town for a wedding, staying in Room 911. Investigators theorize that the doctor infected 12 other guests, several from the same floor, who carried the disease to Singapore, Toronto and elsewhere.

By the time Dr. Urbani arrived at Vietnam-France Hospital, the microbe that Mr. Chen carried was spreading. Before he died, he infected 80 people, including more than half of the health workers who cared for him. The virulence of his case alarmed world health officials, helping lead to the extraordinary health alert that W.H.O. issued on March 15. But Dr. Urbani, who first saw Mr. Chen in late February, quickly recognized that the disease was highly contagious and began instituting anti-infection procedures like high-filter masks and double-gowning, which are not routine in impoverished Vietnam. Then he called public health authorities.

Dr. Palmer recalled Dr. Urbani's conversation: ''I have a hospital full of crying nurses. People are running and screaming and totally scared. We don't know what it is, but it's not flu.''

On March 9, Dr. Urbani and Dr. Pascale Brudon, the W.H.O. director in Hanoi, met for four hours with officials at the Vietnam Health Ministry, trying to explain the danger and the need to isolate patients and screen travelers, despite the possible damage to its economy and image.

''That took a lot of guts,'' Dr. Palmer said. ''He's a foreigner telling the Vietnamese that it looks bad. But he had a lot of credibility with the government people, and he was a pretty gregarious kind of character.'' With dozens of workers at the hospital sick, it was quarantined on March 11. Infection-control practices were instituted at other hospitals, including the large Bach Mai state hospital, where Dr. Claus of Doctors Without Borders oversaw them. Dr. Urbani's quick action was later credited with shutting down Vietnam's first outbreak.

In the middle of it, Dr. Savioli said, Dr. Urbani had an argument with his wife, Giuliani Chiorrini. She questioned the wisdom of the father of three children ages 4 to 17 treating such sick patients. Dr. Savioli said Dr. Urbani replied: ''If I can't work in such situations, what am I here for? Answering e-mails, going to cocktail parties and pushing paper?'' In an interview with an Italian newspaper, Ms. Chiorrini said her husband knew the risks. ''He said he had done it other times,'' she recalled, ''that there was no need to be selfish, that we must think of others.''

But on March 11, as he headed to Bangkok for a conference on deworming schoolchildren, he started feeling feverish and called Dr. Brudon. ''He was exhausted, and I was sure it was because he had had a lot of stress,'' Dr. Brudon said later. ''I said, 'Just go.' ''But she had second thoughts. ''I called my colleagues in Bangkok and said, 'Carlo doesn't feel well, and we should be careful.' ''

Dr. Scott Dowell, a disease tracker for the federal Centers for Disease Control and Prevention, who is based in Thailand, met him at the Bangkok airport near midnight. Dr. Urbani, looking grim, waved him back. They sat in chairs eight feet apart until an ambulance arrived 90 minutes later, its frightened attendants having stopped for protective gear.

For the first week in a Bangkok hospital, Dr. Urbani's fever receded, and he felt a bit better. But he knew the signs. ''I talked to him twice,'' Dr. Palmer said. ''He said, 'I'm scared.' ''

That was uncharacteristic for a man who was known as big, charming and full of ironic wit. In Italy, he staved off boredom by hang gliding. In Hanoi, he negotiated the insane traffic on a motorcycle and took his children on overnight car jaunts to rural villages. He carried Bach sheet music and stopped at churches, asking if he could play. W.H.O. experts flew in from Australia and Germany to help. One scoured Australian drug companies for ribavirin, a toxic antiviral drug that was said to have helped some cases. It did not help Dr. Urbani, though, and was withdrawn.

Then patches showed up on a lung X-ray, and he told his wife to take the children and return to Castelplanio. Instead, she sent them ahead and flew to Bangkok. By the time she arrived, his room had been jury-rigged as an isolation ward. Carpenters had put up double walls of glass, and fans had been placed in the window to force air outside.

The couple could talk only by intercom, and Ms. Chiorrini saw him conscious just once. As his lungs weakened, Dr. Palmer said, he was put on a respirator. In a conscious moment, Dr. Urbani asked for a priest to give him the last rites and, according to the Italian Embassy in Bangkok, said he wanted his lung tissue saved for science.

As fluid filled his lungs, he was put on a powerful ventilator, sedated with morphine. The end came at 11:45 on a Saturday morning. Doctors and nurses heavily shrouded in anti-infection gear pounded on his chest as his heart stopped four times, Dr. Dowell said, but it was useless.

Most of those who had died of SARS were old or had some underlying condition that weakened them, but ''he worked with patients for weeks, and we suspect he got such a massive dose that he didn't have a chance,'' Dr. Palmer said. ''It's very sad,'' Dr. Claus said, ''that to raise awareness as he did, you have to pay such a price.''

COMMEMORATING THE 50TH ANNIVERSARY OF THE FOREIGN AGRICULTURE SERVICE

Mr. COCHRAN. Mr. President, fifty years ago, President Eisenhower and Secretary of Agriculture Ezra Taft Benson had the foresight to acknowledge that the future of American agriculture was dependent on the development of creative marketing tools and foreign markets for U.S. food and agricultural products. With that in mind, the Foreign Agricultural Service, FAS, was created to represent American agricultural interests worldwide.

During the past 50 years, the employees of FAS, working in coordination with partners in the agricultural community and other U.S. international agencies, have crafted important tools and programs to develop and expand foreign markets.

Recognizing the ever changing global economy, FAS has effectively developed the necessary resources to negotiate trade agreements, open and maintain foreign markets, and address international food crises and development needs.

Today, exports of American food and agricultural products have grown from less than $3 billion in 1953 to over $50 billion, experiencing a trade surplus year after year.

The realities of today's global marketplace, as well as the challenges facing American agricultural producers abroad, make the mission and continued success of the Foreign Agriculture Service more important than ever.

Therefore I rise today to submit resolution to congratulate the Foreign Agriculture Service on the 50th anniversary of its creation, and commend its dedicated employees for helping to create benefits for American farmers and ranchers by expanding global markets and reducing barriers to free trade.

I urge my colleagues to support this resolution.

Mr. HARKIN. Mr. President, in recognition of the 50th anniversary of the Foreign Agriculture Service of the U.S. Department of Agriculture on March 10, Senator COCHRAN and I are today submitting Senate resolution to honor that agency's many achievements over the past half century.

During the 83d Congress, President Eisenhower recognized that the productive capacity of the U.S. agricultural sector was outstripping the food and feed needs of our domestic economy. In order to assist American farmers and exporters in identifying, capturing, and maintaining overseas markets for our food and fiber, and thus boost the sector's earnings, Secretary Ezra Taft Benson established the Foreign Agriculture Service, FAS, by memorandum on March 10, 1953. The next year with the passage of the Agriculture Act of 1954, P.L. 83–690, agricultural attachés were transferred from the State Department to the new agency.

The mission of FAS is to serve U.S. agriculture's international interest by expanding export opportunities for U.S. agricultural, aquaculture, and forest products and promoting world food security. Since its inception, the agency has assisted in expanding U.S. agricultural exports from less than $3 billion in 1953 to projected exports valued at $57 billion for 2003, in nominal dollars.

In addition to providing in-country services and market analysis for the key importing countries in the agricultural attaché corps, FAS, through

headquarters staff, conducts trade and food aid programs and works with staff from other USDA agencies to analyze world market trends. While the agency is not solely responsible for our large gains in exports over the past five decades, no one could argue it has not provided a crucial assistance in that effort. I salute the work of past and present FAS employees and look forward to their contributions in the future.

POLITICAL REFORM IN EGYPT

Mr. BUNNING. Mr. President, last week I offered an amendment to S. 762, the fiscal year 2003 supplemental appropriations bill, expressing the sense of the Senate for the need of political reform in Egypt. While I withdrew my amendment, I do intend to pursue this issue when the fiscal year 2004 foreign operations appropriations bill is considered on the floor.

I know a number of my colleagues are similarly concerned with the lack of political reform in Egypt, and I hope we have productive discussions on the Senate floor on how U.S. assistance can be better used to promote the development of democratic institutions and practices in that country. It is in the interests of the people of Egypt—and the United States—that freedom of association and thought are promoted and protected.

I will have more to say on this matter at a later date, and I hope my colleagues will join me in addressing this important issue.

HUMAN RIGHTS IN BURMA

Mr. FEINGOLD. Mr. President, I am deeply disappointed in the human rights record of Burma. Throughout my time in the Senate, I have consistently been critical of political and human rights abuses in Burma. I have been deeply troubled by reports, confirmed by the U.S. Department of State, that Burmese soldiers have systematically raped Shan women on a massive scale. I am also concerned about repeated charges of forced labor, the suppression of civil liberties, and widespread political repression. Recent events in Burma only serve to heighten my concern.

I am concerned by the recent decision by United Nations human rights envoy Paulo Sergio Pinheiro, to suspend his missions to Burma after finding a hidden listening device in a room where he was interviewing political prisoners. The incident raises very serious concerns about the depth of Burma's commitment to improving conditions within its borders. I am also concerned about the case of Dr. Salai Tun Than, an alumnus of the University of Wisconsin-Madison, who was arrested and sentenced in November 2001 after conducting a solitary protest of political conditions in front of Rangoon City Hall.

As a member of the Senate Foreign Relations Committee, I will continue to monitor human rights in Burma, as I have on human rights all over the world. Finally, I would like to offer my praise for students at several University of Wisconsin campuses who are working to highlight conditions in Burma. I am impressed by their dedication and heartened by their commitment to justice and freedom for the Burmese people.

GRANTING CITIZENSHIP TO IMMIGRANT SOLDIERS WHO DIE IN COMBAT

Mr. MILLER. Mr. President, I rise today to share with my colleagues the story of one of my Georgia constituents. It begins with a brave young 3rd Infantry soldier named Diego Rincon.

Diego was a native of Colombia and he came to the United States in 1989 with his family when he was 5 years old. He enjoyed a life of freedom and safety that might not have been possible in Colombia.

Diego was extremely loyal to the country that welcomed him. And after the September 11 attacks, he decided it was time to repay his adopted Nation.

Upon graduation from Salem High School in Conyers, GA, Diego enlisted in the Army. He became a member of the ''Rock of the Marne,'' Fort Stewart's 3rd Infantry Division.

Sadly, Private First Class Rincon was killed March 29 in Iraq by a suicide bomber at a military checkpoint. Diego was 19 years old. Three other members of his 1st Brigade were also killed.

In late February, Diego wrote his final letter home to his mother just as his Brigade was getting ready to move out. Let me read just a little of that letter:

> So I guess the time has finally come for us to see what we are made of, who will crack when the stress level rises and who will be calm all the way through it. Only time will tell.
>
> I try not to think of what may happen in the future, but I can't stand seeing it in my eyes. There's going to be murders, funerals and tears rolling down everybody's eyes. But the only thing I can say is, keep my head up and try to keep the faith and pray for better days. All this will pass. I believe God has a path for me.
>
> Whether I make it or not, it's all part of the plan. It can't be changed, only completed.

This 19-year-old was wise beyond his years.

Diego joined the Army for the noblest of reasons. He fought and died in Iraq while defending our Nation's freedom.

And after his death, his family asked one last request of the Government in return for their son's life—to be able to bury him this Thursday as a U.S. citizen.

I am very pleased and proud to announce today that—with the help of the INS—Private First Class Diego Rincon has been awarded U.S. citizenship. This brave soldier will be buried Thursday as a citizen of our great country.

But there are thousands of noncitizens fighting in our military right now.

So, I, along with my fellow senator from Georgia, Senator CHAMBLISS, have introduced legislation calling for citizenship to be granted immediately to any soldier who fights in our armed services and dies in combat.

For those among our troops who are not citizens and who die on the battlefield, I believe the least we can do is to honor them with posthumous citizenship.

And I believe it should be done automatically by the Government, with no delay and no burden on the families.

Under our bill, the families of these brave soldiers would not have to fill out any forms or make any phone calls.

This citizenship would apply only to the deceased soldier and it would not make the soldier's family eligible for any extra benefits or special treatment.

It is simply a final gesture of thanks and gratitude for the ultimate sacrifice these immigrant soldiers have made for their adopted country.

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN AND SARA BURCHARD

● Mr. JEFFORDS. Mr. President, today I wish to recognize Drs. John and Sara Burchard of Burlington, VT as this year's joint recipients of the Kids on the Block—Vermont ''Puppets' Choice Award.'' This award is conferred annually by Kids on the Block—Vermont, a theatrical troupe, part of a national organization, which performs with puppets to deliver messages of personal safety, diversity, and acceptance of disabilities. As honorees, John and Sara are acknowledged for their outstanding contributions to children and families statewide.

Since their arrival in Vermont in 1970, John and Sara, both long-time professors of psychology at the University of Vermont, have worked tirelessly to improve children's care and families' strength. Describing their contributions as ''outstanding'' is an understatement. Professionally and personally, John and Sara have passionately dedicated themselves to making Vermont's communities better.

John's academic and professional life has focused on children who suffer from emotional and behavioral problems, for whom he has helped develop new methods of care. One example of John's innovation is the ''wrap-around'' approach, bringing care and services to the families, rather than relying on clinics. John also served on the Burlington School Commission and, during the late Richard Snelling's terms as Governor, as Commissioner of the Department of Social and Rehabilitation Services.

Sara's specialty lies with children and adults with developmental disabilities. Sara was an important voice of

reason when she led efforts to enable Vermont to become the first state to close its institutions for the mentally retarded. Helping those with disabilities receive the care they need and deserve has been Sara's calling, and her efforts have been nationally recognized for excellence.

As professors, John and Sara have taught and mentored generations of students who have become compassionate and effective leaders who work with and advocate for the developmentally disabled, children, and their families. Their influence extends will beyond their classrooms and their State, making people's lives healthier and more productive.

Again, I wish Drs. John and Sara Burchard congratulations and my sincerest best wishes. Their tireless work is helping to make Vermont the kind of place that Vermonters are proud to call home.●

HONORING EAST BRUNSWICK HIGH SCHOOL'S SUCCESS IN ''WE THE PEOPLE'' PROGRAM

● Mr. LAUTENBERG. Mr. President, on April 26, 2003, more than 1,200 students from across the United States will visit Washington, DC, to compete in the national finals of the ''We the People: The Citizen and the Constitution'' program. Administered by the Center for Civic Education and funded by the U.S. Department of Education, this program is designed to educate students about the importance and contemporary relevance of the Constitution. The program provides curricular materials at upper elementary, middle, and high school levels and incorporates critical thinking and problem-solving activities to complement the information gathered in classrooms, and gleaned from textbooks.

I am proud to announce that the class from East Brunswick High School will represent my home State of New Jersey in this national event. These young scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. They have earned the honor to come to Washington for the national competition, which is modeled after a congressional hearing and includes oral testimony and questioning before a panel of judges.

It is inspiring to see these young people advocate the ideals and principles of our Government, and I wish these budding constitutional experts from East Brunswick, NJ, the best of luck at the ''We the People'' national finals.●

TRIBUTE TO THE WORKERS OF LAN-CAY INC.

● Mr. BUNNING. Mr. President, I rise today in the Senate to pay tribute to the nine employees of Lan-Cay Inc. in Carrollton, KY. This small business in northern Kentucky makes many products that help drive the American military machine.

Many Americans do not realize the important role that many small businesses play in military preparedness. The nine employees of Lan-Cay make parts for grenade launchers, survival tool pouches, equipment used to deactivate land mines, and other important products for all the branches of our military. Lan-Cay is currently making thousands of bayonets for M–16's one at a time.

The employees of Lan-Cay take their jobs very seriously because they know that the quality of their work may one day save a soldier's life. They do not hope for war, but they understand the importance of the nature of their jobs. The employees of Lan-Cay carefully inspect each of their finished products to ensure that it meets the military's strict guidelines.

I ask my colleagues in the Senate to pay tribute to the employees of Lan-Cay and the thousands of employees in many other small businesses across this great nation that produce the necessary products that enable the men and women of our military to perform their tasks as well and as safely as possible.●

A TRIBUTE TO STANLEY HIRSH

● Mrs. FEINSTEIN. Mr. President, I wish to honor Mr. Stanley Hirsh, a California businessman, and publisher of the widely read Los Angeles Jewish Journal, who dedicated his life to others. Mr. Hirsh lost his battle with brain cancer and passed away on March 22nd. Mr. Hirsh left behind his wife, Anita, four children, and four grandchildren. He was 76.

While Mr. Hirsh was a highly successful businessman, he will be remembered, to quote the Jewish Journal, as a ''maverick philanthropist.'' Such a title was earned by Mr. Hirsh's plethora of donations to various charity organizations, his service during World War II in the United States Navy, and his formation of twelve kosher kitchens for Jewish seniors in the Los Angeles area.

In addition to his dedication to philanthropy, Mr. Hirsh sought to positively affect Arab-Israeli relations. In the early nineties, Mr. Hirsh and his family formed the Hirsh Family Early Childhood Development Center in Tel Aviv.

While no single accomplishment defined Mr. Hirsh, his friends remember him as an altruistic man who was steadfast in his leadership. Friend and Congressman HOWARD L. BERMAN recalled Hirsh as ''a real generalist, interested in matters of the greater community.''

Mr. Hirsh's dedication to community service is evidenced by his stint as president at the Jewish Federation, and in the mid 1980s, he chaired the United Jewish Fund General Campaign. Interestingly, Mr. Hirsh was the greatest contributor to the campaign.

Mr. Hirsh owned the Cooper Building in downtown Los Angeles and was a former chairman of the Community Redevelopment Agency in the city of Los Angeles.

Employees of Mr. Hirsh at the Jewish Journal remember him as being obsessed with fair and balanced reporting. Editor-in-Chief of the periodical, Robert Eshman, said that the paper grew ''significantly'' under Stanley's leadership.

People of Stanley Hirsh's caliber do not come very often and while his accomplishments still resonate, and his warmth and kindness honored, Mr. Hirsh will be sorely missed.●

MESSAGES FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 1055. An act to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the ''Dr. Roswell N. Beck Post Office Building''.

H.R. 1368. An act to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the ''Norman D. Shumway Post Office Building''.

The message also announced that the House insists upon its amendment to 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, disagreed to by the Senate, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon: That the following Members be the managers of the conference on the part of the House: From the Committee on Education and the Workforce, for consideration of the Senate bill and the House amendment, and modifications committed to conference: Mr. BOEHNER; Mr. HOEKSTRA, Mr. PORTER, Mr. GREENWOOD, Mr. NORWOOD, Mr. GINGREY, Mr. BURNS, Mr. GEORGE MILLER of California, Mr. HINOJOSA, Mrs. DAVIS of California, Mr. RYAN of Ohio, and Mr. DAVIS of Illinois.

At 2:40 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagree to the amendment of the Senate to the bill (H.R. 1559) making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. ROGERS of Kentucky, Mr. WOLF, Mr. KOLBE, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. ISTOOK, Mr. BONILLA, Mr. KNOLLENBERG, Mr. KINGSTON, Mr. FRELINGHUYSEN, Mr. OBEY, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. MOLLOHAN, Ms. KAPTUR, Mr. VISCLOSKY,

Mrs. LOWEY, Mr. SERRANO, Mr. MORAN of Virginia, and Mr. EDWARDS.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1055. An act to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the ''Dr. Roswell N. Beck Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1055. An act to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the ''Norman Shumway Post Office Building''; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1794. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, FL (COTP Tampa 03–006) (1625–AA00) (2003–0006)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1795. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Including 2 Regulations) [CGD05–02–080] [CGD13–02–018]'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1796. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; (Including 3 regulations) [CGD07–03036] [CGD01–03–009] CGD01–03–011]'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1797. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: (Including 2 Regulations) [CGD13–03–003] [CGD13–03–04]'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1798. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulations Navigation Area: Kill Van Kull Channel, Newark Bay Channel, South Elizabeth Channel, Elizabeth Channel, Port Newark Channel and New Jersey Pierhead Channel, New York and New Jersey (CGD01–03–017)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1799. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Long Island Sound Marine Inspection and Captain of the Port Zone (CGD01–01–187) (1625–AA00)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1800. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Nanticoke River, Seaford, DE (1625–AA09)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1801. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Illinois Waterway, Illinois (CGD08–03–009) (1625–AA09)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1802. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, NY (CGD01–03–024)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1803. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Coronado Beach Bridge (SR 44), Intracoastal Waterway, New Smyrna Beach, Florida (CGD07–02–077) (1625–AA09)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1804. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives Rolls Royce Deutschland Ltd and CO KG Model Tay 611–8, 620–15, 650–15, and 651–54 Turbofan Engines; Docket No. 2002–NE–37 [3–11/4–3] (2120–AA64)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1805. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives Dassault Model Falcon 2000 and Mystere-Flacon 900 Series Airplanes: Docket No. 2003–NM–53 (2120–AA64) (2003–0155)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1806. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives General Electric Company CF 34–3A1, –3B, and –3B1 Turbofan Engines; Docket No. 2001–NE–21 (2120–AA64) (2003–0153)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1807. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Air Tractor, INC Models AT 300–, 301, 302, 400, and 400A Airplanes; Docket No. 2003–CE–09 (2120–AA64) (2003–0151)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1808. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Cnada Model 407 Helicopter; Docket no. 2002SW54 (2120AA64) (20030154)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1809. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9 81, –82, –83, –87, and –88 Airplanes; CORRECTION; Docket no. 2002-NM–216 (2120–AA64) (2003–0152)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1810. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Wytwornia Sprzetu Komunikacyjnego PZL–Rzesow S.A. Franklin 6A–350–C1, C1A, C1L, C1R–C2, and 4A–235 Series Reciprocating Engines; Docket No. 2002–NE–20 (2120–AA64) (2003–0149)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1811. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Operating Rules for the Conduct of Instrument Flight Rules Area Navigation operations Using Global Positioning Systems in Alaska; Docket No. FAA–2003–14305 (2120–AH93)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1812. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Aircraft Registration Requirements; Clarification of ''Court of Competent Jurisdiction''; Docket No. FAA–2002–12377 (2120–AH75)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1813. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 145 Review: Repair Stations; Delay of effective date; Docket No. FAA–1999–5836 (2120–AC38) (2003–0001)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1814. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (76); Amdt. No. 3047 (2120–AA65) (2003–0015)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1815. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (79); Amdt. 3049 (2120–AA65) (2003–0016)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1816. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (16); Amdt No. 3048 (2120–AA65) (2003–0018)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1817. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach

Procedures; Miscellaneous Amendments (20); Amdt. No. 3050 (2120–AA65) (2003–0017)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1818. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the pollock total allowable catch (TAC) for Statistical Area 630 of the GOA'' received on April 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1819. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS is prohibiting directed fishing for pollock in Statistical Area 610 of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the B season allowance of the pollock total allowable catch (TAC) for Statistical Area 610 of the GOA'' received on April 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1820. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; United States; Northeast Multispecies Fishery; Commercial Haddock Harvest (I.D.031003B)'' received on April 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1821. A communication from the Chairman, Office of the General Counsel, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled ''Procedures to expedite Of Rail Rate Challenges To Be Considered Under The StandAlone Cost Methodology (STB Ex Parte No 638)'' received on April 4, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1822. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''CIVIL PENALTIES (2126–AA81)'' received on April 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1823. A communication from the Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Implement a Seasonal Area Closure to Groundfish Fishing off Cape Sarichef (0648–AQ46)'' received on April 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1824. A communication from the Acting Director, Assistant Secretary, Communications, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Notice of Availability of Funds (RIN 0660–ZA06)'' received on April 1, 2003; to the Committee on Commerce, Science, and Transportation.

EC–1825. A communication from the Assistant Administrator, Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Trade Agreements Act—Exceptions for U.S. Made End Products (RIN 2700–AC33)''; to the Committee on Commerce, Science, and Transportation.

EC–1826. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Modified Acrylic Polymers; Revision of Tolerance Exemption (FRL 7297–8)'' received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1827. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lactic acid, ethyl ester and Lactic acid, n-butyl ester, Exemptions from the Requirement of a Tolerance, Technical Correction (FRL 7298–4)'' received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1828. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fellowships (FRL 7476–2)'' received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1829. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans, Rhode Island; One-hour Ozone Attainment Demonstration for the Rhode Island Ozone Nonattainment Area (FRL 7476–7)'' received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1830. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Standards of Performance for Stationary Gas Turbines (FRL 7476–5)'' received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1831. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances; Correction (FRL 7477–7)'' received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1832. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Decanoic Acid; Exemption from the Requirement of a Pesticide Tolerance; Technical Correction (FRL 7269–9)'' received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1833. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Beaches Environmental Assessment and Coastal Health Act'' received on April 4, 2003; to the Committee on Energy and Natural Resources.

EC–1834. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans, Wisconsin (FRL 7466–6)'' received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1835. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; South Dakota (FRL 7475–1)'' received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1836. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to 310 CRM 7.06, Visible Emission Rule (FRL 7466–2)'' received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1837. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Guideline on Air Quality Models: Adoption of a Preferred Long Range Transport Model and Other Revisions (FRL 7478–3)'' received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1838. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Lake County Air Quality Control District and San Diego County Air Pollution Control District (FRL 7471–4)'' received on April 4, 2003; to the Committee on Environment and Public Works.

EC–1839. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Filter Backlash Recycling Rule—Technical Guidance Manual'' received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1840. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a document entitled ''Primary Aluminum Reduction Plants: Air Toxics Amendments Fact Sheet'' received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1841. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Endangered Status and Designation of Critical Habitat for Polygonum hickmanii (Scotts Valley Polygonum)'' received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1842. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Kanuai Cave Wolf Spider and Kanuai Cave Amphipod (RIN 1018–AH01)'' received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1843. A communication from the Assistant Secretary, Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Seven Bexar County, Texas, Invertebrate Species (RIN 1018–AI47)'' received on April 1, 2003; to the Committee on Environment and Public Works.

EC–1844. A communication from the Acting General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Disaster Assistance: Crisis Counseling Regular Program; Amendments to Regulations 68 FR 9899 (RIN 3067–AD32)'' received on April 3, 2003; to the Committee on Environment and Public Works.

EC–1845. A communication from the Executive Vice President, Communications and Government Relations, Tennessee Valley Authority, transmitting, pursuant to law, the report of a Statistical Summary for Fiscal Year 2002; to the Committee on Environment and Public Works.

EC–1846. A communication from the Executive Director, Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the December 2002 Update of the Staff's Response to the Chairman's Tasking Memorandum; to the Committee on Environment and Public Works.

EC–1847. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report relative to Security related actions taken by the commission over the past seven months, received on April 3, 2003; to the Committee on Environment and Public Works.

EC–1848. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Nuclear Regulatory Commission's latest monthly report, covering December 2002, of the status of its licensing and regulatory duties, received on April 3, 2003; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Governmental Affairs:

Report to accompany S. 380, a bill to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service, and for other purposes (Rept. No. 108–35).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 808. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Energy and Natural Resources.

By Mr. SANTORUM:

S. 809. A bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. GRASSLEY, Mr. SHELBY, and Mrs. HUTCHISON):

S. 810. A bill to enhance the protection of children against crime by eliminating the statute of limitations for child abduction and sex crimes, providing for registration of child pornographers as sex offenders, establishing a grant program in support of AMBER Alert communications plans, and for other purposes; to the Committee on the Judiciary.

By Mr. ALLARD (for himself and Mr. SESSIONS):

S. 811. A bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. DASCHLE, Mr. JOHNSON, Mr. NELSON of Florida, and Mr. DURBIN):

S. 812. A bill to amend section 16131 of title 10, United States Code, to increase rates of educational assistance under the program of educational assistance for members of the Selected Reserve; to the Committee on Armed Services.

By Mr. CORZINE:

S. 813. A bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the temporary assistance to needy families program and to allow financial education to count as a work activity under that program; to the Committee on Finance.

By Mr. SANTORUM:

S. 814. A bill to include Hepatitis A vaccines in the Vaccine Injury Compensation Program under title XXI of the Public Health Service Act; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL:

S. 815. A bill to establish a center for excellence for applied research and training in the use of advanced materials in transport aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD (for himself, Mr. THOMAS, Mr. HARKIN, Mr. GRASSLEY, Mr. SMITH, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. DASCHLE, Mr. DORGAN, Mr. DOMENICI, Mrs. LINCOLN, Mr. BURNS, Mr. BINGAMAN, Mr. JEFFORDS, Mr. JOHNSON, Mr. LEVIN, Mr. TALENT, Mr. DAYTON, Mr. BOND, Mr. EDWARDS, Mr. COCHRAN, Mr. PRYOR, Mrs. MURRAY, Ms. SNOWE, Mr. COLEMAN, and Ms. CANTWELL):

S. 816. A bill to amend title XVIII of the Social Security Act to protect and preserve access of medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes; to the Committee on Finance.

By Mr. KOHL:

S. 817. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. BOND, Mr. PRYOR, and Mr. HARKIN):

S. 818. A bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. LEAHY, and Mr. CAMPBELL):

S. 819. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Governmental Affairs.

By Mrs. BOXER:

S. 820. A bill to amend the Federal Water Pollution Control Act to establish a perchlorate pollution prevention fund and to establish safety standards applicable to owners and operators of perchlorate storage facilities; to the Committee on Environment and Public Works.

By Mr. HARKIN:

S. 821. A bill to accelerate the commercialization and widespread use of hydrogen energy and fuel cell technologies, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. HARKIN, Ms. LANDRIEU, Mr. PRYOR, Mr. LIEBERMAN, Mr. DASCHLE, Mr. BINGAMAN, and Mr. JOHNSON):

S. 822. A bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans; to the Committee on Small Business and Entrepreneurship.

By Mr. SANTORUM (for himself, Mrs. LINCOLN, Mr. JEFFORDS, Mr. KYL, Mr. COLEMAN, and Mrs. CLINTON):

S. 823. A bill to amend title XVIII of the Social Security Act to provide for the expeditious coverage of new medical technology under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, Mr. LOTT, and Mr. ROCKEFELLER):

S. 824. A bill to reauthorize the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, and Mrs. BOXER):

S. 825. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Res. 107. A resolution expressing the sense of the Senate to designate the month of November 2003 as ''National Military Family Month''; to the Committee on the Judiciary.

By Mr. BURNS (for himself, Mr. BAUCUS, Mr. BROWNBACK, Mr. HATCH, and Mr. REID):

S. Res. 108. A resolution designating the week of April 21 through April 27, 2003, as ''National Cowboy Poetry Week''; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. DODD):

S. Res. 109. A resolution expressing the sense of the Senate with respect to polio; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself, Mr. FRIST, Mr. DASCHLE, Mr. STEVENS, Mr. MCCONNELL, Mr. REID, Mr. BYRD, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 110. A resolution honoring Mary Jane Jenkins Ogilvie, wife of former Senate Chaplain, Reverend Dr. Lloyd John Ogilvie; considered and agreed to.

By Mr. SPECTER (for himself and Mr. BIDEN):

S. Con. Res. 34. A concurrent resolution calling for the prosecution of Iraqis and their supporters for war crimes, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 85

At the request of Mr. LUGAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory.

S. 271

At the request of Mr. SMITH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 331

At the request of Mr. DASCHLE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 331, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 386

At the request of Mr. CORZINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 386, a bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes.

S. 395

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 395, a bill to amend the Internal Revenue Code of 1986 to provide a 3-year extension of the credit for producing electricity from wind.

S. 451

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 480

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 480, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 493

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 493, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 516

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 516, a bill to amend title 49, United States Code, to allow the arming of pilots of cargo aircraft, and for other purposes.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 587

At the request of Mr. WYDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 587, a bill to promote the use of hydrogen fuel cell vehicles, and for other purposes.

S. 646

At the request of Mr. CORZINE, the name of the Senator from Arkansas (Mrs. LINCOLN) 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. 721

At the request of Mr. ALLEN, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 721, a bill to amend the Internal Revenue Code of 1986 to expand the combat zone income tax exclusion to include income for the period of transit to the combat zone and to remove the limitation on such exclusion for commissioned officers, and for other purposes.

S. 760

At the request of Mr. GRASSLEY, the names of the Senator from Missouri (Mr. TALENT) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 760, a bill to implement effective measures to stop trade in conflict diamonds, and for other purposes.

S. 789

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 789, a bill to change the requirements for naturalization through service in the Armed Forces of the United States.

S. 791

At the request of Mr. INHOFE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of 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.

S.J. RES. 1

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor 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. 7

At the request of Mr. CAMPBELL, the names of the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. WYDEN), the Senator from Rhode Island (Mr. REED), the Senator from Indiana (Mr. BAYH) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

S. RES. 97

At the request of Mr. GRAHAM of Florida, his name 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 808. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Energy and Natural Resources.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Sleeping Bear Dunes expansion bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 808

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

SECTION 1. EXPANSION OF SLEEPING BEAR DUNES NATIONAL LAKESHORE.

(a) IN GENERAL.—When title to the land described in subsection (b) has vested in the United States in fee simple, the boundary of Sleeping Bear Dunes National Lakeshore is revised to include such land in that park.

(b) LAND DESCRIBED.—The land referred to in subsection (a) consists of approximately 104.45 of unimproved lands generally depicted on National Park Service map number 634/80078, entitled ''Bayberry Mills, Inc. Crystal River, MI Proposed Expansion Unit to Sleeping Bear Dunes National Lakeshore''. The Secretary of the Interior shall keep such map on file and available for public inspection in the appropriate offices of the National Park Service.

(c) PURCHASE OF LANDS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Interior may acquire the land described in subsection (b), only by purchase from a willing seller.

(2) BUDGET REQUEST.—The Secretary of the Interior shall include in the National Park Service budget submitted for fiscal year 2004 a request for funds necessary for the acquisition authorized by this subsection.

(d) LIMITATION ON ACQUISITION BY EXCHANGE OR CONVEYANCE.—The Secretary of the Interior may not acquire any of the land described in subsection (b) through any exchange or conveyance of lands that are within the boundary of the Sleeping Bear Dunes National Lakeshore as of the date of the enactment of this Act.

By Mr. DEWINE (for himself, Mr. GRASSLEY, Mr. SHELBY, and Mrs. HUTCHISON):

S. 810. A bill to enhance the protection of children against crime by eliminating the statute of limitations for child abduction and sex crimes, providing for registration of child pornographers as sex offenders, establishing a grant program in support of AMBER Alert communications plans, and for other purposes; to the Committee on the Judiciary.

Mr. DEWINE. 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. 810

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 ''Protecting Children Against Crime Act of 2003''.

SEC. 2. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

(a) STATUTE OF LIMITATIONS.—

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

''§ 3297. Child abduction and sex offenses

''Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

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

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

SEC. 3. REGISTRATION OF CHILD PORNOGRAPHERS IN THE NATIONAL SEX OFFENDER REGISTRY.

(a) JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION PROGRAM.—Section 170101 of subtitle A of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 170101. JACOB WETTERLING CRIMES AGAINST CHILDREN AND SEXUALLY VIOLENT OFFENDER REGISTRATION PROGRAM.'';

and

(2) in subsection (a)(3)—

(A) in clause (vii), by striking ''or'' at the end;

(B) by redesignating clause (viii) as clause (ix); and

(C) by inserting after clause (vii) the following:

''(viii) production or distribution of child pornography, as described in section 2251, 2252, or 2252A of title 18, United States Code; or''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, for each of fiscal years 2004 through 2007, such sums as may be necessary to carry out the amendments made by this section.

SEC. 4. GRANT PROGRAM FOR NEW TECHNOLOGIES TO IMPROVE AMBER ALERT COMMUNICATIONS PLANS.

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

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include the development and implementation of new technologies to improve AMBER Alert communications.

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

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

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

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Justice $5,000,000 for each of fiscal years 2004 through 2007, to carry out this section.

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

SEC. 5. NATIONAL RESEARCH COUNCIL STUDY AND REPORT CONCERNING ON-LINE PORNOGRAPHY.

(a) STUDY.—The National Research Council of the National Academy of Sciences shall conduct a study of—

(1) the extent to which it is possible for Internet service providers to monitor Internet traffic to detect illicit child pornography sites on the Internet, and the extent to which they do so;

(2) the extent to which purveyors use credit cards to facilitate the sale of illegal child pornography on the Internet;

(3) which credit card issuers have in place a system to facilitate the identification of purveyors who use credit cards to facilitate the sale of illicit child pornography; and

(4) options for encouraging greater reporting of such illicit transactions to law enforcement officials.

(b) REPORT TO CONGRESS.—Not later than 12 months after the date of enactment of this Act, the National Research Council shall submit a report to the Congress on the study conducted under subsection (a).

SEC. 6. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

By Mr. ALLARD (for himself and Mr. SESSIONS):

S. 811. A bill to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, and for other purposes; to the Committee on the Judiciary.

Mr. ALLARD. Mr. President, I rise today to introduce the American Dream Downpayment Act. I am pleased to have Senator SESSIONS join me in introducing this bill.

Homeownership has long been the American dream, and we are incredibly fortunate that in America more and more families have been able to achieve the dream of homeownership. In fact, right now more American families own their home than ever before, and that number continues to increase.

However, for some working families, low income families, women-headed households, minority families, urban dwellers, and young families the dream of homeownership remains elusive.

This is particularly true for minority families. While Americans enjoy the world's greatest opportunities for becoming homeowners, only 47 percent of African-American and Hispanic families own their homes, as compared to 75 percent of white families.

We must eliminate this gap in homeownership, so I am pleased to join with President Bush and Secretary Martinez in the initiative to create 5.5 million new minority homeowner families by the end of the decade.

One key component of this initiative is the American Dream Downpayment Initiative, which I am pleased to introduced today in the Senate. This bill will provide $200 million annually to State and local governments for downpayment assistance programs.

One of the greatest barriers for families in becoming homeowners is their inability to afford the downpayment requirements and closing costs. These are hard working families that can make mortgage payments, they simply need assistance with the downpayment and closing costs.

The American Dream Downpayment Initiative will create 40,000 new homeowners each year, focusing on low-income and first-time homebuyers. And because the initiative will be administered through HUD's existing HOME program, it will minimize bureaucracy and duplication while maximizing flexibility for local jurisdictions.

Homeownership has many benefits for cities, neighborhood, and families. In fact, a study released by the Homeownership Alliance revealed that children living in an owned home scored nine percent higher on math tests and seven percent higher in reading achievement.

Homeownership has the power to transform individual lives and to

strengthen entire communities. Increasing homeownership, particularly among minorities, is a top goal for me.

The $200 million for the American Dream Downpayment Fund will help make that dream come true for more American families.

I look forward to the opportunity to working with my colleagues to get the American Dream Downpayment Initiative enacted into law.

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. 811

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 ''American Dream Downpayment Act''.

SEC. 2. DOWNPAYMENT ASSISTANCE INITIATIVE UNDER HOME PROGRAM.

(a) DOWNPAYMENT ASSISTANCE INITIATIVE.—Subtitle E of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821) is amended to read as follows:

''Subtitle E—Other Assistance

''SEC. 271. DOWNPAYMENT ASSISTANCE INITIATIVE.

''(a) GRANT AUTHORITY.—The Secretary may make grants to participating jurisdictions to assist low-income families to achieve homeownership, in accordance with this section.

''(b) ELIGIBLE ACTIVITIES.—

''(1) IN GENERAL.—Grants made under this section may be used only for downpayment assistance toward the purchase of single family housing by low-income families who are first-time homebuyers.

''(2) DEFINITION.—For purposes of this subtitle, the term 'downpayment assistance' means assistance to help a family acquire a principal residence.

''(c) HOUSING STRATEGY.—To be eligible to receive a grant under this section for a fiscal year, a participating jurisdiction shall include in its comprehensive housing affordability strategy submitted under section 105 for such year, a description of the use of the grant amounts.

''(d) FORMULA ALLOCATION.—

''(1) IN GENERAL.—For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this section for the fiscal year in accordance with a formula, established by the Secretary, that considers a participating jurisdiction's need for and prior commitment to assistance to homebuyers.

''(2) ALLOCATION AMOUNTS.—The formula referred to in paragraph (1) may include minimum and maximum allocation amounts.

''(e) REALLOCATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if any amounts allocated to a participating jurisdiction under this section become available for reallocation, the amounts shall be reallocated to other participating jurisdictions in accordance with the formula established pursuant to subsection (d).

''(2) EXCEPTION.—If a local participating jurisdiction failed to receive amounts allocated under this section and is located in a State that is a participating jurisdiction, the funds shall be reallocated to the State.

''(f) APPLICABILITY OF OTHER PROVISIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this section, grants made under this section shall not be subject to the provisions of this title.

''(2) APPLICABLE PROVISIONS.—In addition to the requirements of this section, grants made under this section shall be subject to the provisions of title I, sections 215(b), 218, 219, 221, 223, 224, and 226(a) of subtitle A of this title, and subtitle F of this title.

''(3) REFERENCES.—In applying the requirements of subtitle A referred to in paragraph (2)—

''(A) any references to funds under subtitle A shall be considered to refer to amounts made available for assistance under this section; and

''(B) any references to funds allocated or reallocated under section 217 or 217(d) shall be considered to refer to amounts allocated or reallocated under subsection (d) or (e) of this section, respectively.

''(g) ADMINISTRATIVE COSTS.—Notwithstanding section 212(c), a participating jurisdiction may use funds under subtitle A for administrative and planning costs of the jurisdiction in carrying out this section, and the limitation in section 212(c) shall be based on the total amount of funds available under subtitle A and this section.

''(h) FUNDING.—

''(1) FISCAL YEAR 2002.—This section constitutes the subsequent legislation authorizing the Downpayment Assistance Initiative referred to in the item relating to the 'HOME Investment Partnerships Program' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2002 (Public Law 107–73; 115 Stat. 666).

''(2) SUBSEQUENT FISCAL YEARS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2003 through 2006.''.

''(b) RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.—Subtitle F of title II of the Cranston-Gonzalez National Affordable Housing Act is amended by inserting after section 290 (42 U.S.C. 12840) the following:

SEC. 291. RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.

''The Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (84 Stat. 1894) shall not apply to downpayment assistance under this title.''.

By Ms. COLLINS (for herself, Mr. DASCHLE, Mr. JOHNSON, Mr. NELSON of Florida, and Mr. DURBIN):

S. 812. A bill to amend section 16131 of title 10, United States Code, to increase rates of educational assistance under the program of educational assistance for members of the Selected Reserve; to the Committee on Armed Services.

Ms. COLLINS. Mr. President, at a time when our men and women in uniform are fighting valiantly to bring peace and opportunity to an oppressed people and ensure the security of our homeland, I am pleased to introduce the Selected Reserve Educational Assistance Act of 2003 to extend the opportunity of higher education to many of those very same men and women in uniform. This legislation provides our National Guard and Reserve personnel, hundreds of thousands of whom are currently mobilized, deployed, and fighting around the globe, with educational opportunities as intended by the Montgomery GI bill. I am pleased that my colleagues, Senators TOM DASCHLE, TIM JOHNSON, and BILL NELSON, have joined as cosponsors.

Through this legislation, we week to promote both service to country and education in a way that is both logical and fair. Members of our National Guard and Reserve are members of our communities. The skills they learn from military service are reflected in the positions of leadership they assume among us. These citizen-soldiers have demonstrated their commitment to serve and as members of the ''total force'' deserve opportunities to further improve themselves through the civilian educational opportunities the Montgomery GI bill promotes. Service and education are prerequisites of a strong, vibrant democracy. This legislation seeks to further this combined effort.

The original GI bill, known as the Servicemen's Readjustment Act, was enacted in 1944. That bill provided a $500 annual education stipend as well as a $50 subsistence allowance. As a result of this initiative, 7.8 million World War II veterans were able to take advantage of post-service education and training opportunities, including more than 2.2 million veterans who went on to college. My own father was among those veterans who volunteered for the war, fought bravely, and then returned to college with assistance from the GI bill.

Since the 1940's various versions of servicemen's education assistance have allowed millions of veterans to take advantage of educational opportunities. Over time, however, inflation and the escalating costs of higher education have eroded the value of those educational benefits. During the 107th Congress with the enactment of Public Law 107–103 Senator JOHNSON and I, along with many of our colleagues, made great strides returning value to educational assistance benefits available for active component service members and veterans. More remains to be done.

The United States military is an all volunteer force. In times of peace and prosperity and in times of trial, we rely on young men and women to come forward of their own accord to stand up for our collective defense. Though service to country and patriotism, particularly in times of crisis, factor into recruiting this all volunteer force, benefits still do and ought to matter. We must remain vigilant, as we are constantly recruiting new members of our armed forces, ensuring the benefits these individuals receive from military service are commensurate with the service they render to this nation.

At its inception in 1985, the Reserve Montgomery GI bill program, had been pegged at 47 percent of basic active component Montgomery GI bill benefits. During the ensuing 18 years, the parity of the reserve program with its active duty counterpart has slipped. At present the Chapter 1606 program, Selected Reserve Montgomery GI bill, is only about 28 percent of the Chapter 30 program. This legislation attempts to bring the reserve program back in line with the active component benefit.

In each of the last three years over 75,000 National Guard and Reserve members have taken advantage of Veterans Administration educational benefits for pursuing their educational or vocational objectives. While those citizen-soldiers currently mobilized may become eligible for veterans benefits, we must correct the disparity between the active and reserve Montgomery GI bill programs. Only two benefit increases have been legislated in the reserve program since its inception in 1985, other than cost-of-living increases. The reserve Montgomery GI bill benefit for full-time study stands at $276 compared to $985 per month for the Title 38 program. This legislation will bring the reserve Montgomery GI bill benefit to $428 per month in fiscal year 2004 and $473 per month in fiscal year 2005 and continue out-year increases in accordance with advances in the consumer price index.

The Military Coalition comprised of 33 member organizations representing over 5.5 million veterans and family members endorses rate increases and funds for the reserve Montgomery GI bill program so that National Guard and Reserve service members can reap an educational return on their voluntary service to country.

It is time to return reserve educational assistance benefits to the level intended by the original drafting of the Reserve Montgomery GI Bill. Coupling and reinforcing service with higher education will pay dividends for our future security, strength and prosperity. This legislation fulfills the promise made to our Nation's service members, helps with recruiting and retention, strengthens the economy, and partly offsets the increasing costs of higher education.

I urge all Members of the Senate to join me in support of the Selected Reserve Educational Assistance Act of 2003 and quickly pass this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 812

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

SECTION 1. INCREASE IN RATES OF EDUCATIONAL ASSISTANCE UNDER PROGRAM OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN RATES.—Section 16131(b)(1) of title 10, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs (A) through (C):

''(A) For a program of education pursued on a full-time basis, at the monthly rate of—

''(i) for months occurring during fiscal year 2004, $428;

''(ii) for months occurring during fiscal year 2005, $473; and

''(iii) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year, increased under paragraph (2).

''(B) For a program of education pursued on a three-quarter-time basis, at the monthly rate of—

''(i) for months occurring during fiscal year 2004, $321;

''(ii) for months occurring during fiscal year 2005, $355; and

''(iii) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year, increased under paragraph (2).

''(C) For a program of education pursued on a half-time basis, at the monthly rate of—

''(i) for months occurring during fiscal year 2004, $214;

''(ii) for months occurring during fiscal year 2005, $237; and

''(iii) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year, increased under paragraph (2).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003, and shall apply with respect to months that begin on or after the date.

(c) CPI ADJUSTMENT.—No adjustment shall be made under paragraph (2) of section 16131(b) of title 10, United States Code, for fiscal years 2004 and 2005.

By Mr. CORZINE:

S. 813. A bill to amend part A of title IV of the Social Security Act to require a State to promote financial education under the temporary assistance to needy families program and to allow financial education to count as a work activity under that program; to the Committee on Finance.

Mr. CORZINE. Mr. President, I rise today with my colleagues Senators AKAKA and SARBANES to introduce the Financial Literacy for Self-Sufficiency Act.

Our bill would require States to promote financial education through their TANF, Temporary Assistance to Needy Families, programs. Financial education—education that promotes an understanding of consumer, economic, and personal finance concepts—is extremely important for all families, and is especially important for low-income families who are moving from welfare to work.

While TANF focuses on moving families off cash assistance and into work, it fails to provide recipients with the tools they need to maximize their earnings and manage their expenses in order to achieve financial stability once they are employed. If we truly expect to move these families to achieve financial independence, we must give them the tools they will need to make that transition.

One of these tools is a bank account. Millions of low-income families remain outside of the formal banking system, with many of them spending too much of their hard-earned dollars at costly check cashing operations. In fact, more than eight million families earning under $25,000 a year lack a checking or savings account. A study conducted by the United States Department of the Treasury in 2000 found that a worker earning $12,000 a year would pay approximately $250 a year just to cash their payroll checks at such an outlet. And, nearly 16 percent of the checks cashed at check cashing outlets are government benefit checks—including welfare benefit checks.

In addition to expanding the number of banks that do business in low-income communities, educating low-income unbanked families about the benefits of formal checking and savings accounts can significantly improve access to financial services.

But, financial education isn't just about bank accounts and savings. It is also about protecting low-income families form predatory lending and devastating credit arrangements. Financial education that addresses abusive lending practices can help prevent unaffordable loan payments, equity stripping, and foreclosure. I strongly support legislative efforts to end predatory lending practices in our country, but until we do, ensuring that consumers are aware of unfair and abusive loan terms is a measure that will provide them some protection from these tactics.

Finally, families leaving welfare for work face many challenges, including securing child care and transportation. One challenge that often is not mentioned, however, is the challenge of transitioning from a benefits-based income to a wage income. Financial literacy programs that educate families transitioning from welfare to work about taxes and tax benefits that they may be eligible for, such as the Dependent Care Tax Credit and the Earned Income Tax Credit, will ensure that they have access to these important work benefits.

The Financial Literacy for Self-Sufficiency Act will allow States to use their TANF funds to collaborate with community-based organizations, banks, and community colleges to create financial education programs for low-income families receiving welfare and for those transitioning from welfare to work. As Federal Reserve Chairman Alan Greenspan Chairman Greenspan has noted, ''Educational and training programs may be the most critical service offered by community-based organizations to enhance the ability of low-income households to accumulate assets.''

I hope members of the Senate Finance Committee will join my colleagues and me in promoting financial education for our nation's TANF recipients when they act to create a reauthorization framework for our nation's welfare program.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 813

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 ''TANF Financial Education Promotion Act of 2003''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Most recipients of assistance under the temporary assistance to needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and individuals moving toward self-sufficiency operate outside the financial mainstream, paying high costs to handle their finances and saving little for emergencies or the future.

(2) Currently, personal debt levels and bankruptcy filing rates are high and savings rates are at their lowest levels in 70 years. The inability of many households to budget, save, and invest prevents them from laying the foundation for a secure financial future.

(3) Financial planning can help families meet near-term obligations and maximize their longer-term well being, especially valuable for populations that have traditionally been underserved by our financial system.

(4) Financial education can give individuals the necessary financial tools to create household budgets, initiate savings plans, and acquire assets.

(5) Financial education can prevent vulnerable customers from becoming entangled in financially devastating credit arrangements.

(6) Financial education that addresses abusive lending practices targeted at specific neighborhoods or vulnerable segments of the population can prevent unaffordable payments, equity stripping, and foreclosure.

(7) Financial education speaks to the broader purpose of the temporary assistance to needy families program to equip individuals with the tools to succeed and support themselves and their families in self-sufficiency.

SEC. 3. REQUIREMENT TO PROMOTE FINANCIAL EDUCATION UNDER TANF.

(a) STATE PLAN.—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) Establish goals and take action to promote financial education, as defined in section 407(j), among parents and caretakers receiving assistance under the program through collaboration with community-based organizations, financial institutions, and the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.''.

(b) INCLUSION OF FINANCIAL EDUCATION AS A WORK ACTIVITY.—Section 407 of the Social Security Act (42 U.S.C 607) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''or (12)'' and inserting ''(12), or (13)''; and

(B) in subparagraph (B), by striking ''or (12)'' each place it appears and inserting ''(12), or (13)'';

(2) in subsection (d)—

(A) in paragraph (11), by striking ''and'' at the end;

(B) in paragraph (12), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(13) financial education, as defined in subsection (j).''; and

(3) by adding at the end the following:

''(j) DEFINITION OF FINANCIAL EDUCATION.—In this part, the term 'financial education' means education that promotes an understanding of consumer, economic, and personal finance concepts, including the basic principles involved with earning, budgeting, spending, saving, investing, and taxation.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2003.

By Mr. CONRAD (for himself, Mr. THOMAS, Mr. HARKIN, Mr. GRASSLEY, Mr. SMITH, Mr. ROCKEFELLER, Mr. ROBERTS, Mr. DASCHLE, Mr. DORGAN, Mr. DOMENICI, Mrs. LINCOLN, Mr. BURNS, Mr. BINGAMAN, Mr. JEFFORDS, Mr. JOHNSON, Mr. LEVIN, Mr. TALENT, Mr. DAYTON, Mr. BOND, Mr. EDWARDS, Mr. COCHRAN, Mr. PRYOR, Mrs. MURRAY, Ms. SNOWE, Mr. COLEMAN, and Ms. CANTWELL):

S. 816. A bill to amend title XVII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today, Senator THOMAS and I would like to introduce the Health Care Access and Rural Equity, (H–CARE), Act of 2003.

This proposal is the result of a tripartisan and Bicameral effort. We are proud to be joined by 24 Members who also support the bill, including—Senators HARKIN, GRASSLEY, ROBERTS, DASCHLE, DORGAN, SMITH, JOHNSON, LINCOLN, DOMENICI, ROCKEFELLER, BURNS, BINGAMAN, JEFFORDS, COCHRAN, LEVIN, TALENT, EDWARDS, BOND, PRYOR, DAYTON, SNOWE, CANTWELL and MURRAY. I would also like to thank our House companions, led by Representatives MORAN (R–KS), and POMEROY.

Working together, I believe we are taking important steps toward improving access to health care in our rural communities.

In addition, I would like to thank the National Rural Health Association, the Federation of American Hospitals, the American Hospital Association, Premier Hospital Alliance and the Coalition representing Sole Community Hospitals for their support of this effort.

As my colleagues may know, rural health care providers are often forced to operate with significantly less resources that larger, urban facilities. In my State of North Dakota, rural hospitals often receive only half the reimbursement of their urban counterparts—for treating the same patient. For example, a rural facility in North Dakota receives approximately $4,200 for treating pneumona, while a hospital in New York City can receive more than $8,500.

This funding disparity is simply unfair and has placed many rural providers on shaky ground. Continued funding shortfalls have resulted in rural providers having much tighter inpatient cost margins than their urban counterparts—today, the average rural hospital operates with a slim 3.9 percent cost margin compared to 11.3 percent for urban providers). This situation has resulted in more than 43 percent of rural hospitals operating in the red.

When you look at overall cost margins, the situation is even more bleak—rural providers are working with an average negative 2.9 percent Medicare margin, compared to 6.3 percent for urban hospitals). Our rural facilities cannot continue to provide high quality services if they lose nearly 3 percent on every Medicare patient they serve.

To address these problems, the bill we are introducing today would take many important steps to improve the rural health care system.

First, it would provide a much-needed low-volume adjustment payment. Today, it is nearly impossible for rural hospitals to take advantage of economies of scale realized by facilities located in larger communities. This situation has resulted in the majority of small facilities losing money. To address this problem, our bill would provide a new, extra payment to hospitals serving less than 2,000 patients per year. This provision would provide up to 25 percent in additional funding to help rural providers cover inpatient hospital services.

Second, H–CARE would close the gap in payments hospitals receive for serving low-income patients. It would do this by allowing rural hospitals to receive the same level of special ''Disproportionate Share—or DISH Payments'' currently available to urban providers.

Third, our legislation would take steps to permanently equalize the ''base payment amount,'' which has been 1.6 times higher for urban facilities. The recent Omnibus bill temporarily fixed this problem—but only until the end of FY03. Our bill finishes the job.

Fourth, this legislation would help hospitals better meet labor costs by making some needed improvements to the Medicare ''wage index'' calculation. Across the Nation, rural hospitals have reported that the wage index does not accurately account for labor costs in their area. Our bill takes steps to address this problem.

Fifth, our bill would ensure that rural hospitals continue to be paid fairly for outpatient services. It does this by extending a provision in current law that protects these hospitals against losses under the current Medicare payment system. It also includes measures to protect rural hospitals' access to lab services.

I am happy to say that this set of proposals would go a long way toward placing rural facilities on much sounder financial footing. Let me provide some examples.

Today, the average small hospital located in the Midwest receives $3,926 as an average payment for inpatient services. If all the changes laid out in our bill are enacted, this will improve payments to smaller rural hospitals by about 25 percent.

If you look at a more specific service—such as treating pneumonia—this same hospital would see payments increase from about $4,326 to $5,405. These increases are clearly big improvements, which will bring reimbursements for rural hospitals more in line with their costs.

Before I close, I'd also like to mention that this bill would establish a new grant program to help rural hospitals repair crumbling buildings. Under this program, rural providers

could apply for up to $5m in loan assistance. It is my hope these resources will help strengthen the infrastructure of our Nation's rural hospitals.

Finally, our bill includes a set of provisions that will make small—but important—changes to the Critical Access Hospital, CAH, program. These include measures to ensure CAHs have 24-hour emergency on-call providers and to ensure they can afford to provide quality ambulance care.

In total, the changes laid out in our bill will bring more than $72 million in new resources to my State of North Dakota over the next ten years. The bill will provide similar benefits to other rural States.

Thank you again to my Senate and House colleagues, as well as the organizations who worked with us, for your cooperation in developing this important health care proposal. It is my hope that this legislation will help to strengthen and sustain our Nation's rural health care system.

Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the ''Health Care Access and Rural Equity Act (H–CARE) of 2003'' with Senator CONRAD and fellow Senate Rural Health Caucus members, Senators HARKIN, GRASSLEY, JOHNSON, ROBERTS, DOMENICI, DASCHLE, BINGAMAN, BOND, LINCOLN, COCHRAN, BURNS, ROCKEFELLER, JEFFORDS, TALENT, LEVIN, SMITH, DAYTON, SNOWE, EDWARDS, CANTWELL, DORGAN, COLEMAN and MURRAY. As always, it is important to note that rural health care legislation has a long history of bipartisan and bicameral collaboration and cooperation.

The ''Health Care Access and Rural Equity Act of 2003'' will go a long way in addressing current inequities in the Medicare payment system that continually place rural providers at a disadvantage. This legislation recognizes the unique needs of rural hospitals and levels the playing field between them and their urban counterparts.

Rural hospitals are more dependent on Medicare payments as part of their total revenue. In fact, Medicare accounts for almost 70 percent of total revenue for small, rural hospitals. Rural hospitals have lower patient volumes, but must compete nationally to recruit providers due to the nursing and other health professional workforce shortages.

Additional burdens are placed on rural hospitals because of higher uninsured rates in rural America. Also, seniors living in rural areas tend to be poorer and have more chronic conditions than their urban and suburban counterparts.

H–CARE recognizes the special circumstances faced by rural hospitals and addresses these issues by equalizing Medicare Disproportionate Share Hospital, DSH, payments. These add-on payments help hospitals cover the costs of serving a high proportion of low income and uninsured patients. Current law allows urban facilities to receive unlimited add-ons based on the percentage of these types of patients served. However, small, rural hospital add-on payments are capped at 10 percent. H–CARE eliminates the Sole Community Hospital and small rural hospital caps, bringing their payments in line with the benefits urban facilities received.

This legislation permanently closes the gap between urban and rural ''standardized payment'' levels. Inpatient hospital payments are calculated by multiplying several different factors, including a standardized payment amount. The fiscal year 2003 appropriations bill corrected the 1.6 percent disparity, but the provision expires at the end of the fiscal year.

Our bill also acknowledges that low-volume hospitals have a higher cost per case, which results in negative operation margins. To alleviate this problem, H–CARE creates a low-volume inpatient payment adjustment for hospitals that have less than 2,000 annual discharges per year and are located more than 15 miles from another hospital. This provision will improve payments for more than one-third of all rural hospitals. Almost two-thirds of Wyoming hospitals would qualify for the low-volume provisions in H–CARE, which would result in $26.5 million in increased payments over 10 years.

Rural hospitals have long sought changes to the wage index which adjusts hospital inpatient payments to reflect the effect of their labor costs. Currently, the labor-related share of hospital inpatient payments is set nationally at 71 percent. As rural hospitals generally have a lower wage index than their urban counterparts, their inpatient payment is adjusted downward. H–CARE would lower the labor-related percent from 71 percent to 62 percent, which will increase payments to rural hospitals.

There are now more than 700 hospitals nationwide that have converted to Critical Access Hospital status. This program was created in the Balanced Budget Act of 1997 and allows our smallest communities crucial access to 24 hour emergency services and some hospital care in their home towns. Almost 25 percent of my State's hospitals have downsized to Critical Access Hospital status. H–CARE contains several provisions to strengthen this important rural hospital program.

It is time for the Federal Government to recognize that rural hospitals are long overdue for a fair shake from the Medicare program. Rural providers care for patients under different circumstances than urban hospitals and H–CARE ensures that rural hospitals are paid accurately and fairly. I strongly encourage all my colleagues with an interest in rural health to cosponsor this legislation.

I also want to thank the American Hospital Association, the Federation of American Hospitals, Premier and the National Rural Health Association for their work and support in this effort.

By Mr. KOHL:

S. 817. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Sunshine in Litigation Act of 2003, a measure to address the abuse of secrecy orders issued by federal courts. All too often, courts sign off on secret settlements that shield important public health and safety information from the public view from mothers and fathers and children whose lives are potentially at stake, and from public officials we have asked to protect our health and safety.

The problem is a simple one and has been recurring for decades. An individual brings a cause of action against a manufacturer for an injury or fatality resulting from a product defect. The plaintiff, often reticent to continue the litigation process because of grief or lack of resources, settles the lawsuit quickly. In exchange, the defendant insists that the plaintiff agree to the inclusion of a confidentiality clause. This mechanism prevents either party from disclosing information revealed during the process of litigation. Both of the parties to the lawsuit believe that they have ''won'': the plaintiff won a satisfactory financial settlement, and the defendant won the right to conceal ''smoking gun'' documents.

But not everybody wins. Future victims of injuries or fatalities resulting from the same product defect lose, because they or their families must ''reinvent the wheel'' as they litigate virtually the same case. Even worse, the American public loses with this outcome, because they remain unaware of the critical public health and safety information which could prevent harm and save lives.

Currently, judges have broad discretion in granting protective orders when ''good cause'' is shown. But these protective orders are being misused. Tobacco companies, automobile manufacturers and pharmaceutical companies have settled with victims and used the legal system to hide information which, if it became public, could protect the American public but endanger their business or reputation. We can all agree that the only appropriate use for such orders is to protect trade secrets and other truly confidential company information and our legislation makes sure it is protected. But protective orders are certainly not supposed to be used to hide public safety information from the public, especially when such information is neither trade secret nor proprietary.

There are no records kept of the number of confidentiality orders accepted by state or federal courts. However, anecdotal evidence suggests that court secrecy and confidential settlements are prevalent. Let me share some examples that illustrate the dangerous and often deadly consequences

that result from protective orders: Although an internal memo suggests that General Motors, ''GM'', was aware of the risk of fire deaths from crashes of pickup trucks with ''side saddle'' fuel tanks, an estimated 750 people were killed in fires involving these fuel tanks. When victims sued, GM disclosed documents only under protective orders and settled these cases only on the condition that these documents remained secret. This type of fuel tank was installed for 15 years before being discontinued.

Sixteen month-old Michael Bancroft was buckled into a Kolcraft booster-style safety seat in his mother's car when the car was involved in an accident. Due to a defect in product design, however, the seat did not protect him from a broken neck and paralysis. Kolcraft and the Bancrofts settled for $4.25 million and signed a confidentiality agreement that concealed the product's defect. Because this information remained a secret, countless parents continued to feel a false sense of safety when securing their children in Kolcraft safety seats.

From 1992–2000, tread separation of certain Bridgestone and Firestone tires caused a great number of car accidents, many involving serious injuries or fatalities. Bridgestone/Firestone quietly settled dozens of lawsuits resulting from faulty tire crashes, most of which included secrecy agreements. It was only in 1999, when a Houston public television broke the story, that the company admitted the defect and recalled 6.5 million tires.

Some States have been proactive in dealing with this problem. Florida, for example, has in place a Sunshine in Litigation law that severely limits the ability of parties to conceal information that effects public health and safety. Michigan has a rule that requires that secret settlements be unsealed two years after they are approved. And just last year, the judges of the United States District Court for the District of South Carolina unanimously agreed not to accept any secret settlements at all.

While these steps indicate movement in the right direction, we still have a long way to go. It is time to initiate a federal solution for this problem. The Sunshine in Litigation Act is a modest proposal that would require Federal judges to perform a simple balancing test to ensure that the defendant's interest in secrecy truly outweighs the public interest in information related to public health and safety. Specifically, prior to making any portion of a case confidential or sealed, a judge would have to determine by making a particularized finding of fact—that doing so would not restrict the disclosure of information relevant to public health and safety. Moreover, all courts, both Federal and State, would be prohibited from issuing protective orders that prevent disclosure to relevant regulatory agencies.

And don't just take it from me. During his confirmation hearings before the Judiciary Committee in January 2001, Attorney General John Ashcroft voiced his support for this legislation, saying, ''I think unnecessarily hiding or otherwise concealing from the public those [public health and safety hazards] would be against the interests of the people . . . I think there's great danger in not providing public information.''

This legislation does not prohibit secrecy agreements across the board. It does not place an undue burden on judges or our courts. It simply states that where the public interest in disclosure outweighs legitimate interests in secrecy, courts should not shield important health and safety information from the public and from regulators. This is an entirely reasonable balancing test. It is time to eliminate the dark dangers of court secrecy and bring matters of public health and safety into the light, where they belong.

By Ms. SNOWE (for herself, Mr. KERRY, Mr. BOND, Mr. PRYOR, and Mr. HARKIN:

S 818. A bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise to introduce the ''Independent Office of Advocacy Act of 2003.'' The SBA's Office of Advocacy is, unfortunately, one of our government's best kept secrets, and in many cases, the best hope for small businesses faced with over burdensome Federal regulations. The Office of Advocacy serves two critical roles: 1. it represents small business' interests before the Federal government in regulatory matters—taking advantage of its statutorily granted independence to argue against regulatory actions that impose too great a burden on small businesses to our economy and the forces that have an effect on them.

This bill is designed to build on the success achieved by the Office of Advocacy over the past 26 years and to strengthen that foundation by making the Office of Advocacy a stronger, more effective advocate for all small businesses throughout the United States. This bill was approved unanimously by the Senate during the 106th and 107th Congresses. However, regrettably, the House failed to act in both cases.

The Office of Advocacy, headed by the Chief Counsel for Advocacy, is a unique office with the Federal government. It is part of the SBA, and the Chief Counsel for Advocacy is nominated by the President and confirmed by the Senate. At the same time, the Office is also intended to be the independent voice for small business within the Federal Government. It is supposed to develop proposals for changing government policies to help small businesses, and it is supposed to represent the views and interests of small businesses before other Federal agencies in rulemaking activities. These roles can sometimes come into conflict.

The ''Independent Office of Advocacy Act of 2003'' resolves such conflicts in favor of the small businesses that rely on the Chief Counsel and the Office of Advocacy to be a fully independent advocate within the Executive Branch acting on their behalf. The bill would establish a clear mandate that the Office of Advocacy must fight on behalf of small businesses, regardless of the position taken on critical issues by the President and his or her Administration.

The Office of Advocacy, under the direction of the Chief Counsel, as envisioned by the ''Independent Office of Advocacy Act of 2003'', would be a wide-ranging advocate, free to take positions contrary to the Administration's policies and to advocate change in government programs and attitudes as they affect small businesses. During its consideration of the bill in 1999, the Committee on Small Business adopted unanimously an amendment to require the Chief Counsel to be appointed ''from civilian life.'' This qualification is intended to emphasize that the person nominated to serve in this important role should have a strong small business background.

In 1976, Congress established the Office of Advocacy in the SBA to be the eyes, ears and voice for small business within the Federal government. Since then, the Office of Advocacy has become the ''independent'' voice for small business. Unfortunately, in certain cases, the Office has not been as independent as necessary to do the job for small business.

For example, funding for the Office of Advocacy currently comes from the Salaries and Expense Account of the SBA's budget. Staffing is allocated by the SBA Administrator to the Office of Advocacy from the overall staff allocation for the Agency. In 1990, there were 70 full-time employees working on behalf of small businesses in the Office of Advocacy. The current allocation of staff is 49, and fewer are actually onboard as the result of the long-standing hiring freeze at the SBA. The independence of the Office is diminished when the Office of Advocacy staff is reduced to allow for increased staffing for new programs and additional initiatives in other areas of SBA, at the discretion of the Administrator.

To address this problem, the ''Independent Office of Advocacy Act of 2003'' builds a firewall to prevent political intrusion into the management of day-to-day operations of the Office of Advocacy similar to the one that protects Inspectors General. The bill would require the Federal budget to include a separate account for the Office of Advocacy drawn directly from General Fund of the Treasury. No longer would its funds come from the general operating account of the SBA. This will free the Chief Counsel for Advocacy from having to seek approval from the SBA Administrator to hire staff for the Office of Advocacy.

Additionally, the bill provides that any funds appropriated will remain available without fiscal year limitation until expended. This will give the Chief Counsel the flexibility to use these funds as necessary instead of being forced to spend them, perhaps prematurely, because of the coming end of a fiscal year.

The bill would leave unchanged current law that allows the Chief Counsel to hire individuals critical to the mission of the Office of advocacy without going through the normal competitive procedures directed by Federal law and the Office of Personnel Management, OPM. This long-standing special hiring authority, which is limited only to employees within the Office of Advocacy, is beneficial because it allows the Chief Counsel to hire quickly those persons who can best assist the Office in responding to changing issues and problems confronting small businesses.

As the New Chair of the Senate Committee on Small Business and Entrepreneurship, I have heard repeatedly about the importance of the Office of Advocacy and the vital role it plays for small enterprises and the self employed across the nation. With these comments in mind, I am committed to ensuring the complete independence of the Office of Advocacy in all matters, at all times, for the continued benefit of all small businesses. However, so long as any administration controls the budget allocated to the Office of Advocacy, the independence of the Office may be in jeopardy. We must correct this situation, and the sooner we do it, the better it will be for the small business community.

In addition to resolving the critical funding issues, the ''Independent Office of Advocacy Act of 2003'' would direct the Chief Counsel to submit an annual report on Federal agency compliance with the Regulatory Flexibility Act, RFA, to the President, the Senate Committee on Small Business and Entrepreneurship, House Committee on Small Business, the Senate Committee on Governmental Affairs, the House Committee on Government Reform, and the Senate and House Committees on the Judiciary.

The RFA is a very important weapon in the war against the over-regulation of small businesses. It requires agencies to analyze their regulations to determine their impact on small businesses before they are proposed and to explore alternatives to reduce the regulatory burden. In August, 2002, President Bush issued Executive Order 13272, which requires Federal agencies to establish plans detailing how they will handle their obligations under the Regulatory Flexibility Act and directs the Office of Advocacy to work with the agencies in developing these plans. In addition, the Executive Order directs the agencies to respond to comments from the Office of Advocacy regarding the agencies' analyses. Thus, there is even more reason today to have the Chief Counsel report to the President and Congress on how Federal agencies are complying with the Regulatory Flexibility Act than there was when this bill was introduced in previous Congresses.

The ''Independent Office of Advocacy Act of 2003'' is a sound bill. It is the product of a great deal of thoughtful, objective review and consideration by me; the former Chairman of the Committee on Small Business and Entrepreneurship, Senator BOND; staff of the Committee; representatives of the small business community; former Chief Counsels for Advocacy and many others. In short, this bill has been thoroughly vetted in my Committee and has been approved unanimously by the Senate in 1999 and 2001. It is time we see this bill enacted into law, and I urge my colleagues to support this important legislation for America's small businesses and entrepreneurs. I look forward to moving this bill through the Senate again, and hope that the third time will lead to the President's desk.

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. 818

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 ''Independent Office of Advocacy Act of 2003''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) excessive regulations continue to burden United States small business concerns;

(2) Federal agencies are reluctant to comply with the requirements of chapter 6 of title 5, United States Code, and continue to propose regulations that impose disproportionate burdens on small entities;

(3) the Office of Advocacy of the Small Business Administration (referred to in this Act as the ''Office'') is an effective advocate for small entities, including small business concerns, that can help to ensure that agencies are responsive to small business concerns and that agencies comply with their statutory obligations under chapter 6 of title 5, United States Code, and under the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121; 106 Stat. 4249 et seq.);

(4) the independence of the Office is essential to ensure that it can serve as an effective advocate for small business concerns without being restricted by the views or policies of the Small Business Administration or any other executive branch agency;

(5) the Office needs sufficient resources to conduct the research required to assess effectively the impact of regulations on small business concerns; and

(6) the research, information, and expertise of the Office make it a valuable adviser to Congress as well as the executive branch agencies with which the Office works on behalf of small business concerns.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to ensure that the Office has the statutory independence and adequate financial resources to advocate for and on behalf of small business concerns;

(2) to require that the Office report to the Chairmen and Ranking Members of the Committees on Small Business of the Senate and the House of Representatives and the Administrator of the Small Business Administration in order to keep them fully and currently informed about issues and regulations affecting small business concerns and the necessity for corrective action by the regulatory agency or the Congress;

(3) to provide a separate authorization for appropriations for the Office;

(4) to authorize the Office to report to the President and to the Congress regarding agency compliance with chapter 6 of title 5, United States Code; and

(5) to enhance the role of the Office pursuant to chapter 6 of title 5, United States Code.

SEC. 4. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking sections 201 through 203 and inserting the following:

''SEC. 201. SHORT TITLE.

''This title may be cited as the 'Office of Advocacy Act'.

''SEC. 202. DEFINITIONS.

''In this title—

''(1) the term 'Administration' means the Small Business Administration;

''(2) the term 'Administrator' means the Administrator of the Small Business Administration;

''(3) the term 'Chief Counsel' means the Chief Counsel for Advocacy appointed under section 203;

''(4) the term 'Office' means the Office of Advocacy established under section 203; and

''(5) the term 'small business concern' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632).

''SEC. 203. ESTABLISHMENT OF OFFICE OF ADVOCACY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established in the Administration an Office of Advocacy.

''(2) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy, which shall be designated in a separate account in the General Fund of the Treasury.

''(b) CHIEF COUNSEL FOR ADVOCACY.—

''(1) IN GENERAL.—The management of the Office shall be vested in a Chief Counsel for Advocacy, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the ground of fitness to perform the duties of the office.

''(2) EMPLOYMENT RESTRICTION.—The individual appointed to the office of Chief Counsel may not serve as an officer or employee of the Administration during the 5-year period preceding the date of appointment.

''(c) PRIMARY FUNCTIONS.—The Office shall—

''(1) examine the role of small business concerns in the economy of the United States and the contribution that small business concerns can make in improving competition, encouraging economic and social mobility for all citizens, restraining inflation, spurring production, expanding employment opportunities, increasing productivity, promoting exports, stimulating innovation and entrepreneurship, and providing the means by which new and untested products and services can be brought to the marketplace;

''(2) assess the effectiveness of Federal subsidy and assistance programs for small business concerns and the desirability of reducing the emphasis on those programs and increasing the emphasis on general assistance

programs designed to benefit all small business concerns;

''(3) measure the direct costs and other effects of government regulation of small business concerns, and make legislative, regulatory, and nonlegislative proposals for eliminating the excessive or unnecessary regulation of small business concerns;

''(4) determine the impact of the tax structure on small business concerns and make legislative, regulatory, and other proposals for altering the tax structure to enable all small business concerns to realize their potential for contributing to the improvement of the Nation's economic well-being;

''(5) study the ability of financial markets and institutions to meet the credit needs of small business concerns, and determine the impact of government demands on credit for small business concerns;

''(6) determine financial resource availability and recommend, with respect to small business concerns, methods for—

''(A) delivery of financial assistance, including methods for securing equity capital, to small business concerns—

''(i) owned and controlled by socially and economically disadvantaged individuals;

''(ii) owned and controlled by women;

''(iii) owned and controlled by veterans; or

''(iv) designated as HUBZone small business concerns by the Administration;

''(B) generating markets for goods and services;

''(C) providing effective business education, more effective management and technical assistance, and training; and

''(D) assistance in complying with Federal, State, and local laws;

''(7) evaluate the efforts of Federal agencies and the private sector to assist small business concerns—

''(i) owned and controlled by socially and economically disadvantaged individuals;

''(ii) owned and controlled by women;

''(iii) owned and controlled by veterans; or

''(iv) designated as HUBZone small business concerns by the Administration;

''(8) make such recommendations as may be appropriate to assist the development and strengthening of small business concerns—

''(i) owned and controlled by socially and economically disadvantaged individuals;

''(ii) owned and controlled by women;

''(iii) owned and controlled by veterans; or

''(iv) designated as HUBZone small business concerns by the Administration;

''(9) recommend specific measures for creating an environment in which all small business concerns will have the opportunity—

''(A) to compete effectively and expand to their full potential; and

''(B) to ascertain any common reasons for the successes and failures of small business concerns;

''(10) determine the desirability of developing a set of rational, objective criteria to be used to define the term 'small business concern', and develop such criteria, if appropriate;

''(11) make recommendations and submit reports to the Chairmen and Ranking Members of the Committees on Small Business of the Senate and the House of Representatives and the Administrator with respect to issues and regulations affecting small business concerns and the necessity for corrective action by the Administrator, any Federal department or agency, or the Congress; and

''(12) evaluate the efforts of each department and agency of the United States, and of private industry, to assist small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by serviced-disabled veterans, as defined in such section 3(q), and to provide statistical information on the utilization of such programs by such small business concerns, and to make appropriate recommendations to the Administrator and to the Congress in order to promote the establishment and growth of those small business concerns.

''(d) ADDITIONAL FUNCTIONS.—The Office shall, on a continuing basis—

''(1) serve as a focal point for the receipt of complaints, criticisms, and suggestions concerning the policies and activities of the Administration and any other department or agency of the Federal Government that affects small business concerns;

''(2) counsel small business concerns on the means by which to resolve questions and problems concerning the relationship between small business and the Federal Government;

''(3) develop proposals for changes in the policies and activities of any agency of the Federal Government that will better fulfill the purposes of this title and communicate such proposals to the appropriate Federal agencies;

''(4) represent the views and interests of small business concerns before other Federal agencies whose policies and activities may affect small business;

''(5) enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the programs and services provided by the Federal Government that are of benefit to small business concerns, and information on the means by which small business concerns can participate in or make use of such programs and services; and

''(6) carry out the responsibilities of the Office under chapter 6 of title 5, United States Code.

''(e) OVERHEAD AND ADMINISTRATIVE SUPPORT.—The Administrator shall provide the Office with appropriate and adequate office space at central and field office locations of the Administration, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.''.

(b) REPORTS TO CONGRESS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 206 and inserting the following:

''SEC. 206. REPORTS TO CONGRESS.

''(a) ANNUAL REPORTS.—Not less than annually, the Chief Counsel shall submit to the President and to the Committees on Small Business of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Committees on the Judiciary of the Senate and the House of Representatives, a report on agency compliance with chapter 6 of title 5, United States Code.

''(b) ADDITIONAL REPORTS.—In addition to the reports required under subsection (a) of this section and section 203(c)(11), the Chief Counsel may prepare and publish such reports as the Chief Counsel determines to be appropriate.

''(c) PROHIBITION.—No report under this title shall be submitted to the Office of Management and Budget or to any other department or agency of the Federal Government for any purpose before submission of the report to the President and to the Congress.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

''SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Office to carry out this title, such sums as may be necessary for each fiscal year.

''(b) AVAILABILITY.—Any amount appropriated under subsection (a) shall remain available, without fiscal year limitation, until expended.''.

(d) INCUMBENT CHIEF COUNSEL FOR ADVOCACY.—The individual serving as the Chief Counsel for Advocacy of the Small Business Administration on the date of enactment of this Act shall continue to serve in that position after such date in accordance with section 203 of the Office of Advocacy Act, as amended by this section.

Mr. KERRY. Mr. President, I am pleased to join with my friend and colleague, Chairwoman of the Senate Committee on Small Business and Entrepreneurship, OLYMPIA SNOWE, in reintroducing the ''Independent Office of Advocacy Act'', which our Committee and the full Senate endorsed unanimously last Congress. This legislation will help ensure the Small Business Administration's, SBA, Office of Advocacy has the necessary autonomy to remain an independent voice for America's small businesses. I would like to thank Senator SNOWE and her staff for working with me and my staff to make the necessary changes to this legislation to garner bipartisan support.

The independent Office of Advocacy Act rewrites the law that created the Small Business Administration's Office of Advocacy to allow for increased autonomy. It reaffirms the Office's statutory and financial independence by creating a separate funding account for the Office from the General Fund of the Treasury instead of being allocated through the SBA's annual appropriation.

At its heart, this legislation will allow the Office of Advocacy to better represent small business interests before Congress, Federal agencies, and the Federal Government without fear of reprisal for disagreeing with the position of any current Administration.

For those of my colleagues without an intimate knowledge of the critical role the Office of Advocacy and its Chief Counsel play in protecting and promoting America's small businesses, I will briefly elaborate its important functions and achievements. From studying the role of small business in the U.S. economy, to promoting small business exports, to advocating for the best interests of small business in a myriad of areas, to lightening the regulatory burden of small businesses through the Regulatory Flexibility Act, RFA, and the Small Business Regulatory Enforcement Fairness Act, SBREFA, the Office of Advocacy has a wide scope of authority and responsibility.

The U.S. Congress created the Office of Advocacy, headed by a Chief Counsel to be appointed by the President from the private sector and confirmed by the Senate, in June of 1976. The rationale was to give small businesses a louder voice in the councils of government.

Each year, the Office of Advocacy advises Congress and the executive branch regarding policy issues affecting small businesses, brings together

small business people with members of Congress, congressional staff and executive branch officials to resolve issues affecting small business, publishes numerous studies and reports, compiles vast amounts of data and successfully lightens the regulatory burden on America's small businesses. In the area of contracting, the Office of Advocacy developed PRO-Net, a database of small businesses used by Federal contracting officers to find small business interests interested in selling to the Federal Government.

The U.S. Congress, the Administration, and, of course, small businesses have all benefited from the work of the Office of Advocacy. In October 2001, an Advocacy research study titled, The Impact of Regulatory Costs on Small Business, established that small businesses with less than 20 employees spend nearly $7,000 each year, per employee just to comply with Federal regulations and mandates. By working with Federal agencies to implement the Regulatory Flexibility Act, the Office of Advocacy in 2002 saved small businesses over $21 billion in foregone regulatory costs that can now be used to create jobs, buy equipment and expand access to health care for millions of Americans.

Small businesses remain the backbone of the U.S. economy. According to a study conducted by the Small business Administration Office of Economic Research and released in January 2003, small businesses account for approximately 99 percent of all employers, account for 51 percent of private-sector output, represent 52 percent of GDP and, in 2002, provided two-thirds of all net new jobs.

Small businesses have also taken the lead in moving people from welfare to work and an increasing number of women and minorities are turning to small business ownership as a means to gain economic self-sufficiency. Put simply, small businesses represent what is best in the United States economy, providing innovation, competition and entrepreneurship.

Their interests are vast, their activities divergent, and the difficulties they face to stay in business are numerous. To provide the necessary support to help them, SBA's Office of Advocacy needs our support.

The responsibility and authority given the Office of Advocacy and the Chief Counsel are crucial to their ability to be an effective independent voice in the Federal Government for small businesses. This bill has been endorsed by the U.S. Chamber of Commerce, the Small Business Legislative Council and the National Federation of Independent Businesses. Small businesses are asking us to do everything we can to protect and strengthen this essential office. I believe this legislation accomplishes that important goal.

I have always been a strong supporter of the Office of Advocacy and I am pleased to join with Chairwoman SNOWE in introducing this legislation, which will ensure that the Office of Advocacy remains an independent and effective voice representing America's small businesses.

By Ms. MIKULSKI (for herself, Mr. SARBANES, Mr. LEAHY, and Mr. CAMPBELL):

S. 819. A bill to amend the definition of a law enforcement officer under subchapter III of chapter 83 and chapter 84 of title 5, United States Code, respectively, to ensure the inclusion of certain positions; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Law Enforcement Officers Retirement Equity act of 2003. I am proud to be joined on this bill by my colleagues, Senators SARBANES, LEAHY and CAMPBELL. This legislation will ensure that all Federal law enforcement officers have the same retirement options and that their pay and benefits conform with the Federal law enforcement retirement system.

Under current law, most Federal law enforcement officers and firefighters are eligible to retire at age 50 with 20 years of Federal service. But, some Federal law enforcement personnel, such as customs and immigration inspectors at the Department of Homeland Security or police officers at Veterans Affairs, are not eligible for these same benefits. This legislation will amend current law and grant the same pay and 20-year retirement to all law enforcement officers.

We must honor our Federal law enforcement personnel. The names of Federal law enforcement officials who have died in the line of duty are engraved on the Law Enforcement Memorial. We include the names of the officers from Homeland Security and Veterans Affairs. We honor them when they die, but we don't recognize them when they are living.

We need to make sure that all Federal law enforcement officers earn the pay and benefits that they deserve. These brave men and women are the country's first line of defense against terrorism and the smuggling of illegal drugs at our borders. They have the same law enforcement training as all other law enforcement personnel, and face the same risks and challenges.

For example, U.S. Customs inspectors are responsible for the most arrests performed by Customs Service employees. Yet, they do not qualify for law enforcement officer status. Along with U.S. customs agents, uniformed U.S. Customs inspectors are helping provide additional security at the Nation's airports and help enforce U.S. customs laws. They were among the first to respond to the tragedy at the World Trade Center. After September 11, Customs inspectors are playing a critical role in ensuring that terrorists don't get their hands on weapons of mass destruction and smuggle them into the country.

In 2002, the U.S. Custom Service impounded over 4,100 pounds of heroin and 167,000 pounds of cocaine, and confiscated over 39,000 firearms and 6.4 million rounds of ammunition. In fact, on a typical day, employees of the Customs Service inspect over 57,000 trucks and containers. Customers inspectors are vital in winning the war on drugs and keeping America safe from terrorism.

Like customs inspectors, immigration inspectors at the Department of Homeland Security are also on the front lines of defense against terrorism. Immigration inspectors enforce the Nation's immigration laws at more than 300 ports of entry. In the normal course of their duties, they enforce criminal law, make arrests, interrogate applicants for entry, search persons and effects, and seize evidence. Inspector's responsibilities have become increasing complex as political, economic and social unrest has increased globally. The threat of terrorism only increases these responsibilities.

These immigration inspectors help secure our borders. In FY 2001, over 510 million inspections were performed by these inspectors with 700,000 individuals denied entry, and approximately 71,000 criminal aliens were removed from the country.

This legislation is cost effective. Any cost that is created by this act is more than offset by savings in training costs and increased revenue collection. A 20-year retirement bill for these critical employees will reduce turnover, increase productivity, decrease employee recruitment and development costs, and enhance the retention of a well-trained and experienced work force. These vital Federal employees bear the same risks and work under similar conditions to other law enforcement officials and deserve to receive the same level of benefits.

This bill will improve the effectiveness of our inspector and revenue officer work force to ensure the integrity of our borders and proper collection of the taxes and duties owed to the Federal Government. This bill is supported by the Fraternal Orders of Police and the National Treasury Employees Union. I urge my colleagues to join me again in this Congress in expressing support for this bill and finally getting it enacted.

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. 819

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 ''Law Enforcement Officers Retirement Equity Act''.

SEC. 2. AMENDMENTS.

(a) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Paragraph (17) of section 8401 of title 5, United States Code, is amended by striking ''and'' at the end of subparagraph (C), and by adding at the end the following:

''(E) an employee (not otherwise covered by this paragraph)—

''(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

''(ii) who is authorized to carry a firearm; and

''(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;''.

(2) CONFORMING AMENDMENT.—Section 8401(17)(C) of title 5, United States Code, is amended by striking ''(A) and (B)'' and inserting ''(A), (B), (E), and (F)''.

(b) CIVIL SERVICE RETIREMENT SYSTEM.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by inserting after ''position.'' the following: ''For the purpose of this paragraph, the employees described in the preceding provision of this paragraph (in the matter before 'including') shall be considered to include an employee (not otherwise covered by this paragraph) who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).''.

(c) EFFECTIVE DATE.—Except as provided in section 3, the amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (within the meaning of those amendments) on or after such date.

SEC. 3. TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.

(a) LAW ENFORCEMENT OFFICER AND SERVICE DESCRIBED.—

(1) LAW ENFORCEMENT OFFICER.—Any reference to a law enforcement officer described in this subsection refers to an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code (relating to the definition of a law enforcement officer) by virtue of the amendments made by section 2.

(2) SERVICE.—Any reference to service described in this subsection refers to service performed as a law enforcement officer (as described in this subsection).

(b) INCUMBENT DEFINED.—For purposes of this section, the term ''incumbent'' means an individual who—

(1) is first appointed as a law enforcement officer (as described in subsection (a)) before the date of the enactment of this Act; and

(2) is serving as such a law enforcement officer on such date.

(c) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) IN GENERAL.—Service described in subsection (a) which is performed by an incumbent on or after the date of the enactment of this Act shall, for all purposes (other than those to which paragraph (2) pertains), be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17) of title 5, United States Code, as appropriate), irrespective of how such service is treated under paragraph (2).

(2) RETIREMENT.—Service described in subsection (a) which is performed by an incumbent before, on, or after the date of the enactment of this Act shall, for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, be treated as service performed as a law enforcement officer (within the meaning of such section 8331(20) or 8401(17), as appropriate), but only if an appropriate written election is submitted to the Office of Personnel Management within 5 years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(d) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—An individual who makes an election under subsection (c)(2) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by section 2 had then been in effect.

(2) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under paragraph (1) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(3) PRIOR SERVICE DEFINED.—For purposes of this section, the term ''prior service'' means, with respect to any individual who makes an election under subsection (c)(2), service (described in subsection (a)) performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(e) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(1) IN GENERAL.—If an incumbent makes an election under subsection (c)(2), the agency in or under which that individual was serving at the time of any prior service (referred to in subsection (d)) shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under paragraph (2) with respect to such service.

(2) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (over and above those actually paid) that would have been required if the amendments made by section 2 had then been in effect.

(3) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this subsection on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in subsection (d)(3).

(f) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of title 5, United States Code, shall cause the involuntary separation of a law enforcement officer (as described in subsection (a)) before the end of the 3-year period beginning on the date of the enactment of this Act.

(g) REGULATIONS.—The Office of Personnel Mangement shall prescribe regulations to carry out this Act, including—

(1) provisions in accordance with which interest on any amount under subsection (d) or (e) shall be computed, based on section 8334(e) of title 5, United States Code; and

(2) provisions for the application of this section in the case of—

(A) any individual who—

(i) satisfies paragraph (1) (but not paragraph (2)) of subsection (b); and

(ii) serves as a law enforcement officer (as described in subsection (a)) after the date of the enactment of this Act; and

(B) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual under subparagraph (A), who dies before making an election under subsection (c)(2)), to the extent of any rights that would then be available to the decedent (if still living).

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to apply in the case of a reemployed annuitant.

By Mrs. BOXER:

S. 820. A bill to amend the Federal Water Pollution Control Act to establish a perchlorate pollution prevention fund and to establish safety standards applicable to owners and operators of perchlorate storage facilities; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am introducing legislation guaranteeing a community's right-to-know about pollution discharges, seepage and potential drinking water contamination by the toxic chemical perchlorate.

Perchlorate is the main ingredient in rocket fuel, which accounts for 90 percent of its use. Perchlorate is also used in lesser amounts for ammunition, fireworks, and other products. It dissolves readily in many liquids, including water, and moves easily and quickly.

The sources of drinking water for up to 10 million Californians and millions of other Americans are contaminated with perchlorate. Alarming levels of perchlorate have been discovered in Lake Mead and the Colorado River, the drinking water source for millions of Southern Californians. Communities in the Inland Empire, San Gabriel Valley, Santa Clara Valley, and the Sacramento area are also grappling with perchlorate contamination. In addition, more than 20 million Americans in at least 19 states drink water contaminated with perchlorate.

Perchlorate is a clear and present danger to California's public health. Perchlorate poses a variety of serious health risks relating to thyroid function, especially in newborns, children, and pregnant women. Exposure to perchlorate interferes with the thyroid gland's ability to produce the hormones needed for normal prenatal development. This can cause both physical and mental retardation. Perchlorate is also linked to thyroid cancer.

Despite the gravity of the situation, we currently have no way of knowing who is dumping it or where they are dumping it. We cannot wait four more years to address this threat while EPA continues to delay regulation and clean ups. Communities need to get moving to protect their drinking water sooner rather than later. Guaranteeing a community the right-to-know about potential perchlorate contamination is a first step.

My bill would do just this. First, my bill addresses the legacy of perchlorate contamination by requiring anyone who has stored more than 375 pounds of perchlorate since January 1, 1950, to report annually to the U.S. EPA, beginning no later than June 1, 2005. This does not apply to facilities that store

perchlorate for a retail or law enforcement purpose. EPA must annually publish the list of all perchlorate storage facilities in existence since January 1, 1950, beginning no later than June 1, 2005.

Second, my bill would also require anyone who discharges perchlorate into the water to report the discharge, its volume, monitoring methods, and remedial actions to the EPA. EPA must publish this information annually in the Federal Register beginning no later than June 1, 2005.

Third, failure to report as required under my bill would result in fines. All fines will be deposited into a loan fund for public water suppliers and private well owners to pay for clean water when their water supply is shut down because of perchlorate contamination.

Communities have a right to know what is in their water and where it comes from. My bill will ensure that communities have the necessary information to act now to address the health threat of perchlorate. I look forward to working with my colleagues to pass this important legislation.

By Mr. HARKIN:

S. 821. A bill to accelerate the commercialization and widespread use of hydrogen energy and fuel cell technologies, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HARKIN. Mr. President, imagine a world with cars that spew out no smog, no toxic emissions, and no greenhouse gases. The only thing that would come out of the tailpipe would be water pure enough to drink.

Imagine a world in which we don't import a drop of Mideast oil, because clean, domestic, renewable energy sources meet all of our needs.

Imagine a world in which we don't need to worry about a terrorist strike on our large nuclear power plants, or a storm causing a blackout over a large region, because we get all of our electricity from small distributed generators on farms and in buildings throughout the country.

Sound too good to be true? The technology to do this, using hydrogen energy and fuel cells, is out of the labs and being tested on our streets and in our buildings today. For those of us who have been working for many years to bring this vision into reality, that is very exciting. But we still need a major effort to bring the costs down and commercialize the technology.

And there is remarkable bipartisan agreement on the need for government action. A couple years ago we were fighting for scraps of funding. Now the President has proposed $1.7 billion over 5 years toward getting hydrogen fuel cell vehicles on the road. The Senate energy bill last year, before it died in conference, included tax incentives for stationary fuel cells, fuel cell vehicles, hydrogen vehicles, hydrogen fueling infrastructure, and hydrogen fuel.

But we are still too timid to bring about the fundamental shift to the hydrogen economy. The Department of Energy is working toward a go-no go decision by the car companies by 2015, and mass production of vehicles by 2020. But the car companies themselves have been talking about commercial vehicles by 2010.

We need a bolder, more comprehensive plan. That's why I am introducing the Hydrogen and Fuel Cell Energy Act of 2003. This bill addresses three critical requirements to bringing hydrogen energy and fuel cells into commerce, and start gaining their environmental and security benefits, as soon as technically feasible.

First we need a technological push. We need better fuel cell stack components to reduce costs and improve longevity. We need lighter, more efficient ways to store hydrogen on-board vehicles. In the long term, we need cheaper ways of converting renewable energy to hydrogen fuel.

This bill reauthorizes the Matsunaga Act, which established the Federal hydrogen energy research program. It updates the language and sets clearer priorities. It expands the authorization to cover fuel cell research and development as well, to reflect the technical and bureaucratic reality that research on fuel cells—the most efficient, flexible, and cleanest way to use hydrogen energy—has become inextricably linked to research on hydrogen energy. It supports work on domestic and international codes and standards, to work through a major regulatory barrier to working with combustible hydrogen and to making all the infrastructure pieces fit together. It includes a specific mandate to do public education on hydrogen and fuel cells and to do university training in critical skills needed in the industry. And it increases funding levels over the next few years to accelerate progress in pre-commercial technologies.

Second, and perhaps most important right now, we need a near-term demand pull. As long as the fuel cells and hydrogen appliances are made by hand, they will remain very expensive. But it's also expensive to build the factories to build them more cheaply. We need support to get industry over that initial cost hump.

The first step is large demonstration programs that serve a dual purpose: they provide a realistic test of how the laboratory technologies work in the real world, and they provide funding for pre-commercial prototypes of the technologies, including starting to build a hydrogen fueling infrastructure.

The Hydrogen and Fuel Cell Energy Act authorizes several new, large demonstration programs:

The main demostration program would provide over $1 billion over 7 years for demonstrations of the full range of fuel cell applications and associated hydrogen infrastructure. These demonstrations would include fleets of fuel cell passenger vehicles, fuel cell buses and farm vehicles, stationary fuel cells in houses and commercial buildings, and portable fuel cells such as auxiliary power units in trucks.

A second, closely related program, would provide hydrogen fueling infrastructure over major transportation corridors and entire regions, and then demonstrate hydrogen-powered vehicles that are not tethered to a single pump. Early demonstrations, at least, would likely use vehicles that burn hydrogen; these are similar to gas-electric hybrids that you can buy today, but run on hydrogen rather than gasoline. These vehicles provide most of the benefits of fuel cell vehicles at a fraction of the current cost. They are not as good as fuel cell vehicles in the long term, they are less efficient, less flexible, and produce a little pollution, but would move us a long way toward the goal and would provide a good large-scale test of a hydrogen fueling system.

A third program would demonstrate hydrogen and fuel cell technologies in foreign countries. Hydrogen energy could have an early application in places where a competing fossil fuel infrastructure is not already well-developed. And assisting this application is in our national interest in order to promote global development without causing global warming and other harmful environmental effects, and to increase the global market for American hydrogen and fuel cell technologies.

The last program would focus on emerging technologies for production of hydrogen from renewable resources. Two approaches show particular promise for clean, efficient production of hydrogen at this time. Biorefineries make hydrogen and other products from biomass. And in ''electrofarming'' the hydrogen is produced and used on the same farm. The hydrogen might be made by growing and reforming biomass, from wind energy, or from farm waste; it could be used in farm vehicles and equipment and for heat and electricity in farm buildings.

All these demonstration programs would be conducted using competitive merit review of funding proposals from a wide variety of companies and organizations, and they would require cost-sharing from awardees.

Third, we need to show there will be a market for commercial hydrogen and fuel cell technologies in the long term. The Federal Government can do this by buying early commercial products and by providing incentives to others to do so, in recognition of their public benefits.

The bill includes Federal purchase requirements for both zero emission vehicles and stationary fuel cells. The vehicle requirements are similar to Federal fleet requirements for purchase of alternative fuel vehicles. They would require zero emission vehicles, most likely hydrogen fuel cell vehicles, to make up an increasing percentage of Federal fleet vehicle purchases up to 75 percent. Alternative fuel vehicles with very low emissions, such as hydrogen hybrid vehicles, would get partial credit. For stationary fuel cells, the bill

would require modifying energy efficiency regulations for Federal buildings to presume use of fuel cells to power new Federal buildings and to encourage their use in older buildings.

The bill also provides a broad array of tax incentives for stationary and portable fuel cells, hydrogen and fuel cell vehicles, hydrogen fueling infrastructure, and hydrogen fuel. These incentives are similar to those that have been proposed in the CLEAR Act on alternative fuel vehicles, in previous bills on stationary fuel cells, and in last year's energy bill. However, this bill makes some important changes. It makes all the tax credits tradable so that government agencies and nonprofit organizations can use them as well as consumers and private companies. It increases the credit for hydrogen fueling infrastructure to recognize the cost of making the hydrogen onsite, not just pumping it. It adds an additional incentive for hydrogen from renewable resources to encourage a transition to a sustainable hydrogen system. And most importantly, it extends the tax credits so the industry will know the incentives will be there when they are needed—when real commercial products are available.

Finally, the bill ensures effective coordination and oversight of the expanded Federal hydrogen and fuel cell energy activities, with a new interagency task force to coordinate activities, a revamped technical advisory panel, and periodic outside review by the National Academies.

These measures will require a significant Federal investment in our energy future. But with these measures we can use hydrogen and fuel cell technologies to turn into reality a vision of cars that don't pollute, of power that won't go out, and of feeling less dependent on an area of the world where we are fighting the second war in recent years. It is time to take these steps now.

By Mr. KERRY (for himself, Mr. HARKIN, Ms. LANDRIEU, Mr. PRYOR, Mr. LIEBERMAN, Mr. DASCHLE, Mr. BINGAMAN, and Mr. JOHNSON):

S. 822. A bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, with most of the country's attention focused on the war in Iraq, important issues at home are falling through the cracks. Today I rise to talk about one of the needs of working moms and dads and their children—child care. We have a shortage of childcare in this country, and it is a problem for our families, a problem for our businesses, and a problem for our economy. The Census Bureau estimates that there are approximately 24 million school age children with parents who are in the workforce or pursuing education, and the numbers are growing. There has been a 43 percent increase in dual-earner families and single parent families over the last half a century. As parents leave the home for work and education, the need for quality child care in America continues to increase.

As the Ranking Democrat of the Committee on Small Business and Entrepreneurship, I think we can foster the establishment and expansion of existing child care businesses through the Small Business Administration, SBA. Today with Senators HARKIN, LANDRIEU, PRYOR, LIEBERMAN, DASCHLE, BINGAMAN, and JOHNSON. I am introducing the Child Care Lending Pilot Act of 2003, a bill to create a three-year pilot that allows small, nonprofit child care providers to access financing through SBA's 504 loans.

There is a real need to help finance the purchase of buildings, to expand existing facilities and improve the conditions of established centers to meet the demand for child care. It is appropriate to provide financing through the 504 program because it was created to spur economic development and rebuild communities, and child care is critical to businesses and their employees. Financing through 504 could spur the establishment and growth of child care businesses because the program requires the borrower to put down only between 10 and 20 percent of the loan, making the investment more affordable. Another advantage of 504 loans is that they have terms of up to 20 years, with fixed interest rates, allowing small businesses to keep their monthly payments low and predictable.

As anyone with children knows, quality childcare comes at a very high cost to a family, and it is especially burdensome to low-income families. The Children's Defense Fund has estimated that child care for a 4-year-old in a child care center averages $4,000 to $6,000 per year in cities and states around the Nation. In all but one state, the average annual cost of child care in urban area child care centers is more than the average annual cost of public college tuition.

These high costs make access to child care all but non-existent for low-income families. While some states have made efforts to provide grants and loans to assist childcare businesses, more must be done to increase the supply of childcare and improve the quality of programs for low-income families. According to the Child Care Bureau, state and federal funds are so insufficient that only one out of 10 children in low-income working families who are eligible for assistance under federal law receives it.

For parts of the country, when affordable child care is available, it is provided through non-profit child care businesses. I formed a task force in my home state of Massachusetts to study the state of child care, and of the many important findings, we discovered that more than 60 percent of the child care providers are non-profit and that there is a real need to help them finance the purchase of buildings or expand their existing space. Child care in general is not a high-earning industry, and the owners don't have spare money lying around. Asking centers to charge less or cut back on employees is not the way to make child care more affordable for families and does not serve the children well. An adequate staff is needed to make sure children receive proper supervision and support. Furthermore, if centers are asked to lower their operating costs in order to lower costs to families, the safety and quality of the child care provided would be in jeopardy.

I urge my colleagues to join us in supporting this legislation so non-profit childcare providers can access funds to start new centers or expand and improve upon existing centers. As we have done in Massachusetts, Senators could bring together 504 lenders, childcare providers not for-profit and non-profit—and the state department of child welfare to facilitate the increase of childcare providers in their states.

As common sense tells us, and the child advocates if we listen, there is no magic bullet to addressing the shortage of safe and affordable child care in this country—it takes coordinated and complementary efforts to make a real difference. This is as much a child welfare issue as a workforce issue, and it makes sense to leverage one of SBA's effective resources to try and contribute to making a positive difference. I argue—we argue—that allowing nonprofit child care centers to receive SBA loans can increase the availability of child care in the United States. Nonprofit child care centers provide the same quality of care as the for-profit centers, and non-profit centers often serve our nation's neediest communities. I hope that my colleagues will recognize the vital role that early education plays in the development of fine minds and productive citizens and realize that in this great nation, child care should be available to all families in all income brackets.

I ask unanimous consent that several letters of support be printed in the RECORD. These letters demonstrate that this is a good investment and good for our country.

There being no objection, the additional materials were ordered to be printed in the RECORD, as follows:

OMNI BANK, N.A.,
Houston, Texas, July 30, 2002.

Hon. JOHN F. KERRY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KERRY: Please accept this letter as my full support of the bill, soon to be introduced, proposing a Pilot Program, operating through the Small Business Administration's 504 Loan Program, that would allow Day Care facilities designated as nonprofits to be eligible for the program.

I believe the demand for such a product is strong, and is fiscally sound. My reasons are as follows:

1. Day Care Centers must carry a non-profit designation in order to accept children to the center from low-income families.

2. These businesses benefit low-income neighborhoods and enterprise zones by purchasing property, improving the physical appearance of the community and providing safe facilities for the children. The ability to utilize the SBA–504 program would enable these businesses to decrease lease/payment expense and hence, help more children.

3. These families are in the most need for quality day care facilities in their community, since many use mass transit to get to work.

4. Small businesses have provided most of the job growth in this country in the last ten years. By enabling these Day Care Centers to operate efficiently and provide quality facilities, we will be helping small business gain and maintain employees.

5. Designation as a non-profit business does not equate to an inability to pay loans, or other business expenses.

OMNIBANK, a 50-year-old community bank in Houston, Texas, has experienced a consistent demand for loans to Day Care Centers. Most loan requests from these entities are for the purpose of acquiring or expanding property (real-estate) or acquiring transportation equipment. An example of a specific, recent request follows:

The Executive Director and Owner of Teeter Totter Day Care Center approached OMNIBANK about a loan to purchase the building used to house the Center. The owner, an African-American woman, was experienced in this business. Cash flow to service the debt was sufficient and appropriate under prudent leading guidelines. The only deterrent from making a conventional loan was the amount available for down payment. Twenty percent or more is usually required.

Under the SBA–504 Program, a ten percent down payment is allowed and standard procedure for multi-use buildings. Additionally, it offers a fixed rate on the SBA portion of the loan. Most small businesses do not have access to fixed rate mortgages, due to the size of the loan requests, which enhances the attractiveness of the SBA–504 Program even further.

As we were preparing the request package, we realized that a non-profit did not quality. The owner would personally guarantee the loan, and even agreed to form a for profit corporation to hold the property, because the underlying tenant was non-profit it would not work. The owner could not change Teeter Totter into a for profit corporation without jeopardizing its subsidies for low-income children.

OMNIBANK and the day care center are located in Houston's fifth ward, most of which is classified as low to moderate income. Its population is primarily low-income African Americans and Hispanics. The project was viewed by the Bank as a good loan from a business perspective, with many additional benefits to the community at large.

Ultimately, after appealing to SBA for an exception, and spending a great deal of time on the project, the loan was not completed. This delayed a good project from improving many aspects of an already underserved community, due to a simple tax classification.

As stated earlier, OMNIBANK receives consistent requests from day care centers, most of which are non-profit. I believe that a Pilot Program as proposed, will prove that these are viable and valuable businesses. I would recommend that all other standard criteria, proven track record, cash flow, management expertise, etc. remain.

I look forward to any questions you may have, or any further examples I can provide.

Sincerely,

JULIE A. CRIPE
President and Chief Operating Officer.

GUILD OF ST. AGNES,
Worcester, MA, July 3, 2002.

Senator JOHN KERRY,
Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: It has come to my attention that your committee is working on legislation that would expand the SBA 504 loan program to non-profit child care centers.

As the Executive Director of the Guild of St. Agnes Child Care Agency and a member of the Advisory Committee on Child Care and Small Business, wholeheartedly support this legislation. The Guild of St. Agnes is a non-profit child care agency providing child care in Worcester, MA and its surrounding towns. Presently we care for 1200 children aged four weeks to twelve years in child care centers, family care providers' homes and public schools. Of our seven centers, we currently own one.

Four of our centers are in old, worn-down buildings, causing us difficulty in recruiting new clients. As we look towards the future, the Guild of St. Agnes has set a goal of replacing these centers with new buildings. In order to accomplish this goal, we need to look for creative funding sources to support our capital campaign. The SBA 504 loan program would allow us to invest 10 percent of our own funds for capital expenses, borrow 50 percent from the government and secure a bank loan for 40 percent. Not only is this loan program attractive to banking institutions, it allows child care agencies like the Guild of St. Agnes to continue to grow during these economically challenging times.

I urge you to support the SBA 504 loan program legislation. The future of non-profit child care agencies such as the Guild of St. Agnes depends no it!

Sincerely,

EDWARD P. MADAUS,
Executive Director.

ACCION USA,
Boston, MA, July 8, 2002.

Hon. JOHN KERRY,
Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: My name is Erika Eurkus, and as a member of your Advisory Committee on Child Care and Small Business, I am writing to voice my support of expanding the SBA 504 loan program to include nonprofit child care centers.

I am the greater Boston program director for ACCION USA, a nonprofit ''micro'' lender whose mission is to make access to credit a permanent resource to low- and moderate-income small business owners in the United States—helping to narrow the income gap and provide economic opportunity to small business owners throughout the country. Many of the struggling entrepreneurs we serve are the owners of small, family-based day care centers.

At ACCION, I regularly come into contact with women and men whose dream is to operate a successful child care center—to provide a service to the community while making a better life from something they love to do. Often, what keeps these hardworking entrepreneurs from fully realizing that dream is a lack of working capital to begin and grow their businesses. Microlenders like ACCION are the only place they can turn for the crucial capital they need for their businesses. Mauro Leija, an ACCION client in San Antonio, Texas, has tried—and failed—to secure capital from commercial banks. ''The loan officer at the bank said, 'Be realistic—you'll never get a loan. You have no college diploma, no capital, no history with any bank,''' Mauro remembers. This lack of economic opportunity is too often the reality for countless child care providers—most of whom earn an average of $3 per hour for their services.

With increased access to capital through the expansion of the SBA 504 loan program, small, nonprofit day care centers can continue to provide their valuable services to the community—and build a better life for their own families at the same time. Suzanne Morris of Springfield, Massachusetts, a longtime ACCION USA borrower, already illustrates the potential successes that an expanded SBA 504—and an opportunity for capital—will bring to day care owners across the country. After years of hard work and several small loans from ACCION, Suzanne has moved her day care out of the home and has expanded her staff to include seven members of the community. The business supports her family of four. She also gives back by training other local home-based day care providers in Federal nutrition guidelines.

It is my hope that we can all witness more successes like those of Suzanne by opening the door to funding for small day care providers. Please include nonprofit child care centers in the scope of SBA 504.

Sincerely,

ERIKA EURKUS,
Greater Boston Program Director.

NEIGHBORHOOD BUSINESS BUILDERS,
Boston, MA, July 10, 2002.

Senator JOHN KERRY,
Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Senate Office Building, Washington, DC.

DEAR SENATOR KERRY: I am writing on behalf of Neighborhood Business Builders and the Jewish Vocational Service of Boston in support of legislation to expand availability of SBA 504 loans to non-profit child care centers.

I am currently the Director of Loan Funds at Neighborhood Business Builders, which is an economic development program and US SBA Intermediary Microlender. I have been lending and consulting to small businesses for the past year after fifteen years in the private sector as founder of three different companies in Boston and Los Angeles. I have an MPA from the Kennedy School at Harvard University.

I am on Senator Kerry's Child Care and Small Business Advisory Committee, and am Co-chair of the Sub Committee on Family Child Care.

I support legislative change to the 504 loan program because our committee has uncovered a need for government support of nonprofit child care centers. The basic reason for this is that, while we recognize a demand for child care in every part of the country, we do not consider that the market fails to profitably supply child care in every part of the country.

For-profit entities are able to access the capital they need by: (1) Demonstrating demand for the service provided and (2) Demonstrating ability to service market rate debt with acceptable risk. Non-profit centers emerge when: (1) Demonstrated demand for the service is evident, but (2) The market will not support the true cost of the service provided. These non-profit centers are unable to access traditional forms of capital because they cannot demonstrate an ability to service debt at an acceptable risk.

The SBA 504 loan program would help mitigate the risk to lenders who will then be able to provide the necessary capital for the service that we know is in demand. The tax status of a child care center should be irrelevant, since the 501(C)3 status is only granted

when there is evidence of a public good being provided.

Sincerely,

ERIC KORSH,
Director of Loan Funds, Neighborhood Business Builders.

SOUTH EASTERN ECONOMIC DEVELOPMENT CORPORATION,
Taunton, MA, July 10, 2002.

Chairman JOHN KERRY,
Senate Committee on Small Business and Entrepreneurship, Russell Building, Washington, DC.

Re non profit child care center eligibility under the SBA 504 program.

DEAR SENATOR KERRY: As a member of the Advisory Committee on Child Care and Small Business as well as Vice President at South Eastern Economic Development (SEED) Corporation, I am writing in support of the idea of expanding the SBA 504 program to allow for non profit child care centers to be eligible for financing under the program. SEED Corporation is a Certified Development Company certified and accredited to administer the SBA 504 program throughout southeastern Massachusetts. Over the past 2 years, SEED has been the number one SBA 504 lender in the state. SEED is also an approved SBA Microenterprise Intermediary and we have enjoyed and made use of the ability to provide micro loans to non-profit child care businesses since the microenterprise intermediary legislation made the special provision for non profit child care providers to be eligible for SBA micro loan funds. My primary responsibilities at SEED include origination, underwriting and closing SBA 504 loans as well as the oversight and development of SEED's micro loan and business assistance activities.

Over the past five years, SEED has assisted over 10 FOR-PROFIT child care businesses to obtain SBA 504 financing for their start-up or expansion projects. However, we have also had to turn away an equal number of non-profit child care centers that were seeking similar assistance due to the fact that non profit entities are not eligible under the SBA 504 program.

As we have learned from discussions and analysis with the Advisory Committee on Child Care and Small Business, access to long term, fixed market or below-market rate financing is essential to any child care center. The slim margins that characterize this industry limit any child care center's ability to grow. The SBA 504 program offers the type of fixed rate financing that not only assists the business to keep its occupancy costs under control but also serves to stabilize its operations over the long term. The program also provides an incentive to a bank to provide fixed asset financing to a business that might not otherwise be able to afford a conventional commercial mortgage. The non-profit child care centers provide the same quality of care as the for-profit centers. Preventing non-profit child care centers from making use of the SBA 504 program when their for-profit competitors are able to results in discrimination against the children they serve; and, in general, the majority of child care centers operating in our state's neediest areas are non-profit.

For these reasons, I would like to support your efforts to expand the SBA 504 program enabling non-profit child care centers to be eligible for fixed asset financing under the 504 program. Thank you for your efforts.

Sincerely,

HEATHER DANTON,
Vice President.

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES, OFFICE OF CHILD CARE SERVICES,
Boston, MA, July 11, 2002.

Chairman JOHN KERRY,
Senate Committee on Small Business and Entrepreneurship, Russell Building, Washington, DC.

DEAR CHAIRMAN KERRY: The Massachusetts Office of Child Care Services (OCCS) fully supports expansion of the SBA 504 loan program to include non-profit child care programs. OCCS is the state's licensing agency responsible for setting and enforcing strong health, safety and education standards for child care programs throughout the Commonwealth. OCCS is also the lead state agency responsible for the administration and purchase of all human services child care subsidies across the state. As a result, this agency is greatly invested in the availability of these child care programs and in increasing the capacity of child care services to benefit more families in the Commonwealth.

Currently there are approximately 17,000 licensed child care facilities in the Commonwealth which can provide services to over 200,000 children. Many of these facilities are non-profit programs that serve low-income families that are receiving child care subsidies to help them become or remain employed, and families that are or were receiving TANF. The availability and accessibility of child care is one of the main reasons that families can continue to successfully transition from welfare to work. There are currently approximately 18,000 children on the waiting list for a child care subsidy. The reauthorization of TANF may further increase the number of families seeking subsidized child care and Massachusetts must be ready to provide quality care. Accordingly, current and future non-profit programs will greatly benefit from the expansion of the SBA 504 loan program, as will the families that they serve.

OCCS is a member of the Advisory Committee on Child Care and Small Business and fully supports the Committee's mission of uniting the small business and child care communities to help providers maximize their income while providing quality child care. Expansion of the SBA 504 loan program will undoubtedly help expand the availability and accessibility of quality child care. Thank you for your support of this important legislation. If I can be of further assistance please do not hesitate to contact me.

Sincerely,

ARDITH WIEWORKA,
Commissioner.

WESTERN MASSACHUSETTS ENTERPRISE FUND, INC.,
Greenfield, MA, July 12, 2002.

Senator JOHN KERRY,
Chairman, Senate Committee on Small Business and Entrepreneurship, Russell Office Building, Washington, DC.

DEAR SENATOR KERRY: I am writing in strong support of the legislation to expand the use of the SBA 504 program to include the financing of non-profit childcare centers.

As a member of Senator Kerry's Childcare Advisory Committee and the Executive Director of the Western Massachusetts Enterprise Fund (which makes loans to non-profits), I have seen a clear need for both more flexible and lower cost financing.

The SBA 504 program meets both those needs. By providing up to 40 percent financing, the SBA 504 program can help childcare centers more easily leverage bank financing. Additionally, the program offers highly competitive interest rates.

Finally, allowing the SBA to make loans to non-profit childcare centers is not new to the agency. The SBA is already making working capital loans to non-profit childcare centers through its Microenterprise Loan Fund Program.

If you have any questions, please to not hesitate to contact me.

Sincerely,

CHRISTOPHER SIKES,
Executive Director.

By Mr. SANTORUM (for himself, Mrs. LINCOLN, Mr. JEFFORDS, Mr. KYL, Mr. COLEMAN, and Mrs. CLINTON):

S. 823. A bill to amend title XVIII of the Social Security Act to provide for the expeditious coverage of new medical technology under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I am pleased to join today with my colleague, Senator BLANCHE LINCOLN, as well as Senators JEFFORDS, KYL, COLEMAN and CLINTON, in introducing the Medicare Innovation Responsiveness Act of 2003.

Given all that is going on in the world today, it is sometimes difficult to focus on issues related to Medicare coverage, coding and payment procedures. But we must, because every day there are seniors and people with disabilities in need of lifesaving and life-enhancing medical treatments and technologies.

And every day, there are creative people in Pennsylvania, Arkansas, and all across our great country developing new ways to prevent and treat illness and save lives. Medicare patients should not be denied access to these new procedures and technologies because the Medicare program is slow to respond to innovations in medical care and the changing needs of patients.

Congress passed legislation with strong bipartisan support in 1999 and in 2000 to try to address these problems. Unfortunately, however, Medicare has failed to deliver on key commitments in the legislation and these barriers persist.

That is why we are here today—to introduce legislation that will finally make timely access to lifesaving advanced medical tests and treatments for Medicare patients a reality. Our bill builds on constructive approaches the Centers for Medicare and Medicaid Services, CMS, has taken recently to help Medicare keep up with advancements in treating patients.

For example, CMS recently took proactive, unprecedented steps to address one of the newest innovations in minimally invasive cardiology that will soon be available for patients: drug-eluting stents. These tiny medal scaffolds, long-used to reopen blocked heart arteries, can be more effective now that researchers have combined them with time-released drugs to prevent the growth of unwanted cells. The Agency established new hospital inpatient codes and reimbursements for the new stints because it recognized that the technology will quickly become the standard of care when approved by

FDA in the coming weeks. The Agency understood the potential the stents hold to transform patient care and health care delivery—and acted in a timely fashion.

This forward-looking approach should be the rule, not the exception, in dealing with new treatment breakthroughs. And that is what our legislation today seeks to achieve.

At an event where Senator LINCOLN and I spoke to underscore the need for this legislation, we were pleased to be joined by medical professionals from our respective states, people who took time out of their busy schedules to come to Washington, DC and help us explain the importance of some of the provisions in the bill we are introducing today.

For example, three years after a mandate from Congress, Medicare has yet to provide special transitional payments for any new medical device used in the inpatient setting. As a result, Medicare will continue to take anywhere from 15 months to five years to integrate a new medical technology into the inpatient setting—and that is after it has already been approved as safe and effective by the FDA. Dr. Mark Wholey from Pittsburgh is involved in research on carotid stenting, and he commented today on the promise of this new treatment option and the importance of reducing barriers to Medicare patient access for new and innovative technologies.

In another area of coverage policy, Medicare discourages development of breakthrough devices like heart assist devices because it does not cover the routine costs of clinical trials for many innovative technologies. Dr. Walter Pae, Professor of Surgery at Penn State University, also came to Washington today to share some details of the pioneering work he is doing at Hershey Medical Center and to reinforce the importance of patient access to these promising clinical trials.

These reforms are reasonable and bipartisan. Most importantly, they are critical to patients in need of new and breakthrough technologies. I look forward to working with Senator LINCOLN and my colleagues on the Finance Committee in moving these important reforms in Committee and the Senate this year.

By Mr. HARKIN (for himself, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, and Mrs. BOXER):

S. 825. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code 1986; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, in the early 1990s, a large number of U.S. companies began a process of switching their defined benefit pension plans to cash balance plans. Many of the employees whose pension plans were to be altered drastically weren't told and didn't notice that they were essentially going to be working for years without earning any more benefits. Their not knowing was viewed as a key benefit by management. And the retirees were furious.

As Keith Williams with Watson Wyatt Worldwide and Amy Viener with William Mercer, two firms that put together these plans in 1998 said at an Actuaries conference:

> Mr. Williams: I've been involved in cash balance plans five or six years down the road and what I have found is that while employees understand it, it is not until they are actually ready to retire that they understand how little they are actually getting.
>
> Ms. Viener: Right, but they're happy while they're employed.

One of the most abusive practices in cash balance conversions is known as ''wear away.'' Older workers see nothing added to their pensions as the value of the pensions is frozen, often for many years, until it reaches the lower value of the new pension plan. At the same time younger workers are getting their pensions increased. In my view, this is clearly age discrimination and bad pension policy. In 1999, I introduced a bill to make it illegal for corporations wear away the benefits of older workers during conversions to cash balance plans. I offered my bill as an amendment. Forty-eight Senators, including 3 Republicans, voted to waive the budget point of order so we could consider this amendment. We did not have enough votes then, but I believe the tide is turning.

After that vote, more and more stories came out about how many workers were losing their pensions. In September of 1999, the Secretary of the Treasury put a moratorium on conversions from defined benefit plans to cash balance plans. That moratorium has been in effect now for over three years. In April of 2000, I offered a sense-of-the-Senate resolution to stop this practice, and it passed the Senate unanimously.

But last December, the Treasury decided to end that moratorium. The Department proposed a regulation that will allow hundreds of companies, many employing thousands of workers each to go forward with conversions that will allow for the wear-away of the current benefits of people across the country. This plan is breathtaking in its audacity. In a time when people have lost their life savings to market downturns and corporate duplicity, they are looking at changing the rules so that employers can once again bolster their bottom line by shifting funds from the pensions they promised their workers. I will not stand by and let it happen.

There are over 800 age discrimination complaints currently pending before the EEOC based on cash balance conversions. How many more will there be if we again start allowing companies to make these abusive conversions?

I want to make it very clear: I am not opposed to all cash balance plans. Some cash balance plans can be very good. What I oppose is the unilateral decision of a company being able to change their plans and stop contributing to older employees' pensions while benefits are given to newer employees.

That is what this issue is all about. It is fairness. It is equity. I know discussion of pension law can become very convoluted. But in essence, what some of these companies have been doing to these workers is nothing less than sheer thievery. They are able to save millions, in some cases hundreds of millions of dollars, by converting their plans, robbing workers who have been loyal and hard working, robbing them of their rightful claims on future benefits, It is not right. It is not fair.

There is one thing that has distinguished the American workplace from others around the world. We have valued loyalty. At least we used to. That is one of the reasons pension plans exist—the longer you work somewhere, the more you earn in your pension program. Obviously, the longer you work someplace, the better you do your job, the more you learn about it, the more productive you are. We should value that loyalty.

If companies are able to wear away the benefits of the longest serving workers, what kind of a signal does that send to the workers? It tells workers they are fools if they are loyal because if you put in 20 to 25 years, the boss can just change the rules of the game, and break their promise. It tells younger workers that it would be crazy to work for a company for a long time, that it's best to hedge your bets and move on as soon as it is convenient.

This destroys the kind of work ethic we have come to value and that we know built this country. But some of these cash balance conversions counter all of that. Her is an analogy. Imagine I hire someone for five years with a promise of a $50,000 bonus at the end of five years of service. At the end of three years, however, I renege on the $50,000 bonus. But the employee has three years invested. Had they known that the deal was going to be off, perhaps they would not have gone to work for me. They could have gone to work someplace else for a total higher compensation package. Is that the way we want to treat workers in this country, where the employer has all the cards and employees have none, and employers can make whatever deal they want, but can change the rules at any time?

That is why I am introducing this legislation. It is simple. It says that you have to give older, longer serving employees a choice, at retirement, when their pension plan is converted to a cash balance plan to get the benefits earned in the old plan instead. It also says that employers must start counting the new cash balance benefits where the old defined benefit plan left off, instead of starting the cash balance

plan at a lower level than an employee had already earned.

In the March 3, 2002 issue of Fortune magazine, Janice Revell said of the possible impending flood of cash balances conversions: ''Brace yourself for a very un-fairy-tale ending to this tory. Millions of American workers are sure to see a large slice of their retirement income go up in smoke. It may not happen right away, but the groundwork is being laid right now.''

I urge my colleagues in the Senate to join me in cosponsoring this measure, so that we can stop the flood before it starts.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 107—EXPRESSING THE SENSE OF THE SENATE TO DESIGNATE THE MONTH OF NOVEMBER 2003 AS ''NATIONAL MILITARY FAMILY MONTH''

Mr. INOUYE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 107

Whereas military families, through their sacrifices and their dedication to our Nation and its values, represent the bedrock upon which our Nation was founded and upon which our Nation continues to rely in these perilous and challenging times: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the month of November 2003 should be designated as ''National Military Family Month''; and

(2) to request that the President—

(A) designate the month of November 2003 as ''National Military Family Month''; and

(B) issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

Mr. INOUYE. Mr. President, today I rise to honor all our military families by introducing a Resolution to designate November 2003, as National Military Family Month. As we all know, memories fade and the hardships experienced by our military families are easily forgotten unless they touch our own immediate family.

Today, we have our men and women deployed all over the world, engaged in this war on terrorism. These far-ranging military deployments are extremely difficult on the families who bear this heavy burden.

To honor these families, the Armed Services YMCA has sponsored Military Family Week in late November since 1996. However, due to frequent ''short week'' conflicts around the Thanksgiving holidays, the designated week has not always afforded enough time to schedule observance on and near our military bases.

I believe a month long observation will allow greater opportunity to plan events. Moreover, it will provide a greater opportunity to stimulate media support.

A Concurrent Resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to our military families.

I request unanimous consent that the full text of my resolution be printed in the CONGRESSIONAL RECORD.

SENATE RESOLUTION 108—DESIGNATING THE WEEK OF APRIL 21 THROUGH APRIL 27 2003, AS ''NATIONAL COWBOY POETRY WEEK''

Mr. BURNS (for himself, Mr. BAUCUS, Mr. BROWNBACK, Mr. HATCH, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 108

Whereas throughout American history, cowboy poets have played a large part in framing the landscape of the American West through written and oral poetry;

Whereas the endurance of these tales and poems demonstrates that cowboy poetry is still a living art;

Whereas recognizing the contributions of these poets dates as far back as cowboys themselves; and

Whereas it is necessary to recognize the importance of cowboy poetry for future generations: Now therefore be it

Resolved, That the Senate—

(1) designates that week of April 21 through April 27, 2003, as ''National Cowboy Poetry Week''; and

(2) requests the President to issue a proclamation calling upon the people of the United States to celebrate the week with the appropriate ceremonies, activities, and programs.

Mr. BURNS. Mr. President, I would like to submit a resolution for consideration by the Senate marking the last week in April as ''Cowboy Poetry Week.'' Many think cowboys are a thing of the past, but I can tell you otherwise. In many western States like Montana, cowboys gather around a campfire and swap stories just as frequently as they did one hundred years ago. This oral tradition is now captured in written form as well, and several websites are dedicated solely to preserving and disseminating cowboy poetry and its history. My resolution will recognize the contribution of cowboy poetry to our history of the West, but also to mark it as a thriving tradition that continues even today. I thank my colleagues Senators BAUCUS, BROWNBACK, HATCH, and REID for their support on this issue. The life of cowboys should not be relegated to small weekly radio shows or features done on public television; it is important to understand that cowboys live and breathe a unique culture which few may be exposed to. I would encourage all my colleagues to take a walk in their boots one day, and read a little cowboy poetry.

SENATE RESOLUTION 109—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO POLIO

Mr. FEINGOLD (for himself and Mr. DODD) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 109

Whereas polio has caused millions of casualties through history, paralyzing millions and killing untold numbers of others;

Whereas polio remains a public health threat in today's world, despite being easily preventable by vaccination;

Whereas polio is now limited to 10 countries, with the distinct possibility that it can be once and forever extinguished as an affliction on mankind by ensuring the vaccination of all children in these countries under the age of 5;

Whereas a Global Polio Eradication Initiative exists that seeks to once and forever end polio as an illness, which includes efforts underway by the Centers for Disease Control and Prevention; and

Whereas the United States has the capacity to act to speed the eradication of polio by assisting in the targeting of its few remaining reservoirs: Now, therefore, be it

Resolved, That the Senate—

(1) expresses serious concern about the continuing menace posed by polio;

(2) implores the United Nations and its component agencies, the private sector, private voluntary organizations and non-governmental organizations, concerned States, and international financial institutions to act with haste and manifold dedication to eradicate polio as soon as possible; and

(3) calls upon the executive branch to provide the necessary human and material resources to end the scourge of polio once and for all, including closely monitoring laboratory stocks of the polio virus.

Mr. FEINGOLD. Mr. President, I rise to submit a resolution supporting global efforts to eradicate the scourge of polio from the face of the earth.

It was not so long ago that American parents were afraid to send their children to public swimming pools in the summer for fear that they would contact this deadly disease. More than 57,000 cases were reported in the United States in 1952. President Franklin Roosevelt, himself disabled by polio, established the March of Dimes in 1938 to find a cure for the disease. Sixteen years later, mass vaccination began, using a serum developed by Dr. Jonas Salk. Infections declined nearly 90 percent within three years. Routine administration of the Salk vaccine, and the subsequent oral vaccine developed by Dr. Albert Sabin, soon relegated polio to the history books in the United States and many other countries. The disease continued to take its toll, however, in those parts of the world where universal vaccination was beyond people's means.

In 1988, the World Health Assembly set a goal of eradicating polio worldwide by the year 2000. In that year there were an estimated 350,000 polio cases in 125 countries. The World Health Organization, the U.S. Centers for Disease Control and Prevention, UNICEF, and Rotary International spearheaded a global campaign to eradicate polio, as smallpox had been eradicated in 1979. As a result of this campaign, the Western Hemisphere was certified polio free in 1994. The Western Pacific—including the world's largest country, China—followed suit in 2000.

But polio hung on in 10 countries in Africa, South Asia, and the Middle East, with 480 cases reported in 2001. Since then, Europe has been certified polio-free. But the disease has bounced back in India and Nigeria, and there were 1,462 cases reported in seven countries in 2002. The eradication target has been extended to 2005.

This resolution seeks to bolster the efforts of the WHO, UNICEF, CDC and Rotary International to eliminate this dreaded disease once and for all. It has been estimated that doing so would produce direct, global financial benefits of $1.7 billion a year mostly by eliminating the need for further vaccinations and their associated risks and would free millions from fear.

I especially want to commend the efforts of Rotary members worldwide, who have set a goal of raising $80 million this year for polio eradication. Rotary has committed more than $500 million to the campaign since 1988. This represents the finest spirit of community action to address global problems, harkening back to when American families collected dimes to wipe out polio in this country. I urge all my colleagues to emulate the spirit of the Rotarians by supporting this resolution.

SENATE RESOLUTION 110—HONORING MARY JANE JENKINS OGILVIE, WIFE OF FORMER SENATE CHAPLAIN, REVEREND DR. LLOYD JOHN OGILVIE

Mr. KYL (for himself, Mr. FRIST, Mr. DASCHLE, Mr. STEVENS, Mr. MCCONNELL, Mr. REID, Mr. BYRD, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM of Florida, Mr. GRAHAM of South Carolina, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MIKULSKI, Mr. MILLER, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 110

Whereas Mary Jane Jenkins Ogilvie, a friend to the United States Senate who succumbed April 1, 2003, to infirmities that she had battled courageously over many years was—

(1) petite in size, but grand in character, a woman with strong independent status, while still being steadfastly supportive of her husband during his chaplaincy;

(2) an active, vibrant, frank, honest, vigorous, and warm friend, especially to many Senate spouses, during her eight years here;

(3) a loving wife and mother who, though she missed her family in California, was a vital partner in her husband's service to the Senate, near the end of which she returned home to California;

(4) a devout woman, a fighter to the end, an individual impressive for her style, her spirit, and her strong faith; and

(5) the center of her family, cherished by her husband Lloyd, her children Heather, Scott, and Andrew, and her grandchildren Erin, Airley, Bonnie, and Scotter: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Mary Jane Jenkins Ogilvie;

(2) recognizes her contributions to the Senate family;

(3) admires her courage and loyalty; and

(4) expresses gratitude that she is now with the Lord.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the family of Mary Jane Jenkins Ogilvie.

SENATE CONCURRENT RESOLUTION 34—CALLING FOR THE PROSECUTION OF IRAQIS AND THEIR SUPPORTERS FOR WAR CRIMES, AND FOR OTHER PURPOSES

Mr. SPECTER (for himself and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 34

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the governments of the United States, the United Kingdom, and other nations comprising the coalition conducting Operation Iraqi Freedom should ensure the prosecution by tribunal of persons in the Government of Iraq, persons in the armed forces of Iraq, and any other persons, regardless of nationality, who order, direct, solicit, procure, coordinate, participate in, or support acts in violation of the international law of armed conflict (including the aspects of such law set forth in the Hague and Geneva Conventions) that are directed at members of the armed forces of the coalition nations or at the people of Iraq or any other nation;

(2) in the determination of appropriate persons to be charged and tried by such tribunal on the basis of command responsibility for any violation, consideration should be given to identifying responsible persons throughout the full range of the chain of command, and not only persons within formal chains of command of the government and armed forces of Iraq, but also persons integral to any informal link by which a person in the government of Iraq or the armed forces of Iraq, or any other person, directs paramilitary, political, or guerrilla forces;

(3) in the determination of appropriate persons to be charged and tried by such tribunal, consideration should also be given to identifying persons who use political position or mass media in any of the violations; and

(4) in the determination of the violations of the international law of armed conflict to be tried by the tribunal, particular attention should be given to acts in the nature of those that, as of the date of this resolution, have already been committed by Iraqi directed forces, such as—

(A) the abuse of places protected from military attack under international law of armed conflict, such as the use of mosques and hospitals as military headquarters or for other military purposes;

(B) the ruse by which Iraqi combatants wear civilian clothing instead of, or over, uniforms to conceal their status as combatants and, while so clothed, attack coalition forces, including by means of suicide bombing by which a combatant appearing to be a civilian operator of a car detonates explosives concealed in the car;

(C) the ruse by which Iraqi combatants feign surrender to coalition forces to gain advantage used by the Iraqi combatants to attack personnel of the coalition forces;

(D) the use of civilians or other persons protected under international law of armed conflict as human shields for Iraqi combatants on the battlefield;

(E) assault, murder, kidnapping, or torture of civilians or other persons protected under international law in order to terrorize those persons or others or to prevent them from gaining the protection of coalition forces;

(F) abuse, torture, assault, or murder of personnel of coalition forces entitled to treatment as prisoners of war or of civilians entitled to a protected status under international law; and

(G) recruitment or encouragement of non-Iraqi foreign nationals to engage in violations of the international law of armed conflict.

AMENDMENTS SUBMITTED AND PROPOSED

SA 526. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill 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 for other purposes.

TEXT OF AMENDMENTS

SA 526. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill 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 for other purposes; as follows:

On page 24, strike lines 18 through 20, and insert the following:

''(i) IN GENERAL.—In the case of any such contributions by a taxpayer who is an eligible farmer or rancher for the taxable year in which such contributions are made—

On page 45, between lines 11 and 12, insert the following:

SEC. 113. 10-YEAR DIVESTITURE PERIOD FOR CERTAIN EXCESS BUSINESS HOLDINGS OF PRIVATE FOUNDATIONS.

(a) IN GENERAL.—Section 4943(c) (relating to excess business holdings) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) 10-YEAR PERIOD TO DISPOSE OF CERTAIN LARGE GIFTS AND BEQUESTS.—

''(A) IN GENERAL.—Paragraph (6) shall be applied by substituting '10-year period' for '5-year period' if—

''(i) upon the election of a private foundation, it is established to the satisfaction of the Secretary that—

''(I) the excess business holdings (or increase in excess business holdings) in a business enterprise by the private foundation in an amount which is not less than $1,000,000,000 is the result of a gift or bequest the fair market value of which is not less than $1,000,000,000, and

''(II) after such gift or bequest, the private foundation does not have effective control of such business enterprise to which such gift or bequest relates,

''(ii) subject to subparagraph (C), the private foundation submits to the Secretary with such election a reasonable plan for disposing of all of the excess business holdings related to such gift or bequest, and

''(iii) the private foundation certifies annually to the Secretary that the private foundation is complying with the plan submitted under this paragraph, the requirement under clause (i)(II), and the rules under subparagraph (D).

''(B) ELECTION.—Any election under subparagraph (A)(i) shall be made not later than 6 months after the date of such gift or bequest and shall—

''(i) establish the fair market value of such gift or bequest, and

''(ii) include a certification that the requirement of subparagraph (A)(i)(II) is met.

''(C) REASONABLENESS OF PLAN.—

''(i) IN GENERAL.—Any plan submitted under subparagraph (A)(ii) shall be presumed reasonable unless the Secretary notifies the private foundation to the contrary not later than 6 months after the submission of such plan.

''(ii) RESUBMISSION.—Upon notice by the Secretary under clause (i), the private foundation may resubmit a plan and shall have the burden of establishing the reasonableness of such plan to the Secretary.

''(D) SPECIAL RULES.—During any period in which an election under this paragraph is in effect—

''(i) section 4941(d)(2) (other than subparagraph (A) thereof) shall apply only with respect to any disqualified person described in section 4941(a)(1)(B),

''(ii) section 4942(a) shall be applied by substituting 'third' for 'second' both places it appears,

''(iii) section 4942(e)(1) shall be applied by substituting '12 percent' for '5 percent', and

''(iv) section 4942(g)(1)(A) shall be applied without regard to any portion of reasonable and necessary administrative expenses.

''(E) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2003, the $1,000,000,000 amount under subparagraph (A)(i)(I) shall be increased by an amount equal to such dollar amount, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting '2002' for '1992' in subparagraph (B) thereof. If the $1,000,000,000 amount as increased under this subparagraph is not a multiple of $100,000,000, such amount shall be rounded to the next lowest multiple of $100,000,000.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to gifts and bequests made after the date of the enactment of this Act.

On page 86, between lines 11 and 12, insert the following:

SEC. 313. EXEMPTION OF QUALIFIED 501(c)(3) BONDS FOR NURSING HOMES FROM FEDERAL GUARANTEE PROHIBITIONS.

(a) IN GENERAL.—Section 149(b)(3) (relating to exceptions) is amended by adding at the end the following new subparagraph:

''(E) EXCEPTION FOR QUALIFIED 501(C)(3) BONDS FOR NURSING HOMES.—

''(i) IN GENERAL.—Paragraph (1) shall not apply to any qualified 501(c)(3) bond issued before the date which is 1 year after the date of the enactment of this subparagraph for the benefit of an organization described in section 501(c)(3), if such bond is part of an issue the proceeds of which are used to finance 1 or more of the following facilities primarily for the benefit of the elderly:

''(I) Licensed nursing home facility.

''(II) Licensed or certified assisted living facility.

''(III) Licensed personal care facility.

''(IV) Continuing care retirement community.

''(ii) LIMITATION.—With respect to any calendar year, clause (i) shall not apply to any bond described in such clause if the aggregate authorized face amount of the issue of which such bond is a part when increased by the outstanding amount of such bonds issued by the issuer for such calendar year exceeds $15,000,000.

''(iii) CONTINUING CARE RETIREMENT COMMUNITY.—For purposes of this subparagraph, the term 'continuing care retirement community' means a community which provides, on the same campus, a continuum of residential living options and support services to persons at least 60 years of age under a written agreement. For purposes of the preceding sentence, the residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 314. EXCISE TAXES EXEMPTION FOR BLOOD COLLECTOR ORGANIZATIONS.

(a) EXEMPTION FROM IMPOSITION OF SPECIAL FUELS TAX.—Section 4041(g) (relating to other exemptions) is amended by striking ''and'' at the end of paragraph (3), by striking the period in paragraph (4) and inserting ''; and'', and by inserting after paragraph (4) the following new paragraph:

''(5) with respect to the sale of any liquid to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use, or with respect to the use by a qualified blood collector organization of any liquid as a fuel.''.

(b) EXEMPTION FROM MANUFACTURERS EXCISE TAX.—

(1) IN GENERAL.—Section 4221(a) (relating to certain tax-free sales) is amended by striking ''or'' at the end of paragraph (4), by adding ''or'' at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

''(6) to a qualified blood collector organization (as defined in section 7701(a)(48)) for such organization's exclusive use,''.

(2) CONFORMING AMENDMENTS.—

(A) The second sentence of section 4221(a) is amended by striking ''Paragraphs (4) and (5)'' and inserting ''Paragraphs (4), (5), and (6)''.

(B) Section 6421(c) is amended by striking ''or (5)'' and inserting ''(5), or (6)''.

(c) EXEMPTION FROM COMMUNICATION EXCISE TAX.—

(1) IN GENERAL.—Section 4253 (relating to exemptions) is amended by redesignating subsection (k) as subsection (l) and inserting after subsection (j) the following new subsection:

''(k) EXEMPTION FOR QUALIFIED BLOOD COLLECTOR ORGANIZATIONS.—Under regulations provided by the Secretary, no tax shall be imposed under section 4251 on any amount paid by a qualified blood collector organization (as defined in section 7701(a)) for services or facilities furnished to such organization.''.

(2) CONFORMING AMENDMENT.—Section 4253(l), as redesignated by paragraph (1), is amended by striking ''or (j)'' and inserting ''(j), or (k)''.

(d) CREDIT FOR REFUND FOR CERTAIN TAXES ON SALES AND SERVICES.—

(1) DEEMED OVERPAYMENT.—

(A) IN GENERAL.—Section 6416(b)(2) is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively, and by inserting after subparagraph (D) the following new subparagraph:

''(E) sold to a qualified blood collector organization's (as defined in section 7701(a)(48)) for such organization's exclusive use;''.

(B) CONFORMING AMENDMENTS.—Section 6416(b)(2) is amended—

(i) by striking ''Subparagraphs (C) and (D)'' and inserting ''Subparagraphs (C), (D), and (E)'', and

(ii) by striking ''(C), and (D)'' and inserting ''(C), (D), and (E)''.

(2) SALES OF TIRES.—Clause (ii) of section 6416(b)(4)(B) is amended by inserting ''sold to a qualified blood collector organization (as defined in section 7701(a)(48)),'' after ''for its exclusive use,''.

(e) DEFINITION OF QUALIFIED BLOOD COLLECTOR ORGANIZATION.—Section 7701(a) is amended by inserting at the end the following new paragraph:

''(48) QUALIFIED BLOOD COLLECTOR ORGANIZATION.—For purposes of this title, the term 'qualified blood collector organization' means an organization which is—

''(A) described in section 501(c)(3) and exempt from tax under section 501(a),

''(B) registered by the Food and Drug Administration to collect blood, and

''(C) primarily engaged in the activity of the collection of blood.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to excise taxes imposed on sales or uses occurring on or after October 1, 2003.

(2) REFUND OF GASOLINE TAX.—For purposes of section 6421(c) of the Internal Revenue Code of 1986 and any other provision that allows for a refund or a payment in respect of an excise tax payable at a level before the sale to a qualified blood collector organization, the amendments made by this section shall apply with respect to sales to a qualified collector organization on or after October 1, 2003.

SEC. 315. PILOT PROJECT FOR FOREST CONSERVATION ACTIVITIES.

(a) TAX-EXEMPT BOND FINANCING.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, any qualified forest conservation bond shall be treated as an exempt facility bond under section 142 of such Code.

(2) QUALIFIED FOREST CONSERVATION BOND.—For purposes of this section, the term ''qualified forest conservation bond'' means any bond issued as part of an issue if—

(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3) of such Code) of such issue are to be used for qualified project costs,

(B) such bond is issued for a qualified organization, and

(C) such bond is issued before December 31, 2006.

(3) LIMITATION ON AGGREGATE AMOUNT ISSUED.—

(A) IN GENERAL.—The maximum aggregate face amount of bonds which may be issued under this subsection shall not exceed $2,000,000,000 for all projects (excluding refunding bonds).

(B) ALLOCATION OF LIMITATION.—The limitation described in subparagraph (A) shall be allocated by the Secretary of the Treasury among qualified organizations based on criteria established by the Secretary not later than 180 days after the date of the enactment of this section, after consultation with the Chief of the Forest Service.

(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term ''qualified project costs'' means the sum of—

(A) the cost of acquisition by the qualified organization from an unrelated person of forests and forest land which at the time of acquisition or immediately thereafter are subject to a conservation restriction described in subsection (c)(2),

(B) capitalized interest on the qualified forest conservation bonds for the 3-year period beginning on the date of issuance of such bonds, and

(C) credit enhancement fees which constitute qualified guarantee fees (within the meaning of section 148 of such Code).

(5) SPECIAL RULES.—In applying the Internal Revenue Code of 1986 to any qualified forest conservation bond, the following modifications shall apply:

(A) Section 146 of such Code (relating to volume cap) shall not apply.

(B) For purposes of section 147(b) of such Code (relating to maturity may not exceed 120 percent of economic life), the land and standing timber acquired with proceeds of qualified forest conservation bonds shall have an economic life of 35 years.

(C) Subsections (c) and (d) of section 147 of such Code (relating to limitations on acquisition of land and existing property) shall not apply.

(D) Section 57(a)(5) of such Code (relating to tax-exempt interest) shall not apply to interest on qualified forest conservation bonds.

(6) TREATMENT OF CURRENT REFUNDING BONDS.—Paragraphs (2)(C) and (3) shall not apply to any bond (or series of bonds) issued to refund a qualified forest conservation bond issued before December 31, 2006, if—

(A) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue,

(B) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond, and

(C) the net proceeds of the refunding bond are used to redeem the refunded bond not later than 90 days after the date of the issuance of the refunding bond.

For purposes of subparagraph (A), average maturity shall be determined in accordance with section 147(b)(2)(A) of such Code.

(7) EFFECTIVE DATE.—This subsection shall apply to obligations issued on or after the date which is 180 days after the enactment of this Act.

(b) ITEMS FROM QUALIFIED HARVESTING ACTIVITIES NOT SUBJECT TO TAX OR TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Income, gains, deductions, losses, or credits from a qualified harvesting activity conducted by a qualified organization shall not be subject to tax or taken into account under subtitle A of the Internal Revenue Code of 1986.

(2) LIMITATION.—The amount of income excluded from gross income under paragraph (1) for any taxable year shall not exceed the amount used by the qualified organization to make debt service payments during such taxable year for qualified forest conservation bonds.

(3) QUALIFIED HARVESTING ACTIVITY.—For purposes of paragraph (1)—

(A) IN GENERAL.—The term ''qualified harvesting activity'' means the sale, lease, or harvesting, of standing timber—

(i) on land owned by a qualified organization which was acquired with proceeds of qualified forest conservation bonds,

(ii) with respect to which a written acknowledgement has been obtained by the qualified organization from the State or local governments with jurisdiction over such land that the acquisition lessens the burdens of such government with respect to such land, and

(iii) pursuant to a qualified conservation plan adopted by the qualified organization.

(B) EXCEPTIONS.—

(i) CESSATION AS QUALIFIED ORGANIZATION.—The term ''qualified harvesting activity'' shall not include any sale, lease, or harvesting for any period during which the organization ceases to qualify as a qualified organization.

(ii) EXCEEDING LIMITS ON HARVESTING.—The term ''qualified harvesting activity'' shall not include any sale, lease, or harvesting of standing timber on land acquired with proceeds of qualified forest conservation bonds to the extent that—

(I) the average annual area of timber harvested from such land exceeds 2.5 percent of the total area of such land or,

(II) the quantity of timber removed from such land exceeds the quantity which can be removed from such land annually in perpetuity on a sustained-yield basis with respect to such land.

The limitations under subclauses (I) and (II) shall not apply to post-fire restoration and rehabilitation or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophes, or which are in imminent danger from insect or disease attack.

(4) TERMINATION.—This subsection shall not apply to any qualified harvesting activity of a qualified organization occurring after the date on which there is no outstanding qualified forest conservation bond with respect to such qualified organization or any such bond ceases to be a tax-exempt bond.

(5) PARTIAL RECAPTURE OF BENEFITS IF HARVESTING LIMIT EXCEEDED.—If, as of the date that this subsection ceases to apply under paragraph (3), the average annual area of timber harvested from the land exceeds the requirement of paragraph (3)(B)(ii)(I), the tax imposed by chapter 1 of the Internal Revenue Code of 1986 shall be increased, under rules prescribed by the Secretary of the Treasury, by the sum of the tax benefits attributable to such excess and interest at the underpayment rate under section 6621 of such Code for the period of the underpayment.

(c) DEFINITIONS.—For purposes of this section—

(1) QUALIFIED CONSERVATION PLAN.—The term ''qualified conservation plan'' means a multiple land use program or plan which—

(A) is designed and administered primarily for the purposes of protecting and enhancing wildlife and fish, timber, scenic attributes, recreation, and soil and water quality of the forest and forest land,

(B) mandates that conservation of forest and forest land is the single-most significant use of the forest and forest land, and

(C) requires that timber harvesting be consistent with—

(i) restoring and maintaining reference conditions for the region's ecotype,

(ii) restoring and maintaining a representative sample of young, mid, and late successional forest age classes,

(iii) maintaining or restoring the resources' ecological health for purposes of preventing damage from fire, insect, or disease,

(iv) maintaining or enhancing wildlife or fish habitat, or

(v) enhancing research opportunities in sustainable renewable resource uses.

(2) CONSERVATION RESTRICTION.—The conservation restriction described in this paragraph is a restriction which—

(A) is granted in perpetuity to an unrelated person which is described in section 170(h)(3) of such Code and which, in the case of a nongovernmental unit, is organized and operated for conservation purposes,

(B) meets the requirements of clause (ii) or (iii)(II) of section 170(h)(4)(A) of such Code,

(C) obligates the qualified organization to pay the costs incurred by the holder of the conservation restriction in monitoring compliance with such restriction, and

(D) requires an increasing level of conservation benefits to be provided whenever circumstances allow it.

(3) QUALIFIED ORGANIZATION.—The term ''qualified organization'' means an organization—

(A) which is a nonprofit organization substantially all the activities of which are charitable, scientific, or educational, including acquiring, protecting, restoring, managing, and developing forest lands and other renewable resources for the long-term charitable, educational, scientific and public benefit,

(B) more than half of the value of the property of which consists of forests and forest land acquired with the proceeds from qualified forest conservation bonds,

(C) which periodically conducts educational programs designed to inform the public of environmentally sensitive forestry management and conservation techniques,

(D) which has at all times a board of directors—

(i) at least 20 percent of the members of which represent the holders of the conservation restriction described in paragraph (2),

(ii) at least 20 percent of the members of which are public officials, and

(iii) not more than one-third of the members of which are individuals who are or were at any time within 5 years before the beginning of a term of membership on the board, an employee of, independent contractor with respect to, officer of, director of, or held a material financial interest in, a commercial forest products enterprise with which the qualified organization has a contractual or other financial arrangement,

(E) the bylaws of which require at least two-thirds of the members of the board of directors to vote affirmatively to approve the qualified conservation plan and any change thereto, and

(F) upon dissolution, is required to dedicate its assets to—

(i) an organization described in section 501(c)(3) of such Code which is organized and operated for conservation purposes, or

(ii) a governmental unit described in section 170(c)(1) of such Code.

(4) UNRELATED PERSON.—The term ''unrelated person'' means a person who is not a related person.

(5) RELATED PERSON.—A person shall be treated as related to another person if—

(A) such person bears a relationship to such other person described in section 267(b) (determined without regard to paragraph (9) thereof), or 707(b)(1), of such Code, determined by substituting ''25 percent'' for ''50 percent'' each place it appears therein, and

(B) in the case such other person is a nonprofit organization, if such person controls directly or indirectly more than 25 percent of the governing body of such organization.

SEC. 316. CLARIFICATION OF TREATMENT OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.

(a) CLARIFICATION OF TAX-EXEMPT STATUS OF TRUSTS.—

(1) IN GENERAL.—Subsection (b) of section 601 of the Homeland Security Act of 2002 is amended to read as follows:

''(b) DESIGNATION OF JOHNNY MICHEAL SPANN PATRIOT TRUSTS.—Any charitable corporation, fund, foundation, or trust (or separate fund or account thereof) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and meets the requirements described in subsection (c) shall be eligible to designate itself as a 'Johnny Micheal Spann Patriot trust'.''.

(2) CONFORMING AMENDMENT.—Section 601(c)(3) of such Act is amended by striking ''based'' and all that follows through ''Trust''.

(b) PUBLICLY AVAILABLE AUDITS.—Section 601(c)(7) of the Homeland Security Act of 2002 is amended by striking ''shall be filed with the Internal Revenue Service, and shall be open to public inspection'' and inserting ''shall be open to public inspection consistent with section 6104(d)(1) of the Internal Revenue Code of 1986''.

(c) CLARIFICATION OF REQUIRED DISTRIBUTIONS TO PRIVATE FOUNDATION.—

(1) IN GENERAL.—Section 601(c)(8) of the Homeland Security Act of 2002 is amended by striking ''not placed'' and all that follows and inserting ''not so distributed shall be contributed to a private foundation which is described in section 509(a) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which is dedicated to such beneficiaries not later than 36 months after the end of the fiscal year in which such funds, donations, or earnings are received.''.

(2) CONFORMING AMENDMENTS.—Section 601(c) of such Act is amended—

(A) by striking ''(or, if placed in a private foundation, held in trust for)'' in paragraph (1) and inserting ''(or contributed to a private foundation described in paragraph (8) for the benefit of)'', and

(B) by striking ''invested in a private foundation'' in paragraph (2) and inserting ''contributed to a private foundation described in paragraph (8)''.

(d) REQUIREMENTS FOR DISTRIBUTIONS FROM TRUSTS.—Section 601(c)(9)(A) of the Homeland Security Act of 2002 is amended by striking ''should'' and inserting ''shall''.

(e) REGULATIONS REGARDING NOTIFICATION OF TRUST BENEFICIARIES.—Section 601(f) of the Homeland Security Act of 2002 is amended by striking ''this section'' and inserting ''subsection (e)''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 601 of the Homeland Security Act of 2002.

On page 100, line 20, strike ''**7525**'' and insert ''**7528**''.

On page 101, after line 8, strike ''7525'' and insert ''7528''.

On page 123, before line 22, insert the following:

(e) REPORT REGARDING ACCOUNT MAINTENANCE FEES.—The Secretary of the Treasury shall study the adequacy of the amount specified in section 45G(c)(2) of the Internal Revenue Code of 1986 (as added by this section). Not later than December 31, 2009, the Secretary of the Treasury shall report the findings of the study described in the preceding sentence to Congress.

On page 123, line 22, strike ''(e)'' and insert ''(f)''.

On page 125, strike lines 10 through 12, and insert the following:

(a) IN GENERAL.—Section 7701, as amended by this Act, is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

On page 125, line 13, strike ''(m)'' and insert ''(o)''.

On page 148, line 21, strike ''section 7701(m)(1)'' and insert ''section 7701(o)(1)''.

On page 148, line 24, strike ''section 7701(m)(2)'' and insert ''section 7701(o)(2)''.

On page 175, after line 20, add the following:

SEC. 723. SECURITIES CIVIL ENFORCEMENT PROVISIONS.

(a) AUTHORITY TO ASSESS CIVIL MONEY PENALTIES.—

(1) SECURITIES ACT OF 1933.—Section 8A of the Securities Act of 1933 (15 U.S.C. 77h–1) is amended by adding at the end the following new subsection:

''(g) AUTHORITY OF THE COMMISSION TO ASSESS MONEY PENALTY.—

''(1) IN GENERAL.—In any cease-and-desist proceeding under subsection (a), the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that a person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.

''(2) MAXIMUM AMOUNT OF PENALTY.—

''(A) FIRST TIER.—The maximum amount of penalty for each act or omission described in paragraph (1) shall be $100,000 for a natural person or $250,000 for any other person.

''(B) SECOND TIER.—Notwithstanding subparagraph (A), the maximum amount of penalty for such act or omission described in paragraph (1) shall be $500,000 for a natural person or $1,000,000 for any other person, if the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a statutory or regulatory requirement.

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the maximum amount of penalty for each act or omission described in paragraph (1) shall be $1,000,000 for a natural person or $2,000,000 for any other person, if—

''(i) the act or omission involved fraud, deceit, manipulation, or deliberate or reckless disregard of a statutory or regulatory requirement; and

''(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.

''(3) EVIDENCE CONCERNING ABILITY TO PAY.—In any proceeding in which the Commission or the appropriate regulatory agency may impose a penalty under this section, a respondent may present evidence of the ability of the respondent to pay such penalty. The Commission or the appropriate regulatory agency may, in its discretion, consider such evidence in determining whether the penalty is in the public interest. Such evidence may relate to the extent of the person's ability to continue in business and the collectability of a penalty, taking into account any other claims of the United States or third parties upon the assets of that person and the amount of the assets of that person.''.

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 21B(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(a)) is amended—

(A) in paragraph (4), by striking ''supervision;'' and all that follows through the end of the subsection and inserting ''supervision.'';

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and moving the margins 2 ems to the right;

(C) by inserting ''that such penalty is in the public interest and'' after ''hearing,'';

(D) by striking ''In any proceeding'' and inserting the following:

''(1) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(2) OTHER MONEY PENALTIES.—In any proceeding under section 21C against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.''.

(3) INVESTMENT COMPANY ACT OF 1940.—Section 9(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(1)) is amended—

(A) in subparagraph (C), by striking ''therein;'' and all that follows through the end of the paragraph and inserting ''supervision.'';

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and moving the margins 2 ems to the right;

(C) by inserting ''that such penalty is in the public interest and'' after ''hearing,'';

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(B) OTHER MONEY PENALTIES.—In any proceeding under subsection (f) against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.''.

(4) INVESTMENT ADVISERS ACT OF 1940.—Section 203(i)(1) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(1)) is amended—

(A) in subparagraph (D), by striking ''supervision;'' and all that follows through the end of the paragraph and inserting ''supervision.'';

(B) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and moving the margins 2 ems to the right;

(C) by inserting ''that such penalty is in the public interest and'' after ''hearing,'';

(D) by striking ''In any proceeding'' and inserting the following:

''(A) IN GENERAL.—In any proceeding''; and

(E) by adding at the end the following:

''(B) OTHER MONEY PENALTIES.—In any proceeding under subsection (k) against any person, the Commission may impose a civil monetary penalty if it finds, on the record after notice and opportunity for hearing, that such person is violating, has violated, or is or was a cause of the violation of, any provision of this title or any rule or regulation thereunder, and that such penalty is in the public interest.''.

(b) INCREASED MAXIMUM CIVIL MONEY PENALTIES.—

(1) SECURITIES ACT OF 1933.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended—

(A) in subparagraph (A)(i)—

(i) by striking ''$5,000'' and inserting ''$100,000''; and

(ii) by striking ''$50,000'' and inserting ''$250,000'';

(B) in subparagraph (B)(i)—

(i) by striking ''$50,000'' and inserting ''$500,000''; and

(ii) by striking ''$250,000'' and inserting ''$1,000,000''; and

(C) in subparagraph (C)(i)—

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

(ii) by striking ''$500,000'' and inserting ''$2,000,000''.

(2) SECURITIES EXCHANGE ACT OF 1934.—

(A) PENALTIES.—Section 32 of the Securities Exchange Act of 1934 (15 U.S.C. 78ff) is amended—

(i) in subsection (b), by striking ''$100'' and inserting ''$10,000''; and

(ii) in subsection (c)—

(I) in paragraph (1)(B), by striking ''$10,000'' and inserting ''$500,000''; and

(II) in paragraph (2)(B), by striking ''$10,000'' and inserting ''$500,000''.

(B) INSIDER TRADING.—Section 21A(a)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(a)(3)) is amended by striking ''$1,000,000'' and inserting ''$2,000,000''.

(C) ADMINISTRATIVE PROCEEDINGS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(b)) is amended—

(i) in paragraph (1)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in paragraph (2)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in paragraph (3)—

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

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(D) CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended—

(i) in clause (i)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in clause (ii)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in clause (iii)—

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

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(3) INVESTMENT COMPANY ACT OF 1940.—

(A) INELIGIBILITY.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

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

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(B) ENFORCEMENT OF INVESTMENT COMPANY ACT.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

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

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(4) INVESTMENT ADVISERS ACT OF 1940.—

(A) REGISTRATION.—Section 203(i)(2) of the Investment advisers Act of 1940 (15 U.S.C. 80b–3(i)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

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

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(B) ENFORCEMENT OF INVESTMENT ADVISERS ACT.—Section 209(e)(2) of the Investment advisers Act of 1940 (15 U.S.C. 80b–9(e)(2)) is amended—

(i) in subparagraph (A)—

(I) by striking ''$5,000'' and inserting ''$100,000''; and

(II) by striking ''$50,000'' and inserting ''$250,000'';

(ii) in subparagraph (B)—

(I) by striking ''$50,000'' and inserting ''$500,000''; and

(II) by striking ''$250,000'' and inserting ''$1,000,000''; and

(iii) in subparagraph (C)—

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

(II) by striking ''$500,000'' and inserting ''$2,000,000''.

(c) AUTHORITY TO OBTAIN FINANCIAL RECORDS.—Section 21(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(h)) is amended—

(1) by striking paragraphs (2) through (8);

(2) in paragraph (9), by striking ''(9)(A)'' and all that follows through ''(B) The'' and inserting ''(3) The'';

(3) by inserting after paragraph (1), the following:

''(2) ACCESS TO FINANCIAL RECORDS.—

''(A) IN GENERAL.—Notwithstanding section 1105 or 1107 of the Right to Financial Privacy Act of 1978, the Commission may obtain access to and copies of, or the information contained in, financial records of any person held by a financial institution, including the financial records of a customer, without notice to that person, when it acts pursuant to a subpoena authorized by a formal order of investigation of the Commission and issued under the securities laws or pursuant to an administrative or judicial subpoena issued in a proceeding or action to enforce the securities laws.

''(B) NONDISCLOSURE OF REQUESTS.—If the Commission so directs in its subpoena, no financial institution, or officer, director, partner, employee, shareholder, representative or agent of such financial institution, shall, directly or indirectly, disclose that records have been requested or provided in accordance with subparagraph (A), if the Commission finds reason to believe that such disclosure may—

''(i) result in the transfer of assets or records outside the territorial limits of the United States;

''(ii) result in improper conversion of investor assets;

''(iii) impede the ability of the Commission to identify, trace, or freeze funds involved in any securities transaction;

''(iv) endanger the life or physical safety of an individual;

''(v) result in flight from prosecution;

''(vi) result in destruction of or tampering with evidence;

''(vii) result in intimidation of potential witnesses; or

''(viii) otherwise seriously jeopardize an investigation or unduly delay a trial.

''(C) TRANSFER OF RECORDS TO GOVERNMENT AUTHORITIES.—The Commission may transfer financial records or the information contained therein to any government authority, if the Commission proceeds as a transferring agency in accordance with section 1112 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412), except that a customer notice shall not be required under subsection (b) or (c) of that section 1112, if the Commission determines that there is reason to believe that such notification may result in or lead to any of the factors identified under clauses (i) through (viii) of subparagraph (B) of this paragraph.'';

(4) by striking paragraph (10); and

(5) by redesignating paragraphs (11), (12), and (13) as paragraphs (4), (5), and (6), respectively.

SEC. 724. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 of the Social Security Act (42 U.S.C. 1383b) is amended by adding at the end the following:

''(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

''(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

''(i) at least 25 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2004; and

''(ii) at least 50 percent of all such determinations that are made in fiscal year 2005 or thereafter.

''(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.''.

TITLE VIII—COMPASSION CAPITAL FUND

SEC. 801. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; DEPARTMENT OF HEALTH AND HUMAN SERVICES.

(a) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of Health and Human Services (referred to in this section as ''the Secretary'') may award grants to and enter into cooperative agreements with nongovernmental organizations, to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of nonprofit community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) SUPPORT FOR STATES.—The Secretary—

(1) may award grants to and enter into cooperative agreements with States and political subdivisions of States to provide seed money to establish State and local offices of faith-based and community initiatives; and

(2) shall provide technical assistance to States and political subdivisions of States in administering the provisions of this Act.

(c) APPLICATIONS.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State, or political subdivision shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) LIMITATION.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Secretary) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $85,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(f) DEFINITION.—In this section, the term ''community-based organization'' means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 802. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

(a) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Corporation for National and Community Service (referred to in this section as ''the Corporation'') may award grants to and enter into cooperative agreements with nongovernmental organizations and State Commissions on National and Community Service established under section 178 of the National and Community Service Act of 1990 (42 U.S.C. 12638), to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) APPLICATIONS.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State Commission, State, or political subdivision shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

(c) LIMITATION.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Secretary) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(e) DEFINITION.—In this section, the term ''community-based organization'' means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 803. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; DEPARTMENT OF JUSTICE.

(a) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Attorney General may award grants to and enter into cooperative agreements with nongovernmental organizations, to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of nonprofit community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) APPLICATIONS.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State, or political subdivision shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

(c) LIMITATION.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement from the Attorney General) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $35,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(e) DEFINITION.—In this section, the term ''community-based organization'' means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 804. SUPPORT FOR NONPROFIT COMMUNITY-BASED ORGANIZATIONS; DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of Housing and Urban Development (referred to in this section ''the Secretary'') may award grants to and enter into cooperative agreements with nongovernmental organizations, to—

(1) provide technical assistance for community-based organizations, which may include—

(A) grant writing and grant management assistance, which may include assistance provided through workshops and other guidance;

(B) legal assistance with incorporation;

(C) legal assistance to obtain tax-exempt status; and

(D) information on, and referrals to, other nongovernmental organizations that provide expertise in accounting, on legal issues, on tax issues, in program development, and on a variety of other organizational topics;

(2) provide information and assistance for community-based organizations on capacity building;

(3) provide for community-based organizations information on and assistance in identifying and using best practices for delivering assistance to persons, families, and communities in need;

(4) provide information on and assistance in utilizing regional intermediary organizations to increase and strengthen the capabilities of community-based organizations;

(5) assist community-based organizations in replicating social service programs of demonstrated effectiveness; and

(6) encourage research on the best practices of social service organizations.

(b) APPLICATIONS.—To be eligible to receive a grant or enter into a cooperative agreement under this section, a nongovernmental organization, State, or political subdivision shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) LIMITATION.—In order to widely disburse limited resources, no community-based organization (other than a direct recipient of a grant or cooperative agreement

from the Secretary) may receive more than 1 grant or cooperative agreement under this section for the same purpose.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(e) DEFINITION.—In this section, the term ''community-based organization'' means a nonprofit corporation or association that has—

(1) not more than 6 full-time equivalent employees who are engaged in the provision of social services; or

(2) a current annual budget (current as of the date the entity seeks assistance under this section) for the provision of social services, compiled and adopted in good faith, of less than $450,000.

SEC. 805. COORDINATION.

The Secretary of Health and Human Services, the Corporation for National and Community Service, the Attorney General, and the Secretary of Housing and Urban Development shall coordinate their activities under this title to ensure—

(1) nonduplication of activities under this title; and

(2) an equitable distribution of resources under this title.

TITLE IX—MATERNITY GROUP HOMES

SEC. 901. MATERNITY GROUP HOMES.

(a) PERMISSIBLE USE OF FUNDS.—Section 322 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2) is amended—

(1) in subsection (a)(1), by inserting ''(including maternity group homes)'' after ''group homes''; and

(2) by adding at the end the following:

''(c) MATERNITY GROUP HOME.—In this part, the term 'maternity group home' means a community-based, adult-supervised group home that provides young mothers and their children with a supportive and supervised living arrangement in which such mothers are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children.''.

(b) CONTRACT FOR EVALUATION.—Part B of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by adding at the end the following:

''SEC. 323. CONTRACT FOR EVALUATION.

''(a) IN GENERAL.—The Secretary shall enter into a contract with a public or private entity for an evaluation of the maternity group homes that are supported by grant funds under this Act.

''(b) INFORMATION.—The evaluation described in subsection (a) shall include the collection of information about the relevant characteristics of individuals who benefit from maternity group homes such as those that are supported by grant funds under this Act and what services provided by those maternity group homes are most beneficial to such individuals.

''(c) REPORT.—Not later than 2 years after the date on which the Secretary enters into a contract for an evaluation under subsection (a), and biennially thereafter, the entity conducting the evaluation under this section shall submit to Congress a report on the status, activities, and accomplishments of maternity group homes that are supported by grant funds under this Act.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 388 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended—

(1) in subsection (a)(1)—

(A) by striking ''There'' and inserting the following:

''(A) IN GENERAL.—There'';

(B) in subparagraph (A), as redesignated, by inserting ''and the purpose described in subparagraph (B)'' after ''other than part E''; and

(C) by adding at the end the following:

''(B) MATERNITY GROUP HOMES.—There is authorized to be appropriated, for maternity group homes eligible for assistance under section 322(a)(1)—

''(i) $33,000,000 for fiscal year 2003; and

''(ii) such sums as may be necessary for fiscal year 2004.''; and

(2) in subsection (a)(2)(A), by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 10, 2003, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to mark up pending committee legislation.

Those wishing additional information may contact the Indian Affairs Committee at 202–224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 8, 2003, at 10:15 a.m., in open and possibly closed session, to receive testimony on Homeland Defense 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.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORNYN. 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 April 8, 2003, at 10:00 a.m., to conduct a hearing on ''the impact of the proposed 'RESPA' rule on small businesses and consumers.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, April 8; Wednesday, April 9; and Thursday, April 10 at 10:00 a.m., to consider comprehensive Energy Legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, April 8, 2003, at 10:00 a.m., to hear testimony on Enron: Joint Committee on Taxation Investigative Report—Compensation—Related Issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 8, 2003, at 9:30 a.m., to hold a hearing on NATO enlargement.

Witnesses

Panel 1: ''New Members, New Missions.'' The Honorable Marc I. Grossman, Undersecretary of State for Political Affairs, Department of State, Washington, DC.

Panel 2: ''The Future of NATO.'' General Wesley K. Clark, USA (ret.), Former SACEUR, Chairman and CEO, Wesley Clark & Associates, Little Rock, Arkansas.

Mr. William Kristol, Editor, The Weekly Standard, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 8, 2003, at 2:30 p.m., to hold a hearing on an overview of global energy security issues.

Witnesses

Panel 1: Mr. Kyle E. McSlarrow, Deputy Secretary of Energy, Department of Energy, Washington, DC; and

The Honorable Alan P. Larson, Under Secretary for Economic, Business and Agricultural Affairs, Department of State, Washington, DC.

Panel 2: Mr. Vahan Zanoyan, President & CEO, PFC Energy, Washington, DC

Dr. Daniel Yergin, Chairman, Cambridge Energy Research Associates, Cambridge, MA; and

Dr. Martha Brill Olcott, Senior Associate, Carnegie Endowment for International Peace, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on MQSA: Patient Access to Quality Health Care during the session of the Senate on Tuesday, April 8, 2003, at 10:00 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''A Proposed Constitutional Amendment to Protect Crime Victims, S.J. Res. 1'' on Tuesday, April 8, 2003, at 10:00 a.m. in the Dirksen Senate Office Building Room 226.

Panel I: The Honorable Viet Dinh, Assistant Attorney General, Office of Legal Policy, Department of Justice, Washington, DC.

Panel II: Collene Campbell, San Juan Capistrano, CA; Earlene Eason, Gary, IN; Jamie Orenstein, New York, NY; Patricia Perry, New York, NY; Duane Lynn, Peoria, AZ; Steve Twist, Phoenix, AZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, April 8, 2003, at 9:30 a.m., to conduct an oversight hearing on the operations of the Sergeant at Arms, Library of Congress and Congressional Research Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAR AIR, CLIMATE CHANGE, AND NUCLEAR SAFETY

Mr. CORNYN. Mr. President, I ask unanimous consent that the subcommittee on Clean Air, Climate Change, and Nuclear Safety be authorized to meet on Tuesday, April 8 at 2:00 p.m. to conduct a legislative hearing on the Clear Skies Act, S. 484.

The meeting will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AFFAIRS AND PRODUCT SAFETY

Mr. CORNYN. Mr. President, I ask unanimous consent that the subcommittee on Consumer Affairs and Product Safety be authorized to meet on Tuesday, April 8, 2003 at 10 a.m. on promoting corporate responsibility through the elimination of dividend taxation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. CORNYN. Mr. President, I ask unanimous consent that the subcommittee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Tuesday, April 8, 2003 at 9:30 a.m. for a hearing entitled ''The Human Capital Challenge: Offering Solutions and Delivering Results'' to review the federal government's strategic human capital management and consider pending legislation on the federal workforce.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 8, 2003 at 2:30 p.m., in open and possibly closed session, to receive testimony on strategic forces and policy in review of the defense authorization request for fiscal year 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent for floor privileges during the consideration of the CARE Act for Tyler Garnett and Shawn White.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

On April 7, 2003, the Senate amended and passed H.R. 1559, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1559) entitled ''An Act making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2003, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

AGRICULTURAL PROGRAMS

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for ''Buildings and Facilities'', $98,000,000, to remain available until expended.

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.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 101. 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.

SEC. 102. 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.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

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 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.

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 Program, 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.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for ''Diplomatic and Consular Programs'', $83,420,000: Provided, That $15,600,000, to remain available until December 31, 2003, shall only be available for medical services: Provided further, That $2,000,000 shall only be available for the Consular Affairs requirements relating to American citizen services: Provided further, That $30,020,000 shall only be available for Machine Readable Visa fee shortfalls affecting the Border Security Program: Provided further, That notwithstanding any other provision of law, any shortfall in fee revenue resulting from a decrease in the number of visa applications to the United States shall be offset by a direct transfer of funds equal to the amount of the shortfall from the Diplomatic and Consular Programs general account to the Appropriations Point Deliminator Account Number X0113.6: Provided further, That $35,800,000 shall only be available for costs associated with the re-establishment of a United States diplomatic presence in Baghdad, Iraq, of which $17,900,000 is for operational requirements, including housing, furniture, sundries, travel, vehicles, and office supplies and furnishings, and $17,900,000 is for security, of which $5,300,000 is for information technology, $1,945,000 is for courier shipments, $3,789,000 is for temporary duty assignments, and $2,503,000 is for armored vehicles, spares, and repairs.

In addition, for the costs of worldwide security upgrades, including increased local guard protection, chemical and biological countermeasures, requirements relating to intelligence, the assignment of temporary personnel to United States diplomatic presences, armored vehicles, and the security of the domestic facilities of the Department of State, $10,000,000, to remain available until December 31, 2003.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for ''Embassy Security, Construction, and Maintenance'', $72,000,000: Provided, That of the funds appropriated under this heading, $20,000,000 shall only be available for capital costs associated with the re-establishment of a United States Diplomatic presence in Baghdad, Iraq: Provided further, That of the funds appropriated under this heading, not less than $52,000,000 shall be available for the Center for Antiterrorism and Security Training.

In addition, for security enhancements to non-official facilities frequented by United States citizens overseas, including schools attended by the dependents of non-military United States Government personnel, $10,000,000, to remain available until September 30, 2004.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for ''Emergencies in the Diplomatic and Consular Service'', $40,000,000, to remain available until expended: Provided, That the Secretary of State may collect from the head of any other agency of the United States the cost incurred by the Department of State for evacuating an employee of such agency, and any member of the family of such an employee, from a location in a foreign country where the employee is authorized to be in connection with the performance of the employee's official duties: Provided further, That the head of an agency shall pay the Secretary of State the amount certified by the Secretary as the cost of evacuation of that agency's personnel: Provided further, That amounts collected by the Secretary of State under the previous two provisos shall be credited to the appropriation charged such cost, shall be merged with other sums in such appropriation, and shall be available for the same purposes and period as the appropriation to which credited within 60 days of certification by the Secretary of State.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for ''International Broadcasting Operations'', $62,000,000, to remain available until September 30, 2004, for activities related to the Middle East Television Network broadcasting and radio broadcasting to Iraq.

CHAPTER 3

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $7,724,500,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,784,300,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $1,254,900,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $2,834,800,000.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $6,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $110,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $16,142,500,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $5,296,600,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,752,700,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $7,209,200,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $4,007,700,000, to remain available until expended, of which $1,400,000,000, which may be used, notwithstanding any other provision of law, for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical and military-related support provided to the United States in connection with military action in Iraq and the global war on terrorism: Provided, That such payments may be made in such amounts as the Secretary of Defense, with concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States and 15 days following notification to the appropriate congressional committees.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $15,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $50,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $88,400,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $20,000,000.

NATURAL RESOURCES RISK REMEDIATION FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to address emergency fire fighting, repair of damage to oil facilities and related infrastructure and preserve a distribution capability, $489,300,000, to remain available until expended: Provided, 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 these funds 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: Provided further, That funds so 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 Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees of any transfer of funds from this appropriation: 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.

PROCUREMENT

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

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

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Defense Working Capital Funds'', $550,000,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $501,700,000.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $34,000,000.

DEFENSE EMERGENCY RESPONSE FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Defense Emergency Response Fund'', $11,019,000,000, to remain available until expended for ongoing military operations in Iraq, and those operations authorized by Public Law 107–040, of which not to exceed $50,000,000, to remain available until September 30, 2003, to support the military operations or activities of foreign nations in furtherance of the global war on terrorism, including equipment, supplies, services, and funding on such terms as the Secretary of Defense, following notification of the congressional defense committees, and with the concurrence of the Secretary of State, may determine: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster Assistance, and Civic Aid; procurement; research, development, test and evaluation; military construction; the Defense Health Program; and working capital funds: 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 paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Defense Oversight Committees of the details of any transfer of funds from the ''Defense Emergency Response Fund'': Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 301. Under the heading, ''Operation and Maintenance, Defense-Wide'', in title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), strike ''$25,000,000'' and insert ''$50,000,000''. Section 166a of title 10, United States Code, is amended by striking ''$7,000,000'' in subsection (e)(1)(A) and inserting ''$15,000,000''; by striking ''$1,000,000'' in subsection (e)(1)(B) and inserting ''$10,000,000''; and by striking ''$2,000,000'' in subsection (e)(1)(C) and inserting ''$10,000,000''.

SEC. 302. Under the heading, ''Operation and Maintenance, Defense-Wide'', in title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), strike ''$34,500,000'' and insert ''$45,000,000''.

(TRANSFER OF FUNDS)

SEC. 303. Section 8005 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248), is amended—

(1) by striking ''$2,000,000,000'', and inserting ''$3,500,000,000''; and

(2) by striking the date ''May 31, 2003'', and inserting ''June 30, 2003''.

(TRANSFER OF FUNDS)

SEC. 304. 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.

SEC. 305. Funds appropriated in this Act, or made available by the 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).

(TRANSFER OF FUNDS)

SEC. 306. Of the amounts available to the Department 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: 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.

SEC. 307. EXPANDED USE OF COOPERATIVE THREAT REDUCTION FUNDS. (a) IN GENERAL.—

(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 long-standing nonproliferation goals.

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

(b) AUTHORIZED USES OF FUNDS.—The authority under subsection (a) to use Cooperative Threat Reduction funds for a project or activity includes authority to provide equipment, goods, and services for the project or activity, and shall be subject to 22 U.S.C. Sec. 5955.

SEC. 308. None of the funds provided in this Act may be used to fund a program previously prohibited by the Congress, or to initiate a new procurement or research, development, test and evaluation program without prior notification of the congressional defense committees.

SEC. 309. The Secretary of Defense shall notify the congressional defense committees no later than 15 days after the obligation of funds appropriated in this Act for military construction activities or minor construction in excess of $7,500,000.

SEC. 310. From funds appropriated in the Department of Defense Appropriations Act, 2003, Public Law 107–248, under the heading ''Operation and Maintenance, Air Force'', not more than $6,800,000 is available to build and install fiber optic and power improvements and upgrades at the 11th Air Force Range.

SEC. 311. Section 811(b) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2608; 10 U.S.C. 2406c note) is amended by striking ''on or after the date of the enactment of this Act'' and inserting ''on or after January 1, 2004''.

SEC. 312. From funds appropriated in the Department of Defense Appropriations Act, 2003, Public Law 107–248, under the heading ''Operation and Maintenance, Army National Guard'', not more than $3,000,000 is available to build an Infantry Brigade Rifle Range for the South Carolina National Guard.

SEC. 313. Appropriations available during fiscal year 2003 under the heading ''Operation and Maintenance, Army'' for the Air Battle Captain program at the University of North Dakota, may be used to provide summer flight training to United States Military Academy cadets.

SEC. 314. (a) INCREASE IN IMMINENT DANGER SPECIAL PAY.—Section 310(a) of title 37, United States Code, is amended by striking ''$150'' and inserting ''$225''.

(b) INCREASE IN FAMILY SEPARATION ALLOWANCE.—Section 427(a)(1) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$250''.

(c) EXPIRATION.—(1) The amendments made by subsections (a) and (b) shall expire on September 30, 2003.

(2) Effective on September 30, 2003, sections 310(a) of title 37, United States Code, and 427(a)(1) of title 37, United States Code, as in effect on the day before the date of the enactment of this Act are hereby revived.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2002 and shall apply with respect to months beginning on or after that date.

SEC. 315. (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 2003 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.

SEC. 316. 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.

SEC. 317. 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.

SEC. 318. (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).

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 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.

CHAPTER 5

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUNDS

For an additional amount for ''Child Survival and Health Programs Fund'', $90,000,000.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for ''International Disaster Assistance'', $112,500,000: 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.

LOAN GUARANTEES TO ISRAEL

During the period beginning March 1, 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, any part of which is to be guaranteed, not to exceed $9,000,000,000: Provided, 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 no appropriations are available under this heading 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 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 such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States 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 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 section.

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'', $23,600,000, of which not more 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''.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for ''Economic Support Fund'', $2,357,900,000, of which the amounts specified herein shall be available as follows:

(1) $300,000,000, to remain available until September 30, 2005, 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 up to $379,600,000 in funds appropriated under this heading in prior foreign operations, export financing, and related programs appropriations Acts for Egypt, including funds provided as Commodity Import Program assistance, may be made available on a grant basis as a cash transfer.

(2) $1,000,000,000 to remain available until September 30, 2005, only 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 none of the funds made available under this heading for Turkey may be made available if Turkey unilaterally deploys troops into northern Iraq during Operation Iraqi Freedom: Provided further, That the Secretary of State may waive the requirement of the previous proviso if he determines that to do so is in the national security interest of the United States: Provided further, That any balance of funds not made available to Turkey under this paragraph shall

be transferred to, and merged with, funds appropriated for ''Iraq Relief and Reconstruction Fund''.

(3) The Government of Egypt and the Government of Turkey 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 these loan guarantees: Provided further, That all fees associated with these loan guarantees or loans shall be paid by the Government of Egypt and the Government of Turkey to the Government of the United States: Provided further, That funds made available for assistance for Egypt and Turkey under chapter 4 of Part II of the Foreign Assistance Act of 1961, as amended, may be utilized by the Government of Egypt and the Government of Turkey to pay such fees and costs to the United States Government: Provided further, That such guarantees shall constitute obligations, in accordance with the terms of such guarantees, of the United States and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations: Provided further, That the President shall determine the terms and conditions for providing the economic assistance authorized in paragraphs (1) and (2): 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 heading, and shall transfer, and merge, such economic assistance with the ''Iraq Relief and Reconstruction Fund''.

(4) $700,000,000 for assistance for Jordan.

(5) Not less than $50,000,000 for assistance for the Philippines to further prospects for peace in Mindanao.

UNITED STATES EMERGENCY FUND FOR COMPLEX FOREIGN CRISES

For necessary expenses to enable the President to respond to unforeseen complex foreign crises, $150,000,000, to remain available until expended: Provided, That funds appropriated under this heading may be made available only pursuant to a determination by the President that is in the national interest to furnish assistance on such terms and conditions as he may determine, after consultation with Congress, for the purpose of responding to such crises, including support for peace and humanitarian intervention operations: Provided further, That none of the funds appropriated under this heading shall be available to respond to natural disasters: Provided further, That for funds appropriated under this heading the President may make allocations to Federal agencies, other than the Department of Defense, to carry out the authorities provided under this heading: Provided further, That funds appropriated by this paragraph shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: Provided further, That the President may furnish assistance under this heading notwithstanding any other provision of law: Provided further, That the previous proviso shall not apply to section 553 of Public Law 108–7: Provided further, That funds appropriated under this heading 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: Provided further, That the requirements of the previous proviso 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 Committees on Appropriations 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 waiver shall contain an explanation of the emergency circumstances.

INDEPENDENT AGENCIES

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'', $34,0000,000, to remain available until September 30, 2004: Provided, That of the funds appropriated under this heading that are made available for Colombia, not less than $5,000,000 should be made available for programs and activities to assist women and children who have been displaced as a result of armed conflict.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for ''United States Emergency Refugee and Migration Assistance Fund'', $75,000,000, to remain available 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 ''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 $1,000,000,000 shall be made available for assistance for Israel and not less than $406,000,000 shall be made available for assistance for Jordan: 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 by Israel and the United States, 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: 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: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that notifications shall be transmitted at least 10 days in advance of the obligation of funds.

PEACEKEEPING OPERATIONS

For an additional amount for ''Peacekeeping Operations'', $150,000,000.

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for humanitarian assistance in and around Iraq and for rehabilitation and reconstruction in Iraq, $2,468,300,000, including for the costs of: (1) feeding and food distribution; (2) supporting relief efforts related to refugees, internally displaced persons, and vulnerable individuals, including assistance for families of innocent Iraqi civilians who suffer losses as a result of military operations; (3) humanitarian demining; (4) healthcare; (5) water/sanitation infrastructure; (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 may be transferred to and made available for any Federal Government activity, other than any Department of Defense activity, for expenses to meet such costs: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: 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 prior to the initial transfer of funds made available under this heading to any Agency or Department, the Secretary of State shall consult with the Committees on Appropriations on plans for the use of the funds appropriated under this heading that will be used for assistance for Iraq: 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 the previous proviso shall not apply to section 553 of Public Law 108–7: Provided further, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriation, except that notifications shall be transmitted at least 5 days in advance of the obligations of funds: 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

GENERAL PROVISIONS, THIS CHAPTER

SEC. 501. Any appropriation made available in this chapter under the headings ''International Disaster Assistance'', ''United States Emergency Refugee and Migration Assistance Fund'', ''Nonproliferation, Anti-Terrorism, Demining and Related Programs'', ''Peacekeeping Operations'', or ''Iraq Relief and Reconstruction Fund'' may be transferred between such appropriations for use for any of the purposes for which the funds in the such receiving account may be used: Provided, That the total amount transferred from funds appropriated under each of these headings shall not exceed $200,000,000: Provided further, That the Secretary of State

shall consult with the Committee on Appropriations prior to exercising the authority contained in this section: Provided further, That funds made available pursuant to the authority of this section shall be subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligations of funds.

SEC. 502. Assistance or other financing under this chapter may be made available for assistance to Iraq notwithstanding any other provision of law: Provided, That the authority contained in this section shall not apply to section 553 of Public Law 108–7: Provided further, That funds made available for assistance for Iraq pursuant to this authority shall be subject to the regular notification 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 the obligation of funds.

SEC. 503. The Iraq Sanctions Act of 1990 is hereby repealed: 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 such Act applies to water purification items and other humanitarian assistance for the Iraqi people: Provided further, That the President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961, as amended, or other provision of law that applies to countries that have supported terrorism: Provided further, That section 307 of the Foreign Assistance of 1961, as amended, 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 should not be construed as applying to Iraq.

SEC. 504. Notwithstanding any other provision of law, the President may authorize the export to Iraq of any item subject to the Export Administration Regulations, 15 CFR chapter VII, subchapter C, or 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 that the export of such item is in the national interest of the United States.

SEC. 505. Of the funds appropriated by this chapter under the heading ''Economic Support Fund'', $10,000,000 should be made available for investigations and research into allegations of war crimes, crimes against humanity, or genocide committed by Saddam Hussein or other Iraqis, and for the establishment of an international tribunal to bring these individuals to justice: Provided, That 90 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations on plans for the prosecution of these individuals, including jurisdictional options.

SEC. 506. It is the Sense of the Senate that, to the maximum extent practicable, contracts (including subcontracts) and grants for relief and reconstruction in Iraq from funds appropriated under this chapter should be awarded to United States companies (particularly small and medium sized businesses) and organizations, to companies and organizations located in the Near East region, and to those from countries which have provided assistance to Operation Iraqi Freedom.

SEC. 507. It is the sense of the Senate that the reconstruction of Iraq should be funded to the maximum extent practicable from revenues produced by Iraqi oil and that the United States Government should work with our allies, the future government of a free Iraq, and other appropriate entities to establish the necessary framework for this arrangement.

SEC. 508. Division E of Public Law 108–7, under the heading ''Assistance for the Independent States of the Former Soviet Union'', is amended by inserting in subsection (f) before the period: '': Provided further, That such funds may be made available without regard to the restriction in this subsection if the Secretary of State determines that to do so is in the national security interest of the United States''.

CHAPTER 6

DEPARTMENT OF HOMELAND SECURITY

DEPARTMENTAL MANAGEMENT

COUNTERTERRORISM FUND

For an additional amount for the ''Counterterrorism Fund,'' for necessary expenses as determined by the Secretary of Homeland Security, $1,135,000,000, 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 of the total amount appropriated, not to exceed $215,000,000 may be transferred to any authorized Federal Government activity for necessary expenses to detect, prepare for, protect against, or respond to a potential terrorist attack: Provided further, 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.

BORDER AND TRANSPORTATION SECURITY

OFFICE FOR DOMESTIC PREPAREDNESS

For an additional amount for the ''Office for Domestic Preparedness'', as authorized by Sections 403(5) and 430 of the Homeland Security Act of 2002 (Public Law 107–296) and Section 1014 of the USA PATRIOT ACT of 2001 (Public Law 107–56), for grants, contracts, cooperative agreements, and other activities, including grants to States for terrorism prevention activities, $2,200,000,000, to remain available until expended: Provided, That of the total amount appropriated, $1,270,000,000 shall be made available for grants to states, and each state grant award shall ensure that at least 80 percent of the total amount of the grant shall be allocated to local governments within 60 days of receipt of the funds: Provided further, That of the total amount appropriated, $300,000,000 shall be made available for grants to states for critical infrastructure protection, and each grant award shall ensure that no less than one-third of the total amount of the grant shall be allocated to local governments within 60 days of receipt of the funds: Provided further, That of the total amount appropriated, $600,000,000 shall be made available for protection or preparedness of high-threat urban areas, as determined by the Secretary of Homeland Security.

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating Expenses'' for the Coast Guard in support of Department of Defense initiatives in relation to Operation Iraqi Freedom and Operation Liberty Shield, $580,000,000, to remain available until December 31, 2003: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and House of Representatives 15 days prior to obligation of any amount of these funds.

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.

GENERAL PROVISION, THIS CHAPTER

SEC. 601. The Bureau of Customs and Border Protection shall 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 by May 2003, the Blue Water Bridge in Port Huron, Michigan, shall be—

(1) equipped with radiation detection equipment; and

(2) 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.

SEC. 602. 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).

SEC. 603. 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.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for the ''Public Health and Social Services Emergency Fund'', $35,000,000 for costs associated with compensating individuals with injuries resulting from smallpox vaccinations and countermeasures, to remain available until expended: Provided, That such funds shall become available only upon the enactment of legislation authorizing a smallpox vaccination compensation program.

SMALLPOX AND OTHER BIOTERRORISM INOCULATION ACTIVITIES

For additional expenses necessary to support grants to States for smallpox and other bioterrorism inoculation activities, $105,000,000, to remain available until September 30, 2004: Provided, That this amount is transferred to the Centers for Disease Control and Prevention.

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).

GENERAL PROVISION

REPATRIATION

SEC. 701. Section 1113(d) of the Social Security Act (42 U.S.C. 1313(d)), is amended by striking ''1991'' and inserting ''2003''.

CHAPTER 8

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for ''General expenses'', $38,165,000, to remain available until expended.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $111,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For an additional amount for ''General administration'', $18,672,000, which shall remain available until September 30, 2007.

CAPITOL BUILDING

For an additional amount for ''Capitol building'', $1,100,000.

CAPITOL POWER PLANT

For an additional amount for ''Capitol power plant'', $14,600,000, which shall remain available until September 30, 2007.

CAPITOL POLICE BUILDINGS AND GROUNDS

For an additional amount for ''Capitol police buildings and grounds'', $40,140,000, to remain available until September 30, 2007.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $5,500,000 to remain available until September 30, 2007.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $1,863,000, to remain available until September 30, 2007.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and expenses'', $4,849,000.

GENERAL PROVISONS, THIS CHAPTER

SEC. 801. 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''.

CHAPTER 9

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.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $127,400,000, to remain available until September 30, 2007.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Family Housing Operation and Maintenance, Air Force'', $2,000,000, to remain available until September 30, 2007.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 901. (a) Up to $150,000,000 of the amounts made available to the Department of Defense from funds appropriated in this Act may be used to carry out military construction projects, not otherwise authorized by law, that the Secretary of Defense certifies are necessary to respond to or protect against acts or threatened acts of terrorism or to prosecute operations in Iraq.

(b) Not later than 15 days before obligating amounts available under subsection (a) for military construction projects referred to in that subsection, the Secretary shall notify the appropriate committees of Congress of the following:

(1) the determination to use such amounts for the project; and

(2) the estimated cost of the project and the accompanying Form 1391.

(c) In this section the term ''appropriate committees of Congress'' has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

SEC. 902. (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.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized, $50,000,000, to remain available until September 30, 2005: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

CHAPTER 11

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.

TITLE II—MISCELLANEOUS AND TECHNICAL CORRECTIONS

CHAPTER 1

SUBCOMMITTEE ON AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES

GENERAL PROVISIONS

SEC. 201. (a) Section 756 in Division A of Public Law 108–7 is amended by striking ''section 7404'' and inserting in lieu thereof ''section 7404(a)(1)''.

(b) Section 10806(b) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(b)) is amended by adding at the end the following:

''(3) EFFECTIVE DATE.—This subsection and the amendment made by this subsection take effect on May 13, 2003.''.

(c) Section 210 of the Agricultural Assistance Act of 2003, ''Assistance to Agricultural Producers Located in New Mexico for Tebuthiuron Application Losses'', is amended in subsection (a)—

(1) by inserting ''all'' before ''losses'';

(2) by inserting after ''losses'' the following: ''to crops, livestock, and trees, and interest and loss of income, and related expenses'';

(3) by striking ''during calendar years 2002 and 2003''; and

(4) by deleting ''August'' and inserting in lieu thereof ''July''.

(d)(1) STUDY ON THE SALE OF MILK INTO CALIFORNIA.—Within 90 days, the Secretary shall report to Congress on the economic impacts to California dairy farmers from handlers or processors of Class I milk products in the Las Vegas-Nevada-Arizona region selling milk or milk products into the California State order.

(2) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937 (as amended by subsection (a)), is amended by adding at the end the following:

''(N) EXEMPTION OF MILK HANDLERS FROM MINIMUM PRICE REQUIREMENTS.—Notwithstanding any other provision of this subsection, prior to January 1, 2005, no handler with distribution of Class I milk products in the Arizona-Las Vegas marketing area (Order No. 131) or Pacific Northwest marketing area (Order No. 124) shall be exempt during any month from any minimum milk price requirement established by the Secretary under this subsection if the total distribution of Class I products within the Arizona-Las Vegas marketing area or the Pacific Northwest marketing area of any handler's own farm production exceeds the lesser of—

''(i) 3 percent of the total quantity of Class I products distributed in the Arizona-Las Vegas marketing area (Order No. 131) or the Pacific Northwest marketing area (Order No. 124); or

''(ii) 5,000,000 pounds.''.

(3) EXCLUSION OF CLARK COUNTY, NEVADA FROM FEDERAL MILK MARKETING ORDERS.—

(A) IN GENERAL.—Section 8c(11)(C) the Agricultural Adjustment Act (7 U.S.C. 608c(11)(C)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking the last sentence and inserting the following: ''In the case of milk and its products, Clark County, Nevada shall not be within a marketing area defined in any order issued under this section.''.

(B) INFORMAL RULEMAKING.—The Secretary of Agriculture may modify an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to implement the amendment made by paragraph (1) by promulgating regulations, without regard to sections 556 and 557 of title 5, United States Code.

(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).''.

SEC. 202. 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.

SEC. 203. 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.''.

CHAPTER 2

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for ''Procurement, Acquisition and Construction'' for satellite programs, $117,060,000, to remain available until September 30, 2004: Provided, That funds provided under this heading for the National Polar-orbiting Operational Environmental Satellite System shall only be made available on a dollar for dollar matching basis with funds provided for the same purpose by the Department of Defense: Provided further, That of the amount provided under this heading, $2,460,000 shall be transferred to, and merged with, funds provided under the heading ''International Fisheries Commissions'' of Division B of Public Law 108–7 and shall only be available for the Pacific Salmon Commission: Provided further, That of the amount provided under this heading, $1,000,000 shall be transferred to, and merged with, funds provided under the heading ''International Fisheries Commissions'' of Division B of Public Law 108–7 and shall only be available for the Great Lakes Fishery Commission, of which $500,000 shall be used for sea lamprey control in Lake Champlain: 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.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for ''Equal Employment Opportunity Commission, Salaries and Expenses'', $23,300,000, of which $5,000,000 shall remain available until September 30, 2004.

NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for ''National Commission on Terrorist Attacks Upon the United States, Salaries and Expenses'', $11,000,000, to remain available until September 30, 2004.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 2001. (a) Of the funds made available in Title I of Division B of Public Law 108–7, under the heading ''Juvenile Justice Programs'', for Family Ties Supervised Visitation Services in Wakefield, Rhode Island, $100,000 are rescinded.

(b) For an additional amount in Title I of Division B of Public Law 108–7, under the heading ''Juvenile Justice Programs'', $529,000, which shall only be available for law enforcement costs related to the Station nightclub fire on February 20, 2003, to remain available until December 31, 2003.

SEC. 2002. Not later than 60 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall jointly report to the Committee on Appropriations on the feasibility of providing access to State and local law enforcement agencies to the database of the Department of State on potential terrorists known as the ''Tipoff'' database including the process by which classified information shall be secured from unauthorized disclosure.

SEC. 2003. 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.

SEC. 2004. 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''.

CHAPTER 3

SUBCOMMITTEE ON DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), $9,358,000 are rescinded (including $9,261,000 from local funds and $97,000 from other funds).

ECONOMIC DEVELOPMENT AND REGULATION

For an additional amount for ''Economic Development and Regulation'', $14,998,000 (including $288,000 from local funds and $14,710,000 from other funds).

PUBLIC SAFETY AND JUSTICE

For an additional amount for ''Public Safety and Justice'' (Public Law 108–7), $10,422,000 from local funds.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), $11,667,000 are rescinded (including a rescission of $13,778,000 from local funds and an additional amount of $2,111,000 from other funds), to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—An increase of $2,029,000 (including a rescission of $29,000 from local funds and an additional amount of $2,058,000 from other funds);

(2) STATE EDUCATION OFFICE.—A rescission of $181,000 from local funds;

(3) PUBLIC CHARTER SCHOOLS.—Notwithstanding any other provision of law, a rescission of $12,000,000 from local funds: Provided, That of these funds, not less than $3,000,000 shall be used for providing adequate charter school facilities and educational programming in public charter schools in the District of Columbia;

(4) UNIVERSITY OF THE DISTRICT OF COLUMBIA.—A rescission of $1,040,000 from local funds;

(5) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—A rescission of $221,000 (including a rescission of $273,000 from local funds and an additional amount of $53,000 from other funds); and

(6) COMMISSION ON THE ARTS AND HUMANITIES.—A rescission of $255,000 from local funds.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSIONS)

For an additional amount for ''Human Support Services'', $28,278,000 (including an additional amount of $32,312,000 from local funds and a rescission of $4,034,000 from other funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7).

In addition, this heading in the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Public Law 108–7), is amended as follows:

(1) by striking the following proviso, ''Provided further, That $3,209,000 of this appropriation, to remain available until expended, shall be deposited in the Interim Disability Assistance Fund to be used exclusively for the Interim Disability Assistance program established by section 201 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Official Code, sec. 4–202.01), and the purposes for that program set forth in section 407 of the District of Columbia Public Assistance Act of 1982, effective April 3, 2001 (D.C. Law 13–252; D.C. Official Code, sec. 4–204.07):'', and

(2) by amending the following proviso, '': Provided further, That $37,500,000 in local funds, to remain available until expended, shall be deposited in the Medicaid and Special Education Reform Fund.'' to read as follows '': Provided further, That $74,500,000 in local funds may be deposited in the Medicaid and Special Education Reform Fund and shall then remain available until expended.''.

PUBLIC WORKS

(INCLUDING RESCISSIONS)

For an additional amount for ''Public Works'', $3,107,000 (including a rescission of $8,311,000 from local funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), and an additional amount of $11,418,000 from other funds): Provided, That $512,000 from other funds shall remain available until expended for the taxicab revolving loan fund.

REPAYMENT OF LOANS AND INTEREST

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), $2,466,000 are rescinded.

NON-DEPARTMENTAL

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), $5,799,000 are rescinded.

WORKFORCE INVESTMENTS

(INCLUDING RESCISSIONS)

Of the funds appropriated under this heading in the District of Columbia Appropriations Act, 2003 (Public Law 108–7), $2,000,000 are rescinded.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 3001. USE OF THE FUND BALANCE. (a) The District of Columbia is hereby authorized to transfer an amount not to exceed $32,900,000, to remain available until expended, from funds identified in the fiscal year 2002 comprehensive annual financial report as the District of Columbia's fund balance to the local general fund to cover the impact of revenue shortfalls associated with the war economy: Provided, That nothing in this provision shall be deemed as granting the District additional authority to expend funds from the emergency or contingency reserves established under section 450A of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Official Code, sec. 1–204.50a(b)).

SEC. 3002. EXTENSION OF CHIEF FINANCIAL OFFICER'S AUTHORITY. The authority which the Chief Financial Officer of the District of Columbia exercised with respect to personnel, procurement, and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect through September 30, 2004.

CHAPTER 4

SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

STATE AND TRIBAL WILDLIFE GRANTS

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''.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

Division F of Public Law 108–7 is hereby amended under the heading ''National Park Service, Operation of the National Park System'' by striking ''$1,565,565,000'' and inserting ''$1,574,565,000''.

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

Within thirty days of enactment of this Act, the Secretary of the Interior shall make available for obligation funds previously appropriated in Public Law 107–63 for construction of the Ojibwa Indian School.

RELATED AGENCY

GENERAL PROVISION

Section 328 of Division F, Public Law 108–7 is amended by striking the phrase ''under the authority of Section 504 of the Rescissions Act of 1995 (Public Law 104–19)'' in the proviso.

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Interior shall provide a report to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Resources and Appropriations of the House of Representatives detailing the Secretary's intent regarding the direct sale of 983 acres in Clark County, Nevada, known as Lake Las Vegas Phase II.

CHAPTER 5

SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for the Employment and Training Administration, ''Training and Employment Services'' to carry out activities authorized under section 171(b) of the Workforce Investment Act, $1,000,000: Provided, That such sum shall be for the Jobs for America's Graduates (JAG) school-to-work program for at-risk young people.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

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, Texas 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''.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The matter under the heading ''Office of the Secretary, Public Health and Social Services Emergency Fund'', in Public Law 108–7 is amended by striking '', to remain available until expended'' after the ''$5,000,000''.

GENERAL PROVISION

INTERNATIONAL HEALTH ACTIVITIES

(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, Division 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.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

The matter under the heading ''Department of Education, School Improvement Programs'', in Public Law 108–7 is amended—

(1) by striking ''$8,052,957,000'' and inserting ''$8,053,507,000'';

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

(3) by striking ''$4,132,167,000'' and inserting ''$4,233,167,000'';

(4) by striking ''$814,660,000'' and inserting ''$815,210,000''; and,

(5) by striking ''$212,160,000'' and inserting ''$212,710,000''.

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, Illinois, 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, Illinois, 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, Florida, for technology for Title I schools shall be deemed to read as follows: ''St. Petersburg College, St. Petersburg, Florida, 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 $200,000 for the Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground shall be deemed to read as follows: ''Harford County Board of Education in Aberdeen, MD, for a collaboration between a science and technology high school and the Aberdeen Proving Ground, $700,000'';

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

(6) the provision specifying $100,000 for the American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities shall be deleted;

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

(8) 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'';

(9) 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'';

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

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

(12) 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'' and a provision shall be added that reads: ''Beresford Community Education in Beresford, SD to expand community education programs, $150,000'';

(13) 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'';

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

(15) the provision specifying $40,000 for the Father Maloney's Boys Haven, Louisville, Kentucky for technology shall be deemed to read as

follows: ''Father Maloney's Boys Haven, Louisville, Kentucky for an educational program, $40,000'';

(16) 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

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

HIGHER EDUCATION

The matter under the heading ''Higher Education'', in Public Law 108–7 is amended—

(1) by striking ''$2,100,701,000'' and inserting ''$2,100,151,000''; and,

(2) by striking ''$140,599,000'' and inserting ''$140,049,000''.

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 $500,000 for Harford County Public Schools, Bel Air, MD, for support of a math and science magnet school program at Aberdeen High School shall be deleted and a provision shall be added that reads: ''American Academy of Liberal Education, Washington, D.C., to develop projects and survey best practices in the study of American democracy and principles of free government at colleges and universities, $100,000'';

(3) 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'';

(4) the provision specifying $150,000 for Beresford Community Education in Beresford, SD to expand community education programs shall be deleted;

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

(6) 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''.

DEPARTMENT OF EDUCATION

GENERAL PROVISION

Section 1707(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6537(3)) is amended by striking ''17'' and inserting ''19''.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The matter under the heading ''Corporation for National and Community Service, Domestic Volunteer Service Programs, Operating Expenses'', in Public Law 108–7 is amended by inserting ''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'' after ''in this Act''.

CHAPTER 6

SUBCOMMITTEE ON LEGISLATIVE BRANCH

CAPITOL POLICE

TRANSFER OF LIBRARY OF CONGRESS POLICE. Section 1015(a)(3) of the Legislative Branch Appropriations Act, 2003, is amended by inserting '', or, if earlier, on February 20, 2005'' before the period.

CHAPTER 7

SUBCOMMITTEE ON TRANSPORTATION, TREASURY AND GENERAL GOVERNMENT

DEPARTMENT OF TRANSPORTATION

(a) Section 336 of Division I of Public Law 108–7 is amended by striking ''transportation management'' and inserting in lieu thereof ''urbanized''.

(b) Section 321 of Division I of Public Law 108–7 is amended by—

(1) inserting ''or underneath'' in subsection (q)(2) before ''the Class B airspace'';

(2) deleting ''has sufficient capacity and'' in subsection (q)(3) after ''Title 49''; and

(3) inserting ''passenger'' in subsection (q)(3) before ''delays''.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 701. 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.

SEC. 702. 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.

CHAPTER 8

SUBCOMMITTEE ON VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

The referenced statements of managers under the heading ''Community development fund'' in title II of Public Law 108–7 under grant No. 26 under the Neighborhoods Initiative program is amended by striking ''Glendale, Montana'' and inserting in lieu thereof ''Gendive, Montana''.

The referenced statements of managers under the heading ''Community development fund'' in title II of Public Law 106–377 is amended by striking ''$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for infrastructure improvements at the Serenity Village homeless programs'' and inserting in lieu thereof ''$200,000 for Light of Life Ministries in Allegheny County, Pennsylvania for renovation and infrastructure improvements for a homeless service center on Penn Avenue in Pittsburgh''.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Under the heading ''Salaries and expenses'' in title II of Public Law 108–7, strike out in the eighth proviso ''and all other statutes and regulations related to the obligation and expenditure of funds made available in this, or any other Act'' and strike out in the eleventh proviso ''and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act''.

INDEPENDENT AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

To liquidate obligations previously incurred by the Corporation for National and Community Service (''Corporation''), up to $64,000,000 is provided to the National Service Trust: Provided, That the Corporation may use these funds only to liquidate the deficiency that it has already incurred and that these funds are not available for obligation, or to liquidate obligations, for any other purpose whatsoever: Provided further, That the Corporation may not use these funds unless and until it reports these overobligations to the Congress and the President in accordance with the requirements of the Antideficiency Act and the guidance of the Office of Management and Budget in OMB Circular A–11 (2002): Provided further, That the second proviso under the heading ''Corporation for National and Community Service'' in 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, without regard to the provisions of section 501(a)(4)(B) of the Act''.

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''.

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.

GENERAL PROVISIONS, THIS TITLE

SEC. 201. 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, Vermont project.

TITLE III—COLUMBIA ORBITER MEMORIAL ACT

SEC. 301. SHORT TITLE.

This title may be cited as the ''Columbia Orbiter Memorial Act''.

SEC. 302. CONSTRUCTION OF MEMORIAL TO CREW OF COLUMBIA ORBITER AT ARLINGTON NATIONAL CEMETERY.

(a) CONSTRUCTION REQUIRED.—The Secretary of the Army shall, in consultation with the Administrator of the National Aeronautics and Space Administration, construct at an appropriate place in Arlington National Cemetery, Virginia, a memorial marker honoring the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS–107.

(b) AVAILABILITY OF FUNDS.—Of the amount appropriated or otherwise made available by title II of the Department of Defense Appropriations Act, 2003 (Public Law 107–248) under the heading ''OPERATION AND MAINTENANCE,

ARMY'', $500,000 shall be available for the construction of the memorial marker required by subsection (a).

SEC. 303. DONATIONS FOR MEMORIAL FOR CREW OF COLUMBIA ORBITER.

(a) AUTHORITY TO ACCEPT DONATIONS.—The Administrator of the National Aeronautics and Space Administration may accept gifts and donations of services, money, and property (including personal, tangible, or intangible property) for the purpose of an appropriate memorial or monument to the seven members of the crew of the Columbia Orbiter who died on February 1, 2003, over the State of Texas during the landing of space shuttle mission STS–107, whether such memorial or monument is constructed by the Administrator or is the memorial marker required by section 302.

(b) TRANSFER.—(1) The Administrator may transfer to the Secretary of the Army any services, money, or property accepted by the Administrator under subsection (a) for the purpose of the construction of the memorial marker required by section 302.

(2) Any moneys transferred to the Secretary under paragraph (1) shall be merged with amounts in the account referred to in subsection (b) of section 302, and shall be available for the purpose referred to in that subsection.

(c) EXPIRATION OF AUTHORITY.—The authority of the Administrator to accept gifts and donations under subsection (a) shall expire five years after the date of the enactment of this Act.

TITLE IV—AVIATION INDUSTRY RELIEF PROVISIONS

SEC. 401. TEMPORARY SUSPENSION OF SECURITY SERVICE FEES.

The Undersecretary of Homeland Security for Border and Transportation Security shall not impose the fees authorized by section 44940(a) of title 49, United States Code, during the period beginning on April 1, 2003, and ending on September 30, 2003.

SEC. 402. REIMBURSEMENT OF AIRLINES FOR CERTAIN INCREASED SECURITY COSTS.

There are appropriated to the Secretary of Transportation for fiscal year 2003 $1,000,000,000, such sums to remain available until expended, $600,000,000 of which shall be used to reimburse each air carrier engaged in air transportation and intrastate air transportation of passengers for compensation (as such terms are used in subtitle VII of title 49, United States Code) for the amount by which the costs incurred by such air carrier during calendar year 2002 in complying with aviation security requirements imposed by Federal law, including requirements imposed by the Transportation Security Administration, exceeded the aviation security costs the carrier would have incurred during that year in the absence of those requirements, and $400,000,000 of which shall be used to reimburse each such air carrier for the amount by which the costs incurred by the air carrier during calendar year 2003 exceeded the aviation security costs the carrier would have incurred during that year in the absence of those requirements, such costs to be determined by studies conducted by the air carriers in accordance with guidelines to be developed, within 30 days after the date of enactment of this Act, by the Undersecretary of Homeland Security for Border and Transportation Security in consultation with the Secretary of Transportation, describing in detail, by function, amount, and class (including operating expenses, capital expenditures, and one time and recurring costs), the costs for which reimbursement is sought: Provided, That the Inspector General of the Department of Transportation certifies the guidelines as being appropriate to determine such costs: Provided further, That the Inspector General certifies as complete and accurate all claims submitted by an air carrier for reimbursement under this section, and: Provided further, That if the sum of the costs to be reimbursed to all such air carriers for 2002 exceeds $600,000,000, the amount of the reimbursement to each such carrier shall be an amount that bears the same ratio to $600,000,000 as the reimbursable cost of that carrier bears to the sum of the reimbursable costs of all such carriers for that year, and if the sum of the costs to be reimbursed to all such air carriers for 2003 exceeds $400,000,000, the amount of the reimbursement to each such carrier shall be an amount that bears the same ratio to $400,000,000 as the reimbursable cost of that carrier bears to the sum of the reimbursable costs of all such carriers for that year.

SEC. 403. ADDITIONAL AMOUNT FOR COCKPIT DOOR REIMBURSEMENT.

In addition to amounts appropriated under the preceding section, there are appropriated to the Secretary of Transportation $100,000,000, to remain available until expended, to compensate air carriers for the direct costs associated with the strengthening of flight deck doors and locks on aircraft required by section 104(a)(1)(B) of the Aviation and Transportation Security Act.

SEC. 404. AIRPORT SECURITY EXPENSES AND INVESTMENT.

There are appropriated to the Secretary of Transportation $375,000,000, to remain available until expended, to be made available, after consultation with the Secretary of Homeland Security, to airports for operating expenses and capital investment related to improvements in aviation security: Provided, That the amounts made available for capital expenses shall be made available to airport sponsors, as such term is used in chapter 471 of title 49, United States Code, on such terms and conditions, and pursuant to such applications, similar to the terms, conditions, and applications applicable to amounts made available under that chapter.

SEC. 405. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) of title 49, United States Code, is amended by striking ''2003,'' each place it appears and inserting ''2004,''.

(b) EXTENSION OF LIABILITY LIMITATION.—Section 44303(b) of such title is amended by striking ''2003,'' and inserting ''2004,''.

(c) EXTENSION OF AUTHORITY.—Section 44310 of such title is amended by striking ''2003.'' and inserting ''2004.''.

SEC. 406. LIMIT ON EXECUTIVE COMPENSATION REQUIRED FOR EXTENDED WAR RISK INSURANCE COVERAGE.

(a) IN GENERAL.—Notwithstanding any provision of law to the contrary, the Secretary of Transportation may not provide insurance or reinsurance under chapter 443 of title 49, United States Code, after August 31, 2003, and before January 1, 2005, to an air carrier operating aircraft for the transportation of passengers for compensation unless that air carrier executes a contract with the Secretary under which the air carrier agrees that—

(1) it will not provide total compensation during the 12-month period beginning on April 1, 2003, or the subsequent 12-month period, to an executive officer in an amount equal to more than the annual salary paid to that officer during the air carrier's fiscal year 2002; and

(2) if the air carrier violates its agreement under paragraph (1), it will pay to the Secretary of the Treasury, within 60 days after the date on which the violation occurs, an amount, determined by the Secretary of Transportation, equal to the difference between—

(A) the amount it paid for insurance provided or reinsured under chapter 443 of such title for the 12-month period in which the violation occurred; and

(B) the amount it would have paid for the same or similar insurance coverage for that period if the insurance had not been provided or reinsured under that chapter.

(b) EXECUTIVE OFFICERS EMPLOYED FOR LESS THAN 12 MONTHS IN FISCAL YEAR 2002 OR WHOSE EMPLOYMENT COMMENCED AFTER FISCAL YEAR 2002.—For the purpose of applying subsection (a)(1) to an executive officer—

(1) who was employed by an air carrier for less than 12 months during the air carrier's fiscal year 2002, or whose employment began after the last day of the last fiscal year of such air carrier ending before the date of enactment of this Act—

(A) the salary paid to that executive officer in that air carrier's fiscal year 2002, or in the next fiscal year of that air carrier (if such next fiscal year began before the date of enactment of this Act), respectively, shall be determined as an annual rate of pay;

(B) that annual rate of pay shall be treated as if it were the annual salary paid to that executive officer during that air carrier's fiscal year 2002; and

(C) that executive officer shall be deemed to have been employed during that fiscal year; and

(2) whose employment begins after the date of enactment of this Act—

(A) the annual salary at which that executive officer is first employed by an air carrier may not exceed the maximum salary paid to any executive officer by that air carrier during that air carrier's fiscal year 2002 with the same or similar responsibilities;

(B) that salary shall be treated as if it were the annual salary paid to the executive officer during that air carrier's fiscal year 2002; and

(C) the executive officer shall be deemed to have been employed by that air carrier during that air carrier's fiscal year 2002.

(c) AUDIT AUTHORITY.—The Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to implement subsection (a). The Comptroller General shall transmit a report of any investigation conducted under this subsection to the Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House of Representatives Committee on Transportation and Infrastructure, together with a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) DEFINITIONS.—In this section:

(1) EXECUTIVE OFFICER.—The term ''executive officer'' means a named executive officer (as that term is used in section 402(a)(3) of Regulation S-K promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. 229.402(a)(3))).

(2) TOTAL COMPENSATION.—The term ''total compensation'' has the meaning given that term by section 104(b) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note), but does not include amounts paid, under a contract, retirement plan, or other legally binding arrangement in effect on March 26, 2003, to an executive officer on account of that executive's retirement or termination of employment.

SEC. 407. GAO REPORT ON AIRLINES ACTIONS TO IMPROVE FINANCES AND ON EXECUTIVE COMPENSATION.

(a) FINDING.—The Congress finds that the United States government has by law provided substantial financial assistance to United States commercial airlines in the form of war risk insurance and reinsurance and other economic benefits and has imposed substantial economic and regulatory burdens on those airlines. In order to determine the economic viability of the domestic commercial airline industry and to evaluate the need for additional measures or the modification of existing laws, the Congress needs more frequent information and independently verified information about the financial condition of these airlines.

(b) SEMIANNUAL REPORTS.—The Comptroller General shall prepare a semiannual report to the Congress—

(1) analyzing measures being taken by air carriers engaged in air transportation and intrastate air transportation (as such terms are used in subtitle VII of title 49, United States Code) to reduce costs and to improve their earnings and profits and balance sheets; and

(2) stating—

(A) the total compensation (as defined in section 104(b) of the Air Transportation Safety and System Stabilization Act (49 U.S.C. 40101 note)) paid by the air carrier to each officer or employee of that air carrier to whom that section applies for the period to which the report relates; and

(B) the terms and value (determined on the basis of the closing price of the stock on the last business day of the period to which the report relates) of any stock options awarded to such officer during that period.

(c) GAO AUTHORITY.—In order to compile the reports required by subsection (b), the Comptroller General, or any of the Comptroller General's duly authorized representatives, shall have access for the purpose of audit and examination to any books, accounts, documents, papers, and records of such air carriers that relate to the information required to compile the reports. The Comptroller General shall submit with each such report a certification as to whether the Comptroller General has had access to sufficient information to make informed judgments on the matters covered by the report.

(d) REPORTS TO CONGRESS.—The Comptroller General shall transmit the compilation of reports required by subsection (c) to Senate Committee on Appropriations, the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Appropriations, and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 408. AIR CARRIERS TO SUBMIT OPERATIONAL EXPENSE REDUCTION PLANS.

(a) IN GENERAL.—Each air carrier that receives financial assistance under this Act shall transmit a plan to the Comptroller General within 90 days after the date of enactment of this Act that, if implemented, will reduce that air carrier's annual operating expenses by an amount equal to the greater of—

(1) 10 percent of that carrier's annual operating expenses determined as of June 15, 2002; or

(2) the amount of financial assistance that air carrier has received or will receive under this Act.

(b) OPERATING EXPENSES.—In determining annual operating expenses for purposes of this section, an air carrier shall compute operating expenses attributable to fuel on the basis of the average price of such fuel for June 15, 2002.

SEC. 409. ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION FOR DISPLACED AIRLINE RELATED WORKERS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''eligible individual'' means an individual whose eligibility for temporary extended unemployment compensation under 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), 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, employment 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.

(b) ADDITIONAL TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION 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 subsection (c).

(c) MODIFICATIONS.—

(1) IN GENERAL.—For purposes of subsection (b), 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 subsection.

(2) 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 title 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 title, 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.''.

(3) 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—

(A) in subsection (b)(1)—

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

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

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

(4) EFFECTIVE DATE OF MODIFICATIONS DESCRIBED IN PARAGRAPH (3).—

(A) IN GENERAL.—The amendments described in paragraph (3)—

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

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

(B) 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 section) shall be applied subject to the following:

(i) 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 paragraph (3)(A).

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

(I) any determination made under section 203(c) of such Act before the application of the amendment described in paragraph (3)(B) 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 paragraph (3)(B)—

(aa) 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 subsection, and including any amounts described in clause (i)) are in fact exhausted, except that

(bb) 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.

TITLE V—PANEL TO REVIEW SEXUAL MISCONDUCT ALLEGATIONS AT UNITED STATES AIR FORCE ACADEMY

SEC. 501. ESTABLISHMENT OF PANEL.

(a) ESTABLISHMENT.—There is established a panel to review allegations of sexual misconduct allegations at the United States Air Force Academy.

(b) COMPOSITION.—The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have knowledge or expertise in matters relating to sexual assault, rape, and the United States military academies.

(c) CHAIRMAN.—The Secretary of Defense shall, in consultation with the Chairmen of the Committees on Armed Services of the Senate and House of Representatives, select the Chairman of the panel from among its members under subsection (b).

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(e) MEETINGS.—The panel shall meet at the call of the Chairman.

(f) INITIAL ORGANIZATION REQUIREMENTS.—(1) All original appointments to the panel shall be made not later than May 1, 2003.

(2) The Chairman shall convene the first meeting of the panel not later than May 2, 2003.

SEC. 502. DUTIES OF PANEL.

(a) IN GENERAL.—The panel established under section 501(a) shall carry out a study in order to determine responsibility and accountability for the establishment or maintenance of an atmosphere at the United States Air Force Academy that was conducive to sexual misconduct (including sexual assaults and rape) at the United States Air Force Academy.

(b) REVIEW.—In carrying out the study required by subsection (a), the panel shall—

(1) the actions taken by United States Air Force academy personnel and other Department of the Air Force officials in response to allegations of sexual assaults at the United States Air Force Academy;

(2) review directives issued by the United States Air Force pertaining to sexual misconduct at the United States Air Force Academy;

(3) review the effectiveness of the process, procedures, and policies used at the United States Air Force Academy to respond to allegations of sexual misconduct;

(4) review the relationship between—

(A) the command climate for women at the United States Air Force Academy, including factors that may have produced a fear of retribution for reporting sexual misconduct; and

(B) the circumstances that resulted in sexual misconduct at the Academy; and

(5) review, evaluate, and assess such other matters and materials as the panel considers appropriate for the study.

(c) REPORT.—(1) Not later than 90 days after its first meeting under section 501(f)(2), the panel shall submit a report on the study required by subsection (a) to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

SEC. 503. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—(1) Members of the panel established under section 501(a) shall serve without pay by reason of their work on the panel.

(2) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this title.

(b) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel.

TITLE VI—GENERAL PROVISIONS

SEC. 601. 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,' ''.

SEC. 602. 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''.

SEC. 603. 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.

SEC. 604. Section 626 of title VI of division B of Public Law 108–7 is amended by striking ''previously''.

SEC. 605. Section 7304 of Public Law 107–110 is amended by striking ''such as'' and inserting in lieu thereof ''operated by''.

SEC. 606. 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.''.

SEC. 607. Section 127b(b) of title 10, United States Code, is amended by striking ''$200,000'' and inserting ''$5,000,000''.

This Act may be cited as the ''Supplemental Appropriations Act to Support Department of Defense Operations in Iraq for Fiscal Year 2003''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 108, 109, 110, 111, 112, 113, 114, and 115. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

Raul David Bejarano, of California, to be United States Marshal for the Southern District of California for the term of four years.

Allen Garber, Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

SECURITIES INVESTOR PROTECTION CORPORATION

Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2003.

Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2006.

Thomas Waters Grant of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2005.

William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2003.

William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2006.

NATIONAL CONSUMER COOPERATIVE BANK

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.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

HONORING MARY JANE JENKINS OGILVIE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 110, which was submitted earlier today by Senator KYL.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 110) honoring Mary Jane Jenkins Ogilvie, wife of former Senate Chaplain, Reverend Dr. Lloyd John Ogilvie.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. I would like to comment, Mr. President, about Mary Jane Ogilvie. Many public men are described in their own right for their own accomplishments, and then their wives are referred to casually.

Senator Alan Simpson's wife, who took my wife under her wing when we first came here, described it this way. She said: ''We are just LWOs, which means 'lovely wives of.' ''

Mary Jane Ogilvie was indeed the lovely wife of our Chaplain, Lloyd Ogilvie, but she was far, far more than an appendage to her husband. She had her own contribution to make to this body and to all of the Members in it.

Many wives of important men do not want to have anything to do with their husbands' careers and create areas of their own. They do not have an interest in what their husband does. Mary Jane Ogilvie was an incredibly important part of Lloyd Ogilvie's entire career.

The two of them were a team, inseparable. Her faith was as strong as his. Her dedication to the ministry and to the Gospel, as they understood it, was as deep as his. And her friendships forged here in the Senate were as strong as his. She was, as I say, an integral part of the ministry he performed here.

When she became too ill to carry on her portion of that ministry, he was unable to carry on his, which was very appropriate, in my view, because they were a team. He had his priorities straight, and he realized that, as important as his work here was, his duty to his wife was even greater.

When it became necessary for her, as she sought to find treatment for her condition, to move to California, there was never a doubt in Lloyd Ogilvie's mind that he would move with her. They were a team.

Some would have said: Well, she is hospitalized. I have a career. I will stay here. I will call her on weekends or get out there when I can, but I will let her go forward on her own. Lloyd Ogilvie is not that kind of a man, and their marriage was not that kind of a marriage. When she needed him, she had him, which is a manifestation of the fact that when he needed her, he had her.

So this resolution is but a small token of the Senate's gratitude for the contribution that Mary Jane Ogilvie made to the lives of all of us.

My wife and I were privileged enough to become friends of this team. We went to dinner together. We had conversations about our families. We had conversations about religion. We had

conversations about the Senate and its spiritual health. As the leader of the Senate Prayer Breakfast during the time that Lloyd Ogilvie was our Chaplain, I got to know both of them extremely well.

It is with great sorrow that we note her passage. But as I have said before of others to whom we have had to say good-bye in this fashion, we do not mourn for Mary Jane. We know where Mary Jane is. We know that all is well with her. Our sense of loss is for ourselves and the fact that we have been deprived now of her company, her spirit, and the joy of her life.

I join with Senator KYL and thank Senator KYL for this resolution in paying tribute to a woman whose contribution to the Senate is not reflected in the payroll or any official record but is engraved in the hearts of all of us.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD.

Mr. REID. Reserving the right to object, Mr. President, I would like to extend, through the Chair, to my friend from Utah the appreciation of the whole Senate for the content of the remarks of the Senator from Utah and the manner in which they were delivered.

Those of us who know Lloyd Ogilvie certainly have great respect for him. I told him personally. My first knowledge of his presence was when I attended the funeral of the late departed Senator from Georgia, Mr. Coverdell. He did such a remarkable job at that funeral. Even though I had seen him here and listened to him give prayers many times, that was the first time I had really felt his presence.

I did not know his wife Mary Jane well. I had met her, but that was all. It was good to hear from the Senator from Utah about his knowledge of Mary Jane Ogilvie, who Reverend Ogilvie talked to me about many times, as every morning we were here together.

So I think the remarks of the Senator from Utah were timely. And I, on behalf of the whole Senate, extend my appreciation to the Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from Nevada for his kind comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 110) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 110

Whereas Mary Jane Jenkins Ogilvie, a friend to the United States Senate who succumbed April 1, 2003, to infirmities that she had battled courageously over many years was—

(1) petite in size, but grand in character, a woman with strong independent status, while still being steadfastly supportive of her husband during his chaplaincy;

(2) an active, vibrant, frank, honest, vigorous, and warm friend, especially to many Senate spouses, during her eight years here;

(3) a loving wife and mother who, though she missed her family in California, was a vital partner in her husband's service to the Senate, near the end of which she returned home to California;

(4) a devout woman, a fighter to the end, an individual impressive for her style, her spirit, and her strong faith; and

(5) the center of her family, cherished by her husband Lloyd, her children Heather, Scott, and Andrew, and her grandchildren Erin, Airley, Bonnie, and Scotter: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Mary Jane Jenkins Ogilvie;

(2) recognizes her contributions to the Senate family;

(3) admires her courage and loyalty; and

(4) expresses gratitude that she is now with the Lord.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION.

The Secretary of the Senate shall transmit an enrolled copy of this resolution to the family of Mary Jane Jenkins Ogilvie.

ORDERS FOR WEDNESDAY, APRIL 9, 2003

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Wednesday, April 9. I further ask unanimous consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business until 11:30 a.m., with the first 30 minutes equally divided between Senator HUTCHISON and the minority leader or their designees and the remaining time, until 11:30, equally divided between the two leaders or their designees; provided further that during the Republican-controlled time, Senator DOLE be recognized for up to 15 minutes and Senator KYL be recognized for up to 15 minutes.

Finally, I ask unanimous consent that at 11:30 a.m., the Senate return to consideration of S. 476, the CARE Act, and there then be 30 minutes equally divided for general debate remaining, with all other provisions of the consent remaining in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. For the information of all Senators, the Senate will be in a period of morning business tomorrow until 11:30 a.m. Following morning business, the Senate will resume debate on the CARE Act. When the Senate returns to the bill, Senator NICKLES will offer his amendment related to land sales. The Senate will vote on both the Nickles amendment and passage of the bill at approximately 12:30 tomorrow.

Following passage of the CARE Act, the Senate may resume consideration of the nomination of Priscilla Owen. In addition to the Owen nomination, the Senate may consider the PROTECT Act conference report, if available, as well as the POW resolution. Therefore, additional votes are expected.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BENNETT. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:44 p.m., adjourned until Wednesday, April 9, 2003, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 8, 2003:

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.

NATIONAL CONSUMER COOPERATIVE BANK

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.

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.

DEPARTMENT OF JUSTICE

RAUL DAVID BEJARANO, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

ALLEN GARBEN, OF MINNESOTA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MINNESOTA FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

TRIBUTE TO CAPTAIN LASZLO OCSKAY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. HINCHEY. Mr. Speaker, I rise today to honor posthumously Captain Laszlo Ocskay, a courageous and righteous individual whose actions saved the lives of thousands of Jews during the Nazi occupation of Budapest, Hungary in 1944–1945. I am not the first to recognize Captain Ocskay's outstanding humanitarian service on this floor, and I proudly add my voice to those who have paid tribute to this remarkable man's life. Much of the recognition of Captain's Ocskay's historic contributions has fortunately come to light in recent years thanks to the research and writings of Dan Danieli of Riverdale, New York.

Captain Laszlo Ocskay served in the Austro-Hungarian army as an officer during World War I, during which he suffered wounds to his leg that left him ineligible for active service in the post-war Hungarian army. Captain Ocskay remained on inactive reserve until 1944 when he requested to be reactivated to the 101/359 Labor Service Battalion. Despite his injuries, Captain Ocskay was appointed to the post of Commanding Officer of Labor Service Battalion, assigned the task of collecting and warehousing clothes.

At great risk to his personal safety, Captain Ocskay sought and then used this position to protect and sustain more than two thousand men, women and children who were threatened by the Hungarian Arrow-Cross's increasing violence against Jews in Budapest. Against official policy, Captain Ocskay allowed many escapees from other forced labor units, survivors of anti-Jewish campaigns, family members of the men in his labor service, and others facing persecution to join the ranks of the 101/359 Battalion.

Through his connections with sympathetic German military officials and his partnership with Section-T of the International Red Cross, Captain Ocskay was able to successfully shield these individuals from the increasing persecution of Jewish residents as well as provide them with food, medicine and other necessities. The Section-T was in fact quite dependent on Captain Ocskay, who opened his private home to be used as their headquarters, as well as a sanctuary for a small number of Jews in hiding. Raoul Wallenberg, the Swedish diplomat who rescued tens of thousands of Jews during this same period, is also known to have operated from Captain Ocskay's home and was hidden at his house shortly before being captured by the Soviet troops. Captain Ocskay persevered in his extraordinary efforts to protect the lives and safety of those in his labor camp until the Soviet liberation of the Labor Camps.

Following the end of World War II, Captain Ocskay was arrested numerous times by the communists who alleged that he was an American spy. Captain Ocskay's position in an American oil company's Budapest office and his ties with Wallenberg and others who the Soviets had disappeared may have made him suspect. After repeated arrests and releases, he escaped to Austria and then later moved to the United States to live with his son. Captain Ocskay died in 1966 in Kingston, New York, where he is buried. He is survived by his son, George Ocskay, his daughter-in-law, Helen Ocskay, and his granddaughter, Elisabeth.

Captain Ocskay's outstanding humanitarian contributions were largely unrecognized during his lifetime. He was however posthumously awarded a gold metal by the President of Hungary, and the city of Budapest has honored him with a permanent public memorial. Certainly, Captain Ocskay's bravery and resolve in the face of the inhuman and brutal Holocaust perpetuated against European Jews stands as an important reminder of the difference that principled and moral individuals can make against even the most egregious manifestations of human hatred and bigotry.

Mr. Speaker, I am delighted to join the Jewish Federation of Ulster County this April 27, 2003 in honoring the distinguished legacy of Captain Ocskay and in paying tribute to his surviving family members.

HONORING THE 25TH ANNIVERSARY OF THE SOLOMON SCHECHTER DAY SCHOOL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McGOVERN. Mr. Speaker, I rise to pay tribute to the Solomon Schechter Day School in Worcester, Massachusetts and to congratulate the teachers, students, and parents of the school on the occasion of its 25th anniversary.

Solomon Schechter Day School was founded in 1977 when a group of local parents explored the idea of establishing a Jewish day school for the Worcester community. They shared a common vision: educate their students intellectually and spiritually and, in doing so, inspire them to assume leadership roles within secular and Jewish worlds.

Under the leadership of Principal Malka Levine, the school opened its doors on September 6, 1978 with 21 students in kindergarten through Grade 3. By 1990 the school enrolled students through Grade 8, completing their original goal to serve students from K to 8. Today enrollment has grown to 116 students who come from a wide variety of families in Worcester County representing diverse religious and socio-economic backgrounds. Graduates have gone on to further their education at some of our finest institutions and serve their community as educators, teachers, physicians, scientists, and many other fields.

Mr. Speaker, I am proud to congratulate the Solomon Schechter Day School on 25 years of providing an exceptional education for Worcester County's children and for instilling in them the importance of serving their community. I am confident that the entire U.S. House of Representatives joins me in my admiration for the school and its accomplishments.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. GALLEGLY. Mr. Speaker, on April 7, 2003, I was unable to vote on H.R. 1055, the ''Dr. Roswell N. Beck Post Office Building'' Designation Act (rollcall vote 109), H. Res. 127, Expressing the sense of the House that a month should be designated as ''Financial Literacy for Youth Month'' (rollcall 110), and H.R. 1368, ''Norman Shumway Post Office Building'' Designation Act (rollcall vote 111). Had I been present, I would have voted ''yes'' on all three measures.

THE PENSION BENEFITS PROTECTION ACT OF 2003

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to join today my good friend from Vermont, the Honorable BERNIE SANDERS, in cosponsoring his bi-partisan legislation to protect the pension benefits of older employees. Over 100 members of the House are original co-sponsors of this important bill.

I am also very pleased that this bill enjoys the support of the AFL–CIO, the AARP, the Communication Workers of America, the Pension Rights Center, and other organizations as well as individual employees throughout the country impacted by what are known in the pension world as ''cash balance plan conversions.'' These groups and individuals have been important leaders in this very difficult but important fight.

Millions of white-collar employees and other workers in America will benefit from our bill. Our bill is about fairness. Our bill says that if a company with a traditional defined benefit plan switches—in mid-stream—to a cash balance plan that costs that company less, an older employee has the right to choose to be in whichever of the two plans is better for him or her. We say, let the employee choose.

As you know, the reason that employers can save hundreds of millions of dollars by switching to the increasingly popular cash balance plans is because they will pay their employees less in benefits.

We are not proposing that all employers must have a traditional defined benefit plan for all employees. We are not saying that, nor

could we. We are saying very clearly, however, that if you promised an employee a certain pension, pay that employee the pension you promised.

Our bill would guarantee the right of employees who are 40 years old or older, or who have worked for ten or more years for the same company, to choose to stay in the traditional defined benefit pension plan even if the company decides to convert that plan to a cash balance plan.

When Treasury Secretary Snow visited with Senators DURBIN and HARKIN this past January prior to his confirmation, he told them that he believed in choice. He told them that his railroad company, CSX, offered choice. He said a board he sat on, Verizon, offered choice.

But now he is overseeing a pending change to pension regulations at the Department of Treasury that would not require companies to offer choice. Under the pending rules, a well-meaning company would be allowed to offer choice or otherwise treat their employees fairly.

The problem is that the rules do not require that they be treated fairly. That is wrong. And that is why we are sponsoring this legislation.

As BERNIE pointed out a few weeks ago, no member of Congress would want to see the pension system here changed in mid-stream if it meant that after working for 25 years you would find your expected pension cut in half

Millions of employees across the country don't want to see their hard-earned benefits cut either. But they are afraid. They are looking at their retirement years, after a lifetime of work, and they are afraid that after a cash balance conversion they will lose half of the benefits they expected and worked so hard to achieve. The General Accounting Office has documented that conversions especially hurt older employees and can cost them as much as half of their pension benefits.

These employees are looking at the cost of health insurance, the cost of college for their children, and the cost of retirement. They have counted on their pension to help them through some of those costs. But under a conversion, they risk seeing those benefits and those dreams, cut.

Mr. Speaker, I have been contacted by employees in every industry from across the country, from the airline industry, the finance industry, and industrial companies. They are wondering why in the world would President Bush promote new rules that deliberately give employers the legal protection to slash pension benefits.

The President's proposal raises serious questions about the direction in which he is taking the nation and the people who work so hard every day to make ends meet.

The President does not have a policy to create jobs.

The President does not have a policy to eliminate the budget deficit.

The President does not have a policy to provide health insurance to the uninsured.

But President Bush does have a plan to help companies slash employees' pension benefits.

The business press is full of stories about this problem—retirement security. This isn't something BERNIE SANDERS and RAHM EMANUEL and I have made up. The economic future of Americans is in serious jeopardy and these pension rules are one important part of that problem.

Our legislation will not create jobs, or restore the budget surplus, provide health insurance, or turn around the stock market, although we have proposals to accomplish those goals. Those are not the goals of this particular bill.

But our bill will establish fairness for the treatment of older employees' hard-earned pension benefits. That is what they deserve, what they expect, and what they need.

REGARDING THE UNTIMELY DEATH OF SERGEANT ORLANDO MORALES IN AFGHANISTAN ON MARCH 29, 2003

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I stand here today with a saddened heart for the untimely death of a resident in South Florida who paid the ultimate sacrifice in the name of freedom. On Saturday, March 29, 2003, gunmen on motorcycles ambushed a U.S. military reconnaissance patrol in Southern Afghanistan and killed Sergeant Orlando Morales. I wish to express my deepest condolences to Ms. Maria Roxana Morales and the entire Morales family, and at the same time offer all my support and prayers.

I believe a person's life is not measured by the time spent on this earth, but by what is accomplished while here. With this in mind, Sergeant Morales will always be considered a hero. The ultimate passing of any true hero is a tragedy.

This tragedy only crystallizes the great risk and danger these brave men experience in the name of the people of the United States. All of America mourns the loss of our military men and women, though we cannot feel the depth of the families' pain. We never forget that the peace and prosperity that we enjoy are founded on the ultimate sacrifices made by those who have lost their lives in war throughout our nation's history. They have earned our gratitude and respect.

Because of the very high regard in which I hold all members of the armed services, it is especially disturbing to me when one of these fine young men or women is killed. By any measure, their contributions, in terms of human sacrifice, are immense. As a nation we share the sense of loss that the Morales family is experiencing. Though sorrow runs deep, our pride for Orlando Morales shines brightly.

HONORING JIM AND KATHLEEN HURCKES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Jim and Kathleen, ''Bonnie'', Hurckes, outstanding former residents of the City of Chicago and the greater Southwest side. They will be celebrating their 50th wedding anniversary on Good Friday, April 18, 2003. Their celebration is scheduled for April 13, 2003 at St. Andrew the Apostle in Romeoville, Illinois.

Jim and Bonnie have spent five decades of married life together and have produced a loving and nurturing family consisting of eight children: James (Carol), John, Jeff, Judith (Ron), Joyce, Jerry (Mary Ann), Joseph, and June (Dominic). They are also proud grandparents of their 17 grandchildren: Jay, Jackie, Christine, Rick, Joe, Peggy, Mike, Robert, John, Jeff, Stephanie, Kathleen, Dominic, Nick, Jenna, Mark, and Megan, as well as their first greatgrandchild, Jayton.

Jim and Bonnie have passed fifty years of marriage in loving and consistent devotion to one another, truly exemplifying the spirit of the sacrament of holy matrimony and serving as a model and inspiration to their children and grandchildren.

Mr. Speaker, as Jim and Bonnie continue their wedded journey, I would ask that my colleagues join me in honoring this remarkable couple.

HONORING THE FAIRFAX COUNTY HEALTHY FAMILIES PROGRAM AS A RECIPIENT OF THE 2003 COUNTIES CARE FOR KIDS AWARD

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to congratulate Fairfax County's Healthy Families program on their recognition by the National Association of Counties as a 2003 Counties Care for Kids Award recipient.

Healthy Families Fairfax was launched in 1992 under the parent organization Healthy Families America, and has now been working to improve childcare in Fairfax for over a decade. This Counties Care for Kids Award recognizes the program as an innovative and model county government effort that has demonstrated measurable outcomes for children and their families. Healthy Families Fairfax works directly with first-time parents to promote child health. A public-health nurse and family support worker provide educational and therapeutic support to the family at home, from prenatal through age four of the child.

Studies have shown the immense impact of early childhood care on child development, but unfortunately many children are neglected and even abused during their pivotal formative years. By assisting parents with parenting, health, nutrition, problem-solving, and stress management, Healthy Families Fairfax gives children and families the opportunity to grow up together in a healthy environment. While similar programs do exist, most do not approach the comprehensive approach of Healthy Families Fairfax, whose support teams not only address parenting issues, but also assist families with family problems not directly related to the new baby. This inclusive method affords homes a viable chance to succeed in raising their baby and building a life together.

This worthy project is a voluntary prevention program of the Department of Family Services, in partnership with the Fairfax County Department of Health, Northern Virginia Family Service, UCM Community Solutions, and Reston Interfaith. Only eight programs nationwide have been chosen as 2003 Counties

Care for Kids Award recipients, and Healthy Families Fairfax certainly exemplifies the positive impact that county-wide programs hope to achieve.

Mr. Speaker, in closing, it is an honor to extend my warm congratulations to Healthy Families Fairfax for all of their achievements. The recognition by the National Association of Counties is well deserved. I call upon my colleagues to join me in wishing the Healthy Families Fairfax future success.

HONORING OAK CLIFF LIONS CLUB

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. FROST. Mr. Speaker, I rise today to honor the Oak Cliff Lions Club. This organization has served the Oak Cliff Community faithfully and continually now for seven decades. It is with great pleasure that I congratulate them on their 70th Anniversary. I am proud to be a member of such an organization, one that promotes education, leadership, strong values, and togetherness.

Lions commit themselves to improving the lives of everyone. They are always determined to help the less fortunate, whether they are thousands of miles away, or just down the street. Through the Lions Club, young people can earn scholarships to participate in both international exchanges and community outreach programs.

Lions Clubs not only promote service to their communities, but to the entire world, with over 1.4 million members in 190 countries. In today's global society, Lions clubs are perhaps more important than ever before. Oak Cliff Lions are looking forward to the challenges of today and tomorrow with optimism and unwavering loyalty. Our message is simple but clear. We serve.

Since Lions clubs were established, Lions have been dedicated to giving something back, and I am certain that the Oak Cliff Lions Club will continue its tradition of selfless service and pride in our great community.

A BILL TO PERMIT COOPERATIVES TO PAY DIVIDENDS ON PREFERRED STOCK WITHOUT REDUCING PATRONAGE DIVIDENDS

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. HERGER. Mr. Speaker, today I rise to introduce the Cooperative Dividend Equity Act. This legislation will help to end an unfair tax on cooperatives and their members.

As those of us from agricultural and rural areas can attest, cooperatives play a vital role in many Americans' lives. Whether it be farmers pooling their resources in order to survive in the global marketplace, consumers maximizing their buying power through volume purchasing, or healthcare facilities providing community-based services—cooperatives facilitate people working together for a common good.

One of the greatest challenges facing cooperatives today is access to capital. In order to raise much needed capital and avoid further debt, many cooperatives are considering issuing preferred stock. However, under the current tax laws, stock dividends paid to stockholders are taxed three times: (1) When they are earned by the cooperative; (2) when received by the stockholder; and (3) at the corporate level when earnings are distributed.

Members of cooperatives are taxed on income generated by the cooperative. The cooperative itself, however, is not taxed so long as any ''patronage income'' is distributed to its members. Cooperatives frequently earn at least some non-member, or ''nonpatronage,'' income. Much like a corporation, a cooperative must pay taxes on such nonpatronage income, just as the stockholder, whether a member or non-member, must also pay tax on that income when it is distributed as a dividend. Unlike a corporation, however, cooperatives must then pay what amounts to a third tax due to the operation of an obscure IRS rule.

The ''dividend allocation rule'' imposes a third level of taxation on the cooperative by reducing the amount of patronage dividends paid to cooperative members. Cooperatives, such as a typical farming cooperative, may deduct dividends paid to patrons from taxable income. IRS regulations, however, provide that net earnings eligible for the patronage dividend deduction are reduced by dividends paid on capital stock. This requirement has been interpreted to mean that even dividends paid out of nonpatronage earnings will be ''allocated'' to a cooperative's patronage and nonpatronage earnings in proportion to the relative amount of patronage/nonpatronage business done by the cooperative. This ''allocation'' significantly reduces the amount of net earnings from the patronage operation that may be claimed as a deduction, thus increasing the cooperative's level of taxation.

Put more simply, the ''dividend allocation rule'' allocates income already taxed against what would have otherwise been a deduction. As a result, cooperatives pay more taxes on income used to pay a dividend on stock than would a non-cooperative corporation.

It is time to end the triple taxation on cooperative income and give farmers, consumers, hospitals, and other coop members the flexibility they deserve in structuring their affairs. It is time to eliminate the dividend allocation rule and pass the Cooperative Dividend Equity Act of 2003.

EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 3, 2003

The House in Committee of the Whole House on the State of the Union 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:

Mr. STARK. Mr. Chairman, I rise today in support of the wartime supplemental appropriations bill. Yet, I am greatly troubled by this vote.

The President's crusade to preemptively invade Iraq without regard to peace or diplomacy was wrong. I voted against the resolution giving him the authority to do so and remain opposed to this war. I continue to question the President's judgment as commander-in-chief. Yet, when our troops are in harms way, Congress has a duty to support them and support them we must.

This bill provides our men and women in uniform with the resources that 1 hope will bring a swift end to the war and minimize the loss of life. That is why I am voting in favor of it today.

HONORING THE POEMS OF STUDENTS FROM THE JFK INTERMEDIATE SCHOOL IN DEER PARK, NEW YORK

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share the poems of the students of the JFK Intermediate School in Deer Park, New York.

Like all of us, the war in Iraq is on the minds of America's children. Students at the JFK Intermediate School have taken time to acknowledge the troops and thank them for their dedication and service to our country.

Kyle Thorn, age 10, writes: ''I just want to thank you for protecting not only your country, you are also protecting your people. I also want to thank you for risking your life for every American when you don't even know them. You are what a true American citizen is. When you are out there in Iraq you are not only saluting your country, you are saluting the people in your country.''

I join with these students in their continued support and appreciation for our troops at home and abroad and pray for their safe return home.

DEAR SERVICE MEN & WOMEN: Hi my name is Kyle Thorn, I am 10 years old and I live in Derr Park, Ny. I have an older brother who is 14 and a younger sister that is 6. I dont know if you know him but I have an Uncle whose in the Air National 106th Reserve. His name is George Kalamoros.

In this letter I just want to thank-you For protecting not only your country you are also protecting your people. I also want to thank-you for risking your life for every american when you dont-even know them. You are what a true american citizen is. When you are out there in Iraq you are not only saluting your country you are saluting the people in your country.

From,

KYLE THORN.

DEAR ALEX: hI my name is George. Ylitelo. I rote this Letter To Thank you for serving this country. I hope their is no war. You are thought of every day. IF their is A war Dont worry because you are not alone you have U.S.A.

This is the real world so that means George W. Bush mite make some kind of Deal. If he does not you have the Navy, Army, Air Force, Marines. I know you will make It threw the Long Days of hard work in the Desert.

You Friend,

GEORGE YLITELO.

PLEASE SAVE THE WORLD

(By Heather Lake)

DEAR SOLDIER: Hi, my name is Heather. I am 8 years old. But I will be 9 in April 24th. I want to thank you for volentearing to save the world from losing. Please pray to all that have died in your group that have tried to save this world. I hope you do well. Be carefully with the weapons. We are sending things like: Toilet paper, newspaper, pictures, tishuses, chap stick. I hope you do really really well. I hope you get binladin Hussan.

Thank you and win the war.

P.S. Thank you for your time.

OUR FREEDOM FIGHTERS

(By Mrs. Orofino's Fourth Graders)

John F. Kennedy Intermediate School, Deer Park School District, Deer Park, New York

You're our Knights in Shining Armor.
The personnel carriers your steeds and body protection.
Thundering over the desert on toward Baghdad.
You left home and traveled to foreign lands in the name of Freedom.
You crossed thousands of miles,
Leaving your loved ones behind.
You crossed barren lands over hundreds of miles through the desert.
Listening to artillery fire.
Treating Iraqi citizens
With Kindness and Respect.
Thank you for being our heroes, the World's Protectors of Liberty and Justice.
''Let Freedom Ring!''

TO OUR MARINES

(By Jessica Gulotta)

When you are out there in your tanks
I am giving you a special thanks.
I truly trust you. I really do.
Leaving your homes and families too.
Keep your hopes up; it will get you through.
Heroes, Heroes, that's what you are.
You left your homes and traveled far
Off to war, hoping an end will soon come.
Just fight, fight, fight, and then you're done.

HONORING HARRY BLOWEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Harry Blowey and his contributions to this country. Harry began his service to our nation in the 1940s, serving in the Navy in the Pacific theatre during World War II, and today I would like to honor his accomplishments before this body of Congress and this nation.

Harry was aboard an aircraft carrier, the USS *Bismarck Sea*, during the battle for Iwo Jima when his ship was hit by two Japanese kamikazes. The explosions broke the ship in half, and as the ship sank, Harry lowered himself down a line and jumped into the water, keeping himself afloat for five hours before he was rescued. Harry's ship was the last American aircraft carrier sunk in World War II.

Harry also served as a belly-gunner during the battles for Leyte and Luzon in the Philippine Islands, earning the Distinguished Flying Cross, a Navy and Marine Corps medal for heroism, and three air medals for special combat missions. Now Harry is continuing to serve his country by sharing his story with his neighbors and the Veterans' History Project, ensuring that his experiences will be permanently archived at the U.S. Library of Congress.

Mr. Speaker, it is a great privilege to honor Harry Blowey for his service to this country. He served selflessly during a time when our country was in great need. His actions have brought great credit to himself and his nation, and his willingness to share his story with posterity will benefit generations to come. Thanks, Harry, for your service to this nation.

PERSONAL EXPLANATION

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. FLETCHER. Mr. Speaker, on Monday, April 7, 2003, had I been present for rollcall vote Nos. 109, 110, and 111, I would have voted the following way: Rollcall vote No. 109—''aye''; Rollcall vote No. 110—''aye''; Rollcall Vote No. 111—''aye.''

TRIBUTE TO 2003 NCAA CHAMPIONS SYRACUSE UNIVERSITY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. WALSH. Mr. Speaker, I rise today to honor the Syracuse University Orangemen. Last night, Syracuse laid claim to the school's first Division I Basketball National Championship after defeating the University of Kansas, 81–78. In addition to the players and coaching staff, many deserve recognition, including school administrators, faculty, staff, alumni, students, and one of the most loyal fan bases in all of collegiate athletics.

Mr. Speaker, as you may know, Syracuse has been to the Final Four before. Last night's championship game proved for Head Coach Jim Boeheim that the third time was the right time as his Orangemen came full circle to defeat a national powerhouse in the Louisiana Superdome, avenging a heartbreaking 1987 loss to Indiana in the same facility. Preparing for a championship match up against a senior-led Kansas team is not an easy task. Jim deserves much credit for his young team's outstanding determination and accomplishment.

Knowing Coach Boeheim personally, I would like to congratulate him here on the House floor. He is Syracuse basketball. Coaching his alma mater for twenty-seven years and being part of Syracuse basketball for more than half his life, this championship is deserved not only for all of Syracuse's supporters and community but for the coach himself. Also deserving praise this afternoon is Head Assistant Coach Bernie Fine and the rest of the Syracuse coaching staff.

Syracuse's championship team was led by Final Four MOP, freshman Carmelo Anthony, with outstanding support from Gerry McNamara, Billy Edelin, Kueth Duany, Hakim Warrick, Craig Forth, Jeremy McNeil, and Josh Pace. This young team demonstrated poise, presence, and pride in their performance throughout the tournament and all season long.

The Orangemen's win last night certifies that Syracuse is a national college basketball powerhouse. Congratulations to the entire Syracuse University community. We are proud of you.

TRIBUTE TO THE FRIENDS OF NORRIS COTTON CANCER CENTER

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. BASS. Mr. Speaker, I rise today to honor the contributions made by the Friends of Norris Cotton Cancer Center in Lebanon, New Hampshire.

Whereas the Friends of Norris Cotton Cancer Center began in 1982, when a group of civic-minded citizens, all friends of Senator Norris Cotton, founded an organization to support Norris Cotton Cancer Center, which was established in 1972, through the efforts of Senator Norris Cotton and Dr. Frank Lane.

Whereas the Friends of Norris Cotton Cancer Center have lived up to their stated purpose to promote the welfare of the Cancer Center at Dartmouth-Hitchcock Medical Center during the past two decades.

Whereas the Friends of Norris Cotton Cancer Center have adopted the Audrey Prouty Century Ride & Fitness Walk as its signature fundraiser.

Whereas the Prouty first began 22 years ago when four nurses rode 100 miles through the White Mountains of New Hampshire as a tribute to one patient's courage in her battle with ovarian cancer.

Whereas last year's proceeds from the Prouty enabled Norris Cotton Cancer Center researchers to continue their work assessing a person's genetic risk for cancer, developing new and better medications to fight the disease, and advancing basic science investigations critical to finding a cure for cancer.

Whereas the recent purchase of an Agilent Microarray System, a powerful weapon in the war against cancer, was made possible through the work of the Friends of Norris Cotton Cancer Center has made possible the identification of previously unidentified targets within tumors and the development of novel drugs to attack and hopefully kill these tumors.

Whereas the continued fundraising efforts of the Friends of Norris Cotton Cancer Center through the Prouty and other venues will most assuredly translate into even more discoveries in the search for a cure for cancer.

Therefore I invite my colleagues in the House of Representatives to join me in extending heartfelt appreciation and admiration to the Friends for their contributions towards the cure for cancer in our lifetime.

TRIBUTE TO JERRY PINO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Sergeant

Jerry Pino and thank him for the contributions he has made to the community police department of Pueblo, Colorado. Jerry recently retired after twenty-five years with the Pueblo police force, and today I would like to honor his accomplishments before this body of Congress and this nation.

Jerry joined the department in 1978 after leaving the U.S. Marine Corps, and earned his promotion to sergeant in 1994. In the course of his career, Jerry won three commendations for his actions on the job, catching two armed robbery suspects by anticipating their escape route and almost single-handedly unraveling a theft ring. Just this past year, Jerry saved the life of an eighty-four year old woman when he found her collapsed just outside her apartment in freezing weather. As a former police officer myself, I know of the dedicated service, long hours and unrivaled commitment that our law enforcement officers give to their communities. Jerry's twenty-five years of service exemplify this dedication.

Mr. Speaker it is a great privilege to honor Sergeant Jerry Pino and wish him the best as he leaves the Pueblo Police Department. He has been an effective officer and an integral part of the police force for twenty-five years. Jerry, thank you for your dedicated service.

GERRY MCNAMARA MAKES NORTHEASTERN PENNSYLVANIA PROUD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the key role that Gerry McNamara of Scranton played in the outstanding season of the Syracuse University men's basketball team, culminating in their winning the NCAA championship Monday.

For example, he scored 18 of the team's 81 points in the title game. Clearly, the phrase ''just a freshman'' does not apply to him, and he certainly earned the honor of being named to the Final Four All-Tournament Team. He was also a unanimous selection to the Big East All-Rookie Team, which is selected by the league's head coaches.

By helping lead his collegiate team to victory, Mr. McNamara is continuing his outstanding record from Bishop Hannan High School, where he set records and led the team as it won the state Class AA championship last year. Before that, he led the Holy Rosary team to a Catholic Youth Organization title in the eighth grade.

Those who know Mr. McNamara's history from Scranton were not at all surprised by how well he has played at the national level.

Mr. Speaker, Gerry McNamara has continued to make Scranton and Northeastern Pennsylvania proud. I expect we will see more great things from this fine young man in years to come, and I send my congratulations to him and his family and friends.

IN HONOR OF KUP'S COLUMN ON ITS 60TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. LIPINSKI. Mr. Speaker, today I would like to place in the CONGRESSIONAL RECORD an article by Steve Neal, a political editor for the Chicago Sun Times. The article, entitled Kup's column turns 60—and still going strong, is about Irv Kupcinet, the greatest and most influential columnist that Chicago has ever had, and one of the most influential columnists in the history of America.

Steve Neal wrote the following:

He is without peer.

Irv Kupcinet, who is celebrating the 60th anniversary of his column, is one of the more durable institutions in the history of American journalism. ''Kup's Column,'' which started in January 1943, is the nation's longest running newspaper column.

''He'll delve into every phase of local enterprise and activity . . . business, politics, nightclubs, the theater, sportsband . . .'' the old Chicago Times announced in a house ad. ''Intimate, sprightly, his column will be brimming over with names that make news.''

In his first item, Kup reported that Irving Berlin berated the cast of his musical revue, ''This is The Army,'' after a published report that they tired of the road tour and wanted to resume their military duties,

Kup also disclosed that state Sen. Abraham Lincoln Marovitz (D-Chicago) was about to enlist in the Marines, and that comedian Joe E. Lewis, who was then performing at the Chez Paree, would soon be embarking for North Africa to entertain U.S. troops.

In looking back, Kup says that first six months of the column were the most difficult. But then he soon found a voice and went on to become one of the nation's more influential columnists.

He has appeared as a character in a Saul Bellow novel and two of Otto Preminger's classic films. Kup is the only living Chicago journalist to have a bridge named after him. The Kupcinet Bridge is on Wabash Avenue over the Chicago River.

His success is no accident. Kup is a man of incredible drive and energy. He is fair, honest, accurate, and has more contacts than anyone else in the newspaper game.

He met with future President Gerald R. Ford when they were teammates on the 1935 College All-Star football team. Kup, a quarterback who played at North Dakota and later for the Philadelphia Eagles, stood behind Ford, a center for the University of Michigan.

''I have a somewhat different view of the president of the United States,'' Kup later remarked.

''I've always liked Kup,'' Ford told me in a 1996 interview at his home in Vail, Colo. ''He's a good friend and a darned good reporter. One of the best.''

Kup loves Jerry Ford. But his favorite president is Harry Truman, whom he met when Truman was about to be nominated for the vice presidency at the 1944 Democratic National Convention in Chicago. He gave Kup a card on which he wrote: ''Kup, you're entitled to admission, the front door and the back door is always open.''

Truman's portrait still hangs behind Kup's desk at the Chicago Sun-Times. Clifton Truman Daniel, the late president's grandson, said Truman felt a bond with the Chicago newsman because ''they were both straight shooters and were comfortable with each other.''

In the final stretch of the 1948 presidential campaign, when Truman was trailing in the polls, he told Kup: ''I'm out slugging doing the best that I can. No man can do more.''

Kup may have been the only columnist in America who gave Truman a chance to win. Truman later confided to Kup that the reason he fired Gen. Douglas MacArthur during the Korean War was that MacArthur ''wanted to use the atomic bomb against the Chinese.''

It was Kup who got the scoop when Truman decided not to seek re-election in 1952. Kup also accurately predicted that Illinois Gov. Adlai Stevenson would be drafted that year as the Democratic presidential nominee.

At the 1956 Democratic National Convention, Kup noted that the young John F. Kennedy was the ''brightest young hope to emerge from the conclave.''

Kup championed civil rights in his column and provided a forum for such voices of freedom as the Rev. Martin Luther King, Jr., Malcolm X, Muhammad Ali, and the Rev. Jesse L. Jackson.

When Bill Clinton won the presidency, Kup was among the strongest advocates for lifting the barrier against gays in the military. Kup also supported Truman when he issued his executive order to desegregate the armed services.

Kup is probably more identified with Frank Sinatra, than any other show business personality. A half a century ago, Sinatra won the Academy Award for his role in ''From Heaven to Eternity.'' Kup persuaded Harry Cohn of Columbia Pictures to give Sinatra this part.

It should be noted that Stella Foster, Kup's associate for 34 years, is a major contributor to the success of the column. Kup's late wife, Essee, also was an integral part of the column.

On May 18, a celebration of Kup's 60th anniversary will be held at the Hilton Chicago. The proceeds will go to the Chicago Academy for the Arts. Larry King is scheduled to be the master of ceremonies.

Playboy Chief Executive Officer Christie Hefner and her husband, former state Sen. William A. Marovitz, are cochairing this special event with Kup's grandchildren, David Kupcinet and Kari Kupcinet-Kriser. For more information, call (312) 595–1400.

TRIBUTE TO MR. CHARLIE NATHANIEL HALL, SR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Charlie Nathaniel Hall, Sr. Mr. Hall was born and raised in my hometown of Newark, New Jersey and has become a very active member within the community.

Attending public schools in Newark, Mr. Hall went on to earn an art degree from the Newark School of Fine and Industrial Arts, with a concentration in Product Design. While there Mr. Hall was also a member of the Gamma Delta Phi Fraternity and worked part-time in downtown Newark, where he earned the reputation of a ''laborer''.

Mr. Hall's ability to grasp and handle multiple tasks sent him through the ranks and earned him the Vice-Presidency of Local 108 in 1984. He was eventually elected President of the Local Union in 1989 and served until

1998. Later in that same year he would be elected vice-president of the UFCW. Working in all aspects of these organizations, Mr. Hall is an integral component of the development and success of all organizations with which he works. He is currently President Emeritus of Local 108, RWDSU.

In addition to being an active member in the Labor movement, Mr. Hall is also very active within the community, working with the Young Businessmen's Association of Newark as well as the Benevolent Protective Order of Reindeer, Inc. His contributions to the community are innumerable, and I am thankful to stand here today to recognize his work.

As Mr. Hall gathers with family and friends to celebrate his long and successful career, I know that my colleagues in the U.S. House of Representatives join me in recognizing his substantial contributions and in wishing him the very best as he pursues other endeavors.

HONORING MIKE DAVIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Mike Davis of Pueblo, Colorado. As the president of Pueblo Community College, he has done much to promote the importance of higher education in my district, and today I would like to highlight his accomplishments before this body of Congress and this nation.

Mike worked as a clinical social worker before entering academia as an instructor at Vincennes University in Indiana, the community college where he earned an associate's degree in psychology in 1972. Taking on increasing leadership roles at Vincennes, Mike eventually earned a doctorate in higher education administration. He came to Pueblo from Indiana to serve as PCC's executive vice president in 2000, assuming the job of president in 2001.

As a community college graduate himself, Mike understands the pivotal role these institutions play in the intellectual development of his students. As president of PCC, Mike has been an exceptional supporter of the Phi Theta Kappa honor society that promotes scholarship and a lively intellectual climate among students at two-year colleges. Mike will receive the Shirley B. Gordon Award of Distinction from Phi Theta Kappa for his support of the society and its PCC chapter.

Mr. Speaker, our nation's community colleges are learning centers for a wide variety of students, helping them to achieve their goals. Mike Davis encourages high standards for intellectual achievement in the academic community he heads, and his support for Phi Theta Kappa is only one measure of that support. It is a great privilege to salute Mike before this body of Congress and this nation for his achievements as both a teacher and a community leader.

ENERGY DEVELOPMENT AND WILDLIFE—PERSPECTIVE FROM WYOMING

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. UDALL of Colorado. Mr. Speaker, this week the House will be debating major legislation to revise our national policies regarding energy.

There are many aspects to that debate. One that must not be overlooked is the need to balance energy development on Federal lands with the other resources, values, and uses of those lands. Colorado and the other Rocky Mountain states have a great stake in that part of the debate—something that was well illustrated by a recent article by one of our neighbors, Ted Kerasote, entitled "Wyoming Lives Uneasily with Big Game and Big Equipment."

For the benefit of our colleagues, I am attaching that article:

[From the Writers on the Range]

WYOMING LIVES UNEASILY WITH BIG GAME AND BIG EQUIPMENT

(By Ted Kerasote)

As meat lockers go, this corner of northwestern Wyoming is one of the prettiest on earth. Behind me, as I sit on this sage-covered bluff, is a great horseshoe of snow-dusted peaks: the Wind Rivers, the Gros Ventres, the Wyoming Range. Ahead lies the Upper Green River Valley: empty, vast and skeined with moving lines of pronghorn antelope.

Twice each year, these herds move south to their winter range and return north to summer forage. Some of these antelope routinely trek 200 miles to Grand Teton National Park, making their particular migration the longest undertaken by any mammal in the Lower 48.

In addition to the 32,000 pronghorn out here, there's also 48,000 mule deer, some of them moving upwards of a hundred miles to reach the surrounding national forests and their summer haunts. Now and then I see some of the 8,000 elk that seep down from the high country, and there's rarely a morning when, walking across these hills and draws, I don't flush a covey of sage grouse.

The size of small turkeys, the birds stop my heart when they burst directly from beneath my feet.

With the quarters of one antelope already on ice, I'm sitting up here and looking for another; in fact, two. Like many people in Wyoming, I haven't eaten farm-raised meat in decades. Three antelope, one elk and a variety of grouse, ducks, and geese feed my family and me, and the friends who help with the packing, from fall to fall. It's one of the blessings of living amid lots of publicly owned land: Food is inexpensive, healthy and fills the soul while it's gathered.

Or so it's been until recently.

Today, when I look south, I can see several pickup trucks leaving dust plumes, here and there an ATV skittering through the sage, men erecting aerials on hilltops, and a line of enormous ''thumper trucks,'' big as tanks, rumbling their slow way across the landscape. Overhead, helicopters flash as they tend seismic equipment that read what lies below. The antelope, trying to negotiate this gantlet, rush helter-skelter from thumper truck to hovering helicopter and back.

Natural gas happens to be one of the other blessings of these public lands. The Bureau of Land Management has already permitted 3,090 wells in what's called the Pinedale Resource Area, with many more on the way. In fact, with the Bush administration's push to fast-track the production of domestic energy resources, the BLM has exceeded the number of wells permitted by its 1988 Resource Management Plan. It's now in the midst of writing a new one, which will decide the fate of the Upper Green's wildlife for next 15 to 20 years.

I suspect that many hunters in the basin (2,600 go after antelope, 7,300 after mule deer, and 7,600 after elk) feel about the way I do: We all use natural gas, but we're not willing to extract it at the expense of the region's wildlife. So what I've been saying to the BLM is this: Protect the land critical to these animals in winter; make it off-limits to anything that might disturb it.

The animals' transitional habitat needs to be protected as well. That's all the country antelope and deer use for food and rest while on their migrations to and from their summer and winter ranges. Anyone who has spent some time in this basin has probably noticed the passages through which deer and antelope have migrated for millennia, some of them only a half-mile wide. These bottlenecks need to be safeguarded.

The Bureau of Land Management also needs to recognize that more than energy development is taking place out here. Private lands are being subdivided even as some livestock grazing continues, and an ever-increasing number of recreationists—from hunters and anglers to snowmobilers and ATVers—use roads and trails and everything in between.

What I'm describing, of course, are cumulative impacts—something the federal agency has done a poor job of adding up. The current resource plan, in fact, lacks such an analysis. Most of all, what I keep asking of our federal land managers is caution: Let's find out what's happening to wildlife before we permit more gas well development.

Today, though, I have nothing left to say. Thumper trucks shaking the ground approach my bluff, and I head back to the car, looking for some undisturbed bit of country. These days in the Upper Green, it is getting harder and harder to find.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. BOYD. Mr. Speaker, I was unavoidably detained and missed the following votes. Had I been present for rollcall votes 105, 109, 110, and 111, I would have voted the following way: rollcall Vote No. 105: ''nay;'' rollcall Vote No. 109: ''yea;'' rollcall Vote No. 110: ''yea;'' rollcall Vote No. 111: ''yea.''

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. HONDA. Mr. Speaker, on rollcall Votes Nos. 109, 110, and 111, I was unavoidably detained with important matters in my district.

As a result, I was unable to cast a vote on the measure to designate the facility of the United States Postal Service located at 1901 West Evans Street in Florence, South Carolina, as the ''Dr. Roswell N. Beck Post Office

Building,'' the measure expressing the sense of the House of Representatives that the month of April should be designated as ''Financial Literacy for Youth Month'' and the measure to designate the facility of the United States Postal Service located at 7554 Pacific Avenue in Stockton, California, as the ''Norman D. Shumway Post Office Building.''

Had I been present, I would have voted ''aye'' on rollcall Vote No. 109, ''aye'' on rollcall Vote No. 110 and ''aye'' on rollcall Vote No. 111.

HONORING THE MONTROSE SENIOR CENTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the Senior Center of Montrose, Colorado on the occasion of its thirtieth anniversary. Since 1973, the Senior Center has provided a place for seniors to gather, share a hot meal, and participate in a variety of group activities. The center plays a pivotal role in the Montrose community, and today I would like to celebrate its anniversary before this body of Congress and this nation.

The Senior Center has grown and changed over the thirty years since it first offered a Valentine's Day bingo game, finally establishing a permanent meeting place in 1990 with the opening of the Montrose Pavilion. The center's meal program has steadily grown, now serving an average of 139 meals at the center and delivering seventy-two more to homebound seniors every day. The senior recreation department offers about twenty-five classes a week, introducing seniors to computers, yoga, and oil painting and offering events such as lectures and sporting tournaments for over 1,500 participants a month. In a rural community like Montrose, the senior center provides an important focal point for enhancing the lives of senior citizens, both physically and mentally.

Mr. Speaker, the Montrose Senior Center has been providing many services crucial to the local senior community for thirty years and it shows no signs of slowing down. Its longevity is admirable—a credit to its members and the surrounding community. Today I would like to congratulate the Senior Center of Montrose for its outreach to the senior citizen community.

PERSONAL EXPLANATION

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. HOEFFEL. Mr. Speaker, unfortunately, I was absent for votes on Monday, April 7, 2003, as a result of a medical procedure. Had I been present, I would have cast my votes as follows: Rollcall vote No. 111: ''aye''; rollcall vote No. 110: ''aye''; and rollcall vote No. 109: ''aye.''

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. BACHUS. Mr. Speaker, on Monday, April 7th, I missed rollcall votes 109, 110 and 111, due to a flight delay. If I had been present I would have voted ''yea'' on rollcall No. 109, ''yea'' on rollcall No. 110 and ''yea'' on rollcall No. 111.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. PORTMAN. Mr. Speaker, on April 7, 2003, I was unavoidably detained at a leadership meeting and missed the vote on rollcall No. 109 on H.R. 1055, the Roswell N. Beck Post Office Building Designation Act.

Had I been present, I would have voted, ''yes.''

TRIBUTE TO THE TOLEDO-LUCAS COUNTY HEALTH DEPARTMENT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Ms. KAPTUR. Mr. Speaker, Lucas County, Ohio will celebrate Public Health Week April 7–13, 2003. I am pleased to recognize the efforts of the Toledo-Lucas County Health Department and its Public Health Planning Committee in its efforts to promote health education for the citizenry of our region.

The Toledo-Lucas County Health Department provides a wide array of services, including immunizations, AIDS/HIV counseling and testing, specialty health clinics, wellness programs, outreach, and advocacy. It is the local agency responsible for ensuring safe water and air, environmental services, food protection, animal control, and health assessments of the people in Lucas County. Its staff, administration, and volunteers are committed to public service, and deeply dedicated to the promotion of public health and wellness.

Celebrated in 46 states, Public Health Week is a coordinated effort to utilize the resources of the systems of public health to educate people about a wide array of issues. This year's effort focuses on weight and obesity. With two-thirds of adults overweight, and the number of overweight children tripling in twenty years, Public Health Week 2003 urges Americans to ''shape up their future.''

HONORING DEE CRANE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize Dee Crane for her exemplary service to the Mesa County Valley School District in Colorado. Dee has been an educator for forty-two years and today I would like to honor her accomplishments before this body of Congress and this nation.

Dee began teaching at Lincoln Orchard Mesa Elementary School before serving as Assistant Principal at Appleton, Pomona, and Lincoln Park Elementary Schools. She became principal at Taylor Elementary School in 1971 after two years as the district's Administrative Supervisor of Elementary Education. Since then, Dee has earned a reputation as an innovative and effective educator, consistently implementing new teaching methods and helping her students to achieve high scores on assessment tests.

Dee also recognizes the critical role of parental and community involvement in a child's education, and works with the local PTA to organize volunteer programs at Taylor. As principal, Dee plays a very active role in the lives of her students and faculty, spending her days in classrooms and on the playground rather than in the principal's office. For her efforts, Dee has earned numerous community honors, most recently named a Woman of Distinction by the Grand Junction American Business Women's Association.

Mr. Speaker, it is a great privilege to recognize Dee Crane for her service to Mesa County Valley School District and to elementary education in Western Colorado. Dee is a guiding force in the lives of her young students and a dedicated leader of Taylor Elementary School. It is my great privilege to honor her today, and I wish her the best in all of her future endeavors.

TRIBUTE TO ERIC SCOTT RUSSELL

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise to recognize a great American youth, Eric Scott Russell. Eric Scott Russell was born on May 1, 1985 to Julie and Daryll Russell.

The family is a member of St. Dominic parish where Eric attended elementary school. His academic learning was broadened with his attendance at University School, St. Ignatius High School and Charles Rush, where he was to graduate June 2003. In addition to his schooling, Eric was an exceptional athlete in cross country track and field and football.

Eric had a desire to have a career in journalism. As a result of his diligence and hard work, the Cleveland Plain Dealer and the Cleveland National Association of Black Journalists selected Eric to participate in a seven-week internship and seminar, where he was honored as ''the most knowledgeable on current events''.

At his home going services, I read Eric Scott Russell's college entrance essay entitled, ''Overcoming Adversity''. It read:

> Many people say that the adversity we face in life can either make us or break us. Well, it all depends on the way that you look at obstacles, placed in your path, and what you learn as a result of going through them. I have learned the true relevance of this for myself because of recent adversity that I have faced. This adversity has taught me

that you have to always work for your best and never settle for anything less because, even if you don't deserve it, people will try to put you down and slight your name and your character. If you haven't made sure that you are at the top of your game, these attacks can break you.

The obstacle that I was forced to face was racism. Racism is, unfortunately, a common obstacle for African-American people, but my situation was unique in that it allowed a great number of people to learn of it. At the end of my junior year, a student who worked as the sports editor of the school yearbook decided, for reasons I still do not know, to deliberately and maliciously misrepresent me in print. Instead of putting my name under the Cross-Country Team picture, this student editor put the slur ''Blacky''. The yearbook staff and faculty advisor submitted then published the yearbook and it was distributed to the entire school.

When I was confronted with what this boy did it blew me away. I couldn't understand why this had happened to me and it sent me through a myriad of emotions. At first I was confused, then anger set in to cloud my thinking even more. I was filled with self-pity and fear of what people might say or do. I worried what this boy's hateful actions would do to my future and there wasn't much anyone could say to make me feel any better. I had to sort it out on my own and come up with my own answers.

Over time, and after much thought, I was left with two realizations. The first did not take me too long to reach. I decided that I should not feel any self-pity because the slur did not reflect on my character, but rather on the character of the boy who did this to me. The second realization took much more time because of its importance and its impact on my life. I realized that up to that point, I had not accomplished much in my high school career, and had not made a lasting mark to show that the slur was not a reflection of who I am. I decided to remain at my high school and complete my senior year, rather than allow the pain of racism to drive me away. I would face the racism and work to correct it. I joined the ''Project LOVE'' student group to begin this task.

Although the long-term ramifications of this one horrific event can never be speculated upon with accuracy or fully understood there are few things that I know for sure. I know that our society often projects the guilty behind a veil of obscurity while the victim is hung out to dry. I know that there are poor people who will rush to defend, or even worse, condone racism in our society. But, I also know that I must show, by my deeds, that character and integrity mean something in this world, because I believe as professed by Mahatma Gandhi, that education without character is one of the seven deadly social sins in our society. I know that my actions must reflect my beliefs and that my life must be a testimony to this fact.

On behalf of the people of the 11th Congressional District of Ohio and the United States Congress, I extend my sincere condolences.

GUATEMALA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. KUCINICH. Mr. Speaker, in the past year, Guatemala has relapsed into some of the same anarchic behavior it demonstrated during its brutal civil war from 1960 to 1996, which pitted leftist guerrillas against the military and associated right-wing death squads. An alarming escalation is now taking place not only in the country's general level of violence, but also in the activity of death squads linked to the military. There has been an ominous increase in human rights violations. HIJOS, a humanitarian organization based in Guatemala, released a study on January 29 which reported that 61 young people have been murdered in Guatemala City during just the first 3 weeks of the new year.

These covert paramilitary groups, which are remnants of the anti-Communist military and civil institutions that existed during the country's bitter civil strife, have reemerged to protect a burgeoning drug trade.

Guatemala's government, led by President Alfonso Portillo, is hopelessly mired in corruption, intertwined with illicit activity on the part of the military, and is complicit with the expansion of the drug trade. Since Portillo took office, drug seizures have decreased dramatically. According to a 2001 United Nations Office of Drug and Crime (UNODC) study, Guatemala's reported seizure of cocaine steadily increased from 956 kg in 1995 to 9,959 kg in 1999. In 2000, however, the year after Portillo took office, this trend reversed and the number plunged to 1,517 kg of cocaine.

The country's difficulties with drugs, corruption, and human rights abuses are germane because they jeopardize the White House's plans for the development of a U.S.-sponsored free-trade agreement with Central America. The Bush administration, by decertifying Guatemala but not suspending its $53 million in aid, is purposefully misusing the decertification process by sacrificing its war on drugs for a potential trade accord, continuing aid to the corrupt Portillo regime in order to maintain relations with Guatemala at all costs.

The following research memorandum was authored by Jason Ballet, a research associate with the Washington-based Council on Hemispheric Affairs (COHA), a nonpartisan, non-profit organization that has been long committed to addressing issues associated with democracy and human rights throughout the hemisphere.

GUATEMALA'S DRUG WOES AND THE MISUSE OF THE DRUG CERTIFICATION PROGRAM

(By Jason Ballet, Research Associate, Council on Hemispheric Affairs)

In the past year, Guatemala has relapsed into some of the same anarchic behavior it demonstrated during its brutal civil war from 1960 to 1996, which pitted leftist guerrillas against the military and associated right-wing death squads. The latter groups were responsible for most of the 200,000 deaths that occurred during the conflict. An alarming escalation is now taking place not only in the country's general level of violence, but also in the activity of death squads linked to the military. These groups have reemerged with a new motivation—to protect a burgeoning drug trade. By deferring to the military, a weak government led by Alfonso Portillo is either unwilling or unable to halt rights violations and impede the now booming narcotics trade. The Bush administration, by maintaining normal relations with Guatemala through decertifying it but not suspending its $53 million in aid, is sacrificing the drug war in favor of cultivating a free trade agreement with Central America. Today, Portillo's government more closely resembles a ''drugocracy'' than a democracy; it is corrupt, an utter captive of the drug trade, and linked to growing rights violations.

THE RETURN OF DEATH SQUADS

Rightist death squads have resurfaced, relying on an arsenal of tactics ranging from death threats, to the intimidation of prominent political figures, judges, and human rights activists, and political assassinations. These groups have committed numerous rights violations just within the past month. On January 9, 2003, unidentified gunmen assassinated the former congressional leader and head of the Christian Democrats, Jose Lubon Dubon. A few weeks later, on January 27, assailants attacked the opposition leaders of the National Unity for Hope (UNE) party, resulting in 5 injuries. Furthermore, the Supreme Court of Guatemala recently revealed that more than 130 judges received death threats since 2001. The majority of international and local observers attribute such activities to illegal arms groups.

High profile assassinations are not a new phenomena in Guatemala, occurring in the thousands during the 1980s. Former foreign Minister Alberto Fuertes Mohr, Myrna Mack, an anthropologist who investigated displaced indigenous populations during the civil war, and Bishop Juan Gerardi, the head of the Guatemalan Archdiocese who published a major Truth Commission study implicating the military in the vast majority of deaths during the war, were all murdered by clandestine groups due to their democratic standing.

Preliminary statistics recorded this year demonstrate an ominous increase in murder rates compared to the already substantial levels over the past two years. HIJOS, a humanitarian organization based in Guatemala, released a study on January 29 which reported that 61 young people have been murdered in Guatemala City during just the first 3 weeks of the new year. The report explains that ''50 percent of the victims showed a bullet wound to the head,'' indicating that many were premeditated executions designed by organized groups.

A NEW MOTIVATION AND PORTILLO'S COMPLICITY

Why have the death squads reemerged? The escalation of violence and the reintroduction of death squads have accompanied an expansion of the drug trade under the tenure of Portillo, beginning in December of 1999. The government is hopelessly mired in corruption and intertwined with illicit activity on the part of the military. Both the military and government are complicit in protecting and expanding the drug trade in Guatemala, from which they handsomely benefit.

The illegal armed groups now being found in Guatemala are in fact remnants of the anti-Communist military and civil institutions that existed during the country's bitter civil strife of the 1980s. According to a 2002 Canadian Disarmament Information Service (CANDIS) report, retired military officers often transformed their entire units into criminal enterprises. These former soldiers possess intimate knowledge of the nation's facilities that in the past were used in covert operations, such as secluded landing strips, and safe houses for the monitoring of local populations. This knowledge, along with an easy access to weapons, has facilitated the expansion of the drug trade and incidents of political intimidation, making attempts to restrain drug trafficking more difficult.

These tainted groups are capitalizing on the pivotal geographic location of Guatemala to advance the drug trade. Occupying the southern border of Mexico, it plays a strategic role in trafficking and storing the cocaine being moved from South America to the United States.

Many of these officials have a history of human rights abuses. The United Nations

Mission to Guatemala (MINIGUA) observed that ''the army and former military officials are all too often appointed to carry out and supervise strictly civilian work.'' The current president is a protégé of Efrain Rios Montt, the former military dictator of the nation from 1982 to 1983. The ex-general, who now leads the nation's congress, conducted brutal genocide campaigns during the civil war and many believe he still exerts enormous influence on Portillo. Rios Montt's brother, Bishop Mario Rios Montt, became the Catholic Church's new head of its human rights office after the murder of Bishop Gerardi. His appointment created a situation of a radical conflict of interests; Mario Rios Montt's job is to investigate the same rights violations for which his own brother was allegedly responsible while he ruled.

Portillo has done little to discourage the expansion of the illicit drug trade. Since he took office, drug seizures have decreased dramatically. According to a 2001 United Nations Office of Drug and Crime (UNODC) study, Guatemala's reported seizure of cocaine steadily increased from 956 kg in 1995 to 9,959 kg in 1999. In 2000, however, the year after Portillo took office, this trend reversed and the number plunged to 1,517 kg of cocaine.

A corrupt anti-narcotics police force is partially culpable. The scope of the problem, however, extends beyond this inadequate anti-narcotics unit, penetrating deep within Portillo's complicit, corrupt administration. Gabriel Aguilera, Guatemala's vice minister of foreign relations, as cited by the Washington Times on January 31, stated that his own government ''hasn't yet achieved a control of the criminal organizations that are behind these illegal activities.'' Many speculate, including some senior U.S. officials, that Portillo's acknowledged failure to curb the drug trade is no accident and is due to his links to criminal organizations. Otto Reich, the former Assistant Secretary of State for the Western Hemisphere who now has shifted to the National Security Council (NSC), testified before a House subcommittee in October 2002 that since Portillo has taken office, ''narcotics trafficking and alien smuggling are on the rise. Some of the leaders of these activities have very close ties to the highest levels of government and regularly influence decisions, especially with respect to personnel nominations in the military and the ministry of government.''

DECERTIFYING GUATEMALA

On January 31, President Bush decertified Guatemala, declaring it, along with Haiti (which hardly deserved such treatment) and Burma, to be ''demonstrably failing'' in the past 12 months in their anti-drug efforts. Established in 1986 by Congress, the drug certification program annually evaluates whether a foreign nation is cooperating with Washington in its international war on drugs. If decertified, the U.S., according to the program, should have suspended the $3.5 million it contributes to Guatemala's antinarcotics unit and close to $50 million in general assistance it sends annually to the nation.

The suspensions of Guatemala, Haiti, and Burma, however, were more empty and symbolic than meaningful policy formulations. Burma receives no U.S. aid and President Bush granted Guatemala and Haiti vital national interest waivers, which allows for, despite decertification, the continuation of U.S. aid to each designated country.

While a strong case can be made for Haiti's waiver on humanitarian grounds (because of the impact on that beleaguered island of benighted U.S. policies), no such case can be made for the continuation of aid to Guatemala. Unlike the latter, Haiti does not have death squads, a president who is indifferent to drug trafficking, or a military which is the prime factor in both rights violations and the drug trade.

Furthermore, the drug traffickers and the political figures that support the drug trade give minimal credence to the decertification branding, as long as U.S. aid continues. Directly following the announcement, congressional leader Rios Montt declared the U.S.'s negative assessment as an ''eminently political'' maneuver that ''seeks to affect the government but will not have, from any point of view, any social, economic, or financial repercussions.'' Montt correctly, if insolently, affirms that there is essentially no U.S. policy change towards Guatemala. As a result, government activity, including its corrupt practices and complicit actions with organized crime, will continue unimpeded.

Guatemala's difficulties with drugs, corruption, and rights abuses are germane because they jeopardize the White House's plans for the development of a U.S. sponsored free-trade agreement with five Central American nations: El Salvador, Costa Rica, Nicaragua, Honduras, and Guatemala. The U.S. would be hard put to exclude Guatemala from the potential arrangement because it is Central America's most populated nation and is critical to making any free-trade pact a success.

The Bush administration is purposefully misusing the decertification process by sacrificing its war on drugs for a potential trade agreement, continuing aid to the corrupt Portillo regime in order to maintain relations with Guatemala at all costs.

WHAT TO DO

Cleaning up Guatemala demands not only the accountability on the part of the Guatemalan government, but the moral fortitude of U.S. authorities to suspend all aid to that country, if need be. Despite potential economic gains, the U.S. cannot establish a free trade pact with Central America until Guatemala reforms and becomes a sound investment, both financially and morally. Guatemala should serve as a warning to Washington as well as to the rest of Latin America of the increasing power and influence of the drug trade and its implications on vulnerable governments throughout the region.

HONORING TENNESSEE'S NATIONAL GUARD TROOPS FOR SERVICE TO OUR NATION

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. TANNER. Mr. Speaker, I rise today to commend the thousands of men and women who serve in the Tennessee National Guard, many of whom have dutifully answered the call to serve our country in this time of war.

In Tennessee, we have always been proud of our strong volunteer spirit, made famous when volunteers from Tennessee traveled with Davy Crockett in 1836 to defend the Alamo in Texas' fight for independence. Today, the volunteer spirit is still alive, and one fine example is in the more than 14,000 men and women who serve in the Tennessee Army National Guard and Tennessee Air National Guard, under the leadership of Tennessee Adjutant General Gus Hargett.

I have had the privilege of working alongside Tennessee National Guard members during my 26 years in the Tennessee Army National Guard. I know from working with these men and women that their dedication to Tennessee and to our nation is unequaled. That dedication has been proven time and time again.

Immediately following the attacks on our nation on September 11, 2001, members of the Tennessee National Guard responded. Guard members secured airports and Tennessee landmarks, refueled fighters for battle and prepared for deployment overseas. The 164th Airlift Wing from Memphis deployed four C-141 aircraft within 20 hours of the attacks. The 118th Airlift Wing helped save the life of a small child on September 11th of that year by transporting a liver transplant from Nashville to Texas.

Now, thousands of Tennessee's National Guard troops are again answering the call to duty, leaving their families, homes and jobs to serve our country in its time of need.

Mr. Speaker, I hope you will join me in honoring the thousands of Tennessee volunteers who are serving our country honorably as members of the Tennessee National Guard.

PAYING TRIBUTE TO CLAUS HUME

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Claus Hume and thank him for his extraordinary contributions to Colorado. Judge Hume is officially retiring as the Chief Judge of the Colorado Court of Appeals, and today I would like to honor his long and distinguished career of service to his community before this body of Congress and this nation.

Judge Hume's legal career has spanned three decades. After a brief stint as a photographer, he graduated from the University of Colorado law school in 1965 and moved to Craig, Colorado, where he began his career and started a family. One of few lawyers in Craig, Judge Hume began working for the local prosecutor's office and was elected District Attorney in 1972, serving for two years until he was appointed to a district court judgeship. He served on the 14th Judicial District bench for thirteen years, until he received his appointment to the Colorado Court of Appeals in 1988. Judge Hume's service to Colorado is a credit to our state and I am grateful for his dedication to justice for all Coloradans.

Mr. Speaker, Claus Hume is an exemplary servant to his community and to the State of Colorado, and it is with great pride that I recognize his career before this body of Congress and this nation. Judge Hume's presence in the courtroom will be greatly missed throughout the state, and I would like to extend to him my congratulations on his retirement and wish him the best in his future endeavors.

COMMENDING THE GILES COUNTY HIGH SCHOOL BOYS BASKETBALL TEAM

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I wish to recognize the Giles County High School boy's basketball team, who recently won the Tennessee Class AA championship. This is the first such championship for the boy's basketball team in school history.

I want to commend this team not only for winning the championship, but the fashion in which they accomplished this great feat. They

never reached for individual awards and recognition, as often is the case in today's society. They worked together as a cohesive unit to accomplish something greater than any individual award, and as a result they are all champions. During their championship run they displayed values and character that we as Americans hold so dear. They were determined, worked hard, showed heart, displayed teamwork, and were consummate sportsman.

I would also like to take this time to applaud the local community which rallied around the team. I must say that I am extremely proud to represent a group of people who still hold family values and a sense of community in such high regards.

Mr. Speaker, I hope that you will join me in saluting the fine group of talented young men from Giles County, Tennessee. These young men show maturity beyond their years, and represent what is good with our country's youth.

IN RECOGNITION OF THE DISTINGUISHED ALUMNI OF ASBURY PARK HIGH SCHOOL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a number of people I am proud to represent from the sixth district of New Jersey. On Friday, April 11th, 2003, Asbury Park High School will induct its first class of distinguished alumni into its Hall of Fame. These individuals are being honored for their commitment to the mission of Asbury Park High, which is to promote the educational, physical, and social well being of children of Asbury Park. In their own way, each of these extraordinary people have encouraged and inspired the students of Asbury Park to strive for excellence, and become our future leaders and role models.

Mr. Speaker, on this day I ask my colleagues to rise in honor of these unique individuals for the invaluable services that they provide to their community:

Mr. Joseph Agris, Mr. C Regan Almonor, Esq., Mr. Frank Buddy, Ms. Judith Coleman, Mr. James Coleman, Mr. John Hayes, III, M.D., Mr. Lorenzo W. Harris, Jr., M.D., Dr. Benjamin Moffett, Mr. Jules Plangere, Jr., Mr. Joseph Reed, Jr., Dr. Phillip Schien, M.D., Mr. Thomas Schebell, Jr., Mr. Stanley Smith, Esq., Mr. Thomas Smith, Sr., Mr. Thomas Smith, Jr., Ms. M. Monica Sweeney, Mr. Carl Williams, and Mr. Melvin Wilmore.

INTRODUCTION OF THE PENSION BENEFITS PROTECTION ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. SANDERS. Mr. Speaker, today, all across this country, American workers and the middle class are under severe attack. Unemployment is rising, our manufacturing base is collapsing, health care costs for workers are soaring, the minimum wage has not been raised for years and the decline of the stock market has devastated the retirement plans for millions of workers. And now, on top of all of that, the Bush administration and corporate America and the CEOs who receive compensation packages are attempting to destroy the pensions that have been promised to millions of American workers.

In response, I am introducing the Pension Benefits Protection Act to protect the pensions of American workers with 117 original cosponsors. This legislation has been endorsed by the AARP representing more than 35 million Americans, the AFL–CIO representing more than 13 million American workers, the Pension Rights Center and the Communication Workers of America. I have attached the statements of David Certner, AARP Director of Federal Affairs, and Richard Trumka, Secretary Treasurer at the AFL–CIO, in support of this legislation for inclusion in the CONGRESSIONAL RECORD.

Those of us in Congress who care about this issue, along with the grass roots organizations, will do everything we can to see that workers in America do not see their pensions slashed by up to 50 percent as a result of cash balance conversions.

The Pension Benefits Protection Act requires the Department of Treasury to withdraw proposed cash balance conversion regulations that would give companies the green light to violate the pension age discrimination laws that are on the books. The legislation would also require companies that convert to cash balance plans to allow older workers and those with at least 10 years on the job the choice to remain in their traditional pensions.

Specifically, this legislation does 2 things:

First, it requires companies that convert to cash balance plans to allow workers who are at least 40 years old or have at least 10 years of service the choice to remain in the traditional defined benefit pension plan that was promised to them when they started working for the company. In other words, they cannot be forced into an inferior plan.

When a company makes a promise to its employees regarding their pension benefits, it must not be able to pull the rug out from under its employees by cutting their pension benefits in mid-stream. Companies receive some $100 billion in tax incentives to set up these pension plans. Given that reality, Congress must allow older workers or those with at least 10 years of service the option to remain in their traditional defined benefit pension plan.

Secondly, this legislation requires the Bush administration to immediately withdraw all of their proposed cash balance pension regulations that, if finalized, would give companies the green light to commit age discrimination against older workers by converting to cash balance schemes. Just yesterday, the Treasury Department withdrew a portion of the proposed regulations dealing with highly compensated employees. While, in my view, this is a step in the right direction, the Administration must go further and withdraw all of these proposed regulations, and require all companies that convert to cash balance plans to protect older workers. We do not tolerate discrimination against workers based on race, based on gender and based on other criteria, and we will not tolerate discrimination based on age. Last January, in a letter to the President, 217 Members from both the House and the Senate made that very clear.

Through my involvement with the IBM cash balance conversion, I have heard from thousands of workers throughout the country who have expressed their anger, their disappointment, and feelings of betrayal by cash balance conversions. These are employees who had often stuck with their companies when times were tough. These were employees who had often stayed at their jobs precisely because of the pension program that the company offered. And, these are the same employees who woke up one day to discover that all of the promises that their companies made to them were not worth the paper they were written on.

Instead of providing protections for these workers, President Bush has proposed regulations on cash balance plans that would devastate the traditional pension benefits of millions of employees in large companies throughout the United States.

The White House policy on cash balance pension plans is a direct assault on the retirement plans of millions of American workers. Hundreds of companies all across America have already reneged on the retirement promises they made to their employees by switching to cash balance pension plans. If the White House proposal is aloud to stand, it will give the green light to hundreds more—resulting in financial disaster for workers all across the country who will not be receiving the pensions they were promised.

Of the 44 million Americans with traditional defined benefit plans, some 8 million employees with $334 billion in pension fund assets have been impacted by cash balance pension conversions. According to the General Accounting Office, older employees can have their pensions slashed by up to 50 percent by a cash balance scheme.

The Equal Employment Opportunity Commission has received over 1,000 age discrimination complaints from workers in over 30 different companies who have been negatively impacted by these schemes.

According to the Labor Department's Inspector General, companies that have converted to a cash balance scheme are illegally slashing the pension benefits of their employees by as much as $199 million each and every year. Even worse, the Inspector General found that the Federal Government was not enforcing the pension laws and regulations that are on the books when companies shift to cash balance.

The courts have ruled that Xerox, Georgia Pacific and the Bank of Boston illegally slashed over $300 million in pension benefits of more than 20,000 employees by converting to a cash balance plan.

Last July, 308 Members of Congress voted in favor of an amendment that I offered to prohibit the IRS from using any funds that are in violation of the pension age discrimination laws that are on the books when companies shift to cash balance schemes.

According to the President's spokesman Arl Fleischer, criticisms that cash balance plans hurt older workers are ''not valid.''

Well, tell that to Larry Cutrone, a 54-year-old employee from New Jersey, who worked for AT&T for 28 years, who woke up one day to find that his pension had been slashed by over 50 percent as a result of a cash balance conversion.

Tell that to House Majority Leader TOM DELAY, Speaker of the House DENNIS

HASTERT, or Rep. ROB PORTMAN. According to the Congressional Research Service, they would have their pensions slashed by as much as 69 percent under cash balance plans.

During the next debate on pension legislation, I will be asking my colleagues in the House, if cash balance plans are good enough for workers, why aren't they good enough for Members of Congress?

The answer to that question, of course, is that cash balance pension conversions are not good for older workers. They need to be given a choice.

H.R. 1276: AMERICAN DREAM DOWNPAYMENT ACT

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. GARY G. MILLER of California. Mr. Speaker, we all know that home equity appreciation is one of the most important drivers of wealth creation in the United States. By helping people become homeowners, we promote long-term economic stability for our Nation. It is for this reason that I rise today to urge my colleagues to cosponsor H.R. 1276, the American Dream Downpayment Act. This important legislation sets first-time, low-income homebuyers on the path to homeownership by providing help with downpayments and closing costs.

One of the primary barriers to achieving the ''American Dream'' of homeownership for low- and moderate-income people is the lack of accumulated wealth and disposable income. Downpayments and closing costs are traditionally the most significant obstacles that would-be homebuyers face.

In order to accumulate enough to cover downpayment and closing costs, households must consume less and save more or receive assistance from relatives or other benefactors. With rent prices skyrocketing, it is very difficult for a family to have enough money leftover for a downpayment after paying for basic needs such as shelter, health care and food. This bill attempts to assist those who have not been able to save enough money upfront but who are earning enough to make the monthly mortgage payments.

Downpayment assistance programs are proven successful in expanding homeownership opportunities for low- and moderate-income families. And the truth is, the private sector has been working, without government intervention, to assist individuals and families who lack the necessary funds for downpayment and other related costs become homeowners.

I would like to talk about one such program, based in Rancho Cucamonga, CA. The Housing Action Resource Trust (HART) was established in 1995 and began its Downpayment Assistance Program in July of 1998. HART is an established non-profit housing organization with a proven track record. The HART program has partnered with builders and listing agents to assist prospective homebuyers across the nation who qualify for a first mortgage loan, but fall short of the downpayment and other closing costs essential in purchasing a home.

The HART program has been recognized as one of the top downpayment programs in the country. The HART program has helped 40,000 families who rent across the country realize their dream of becoming a homeowner.

The American Dream Downpayment Act will complement the tremendous work programs such as HART are doing to help build communities. I urge my colleagues to make the dream of homeownership a reality for even more Americans by supporting this legislation.

IN RECOGNITION OF MR. CARL WILLIAMS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. PALLONE. Mr. Speaker, I rise up today to honor a friend of the Sixth District of New Jersey, Mr. Carl Williams, a resident of Asbury Park. On Friday, April 11, 2003 Mr. Williams will be inducted into the Asbury Park High School Hall of Fame as a member of its first class of distinguished alumni. He is receiving this award for his untiring commitment to uniting his community in celebration of its achievements.

Mr. Williams grew up in the beach side town of Asbury Park, and has been a resident ever since. Today Mr. Williams is the owner of a successful clothing store and has proven himself as an accomplished businessman. Mr. Williams has been witness to many changes, both positive and negative, to the city of Asbury Park. Yet, his commitment to this community has never wavered and to this day he continues to serve his hometown and fellow citizens.

Mr. Williams is being honored by his community for advancing the educational, physical and social well being of the children of Asbury Park. Through his work in the community, Mr. Williams has encouraged the youth of Asbury Park to strive for excellence and become our future leaders and role models. He is truly an inspiration.

Mr. Speaker, through his tireless efforts, Carl Williams has fostered a sense of community and strived to help those less fortunate than himself Mr. Williams, is an extraordinary individual who is dedicated to enriching the lives of those around him and on this day I would like to ask my colleagues to join me in honoring the distinguished Carl Williams.

COMMENDING THE ACTIVITIES OF THE AMERICAN LEGION AUXILIARY UNIT 146 IN LAWRENCE COUNTY, LORETTO, TENNESSEE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I wish to recognize and commend the activities of the American Legion Auxiliary Unit 146 in Loretto, Tennessee. This fine organization really believes in helping Veterans, children, and the community in every way they can.

During the Holiday Season, and throughout the year, this active Veteran's Organization visits VA hospitals, nursing homes, law enforcement agencies, and hospitals to distribute gifts and goodwill. The Legion has even adopted an indilgent individual at the Murfreesboro Tennessee VA, where they send him a quarterly check to help defray the costs of personal items, as well as gifts, snacks, and cards throughout the year.

Mr. Speaker, the tireless and unselfish activities of those involved with the American Legion Auxiliary Unit 146 in Loretto Tennessee, is truly commendable. I hope you will join me in saluting this outstanding organization and all that they do.

TRIBUTE TO SPECIALIST MATHEW G. BOULE, UNITED STATES ARMY

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. MEEHAN. Mr. Speaker, I rise to pay tribute to United States Army Specialist Mathew G. Boule, 22, who died on April 2 in service to his country.

Mathew Boule was a resident of a community in my district, Dracut, Massachusetts, who was serving with the armed forces deployed as part of Operation Iraqi Freedom. Mathew Boule was the first confirmed casualty of the conflict from the state of Massachusetts.

After graduating from high school, Mathew Boule signed up for a five-year Army tour. He learned discipline and the value of camaraderie during his tour of duty, and was proud to tell his family of his plans to someday pilot military planes.

Mathew Boule's parents Leo and Sue are proud of their son, not just for the supreme sacrifice he paid on behalf of his country, but for the time he shared with them during his life. Sue Boule eagerly and happily boasts of her son's generosity. ''The kind of kid who would give you the shirt off his back,'' she fondly recalls. His giving of his life, along with the other brave soldiers who have lost their lives so far in this conflict, has contributed immensely to the freedom and security of the United States, Iraq, and the world.

In Mathew's honor, his parents continue their efforts to collect care packages for their son's unit, a project which has both mobilized and unified his hometown.

Mathew was a proud member of the United States army, a loving son and brother. Mathew Boule served his family, his hometown, and his country, valiantly and faithfully. Specialist Boule died serving the country he loved, with comrades he loved and with the love of his family in his heart. Our nation is humbled and grateful for his sacrifice.

Mr. Speaker, it is appropriate at this time we recognize Specialist Mathew G. Boule, United States Army, who gave his life in service to his country.

A SALUTE TO JOHN ANDREW MARTIN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is a great honor for me to pay

tribute to one of Dallas' truly outstanding citizens. As the Dallas Lawyers Auxiliary gathers tomorrow to give John Andrew Martin its 21st Justinian Award for his volunteer work, I would like to take a moment to reflect on the achievements of this exceptional individual.

Mr. Martin was born and raised in segregated Birmingham, Alabama. From 1962 to 1964, Mr. Martin was an attorney with the Civil Rights Division of the United States Department of Justice where he helped enforce the Voting Rights Act and other civil rights laws.

He has a broad legal practice which includes experience in hospital and health care law; administrative law; general business litigation, including appellate work.

Mr. Martin's administrative law experience spans more than 20 years, and includes particular experience in utility regulation. He has been involved in major rate cases, certification proceedings, and show cause hearings before the Public Utility Commission.

For over 20 years, he has served as general counsel to a tertiary care pediatric hospital and has had involvement in all aspects of its operation, including financing, Medicaid-Medicare issues, physician credentialing, medical malpractice insurance issues, equipment financing, and environmental issues, to name a few.

His litigation experience is equally broad and he is certified as a civil trial lawyer. This experience includes securities litigation, general business litigation, and condemnation and eminent domain proceedings and will contests. He appellate practice has occurred before the United States Court of Appeals for the Fifth Circuit and in Texas Appellate Courts.

Throughout the years, Mr. Martin has served various civic boards including the YMCA of Metropolitan Dallas and the Children's Medical Center.

Mr. Speaker, significantly I want to honor Mr. Martin, for his courageous work in the U.S. vs. Cecil Price et al. The trial that followed was a milestone in the civil rights era. Thirty six years ago, a Justice Department team led by Attorney General John Doar and Mr. Martin prosecuted eighteen Klan conspirators, including the Sheriff and Deputy Sheriff of Philadelphia, Mississippi, for violating the civil rights of the three young civil rights workers: James Chaney, Michael Schwerner, and Andrew Goodman. Despite facing an all-white jury and a segregationist judge, the legal team which Mr. Martin was part of succeeded in winning the first convictions ever recorded in a civil rights case in Mississippi.

The film ''Mississippi Burning'' portrayed those outstanding Americans who have dedicated their lives to the defense of our civil rights. Mr. Martin and his colleagues participated in the Civil Rights Movement, understanding that there was a danger to their own lives.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in extending my appreciation to John Andrew Martin for over four decades of service to the people of Dallas, Texas and this nation. Congratulations, Mr. Martin and best wishes for future successes.

TRIBUTE TO PULITZER PRIZE WINNING EAGLE TRIBUTE NEWSPAPER—LAWRENCE, MA

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. MEEHAN. Mr. Speaker, I rise today to congratulate the Eagle Tribune, a newspaper in Lawrence, Massachusetts. This week the Eagle Tribune was awarded journalism's highest honor the Pulitzer Prize for breaking news, for its coverage of four young children from Lawrence, Massachusetts who drowned in the Merrimack River earlier this year.

The tragedy was one of the worst on the Merrimack River in the last century. Three young boys, ages 7, 8, and 9 attempted to save their friend, age 11, who had fallen through the thin ice. All four young boys died.

Just as these children, so young and innocent, acted upon their first instinct, which was to help their friend, so did the Eagle Tribune reach out to help their community by reporting this story not only with accuracy and depth, but also with compassion and justice. Expressing their commitment to preventing future tragedies on the River, the Eagle Tribune donated their Pulitzer Prize cash award to a fund established to aid the families of the victims and to the Boys & Girls Club of Greater Lawrence.

As Eagle Tribune publisher Irving ''Chip'' Rogers III said, ''The job of a newspaper is to get the news and publish it instantly, but in doing so we are not immune from its heartbreak.'' Indeed, the reporters and staff of the Eagle Tribune, led by metro editor Gretchen Putnam, with reporters Jim Patten, O'Ryan Johnson, and Jason Grosky, covered the story with a deep sense of grief and regret felt by both the reporters and the community, while maintaining a stunning truthfulness.

The Eagle Tribune produced excellence at a time when our communities depend on fair and accurate news coverage more than ever. The paper and its reporters are to be commended not only for their excellence in journalism and professionalism, but also for their compassion and generosity in the face of tragedy. They are role models for all of us in public service.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4919–S4995

Measures Introduced: Eighteen bills and five resolutions were introduced, as follows: S. 808–825, S. Res. 107–110, and S. Con. Res. 34. **Pages S4957–58**

Measures Reported:

Report to accompany S. 380, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service. (S. Rept. No. 108–35) **Page S4957**

Measures Passed:

Honoring Mary Jane Jenkins Ogilvie: Senate agreed to S. Res. 110, honoring Mary Jane Jenkins Ogilvie, wife of former Senate Chaplain, Reverend Dr. Lloyd John Ogilvie. **Pages S4975, S4994–95**

CARE Act: Senate began 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, agreeing to the following amendment proposed thereto: **Pages S4930–49, S4975–81**

Grassley/Baucus Amendment No. 526, to provide a manager's amendment. **Pages S4939–49**

A unanimous-consent agreement was reached providing for further consideration of the bill at 11:30 a.m., on Wednesday, April 9, 2003. **Page S4995**

Nomination Considered: Senate continued consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit. **Pages S4922–30, S4949**

Nominations Confirmed: Senate confirmed the following nominations:

Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2003.

Thomas Waters Grant, of New York, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2005.

Noe Hinojosa, Jr., of Texas, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2006. (Reappointment)

William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2003.

William Robert Timken, Jr., of Ohio, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2006. (Reappointment)

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.

Allen Garber, of Minnesota, to be United States Marshal for the District of Minnesota for the term of four years.

Raul David Bejarano, of California, to be United States Marshal for the Southern District of California for the term of four years. **Pages S4994, S4995**

Messages From the House: **Page S4954**

Measures Referred: **Page S4955**

Executive Communications: **Pages S4955–57**

Additional Cosponsors: **Page S4958**

Statements on Introduced Bills/Resolutions: **Pages S4958–75**

Additional Statements: **Pages S4953–54**

Amendments Submitted: **Pages S4975–81**

Notices of Hearings/Meetings: **Page S4981**

Authority for Committees to Meet: **Page S4981**

Privilege of the Floor: **Page S4982**

Text of S./H.R. 1559 (text of S. 762), as Previously Passed: **Pages S4982–94**

Adjournment: Senate met at 10 a.m., and adjourned at 6:44 p.m., until 10 a.m., on Wednesday,

April 9, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4995.)

Committee Meetings

(Committees not listed did not meet)

HIV/AIDS/SARS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies concluded hearings to examine the global AIDS crisis and the recent emergence of Severe Acute Respiratory Syndrome, after receiving testimony from Julie Gerberding, Director, Centers for Disease Control and Prevention, Elias Zerhouni, Director, National Institutes of Health, and Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, all of the Department of Health and Human Services.

APPROPRIATIONS: NIH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies concluded hearings to examine proposed budget estimates for fiscal year 2004 for the National Institutes of Health, after receiving testimony from Elias Zerhouni, Director, National Institutes of Health, Department of Health and Human Services.

APPROPRIATIONS: SEC

Committee on Appropriations: Subcommittee on Commerce, Justice, State, and the Judiciary, and Related Agencies concluded hearings to examine proposed budget estimates for fiscal year 2004 for the U.S. Securities and Exchange Commission, after receiving testimony from William H. Donaldson, Chairman, U.S. Securities and Exchange Commission.

BUDGET: EMERGENCY PREPAREDNESS AND RESPONSE

Committee on Appropriations: Subcommittee on Homeland Security concluded hearings to examine the proposed budget estimates for fiscal year 2004 for Emergency Preparedness and Response, focusing on America's disaster response capabilities, pharmaceutical and vaccine stockpiles, assisting all levels of government, first responses, volunteer groups, and the public in meeting emergency challenges, and maintaining public information programs, after receiving testimony from Michael Brown, Under Secretary of Homeland Security for the Emergency Preparedness and Response Directorate.

DEFENSE AUTHORIZATION: HOMELAND DEFENSE

Committee on Armed Services: Committee concluded hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense and the Future Years Defense Program, focusing on homeland defense, after receiving testimony from Paul McHale, Assistant Secretary of Defense for Homeland Defense; General Ralph E. Eberhart, USAF, Commander, North American Aerospace Defense Command, and United States Northern Command; and Admiral James O. Ellis, USN, Commander, United States Strategic Command.

DEFENSE AUTHORIZATION: STRATEGIC FORCES

Committee on Armed Services: Subcommittee on Strategic Forces concluded open and closed hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on strategic forces and policy, after receiving testimony from Linton F. Brooks, Acting Administrator, and Everet H. Beckner, Deputy Administrator, Defense Programs, both of the National Nuclear Security Administration, Department of Energy; Admiral James O. Ellis, Jr., USN, Commander, United States Strategic Command; Rear Admiral Charles B. Young, USN, Director, Strategic Systems Programs, Department of the Navy; and Brigadier General Robert L. Smolen, USAF, Director, Nuclear and Counterproliferation, Office of the Deputy Chief of Staff for Air and Space Operations.

REAL ESTATE SETTLEMENT PROCEDURES ACT

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the impact of the proposed Real Estate Settlement Procedures Act Rule on small business and consumers to simplify and improve the process of obtaining home mortgages, and to reduce settlement costs for consumers, focusing on clarifying difficult rules and regulations that pose unnecessary legal risks and serve to trump operational efficiencies that could streamline the mortgage process, after receiving testimony from Representative Manzullo; Charles J. Kovaleski, American Land Title Association, Margot Saunders, National Consumer Law Center, on behalf of the Consumer Federation of America, Consumers Union, and U.S. Public Interest Research Group, and Ira Rheingold, National Association of Consumer Advocates, all of Washington, D.C.; Gary E. Acosta, SDF Realty, San Diego, California, on behalf of the National Association of Hispanic Real Estate Professionals; Catherine Whatley, National Association of Realtors, Chicago, Illinois; John Courson, Central

Pacific Mortgage Company, Folsom, California, on behalf of the Mortgage Bankers Association of America; Neill Fendly, National Association of Mortgage Brokers, McLean, Virginia.

TAXATION OF DIVIDENDS

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs and Product Safety concluded hearings to examine the President's proposal to eliminate the double taxation of dividends, focusing on its impact on corporate governance, investment efficiency, productivity, job creation, and economic growth, after receiving testimony from Peter R. Fisher, Under Secretary of the Treasury for Domestic Finance; Charles Elson, University of Delaware, Newark; Elizabeth W. Bull, Texas Instruments Inc., Dallas; John W. Rowe, Exelon Corporation, Chicago, Illinois; and Jeremy Siegel, University of Pennsylvania, Philadelphia.

BUSINESS MEETING: COMPREHENSIVE ENERGY LEGISLATION

Committee on Energy and Natural Resources: Committee met to consider comprehensive energy legislation, focusing on provisions relating to hydrogen, personnel and training, State energy programs, energy efficiency, and renewable energy, but did not complete action thereon, and will meet again on Wednesday, April 9.

CLEAR SKIES ACT

Committee on Environment and Public Works: Subcommittee on Clean Air, Climate Change, and Nuclear Safety concluded 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, after receiving testimony from Christine Todd Whitman, Administrator, and Jeffrey Holmstead, Assistant Administrator, Office of Air and Radiation, both of the Environmental Protection Agency; Glenn L. McCullough, Jr., Tennessee Valley Authority; James E. Rogers, Cinergy Corp, Cincinnati, Ohio, on behalf of the Edison Electric Institute; David G. Hawkins, Natural Resources Defense Council, Washington, D.C.; Eugene Trisko, United Mine Workers of America, Fairfax, Virginia; Bernard Melewski, The Adirondack Council, Elizabethtown, New York; and Bob Colburn, Northeast States for Coordinated Air Use Management, Boston, Massachusetts.

ENRON

Committee on Finance: Committee concluded hearings to examine the Joint Committee on Taxation Investigative Report on executive compensation and company-owned life insurance arrangements of Enron Corporation and related entities, after receiving testimony from Mary M. Schmitt, Acting Chief of Staff, Joint Committee on Taxation; Pamela F. Olson, Assistant Secretary of the Treasury for Tax Policy; Charles E. Essick, Towers Perrin, Houston, Texas; Kathryn J. Kennedy, John Marshall Law School, Chicago, Illinois; and Bruce J. McNeil, Dorsey and Whitney LLP, Minneapolis, Minnesota.

NATO ENLARGEMENT

Committee on Foreign Relations: Committee concluded hearings to examine North Atlantic Treaty Organization (NATO) enlargement, after receiving testimony from Marc I. Grossman, Under Secretary of State for Political Affairs; General Wesley K. Clark, USA (Ret.), Wesley Clark and Associates, Little Rock, Arkansas; and William Kristol, The Weekly Standard, Washington, D.C.

GLOBAL ENERGY SECURITY

Committee on Foreign Relations: Subcommittee on International Economic Policy, Export and Trade Promotion concluded hearings to examine global energy security issues, focusing on petroleum trends, the Western Hemisphere, Russia, the Caspian region, Africa, domestic energy supplies, and oil market dynamics, after receiving testimony from Kyle E. McSlarrow, Deputy Secretary of Energy; Alan P. Larson, Under Secretary of State for Economic, Business, and Agricultural Affairs; Daniel Yergin, Cambridge Energy Research Associates, Cambridge, Massachusetts; and Vahan Zanoyan, PFC Energy, and Martha Brill Olcott, Carnegie Endowment for International Peace, both of Washington, D.C.

HUMAN CAPITAL MANAGEMENT

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded joint hearings with the House Committee on Government Reform's Subcommittee on Civil Service and Agency Organization to examine the federal government's strategic human capital management and related proposals to facilitate the General Accounting Office's efforts to recruit and retain top talent, develop a more performance-based compensation system, help realign the federal workforce, and facilitate succession planning and knowledge transfer efforts, after receiving testimony from David M. Walker, Comptroller General of the United States, General Accounting Office; Dan G. Blair, Deputy Director, Office of Personnel Management; Bobby L. Harnage, Sr., American Federation of Government Employees, AFL–CIO, Colleen M. Kelley, National Treasury Employees Union, Carol A. Bonosaro, Senior Executives Association, Hannah S. Sistare, National Commission on the Public Service, Max Stier,

Partnership for Public Service, and Major General Robert A. McIntosh, USAF (Ret.), Reserve Officers Association of the United States, all of Washington, D.C.; Karen Heiser, Federal Managers Association, Alexandria, Virginia; Steven J. Kelman, Harvard University John F. Kennedy School of Government, Cambridge, Massachusetts; and Jeff Taylor, Monster, Maynard, Massachusetts.

MAMMOGRAPHY QUALITY STANDARDS ACT AUTHORIZATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the Mammography Standards Act of 1992, to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, after receiving testimony from D. David Dershaw, Cornell University Medical College, Ithaca, New York, on behalf of the Society for Breast Imaging; Diana Rowden, Dallas, Texas, on behalf of the Susan G. Komen Breast Cancer Foundation; and Leonard Berlin, Rush Medical College, Chicago, Illinois.

CRIME VICTIMS' RIGHTS CONSTITUTIONAL AMENDMENT

Committee on the Judiciary: Committee concluded hearings to examine S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, after receiving testimony from Representative Royce; Viet D. Dinh, Assistant Attorney General, Office of Legal Policy, Department of Justice; Collene Thompson Campbell, California Commission on Peace Officer Standards and Training, San Juan Capistrano; Steven J. Twist, National Victims Constitutional Amendment Project, Phoenix, Arizona; James Orenstein, Fordham University and New York University, New York; Earlene Eason, Gary, Indiana; Duane Lynn, Peoria, Arizona; and Patricia Perry, Seaford, New York.

SERGEANT AT ARMS/LOC/CRS

Committee on Rules and Administration: Committee concluded oversight hearings to examine the operations of the offices of the Sergeant at Arms, Library of Congress, and Congressional Research Service, after receiving testimony from William Pickle, Sergeant at Arms of the Senate, and Alfonso E. Lenhardt, former Sergeant at Arms of the Senate; James H. Billington, Librarian of Congress; and Daniel P. Mulholland, Director, Congressional Research Service, Library of Congress, each were accompanied by several of their associates.

House of Representatives

Chamber Action

Measures Introduced: 22 public bills, H.R. 1659–1680; and 5 resolutions, H. Con. Res. 141–142, and H. Res. 182–184, were introduced.

Pages H2937–39

Additional Cosponsors: Pages H2939–40

Reports Filed: Reports were filed today as follows:

H.R. 1528, to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service, amended (H. Rept. 108–61);

H.R. 1297, to require the construction at Arlington National Cemetery of a memorial to the crew of the Columbia Orbiter (H. Rept. 108–62 Part 1);

H.R. 658, to provide for the protection of investors, increase confidence in the capital markets system, and fully implement the Sarbanes-Oxley Act of 2002 by streamlining the hiring process for certain employment positions in the Securities and Exchange Commission, amended (H. Rept. 108–63 Part 1);

H. Res. 181, providing for consideration of H.R. 1036, to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others (H. Rept. 108–64); and

H.R. 1644, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, amended (H. Rept. 108–65 Part 1).

Page H2937

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Simmons to act as Speaker Pro Tempore for today.

Page H2865

Recess: The House recessed at 11 a.m. and reconvened at 12 noon. Page H2868

United States Capitol Preservation Commission: The Chair announced the Speaker's appointment of Representatives Young of Florida and LaTourette to the United States Capitol Preservation Commission.

Later, read a letter from the Minority Leader wherein she announced her appointment of Representative Fattah to the commission. **Page H2869**

Emergency Wartime Supplemental Appropriations—Go to Conference: The House disagreed with the Senate amendment to H.R. 1559, making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and agreed to a conference. **Pages H2870–72**

Appointed as conferees: Chairman Young of Florida and Representatives Regula, Lewis of California, Rogers of Kentucky, Wolf, Kolbe, Walsh, Taylor of North Carolina, Hobson, Istook, Bonilla, Knollenberg, Kingston, Frelinghuysen, Obey, Murtha, Dicks, Sabo, Mollohan, Kaptur, Visclosky, Lowey, Serrano, Moran of Virginia, and Edwards. **Page H2877**

Agreed to Obey motion to instruct conferees to recede to the Senate on section 409 of the Senate amendment providing 26 weeks of additional temporary extended unemployment compensation for displaced airline related workers by yea-and-nay vote of 265 yeas to 150 nays, Roll No. 112. **Pages H2871–72, H2877**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Nutria Eradication and Control: H.R. 273, to provide for the eradication and control of nutria in Maryland and Louisiana (agreed to by ⅔ yea-and-nay vote of 385 yeas to 30 nays, Roll No. 113); **Pages H2872–74, H2878**

Payment of Environmental Reviews by the Department of Agriculture: H.R. 108, to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act (agreed to by ⅔ yea-and-nay vote of 406 yeas to 8 nays, Roll No. 114); **Pages H2874–75, H2878–79**

McLoughlin House National Historic Site: H.R. 733, to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System; **Pages H2875–77**

National Small Business Regulatory Assistance: H.R. 205, to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns (⅔ yea-and-nay vote of 417 yeas to 4 nays, Roll No. 116); **Pages H2879–83, H2909–10**

Systematic Human Rights Violations in Cuba: H. Res. 179, expressing the sense of the House of Representatives regarding the systematic human rights violations in Cuba committed by the Castro regime, calling for the immediate release of all political prisoners, and supporting respect for basic human rights and free elections in Cuba (agreed to by ⅔ yea-and-nay vote of 414 yeas with none voting ''nay'' with 11 voting ''present'', Roll No. 117); and **Pages H2887–95, H2910–11**

Clean Diamond Trade Act: H.R. 1584, amended, to implement effective measures to stop trade in conflict diamonds (agreed to by ⅔ yea-and-nay vote of 419 yeas to 2 nays with 1 voting ''present'', Roll No. 118). **Pages H2895–H2901, H2911**

Suspension Proceedings Postponed: Further proceedings on the following motions to suspend the rules debated today were postponed until Wednesday, April 9. **Page H2937**

40th Anniversary of the Sinking of the USS *Thresher*: H. Res. 170, Recognizing the 40th anniversary of the sinking of the USS *Thresher*; and **Pages H2883–85**

Condolences on the Assassination of Prime Minister Zoran Djindjic of Serbia: H. Res. 149, expressing the condolences of the House of Representatives in response to the assassination of Prime Minister Zoran Djindjic of Serbia. **Pages H2885–87**

Postal Civil Service Retirement System Funding Reform Act: The House passed S. 380, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service by yea-and-nay vote of 424 yeas with none voting ''nay,'' Roll No. 115—clearing the measure for the President. H.R. 735, a similar House passed bill, was laid upon the table. **Pages H2901–09**

Waxman amendment No. 1 (to H.R. 735, to amend chapter 83 of title 5, United States Code, to reform the funding of benefits under the Civil Service Retirement System for employees of the United States Postal Service) printed in the Congressional Record of April 1 was offered but subsequently withdrawn that sought to strike provisions requiring the Postal Service to pay retirement benefits attributable to prior military service. **Pages H2908–09**

The bill was considered pursuant to the unanimous consent order of the House of April 7. **Page H2909**

Coordinating Council on Juvenile Justice and Delinquency Prevention: The Chair announced the Speaker's reappointment of Mr. Michael J. Mahoney of Chicago, Illinois to the Coordinating Council on Juvenile Justice and Delinquency Prevention for a three-year term. **Pages H2911–12**

Senate Messages: Messages received from the Senate today appears on page H2865.

Referrals: S. 164, S. 212, S. 278, S. 328, and S. 347 were referred to the Committee on Resources. S. 220 was held at the desk. **Page H2936**

Quorum Calls—Votes: Seven yea-and-nay votes developed during the proceedings of the House today and appear on pages H2877, H2878, H2878–79, H2909, H2909–10, H2910–11, and H2911. There were no quorum calls.

Adjournment: The House met at 10:30 a.m. and adjourned at 9:44 p.m.

Committee Meetings

HOMELAND SECURITY APPROPRIATIONS

Committee on Appropriations; Subcommittee on Homeland Security held a hearing on Special Security Events. Testimony was heard from Ralph Basham, Director, U.S. Secret Service, Department of Homeland Security.

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education and Related Agencies continued hearings on NIH. Testimony was heard from the following officials of the Department of Health and Human Services, NIH: Elias Zerhouni, M.D., Director; Raynard Kington, M.D., Deputy Director; James Battey, M.D., Director, National Institute on Deafness and Other Communication Disorders; and Francis Collins, M.D, Director, National Human Genome Research Institute; and Thomas Insel, M.D, Director, National Institute on Mental Health.

VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on NASA. Testimony was heard from Sean O'Keefe, Administrator, NASA.

SMALL BUSINESS HEALTH FAIRNESS ACT

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations approved for full Committee action, as amended, H.R. 660, Small Business Health Fairness Act of 2003.

DESIGNING 21ST CENTURY MEDICARE PRESCRIPTION DRUG BENEFIT

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled ''Designing a Twenty-First Century Medicare Prescription Drug Benefit.'' Testimony was heard from public witnesses.

CHECK CLEARING FOR THE 21ST CENTURY ACT

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on H.R. 1474, Check Clearing for the 21st Century Act. Testimony was heard from Roger W. Ferguson, Vice-Chairman, Board of Governors, Federal Reserve System; and public witnesses.

HOMEOWNERSHIP THROUGH DOWN PAYMENT ASSISTANCE

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled ''Promoting the American Dream of Homeownership through Down Payment Assistance.'' Testimony was heard from Mel Martinez, Secretary of Housing and Urban Development; and public witnesses.

ONDCP REAUTHORIZATION

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing entitled ''ONDCP Reauthorization: The High-Intensity Drug Trafficking Areas Program and CTAC.'' Testimony was heard from Scott Burns, Deputy Director, Office of State and Local Affairs, Office of National Drug Control Policy; Roger Guevara, Chief of Operations, DEF, Department of Justice; Christy McCampbell, Chief, Bureauof Narcotics Enforcement, Department of Justice, State of California; Wayne Wiberg, Commander, Narcotics and Gang Investigation Section, Police Department, Chicago, Illinois; the following officials of the State of Maryland: Lt. Col. Steve Moyer, Chief, Homeland Defense/Intelligence Bureau, State Police; and Anthony Romano, Chief, Organized Crime Division, Baltimore Police Department; Ron Burns, Chief, Lakewood Police Department, State of Colorado; and Peter Modafferi, Chief of Detectives, Rockland County, District Attorney's Office, State of New York.

CALIFORNIA'S ELECTRICITY MARKET

Committee on Government Reform: Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs held a hearing on ''California's Electricity Market: Refunds and Reform.'' Testimony was heard from Patrick Wood III, Chairman, Federal Energy Regulatory Commission, Department of Energy; and public witnesses.

OVERSIGHT—FEDERAL GOVERNMENT—CONSOLIDATED FINANCIAL STATEMENTS

Committee on Government Reform: Subcommittee on Government Efficiency and Financial Management held an oversight hearing entitled ''The Consolidated Financial Statements of the Federal Government for Fiscal Year 2002.'' Testimony was heard from David M. Walker, Comptroller General, GAO; Linda M. Springer, Controller, Office of Federal Financial Management, OMB; and Donald V. Hammond, Fiscal Assistant Secretary, Department of the Treasury.

CYBER SECURITY

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a hearing entitled

''Cyber Security: The Challenges Facing Our Nation In Critical Infrastructure Protection.'' Testimony was heard from Mark A. Forman, Associate Director, Information Technology and Electronic Government, OMB; Robert Dacey, Director, Information Security Issues, GAO; Thomas Pyke, Chief Information Officer, Department of Commerce; Richard Clarke, former Special Advisor to the President for Cyberspace Security; and public witnesses.

OVERSIGHT—DEPARTMENT OF JUSTICE REAUTHORIZATION

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on the ''Reauthorization of the United States Department of Justice: Executive Office of the United States Attorneys, Civil Division, Environment and Natural Resources Division, Executive Office for United States Trustees, and Office of Solicitor General.'' Testimony was heard from the following officials of the Department of Justice: Thomas Sansonetti, Assistant Attorney General, Environment and Natural Resources Division; Stuart Schiffer, Deputy Assistant Attorney General, Civil Division; Guy Lewis, Director, Executive Office for U.S. Attorneys; and Lawrence Friedman, Director, Executive Office for United States Trustees.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a 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. Testimony was heard from Representatives Larson of Connecticut and Kingston; the following officials of the Department of the Interior: Bob Anderson, Acting Assistant Director, Minerals, Realty and Resource Protection, Bureau of Land Management; and Jeffrey Taylor, Assistant Director, Legislative and Congressional Affairs, National Park Service; Gloria Manning, Associate Deputy Chief, National Forest System, USDA; former Senator Mack Mattingly, State of Georgia; and a public witness.

PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

Committee on Rules: The Committee granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 1036, Protection of Lawful Commerce in Arms Act of 2003. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner, Representatives Watt, Lofgren, Jackson-Lee of Texas and Van Hollen.

LITIGATING THE AMERICANS WITH DISABILITY ACT

Committee on Small Business: Subcommittee on Rural Enterprise, Agriculture and Technology held a hearing on Litigating the Americans with Disability Act. Testimony was heard from Representative Foley; and public witnesses.

ADOPTION AND SAFE FAMILIES ACT IMPLEMENTATION

Committee on Ways and Means: Subcommittee on Human Resources held a hearing to examine implementation of the Adoption and Safe Families Act of 1997. Testimony was heard from Wade F. Horn, Assistant Secretary, Administration for Children and Families, Department of Health and Human Services; Cornelia Ashby, Director, Education, Workforce, and Income Security Issues, GAO; and public witnesses.

2003 TAX RETURN FILING SEASON AND BUDGET FOR FISCAL YEAR 2004

Committee on Ways and Means: Subcommittee on Oversight held a hearing on the 2003 Tax Return Filing Season and the IRS Budget for Fiscal Year 2004. Testimony was heard from Robert E. Wenzel, Acting Commissioner, IRS, Department of the Treasury; James R. White, Director, Tax Issues, GAO; Karen Hastie Williams, member, IRS Oversight Board; and public witnesses.

Joint Meetings

HUMAN CAPITAL

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded 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, and building on the current momentum to address high-risk issues, after receiving

testimony from David M. Walker, Comptroller General of the United States; Dan G. Blair, Deputy Director, Office of Personnel Management; Bobby L. Harnage, Sr., American Federation of Government Employees, AFL-CIO, Colleen M. Kelley, National Treasury Employees Union, Carol A. Bonosaro, Senior Executives Association, Hannah S. Sistare, National Commission on the Public Service, Max Stier, Partnership for Public Services, and Major General Robert A. McIntosh, USAF (Ret.), Reserve Officers Association of the United States, all of Washington, D.C.; Karen Heiser, Federal Managers Association, Alexandria, Virginia; Steven J. Kelman, Harvard University John F. Kennedy School of Government, Cambridge, Massachusetts; and Jeff Taylor, Monster, Maynard, Massachusetts.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 9, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: 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.

Subcommittee on Defense, to hold hearings to examine missile defense, 10 a.m., SD–192.

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.

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities, to hold hearings to examine proposed legislation authorizing funds for fiscal year 2004 for the Department of Defense, focusing on Special Operations Command, 9:30 a.m., SR–222.

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 Commerce, Science, and Transportation: to hold hearings to examine transportation and border security, 10 a.m., SR–253.

Committee on Energy and Natural Resources: business meeting to consider comprehensive energy legislation, 10 a.m., SD–366.

Committee on Environment and Public Works: business meeting to consider H.R.145, to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ted Weiss Federal Building'', S. 703, to designate the regional headquarters building for the National Park Service under construction in Omaha, Nebraska, as the ''Carl T. Curtis National Park Service Midwest Regional Headquarters Building'', S. 763, to designate the Federal building and United States courthouse located at 46 Ohio Street in Indianapolis, Indiana, as the ''Birch Bayh Federal Building and United States Courthouse'', S. 616, to amend the Solid Waste Disposal Act to reduce the quantity of mercury in the environment by limiting the use of mercury fever thermometers and improving the collection and proper management of mercury, S. 515, to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency, H.R.289, to expand the boundaries of the Ottawa National Wildlife Refuge Complex and the Detroit River International Wildlife Refuge, S. 163, to reauthorize the United States Institute for Environmental Conflict Resolution, S. 791, 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, S. 156, to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions, the nominations of Richard W. Moore, of Alabama, to be Inspector General, Tennessee Valley Authority, Ricky Dale James, of Missouri, and Rear Adm. Nicholas Augustus Prahl, National Oceanic and Atmospheric Administration, to be a Member of the Mississippi River Commission, Robert Boldrey, of Michigan, Richard Narcia and Herbert Guenther, both of Arizona, Bradley Udall, of Colorado, and Malcolm B. Bowekaty, of New Mexico, each to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and the nomination of John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army for Civil Works, 9:30 a.m., SD–406.

Committee on Finance: 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: business meeting to consider proposed legislation to authorize appropriations for the Department of State, and United States international broadcasting activities, S.J. Res. 3, expressing the sense of Congress with respect to human rights in Central Asia, H.R. 441, to amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2003 in Geneva, Switzerland, the nominations of Lino Gutierrez, of Florida, to be Ambassador to Argentina, Roland W. Bullen, of Virginia, to be Ambassador to the Co-operative Republic of Guyana, Eric M. Javits, of New York, for the rank of Ambassador during his tenure of service as United States Representative to the Organization for the Prohibition of Chemical Weapons, John W. Snow, of Virginia, to be United States Governor of the International Monetary Fund, and a Foreign Service Officer appointment/promotion list, 9:30 a.m., SD–419.

Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine United States policy with respect to the trafficking in women and children in East Asia, and the nomination of Pamela J. H. Slutz, of Texas, to be Ambassador to Mongolia, 2:30 p.m., SD–106.

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, Helen R. Meagher La Lime, of Florida, to be Ambassador to the Republic of Mozambique, and William M. Bellamy, of California, to be Ambassador to the Republic of Kenya, 3 p.m., SD–419.

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, Stephen D. Mull, of Virginia, to be Ambassador to the Republic of Lithuania, and Stephen M. Young, of New Hampshire, to be Ambassador to the Kyrgyz Republic, 4:30 p.m., SD–419.

Committee on Governmental Affairs: to hold hearings to examine Homeland Security, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 754, to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, the nominations of Karen Johnson, of Virginia, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education, Delores M. Etter, of Maryland, Daniel E. Hastings, of Massachusetts, Jo Anne Vasquez, of Arizona, Barry C. Barish, of California, and Douglas D. Randall, of Missouri, each to be a Member of the National Science Board, National Science Foundation, 10 a.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine S. 285, to authorize the integration and consolidation of alcohol and substance abuse programs and services provided by Indian tribal governments, S. 558, to elevate the position Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and S. 555, to establish the Native American Health and Wellness Foundation, 10 a.m., SR–485.

House

Committee on Appropriations, 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.

Subcommittee on District of Columbia, on Court Services and Offender Supervision Agency, 10 a.m., 2362A Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on AID, 2 p.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Bioterrorism, 10:15 a.m., 2358 Rayburn.

Subcommittee on Legislative, on House of Representatives, 2 p.m., on Library of Congress, 3 p.m., on CBO, 4 p.m., on GPO, 4:30 p.m., and on GAO, 5:30 p.m., H–144 Capitol.

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.

Subcommittee on VA, HUD, and Independent Agencies, on public witnesses, 9:30 a.m., and 1:30 p.m., H–143 Capitol.

Committee on Education and the Workforce, 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, Subcommittee on Health, hearing entitled ''Strengthening and Improving Medicare,'' 10 a.m., 2322 Rayburn.

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, Subcommittee on Financial Institutions and Consumer Credit, to consider H.R. 1375, Financial Services Regulatory Relief Act of 2003, 10 a.m., 2128 Rayburn.

Committee on Government Reform, 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.

Committee on the Judiciary, Task Force on Antitrust, hearing on H.R. 1086, Standard Development Organization Advancement Act of 2003, 10 a.m., 2141 Rayburn.

Committee on Rules, to consider H.R. 6, Energy Policy Act of 2003, 2:30 p.m., H–313 Capitol.

Committee on Science, hearing on The Societal Implications of Nanotechnology, focusing on H.R. 766, Nanotechnology Research and Development Act of 2003, 10 a.m., 2318 Rayburn.

Committee on Small Business, 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, to mark up the following: GSA Fiscal Year Lease Resolutions and amending Resolutions; H. Con. Res. 53, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; H. Con. Res. 96, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; H. Con. Res. 128, authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; H.R. 281, to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse;'' H.R. 1018, to designate the building located at 1 Federal Plaza in New York, New York, as the ''James L. Watson United States Court of International Trade Building;'' and H.R. 1527, National Transportation Safety Board Reauthorization Act of 2003, 11 a.m., 2167 Rayburn.

Subcommittee on Aviation, hearing on Reauthorization of the Federal Aviation Administration and the Aviation Programs: General Aviation, 2 p.m., 2167 Rayburn.

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.

Committee on Veterans' Affairs, Subcommittee on Benefits, oversight hearing on the Troops to Teachers Program, 2 p.m., 334 Cannon.

Committee on Ways and Means, hearing on Expanding Coverage of Prescription Drugs in Medicare, 11 a.m., 1100 Longworth.

Next Meeting of the SENATE

10 a.m., Wednesday, April 9

Senate Chamber

Program for Wednesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 11:30 a.m.), Senate will continue consideration S. 476, the CARE Act, with a vote on the Nickles amendment and a vote on passage of the bill to occur at approximately 12:30 p.m.; following which, Senate will continue consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, April 9

House Chamber

Program for Wednesday: Consideration of H.R. 1036, Protection of Lawful Commerce in Arms Act (structured rule, one hour of general debate);

Consideration of suspensions:

(1) H. Res. 165, support for a renewed effort to find a lasting settlement to the Cyprus problem;

(2) H.R. , Armed Forces Tax Fairness Act; and

(3) H. Con. Res. , Fundamental Tax Reform Act.

Extensions of Remarks, as inserted in this issue

HOUSE

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Fletcher, Ernie, Ky., E702
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